



## European Network of Councils for the Judiciary (ENCJ)

## Réseau européen des Conseils de la Justice (RECJ)

### THE PARIS DECLARATION On resilient justice

**The Members of the European Network of Councils for the Judiciary gathered in PARIS between 7<sup>th</sup> and 9<sup>th</sup> June 2017  
HEREBY DECLARE that:**

1. 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 society.

2. The outcomes of ENCJ's activities and developments across Europe show that these are challenging times for justice systems throughout Europe and, specifically, the judiciaries which operate within those systems. Respect for fair and impartial courts, as the key components of an independent judiciary, is being challenged in a number of countries. The Judiciaries will have to stand together to emphasise the role and position of the Judiciary. Councils for the Judiciary have a pivotal role in this regard.

3. The application of the ENCJ Independence and Accountability indicators show that there is still room for improvement in this field. The perspective of court users is largely lacking, whilst the perception of corruption persists. Funding of the judiciary is generally not well arranged, and judiciaries are dependent on discretionary decisions by governments. Court management is still often in the hands - directly or indirectly - of Ministries of Justice. On a more positive note, judges are generally positive about their independence and in nearly all countries trust in the judiciary is higher than trust in the other state powers.

4. The 2016/2017 ENCJ survey among judges shows that, on average, judges rated their own independence as being 8.9 out of 10 and the independence of judges generally in their own country as being 8.3. The survey also revealed a number of other important issues. These included: a perception by judges across Europe that judges have been appointed and/or promoted on grounds other than on capacity and experience; a perception that judicial independence is not adequately respected by other state institutions; a perception that judges are under pressure from a media which similarly does not respect their independence; and, finally, a perception on the part of substantial number of judges that their Council lacks appropriate mechanisms and procedures to defend judicial independence effectively.

5. The ENCJ considers that it is important that Councils for the Judiciary should take action to address the issues which have been identified in order to strengthen and maintain the Rule of Law, in particular by providing support for judicial independence, accountability and the quality of the judiciary. They will strive to ensure the maintenance of an open and transparent system of justice for the benefit of all.

6. First, it is essential that judiciaries have appropriate structures of governance in the form of Councils for the Judiciary.

7. Second, Councils for the Judiciary should support any judiciary which is under attack and do all they can to persuade the executive and legislature to support the action which they are taking in this regard.

8. Third, in any democratic state it is essential that there is a proper and informed understanding of the respective roles and responsibilities of each of the branches of the state and the need for them to work together in an effective and mutually respectful manner.

9. Fourth, Councils for the Judiciary should encourage the promotion of high quality performance of all aspects of the work of the judiciary.

10. Fifth, the judiciary should take action to ensure that the general public understands the central importance of justice to democracy and to the wellbeing and prosperity of the state. This can be achieved by education and outreach initiatives.

11. Sixth, the judiciary should adopt a focused communication strategy to engage pro-actively with the media and the public.

12. Two other important matters must be mentioned.

- In December 2016, the ENCJ suspended the observer status of the Turkish High Council for Judges and Prosecutors for non-compliance with European Standards and the ENCJ Statutes that require that institutions are independent of the executive and legislature and ensure the final responsibility for the support of the judiciary in the independent delivery of justice. Since then no positive change has been reported. The ENCJ wishes to express its solidarity with the dismissed judges and prosecutors of Turkey and calls for a speedy open, fair and impartial judicial process for the detained judges and prosecutors.
- The developments and planned judicial reform in Poland continue to raise serious concern as they could seriously endanger the separation of powers which is vital to the maintenance of the Rule of Law. The ENCJ reiterates that a key requirement for maintaining and enhancing mutual trust between judicial authorities in the EU, as a basis for mutual recognition, is the independence, quality and efficiency of each of the judicial systems and respect in every state for the Rule of Law.

**In the circumstances, the European Network of Councils for the Judiciary CALLS upon the EUROPEAN INSTITUTIONS and MEMBER STATES to guarantee judicial independence in accordance with the Rule of Law, and, furthermore, CALLS upon Councils for the Judiciary and Judges at all times to be resilient in the face of the challenges which face them.**

*Adopted in Paris, 9 June 2017*