

# Screening Chapter 23 – Judiciary and fundamental rights

## Croatia & Turkey

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# Judicial Reform



# I. Introduction

- How to abide by the EU standards on the judiciary in practice ?
- How to manage the process ?



# II. Methodology

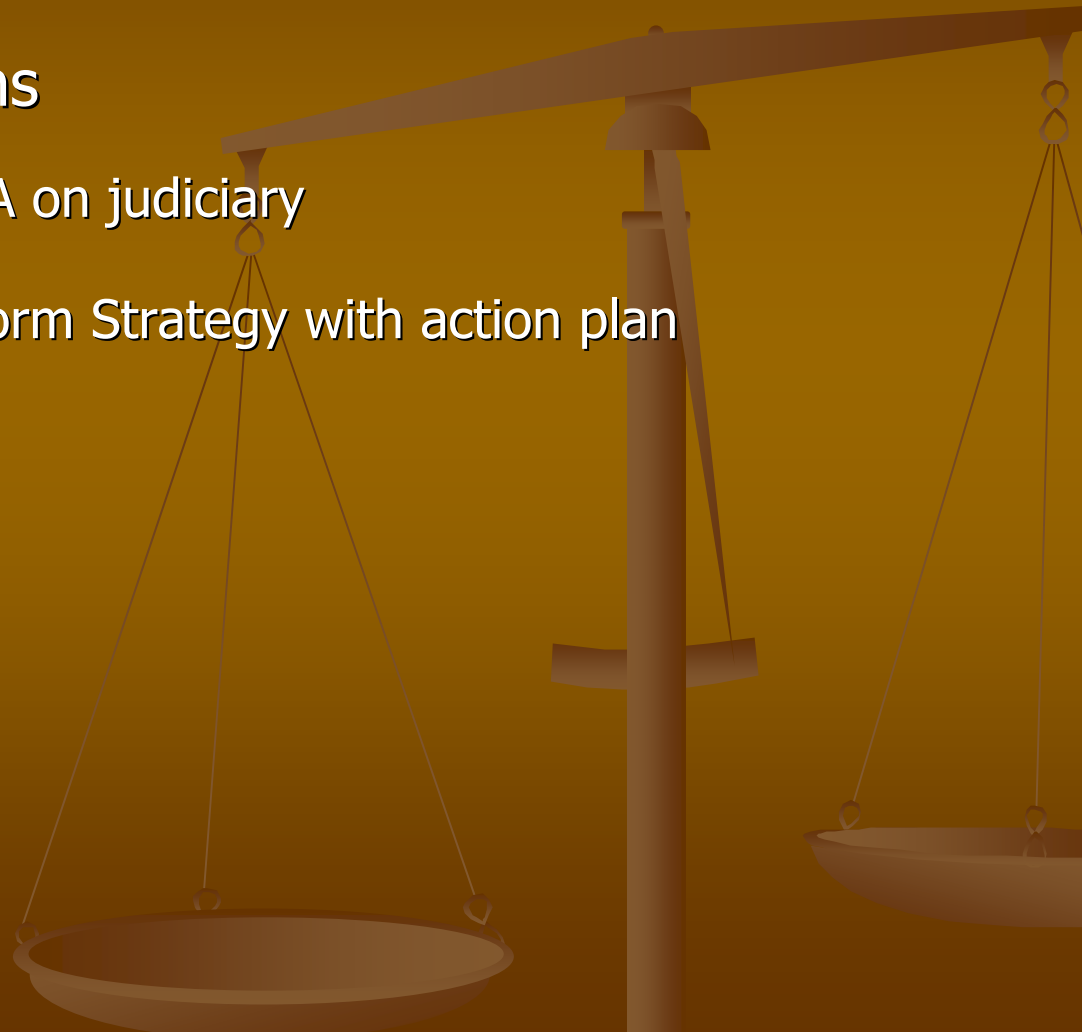
## ■ Accession partnership priorities

- Reduce backlog of cases
- Rationalise organisation of courts
- Establish fair recruitment and promotion procedures, ensure independence of High Judicial Councils
- Ensure full execution of Court rulings
- Ensure access to justice
- Enhance training, *inter alia* on European and HR law



# II. Methodology

- National action plans
  - Chapter in the NPAA on judiciary
  - Judicial system Reform Strategy with action plan on the judiciary



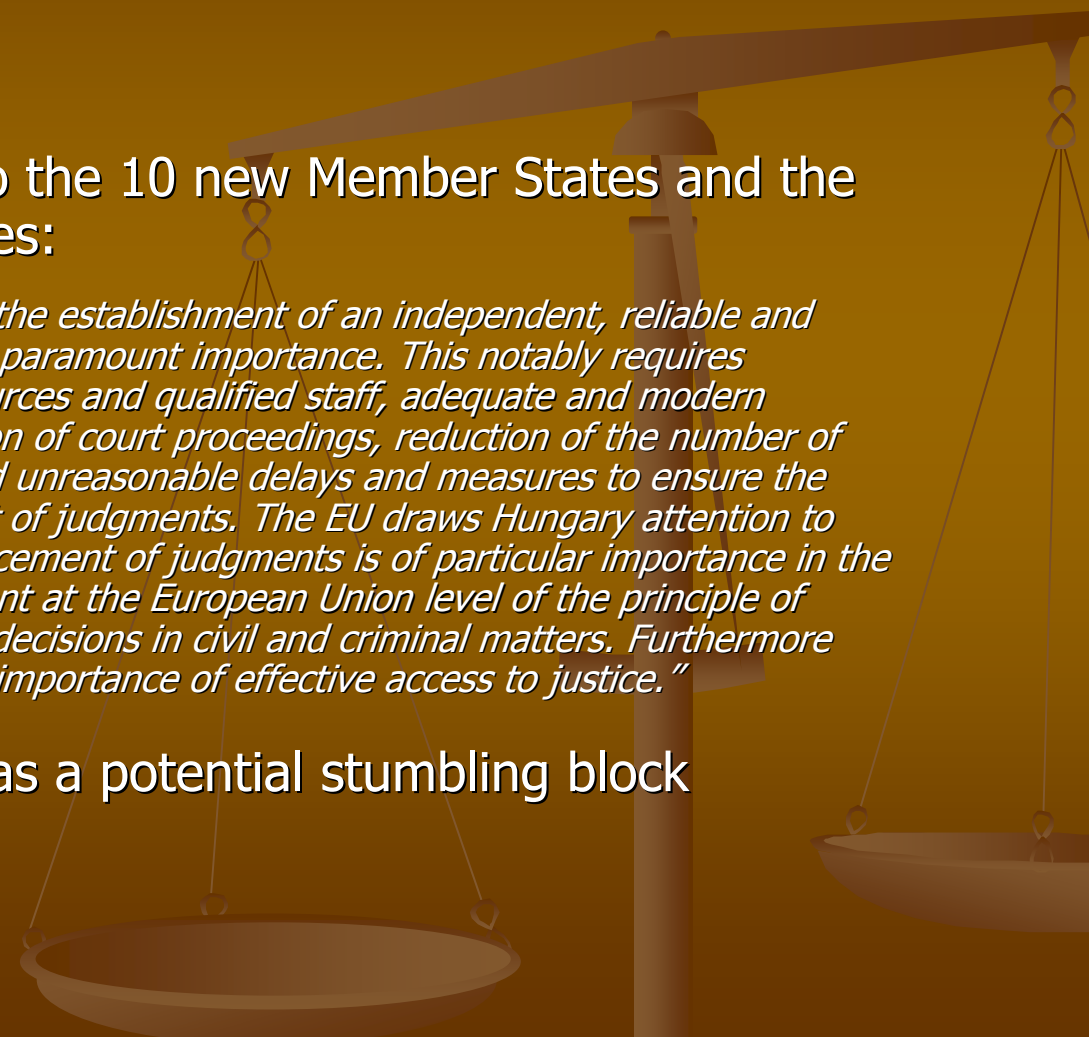
# III. Experience with judicial reform in the previous enlargement

## ■ General remark

- EUCP relating to the 10 new Member States and the 2 acceding States:

*"The EU stresses that the establishment of an independent, reliable and efficient judiciary is of paramount importance. This notably requires sufficient human resources and qualified staff, adequate and modern equipment, acceleration of court proceedings, reduction of the number of pending cases to avoid unreasonable delays and measures to ensure the adequate enforcement of judgments. The EU draws Hungary attention to the fact that the enforcement of judgments is of particular importance in the light of the development at the European Union level of the principle of mutual recognition of decisions in civil and criminal matters. Furthermore the EU underlines the importance of effective access to justice."*

- Judicial reform as a potential stumbling block



# III. Experience with judicial reform in the previous enlargement

- Challenges in several countries
    - Late adoption of judicial reform strategies
    - Politically sensitive constitutional and legislative changes
    - Difficult reorganisation of judicial administration
    - Continuing cases of appointments without competition or with political interference
    - Delays in the set-up of training institutes and/or programmes
    - Bad reputation as regards ethical standards
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# IV. Conclusion

- Judicial reform is a priority, but a slow and cumbersome process. So start in time
  - National reform strategies should be adopted as soon as possible, taking into account the Accession Partnership priorities, and be based on a thorough needs assessment; EU assistance can be useful (twinning)
  - A good strategy needs to be matched by a realistic Action Plan, the implementation of which needs to be monitored carefully
  - Any major reform should be conceived and implemented following consultation of the main stakeholders; ownership of the reform by the stakeholders is indispensable for its success
  - Political will at the highest level needs to be secured and sustained
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