

LAUDATIO DEL PRESIDENTE DEL JURADO DEL PREMIO INTERNACIONAL "JUSTICIA EN EL MUNDO".

Excmo. Sr. Ernst Markel.

Distinguished Secretary General of the Council of Europe Mr. Thorbjörn Jagland, Excmo. Sra. Presidenta de la Comunidad de Madrid Esperanza Aguirre, Excmo. Sr. Presidente del Consejo General del Poder Judicial y del Tribunal Supremo de España D. Carlos Divar, distinguished Madam President of the Consultative Council of European Judges Dr. Julia Laffranque, distinguished audience, dear friends, queridos amigos.

Creo que es una obligación no solo de cortesía empezar mi elogio actual en el idioma castellano aquí en Madrid, lugar del sede de la Fundación Justicia en el Mundo de la Unión Internacional de Magistr. Y esto, tanto más cuanto que, la idea de crear esta Fundación fue una idea Española. Por ello me alegra particularmente poder saludar desde aquí a una persona que está entre nosotros y que legítimamente podemos calificar como el padre de la Fundación Justicia en el Mundo, nuestro queridísimo amigo el Excmo. Sr. Magistrado del Tribunal Constitucional de España Ramón Rodríguez Arribas. Una vez más nuestros saludos agradecidos, querido Ramón.

No es la primera vez que puedo tomar la palabra en un acto de entrega del Premio Justicia en el Mundo. Lo hice varias veces en preeliminaciones ediciones en mi anterior condición como Presidente de la UIM y de la Fundación Justicia en el Mundo. Por ello me alegro muchísimo que puedo continuar con esto ahora como Presidente del Jurado de dicha Fundación.

Puesto que estamos en un evento internacional, me van a permitir ustedes que continúe en inglés.

The objective of the international award "Justice in the World" is to reward the activities of persons, bodies or institutions that over a considerable period of time have stood out worldwide in acting in concordance with the aims of the International Association of Judges. Another goal of the award of course is to popularize endeavours of such kind.

Therefore the prize specifically is awarded to persons, bodies or institutions that have carried out activities aimed at safeguarding the independence of the Judicial Power as an essential condition for the jurisdictional function, and to guarantee fundamental rights and freedoms, to safeguard the constitutional and moral status of the Judicial Power, and to increase and improve the knowledge society has concerning the Judicial Power.

In granting the prize the jury primarily takes into consideration the dedication and commitment to the values for which the prize is awarded, it evaluates the moral, professional and political prestige of candidates also in the international context due to the activities particularly for the development of the independence of the Judicial Power, and furthermore considers the social influence of the work of candidates, and the efforts in enforcing the fundamental rights and liberties as set forth in divers universal or supranational declarations and conventions.

The 2008 laureate is the Consultative Council of European Judges (CCEJ), an advisory body within the Council of Europe (CoE). However good the laws of a given state may be, they only are effective when enforced by independent, impartial, competent and effective judges. The European Convention on Human Rights and Fundamental Freedoms created the machinery which not only among Europe, but also by similar conventions and supranational documents of other regions of the world, instates an independent judge as the last resort for the solution of any conceivable legal problem.

Therefore the Council of Europe since ever considered and discussed problems relating to judges as having a very high priority. The right to independent and impartial courts and judges to consider civil rights and obligations and to hear any charge against a person as one of the most important Human Rights was enshrined in Article 6 of the European Convention of Human Rights, and already before in Article 10 of the Universal Declaration of Human Rights. Moreover it was reaffirmed by the Council of Europe in the outstanding Recommendation no. 12 of 1994 on Independence, Efficiency and Role of Judges in which is recalled that there always is a need to promote the independence of judges in order to strengthen the rule of law in democratic states.

One of the main concerns of the Council of Europe is the strengthening of the judiciaries in the member states with the objective to ensure mutual respect between the legislature, the executive and the judiciary, and to give the citizens increased confidence in the justice system. In the light of these aims the Committee of Ministers of the Council of Europe set up the Consultative Council of European Judges in the year 2000.

All member states of the CoE may be represented within the CCEJ. The members of the Consultative Council are chosen, where such authorities exist, with the national authorities responsible for ensuring the independence and impartiality of the judges and with the national authorities responsible for managing the judiciary, from among serving judges having a thorough knowledge of questions relating to the functioning of the judicial system combined with the utmost personal integrity. These members act however they might be selected, in their own name, and this is what gives the declarations of the Council not only particular importance but also appropriate force. This means that although in representing a state they act independent in their operations as Council members.

The Consultative Council of European Judges has an advisory function on general questions relating to independence, impartiality and competence of judges. This leads it to prepare opinions for the attention of the Committee of Ministers, and the Committee take such opinions at a base of its decisions. The CCEJ also may receive request for opinions from other Council of Europe bodies. It also is called upon to provide practical assistance to help states comply with the standards relating to judges. Although the opinions take in account existing national situations, they mainly contain innovative proposals for improving the status of judges and the services provided to members of the public seeking justice.

Since the start of its existence the CCEJ issued eleven opinions dealing with the most important aspects of the judiciary as a fundamental pillar and a guarantee of the fundamental rights of the people in democratic societies governed by the rule of law.

Just to show quite plainly the extensive range the Council is covering I want to mention the topics of the opinions issued so far. No.1 deals with the standards concerning the independence of the judiciary and the irremovability of judges, no. 2 is on the funding and the management of courts, no. 3 on ethics and liability of judges,

no. 4 on training for judges, no. 5 on the law and practice of judicial appointments to the European Court of Human Rights, no. 6 on the fair trial within a reasonable time, no. 7 on justice and society, no. 8 on the role of judges in the protection of the rule of law and human rights in context of terrorism, no. 9 on the role of national judges in ensuring the effective application of International and European Law, no. 10 on the councils for the judiciary in the service of society, and no. 11 issued in 2008 on the quality of judicial decisions.

These opinions provide not only the Committee of Ministers but all who are dealing with respective questions with clear and considerable guidelines. They are not only cited and adopted among Europe; their importance is reaching far beyond the old continent across the whole world.

In addition to the important activities of setting generally valid standards the Consultative Council monitors the development in the judiciaries particularly among the member states of the CoE. It is available to give advice when respective problems are emerging which may infringe the functioning of an independent and impartial exercise of the judiciary. The Council is called upon to assist legal systems in complying with the general accepted standards established by itself, gives support in training and retraining of judicial authorities specifically relating to universally valid fundamental rights and freedoms, and provides all authorities and bodies asking for with the experience of its members. One of the most remarkable activities of the Consultative Council in the international context was to provide the European opinion to the draft of the so-called Bangalore Principles of Judicial Conduct, one of the most important recent and generally accepted documents on judicial ethics, created within the fold of the UN, and later on endorsed by the UN Generally Assembly.

In the course of time the operation of the Council is appreciated very high in all parts of the world. The documents for instance were introduced in the framework of the European – Mediterranean Legal Cooperation Project of the European Union and the Council is engaged in close contacts with states of other parts of the world like Mexico and Japan.

A main fountain of justice and peace in Europe is the European Convention of Human Rights and Fundamental Freedoms. Particularly the articles on the guarantees of the fundamental right to an independent, impartial and effective judge

delivering justice in a reasonable time are of utmost importance for all people. The Consultative Council of European Judges became indispensable as machinery for vitalizing the promises of all universal documents dealing with the requirements for the deliverance of justice. By this way the Consultative Council of European Judges, which at a European Judges conference recently was called legitimately the voice of judges in Europe, contributes in an outstanding manner to the development, the formation and the preservation of justice and peace in the world. The jury granting the Foundations' award has no doubt that the Council absolutely is safeguarding the independence of the judicial power as an essential condition for the jurisdictional function, guaranteeing personal rights and freedoms, is safeguarding the constitutional and moral status of the judicial power, and increasing and improving the knowledge societies have on the judicial power. It rightly deserves to be awarded with the 2008 Justice in the World prize of the correspondent Foundation of the International Association of Judges. But the jury, and with it the Foundation Justice in the World, and the international judicial community standing behind it awards this prize to the laureate also as a commitment for the future: namely to continue in upholding and promoting the precious but always jeopardized fundamental right of our fellow citizens everywhere in the world to independent courts and judges in the same spirit and dedication as the Consultative Council of Judges of the Council of Europe did in the past.