



European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

The General Assembly of the European Network of Councils for the Judiciary

Warsaw
1-3 June 2016

THE WARSAW DECLARATION **On the Future of Justice in Europe**

The ENCJ met in Warsaw for its General Assembly between 1 and 3 June 2016. The two Greek Supreme Judicial Councils were elected as new full members of the ENCJ.

Considering that the ENCJ

(i) has facilitated dialogue groups to enable its members and observers to develop practical solutions to their most pressing problems relating to the independence and accountability of their judiciaries;

(ii) has identified elements that are required for quality decision making, and will endeavour to identify indicators of the quality of justice and of the justice system that will assist in the evaluation of the (measurement of the) quality of justice with a view to its enhancement across the EU and in candidate member states.

(iii) has established best practices for the participation of non-judicial and civil society representatives in the work of Councils for the Judiciary and equivalent bodies, and for the involvement of Councils for the Judiciary in the financing of judicial systems in Europe;

The members and observers of the European Network of Councils for the Judiciary gathered in WARSAW between 1st and 3rd June 2016 HEREBY DECLARE that:

1. A Council for the Judiciary or equivalent governance body should participate in the process of evaluating the quality of justice by:

- defining a quality framework which sets out indicators including criteria for the assessment and evaluation of the quality of justice;
- defining methods by which the quality of the judicial decision-making process can be evaluated, maintained and improved;
- identifying and implementing good practices which increase the confidence of citizens in the judicial system; and
- ensuring that these systems do not interfere with the independence of the judiciary, individually or collectively, or the judicial system.

2. Concerning the composition of the Councils with respect to non-judicial members:
 - the composition of Councils for the Judiciary and equivalent bodies should include non-judicial members, reflecting the diversity of society;
 - non-judicial members should meet the same standards of integrity, independence and impartiality as judges, but non-judicial members should not be politicians or include the Minister of Justice;
 - non-judicial members should have the same status and voting rights as judicial members.
3. With regard to the budget for the justice system:
 - the creation of the budget should be systemically and practically free from inappropriate political interference, so that courts are financed on the basis of objective and transparent criteria;
 - the Council for the Judiciary or equivalent body should be closely involved at all stages in the budgetary process, and courts must be resourced to a level which provides an effective and efficient justice system;
 - budgetary priorities must be defined in collaboration with the relevant judiciary according to transparent criteria, and must not themselves dictate the court procedures to be followed.
4. The ENCJ recognises that the administration of Europe's justice systems in the 21st century will change radically as a result of the use of information and communication technology. It looks forward to the use of online dispute resolution and other technologies to deliver justice more effectively and quickly and at lower cost to all European citizens. It will still be essential for the ENCJ and its members and observers to maintain and strengthen the independence and accountability of judiciary for the benefit of European citizens in order to ensure that they have effective access to justice.
5. The ENCJ is increasingly concerned that the approach of the Government of Turkey to the transfer, suspension, removal and prosecution of judges is not consistent with the principles of judicial independence. It urges the executive and the Turkish Council for the Judiciary to pay full regard to the principles that judges are irremovable, and that judges should not be transferred or demoted, except in circumstances prescribed by law after transparent proceedings conducted by an independent body whose decisions are subject to challenge or review.
6. In relation to the developing situation in Poland, the ENCJ emphasises the importance of the executive respecting the independence of the judiciary, and only undertaking reforms to the justice system after meaningful consultation with the Council for the Judiciary and the judges themselves.
7. The ENCJ will continue to monitor developments in Turkey and Poland to ensure that the core principles underlying the independence of the judiciary are respected.

Adopted in Warsaw, 3rd June 2016