



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)



Declaration of Rome 2024

Access to justice

14 June 2024

1. Access to justice is a cornerstone of the rule of law and a fundamental human right, essential for the protection and realization of all other rights. Therefore, it is fitting for the European Network of the Councils for the Judiciary to adopt a declaration on this right at the twentieth anniversary General Assembly.
2. Access to court entails the right to seek effective judicial review, comprised of a possibility to challenge any decision affecting one's rights established in law, availability of legal remedy and appropriate procedures applicable on equal grounds. Judicial review has to be administered by an independent and impartial tribunal established by law within a reasonable time.
3. Access to justice has to be equally guaranteed to all persons, not only in theory but also in practice. This requires that the attention of the public is drawn to their legal rights, that the process is affordable and simple, that plain and understandable language is used, that they have physical access to courts and that support and free legal advice is provided where appropriate. Sufficient financial resources should be allocated for those purposes, including legal aid.
4. Councils for the Judiciary and other similar bodies must ensure access to justice to the extent their mandate allows, through safeguarding and promotion of judicial independence, ethical standards, transparency, quality and the proper functioning of the judiciary.
5. Vulnerable people stand out and must be considered. Access to justice for vulnerable people is a critical aspect to ensure fairness and equality in the legal system. To mitigate the barriers that vulnerable people face in this regard, efforts should be made to design and promote tools and procedures, which take into account particular vulnerabilities. A judge should be able to adopt an active role, where appropriate.
6. In this respect, Councils for the Judiciary should consider conducting targeted outreach programs to inform vulnerable litigants about their rights, awareness and understanding of different circumstances of people appearing before courts should be increased among judges to ensure their fair treatment. Councils for the Judiciary should promote recognition and understanding of vulnerabilities of

litigants through training of judges, promotion of best practices and other available instruments.

7. Digital technologies could be embraced in the process of the delivery of justice. Digital tools can considerably contribute to an accelerated and timely delivery of justice: from a simplified commencement of cases to a greater accessibility of a large basis of judicial decisions, anonymized where appropriate.
8. The use of digital technologies should always aim to enhance, not limit, access to justice. The needs of vulnerable litigants have to be carefully considered in this regard, if necessary, assistance should be available. At this point in time non-digital access to justice should remain available, when possible.
9. Subject to their mandate, Councils for the Judiciary should play an active and leading role in evaluating AI solutions proposed for use within the judiciary. Subject to their mandate, Councils for the Judiciary should also set standards for the use of digital technologies, including AI technologies.