

Concluding Speech of the Minister of Justice, Ekaterina Zaharieva, presented at the Council of Europe High-Level Conference of Ministers of Justice and Representatives of the Judiciary

22 April 2016

Hotel Balkan, Sofia

Dear guests,

The animated discussions which took place give me reason to believe that a forum like this is necessary and useful to support our daily efforts in the strengthening of judicial independence. We all need a strong and impartial judiciary, with no interference in the administration of justice.

I often say to the media that when public pressure enters the courtroom, justice leaves. Compliance with fundamental principles of law will only be ensured by a working judicial system, made up of professional, honourable and competent magistrates. These principles are the essence of the Council of Europe.

I would also like to point out some of the important conclusions and challenges that emerged during the conference; in order to overcome them, the most appropriate and balanced solutions should be proposed by all three branches of government:

- Independence and impartiality are just some of the elements of the rule of law. Without an independent and impartial judiciary, there is no way to ensure respect for human rights and the rule of law;
- The accurate diagnosis of the problems is half the way to solve them. The executive had the opportunity to hear where the problems are according to the magistrates of different countries;
- The existence of constitutional guarantees and legal standards of independence and impartiality are an extremely important but not a sufficient prerequisite;
- Changing the mentality of magistrates, politicians and the media is the most important tool to implement these principles in practice;
- Judicial independence is measured best by the good, timely, impartial and reasoned decisions taken;
- The elements which go together with independence are accountability and responsibility, including civil and disciplinary responsibility of magistrates. They, however, do not have to work under constant fear. The right balance needs to be found in disciplinary proceedings;

- Fighting corruption of the judiciary is one of the most important and most difficult preconditions for judicial independence. Public debate and open discussion of the problems of corruption in the judiciary can be particularly useful in overcoming the problem.
- The executive and the legislative must ensure the financial support of the judiciary.
- Heavy workload, insufficient financing, unjustifiable criticism, inadequate provision of human resources are an obstacle to providing quality and motivated court decisions;
- Undue criticism of the judiciary could undermine public confidence in it. Low level of trust in the judiciary affects all authorities. All of us, but especially the judiciary, must work to strengthen that trust. When people do not believe that they live in a just country, whatever conditions of life they have, however big salaries they get, they will not feel happy;

The most important conclusion is that there will be no public trust without an independent judiciary.

Dear colleagues, I think, on behalf of all of us, I could conclude that the participants in the conference:

- Welcomed the Council of Europe Plan of Action on strengthening judicial independence and impartiality;
- United around the key lines of action in the Plan;
- Expressed their intention to make the necessary efforts to implement these lines of action and to monitor respective progress periodically;
- Encouraged the dialogue and relation between the legislative, executive and judiciary towards strengthening judicial independence and efficiency to the benefit of all citizens;
- And proposed to invite the Council of Europe to use all available resources and instruments to assist Member States in implementing the necessary reforms through its various bodies and committees and through funding by way of voluntary contributions from Member States, joint programmes with the European Union or other appropriate sources.

I hope that we will all leave the conference with the ambition and desire to put to practice the many useful ideas that we discussed. I am convinced that at our next meeting, where we will discuss the progress made in implementing the Plan and today's conclusions, we will be able to report specific results and have a lot more good practices to share.

When I consider the proposals made by some speakers, I think it is appropriate to discuss the possibility of introducing mandatory standards of the Council of Europe regarding judicial independence and impartiality.

Challenges to judicial independence are a threat to democratic security in Europe. Bulgaria confirms its commitment to work toward strengthening judicial independence as a priority of the Bulgarian Chairmanship of the Committee of Ministers of the Council of Europe. I express our willingness to work in this direction also with the future chairmanships of the Council of Europe.

In this context, I propose that a special rapporteur to the Committee of Ministers of the Council of Europe be appointed, with a special mandate to periodically review the results connected with implementation of the measures in the Plan of Action.

There are no old and new democracies – it became clear at the conference that challenges to independence exist in all countries in varying degrees.

In conclusion, I would like to thank all of you again for your active participation, your frankness and your interesting and useful speeches!