



19 June 2009

MJU-29 (2009) RESOL. 3 E

29th COUNCIL OF EUROPE CONFERENCE OF MINISTERS OF JUSTICE

(Tromsø, Norway, 18 -19 June 2009)

RESOLUTION No. 3 on Council of Europe action to promote the rule of law

THE MINISTERS participating in the 29th Council of Europe Conference of Ministers of Justice (Tromsø, Norway, 18-19 June 2009),

1. Reaffirming the importance of the rule of law as a basis of genuine democracy;
2. Recalling that it is the core objective of the Council of Europe to preserve, strengthen and promote the rule of law, human rights and democracy;
3. Referring to the three Declarations of the Heads of State and Government of the member states of the Council of Europe made on the occasions of the Council of Europe Summits of Vienna (1993), Strasbourg (1997) and Warsaw (2005) expressing their attachment and commitment to the rule of law;
4. Recognising that fair, efficient and accessible judicial systems are essential elements of the rule of law;
5. Acknowledging with appreciation the initiative taken in 2008 by the Swedish Chairmanship of the Committee of Ministers of the Council of Europe to make better use of the Council of Europe's potential in enhancing the rule of law, and referring to the document "The Council of Europe and the rule of law" (CM (2008) 170 of 21 November 2008) which has been prepared in this context;
6. Recognising the outstanding and essential contribution of the European Convention on Human Rights, the European Court of Human Rights and the Committee of Ministers, as supervisor of the execution of the Court's judgments, to developing and upholding common European rule of law standards and principles in all member states;
7. Noting that the rule of law should be ensured in international relations as well as within states;
8. Recognising also the role of the other Council of Europe mechanisms in the human rights and legal fields in monitoring and reinforcing the rule of law in the member states;
9. Convinced of the need to propose concrete steps in order to enhance the Council of Europe's capacity to actively promote the rule of law in all member states through existing as well as new

standards and their effective implementation, as well as to develop needs assessment based co-operation programmes;

10. Recognising that the variety of rule of law-related activities of the Council of Europe, both in nature and topic, call for closer coordination between its different sectors as well as the use of synergies with other international organisations;
11. Stressing the importance of assessing, on a more comprehensive and regular basis, the state of the rule of law in the member states in order to adopt or develop Council of Europe standards and/or assist member states in addressing specific issues through targeted technical cooperation;
12. Underlining the importance of the Memorandum of Understanding between the Council of Europe and the European Union of 11 May 2007, which called for closer cooperation, in particular regarding the promotion and protection of the rule of law with a view to establishing common standards and promoting a Europe without dividing lines;
13. Convinced of the need to effectively implement legal standards of the Council of Europe and to further strengthen the Council of Europe's potential as the only pan-European standard-setting organisation:

14. REITERATE their support for action, at all levels and in all sectors of the Council of Europe, in pursuance of the core objective of the Organisation: the preservation, strengthening and promotion of the rule of law in all member states;
15. INVITE the Committee of Ministers:
 - a. to instruct the Secretary General to enhance coordination of the Council of Europe's activities regarding the rule of law;
 - b. to make better use of the existing bodies, while avoiding duplication with existing evaluation mechanisms, with a view to permitting a regular review in member states of the different aspects defining a state governed by the rule of law, as identified in the above-mentioned document "The Council of Europe and the rule of Law - an overview", notably on the basis of the case law of the European Court of Human Rights, the execution of its judgments, contributions by the relevant steering committees and advisory bodies as well as the findings of monitoring bodies;
 - c. on this basis, to target better technical co-operation and the development of standards;
16. INVITE the Committee of Ministers to consider measures to strengthen international co-operation between states in administrative matters, while providing adequate safeguards for the rights of individuals and their privacy, including an examination of existing Council of Europe conventions in this field with a view to reviewing them if necessary;
17. INVITE the Committee of Ministers to give high priority and adequate resources to rule of law-related activities in the civil, penal and administrative fields within the Council of Europe;
18. CALL ON the Council of Europe to intensify its rule of law-related activities and invite the European Union to cooperate with it in this work, with a view to ensuring coherence, synergies and the best possible use of available resources, notably in the context of existing or possible future rule of law assessment activities;
19. RECOMMEND that the Council of Europe pursues its work of promoting the rule of law worldwide by developing co-operation with the United Nations, the OSCE/ODIHR and other international institutions working in this field and by increasing the global reach of relevant Council of Europe conventions, such as:

- the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108, 1981) and its Additional Protocol regarding supervisory authorities and transborder data flows (CETS No. 181, 2001);
- the Convention on Cybercrime (CETS No. 185, 2001) and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (CETS No. 189, 2003);
- the Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005), and
- the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007).