



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

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Vienna, 24th August 2017

**Regional Preparatory Meeting for the Launch of the Global Judicial Integrity
Network**

It is a great honour for me to address you at this meeting organized by the United Nations Office on Drugs and Crime for the launch of the Global Judicial Integrity Network.

In my presentation as President of the European Network of Councils for the Judiciary, the ENCJ, I would try to answer three questions:

1. What is the ENCJ?
2. What has ENCJ produced in the field of judicial integrity?
3. How could ENCJ contribute to this Global Judicial Integrity Network?

1. What is the ENCJ?

ENCJ is an association of the bodies governing the Judiciary in Europe. Our 24 Members are Councils for the Judiciary or similar autonomous bodies out from 20 Members States of the European Union. The other 8 Members States of the EU that have no Councils for the Judiciary are Observers to our network and are represented by their Ministries of Justice. Besides some candidate States to the accession to the EU are also observers, as well as the Court of Justice of the European Union.

The principal objectives of the ENCJ are the improvement of cooperation between Councils for the Judiciary and the members of the Judiciary and the promotion of best practices to enable the judiciary to deliver timely, effective and quality justice for the benefit of all citizens.

Over the last 14 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.

2. What has ENCJ produced in the field of judicial integrity?

Our main document in the field of judicial integrity is our **2009-2010 Report on Judicial Ethics**. We thought it was necessary to produce this report in order to strengthen public confidence in the Judiciary and to allow a better understanding of the role of the judge in society.

ENCJ addressed this issue in a positive manner, emphasizing the common founding values of the judge's work and establishing a distinction between values or merits (like independence, integrity, impartiality) and qualities or virtues of a judge (wisdom, humanity, courage etc.). I would also like to point out that the report includes aspects of the private life of the judge.

ENCJ understands that matters of judicial discipline and ethics should fall under the authority of Councils for the Judiciary or other independent and autonomous bodies to avoid the danger that disciplinary proceedings may be used as a tool to intimidate the Judiciary.

In its London Declaration of 2010 on judicial ethics the ENCJ required the Executive Board to ensure the distribution of the content of this report to its Members and Observers and to the Members of the European Judiciary, as far as possible and proposed that its Members and Observers should promote actively the content of this report on national and European levels and report back to the General Assembly on their activities in this field.

As already mentioned, judicial integrity is regarded in this report as one of the values or merits that try to answer to the question of what society and citizens expect of a judge. The report says that *"the judge fulfills his role with integrity, in the interest of justice and society. He has the same duty of integrity in his public life and in his personal life."* Two duties result from this principle: the duty of probity and the duty of honour. Under the duty of probity the report numbers several obligations, like to refrain from any tactless or indelicate behavior, exercise his functions without favoritism, ensure the correct use of resources or refuse to accept gifts or advantages for himself or herself or for those close to him or her. The duty of dignity and honour includes the obligation to exercise his or her functions by applying loyally the rules of procedure, by showing concern for the dignity of individuals and by acting within the framework of the law. It also includes that courtesy governs his or her relations with other professionals within the justice system and that the judge ensures through his or her professional practice and person, that he or she does not jeopardise the public image of the judge, the court and the justice system.

Some other reports produced by ENCJ are related to the question of judicial integrity. To mention the most recent let me point out our **2016-2017 Report on Independence, Accountability and Quality of Justice**, that is relevant for this issue in two ways. On the one hand, we have included in our evaluation on accountability a question on the code of ethics to try to find out if the Judiciary in the country analyzed has a code on ethics and, if the answer to this question is positive, if this code of ethics is available to the public. We also asked if there is judicial training on ethics and if there is an independent body with responsibility to provide judges with guidance or advice on ethical issues. On the other hand,

this report includes a survey among judges on their perception of independence in which more than 11.000 judges from 26 countries in Europe participated. In this survey we included a question on corruption, regarding the existence of bribes, and found out that there are judiciaries where nearly all judges are sure that no bribes are accepted, while in other countries a small percentage of judges (less than 4%) believe that bribes are accepted and even in a third category of countries more than 20% of the judges think that this occurs, although I have to underline that they seldom expect this to happen regularly.

The **2004-2005 Report on Evaluation of Judges** came to the conclusion that few countries address ethical aspects in the evaluation of judges and, where this is taken into consideration, it is related principally to professional activities.

And the last of our reports I would like to mention is the **2014-2015 Report on Disciplinary Proceedings and Liability of Judges** in which the links between disciplinary and judicial ethics are analyzed and minimum standards and indicators regarding these areas are established.

3. **How could ENCJ contribute to this Global Judicial Integrity Network?**

ENCJ is definitely interested in being helpful in this project.

We can disseminate the information on this new network to our Members and Observers, we can publish it on our website (www.encj.eu), we can collect the work done by our Members and Observers in this field, including information on training judges or the work done by the national Judiciaries regarding code on ethics or disciplinary procedures.

In closing, I want to point out that I believe that a “culture of integrity” is possible. Let’s work together for it.

Thank you very much for your attention.