



Opening speech General Assembly ENCJ 4 June – Raad voor de rechtspraak

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Effective Justice systems

Your Excellencies, distinguished guests, ladies and gentlemen,

I am honoured to welcome you here at the Peace Palace in The Hague, city of peace and justice for the 2015 General Assembly of ENCJ.

A special welcome to our two distinguished guests Ms Vera Jourova and Ms Eleanor Sharpston.

The Peace Palace was built more than 100 years ago to ensure peace around the world.

Amidst an arms race of the greatest nations, Russian Tsar Nicolas II took a remarkable initiative.

In 1898 he invited all the great nations for an international conference on peace and disarmament in The Hague.

The Peace conference was held in The Hague, a symbol of neutrality.

No decision was taken on complete disarmament.

However, the Peace conference established the Permanent Court of Arbitration to facilitate arbitration and other forms of dispute resolution between states.

Justice was already acknowledged as a pillar of peace and stability.

The Peace Palace opened officially on 28 August 1913.

Today, it is a historic landmark in The Hague and is considered the seat of international law.

It houses the International Court of Justice, the Permanent Court of Arbitration and The Hague Academy of International Law.

As you might imagine the decision to host the General Assembly here was an easy one.



Today, our judiciaries face different challenges than 100 years ago and even 10 years ago when the ENCJ was established.

We have to work continuously on ensuring that the rule of law all over Europe works along the same lines, with the same standards and the same values.

In the end, each European citizen has to be confident that he can get access to justice in a comparable fashion whether it be in The Hague or in Zagreb.

The network started with the idea to cooperate amongst judiciaries due to rapid developments within the European Union and because of increasing responsibilities for judges.

Of course, cooperation is still at the core of our network.

We started in a position in which we reacted to developments around us; we now find ourselves in the position that our laborious work is contributing to a broader development within the context of the European Union.

My predecessor, one of the founding fathers of ENCJ, said that ‘the fact that there is no blueprint for Councils for the Judiciary makes it imperative to work together and to learn from each other’s experiences.’

I would like to add to that cooperating, learning and challenging each other within the network will help develop us further and result in effective justice systems in Europe.

One example where as a network we contribute to the development of judiciaries in the EU is the report on Independence and Accountability.

As Chairman of the Working group Independence and Accountability, I am particularly proud that the ENCJ produced this report.

I can tell you that it was a very intense and complicated process to finish this report and give recommendations that will help our judiciaries.

I am honoured that EU Commissioner of Justice Ms Jourova is present today at the start of the General Assembly to receive the first results of the report on Independence and Accountability.



In 2013 the ENCJ decided to start the project Independence and Accountability.

For 2013-2014 we started as a working group with a pilot amongst our own judiciaries to define the indicators.

This year, we used the feedback of the pilots to really develop the questionnaires on Independence and Accountability.

Furthermore, and this is really unique, a questionnaire was sent to all the judges.

Almost 6,000 judges in more than 20 countries responded on questions such as “During the last two years I have been under inappropriate pressure to take a decision in a case or part of a case in a specific way”. Or “I believe judges in my country have been appointed other than on the basis of ability and experience during the last two years.”

Of course, it is never easy to be confronted with discrepancies or ineffective procedures within our own judiciaries.

For some of the contributors the challenges may seem bigger than predicted.

However, I really believe that through this process we can really learn from each other and excel as judiciaries.

I applaud the members and observers who decided to contribute, even when beforehand the outcome and direction of the report were unpredictable.

Also, I encourage members and observers to use the report for their own benefit.

All of the governments in the EU have gone through extensive budget cuts in the past years.

Often these budget cuts also hit the Judiciaries.

It is the easy way to accept this and allow for a standstill or even deterioration.

We have to send the message that to ensure effective justice, judiciaries should have enough funds, be independent and accountable.



de Rechtspraak

Challenged by the Ministry of Justice on budget issues or presented with drastic changes in legislation, the report can be used to promote progression instead of stagnation.

To promote communication instead of silence.

And to promote independence instead of dependence.

I believe it will help us to contribute to the development of effective justice systems.

Finally, I would like to come back to the idea of the Peace Palace and its current occupants.

Promoting peace through justice.

Let's keep this in mind as we work as judges in our courtrooms.

When we as Councils assure independent and accountable judiciaries. And when we as a network contribute to effective justice in the whole of Europe.