

Press Release

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Impartiality central to Council of Europe opinion on relations between judges and prosecutors

Ljubljana (Slovenia), 20.11.2009 – The Consultative Council of European Judges (CCJE) and the Consultative Council of European Prosecutors (CCPE) of the Council of Europe today adopted an opinion on relations between judges and prosecutors. The Council of Europe recalled that the development throughout Europe of an independent, effective and good-quality justice system, without which rule of law could not exist, was central to its policies in the sphere of justice.

Judges and public prosecutors must both enjoy independence in respect of their functions and also be independent from each other, says the opinion jointly prepared by the two Councils.

The CCJE and CCPE recall that public prosecutors and judges shall ensure, at all stages of the proceedings, that individual rights and freedoms, including those of victims of crime, are guaranteed, and public safety is protected, always respecting the rights of the accused to a full defense.

Judges' independence and impartiality are based, in particular, on freedom from any undue influence by the prosecution or defense. Prosecutors shall also be independent and autonomous in their decision-making and carry out their functions fairly, objectively and impartially. The opinion insists on the fact that the effectiveness of prosecution effectiveness of prosecution is, regarding public prosecutors, strongly linked with transparent lines of authority, accountability, and responsibility.

The sharing of common legal and ethical values by all the professionals involved in the legal process is essential for the proper administration of justice. The opinion recommends that joint training on themes of common interest could be organised for public prosecutors, judges and lawyers.

The interest of society also requires that the media are provided with the necessary information by the competent authorities to allow them to properly inform the public on the functioning of the justice system, with due regard in particular to the presumption of innocence of the accused, to the right to a fair trial, and to the right to private and family life. The CCJE and CCPE call judges and prosecutors to draw up a code of good practice or guidelines for each profession on its relations with the media.

[Bordeaux Declaration: "Judges and Prosecutors in a democratic society"](#)

[Speech by Aleš Zalar, Minister of Justice of Slovenia](#)

[Speech by Philippe Boillat, Director General of Human Rights and Legal Affairs of the Council of Europe](#)

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