



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

EJTN General Assembly

Riga

Monday 15th June 2015

Lord Justice Geoffrey Vos – President of the ENCJ

1. I am honoured to be here to tell you something about the activities of the European Network of Councils for the Judiciary. I am particularly grateful to Judge Wojciech Postulski, the Secretary-General of the EJTN, for inviting me and the Presidents of the EJTN's other Lot 4 partners.
2. The ENCJ and the EJTN have rather different functions. The ENCJ exists as the only systemic judicial network in the European Union. Its members are not individual judges, but Councils for the Judiciary or similar governance bodies. The ENCJ's main objective is to foster mutual confidence in justice systems across Europe.
3. Over the last 11 years, the ENCJ has laid down a whole series of standards, best practices and guidelines in every area of judicial activity: appointment, promotion, evaluation of judges, judicial ethics, judicial discipline, and the establishment of Councils for the Judiciary to name but a few. Recently, the ENCJ has embarked on a major project aimed at identifying indicators of the independence and accountability of judges. We are now extending that project to look at indicators of the quality of a justice system. All this has fed in to our cooperation with the European Commission in the production of its important Justice Scoreboard.
4. The ENCJ's direction of travel is towards working with its 36 members and observers across the EU and beyond to help them attain the standards that we have developed, and to improve the quality of justice in all these countries. Of course, judicial training plays a significant part in improving the quality of justice everywhere. But there are many other systemic issues that need to be tackled as well.
5. In the last year, as part of our project on independence and accountability, the ENCJ has undertaken the first ever Europe-wide survey of judges' own views of their own independence. The results were published on 5th June 2015 and are truly remarkable. You can see them in the report of our project group which is on our website.

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6. 5,878 judges from 22 countries responded to the survey **[see the 3 slides concerning response rates]**. Even though in some countries, the response was low, in others over 50% of judges responded.
7. The survey showed that, on average, judges rated their own independence on a scale of 1 to 10, at 8.8 **[see the slide of question 14]**, and the independence of judges in their own country generally at 7.9. **[see the slide of question 13]**.
8. Several of the outcomes of the survey were, however, a cause for concern. A large number of judges did not feel that their independence had been respected by government, parliament and court presidents - and the media **[see the slides of questions 8a, 8b, and 8c]**.
9. Many judges also thought that appointments and promotions in their countries had not been made only on the basis of ability and experience **[see slides of questions 5a and 5b]**.
10. In half of the countries surveyed, more than 30% of judges either thought that judicial bribery had occurred in the last 2 years or were not sure if it had occurred **[see the slide of question 2a]**.
11. And a small but significant number of judges thought that they had been under inappropriate pressure to decide a case in a particular way or threatened with disciplinary action because of a court decision **[see the slides of questions 1a and 3a]**.
12. We have learnt a great deal from undertaking the survey. We have seen that the explanation for the responses in some countries is different from the explanation in others. For example, in countries where the same proportion of judges felt that the government did not respect their independence, the reasons may be quite different. For that reason, we will be revising the questions next time round, and hope to repeat the survey and to get more countries participating and an even higher response rate in 2016/2017 **[see the slide concerning the future]**.
13. When Judge Wojciech Postulski addressed the ENCJ's board at the end of last year, he said that he thought that ENCJ and EJTN could work closer together in raising awareness with the relevant national institutions of the added value of judicial training in EU law. I agree entirely. But I think there are areas where our co-operation could be even closer.
14. At the moment, the EJTN sponsors and supports judicial training in numerous substantive areas including EU law and, of course, in ethics and judge craft. But it does not train judges in systemic good practices generally. The ENCJ would very much like to work with the EJTN in developing a Europe-wide training course dealing with good practices in judicial management. Such training might cover aspects of the appropriate functions of a Council for the Judiciary, compliant regimes for the appointment and promotion of judges, aspects of appropriate processes for the evaluation of judges and for judicial discipline, robust complaints mechanisms, and a consideration of best practices in relation to judicial

communication with the media. There are many more areas of interest to the ENCJ to which such co-operation could extend.

15. Finally, in this connection, the ENCJ has been running a series of regional timeliness seminars in different regions of Europe. These have been very well attended, and indeed the first one was close to Riga – in Warsaw. The second took place in London last November 2014, and the next will take place later this year in Bucharest. An absence of timeliness is the bugbear of a successful justice system. Good practice in this regard is vital to improving and maintaining quality. Citizens will never have confidence in their own judiciary if the courts take too long to reach a final outcome.
16. Once again, many thanks for inviting me to join your fascinating General Assembly. I look forward to ever closer cooperation and collaboration between the ENCJ and the EJTN.

GV
15th June 2015