

THE CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)



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COUNCIL OF EUROPE



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■ **The rule of law is one of the core pillars of the Council of Europe and the judiciary is a main part of these pillars. It was to strengthen the role of judges in Europe that the Committee of Ministers set up the Consultative Council of European Judges (CCJE) in 2000.**

■ The CCJE is an advisory body of the Council of Europe on issues relating to the independence, impartiality and competence of judges. It is the only body within an international organisation to be composed exclusively of judges, and in this respect, it is unique in Europe, indeed in the world. By establishing the CCJE, the Council of Europe gives priority attention to the status of judges and the quality of the justice system, the rule of law and the promotion and protection of human rights and fundamental freedoms depend for their implementation, on a strong and independent judiciary, mutual respect between the legislative, the executive and judicial powers, and European citizens' increased trust in their justice system.

CCJE COMPOSITION

■ **The 47 member States of the Council of Europe are represented in the CCJE. These representatives are appointed, where appropriate, in consultation with the councils for the judiciary (or similar bodies). They are serving judges, with an in-depth knowledge of questions relating to the functioning of the judicial system combined with a high level of personal integrity. The members of the CCJE act in their personal capacity.**

■ Observers to the CCJE include the European Association of Judges (EAJ), the association "Magistrats européens pour la démocratie et les libertés" (MEDEL), the European Federation of Administrative Judges,

■ the “Groupement des Magistrats pour la Médiation” (GEMME), the European Network of Judicial Training (ENJT) and the European Network of Councils for the Judiciary (ENCJ).

MISSION

■ The work of the CCJE is defined in the context of the implementation of Article 6 of the European Convention on Human Rights and, in particular, the right to an independent and impartial court. The CCJE gives advice to the Committee of Ministers, and through this latter, to the member States, on issues relating to the status of judges and the exercise of their duties.

OPINIONS OF THE CCJE

■ To fulfil its mission, the CCJE provides advice and guidance in the form of Opinions. These Opinions are usually prepared by a working group, on the basis of surveys carried out in member States, and adopted at its plenary meetings.

■ The opinions are transmitted to the Committee of Ministers and the member States in charge of their domestic implementation.

■ **The Magna Carta of European Judges adopted by the CCJE in November 2010 recalls, summarises and codifies the fundamental principles contained in these Opinions.**

Until 2015, the CCJE had adopted the following Opinions:

- ▶ Opinion No. 1 (2001) on standards concerning the independence of the judiciary and the irremovability of judges;
- ▶ Opinion No. 2 (2001) on the funding and management of courts with reference to the efficiency of the judiciary and to Article 6 of the European Convention on Human Rights;
- ▶ Opinion No. 3 (2002) on the principles and rules governing judges' professional conduct in particular ethics, incompatible behaviour and impartiality;

- ▶ Opinion No. 4 (2003) on appropriate initial and in-service training for judges at national and European levels;
- ▶ Opinion No. 5 (2003) on the law and practice of judicial appointments to the European Court of Human Rights;
- ▶ Opinion No. 6 (2004) on a fair trial within a reasonable time and judges' role in trials, taking into account alternative means of dispute settlement;
- ▶ Opinion No. 7 (2005) on justice and society;
- ▶ Opinion No. 8 (2006) on the role of judges in the protection of the rule of law and human rights in the context of terrorism;
- ▶ Opinion No. 9 (2006) on the role of national judges in ensuring an effective application of international and European law;
- ▶ Opinion No.10 (2007) on the Council for the Judiciary at the service of society;
- ▶ Opinion No. 11 (2008) on the quality of judicial decisions;
- ▶ Opinion No. 12 (2009) on the relations between Judges and Prosecutors in a democratic society;
- ▶ Opinion No.13 (2010) on the role of judges in the enforcement of judicial decisions.
- ▶ Opinion No.14 (2011) on justice and information technologies (IT);
- ▶ Opinion No.15 (2012) on the specialisation of judges;
- ▶ Opinion No.16 (2013) on the relations between judges and lawyers.
- ▶ Opinion No.17 (2014) on the evaluation of judge's work, the quality of justice and respect for judicial independence. In 2015, it should adopt an essential Opinion on the independence of the judiciary and the relationships with the other powers in a modern democratic state:
- ▶ Opinion No.18 (2015) on the position of the judiciary and its relation with the other powers of state in a modern democracy.

■ In 2016, the CCJE should adopt an Opinion on the role of Court Presidents.

■ The opinions of the CCJE are available in several languages on the CCJE website (www.coe.int/CCJE) or can be obtained on simple request to CCJE@coe.int.

Targeted co-operation

■ The CCJE may be requested by member States to look into particular problems facing their justice system. It may be asked for assistance by a body of the Council of Europe (Committee of Ministers, Parliamentary Assembly, Secretary General) or by one of its members, in order to provide answers to topical questions and to provide support to the member States, in order to enable them to comply with European standards on some particular situations concerning judges. The CCJE can visit the country concerned to discuss ways of improving the situation, in the legislative and organisational fields.

■ The CCJE is also required to encourage and develop partnerships in the judicial field between courts, judges and judges' associations.

Report on the situation of the judiciary and judges

■ The CCJE regularly updates for the attention of the Committee of Ministers a situation report on the judiciary and judges in the Council of Europe member States. This report gives an overview of the information submitted to the CCJE concerning alleged infringements in member States of standards governing the status of judges and the exercise of their functions. The CCJE underlines the importance of examining the alleged infringements in particular in the context of the European Convention of Human Rights and the case law of the European Court of Human Rights. It also takes into consideration namely the European Charter on the Statute for Judges (1998) and Recommendation Rec(2010)12 on judges: independence, efficiency and responsibilities and relies on its Opinions and its Magna Carta for Judges.

FURTHER INFORMATION

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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