



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

# ENCJ Strategy 2022-2025



Co-funded by the Justice Programme of the European Union

## Background

This Strategic Plan presents specific objectives to be achieved by ENCJ during the period of 2022-2025. Starting from its creation in 2004, the ENCJ has produced a number of important documents containing guidelines, standards and statements of the best practices. The ENCJ has also focused on strengthening its position and on improving the judicial systems and the operation of Councils for the Judiciary.

The latest Strategic plan (2018-2021) was implemented through annual work plans. It also served as a basis for the EU Framework Partnership Agreement with the European Commission and an annual Operating Grant.

The strategic plan 2022-2025 represents a straight continuation of the previous year's activities. Since its creation in 2004, ENCJ has grown into a network bringing together the national judiciaries in Europe. The ENCJ now counts 22 Members and 16 Observers covering 27 European Member and most candidate Member States.

The promotion of the Rule of Law will remain one of the ENCJ's main objectives for the years to come, as it is one of the fundamental values upon which the EU is founded. The ENCJ has had to be particularly active in promoting and protecting the Rule of Law. It is to be expected that this active role will need to be maintained in the next period as well. More than ever, the Judiciaries need to stand together to command respect for the role and position of the Judiciary. Councils for the Judiciary have a pivotal role in promoting Judicial Independence. The ENCJ unites the Councils and is of vital importance to the further development of judiciaries in Europe. At

the same time ENCJ reiterates that judicial independence does not stand on its own. Councils for the Judiciary or similar independent bodies, in order to maintain the rule of law, must do all they can to ensure the maintenance of an open and transparent system of justice. The ENCJ has delivered groundbreaking work especially within the framework of the Independence and Accountability project. Weaknesses and strengths of the individual judicial systems have been mapped and the views of judges on their own independence have been collected. Furthermore, the ENCJ strives to strengthen mutual trust between the judiciaries and to promote a European Judicial Culture based on shared values. Finally, the Covid-19 pandemic has resulted in the adoption of emergency measures in most countries to maintain the functioning of their judicial systems and to allow their courts to remain operational. This has accelerated the development of digital justice instruments. To better accommodate judiciaries in the digital transformation process, the ENCJ has set up a digital justice forum and further activities in this field will be developed in the upcoming years.

This four-year plan will take the above mentioned into account and will assist the ENCJ to set out clear priorities and follow a more comprehensive approach in achieving its goals.

### **ENCJ Mission Statement:**

*The ENCJ is the body which unites all Councils for the Judiciary of the EU member states and represents them in the EU. It reinforces an independent yet accountable judiciary and promotes best practices to enable the judiciary to deliver timely and effective justice for the benefit of all.*

## **1. Towards an ENCJ Strategy 2022-2025**

In the Autumn of 2020 the ENCJ Members and Observers were asked to give feedback on the current Strategic plan, on the impact of ENCJ, its challenges and its opportunities. Based on the input a first version of the plan was drafted by the ENCJ Office and discussed with the Board, and then the Members, Observers were asked for input and feedback at an online meeting on 20 April. The Board then adopted the final draft at its meeting of 7 May 2021. The draft was sent to the General Assembly for approval. At the General Assembly of 2 June 2021 the Strategy was adopted.

**From the feedback of the Members and Observers the following picture emerges:**

### **Focus on the 3 points that make ENCJ**

#### **Unique**

1. The ENCJ has a unique capacity to represent the judiciaries and the judicial perspective across Europe and the network plays a crucial role in the process of building and maintaining long-term relationships at an institutional level among the national judiciaries in Europe;
2. The ENCJ provides a unique platform for cooperation of judiciaries, for exchanging experiences and for collaboration and joint problem solving of issues and challenges for the judiciary;
3. The ENCJ plays a critical role in monitoring rule of law developments in Europe, for instance in Hungary, Poland and Turkey, assuming common positions with great political impact.

#### **Bring Added value**

4. Provide concrete discussions or solutions for problems of individual members by giving expert and experience-based viewpoints from different judicial systems through its competent members;
5. Capability to generate a single voice in defence of the principles and values;
6. Develop a common culture specific to the Councils of the Judiciary.

#### **What are the opportunities for ENCJ**

7. To support the Councils in their efforts to uphold the independence of the Judiciary;
8. To monitor developments in the judiciaries across Europe
9. To increase collaboration with the EU Institutions through the Rule of Law debate in Europe
10. To create a common European judicial culture;
11. To boost its role in advocacy
12. To disseminate its work to a wider audience.

#### **What are the threats to the ENCJ**

13. Being perceived as too activist / Becoming inactive on important issues / Becoming too bureaucratic and/or academic;
14. Inactiveness of its members;
15. Nationalism;
16. Threats to the independence of the national Councils of the Judiciary / deterioration of the Rule of Law in some countries/Low public trust in judiciary / Corruption among its members;
17. Lack of resources (financial/human).

#### **As for the needs of the Members and Observers for the next 4 years:**

- Upholding the Rule of Law;
- Dialogue between the state's powers;

- Strengthen position of Councils to enable them to fulfil their role as guarantors of the independence of the judiciary (in particular their powers, composition, organisation, functioning and resources);
- Promotion and protection of the independence of the judiciary;
- Measurement and promotion of Quality of Justice (impartiality, integrity and quality of justice, adherence to standards of professional ethics);
- Strengthening mutual trust between the judiciaries and promoting a European Judicial Culture based on shared values;
- Promotion of the digital justice development (digitalization of the judiciary, both in terms of technical and legal aspects) should continue as a tool for expanding the European cooperation and for faster, more efficient and safer access to justice for the citizens / innovation;
- Sharing of information on judicial systems;
- The improvement of the public opinion of the judiciary of its members/ press relations;
- Funding of the judiciary.

## 2. Core Values and basis for the cooperation in the framework of ENCJ

### **Shared values**

Reiterating that the ENCJ is founded on the shared value of respect for the rule of law in all its aspects and the common standards for Judicial Independence.

### **Diversity**

Recognising that all legal systems are different and are vested in their own legal tradition, the ENCJ respects the diversity of the judicial systems of its members subject to the Rule of Law.

### **Equality and Mutual Respect**

Recognising that mutual respect and equality are fundamental to full cooperation within the ENCJ.

### **Collaboration**

Recognising that effective and responsive involvement requires the input of all members, the ENCJ is committed to inspiring dialogue, promoting consultation, building consensus and engaging diverse stakeholders in a participatory way.

## 3. Statutory objectives and Strategic plan 2022-2025

The ENCJ is characterised by the diversity of its members' organisational structures, mandates and interests. Therefore, the needs and demands of each of the Members may differ. However, in order to be effective resources need to be focused on a few strategic areas so ENCJ can have the strongest impact.

In order to achieve the strategic objectives a condition that needs to be fulfilled is that the ENCJ is and will be a strong and sustainable network. The ENCJ needs to look into member engagement and network communication, and when relevant, the governance, management and funding.

The ENCJ has as its statutory aim the improvement of cooperation between, and good mutual understanding amongst, the Councils for the Judiciary and the members of the judiciary of both the European Union Member States and of any European Union candidate Member States.<sup>1</sup>

Within the framework of the creation of the European Area of freedom, security and justice, the objectives of the ENCJ are co-operation between members on the following:

- analysis of and information on the structures and competencies of members, and exchanges between the members;
- exchange of experience in relation to how the judiciary is organised and how it functions;
- provision of expertise, experience and proposals to European Union institutions and other national and international organisations.

In 2010 ENCJ adopted a strategic plan and a Mission and Vision. After a consultation in late 2020 – early 2021 of the ENCJ Members and Observers there seems to be a need to alter the vision slightly:

### **The vision of the ENCJ**

The ENCJ will be:

- A unique body representing **and promoting** the judicial perspective to European Institutions;
- The center of a vibrant forum for the judiciary across Europe;
- The main support for independent Councils for the Judiciary in their mission to promote and preserve **the Rule of Law and** an independent, accountable and high quality judiciary.

All to enable the judiciary to optimize the timely, impartial, and effective delivery of justice for the benefit of all.

The impact of the ENCJ will be strengthened on the national and the European level. On the EU level the ENCJ provides a judicial perspective to issues within its domain. It has the capacity to speak out in defense of the Rule of Law and Judicial Independence and address the other State Powers and the European Institutions.

The short term impact of the strategy is an increased awareness among the Councils for the Judiciary of the shared challenges in the judiciaries in Europe, insight in the solutions sought in other judiciaries and an increased sense of solidarity and mutual trust.

The medium to long term impact of the work undertaken is an increased awareness in the Member States for a more effective judicial system and its contribution to economic growth. The judiciary must continue to guarantee, even in stringent and volatile economic and political situations, the fundamental right of every citizen of access to justice, effective protection of fundamental rights and the delivery of quality justice in a reasonable time. Furthermore the implementation of the strategy will contribute to an increased awareness translated into concrete actions by ENCJ Members to ensure public confidence. A judiciary that claims independence but which refuses to be accountable to society will not enjoy the trust of society and will not achieve the independence for which it strives. Councils for the Judiciary or similar independent bodies, in order to maintain the Rule of Law, must do all they can to ensure the maintenance of an open and transparent system of justice.

A long term impact of the ENCJ activities is an emerging common European culture specific to the Councils for the Judiciary.

---

<sup>1</sup> Article 3 ENCJ Statutes

The impact of the ENCJ activities and reports can also be seen in the case law of the CJEU and the ECHR. Over the last few years both courts have referred to several ENCJ standards, reports and actions in their decisions.

The ENCJ will strive to increase the impact of its work by more intense interaction and cooperation with the EU Institutions, the various bodies of the Council of Europe and relevant stakeholders and organisations such as the other judicial networks, lawyers (CCBE); academics (for instance through the newly established Association on the Administration of Justice, experts in the field of public opinion management and the EJTN.

The outreach of the ENCJ and impact within the judiciaries and courts in the EU will be strengthened by continuing the recently started close cooperation with the other main judicial networks (European Judges Association, ACA-Europe, Network of Presidents of the Supreme Courts of the EU). The Presidents meet every first Monday of the month online to discuss developments in Europe and to present their work and actions. The ENCJ provides the secretariat for these meetings.

### **ENCJ Strategic Objectives 2022-2025**

To uphold and preserve the Rule of Law is a responsibility for both the judiciary and other state powers. Access to fair, independent and impartial courts as the key institutions of an independent judiciary is a fundamental right also laid down in article 47 of the EU Charter of Fundamental Rights.

Judicial independence is directly linked to accountability. Accountability of the judiciary relates to the transparency about its performance. Accountability of the individual judges relates to the transparency of their judicial decisions.

Judicial accountability is also a function of public understanding and public confidence. The ENCJ believes that education is the key to ensuring that the judiciaries progress towards greater independence and accountability rather than the reverse. There is an increasing need to promote understanding of and respect for the independence of the judiciary. A pro-active attitude of the judiciary itself is indispensable and will be a priority topic.

Independence and accountability capture important elements of the quality of the judicial systems and the perception by its users and citizens in general.

After a long period of remote meetings only the ENCJ needs to focus on re-connecting. Through online and live- meetings the all-important links between the ENCJ Members will be strengthened and relations rekindled. Interaction between the judiciaries in Europe is key to discover differences, but more importantly to discover which values are shared and which practices can be commonly implemented to enhance trust in the administration of justice in Europe. Exposure to other judicial systems and interacting with foreign judges not only leads to a better insight into the foreign system but also to a reflection on ones' own system and ones' own performance. As such, it gives an impulse to the improvement of the functioning of the judiciary. Getting to know each other on a systematic base and with clear goals and learning from each other will lead to an approximation of the judiciary systems of the EU, an increased level of the quality of justice (for the benefit of all) across the EU and the step-by-step development of a European Judicial Culture.

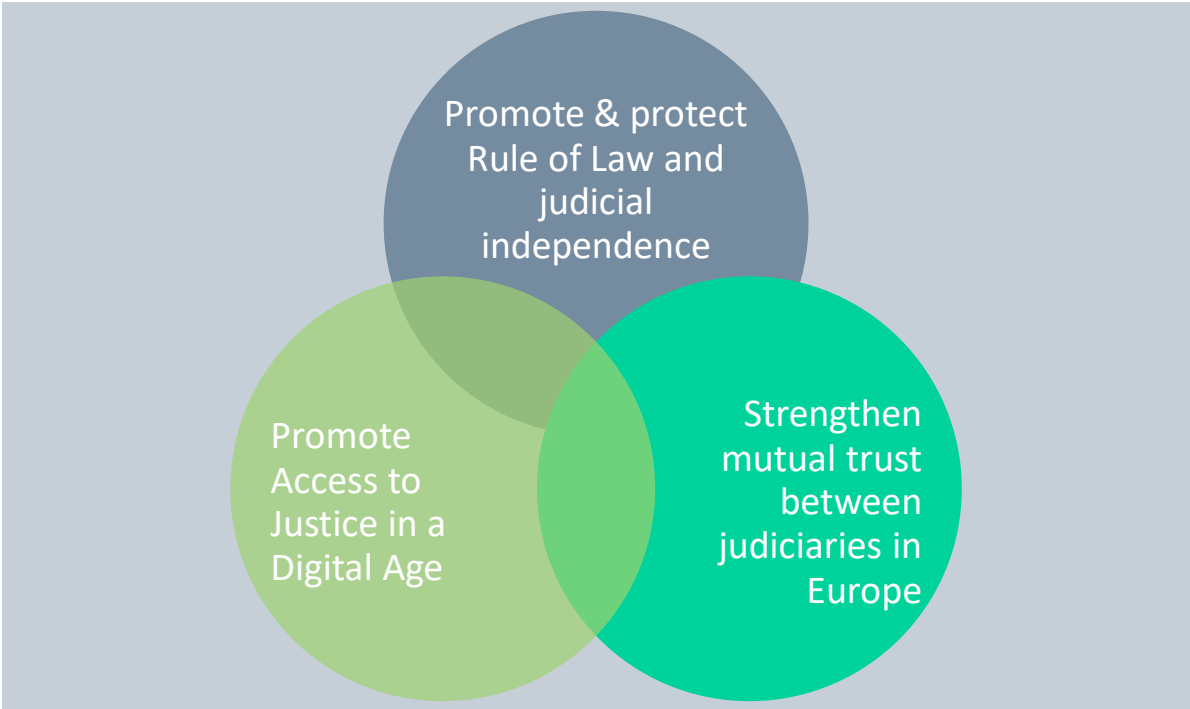
The COVID-19 crisis has considerably impacted the functioning of the judiciaries and has accelerated developments in digitising the judicial system. The judiciary is not always sufficiently involved in these developments. A lack of resources (financial and human) and expertise can hamper the full involvement of the judicial councils. The opportunity to improve access to justice through digitisation needs to be embraced by all judiciaries, but necessary guarantees need to be in place.

The following strategic objectives have been identified for 2022-2025



To achieve these objectives a range of actions and activities has been identified. As most activities serve more than one of the strategic objectives identified, they are not listed per strategic objective.

Each year a number of these activities will be implemented upon the proposal of the Executive Board and after agreement by the General Assembly.



### **1. To strengthen the position of the judiciary in a democratic state**

The ENCJ will continue to strengthen the role of Councils for the Judiciary as guarantors of the independence of the judiciary especially vis a vis the other State Powers and the EU Institutions. ENCJ will make public statements when and where relevant to draw attention to this issue.

The ENCJ will promote its common standards for the set-up and functioning of Councils for the Judiciary.

ENCJ will **speak up** for Councils for the Judiciary and actively make the point that the judiciary is the third State Powers and should be acknowledged by the other State Powers. The ENCJ will **continue to promote dialogue** between the three State Powers on the EU and the national level.

The ENCJ will strive to obtain a **formalised consultation status** within the European Union for national Judiciaries through the ENCJ and other relevant EU level judicial networks.

### **2. To promote and preserve the Rule of Law**

When ENCJ learns through its Members or Observers or otherwise, the Rule of Law in a Member State may be in jeopardy especially in relation to the independence of the judiciary as a whole or of the judges, ENCJ will provide support if desirable. Even though, the ENCJ is not in a position to get involved in any political dispute, it can give its opinion on the compliance of any planned reform or with general European or specific ENCJ Standards in this field. The ENCJ will also seek cooperation with the European Institutions in such a case. Actions by the ENCJ may include open letters to the EU Institutions, public statements and press releases.

When fundamental EU Standards in the domain of Judicial Councils are at stake, the ENCJ will intervene in cases before the ECHR as it did in the cases of Grzeda, Zürek and Tuleya (all vs Poland).

In addition, the ENCJ will continue cooperation with partners and stakeholders to promote and preserve the Rule of Law:

- Cooperate with DG Justice in the further development of the Justice Scoreboard
- Contribute to the EU Rule of Law report by providing an overview of current challenges
- Continue to be an interlocutor for the European Commission on issues such as the functioning of Councils for the Judiciary, Judicial Independence, Quality and Efficiency of Justice
- Engage with the European Parliament especially in relation to the Rule of Law and Judicial Independence
- Continue to engage with the Court of Justice of the European Union
- Work with FRA on strengthening the Rule of Law in the EU including Access to Justice
- Cooperate with Council of Europe: CCJE and Venice Commission
- Strengthen the relations with the other Judicial Networks, to share concerns about challenges to the Rule of Law and plan and plan and implement joint actions
- Raise awareness for Rule of Law challenges or challenges to Judicial Independence by organising lunch seminars for Members and Observers on specific countries.

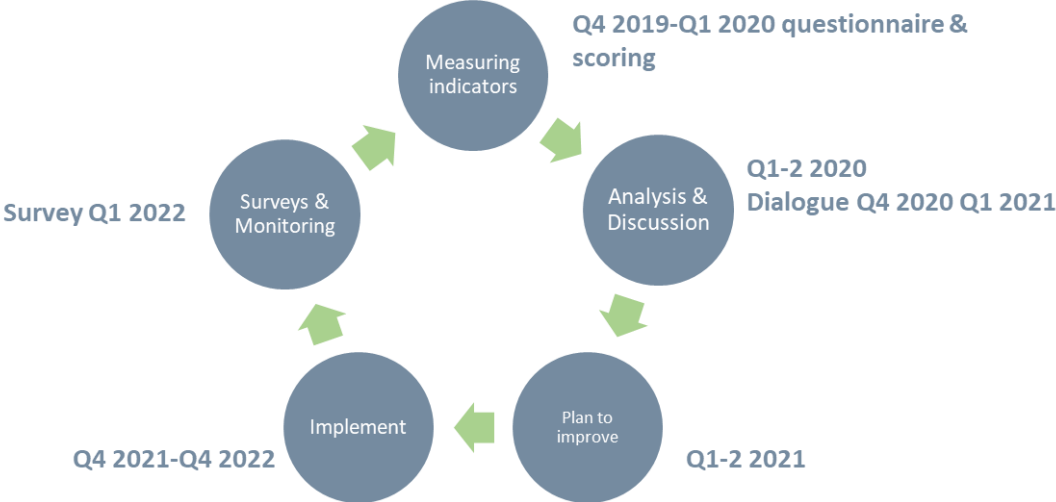
### **3. To promote the independence and accountability of the judiciary**

This objective will amongst others be achieved by continuing the multi-annual project on independence and accountability. Within the project a methodology has been developed consisting of a framework for Independence and Accountability that has been translated into indicators and a scoring mechanism, a format to facilitate dialogue with a view to improvement.

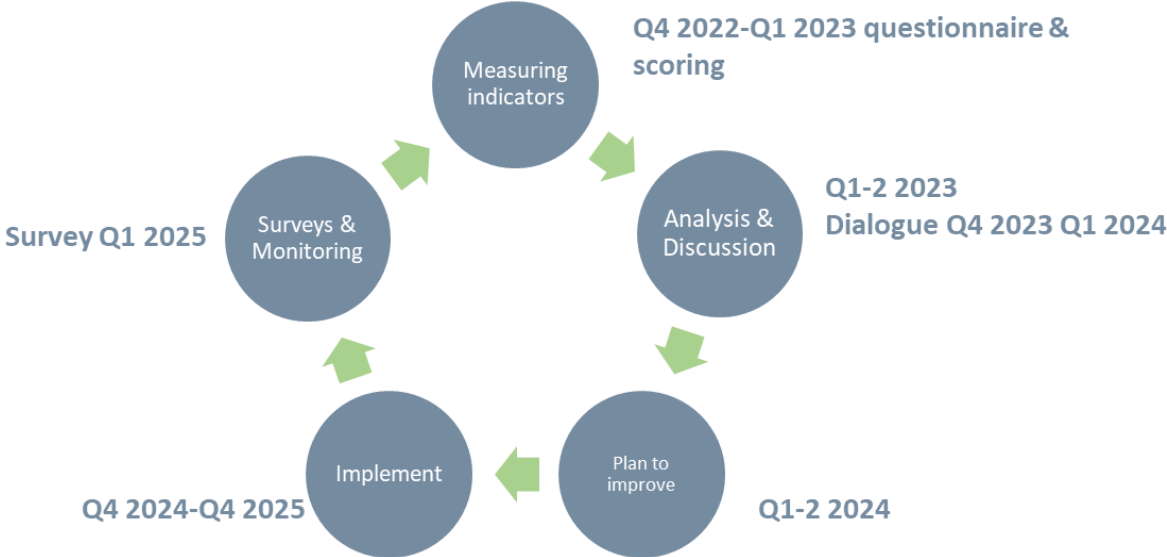


The process includes an ENCJ improvement cycle that consists of the following stages

**Current cycle**



**Next cycle 2022-2025**



The aim of the project is to identify strengths, and weaknesses in the judicial systems both at the level of institutional safeguards and at the effectiveness of the safeguards in practice.

A survey among judges, and with the cooperation of the CCBE among lawyers, about their independence of the judiciary will be held in 2022 and 2025.

A Court Users Survey has been developed. After a further testing of the survey the ENCJ will study the possibilities to roll it out across Europe. ENCJ will study where and how to secure funding for this European Court Users Survey. The European Commission may be interested to supply the necessary funds if the data can feed into the EU Justice Scoreboard. The Fundamental Rights Agency could also be approached for this.

Dialogue groups to discuss the survey outcomes and the mapping of the strengths and weaknesses will be held between autumn 2023 and spring 2024.

The development of national strategies to address the weaknesses will take place in 2021-2022 (current cycle) and 2024-2025.

In the next cycle the work ENCJ has done on the Image of Justice and Public Confidence may be integrated in the I&A framework and indicators.

#### **4. To promote the quality of the Judiciary**

The goal of the project on the topic of quality of the judiciary to demonstrate that this is one of the most important concerns for the judiciary and individual judges themselves. Standards of quality must be defined and evaluated by Councils themselves, when they exist, or by an independent body, and not by other powers of States. It is a duty for Councils to reconcile the topic of quality with the principle of judicial independence. The work on the development of Quality Indicators will be finalised and Members and Observers will be invited to fill out the questionnaire. Indicators for topics not covered yet could be developed. The scores and results of the indicators will need to be discussed with a view to the improvement of the quality of the judicial system and the role of Councils for the Judiciary.

#### **5. To promote a European Judicial Culture: Thematic dialogue groups**

Promoting a European Judicial Culture based on shared values and shared experiences by setting up thematic dialogue groups in which a small number of representatives of the ENCJ Members share experiences and best practices. These groups could be ad-hoc or could be active over a longer period of time.

#### **6. To provide the judicial perspective**

Provide expert opinions on draft EU legislation that is within the Judicial Domain and relates to topics that are within the remit of Councils for the Judiciary. This could be done in cooperation with the European Law Institute and other relevant stakeholders in this field.

#### **7. To share information on the organisation of national judicial systems**

Upon request of an ENCJ Member or Observer questionnaires are disseminated among ENCJ Members and Observers. Online access to information on judicial systems will be improved.

#### **8. To Promote Access to Justice in a Digital Age**

Continue ENCJ Digital Justice Forum consisting of one representative of each ENCJ Member and the interested Observers. Through an annual plenary seminar and series of online seminars, the aim of the forum is:

- To provide a network for the exchange of information and advice for national experts dealing with digitization;
- Promote dialogue on challenges and opportunities – balancing efficiency and access to justice and independence;
- To monitor developments in the field of Artificial Intelligence and the challenges and opportunities it may provide for the judiciary;
- To exchange best practices and developments on national level;
- To provide a judicial perspective on e-Justice to the European Commission;
- To liaise with CEPEJ Cyberjustice working group, CCBE, Unit E-Justice DG JUST EC.

#### **9. To promote access to fair and impartial courts**

The objective is to further the implementation of ENCJ guidelines and standards in the fields of independence, efficiency and quality of Justice. In addition the ENCJ aims to further the development

of a European Judicial Culture and to advance improvements in the judiciaries. Through regular online lunch seminars awareness for the ENCJ Standards and common challenges will be raised.

Possible topics for the seminars are:

- Ethics (code / rules / implementation)
- Court funding in practice
- Role of court presidents/ court management
- Image of justice and diversity policies
- Situation in a particular country or a planned judicial reform
- Promotion of judges and national gender equality policies
- National policies on Access to Justice for particular groups (people with disabilities/ vulnerable groups etc.) or victims in the courts
- Judicial training policies set by Councils

## Functioning of the organisation

As mentioned above, in order for the ENCJ to achieve the objectives set out, the collective capability needs to be in place. Therefore the following issues should be addressed.

- Study how to improve Members commitment. Study how to enhance the level of commitment of Members and share the burden of the work in a more balanced way between the Members.
- Study how to improve the impact and quality of the work of ENCJ . Study composition of project teams and how to ensure that the relevant expertise is available (call on Members and Observers to nominate appropriate participants / involve academics / stakeholders. See how ENCJ can use the knowledge and expertise of the ENCJ Members and Observers. For instance by identifying groups of experts in staff of Members i.e. communication advisors / IT experts / GDPR staff etc.
- Improve internal and external communication. Draft and adopt a communication plan for internal and external communication. Strengthen the ENCJ brand & style
- Develop website as a communication tool and database including the updating of key documents and providing access to available translations.
- Invest in relations with Councils that start new mandate including the development of a welcome package which explains the functioning of the Association.
- Combine remote and physical meetings
- Analyse the needs in terms of resources (human and financial)
- Raise awareness for gender equality and diversity