



European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

Promoting Effective Justice Systems

The General Assembly of the European Network of Councils for the Judiciary (“ENCJ”) in The Hague

4th June 2015

Lord Justice Geoffrey Vos, President of the ENCJ

Keynote address to the General Assembly

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1. May I first offer a warm welcome to everyone here today to the General Assembly of the ENCJ here at the Peace Palace in The Hague.
2. My first pleasurable duty is to welcome two new members and one new observer to the ENCJ family. These newcomers were approved in our closed session yesterday. Our new members are the State Judicial Council of Croatia and the National Judicial Council of Hungary. Our new observer is the High Council of Justice in Albania.
3. We have a packed opening session today, so I do not want to take too much time, which we would rather allocate to our highly honoured guests, Ms Vera Jourova, the European Commissioner for Justice, and Ms Eleanor Sharpston, one of the most distinguished of the advocates general at the Court of Justice of the European Union in Luxembourg. Both have very busy schedules and we are extremely grateful that they have made the time to be with us for our General Assembly here in The Hague.
4. As I said last night to those of you who attended the reception at the Raad voor de Rechtspraak, our General Assembly this year promises to be something of a turning point for the ENCJ. We have turned the corner from talking about what are the best practices towards becoming an effective operator on the European stage. Last year was our 10th anniversary which we celebrated in Rome. Those 10 years were spent undertaking the hard work necessary to lay down a series of standards and guidelines for independent, accountable and effective justice systems. But in that period, we did only a little to ensure that our members and observers put the standards and

guidelines fully into practice. That is what we have now started to do in earnest.

5. It is important to realise that the ENCJ is the only truly systemic judicial organisation in Europe. It deals with justice systems and not judges individually. We have no individual members. We are simply a network of the councils for the judiciary and similar organisations in Europe that provide the all-important buffer between the judiciaries on the one hand and the executive and legislative branches of government on the other.
6. As a systemic organisation, we are very well placed to speak with authority about the challenges and problems faced by justice systems in Europe, and to take effective steps to remedy those problems. That is the project of the ENCJ for the coming years. We will put our high standards into practice and work with our members to promote and actually to achieve effective and efficient justice systems across member states of the EU and in candidate member states as well.
7. How are these ambitious aspirations to be realised? I think we have already taken our first few sure-footed steps on the path. In the past two years, we have identified the indicators of an independent and accountable justice system, and applied these indicators to each of our members and observers. We will present the results later this morning. In the coming year, we will establish a series of small dialogue groups between our members and observers to discuss the challenges identified by the application of these indicators and develop effective workable solutions to bring each justice system to a new level of efficiency and effectiveness. We all have things to learn. Our efforts are not confined to justice systems in any particular area. Improvement is a universal aspiration.
8. Also, in the coming year, I am very keen to extend the work we have done from identifying indicators of independence and accountability to identifying indicators of effective, efficient and high quality justice systems. Quality is a very elusive concept. What is high quality in one culture may be quite inappropriate in another. But just as we all have things to learn as to the independence and accountability of our judiciaries, we all have things to learn about how to improve the quality of our justice systems. The concepts are closely related. As I so often say, you cannot have a high quality justice system if the judiciary is not systemically independent and accountable and if the judges individually are not independent and accountable.
9. But beyond that, the constituent elements of quality and effectiveness are difficult to specify. A good justice system must allow for a right to appeal, but it must also not allow a final decision to be delayed too long. What is "too long" may be a matter of opinion, but we will all agree that some periods of delay are simply unacceptable. But quality is not just about timeliness. It is even more difficult to

identify ciphers for the quality of the decision-making process itself. As I have always said, it is a big mistake to think that the differences between legal systems make it impossible to learn from one another. We are all doing the same thing, albeit in slightly different ways. The objectives of a good justice system are the same in every country. They are to provide readily available justice for the citizen and the state, and to provide a judiciary that is reliable, accessible, and one in which the public can have absolute confidence. The road you take in order to achieve such justice is not the most relevant thing.

10. I want to mention 2 more very important things before I stop. First, this year we have undertaken the first ever survey of judges across Europe as to their own views of their independence. Nearly 6,000 judges from 22 countries took part. The results are fascinating as you will all see and hear in the course of our assembly this week. They provide comfort that judges in Europe generally regard themselves as pretty independent. But the results also provide concern about the pressures to which, in some places, judges feel they are subjected. I hope that the ENCJ will be able to learn from its experience of conducting this survey so as to be able to repeat the exercise with more participating judiciaries and with even more incisive questions in 2017.
11. Finally, I want to say how much the ENCJ values its cooperation with the European Commission. We feel, as I mentioned last night, that we are able to add to the strength and depth of the Justice Scoreboard. We have been able to assist the Commission to address the evaluation of the extent of judicial independence and accountability across the EU. We hope that as the ENCJ becomes a stronger and more influential organisation, we will be able to strengthen our cooperation with the Commission and the Union itself.

For that strength and influence, we depend on you, our members and observers. I hope you will all play a very full part in this general assembly. It is not easy to create, maintain and improve effective justice systems across Europe, but it is a prize worth striving for. The ENCJ, as I have said, is a systemic organisation that is in a unique position which allows it take effective action to make a real difference to the quality of justice across the EU and even beyond.