



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

**Mr Filippo Donati, President of the ENCJ,
contribution to the Fundamental Rights Forum 2021
12 October 2021**

Dear audience here in the room and on the other side of the video screen,

It is a great honour to host an ENCJ/EAJ/ACA-Europe joint session entitled '*Building a coalition to promote and defend the Rule of Law: How Civil Society and the Judiciary can join forces*' at the Fundamental Rights Forum 2021 in Vienna.

My name is Filippo Donati, I am the ENCJ's President and I will start today's joint session. Together with the representatives of EAJ : Mr Duro Sessa, and ACA-Europe: Mr Luigi Carbone, we represent the main actors for the judiciary in Europe and believe that by joining forces and combining efforts, we are better positioned to provide a perspective and an experience, why we all need to promote and protect the rule of law.

Let me start by introducing the ENCJ. The ENCJ gathers the councils for the judiciary or similar autonomous bodies that ensure the final responsibility for the support of the judiciary in the independent delivery of justice. The ENCJ deals with justice systems and not judges individually. It is an institutional network of the Councils for the Judiciary that provide the all-important buffer between the judiciaries on the one hand and the executive and legislative branches of government on the other.

These are challenging times for the Justice Systems and the Judiciaries in the EU. While the judiciary fulfils a special role in the state under the rule of law, we repeatedly witness, in some EU Member States, political attacks against the judiciary and attempts to undermine the reputation of judges and challenge Judicial Independence.

Judicial Independence is a core element for the Rule of Law. The Judiciary needs to be and needs to be seen to be independent. A low public confidence in the independence of the judiciary is an important issue since a low public confidence weakens the sense of belonging of people and their trust in the Rule of Law.

Councils and/or the Judiciaries are to listen to the demands of society and its citizens. If they fail to do so, they damage the core of the relationship between the Judiciary and citizens. Trust is not earned by leaning back and staying in an ivory tower far away from the daily lives of citizens. The judiciary must be willing to modernize and innovate in order to remain relevant to modern society and its citizens. Councils should play an active role in the modernization and innovation of the Judiciary.

Therefore, today's session would provide the ENCJ with the opportunity to explain how to maintain and increase public confidence in the judiciary and the Councils for the judiciaries' role in developing the public outreach activities aiming at strengthening public trust. But we would also like to hear from you. How do you think the judiciary can better protect and promote the Rule of Law?

The ENCJ feels that there is a strong need for resilient justice systems which can withstand external pressure whilst at the same time having the ability to adjust to the changing needs of society¹.

The ENCJ believes that Councils for the judiciary should be instrumental in helping educate society about what judges do, and it is therefore essential for the councils and the judiciaries to develop their communication with the general public².

It is important for the judiciaries to organise outreach activities, such as annual open court days, which allow for direct communication with citizens and contribute to a better understanding of the functioning of the judiciary and of the challenges the judiciaries may face.

We believe that the judiciaries should use social media channels as a platform to inform citizens about their rights, about the role judges have in protecting them, and to readily provide facts to counter widespread disinformation.

In their public outreach strategies, Judiciaries should focus on the education and involvement of children, students and young adults should be a focus for all judiciaries. An investment in the youth is undoubtedly an investment in the future.

Low trust in the judiciary provides a basis for bad judicial reforms and challenges to judicial independence, therefore public outreach must be a core element in strengthening trust in the judiciary, by extending constant efforts in informing citizens and building their trust in the judiciary. Active participation of Councils for the judiciary in the implementation of techniques ensuring an effective communication and a better understanding of the changing needs of society is essential.

I hope that I provided you with some interesting inputs about Councils for the judiciaries' role in developing the public outreach activities aiming at strengthening public trust. I would be eager to hear your ideas on this issue and what you think might help strengthening the Rule of Law and Judicial Independence.

Thank you for your attention. I will give the floor to Mr ...

¹ ENCJ The Paris Declaration on Resilient Justice, point 1, Available at:

https://www.ency.eu/images/stories/pdf/GA/Paris/ency_paris_declaration_adopted_ga.pdf

² ENCJ The Lisbon Declaration on leading positive change 2018, point 4(2), https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-ency2017-p/2018-06/ENCJ%20Lisbon%20Declaration%20final%201%20June%20-%20adopted%20GA_2.pdf?L5hDLRppxcxl10a5brhio4CgYKf68wN