

AGENDA

ROLL Judicial Independence Workshop III

Workshop on Disciplinary and criminal proceedings of judges and prosecutors and judicial ethics

Prague, 21-22 March 2024

ROLL project

*Judicial independence is a gateway to protecting access to justice and human rights. Yet it is under attack or under pressure in many EU countries nowadays. This workshop will bring together experts and practitioners from 8 EU Member States (Poland, Hungary, Romania, Bulgaria, Slovakia, the Czech Republic, Malta and Spain) in order to discuss the experience, challenges and opportunities linked to strategic litigation on these issues, the international legal framework and ways forward to better protect judicial independence specifically looking at **disciplinary and criminal proceedings and accountability of judges and prosecutors**, as well as at **judicial ethics**.*

This workshop is the third and final one of a series, that will focus each on different aspects of judicial independence and will contribute to the development of the Final mapping report with recommendations on strategic litigation for practitioners in the EU.

Thursday, 21 March

9:30-9:45 Welcome and introductions

Karolína Babická, Senior legal adviser, International Commission of Jurists
Alexandra Dubová, Lawyer and Chair, FORUM for Human Rights

9:45-11:00 Independence of judiciary in law and practice

(9:45-10:00) **Independence of the judiciary – international standards**

Focus on disciplinary and criminal proceedings and accountability

Martine Comté, Commissioner, International Commission of Jurists

(10:00-10:15) **Litigating judicial independence – developments and challenges, mapping the landscape**

Helen Duffy, Human Rights lawyer, Director of Human Rights In Practice, Professor of International Humanitarian Law and Human Rights, Leiden University

(10.15-11.00) **Discussion**

- ▶ Any comments/questions anyone might have on the intro presentations, international standards, and litigation?
- ▶ Any comparison from national perspectives?

Moderated by: Temur Shakirov, Director ad interim of the Europe and Central Asia Programme, Senior Legal Adviser, International Commission of Jurists

11:00-11:30

COFFEE BREAK



11:30-12:30

**National perspectives: discussion on developments and obstacles in litigating judicial independence, including institutional independence
Disciplinary and criminal proceedings**

(11:30-11:45) **Short presentations** 2-3 min for each country

Focus on disciplinary proceedings and accountability

(11:45-12:30) **Discussion**

- ▶ What is **your experience** with litigating cases of disciplinary or criminal proceedings against judges?
- ▶ When is criminalization appropriate at all, for what crimes, who investigates and prosecutes, what about immunity from prosecution?
- ▶ What are the obstacles / challenges in your country?

Moderated by: Irune Aguirrezabal Quijera, Directora Programa Iberoamericano de Derechos Humanos, Democracia e Igualdad

12:30-13:30

LUNCH



13:30-16:00

How to strategically litigate judicial independence

(13:30-15:00) **Discussions in smaller groups**

Please discuss the following questions:

- ▶ What can we learn from litigation work experience to date?
- ▶ What **tools and opportunities** are available for SHRL on judicial [and prosecutorial] independence to date (eg. suitable forums/mechanisms, legal arguments, partners or allies, communication and other strategies to effect change inside and outside the courtroom...)?

Introduction by: Karolína Babická, ICJ

(15:00-16:00) **Reporting back**

Please report back to the plenary with your main findings, on **opportunities, good practices, ways forward** for SHRL

Moderated by: Helen Duffy, HRIP

16:00-16:30

COFFEE BREAK



16:30-17:30

Discussion on judicial ethics

Moderated by: Vítězslav Dohnal, Lawyer

19:00

DINNER



Friday 22 March

9:30-10:30 **Autonomy of the prosecution in law and practice: disciplinary and criminal proceedings and accountability**

(9:30-9:45) **Disciplinary and criminal proceedings of prosecutors: International legal standards**

Maite De Rue, Senior Managing Strategic Litigation Officer, Open Society Justice Initiative

(9:45-10:30) **National perspectives: Discussion on developments, challenges and obstacles to litigation at national level**

Moderated by: Temur Shakirov, ICJ

10:30-11:00 **COFFEE BREAK**



11:00-13:00 **Autonomy of the prosecution: disciplinary and criminal proceedings**

(11:00-12:00) **Discussion in smaller groups**

► What would be needed for successful litigation on these issues to take place?

(12:00-13:00) **Reporting back from groups and discussion further on ways forward**

Moderated by: Helen Duffy, HRIP, Karolína Babická, ICJ

13:00 **CLOSING**

Judicial independence Workshops I.-III. Overview

1) Workshop in Brussels on 13-14 June 2023 on: **Institutional independence of the judiciary and autonomy of the prosecution service**, incl. Governance structures and procedures

2) Workshop in Malta on 23-24 Nov 2023 on: **Appointment procedures** for the judiciary and prosecution, **administration of justice, freedom of expression of judges, freedom of association**

3) Workshop in Prague on 21-22 March 2023 on: **Disciplinary and criminal procedures and accountability of judges and prosecutors and judicial ethics.**



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