



European Network of Councils
for the Judiciary (ENCJ)

Reseau européen des Conseils
de la Justice (RECJ)



COUNCIL OF EUROPE CONSEIL DE L'EUROPE


Consiglio Superiore della Magistratura

Strasbourg, 26 March 2007

3RD EUROPEAN CONFERENCE OF JUDGES

WHICH COUNCIL FOR JUSTICE?

HIGH COUNCIL FOR THE JUDICIARY, ROME, ITALY, 26-27 MARCH 2007

***Conference organised by the Council of Europe
at the initiative of the Consultative Council of European Judges (CCJE)
in collaboration with the European Network of Councils for the Judiciary (ENCJ)
and with the support of the Italian High Council for the Judiciary and the Ministry of Justice***

PROGRAMME

A judge can only exercise his/her duty being fully independent. The principle of the separation of powers also implies that the body entrusted with the protection of this independence, and with the management of the judiciary, be itself independent. Such independence cannot be seen as a privilege of the judicial function but a fundamental principle for the sake of the community: thus the citizens who turn to justice cannot be satisfied only with an independent justice, but expect that justice be fair and efficient as well. Therefore, to cope with an always more litigious society, an in-depth reflection should be led on the concrete means enabling to benefit from a justice of quality combining these fundamental values.

As the functioning of judicial institutions is sometimes challenged in the Council of Europe's member states, the Council of Europe should indeed reflect further, within the framework of the CCJE's terms of reference, on the existence, structure and role of these independent bodies, which are at the crossroads of powers (hence the essential elements of balance between these powers), while taking into account the situation, particularly contrasted between member states. An Opinion is to be prepared by the CCJE on this thematic in 2007 and the achievements of this Conference, to be focused on the main issues and aimed at addressing the way these issues should evolve in the future, will feed the preparatory works of this Opinion.

The composition and duties of the bodies vary from one country to another, just as their relationships with the executive and legislative powers, and even with the society. The name of these bodies is discussed as such. As the concept is everywhere similar in essence, the title of the Conference is voluntarily unclear on this point, in an attempt to include what some would call «high councils of the judiciary», others «councils of justice» or any other equivalent body¹. The work of the Conference aims at clarifying this diversity.

¹ It has been decided to use a unique word: «Council» in this programme, whatever the names used in the different states are.


Monday 26 March 2007, morning

9.00 Registration of participants to the Conference


9.30 OPENING SESSION

CHAIR: MR RAFFAELE SABATO (ITALY), CHAIR OF THE CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Opening addresses by:

 Mr Nicola MANCINO, Vice-Chair of the High Council for the Judiciary of Italy

 Mr Clemente MASTELLA, Minister of Justice of Italy

 Ms Maud DE BOER-BUQUICCHIO, Deputy Secretary General of the Council of Europe

10.15 SESSION I: WHAT ROLE DOES THE COUNCIL PLAY?

CHAIR: MR BERT VAN DELDEN (NETHERLANDS), PRESIDENT OF THE HIGH COUNCIL OF JUSTICE OF THE NETHERLANDS, SECRETARY GENERAL OF THE EUROPEAN NETWORK OF COUNCILS FOR THE JUDICIARY (ENCJ)

Which position does the Council hold within the state organisation?

Mr Orlando AFONSO, member of the CCJE for Portugal

Improving the self-governance of the judiciary to meet citizens' expectations of a fair and effective justice delivered within a reasonable time

Mr Luigi BERLINGUER (Italy), President of the ENCJ

11.00 Coffee break

11.15 *The current situation in the Council of Europe's member states*

The Hon Mr Justice AIKENS (United Kingdom), Royal Courts of Justice, London

The position of the Commission on Democracy through Law ("Venice Commission")

Ms Hanna SUCHOCKA (Poland), Vice-Chair of the Venice Commission, Ambassador of Poland to the Holy See

The position of the Consultative Council of European Prosecutors (CPPE)

Mr Antonio VERCHER NOGUERA (Spain), Deputy Attorney General in Madrid, member of the CCPE for Spain

The position of the association "Magistrats européens pour la démocratie et les libertés" (MEDEL)

Mr Emilio GATTI (Italy), Judge, Court of Genova

12.15 Discussion

12.30 Lunch

Monday 26 March 2007, afternoon

14.30 SESSION II: WHAT SHOULD BE REFLECTED IN THE COMPOSITION OF THE COUNCILS?

CHAIR: MR VIRGILIJUS VALANČIUS (LITHUANIA), PRESIDENT OF THE SUPREME ADMINISTRATIVE COURT, PRESIDENT OF THE EUROPEAN ASSOCIATION OF JUDGES

For or against a mixed setup?

Mr Mauro VOLPI (Italy), member of the High Council for the Judiciary of Italy

A mixed and balanced setup for a Council, a reflection of the social diversity

Mr Jacques HAMAIDE (Belgium), President of the High Council of Justice of Belgium

To what extent the way of appointing the members can influence the Council's authority and power?

Prof. Wim VOERMANS (The Netherlands), Director of the Institute for Legal Studies, Faculty of Law, Leiden University

Composition and activities of The High Council of Justice of Ukraine

Ms Lidia IZOVITOVA (Ukraine), Acting Head of the High Council of Justice of Ukraine

15.20 Discussion

16.00 Coffee break

16.30 SESSION III: THE COUNCIL, GUARANTOR OF THE IMAGE OF JUDGES AND JUSTICE?

CHAIR: MS EDITH VAN DEN BROECK (BELGIUM), CO-PRESIDENT OF THE HIGH COUNCIL OF JUSTICE OF BELGIUM, MEMBER OF THE STEERING COMMITTEE OF THE ENCJ

Is the protection and promotion of the image of justice part of the Councils' duties?

Ms Angela HARASTASANU (Romania), Judge, Member of the High Council of Justice of Romania

Mr. Sven Marius URKE (Bosnia and Herzegovina), member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)

17.10 Discussion

18.00 Closing of the 1st day of the Conference

19.30 Guided tour (French/English) of the Capitoline museums

Official visit to the Hall of Horatii and Curiatii (where the Treaty establishing the European Economic Community was signed on 25th March 1957) and welcoming of the participants by the Deputy Mayor of Rome, Mrs. Mariapia GARAVAGLIA

20.30 Official Dinner hosted by the Mayor of Rome, Mr Walter Veltroni

Tuesday 27 March 2007, morning

9.30 **SESSION IV: WHICH DUTIES MUST THE COUNCIL TAKE ON TO SERVE THE COMMUNITY?**

CHAIR: MR FABIO ROIA (ITALY), PRESIDENT OF THE SIXTH COMMISSION, HIGH COUNCIL FOR THE JUDICIARY OF ITALY

The Council at the crossroads of duties (governing body of the judiciary or simply manager of day-to day duties?)

Mr Juan Pablo GONZALEZ GONZALEZ (Spain), President of the International Commission of the General Council of the Judiciary of Spain

Autonomy and responsibility of the Council: should it be accountable for its actions?

Prof. Carlo GUARNIERI (Italy), University of Bologna

The role of the Council in evaluating and monitoring the quality and efficiency of judicial systems?

Mr Bart VAN LIEROP, Justice at the Court of Appeal of the Hague (The Netherlands)

Should Councils take duties on court management?

Mr. Niels GRUBBE (Denmark), Judge at the Supreme Court, Chairman of the Board of Domstolsstyrelsen (Court Administration)

10.45 Coffee break

11.15 Discussion

12.15 **CLOSING SESSION**

CHAIR: MR. ALAIN LACABARATS (FRANCE), DIRECTOR OF THE DEPARTMENT OF DOCUMENTATION AND STUDIES AT THE FRENCH COURT OF CASSATION, FORMER PRESIDENT AND MEMBER OF THE CCJE FOR FRANCE

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

Ms Edith VAN DEN BROECK (Belgium), Co-President of the High Council of Justice of Belgium, member of the Steering Committee of the RECJ

Declaration of the High Council for the Judiciary of Italy

Mr Fabio ROIA (Italy), President of the Sixth Commission, High Council for the Judiciary of Italy

General Summing up of the proceedings and debates

Ms Julia LAFFRANQUE (Estonia), Judge at the Supreme Court, Vice-Chair of the CCJE

13.0 Closing of the Conference

Lunch