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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Access to justice through online instruments

Motion for a resolution
tabled by Ms Alina Ştefania GORGHIU and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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Access to justice represents a fundamental human right as set out in Article 8 of the Universal Declaration of Human Rights: "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law." In the context of the international norms that tend towards an exhaustive regulation of this right, the legal significance, the social and political principle of free access to justice is increasingly substantial for the democratic and social stability and development. Thus the effective assurance and the respect of this principle are emerging as primary concerns for the European States.

The present dynamics create difficulties for the European citizens in exerting their rights due to the lack of time, knowledge of their rights, lack of information in their own language, limited access to legal advice due to its cost or distance, but also due to the still increased level of bureaucracy. Also, it is well known that the courts' human and material resources are clearly insufficient to ensure the efficient functioning of the legal system.

Given the fact that nowadays market e-commerce transactions have gained significant volume, the right to justice should be adapted to the modern European societies. The globalisation, the movement of capital, goods and people among member States, the instant communication technologies make an intrinsic need for the creation of online platforms for national institutions in order to provide conflict resolution for member States' citizens. These platforms will serve also as instruments of transparency and can increase people's trust in the governmental institutions and especially in the judicial system.

The Parliamentary Assembly should therefore formulate appropriate measures and call on the European Parliaments to pay special attention to the issues of access to justice through online means.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialist Group
NR: Representatives not belonging to a Political Group