

Speech of dr iur Julia Laffranque, president of the CCJE at the award ceremony of the prize „Justice in the World”, Madrid, 3 November 2009

Dear President of the Foundation and of the International Association of Judges (Dr. José Maria Bento Company),

President of *Comunidad Autonoma* de Madrid,

[Secretary General of the Council of Europe (Thorbjorn Jagland),]

Director *General* for Human Rights and Legal Affairs, Council of Europe (Philippe Boillat),

High Representatives of judicial authorities of Spain [(President of the Supreme Court and of the Judiciary Council and President of the Constitutional Court)],

Ladies and gentlemen,

It is an extraordinary honour for the Consultative Council of European Judges (CCJE) to be awarded with the eleventh international prize “Justice in the world.” In the name of the CCJE I would like to express our deepest gratitude to the Foundation Justice in The World, in particular to the president (Dr. José Maria Bento Company) and the executive president (Ruben Jimenez) of the Foundation.

Your Foundation is an irreplaceable instrument of the International Association of Judges in service of the rule of law and democracy.

Judicial independence, stipulated above all in article 6 of the European Convention on Human Rights, is a prerequisite to the rule of law and democracy.

To paraphrase Lord Alexander of Weedon, Queen's Counsel: *Without a democratic society you cannot have an independent legal system and independent judges. But without such a system of law and this kind of judiciary to apply and interpret law, you cannot have true democracy.*

An independent judiciary is important above all for the benefit of people, the seekers of justice.

The CCJE promotes the protection of human rights and fundamental freedoms, safeguards the independence of the judicial power, ensures mutual respect between the legislature, the executive and the judiciary, and gives European citizens increased confidence in the justice system. It provides advice on issues such as the impartiality and competence of judges, and strengthens the role of the judiciary in Europe.

It was a remarkable invention of the Council of Europe to set up the Consultative Council of European Judges in the year 2000. As first of its kind within an international organisation to be composed exclusively of sitting judges as professional individuals who are not accountable to their governments, CCJE is in this respect unique in the world.

The members of the CCJE, judges from all 47 Member States of the Council of Europe, act in their own name. In addition, several states, organisations and associations holding observer status may participate at the plenary sessions of the CCJE: Holy See, USA, Canada, Japan, Mexico, the European Association of Judges, the association "Magistrats européens pour la démocratie et les libertés" (MEDEL), the Association of European Administrative Judges, the European Grouping of the Magistrates for the Mediation (GEMME) and the European Judicial Training Network. The representatives of the European Court of Justice of Human Rights and of the European Union are also invited to attend the meetings of the CCJE. The CCJE has a bureau and a working group.

Speech of dr iur Julia Laffranque, president of the CCJE at the award ceremony of the prize „Justice in the World”, Madrid, 3 November 2009

In order to fulfil its challenging mission as a guarantor of rule of law, judicial independence and efficiency of justice, the activities of CCJE are wide-ranging. The CCJE adopts advisory opinions for the attention of the Committee of Ministers of the Council of Europe, organizes European Conferences of Judges, encourages partnerships in the judicial field between courts, judges and judges' associations and co-operates with European and international bodies of related competence. Furthermore, the CCJE may be called upon to provide practical assistance to help states comply with standards relating to judiciary.

Since its creation, the CCJE has adopted eleven opinions. The opinions address the following subjects: standards concerning the independence of the judiciary; funding and management of courts; ethics and liability of judges; training for judges; law and practice of judicial appointments to the European Court of Human Rights; fair trial within a reasonable time; relations between justice and society and media; role of judges in the protection of the rule of law and human rights in the context of terrorism; role of national judges in ensuring an effective application of international and European law; Councils for the Judiciary and the quality of judicial decision. This year we will adopt together with the Consultative Council of European Prosecutors (CCPE) a declaration on relations between judges and prosecutors in a democratic society.

All the above mentioned documents contain innovative proposals for improving the status of judges and the service provided to people seeking justice.

It is a pleasure to notice that many institutions, bodies and associations (e.g. the European Association of Judges, European Judicial Training Network, European Network of Councils for the Judiciary) as well as countries in Europe and even elsewhere have made extensive use of CCJE opinions. The work of the CCJE has been helpful for the elaboration of the national legislation and regulations on the functioning and administration of justice and organisation of the work of the legal professions. In this context the continuing widespread dissemination of the results of the work of the CCJE is of utmost importance.

Additionally, the CCJE has made more and more an active use of its role to warrant that states not only accept the European principles and standards on the judicial system in theory, but that they also apply them in practice. In this connection the CCJE has reacted to the requests of several members (e.g. Bulgaria, Poland, Romania and Serbia) concerning the situation in their respective justice systems and has watched closely whether the CCJE responses to the problems in these countries have been taken into account. For that purpose, a special pool of experts has been created with a task to examine the circumstances in relevant states. The above mentioned requests have concerned mostly judicial independence, judicial appointments, code of ethics and responsibility of judges.

As already mentioned, another considerable task of the CCJE has been to strengthen the interactions between European judges. Indeed, the real contacts between judges and the mutual exchange of experiences are key elements in building a dedicated European judiciary united in diversity.

In all the documents and activities of the CCJE the protection of judicial independence has been a guiding principle.

However, the judicial independence does not exclude the judiciary from the application of the principles of transparency, responsibility and accountability. Therefore it is noteworthy, that in the

Speech of dr iur Julia Laffranque, president of the CCJE at the award ceremony of the prize „Justice in the World”, Madrid, 3 November 2009

framework of the opinions of the CCJE, for the first time, the judges themselves have elaborated the issues concerning the quality of judicial decisions and the evaluation thereof. Ensuring the quality of justice in general is of crucial importance throughout Europe.

According to the bases for the “Justice in the World” reward, the prize will be awarded to the persons, bodies or institutions who have carried out activities aimed at not only to safeguard the independence and status of the judicial power, but also to increase and improve the knowledge society has concerning the Judicial Power. This is a very significant credit for the work of the CCJE. In fact, the opinions of the CCJE have been mentioned in media and have given possibilities to organise public debates on relevant themes. Nevertheless, the opinions adopted and the conferences organized by the CCJE and other means of communication need to reach more and more European citizens. Judge’s task is not only to adjudicate cases, but also to make sure that decisions are understood, to contribute to raising public awareness, to participate actively in finding the best ways to administer justice while respecting the protection of human rights, fundamental freedoms, the rule of law and judicial independence.

Ladies and gentlemen,

It is a great tribute to receive the prize tonight, as it is an enormous honour and responsibility for me personally to Chair this distinguished body. The CCJE has a very special part in my heart. It is also a source of pride for the Estonian judiciary and certainly for the Supreme Court of Estonia where I serve as a justice at the administrative law chamber and, also, hear petitions for constitutional review.

The functioning of an organisation as highly qualified as the CCJE requires involvement and enthusiasm of many people. At this stage it is impossible to overestimate the role of the former chairs of the CCJE: Lord Jonathan Mance from United Kingdom who served as the first chair of the CCJE, Mr. Alain Lacabarats from France and Mr. Raffaele Sabato from Italy, as well as our vice-chair Orlando Afonso from Portugal. I would also like to thank Mr. Gerhard Reissner from Austria, member of the bureau and Mr. José Francisco Cobo Sáenz, member of the CCJE from Spain. Please allow me to express gratitude to the members of the working group of the CCJE, to all judges and observers of our Council and of course to the past and present Secretariat of the CCJE, in particular to Mrs. Muriel Décot, to Mr. Stéphane Leyenberger and to Mrs. Emily Walker.

The statuette of the “Justice of the World” award represents a globe with scales of justice. Dear president of the Foundation, you are handing over to the Council of Europe and to the CCJE a duty to guarantee the independence and efficiency of the judiciary in our entire planet for at least one year. This responsibility can not be measured in words.

Hopefully this obligation inspires the Council of Europe to continue to support and strengthen the activities of the CCJE both morally and financially.

The CCJE can only assure to you that we will continue within our competences and at our best to make sure that the rule of law and the judicial independence will be respected. The CCJE has already become a distinguished expert for significant European and international working parties covering judicial issues and it should expand its activities in the future. It is necessary to express the judges' vision about the concept and content of justice to the European decision-makers. Thank You!