



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

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The Need for Constant Vigilance – The Role of the Legal Professions in Maintaining Democratic Values

Introduction. It is a great pleasure and an honour to speak at the Forum of Legal Professions on the topic of the role of European legal professions in safeguarding the rule of law and maintaining democratic values. The importance of this topic may not be underscored. I represent the European Network of Councils for the Judiciary (ENCJ) which unites 40 institutions across Europe that hold the final responsibility for the support of the judiciary in the independent delivery of justice. The protection and promotion of the Rule of Law in Europe, as well as upholding and preserving judicial independence, lie at the very core of the ENCJ's mission. Today I would like to take this opportunity to reflect on and speak of the practical activities and actions the network (under)takes towards fulfilling its mission and achieving its strategic goals.

The activities of the ENCJ are diverse, but all of them may be divided into two broad categories. First category encompasses what can be considered the regular - normative – work of the network. They produce various results, achieved through continuous running/operation of the working/project groups. Second category could be called advocacy activities of the ENCJ. In their own they fall into (1) the provision of the opinion of the European judiciaries to the EU institutions on the topics falling within the judicial domain and (2) the solidarity actions aimed at supporting the Councils for the Judiciaries or judiciaries in situations, when judicial independence is challenged. Lastly, I will say several words about the ENCJ's contribution to the two European Commission tools aimed at measuring but also promoting and preserving judicial independence across the EU member states: the EU Justice Scoreboard and the annual Rule of Law Report.

Regular (normative) activities of the ENCJ. Speaking about the regular – normative – work of the network, it brings together Councils for the Judiciaries and alternative judicial governance bodies together and provides a space to share the best practices and learn from each other. It also provided a safe space to bring out their concerns and look for possible solutions together with their counterparts in Europe. In practice, these tasks are carried out by the ENCJ working groups (or project groups). The aims of these groups may be diverse, for example:

- **to self-regulate and set standards in a particular area**, such as selection and promotion or disciplining of judges, as well as to monitor and provide assistance in complying to these standards;

- **to look into the challenges that judiciaries face and provide recommendations and/or guidance on how to address them**, which stem from societal, technological and other shifts. Through this collaboration, practical tools have been developed to assist judiciaries in various areas, such as responsible development and use of AI tools, drafting a model Code of Conduct, to strengthening public trust and confidence in justice systems. An additional example could be the ongoing ENCJ work on the topic of Judiciary and the Media, which, as we saw for the presentation of Frans, was one of the pressure points in the Survey among Judges.

- **to share the best practises in a particular area.** The ENCJ has created a range of instruments to stimulate mutual exchange of practises and mutual learning in the area of independence, quality and efficiency of national judicial systems and spur improvement. One of the latest examples in the area is the recommendations concerning the attractiveness of the judicial career and wellbeing of judges.

I would like to separately mention here, the flagship ENCJ project on Independence, Accountability and Quality for the Judiciary, which is running for more than 10 years now and incorporates all of the above mentioned aspects. It follows a continuous monitoring and improvement cycle. In fact, the presentation by the Prof. Frans van Dijk, which you have just seen, is the outcome/result of one of the tools under this workflow.

Through all these initiatives, the ENCJ aims to achieve the improvement of justice systems across Europe for the benefit of the EU citizens. I will not go more in details, however I invite you to visit the ENCJ's website if you wish to learn more.

Advocacy (solidarity actions). Turning to the second category of the ENCJ activities, I must open this part of the speech by saying, that [while for more than two decades, the ENCJ has dedicated its efforts to establishing a comprehensive framework of standards and guidelines aimed at ensuring independent, accountable, effective and transparent justice systems across Europe], in the recent years we have witnessed an important shift as challenges to the independence of the

judiciary became apparent in a number of countries. They stem from a combination of factors: political developments, societal changes, a shift in the media landscape as well as the impact of digital advances.

This reality compels the ENCJ to take a decisive step forward, to strengthen our focus on judicial solidarity. The topic of judicial solidarity was first explicitly addressed in the Declaration of Athens in 2022, where a firm commitment among European judiciaries to support one another, particularly in times of crisis or when a judiciary is under attack, was expressed. Actions of judicial solidarity draw attention to the issue of judicial independence on both national and EU levels; they are a direct contribution to the stability of democratic institutions and the Rule of Law in Europe.

The declaration of Riga, adopted in June this year, repeats that both preventive and reactive solidarity is necessary to protect the Rule of Law. From the viewpoint of the ENCJ, actions of preventive solidarity could be adoption of declarations on a dedicated topic or drawing an attention through a general statement on a particular matter of importance for a number of the judiciaries – such as in 2023 was the issue of judicial remuneration. From the viewpoint of the Councils or alternative judicial governance bodies it could raising awareness in society about the value that the Rule of Law and judicial independence bring to a particular individual.

The actions of reactive solidarity are diverse and can take various forms, from raising awareness and issuing public statements, to engaging in dialogue with European institutions, and organising solidarity visits when direct support and assistance is needed. To illustrate the change in the landscape, I would like to provide some statistics. While in 2022 the ENCJ engaged in 1 low intensity solidarity action, in the working year of 2024-2025 a total of 9 such actions were undertaken, including 1 opinion on the legislation, 4 Executive Board statements and 1 two-day visit to support the ENCJ Member. The common challenges will probably be spoken of in more detail in the last panel, but I would like to say that what we see as a recent rise, is the lack of proper consultation with the judiciary on the legislation in the area of justice, we also see issue with the use/manipulation of media by certain society groups, especially politicians.

It is my opinion, which was shared by the ENCJ members in adopting a new strategy, that the ENCJ plays a pivotal role in this respect and solidarity actions are one of the ENCJ's strengths. The ability to provide support, to engage in dialogue with national institutions, and to explore preventive measures before crises escalate is a powerful instrument. In some cases such an

engagement can assist in restoring the stability or at least prevent further deterioration of the situation, but even in cases, where it does not, it at least raises awareness of the national and EU actors and that must be regarded as the added value in itself.

Rule of Law report/ Justice scoreboard. Lastly, I would like to briefly note that the ENCJ is an acknowledged interlocutor for the European Commission on issues such as the functioning of Councils for the Judiciary, Judicial Independence, quality and efficiency of Justice. In this regard, the ENCJ plays an active role in supporting the European Commission's work on the EU Justice Scoreboard and contributes to the Annual Rule of Law report.

Through its members the ENCJ assists the Commission in developing of the Justice Scoreboard questionnaire, particularly in matters relating to the independence of the judiciary. This allows to have accurate information, including in some instances statistical information, for everyone in Europe. As to the Rule of Law report, the ENCJ contributes on the horizontal assessment of developments across Europe but also through the country-specific input provided by the ENCJ's members.

To conclude with, I would like to say the Councils for the Judiciary play a crucial role in supporting the judiciary in the independent delivery of justice. As guarantors of judicial independence, their responsibility is not limited to upholding the Rule of Law, but ,as noted in the Riga declaration¹, extends to taking up a role of leadership and courage in times of crises, using all available means to them: speaking up on behalf of the judiciary, canvassing public support for judges, engaging with the other state powers and alerting EU institutions and judicial bodies to their difficulties, to strengthening the resilience of the judiciary and engage in educating the society. These are broad and very important tasks, and the ENCJ is here to assist its Members and Observers. I would like to end my intervention by saying that while one European network can not do it all, I am confident that by uniting our efforts and being active we can make a difference.

Thank you very much and I would be pleased to respond to your questions.

¹ <https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/Declaration%20of%20Riga%20 final.pdf>.