



CCJE(2011)5

Strasbourg, 9 November 2011

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

12th meeting
Strasbourg, 7-9 November 2011

MEETING REPORT

A. FOREWORD

1. The Consultative Council of European Judges (CCJE) met at the Council of Europe headquarters in Strasbourg, France, from 7 to 9 November 2011 with Mr Orlando AFONSO (Portugal) in the chair. The agenda and list of participants are appended.

B. ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR DECISION

2. The CCJE invited the Committee of Ministers:
 - a. to take note of Opinion No. 14 (2011) on “Justice and Information Technologies (IT)”

and to forward this document to the relevant bodies in the member states, translating it into appropriate languages if need be, and to forward it to the CEPEJ, the CDCJ, the CDPC and the CDDH so that these bodies might take account of it in their own work;
 - b. to take note of the report on the situation in member states concerning judges;
 - c. to take note of this report as a whole.

C. ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR INFORMATION

The CCJE

3. **decided** that the opinion of the CCJE in 2012 would be on the specialisation of judges and the opinion in 2013 would be on the relationship between judges and lawyers, in accordance with its terms of reference and subject to the adoption thereof by the Committee of Ministers;
4. **appointed** Mr Orlando AFONSO (Portugal), Mr Richard AIKENS (United Kingdom), Ms Aneta ARNAUDOVSKA (“the former Yugoslav Republic of Macedonia”), Ms Nina BETTETO (Slovenia), Mr José Francisco COBO SÁENZ (Spain), Mr Bernard CORBOZ (Switzerland), Mr Niels ENGSTAD (Norway), Mr Duro SESSA (Croatia) and Mr Jean-Claude WIWINIUS (Luxembourg), as members, and Mr Alain LACABARATS (France) and Mr Johannes RIEDEL (Germany), as substitutes, to the select group responsible for preparing the draft Opinion on the specialisation of judges (CCJE-GT) to be submitted to the 13th plenary meeting of the CCJE;
5. **agreed** that, before drafting the opinion for 2012, it might be useful to send out a brief questionnaire on the extent to which judges specialise in member states, using the answers as a basis for the preparation of the opinion; **thanked** Mr Raffaele SABATO (Italy) for preparing the draft questionnaire and **instructed the Bureau** to finalise it in the light of members’ comments, which should be sent to the Secretariat by 10 December 2011; **agreed** that the **Secretariat** would send the questionnaire to all members of the CCJE by 15 December 2011, so that replies would be received by 1 February 2012; **also instructed the Secretariat**, in view of the technical nature of the subject to be dealt with, to appoint a scientific expert, who would be tasked with basing a preparatory report on the replies;
6. **agreed** that, for the purposes of the draft opinion to be prepared in 2013, it would be necessary, subject to the availability of funds, to hold an international conference on the relationship between judges and lawyers, providing an opportunity to compare the views of these two legal professions, whose effective day-to-day co-operation was one of the keys to the efficiency and quality of the justice system; **proposed** that this conference be held immediately after the plenary meeting of the CCJE in 2012 so as to reduce organisational costs;
7. in the context of its task of assisting member states with issues relating to the status of judges, and as one of the responses to a number of requests from various bodies and associations in member states, **adopted** the report on the situation in member states concerning judges (CCJE(2011)6); **emphasised** that the aim of the report was to list various infringements against judges to which its attention had been drawn, but not to make any kind of checks on any particular states; **agreed** that this report would be regularly updated, taking account of the growing number of such requests for special assistance;

expressed its desire that, as a result of the dissemination of this report, the relevant Council of Europe bodies would be increasingly aware both of the scale of these infringements and the impact they may have on the rule of law and of the need to offer support to member states enabling them to comply with the Council of Europe's standards concerning judges;

instructed the Bureau to set up a select group of four members of the CCJE **tasked with**, for the next plenary meeting, updating the report on the situation in various member states concerning judges; **instructed its members** to send, by 10 January 2012, any comments they might have on the listing of those infringements against judges in member states brought to the CCJE's attention (currently relating to 13 member states), which would serve as a basis for the work of the select group;

8. in this connection, **took note** of the statement by the CCJE member in respect of Hungary concerning a bill whose aim was to change the composition and powers of the Hungarian Council for the Judiciary; expressed grave concern about the planned reform and **invited the member of the CCJE in respect of Hungary** to pass on Recommendation 2010(12) and Opinion No. 10 of the CCJE to the Hungarian authorities, so that they could take account of the standards enshrined therein when carrying out this reform;
9. **elected** Mr Gerhard REISSNER (Austria) as Chair, and Mr Paul MAFFEI (Belgium) as Vice-Chair of the CCJE for 2012; **elected** Mr Bart VAN LIEROP (Netherlands) as a Bureau member for two years (2012-2013), on the understanding that he would sit alongside Mr Raffaele SABATO, who was elected in 2010 for two years (2011-2012);
10. **proposed** that the CEPEJ's network of pilot courts could be used to disseminate its work more widely, particularly its opinions;
11. **took note** of the Council of Europe Guidelines on child-friendly justice, presented by the scientific expert, Ms Josiane BIGOT (France), on which it had been consulted when they were being prepared;
12. **proposed** to hold its 13th plenary meeting from 5 to 7 November 2012 and the 22nd and 23rd meetings of the Working Group (CCJE-GT) from 26 to 28 March 2012 and from 18 to 20 June 2012.

APPENDIX I

AGENDA

- 1. Opening speech by Mr Philippe BOILLAT, Director General , Human Rights and Rule of Law**
- 2. Adoption of the agenda**
- 3. Presentation for information of the document:**

“Guidelines of the Council of Europe on child-friendly justice” by Mrs Josiane BIGOT (France)
- 4. Information by the President and the Secretariat**
- 5. Draft Opinion No.14 of the CCJE for 2011**
 - Examination of the draft Opinion No.14 on “Justice and information technologies (TI)”
- 6. Working structure of the CCJE**
 - Election of the Chair and the Vice-Chair of the CCJE
 - Election of a member of the Bureau of the CCJE
 - Nomination of the Working Group of the CCJE for 2012
- 7. Preparation of the Opinion 2012**
 - Discussion on the topic of Opinion No.15: preparation of a questionnaire, scientific expert(s), possible Conference
- 8. Situation in member States concerning judges**
 - Discussion concerning the preparation of a synthesis listing the various infringements against judges in Europe
- 9. Communication strategy of the CCJE and visibility of its work**
- 10. Calendar of future meetings of the CCJE and the CCJE-GT in 2012**
- 11. Any other business**

APPENDIX II

LIST OF PARTICIPANTS

MEMBER STATES / ETATS MEMBRES

ALBANIA/ALBANIE :

Mr Perikli ZAHARIA, Judge of the Supreme Court of the Republic of Albania, Gjykata e Larte, Rr. "Myslym Shyrrri", TIRANA

ANDORRA/ANDORRE :

ARMENIA/ARMENIE :

Mr Stepan MIKAELYAN, Cour civile d'appel de l'Arménie, 23 rue Njdeh, YEREVAN

AUSTRIA/AUTRICHE : (Chair of the CCJE/Présidente du CCJE)

Mr Gerhard REISSNER, Vice-President of the Austrian Association of Judges, President of the District Court of Floridsdorf, Gerichtsgasse 6, 1210 VIENNA

AZERBAIJAN/AZERBAIDJAN :

BELGIUM/BELGIQUE : (Vice-Chair of the CCJE/Vice-Présidente du CCJE)

M. Paul MAFFEI, Conseiller à la Cour de Cassation, Palais de Justice, Place Poelaert, 1000 BRUXELLES

BOSNIA AND HERZEGOVINA/BOSNIE ET HERZEGOVINE :

Ms Meddzida KRESO, Court of Bosnia and Herzegovina, Kraljice Jelena 88, 71000 SARAJEVO,
(excused/excusé)

BULGARIA/BULGARIE :

Ms Maiia ROUSSEVA, Judge, Sofia City Court, 2 Vitosha Boulevard, SOFIA

CROATIA/CROATIE :

Mr Duro SESSA, Justice of the Supreme Court, Trgns Zeinskog 3, 10 000 ZAGREB

CYPRUS/CHYPRE :

Mr Stelios NATHANAEL, Judge of the Supreme Court, Charalambos Mouskos Street, 1404 NICOSIA

CZECH REPUBLIC/REPUBLIQUE TCHEQUE :

Mr Jiri LLENICKA, Vrchni soud v Praze, Nam. Hrdinu 1 300, 140 00 PRAGUE

(excused/excusé)

DENMARK/DANEMARK :

Mr Lene Pagter KRISTENSEN, Judge of the Supreme Court, Prins Joergens Gaard 13, COPENHAGEN

Ms Linda LAURITSEN, Judge, City Court of Roskilde

ESTONIA/ESTONIE :

Mr Meelis EERIK, Estonian Association of Judges, Chairman, Kentmanni 13, 15158 TALLINN

FINLAND/FINLANDE :

Mr Timo ESKO, Judge of the Supreme Court, P.O. Box 301, Eteläesplanadi 3, 00171 HELSINKI

FRANCE :

M. Alain LACABARATS, Président de Chambre, Cour de Cassation, 5 quai de l'Horloge, 75055, PARIS

GEORGIA/GEORGIE :

Mr Irakli ADEISHVILI, Judge, Chairman of the Chamber of Civil Cases, Tbilisi City Court, Nz6 David Aghmastenenbeli Kheiverni, 12-th km, 0131, TBILISI

GERMANY/ALLEMAGNE :

Mr Johannes RIEDEL, Judge, Oberlandesgericht, Reichenpergerplatz, 50670 KÖLN

GREECE/GRECE:

Mr Gerassimos FOURLANOS, Judge of the Supreme Court, Momferatou 103-105 ATHENS

HUNGARY/HONGRIE :

Mrs Ursula VEZEKENYI, Chamber President, Civil Department, Supreme Court, arko utca 16, 1055 BUDAPEST

ICELAND/ISLANDE :

Mr Helgi JÓNSSON, President of the District Court of Reykjavík, The Court House at Lækjartorg, 101 REYKJAVÍK

IRELAND/IRLANDE :

Mr John MacMENAMIN, Judge, High Court, 4 Courts, DUBLIN 7

ITALY/ITALIE :

M. Raffaele SABATO, Juge au Tribunal de Naples, Viale Europa, 130, 80053 CASTELLAMMARE DI STABIA – NAPLES

LATVIA/LETTONIE :

Ms Aija BRANTA, Judge, Constitutional Court of the Republic of Latvia, Nr. 1 Alunana Street, 1010 RIGA

LIECHTENSTEIN :

M. Lothar HAGEN, Juge, Cour de Justice, Fürstliches Landgericht, Aeulestrasse 70 FL-9490 VADUZ
(excused/excusé)

LITHUANIA/LITUANIE :

Mr Virgilijus VALANČIUS, President of the Supreme Administrative Court of Lithuania, President of the European Association of Judges, žygimantu, 2 LT, 01101, VILNIUS

(excused/excusé)

LUXEMBOURG :

M. Jean-Claude WIWINIUS, Président de Chambre, Cour Supérieure de Justice, cité Judiciaire, 2080 LUXEMBOURG

M. Jean-Marie HENGEN, Juge de Paix Directeur, Justice de Paix Esch-sur-Alzette, Place de la Résistance-Brill, 4041 ESCH-SUR-ALZETTE

MALTA/MALTE :

MOLDOVA :

Mr Xenofon ULIANOVSKI, Deputy President of the Court of Appeal, CHISINAU

MONACO :

M. Jérôme FOUGERAS-LAVERGNOLLE, Juge d'Instruction, Juge tutélaire, Palais de Justice, 5 rue Colonel Bellando de Castro, 98000 MONACO

MONTENEGRO/MONTENEGRO :

Ms Valentina PAVLICIC, Judge, High Court of Podgorica, Njegoseva 10, PODGORICA

NETHERLANDS/PAYS-BAS :

Mr Bart VAN LIEROP, Conseiller Gerechtshof Den Haag, Postbus 20302, 2500 EH DEN HAAG

Mr Reinier van ZUTPHEN, Chairman of the Dutch Association of Judges and Prosecutors (NVVR)
P.O. Box 30315, 2500 GH, Lange Voorhout 7, 2514 EA DEN HAAG

NORWAY/NORVEGE :

Mr Nils A. ENGSTAD, Judge, Hålogaland Court of Appeal, P.O. Box 2511, 9271 TROMSØ

Mr. Wiggo Storhaug LARSEN, Judge at Gulating Court of Appeal, Postboks 7412, 5020 BERGEN

POLAND/POLOGNE :

Ms. Katarzyna GONERA, Judge of the Supreme Court (Labour Law, Social Security and Public Affairs Chamber), member of the National Council of the Judiciary of Poland, Office of the National Council of the Judiciary of Poland, International Cooperation Department, ul. Rakowiecka 30, 02-528 WARSAW

PORTUGAL :

M. Orlando AFONSO, Juge à la Cour Suprême, rue Général Humberto Delgado 43, 2^e ét.e., Cova da Piedade, 2800-423 ALMADA

ROMANIA/ROUMANIE :

Mme Bianca TANDARESCU (Chambre Civile et de Propriété Intellectuelle), Cour de Cassation, 25 Batistei Street, Arr. 2, BUCHAREST

RUSSIAN FEDERATION / FEDERATION DE RUSSIE :

Mr Nikolay ROMANENKOV, Justice of the Supreme Court, MOSCOW

SERBIA / SERBIE :

Ms Spomenka ZARIĆ, Judge of the Court of Appeal, Kneginje Zorke 87, 11000, BELGRADE

SLOVAKIA/SLOVAQUIE :

Ms Alena POLÁČKOVÁ, Judge of the Supreme Court, Župné nám 13, 814 90 BRATISLAVA

SLOVENIA/SLOVENIE :

Ms. Nina BETETTO, Judge, Vice-President of the Supreme Court, Tavčarjeva 9, 1000 LJUBLJANA

SPAIN/ESPAGNE :

M. José Francisco COBO SÀENZ, Magistrat, President of the 2nd Seccion at the Audiencia Provincial (Navarra), C/ San Roque S/N, 31071 PAMPLONA

Mr Carlos GÓMEZ MARTÍNEZ, President of the Court of Appeal of the Balearic Islands

SWEDEN/ SUEDE :

Mrs Eva WENDEL ROSBERG, Chief Judge, Malmö District Court, Box 265, 201 22 MALMÖ

SWITZERLAND / SUISSE :

M. Bernard CORBOZ, Juge fédéral, Tribunal fédéral, 1000 LAUSANNE 14

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”/“L’EX-REPUBLIQUE

YUGOSLAVE DE MACEDOINE” : Mrs Aneta ARNAUDOVSKA, Judge, Director of the Academy of Judges and Prosecutors, ul jane Sandanski 12, SKOPJE

TURKEY/TURQUIE:

Mr Mehmet POLAT, Judge, Head of Division, Department of International Law and Foreign Relations, Ministry of Justice, Mustafa Kemal Mah. 2151. Cad. No 34/A Söğütözü ANKARA

Mr Ali Riza ÇAM, Judge, Deputy Head of Department, Department of Information, Ministry of Justice, İstanbul Yolu, 13. Km, Hava Müzesi karşısı, Şaşmaz ANKARA

UKRAINE :

Mr Viktor GORODOVENKO, Head of the Court of Appeal Zaporizhska region, 162 Lenin Avenue, 96005 ZAPORIZHYA

UNITED KINGDOM/ ROYAUME-UNI

Lord Justice Richard AIKENS, Royal Courts of Justice, Strand, LONDON WC2A 2LL

OBSERVER STATES/ ETATS OBSERVATEURS

MISSION OF JAPAN TO THE COUNCIL OF EUROPE / MISSION PERMANENTE DU JAPON AUPRÈS DU CONSEIL DE L'EUROPE:

Mr. Katsumi CHIBA, Justice of the Supreme Court of Japan, 4-2 Hayabusacho, Chiyoda-ku, TOKYO

Mr. Naoki ONISHI, Judge of Tokyo District Court, 4-2 Hayabusacho, Chiyoda-ku, TOKYO

Mr. Hideaki GUNJI, Consul (Attorney), Consulate-Genenal of Japan, Consulate-General of Japan, "Tour Europe" 20 Place des Halles, 67000 STRASBOURG

MISSION OF MEXICO TO THE COUNCIL OF EUROPE / MISSION PERMANENTE DU MEXIQUE AUPRÈS DU CONSEIL DE L'EUROPE

Mr. César JÁUREGUI ROBLES, Counselor, Federal Judiciary Council of Mexico, Insurgentes Sur 2417, San Angel. Alvaro Obregón. C.P. 01000, México, D.F.

Mr. Juan Carlos CRUZ RAZO, Counselor, Federal Judiciary Council of Mexico, Insurgentes Sur 2417, San Angel. Alvaro Obregón. C.P. 01000, México, D.F.

EUROPEAN COMMITTEE ON LEGAL COOPERATION (CDCJ) / COMITE EUROPEEN DE COOPERATION JURIDIQUE (CDCJ)

Mr Edwin KILBY, Head of European Policy, European and International Division, Ministry of Justice, 102 Petty France, LONDON SW1H 9AJ

MEDEL

Mrs Dana GIRBOUAN, Judge of the Court of appeal of Cluj, CJUJ NAPOCA, Romania

SCIENTIFIC EXPERT / EXPERT CONSULTANT

Ms Dory REILING, Vice-President sector bestuursrecht, Rechtbank Amsterdam, S 1.34

OTHER PARTICIPANTS / AUTRES PARTICIPANT

Mme Josianne BIGOT, Présidente de Chambre, Cour d'Appel de Besançon (France) Présidente de l'association THEMIS

**COUNCIL OF EUROPE'S SECRETARIAT /
SECRETARIAT DU CONSEIL DE L'EUROPE**

(CCJE E-mail : ccje@coe.int)

Fax : + 33 (0)3 88 41 37 43

Directorate General of Human Rights and Legal Affairs / Justice Division
Direction Générale des droits de l'Homme et des affaires juridiques / Division de la Justice

Mme Muriel DECOT, Secretary to the CCJE / *Secrétaire du CCJE*

Tel : + 33 (0)3 90 21 44 55, E-mail: muriel.decot@coe.int

Ms Maria ORESHKINA, Co-Secretary of the CCJE / *Co-Secrétaire du CCJE*

(Tel: + 33 (0)3 90 21 40 26, E-mail: maria.reshkina@coe.int)

Mme Emily WALKER, Assistant/*Assistante*
Tel : +33 (0)3 90 21 48 39, E-mail : emily.walker@coe.int

M. Jean-Pierre GEILLER, Documentalist/ Documentaliste
Tel : + 33(0) 88 41 22 27 , Email : jean-pierre.geiller@coe.int

Mme Annette SATTEL : Webmaster
Tel : + 33 (0)3 88 41 39 04 , E-mail : annette.sattel@coe.int

Mme Bertille DOURTHE – Trainee/Stagiaire

INTERPRETERS / INTERPRETES

Amanda BEDDOWS
Corinne McGEORGE
Christine TRAPP