

AGENDA

ROLL Judicial Independence Workshop I

Workshop on Institutional independence of the judiciary and autonomy of the prosecution service, including governance structures and procedures

Brussels, 13-14 June 2023

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 and the related autonomy of the prosecution service.

This workshop is the first 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.

Tuesday, 13 June

9:30-9:45

Welcome and introductions

Karolína Babická, Legal adviser, International Commission of Jurists

9:45-11:30

Independence of judiciary in law and practice

Independence of the judiciary – international standards

Temur Shakirov, Europe and Central Asia Programme Director, International Commission of Jurists

Litigating judicial independence – mapping the landscape

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

Discussion

Moderated by: Karolína Babická, Legal adviser, ICJ

11:30-12:00

COFFEE BREAK



12:00-13:30

Judicial independence at national level: general discussion on developments and obstacles in litigating judicial independence, including institutional independence

Short presentations will include:

- ▶ Judicial independence in Hungary, David Vig - Amnesty International Hungary
- ▶ Judicial independence in Poland, Michal Wawrykiewicz - Free Courts, Poland

Discussion

Moderated by: Malgorzata Majewska, FreeCourts

13:30-14:30

LUNCH



14:30-15:45

Autonomy of the prosecution in law and practice

Role and autonomy of the prosecution service: International legal standards

Maite De Rue, Open Society Justice Initiative

Discussion on developments, challenges and obstacles to litigation at national level

Short presentations will include:

- ▶ Romania: Case study on the head of the Anti-corruption specialized prosecution service - Cristinel Buzatu, lawyer
- ▶ Malta - Latest developments - Carla Camilleri, aditus

Moderated by Temur Shakirov, ICJ

15:45-16:00

COFFEE BREAK



16:00-17:15

Practical session on specific litigation venues and strategies: Using the ECtHR and the EU Charter in litigating judicial independence and related issues

Sanja Jovicic, Project Manager, Fundamental Rights Agency (on-line)

Michal Wawrykiewicz, legal expert, Free Courts

Discussion

Moderated by: Helen Duffy, HRIP

17:15-17:45

Right of a judge to independence in Inter-American Court jurisprudence - a comparative perspective

Carlos Ayala, ICJ Commissioner, former member of the Inter-American Commission on Human Rights

Discussion

Moderated by: Temur Shakirov, ICJ

19:00

DINNER (at Mano a Mano)



Wednesday 14 June

09:30-10:30 **How to strategically litigate judicial independence**

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)?

Please discuss these questions, and report back to the plenary after with your main findings, on opportunities, good practices, ways forward for SHRL

Brief introduction by Karolína Babická, ICJ

Discussions in several smaller groups (in person/online)

10:30-11:00

COFFEE BREAK



11:00-11:30

Ways forward: Reporting back from groups and discussion further on ways forward

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

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

13:00-13:30

CLOSING

13:30-14:30

LUNCH



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: Oct-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: March 2023 on: Disciplinary procedures and accountability of judges and prosecutors and judicial ethics.



Funded by the European Union.

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