



## European Network of Councils for the Judiciary (ENCJ)

## Réseau européen des Conseils de la Justice (RECJ)

### ENCJ GA Warsaw

### Reception held by the President of Poland

Thursday 2<sup>nd</sup> June 2016

Sir Geoffrey Vos

Mr President, Ladies and Gentlemen,

It is a pleasure for the European Network for the Judiciary to hold its General Assembly here in Warsaw. Poland has a vibrant and independent judiciary and the Polish National Council for the Judiciary has been an active and respected member of our Network since its inception. The efforts of the members of your Council have contributed hugely to the achievements of the ENCJ.

The theme of our General Assembly is the Future of European Justice – we have been asking what courts, judges, and justice systems will look like across Europe in 2035. We have even looked, this afternoon, into a Crystal Ball, to try to imagine the justice community 20 years from now. I think there were some surprising suggestions. Some doubt whether lawyers and judges will really be needed at all, once we have a legal system in which decisions are made by artificial intelligence and JOBOTs. Some are a little more conservative, expecting independent and accountable judges to survive, but needing better and more diverse skills to make them fit for the decision-making processes of the future.

The rationale of the ENCJ is to promote the independence of the judiciaries of Europe. Councils for the Judiciary form the interface between the politicians in the shape and form of the executive and the

legislature, and the third arm of the state, the judiciary. The Councils are a crucial protection against improper influence by the state in the judicial process. It should not be forgotten that judges need to be wholly independent from the state because they have to decide cases between the citizens and the state in a whole variety of subject areas – administrative, criminal and family amongst them.

You, Mr President, have a doctorate in law and were, of course, a professor in Administrative Law, so these points will be very familiar to you.

If judges are not appointed, governed and disciplined by wholly independent processes, free from improper influences from the executive and the legislature, the citizens will not have confidence that their cases against the state are being decided by an impartial tribunal free of bias.

When I was last in Warsaw in January, I spoke about the three most important ENCJ principles. The first I have already mentioned, the 2<sup>nd</sup> and 3<sup>rd</sup> were as follows:-

- (1) Judges and the Council for the Judiciary should be closely involved in the formation and implementation of all plans for the reform of the judiciary and the judicial system.
- (2) Judges should be appointed on the basis of merit and capability alone.

I tried to identify acceptable limitations on judicial independence. The 3 principles I have mentioned cannot be compromised, but judges cannot regard it as an infringement of their independence to be told by their court president, for example, to deal with their cases more quickly or increase their caseload. That is because judges cannot be independent unless they are also accountable, and they need to be seen to be co-operating in the operation of an efficient justice system.

Judges and governments alike need to realise that the concept of judicial independence is not an absolute one. Judges are responsible for the effective delivery of justice, and that is a grave responsibility. To achieve it, they must work with their governments to provide what is imperative in every state – a fair and impartial decision-making process, in which

citizens from all parts of society and the state itself has absolute confidence. This requires a healthy measure of mutual respect between the judiciary on the one hand and the executive and the legislature on the other hand. These messages must not be forgotten.

Well, that is enough serious matters for one evening. It only remains for me to thank you, Mr President for hosting the Network here in your residence/palace. We are very grateful for your hospitality.

Sir Geoffrey Vos  
2<sup>nd</sup> June 2016