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**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)
EUROPEAN CONFERENCE OF JUDGES**

“Judicial integrity and corruption”

**Remarks by Thorbjørn Jagland,
Secretary General of the Council of Europe**

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As delivered

It is a pleasure to be here today and to discuss the role of the judiciary at a critical juncture for Europe.

In recent times I have spoken often about the dangerous rise of populism in some parts of our continent.

This was the subject of my 2017 annual report on the state of human rights, democracy and the rule of law.

Populism is an emotional appeal that harnesses grievance against the establishment.

Its leaders claim exclusive moral authority to act on behalf of the people, thereby undermining the legitimacy of any opposition, institution or dissenting voice.

You don't need me to tell you that the judiciary is seen by many people as the bedrock of the establishment –

Nor that, as an institution, it aims to uphold individual and minority rights in line with the rule of law.

That is of course the very essence of the European Court of Human Rights' purpose, here in Strasbourg.

And it means that the Court and the Convention, as well as European domestic judiciaries are an obvious target for populists who seek to undermine their authority.

You know better than anyone that judges at the national level are coming under attack.

And we will counter that attack together, with the CCJE, GRECO and the Venice Commission as tools to hand.

We will apply the same resolve at the European level.

Because those who aim to undermine the legal system must not be allowed to succeed.

Judiciaries are a key part of the network of checks and balances that maintain a healthy democracy.

But our capacity to defend them is contingent on the maintenance of their integrity.

To rise above the fickle forces of populism, it is essential for the judiciary to win the trust of the people as a whole.

This requires the robust demonstration of their independence, honesty and total opposition to corruption both within their own ranks as well as the cases with which they deal.

Indeed, this will allow them not only to resist populism, but to counter it.

I know that you share these objectives.

The GRECO 4th evaluation round, the conclusions of which will be published later this week, has looked at preventing corruption among members of parliament, judges and prosecutors and this conference builds towards your own 2018 opinion of judicial integrity and corruption, complementing the GRECO report.

Indeed simply by working with the Council of Europe and being part of the CCJE, you have made clear your commitment to our values.

So aside from populism, this morning I would like to go into a little more depth on why these values are timeless and essential, some of the contemporary challenges faced in living up to them, and what might be our best responses.

After all, the fight against corruption is a core issue for the Council of Europe: a bulwark against challenges to democracy and the rule of law.

As we say in our Activity Programme for the coming year, we will be paying particular attention to supporting authorities to undertake concerted action to tackle it.

This is intended to restore and reinforce citizens' trust in public institutions.

But our commitment to deal with corruption from the point of view of criminal, civil and administrative law has been developed and applied over time.

For example our Civil Law Convention on Corruption deals with compensation for damage, liability, and other civil law matters.

Our Criminal Law Convention on Corruption establishes and sets out common standards for offences, including active and passive bribery of public officials, including judges and officials of international courts.

And an Additional Protocol to the Convention requires the establishment of those same offences for domestic and foreign arbitrators and jurors too.

Because the judiciary is charged with fighting corruption at large, there is a special onus on its members to lead by example, hold themselves to the standards they demand of others and nurture a practice of honest public service within their own ranks.

We are clear then that judges must take responsibility themselves for running their courts properly and maintaining high standards of ethical conduct and quality decision-making.

They must ensure also that their members do the same.

Unfortunately we are equally clear that those standards are not always being met in our member states – a fact about which we have been clear in my annual reports, your situation reports and GRECO's work, including its 4th evaluation round.

They are clear: corruption does still exist within the judiciaries of some countries, there remain serious problems with respect to judicial independence and weaknesses in the structures separating the three branches of power.

All of this continues to undermine the authority of the judiciary as a fair and impartial arbiter for all citizens.

Measures to guarantee judicial independence and tackle corruption are therefore still badly needed - and our Action Plans and other instruments are being deployed to help achieve those ends.

That said, the necessary fight against corruption within the judiciary must not be manipulated and deployed as a rationale to weaken or control the activity of individual judges themselves.

For politicians frustrated by judicial decisions, this tactic can prove all too tempting.

When authoritarian or populist leaders can seek reform and strengthen their power by blaming the judicial system for being out-of-touch, self-serving or corrupt, things only get worse.

While there is no justification for this, it does of course only reinforce the need for honest judiciaries in the first place.

So I welcome this event as an opportunity to further extend our ideas and efforts on how we can bolster integrity and counter corruption to an even greater degree among our member states' judiciaries.

It seems to me that there are some obvious starting points to consider.

I welcome the ongoing initiative of the European Judges in thinking about new ways of tackling judicial corruption, and specifically, the role that judges themselves can play.

There is surely scope for GRECO and the CCJE to bring together the lessons that they have learned from their respective missions and shape one coherent Council of Europe message on the approach to fighting this scourge.

And I hope that the CCJE can deploy the findings of GRECO's 4th evaluation in its own work and draft principles aimed at policy makers and justice practitioners so that they can help fulfil in practice the Council's relevant norms and Resolutions on corruption in the judiciary.

These might also help them to complete the CCJE's corpus of own Opinions that defines the status, role and expected behaviour of judges, as outlined in their Magna Carta of Judges.

To be clear, a great deal of good work is being done.

But any corruption is too much corruption, potentially opening the door to populist exploitation of the judiciary in the current political environment.

So I hope that this event allows all of us who would maintain the highest standards in line with Council of Europe values, to hear one another, learn from one another, and work even more closely in the future.

That way the reputation of Europe's judiciaries can be maintained, public trust ensured and their precious role enhanced as a check and balance in our democratic firmament.