

Strasbourg, 17 March 2022

CDL-PI(2022)025

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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

in cooperation with

**THE UNIVERSITY LA SAPIENZA, ROME and**  
**THE UNIVERSITY OF BARCELONA**

**International Round Table**

**SHAPING JUDICIAL COUNCILS  
TO MEET CONTEMPORARY CHALLENGES**

**University La Sapienza, Rome  
Aula Magna, Rectorate Palace  
Piazzale Aldo Moro, 5, 00185 Roma RM, Italy**

**Monday 21 March 2022, 10:00 am – 6:30 pm  
Tuesday 22 March 2022, 9:30 am – 1:00 pm**

**(Hybrid format)**

**PROGRAMME**



*The Round table was co-financed by the project "Instrumentos contramayoritarios en el estado constitucional (PID2019-104414GB-C32) of the Spanish Ministry of Research and by the European Union's Horizon 2020 research and innovation programme under grant agreement No. 822590, DEMOS.*

## Introduction - International Round Table

### “Shaping judicial councils to meet contemporary challenges”

While there is a variety of systems of judicial governance in Europe, the most common model is based on the institution of a judicial council – an autonomous public body, usually composed of judges and lay members in different proportions, and exercising powers related to the career and discipline of judges, and also performing some administrative and standard-setting functions. This model has been recommended by the Council of Europe bodies as a means to avoid the two opposite risks of corporatism (and ensuing lack of accountability of the judicial system) and politicisation (undue influence of the parliament and government over the judicial system).

Finding the right balance between independence and accountability has proved challenging in some Council of Europe member States, where frequent and repeated reforms have been attempted to achieve an appropriate composition of judicial councils. The Venice Commission has been consulted in relation to these reforms and has analysed their compliance with the applicable international standards. It has realised the need to identify more detailed options and solutions for achieving a formula for the composition of judicial councils which meets both international standards and the specific national circumstances and needs, and for attributing to those councils necessary functions and powers.

This round table will examine several national examples of composition of judicial councils, and, building upon recent experiences, formulate further recommendations as to how its members - judicial, lay and any *ex officio*, should be selected and appointed. It will also deal with the mandate of those councils.

The speakers – members of the national judiciaries or judicial governance bodies, government officials, academics, and international experts – are encouraged to identify not only the *problems* of the currently existing models but also *solutions* (already existing or possible) to those problems.

**Monday, 21 March 2022**

**10:00 am – 10:30 am. Opening addresses**

- Mr Benedetto Della Vedova, Under-Secretary of State, Ministry of Foreign Affairs and International Cooperation of Italy
- Ms Marta Cartabia, Minister of Justice, Venice Commission, Italy
- Mr Gianni Buquicchio, Venice Commission Special Representative
- Mr Didier Reynders, European Commissioner for Justice ([video message](#))

**10:30 am – 12:30 am. Introductory session: *Defining the framework***

**Moderator:** Mr Christos Giakoumopoulos, Council of Europe, Director General, Directorate of Human Rights and Rule of Law (DGI)

- Mr Raffaele Sabato, Judge, European Court of Human Rights:  
*Independence of the judiciary from the standpoint of the European Court of Human Rights*
- Mr Martin Kuijer, Venice Commission, Judge at the Supreme Court, the Netherlands:  
*Independence of the judiciary – a dynamic concept*
- Ms. Anke Eilers, President of the Consultative Council of European Judges (CCJE) (online):  
*The work of the Consultative Council of European Judges (the CCJE)*
- Mr Alastair Brown, judge, UK, GRECO evaluator (online):  
*The work of GRECO regarding the composition of the judicial councils*
- Ms Anne Sanders, CCJE Scientific Expert, Prof. University of Bielefeld, Germany/University of Bergen, Norway (online):  
*A survey of the judicial councils in Council of Europe member states*

**Followed by discussion**

**12:30 – 14:00. Lunch**

### 14:00 – 16:00. First Panel: *The status of the members of the Judicial Council*

**Moderator:** Mr Josep Maria Castellà Andreu, Venice Commission, Professor of Constitutional Law, University Barcelona, Spain

**Particular issues to be covered:** irremovability and immunity, duration of mandate, possibility of re-election; institutional reforms of the judicial council and the renewal of its composition; pros and contras of part-time membership; *ex officio* members of the judicial councils (President of the Republic, President of the Supreme Court, Prosecutor General, President of the Bar, Ombudsperson); possible conflicts of interests and incompatibilities of mandates; impact of the *ex officio* members on the independence of the judicial council; possible limitation of powers of the *ex officio* members; *ex officio* members and the chairmanship of the council; integrity checks of the candidates/members of the councils; possibility for members of the council to hold political or governmental offices before or after their mandate (“revolving door” problem).

- Mr Richard Barrett, Venice Commission, Former Deputy Director General, Office of the Attorney General of Ireland
- Ms Nina Betetto, Judge of the Supreme Court of Slovenia, former President of the CCJE
- Mr Evgeniy Staykov, Judge of the Supreme Court of Cassation, former judicial member of the Supreme Council of Magistracy, Bulgaria
- Ms Nazibrola Janezashvili, Director of the Georgian Court Watch, former lay member of the Judicial Council, Georgia
- Ms Olesea Stamate, Venice Commission, Chair of the Legal commission for appointments and immunities, Parliament, Republic of Moldova

**Followed by discussion**

### 16:00. Coffee Break

### 16:30 – 18:30. Second Panel: *Election/appointment of the members of the judicial council*

**Moderator:** Ms Simona Granata-Menghini, Director, Secretary of the Venice Commission

**Particular issues to be covered:** balance between lay members and judicial members; mixed judicial-prosecutorial councils; eligibility criteria for lay members, rules on political affiliation; power to appoint or elect lay members; guarantees against politicization; guarantees of political pluralism; advantages, downsides, alternatives to election by qualified majority by the Parliament; anti-deadlock mechanisms/ proportionate systems; nomination/appointment of lay members by the civil society or independent institutions, guarantees of representativeness and independence, procedure of election of judge members.

- Mr Kaarlo Tuori, Venice Commission, Professor of Jurisprudence, Department of Public Law, University of Helsinki, Finland
- Ms Ana Gallego Torres, Director General, Directorate-General for Justice and Consumers (DG JUST), European Union
- Ms Maia Popovic, Minister of Justice, Serbia
- Ms Małgorzata Szuleka, Secretary of the board, Helsinki Foundation for Human Rights, Poland
- Ms Lene Sigvardt, Vice-President, Danish Association of Justices, Denmark (online)

**Followed by discussion**

### 20:00. Reception/dinner

**Tuesday, 22 March 2022**

**9:30 am – 11:30 am. Third Panel: *The role and the powers of the judicial council***

**Moderator:** Mr António Henriques Gaspar, Venice Commission, Judge Councillor, Supreme Court of Justice, Former President of the Supreme Court and of the High Judicial Council, Portugal

**Particular issues to be covered:** Powers of the judicial councils related to the career of judges – first-time appointment to the judicial positions, promotion to higher courts, promotion to management positions within the judiciary; powers and rules related to discipline; powers to give opinions on legislation and budget in the judicial sphere; interrelation between the composition of the judicial council and its powers – centralized model vs. fragmented model; annex bodies assuming some of the powers of the judicial councils.

- Mr Bertrand Mathieu, Venice Commission, Senior Member of the Council of State, France
- Mr Filippo Donati, President, European Network of the Councils for the Judiciary (ENCJ)
- Ms Renata Deskoska, Venice Commission, Professor of Constitutional Law, University “Ss. Cyril and Methodius”, Former Minister of Justice, North Macedonia
- Ms Naureda Llagami, Chairperson of the High Judicial Council, Albania
- Mr Juan Manuel Fernandez, Member of the High Council of the Judiciary, Spain

**Followed by discussion**

**11:30 am. Coffee Break**

**12:00 – 13:00. Concluding session: *General discussion and conclusions***

Conclusions by Mr Cesare Pinelli, Venice Commission, Head of the Public Law Section, Legal Science Department, University La Sapienza, Rome