



The President

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Report
by the President of the European Association of Judges
October 2013 – April 2014

1. General

The activity of the European Association of Judges has significantly increased over the past six months.

The decisions made in Yalta have been implemented.

Letters were sent to the Prime Minister and Minister of Justice of Slovenia to share with them our concern about the ongoing reforms by which the creation of a department in charge of supervising the organization and management of courts was contemplated. No answer has been received. The Slovenian association has been informed of the steps taken by us.

The resolutions adopted in Yalta following the conference, regarding the composition and powers of the Councils for the Judiciary, were sent to the European Authorities (European Union and Council of Europe) and, by member associations, to a number of national authorities.

2. Participation of the EAJ in the work of the European institutions

The EAJ has continued to work with the various European institutions.

2.1. Council of Europe

2.1.1. European Commission for the Efficiency of Justice (CEPEJ)

I personally attended the meeting of the CEPEJ in Strasbourg on December 5 and 6, 2013.

In addition to the preparation of the report on the assessment of the European judicial systems, which will be published in the fall of 2014, the meeting mainly focused on the quality of Justice and the length of judicial proceedings.

The CEPEJ is currently working on judicial architecture (construction and renovation of courts of Justice, the symbols of Justice, security, the handling of flows of users, impacts of the dematerialization of procedures, ...). Proposals for guidelines should be debated soon.

Simultaneously, consideration is being given to the situation of expert witnesses, in particular regarding essential issues such as their remuneration, the contractualization of procedure under the supervision of judges, the standardization of procedures and forms, professional ethics and responsibility.

The problems of expert witnesses will also be dealt with soon within the framework of the ongoing reflection on the length of judicial proceedings, which will also include work on the enforcement of court decisions.

On a more general basis, beyond the purely statistical compilation of activity data, the determination of simple usage indicators used to measure the quality of Justice is being contemplated. For that matter, the CEPEJ prepared in 2008 a highly detailed check-list of possible indicators.

Two documents were also adopted: the first one on guidelines to be applied in the event of a reform of the judicial map, the other on a satisfaction questionnaire to be completed by the users of Justice.

A summary of the above work is available on:

<https://wcd.coe.int/ViewDoc.jsp?id=2137617&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679>

Other bodies of the Council of Europe, where the EAJ has the status of observer, were given the opportunity to express themselves in connection with this work.

In 2013, the **Consultative Council of European Judges (CCJE)** adopted an opinion on the relationship between judges and lawyers:

[https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE\(2013\)4&Language=lanFrench&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE(2013)4&Language=lanFrench&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

In 2014, the CCJE will focus on the issue of the assessment of judges.

In 2013, the **Consultative Council of European Public Prosecutors (CCPE)** studied the relationship between public prosecutors and the media:

[https://wcd.coe.int/ViewDoc.jsp?Ref=CCPE\(2013\)4&Language=lanFrench&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CCPE(2013)4&Language=lanFrench&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

For 2014, it has been entrusted with the preparation of a synthesis on standards and norms applicable to public prosecutors in Europe, on the basis of recommendations of the Council of Europe, previous opinions of the CCPE and any other international instruments.

2.1.2. Council of Europe's Conference of International Non-Governmental Organizations.

On the occasion of the convention in St-Gall, it was decided to resume contacts with the Council of Europe's Conference of INGOs.

The EAJ was officially invited to attend the winter session in Strasbourg from January 27 to January 30, 2014.

Jose Manuel Igreja Matos, Vice-President of the International Association of Judges, represented the EAJ. He had the opportunity to present our organization and to explain our work and objectives. He also had informal conversations with delegates and the President of the Conference, Jean-Marie Heydt, who is also the President of the North-South Centre of the Council of Europe. The contacts made continued after the conference. A more detailed oral report will be given during the meeting in Limassol.

In February, member organizations were informed of the possibility to pay €120 for the optional annual fees and of the initiation of an exceptional subscription intended to give the Conference of the INGOs the opportunity to increase its budget.

After discussing the matter with the members of the EAJ's Bureau, it was decided not to give a positive answer to the said request.

2.2. European Union

2.2.1. "Ways to Brussels" working group

Following on the previous meetings, the members of the group have continued their work.

Besides the preparatory work for the "Assises de la Justice" (see below), Peter Schneiderhan has kept in touch with Mr. Emmanuel Crabit, DG Justice of the European Commission, Head of the unit in charge of "general justice policies and judicial systems".

The group also discussed the future of the post-Stockholm process, which is the successor to The Hague and Tampere processes and defines political orientations via an action plan in the field of freedom, safety and Justice.

[http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_u
nion/jl0034_fr.htm](http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/jl0034_fr.htm)

Pending the strategic orientations of the European Council, the process started with the Council for Justice and home affairs on March 3-4, 2014, continued with the plenary session of the European Parliament on March 10-13, 2014, and, on March 11, the European Commission issued two communiqués stating the main political priorities and presenting a summary of its achievements and the concrete measures which, according to the Commission, should be contemplated.

The purpose is to define the strategic orientations which must be followed in the future in the field of Justice and home affairs, to maintain the Stockholm program which governs the European area of freedom, security and justice till the end of December 2014.

The plan to set up a European Public Prosecutor's office is still under study.

We will communicate on the above issues during the meeting in Limassol in order to determine joint positions.

2.2.2. “Assises de la Justice”

In early July 2013, the EAJ received an invitation to attend the “Assises de la Justice”, an international conference on the role of Justice in the European Union, in Brussels on November 21-22, 2013.

As agreed in Yalta, the “Ways to Brussels” working group prepared a contribution, validated by the Presidency Committee (see on [www. http://ec.europa.eu/justice/events/assises-justice-2013/discussion_papers_en.htm](http://ec.europa.eu/justice/events/assises-justice-2013/discussion_papers_en.htm) no. 20), which was forwarded to the European authorities.

The EAJ delegation consisted of myself, Gerhard Reissner, Jose Igreja Matos, Duro Sessa, Viviane Lèbe-Dessard, and Peter Schneiderhan for the EAJ, Thomas Stadelmann, Reinier van Zutphen, and Pol van Iseghem for their respective national associations.

After all the speakers had introduced themselves, I was able to take the floor to give a detailed presentation of our contribution. I also stressed the necessity to impose in Europe high standards for the independence and efficiency of the judicial system, and noted that, although standards do exist for the admission of States to the EU (Copenhagen principles), there is no system to cause them to be complied with after admission. I concluded my presentation by saying that these joint standards should follow the Council of Europe's recommendation 2010/12.

Gerhard Reissner then expressed the desire to have all the ministers of Justice of the member states really implement this recommendation in their own States.

Both presentations can be compiled on:

<https://scic.ec.europa.eu/streaming/index.php?es=2&sessionno=a5585a4d4b12277fee5cad0880611bc6>

<https://scic.ec.europa.eu/streaming/index.php?es=2&sessionno=a0205b87490c847182672e8d371e9948>

Although the proceedings were interesting as a whole with respect to the four topics (efficiency of the legal system, independence of Justice, rule of law, and creation of a European judicial area based on mutual trust), no decision was made as to orientations.

2.3. European Forum for Restorative Justice (EFRJ)

The EAJ was contacted by the EFRJ to participate in a number of events as experts. The next meeting will take place in Brussels on June 2 and 3.

After consultation with Viviane LEBE-DESSARD, member of board of EAJ, EAJ will be represented by Anne FRESON, Vice President of the Belgian section of the IAJ.

You may get information on the work of this organization by following the link:

<http://www.euforumrj.org/home>

2.4. European Judicial Training Network (EJTN)

The International Association of Judges was contacted by the l'EJTN, which is comprised of training bodies for judges from the 28 countries of the European Union.

The EJTN was awarded a contract, further to an invitation to tender, by the European Commission who is planning to implement a pilot project approved by the European Parliament on the promotion of cooperation between judicial stakeholders concerned by European judicial training.

http://ec.europa.eu/justice/newsroom/contracts/files/2012s132-218282/invitation_en.pdf

The main purpose of the project is to promote cooperation between the EJTN and its members on the one hand, and the other providers of judicial training, in particular judicial organizations at European-level, on the other hand.

As president of the International Association of Judges, Gerhard Reissner replied and insisted on the work performed in particular by the 4 study commissions of the Association and on the role played by the EAJ in Europe vis-à-vis international organizations.

3. Partnerships with the EAJ

On the occasion of the meeting in Saint-Gall, it was decided, beyond the long-lasting relationship with the International Union of Notaries, to get in touch with various associations and organizations representing legal or judicial professions.

These various associations were contacted by telephone and by email. No formal meetings have taken place since Yalta, but informal contacts have been established with the European Union of Rechtspfleger (EUR) and the International Union of Judicial Officers (UIHJ).

4. Working group on the status of member associations

Since the previous meeting of the EAJ in Yalta, I have asked the working group to focus on the situation:

- in Armenia further to the two letters sent by the association of judges of the Republic of Armenia, where they mentioned difficulties regarding the salaries and retirement pensions of judges.

- in Turkey further to information provided by the President of the association of Turkish judges (YARSAV) on developments in the status of judges in Turkey and the pressure exercised by the political powers.

A report by the president of the working group is joined to this report.

More specific information on actions carried out by the EAJ's bureau is listed in paragraph 5 below. The said situations will be listed on the agenda of the meeting in Limassol.

Reflection (which was approved in principle in Saint-Gall) on the amendment to the EAJ's Articles of Association in order to institutionalize the working group on the status of member associations has been brought to a successful ending.

The draft amendment to the Articles of Association was sent to member associations by email on January 20, 2014 in order to allow for its examination and discussion during the meeting in Limassol.

5. Difficulties encountered in various European countries

5.1. Slovenia

As already mentioned, a letter was sent to the Slovenian authorities to convey our concern about the creation of a department with extensive powers at the ministry of Justice, in charge of the management of courts.

Those letters have not been received any reply and the Slovenian association has not informed us of the adoption, if any, of the provisions in question.

5.2. Turkey

On January 9, 2014, on the basis of information circulated by the media on the situation of Justice and the judiciary in Turkey, I wrote to the president of YARSAV to make a few enquiries and advise him that the EAJ could intervene to support the Turkish judges.

On January 14, as a result of his alarming reply, I submitted the situation to the working group chaired by Stephan Gass and, on the following day, I sent a letter to the European authorities (namely the Secretary General and President of the Parliamentary Assembly of the Council of Europe, the President of the Venice Commission, the President of the European Parliament, the Vice-President of the European Commission in charge of justice and fundamental rights), by which I expressed our profound concern about the developments taking place in Turkey and in contradiction with any international standards.

On February 7, 2014, YARSAV organized a symposium in Istanbul on "the separation of powers, the independence of Justice and the council of the judiciary". Since I was on vacation, I was not able to attend. Gerhard Reissner, President of the IAJ and CCJE, was able to attend and represented the EAJ.

On February 18, 2014, the CCJE circulated a report on the situation in Turkey, which was officially sent to me.

In late February, the Turkish colleagues informed me that the reforms had been adopted by the Turkish Parliament and that it could be helpful to write to the Turkish President before the texts were enacted.

Therefore, I wrote to Mr. Gul on behalf of the EAJ to convey our most profound concern at the situation of Justice in Turkey. Several member associations of the EAJ (Austria, France, Portugal, Italy, Belgium, Poland, Iceland, Macedonia, Spain, the Netherlands, ...) and regional groups such as IBA and ANAO did the same.

On March 4, 2014, the working group on the situation of member associations sent me a report in the form of a draft letter to the European authorities.

The next day, a letter was sent to the Turkish President and to the following European and international officials:

- Mr. Baudelaire Ndong Ella, President of the Human Rights Council at the United Nations,
- Mrs. Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers (UN)
- Mr. Didier Burkhalter, Chairperson-in-office of the OSCE
- Mr. Herman Van Rompuy, President of the European Council
- Mr. Jose Manuel Barroso, President of the European Commission
- Mrs. Catherine Ashton, High Representative of the European Union for foreign affairs and security policy
- Mrs. Viviane Reding, Vice-President of the European Commission - Justice, fundamental rights and citizenship
- Mr. Stefan Fule, Member of the European Commission - Enlargement
- Mrs. Rias Oomen-Ruijten, Rapporteur for Turkey (European Union)
- Mr. Martin Schultz, President of the European Parliament
- Mr. Thorbjorn Jagland, Secretary General of the Council of Europe
- Mr. Jean Claude Mignon, President of the Parliamentary Assembly of the Council of Europe
- Mr. Nils Muiznieks, High Commissioner for human rights at the Council of Europe
- Mr. Bart Van Lierop, President of the Consultative Council of European Judges
- Mr. Antonio Mura, President of the Consultative Council of European Public Prosecutors
- Mr. Gianni Buquicchio, President of the Venice Commission
- Mr. Dean Spielmann, President of the European Court of Human Rights

Answers were received from Messrs. Barroso, Burkhalter, Fule, Jagland, Schultz, Mignon, Spielmann, Muiznieks and Buquicchio (or from their services).

All of them expressed concern about the situation in Turkey and thanked the EAJ for its report and its commitment to the independence of Justice in Europe.

The President of YARSAV was kept informed of the steps undertaken and of the answers given to the various letters.

5.3. Armenia

In December 2013, the association of judges of the Republic of Armenia asked me to intervene with the Armenian authorities further to the presentation of a bill on the salaries of judges, which would lead to a reduction in remunerations.

After discussing the matter with the Presidency Committee, it was decided to refer the issue to the working group chaired by Stephan Gass and to immediately send letters to the Armenian authorities, by which they were reminded of international standards and of the previous resolutions adopted by the EAJ and the IAJ. They were also informed that the matter had been referred to the working group and that we were concerned about the developments.

On January 23, the association of judges of the Republic of Armenia asked me once again for an intervention further to a bill on the retirement pensions of judges.

It was decided not to send another letter to the Armenian authorities to convey our concern, but to refer this new issue to the working group.

On February 11, 2014, I received an answer from the Ministry of Labor of the Republic of Armenia. It was written in Armenian and I was not able to take cognizance of it. It was transferred to our Armenian colleagues.

A report will be given on the overall situation in Armenia during the meeting in Limassol.

5.4. Other countries

Given the political situation in the Ukraine, I have asked Vice-President Valancius to make enquiries with representatives of the association of Ukrainian judges. No request for support has been made.

I have not received any information on the situation in other countries.

6. The EAJ's organization and actions

6.1. Data base

It was decided during the meeting in Yalta to create a data base containing the details of institutional partners in Europe and a data base containing the same kind of information for the various member states, in order to facilitate the circulation of the resolutions adopted during conventions and of the letters of the EAJ's President.

I have established the data base on European officials and transferred it to the Secretary General. It may be communicated to the associations who are interested.

Regarding national officials, an email with a table to be completed was sent to the member associations on December 6. A few of them have answered.

The table will be circulated during the meeting in Limassol.

6.2. Exchange of information between associations

Over the past few months, enquiries on specific matters have been made by several member associations on the “discussion group”, which enables the circulation of messages in particular from the Secretariat General and the Presidency.

Thus, in January, the Swiss association made an enquiry on the assessment of judges and the Serbian association on the declarations of interest. We also received in March an enquiry from the Lithuanian association about retirement.

I do not have any information on the number of answers received further to the said enquiries, but I believe that such practices should be encouraged.

6.3. EAJ questionnaire on the situation of Justice in Europe

During the last meetings of the EAJ, it was decided to take stock of the situation of Justice in Europe in 2014.

The idea of a conference, which had been mentioned, has not been maintained for the time being for budgetary reasons. The drafting of a report to be widely circulated in Europe among the national and European authorities received the support of the members of the Presidency Committee.

To allow for the drafting of such report, a questionnaire was prepared. It was first sent on December 4, 2013. Associations were requested to return the completed questionnaires by January 15. A reminder was sent on January 17 and extended the deadline till February 8. Given the fairly few replies received, a second reminder was sent on March 25. Associations were asked to return the questionnaires in June at the latest.

To this day, we have only received answers from the following associations: Austria, Latvia, Georgia, Portugal, the United Kingdom, the Netherlands, Spain, France, Ireland, Iceland, Belgium, Croatia, Slovenia, Turkey, Germany, Azerbaijan, Switzerland, Greece, and Hungary.

I would like to encourage the other associations to complete the questionnaire quickly.

The issue will be discussed during the meeting in Limassol. It will be necessary to set up a group in charge of making a synthesis of the reports and of preparing the communication that the EAJ could possibly make in next September.

7. The EAJ budget

The EAJ budget for the financial year is €24 438,74 (including €21 438,74 of reserves and €3,000 for the contribution by the IAJ for 2014).

6 European associations have not sent their contributions for 2014 and two others have not done for years 2013 and 2014. I invite them to regularize their situation.

Expenditures (€1 919,51) are mainly comprised of travel expenses incurred for the Assizes of Justice in Brussels and the trip of Vice-President Igreja Matos to Strasburg for the INGOs' conference.

My own travel expenses were covered by the French association.

Financial data are appended to this report.

The modesty of the EAJ's budget hinders the development of our work in Europe. Changes should undoubtedly be contemplated within the next few years.

8. Next meetings

The next meeting of the IAJ (and therefore of the EAJ) will take place in Foz do Iguazu (Brazil) from November 8 to November 14, 2014 at the "Recanto Cataratas Thermas Resort & Convention » (www.recantocataratasresort.com.br). Invitations to attend and the program were sent to the member associations on April 9, 2014.

During the meeting in Yalta, the Polish colleagues offered to host the 2015 EAJ convention in Warsaw. Information will be given in Limassol about the organization of the convention.

Associations are invited to let us know if they are interested before we contemplate organizing the EAJ convention in 2016.

9. The EAJ within the IAJ

9.1. Actions of the Presidency Committee

The Presidency Committee has not met since the Yalta Convention. The next meeting will take place in Rome on June 27 and 28, 2014.

Exchanges by email increased between the members of the Presidency Committee and the Secretariat General in order to speed up the decision-making process.

The IAJ's newsletter was circulated on February 28, 2014.

The IAJ has also been invited to attend the meetings of the HcCH (http://www.hcch.net/index_fr.php) with observer status. It plans to give a positive answer thereto once the financing issue has been settled.

9.2. United Nations questionnaire on the training of judges in human rights matters

In February 2014, further to discussions with Mrs. Gabriela Knaul, the Special UN Rapporteur on the independence of judges and lawyers, during the meeting in Yalta, the

EAJ's Presidency Committee received a questionnaire (in English, French and Spanish) on the Manual for the training of judges on international human rights law.

The questionnaire will soon be forwarded to the member associations of the various regional groups, including the EAJ.

In order to be able to exploit the collected data, Mrs. Knaul would very much like to have the completed questionnaires returned to the secretariat general by the end of June.

This will be dealt with during the meeting in Limassol.

9.3. Spring regional meetings

The Ibero-American group will meet in Santo Domingo (Dominican Republic) from April 27 till May 1. I will attend in my capacity as President of the EAJ.

The African group will meet in Niamey (Niger) and the ANAO group in Toronto (Canada) in early June. For budgetary and availability reasons, I will not be able to attend these two regional meetings.

9.4. Applications to join the IAJ

Now that the association of judges of Montenegro actually joined during the meeting in Yalta, there is still one application to join under examination, that of the association of judges of Russia.

The Presidency Committee has appointed two rapporteurs (Vice-President Virgilijus Valancius, Lithuania, and Vice-President Robert Blair, Canada). It was not possible to submit the report prior to the meeting in Yalta.

On May 22 and 23, the Russian association will hold a meeting of its governing bodies, followed by a conference on the independence of Justice. Both rapporteurs and myself had planned to attend.

Personally, due to the geopolitical developments in Ukraina, I had indicated that it seemed inappropriate to attend this conference. The conference was finally canceled by the organizers. They have also asked us to suspend the admission process of the Association of Russian judges to the IAJ.

The Russian association was invited, at its request, to attend as an observer the EAJ meeting in Limassol. Due to the circumstances, I don't know if our Russian colleagues will attend our next meeting.

Apart for applications to join already under examination, the Secretariat General has received several other applications from colleagues of the associations of Iraq, Yemen and Palestine.

9.5 – Situation of former extraordinary members

During the meeting in Washington D.C., the IAJ's articles of association were amended and the status of extraordinary member was terminated. It was decided that the associations with

the former status of extraordinary member should provide “*the report provided for under Article 6 of the Articles of Association and Article 13, paragraphs 1 through 6 of the Rules of Procedure within one year of the adoption*” of the new status. It was also provided that the Presidency Committee should appoint a rapporteur in charge of “*preparing, within one year, a report ensuring that the criteria laid down in Article 4, paragraphs 2 and 3 of the Articles of Association and Article 11 of the Rules of Procedure were complied with by the association*”.

Five European associations were concerned: Albania, Azerbaijan, Bosnia-Herzegovina, Serbia and Turkey.

The IAJ’s Presidency Committee had decided in Yalta that, on the basis of the questionnaire and report which had been submitted, the association of Serbian judges fully met the criteria laid down for joining the IAJ.

Further to proceedings made electronically and after receiving the questionnaires and reports pertaining to the associations of Albania and Turkey, the Presidency Committee decided that both associations also met the criteria for joining.

The situation appeared more complex with respect to the associations of Azerbaijan and Bosnia-Herzegovina.

As far as Azerbaijan is concerned, although a report has been filed, it does not provide evidence of the association’s compliance with the criteria laid down for joining. Besides, the questionnaire was sent by the association of Azerbaijan only on December 4, 2013 further to a reminder by the secretariat general suggesting that the Presidency Committee could contemplate excluding them after taking the advice of the European regional group at its spring meeting.

As for Bosnia-Herzegovina, no report could be filed and numerous exchanges between the rapporteur and the representatives of the association did not enable to organize any working meeting. The questionnaire was neither completed nor sent to the secretariat general. Further to a reminder from the IAJ’s secretariat general on December 3, specifying that the procedure for exclusion could be implemented after taking the advice of the European regional group, the representatives of the association of Bosnia-Herzegovina advised that the structure of the association had been changed and that the questionnaire would be sent before the end of December. The questionnaire does not seem to have been sent yet.

Under the circumstances and in conformity with the IAJ’s Articles of Association, the situation of both associations will be examined at the meeting in Limassol in order to give the Presidency Committee the opportunity to make a decision during its June 2014 meeting in Rome.

9.6. IAJ website

The IAJ website has continued to be updated.

Virtually all of the documents of the former website have been migrated. A space dedicated to the EAJ has been provided. It can be accessed with the following link: <http://www.iaj-uim.org/iuw/events-news-eaj/>

Thanks to the secretariat general, it is possible to find on said website the main actions undertaken, in particular those pertaining to the Assizes of Justice and support to the Turkish judges.

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