



European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

4.5 SOFIA DECLARATION ON JUDICIAL INDEPENDENCE AND ACCOUNTABILITY (2013)

- (i) An independent and accountable judiciary is essential for the delivery of an efficient and effective system of justice for the benefit of the citizen and is an important feature of the rule of law in democratic societies.
- (ii) The judiciary must be accountable, comply with ethical guidelines and be subject to an impartial disciplinary system.
- (iii) Reductions in government expenditure cannot be allowed to undermine judicial independence.
- (iv) Financial stability, security of tenure and administrative independence are necessary safeguards for an independent and impartial judiciary.³
- (v) The protection of judicial independence can appropriately be achieved by a properly functioning council for the judiciary or a similar independent body to consider and determine or to make recommendations to government on all matters relevant to judicial remuneration and conditions.
- (vi) It is the essential task of the ENCJ and all Councils for the Judiciary to maintain and strengthen the independence of the Judiciary, especially when it is threatened.
- (vii) The prudent convention that judges should remain silent on matters of political controversy should not apply when the integrity and independence of the judiciary is threatened. There is now a collective duty on the European judiciary to state

³The Council of Europe's Recommendation CM/rec (2010) 12 of the Committee of Ministers to Member States on independence, efficiency and responsibilities of judges states that: -

- "[e]ach state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently
- and "[j]udges' remuneration should be commensurate with their profession and responsibilities, and be sufficient to shield them from inducements aimed at influencing their decisions",

and "[s]pecific legal provisions should be introduced as a safeguard against a reduction in remuneration aimed specifically at judges".

clearly and cogently its opposition to proposals from government which tend to undermine the independence of individual judges or Councils for the Judiciary.

(viii) In the circumstances and taking into account submissions made by members and observers to the General Assembly of the ENCJ held in Sofia on the 2nd and 3rd June, 2013, the ENCJ calls for an independent European rule of law mechanism, respecting the diversity of justice systems, which *inter alia* will assist in the protection of the independence of the judiciary and in ensuring the promotion of an effective justice system and growth for the benefit of all citizens.

Done in Sofia, 2 June 2013

