



European Network of Councils  
for the Judiciary (ENCJ)

# STRENGTHENING MUTUAL CONFIDENCE IN THE AREA OF JUSTICE AND SECURITY: A CHALLENGE FOR PUBLIC OPINION RESEARCH?

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# European Network of Councils for the Judiciary



- The European Network of Councils for the Judiciary, ENCJ, was established in 2004
  
- ENCJ consists of national institutions in the EU member states which are independent of the executive and legislature, and which are responsible for the support of the Judiciaries in the independent delivery of justice:
  - Some Councils (traditionally referred to as the Northern European model): competent with regard to policy and managerial tasks and budget
  - Other Councils (also known as the Southern European model): competent with regard to career decisions for judges, recruitment and training, control and disciplinary actions



## Observers:

1. the Ministry of Justice in member states without Council
2. Councils for the Judiciary from EU candidate states
3. EU Institutions (Courts of Justice of the EU)

## Members:

Belgium, Bulgaria, Denmark, France, Hungary, Ireland, Italy, Lithuania, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, United Kingdom



- Aim: The improvement of cooperation between, and good mutual understanding amongst, Councils for the Judiciary and the members of the judiciary of both the European Union Member States and of any European Union candidate Member State
  
- Objectives: Within the framework of the creation of the European Area of freedom, security and justice, co-operation on the following:
  - ▣ Analysis of and information on the structures and competencies of members, and exchanges between the members;
  - ▣ Exchange of experience in relation to how the judiciary is organised and how it functions
  - ▣ Provision of expertise, experience and proposals to European Union institutions and other national and international organisations.



## Projects 2009-2010:

- ▣ Transparency and access tot justice
- ▣ Strenghtening mutual confidence between judges in the EU
- ▣ Liability of judges
- ▣ Judicial ethics
- ▣ Quality management
- ▣ E-justice
- ▣ Public confidence
- ▣ Cooperation in EU criminal justice



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# Opinion research as a tool for monitoring client's perspective on public services



- Opinion research: tool for monitoring the quality of public services (Flanagan, 2004)
- Programmes in many countries to assess and monitor confidence and trust of citizens in the justice system thanks to all of you here present
- In some countries the High Council of Justice became responsible for monitoring trust in the justice system supported by scientific research (e.g. Belgium, France, Poland): can increase the guarantee for continuity in public opinion monitoring programmes in the field of justice



ENCJ calls in an opinion for the Stockholm programme for: “the support of the EU in the preparation and carrying out of a comprehensive survey of the public opinion of European citizens on the one hand, and of participants in the justice system on the other hand, on mutual confidence (confidence in the system of other Member States than their own), on the perception of the public image of justice and on confidence in the system of justice in their own state” (February 20th, 2009, p. 3)




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# Lisbon Treaty: Move to a strong Europe



- Treaty on the European Union (TEU)
- Treaty of the Functioning of the European Union (TFEU)
- Art 11 TEU: create opportunities for citizens and representative associations **to make known and publicly exchange their views** in all areas of the Union Action in order to reinforce the open and democratic character of the EU
- Hence: possible reinforcement for public opinion research!



**Stockholm programme – An open and secure  
Europe serving and protecting the citizens  
(adopted december 10/11, 2009): policy  
programme in the area of freedom, security and  
justice for 2010-2014 (former programmes  
Tampere and Hague Programmes)**

**Action plan implementing the Stockholm  
Programme (april 20th 2010)**



- Political priority: Advancing people's Europe (focus on the interests and needs of citizens): among others...
  - ▣ Facilitate access to justice
  - ▣ Provide greater opportunities for EU citizens to travel, to work and do business with countries within Europe and around the world
  - ▣ Cooperation between professionals and their training to eliminate barriers to the recognition of Legal acts in other member states



## □ Tools

- ▣ Strengthening mutual trust through training, evaluation and developing networks
- ▣ Evaluation: shall undertake an objective and impartial evaluation of the implementation of policies in the area in particular to promote the full application of the principle of mutual recognition



- Strengthening confidence in the European judicial area
  - The European area and the proper functioning of the single market are built on the cornerstone principle of mutual recognition. This can only function effectively on the basis of mutual trust among judges, legal professionals, business and citizens (EC EU Action plan Implementing Stockholm programme p.4)



- E.g. regulation on limitation periods on cross border road traffic accidents; legislative proposal on mutual recognition of the effects of certain civil status documents (relation to birth, affiliation...); legislative proposal to introduce common standards for gathering evidence in criminal matters in order to ensure its admissibility; improving and opening e-Justice portals for citizens



- Communication on the European contract law-method towards the adoption of the Common Frame of Reference: efficiency of the enforcement of judgements in the European Union. First evaluation of anti-corruption policies of the Member States
- Training for all legal professions and exchange programmes for judicial authorities



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# Changing context, changing needs



- Need for valid comparisons in monitoring public confidence and hence to standardise the assessment in each country (to measure trust in own and European courts)



- Need for the development of measures of mutual confidence for different stakeholders
  - ▣ Need for cross-country collaboration of Prosecutors and judges and hence to measure cross national trust in the justice systems in these professionals in order to fine-tune exchange programmes and training
  - ▣ Private enterprises: choice of headquarter, level of investment dependent on perceived trustworthiness of the judiciary. Important to monitor the enterprises view to determine improvement actions in light of the evolution towards a single market
  - ▣ Citizens: more opportunities to travel, to work around Europe and increased attention towards the involvement of the citizen in its own Europe leads to the need to measure also the confidence in the justice systems in the other member states



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**Proposition ENCJ 2010-2011:  
Master plan for the development of the  
assessment and monitoring of public and  
mutual confidence in the justice system in  
the EU: a collaboration between ENCJ and  
the EU Commission to enhance mutual  
confidence**



## 1. AIM

To enlarge our knowledge on the level and evolution on the level of public and mutual confidence in the justice system of the EU member states and in the EU courts supporting policy maker through:



1. A standardized assessment (content and methodology) for the in-country public confidence in the justice system and in the European courts
2. A standardized assessment (content and methodology) for the mutual confidence of citizens (that is, their confidence in the justice system of other countries besides their own. E.g. If you have a car accident in one of the following countries, could you please tell us if you are confident in the judicial system of this country. You can answer : yes, rather yes, rather no, no.)



3. A standardized assessment (content and methodology) of mutual confidence of judges and prosecutors
4. A standardized assessment (content and methodology) of mutual confidence of private enterprises (e.g. top 100 in each country)



These assessment instruments will be developed as monitoring instruments, allowing the following up of evolutions. Therefore, they have to be repeated on a recurrent basis (e.g. once per three years).

Dependent on the reaction and support of the EU, the project team will create a platform of EU university opinion researchers/experts for the development of the four above-mentioned assessment instruments. A first task will be the creation of an item/questionnaire database of questions used in previous research and the establishment of an overview of possible designs/methodology in relation to feasibility



## 2. Timing

1. Discussion and approval of Master Plan GA London (June 2010)
2. Board contacts EU to discuss master plan (June – Sept. 2010)
3. Feedback and description of concrete projects of working group
4. Start activities of working group (Oct. 2010)



### **3. Minimum goals by May 2011**

1. Identify and recommend **5** questions concerning the measurement of public confidence of citizens to be included in national surveys
2. Identify and recommend **3** questions of mutual confidence by citizens to be included in national surveys
3. Present the results of a feasibility study to organize on recurrent basis an assessment via web application concerning mutual confidence of judges and prosecutors
4. Present the results of a feasibility study to organize on recurrent basis an assessment via web application concerning mutual confidence of the top 100 private enterprises in each country