



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

## **Address Filippo Donati, President of the ENCJ**

**Coimbra and online, 17 May 2021**

### **High Level Conference on the Rule of Law in Europe**

1. Mr Chairman, allow me to thank the Portuguese Presidency of the European Council and the European Commission, organisers of this important High Level Conference on the Rule of Law.
2. I represent the European Network of Councils for the Judiciary. The ENCJ is an institutional network representing the national institutions that have been set up to guarantee the independence of the judiciary and uphold the Rule of Law in their respective Country.
3. Central to the mission of the ENCJ is the reinforcement in the European Union of independent, yet accountable judiciaries. To this end, the ENCJ is working systematically to promote and further develop standards and guidelines for the self-governance of the judiciary and the legal and practical arrangements of essential functions such as the appointment of judges. The ENCJ also seeks to enhance the impact of its activities in the judicial systems of the Member States with the aim to improve justice systems across Europe for the benefit of citizens generally.
4. Independence and accountability are closely linked. Accountability implies that the judiciary is obliged to operate in a transparent fashion. Transparency allows the society to be sure that the judiciary is independent and impartial, but at the same time is not isolated in an ivory tower and irresponsive to justified social demands. Accountability is necessary for the judiciary to obtain the trust of the society and, at least in the long run, to preserve its independence. Therefore, the ENCJ reiterates that Councils for the

Judiciary or similar independent bodies, to maintain the rule of law, must do all they can to ensure the maintenance of an open and transparent system of justice.

5. According to the last public confidence surveys conducted in the light of the EU Justice Scoreboard, low public confidence in the judiciary is still an issue in many European Countries. Public trust in justice is a cornerstone of legitimacy of judiciary. Low trust in the judiciary provides a basis for bad judicial reforms and challenges to judicial independence and thus Rule of Law.
6. The judiciary needs to be trusted by citizens as well as by other state powers, legal professionals and influential actors. Communication is an important aspect for promoting trust and confidence in the judiciary. The ENCJ has set up a Project Team on “Public Confidence and the Image of Justice”. The project is aimed at identifying best practices and setting out guidelines and recommendations for councils for the judiciary. These practices, guidelines and recommendations focus on promoting strategies that contribute to raise trust in the judiciary by improving all kinds of communication by and for the judiciary.
7. There is a great diversity of practices in place across Europe. Websites usually provide easy access to information about the organization and functioning of the judicial system. Annual open court days during which the general public can access in-depth information about the functioning of the judiciary are valuable and contribute to a better understanding of the functioning of the courts. Some Councils have developed TV formats with broadcast companies, that give an insight into the daily life of judges. Judiciaries would also benefit from communicating via social media, thus meeting the public's expectations and preferences. Social networking could be used by the judiciaries as a platform to inform citizens about their rights, the role the courts and judges have in protecting them, and to provide facts to counter widespread disinformation.
8. Setting up educational programmes for schools is another good practice. Councils for the Judiciary are developing a variety of educational programmes targeted at students and children. These programmes can also directly involve children in the functioning of the judicial system, for instance as court reporters or during mock trials. An investment in the youth is undoubtedly an investment in the future.
9. An independent yet accountable judiciary is a vital part of any democracy. When public trust in the judiciary is fragile, a public outreach programme should be part of continuous efforts to rebuild this trust.

10. In addition to strengthening the communication with citizens, the judiciary should also invest in the relations with the other branches of the state. There should be a proper understanding of the respective roles and responsibilities of each of the branches of the state. Effective judicial protection by independent and impartial Courts is essential for upholding the Rule of Law. The State powers, therefore, have a crucial role in protecting and promoting the independence of the judiciary and of the individual judges.
11. To achieve the appropriate balance of powers ENCJ believes that it is important that each judiciary should have a structure of governance that can protect its institutional independence and, in doing so also the independence of individual judges. Councils for the Judiciary, at national level, are the obvious answer.
12. At the EU level, instead, the other branches of State have their own formalized EU level representation; the national judiciaries do not have such a representative body. The ENCJ adopted the Bratislava Manifesto on 7 June 2019 in which it calls for a European dialogue between the state powers and also calls for a formalised consultation status within the European Union for national Judiciaries through the ENCJ and other relevant EU level judicial networks. The ENCJ believes that judicial networks should play an important role as representatives of the European judiciaries in an open dialogue with other State powers.

I thank you for your attention.