"Dysfunctions within a court: how to highlight them, how to respond to them. The experience of Belgium"

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I. Introduction – Institutional context.

A historical overview of the way Belgium is organised shows that following the country's independence, the constitution of 1830 set up the courts as one of the three powers of the state, separate from and independent of the other two, as there was a clear desire for justice to be dispensed by independent judges.

The principle of the separation of powers has often wrongly been interpreted as meaning that each power is sovereign in the exercise of its attributions[1], whereas as Montesquieu made clear in "l'Esprit des lois", the separation of powers is a relative principle.

In line with Montesquieu's ideas, therefore, the Belgian constitution provided for interaction between the three powers by introducing a number of mutual controls and opportunities for collaboration.

The only limit to this interaction was that a body subordinate to one power could not impose its own appreciation on that of a body subordinate to another power exercising a discretionary competence[2].

On the basis that the separation of powers does not exclude reciprocal supervision of one organ by another, but rather implies it as a means of safeguarding individual freedom placed under the protection of the judicial power, in 1998, following the tragic events which shook the country (the Dutroux case, named after the person found guilty of abducting and murdering children), the constituting chambers of the Belgian legislature considerably reformed the country's judicial landscape.

This was the background against which the Supreme Council of Justice was set up (law of 22 December 1998) in order to make the appointment and promotion of judges more objective and to exercise control over the functioning of justice.

While this reform, the result of an agreement between eight democratic parties – known as the "Octopus" agreement of 15 July 1998[3], arose from a mistrust of the judiciary, highlighted in the course of parliamentary investigations, it has nonetheless been implemented in

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[1] J. VELU, "Considérations sur les rapports entre les commissions d'enquête parlementaire et le pouvoir judiciaire", speech given to the Court of Cassation following the summer recess, 1 September 1993, Brussels, Bruylant, p.16, note 32.

[2]. Van WELKENHUYZEN, "La séparation des pouvoirs 1831-1981", in "de Grondwet, honderdvijftig jaar", Brussels,. Bruylant, 1981, p.61.

[3] Doc. Parl. Sénat, sess. ord. 1997-1998, n° 1-994/2; Doc. parl., Chambre, sess. ord. 1997-1998, n° 1568/2.

accordance with the rule of law, the separation of powers and the independence of the members of the judiciary.

In order to uphold the independence of the judiciary, parliament set up a permanent external supervisory body to oversee the functioning of the courts, the Supreme Council of Justice, and ensured that this was an independent body[4].

Two of the main features of the Supreme Council of Justice are its independence (it recruits its own administrative staff) and its financial autonomy[5].

It is a unique constitutional organ[6], subordinate to none of the three powers.

The need for the total independence of the Supreme Council of Justice vis-à-vis the three powers of the state is due to the Council's roles:

- organisation of examinations for becoming judges, presentation of judges for appointment and promotion, initial and further training for judges (the tasks assigned to the Nominations and Appointments Boards – 28 members – 14 French-speaking and 14 Dutch-speaking). *Objective: to ensure high quality judges.*

- non-binding opinions on bills or private member's bills impacting on the general functioning of the judiciary, permanent external supervision of the general functioning of the justice system (individual complaints, audits, specific investigations in the courts) (tasks assigned to the Opinions and Investigations Boards (16 members – 8 NL, 8 FR)). *Objective: to ensure the smooth functioning of justice.*

Overall objective: as specified by parliament, the Supreme Council of Justice should strengthen citizens' confidence in justice while guaranteeing the independence of the judiciary.

The independence of this body vis-à-vis the judiciary justifies the fact that the latter has no disciplinary competence unlike the case in France or Italy.

One of the unique features of the Belgian Supreme Council of Justice is its composition. It is not a Supreme Council of "Judges", but a Supreme Council of "Justice". Each body of the Supreme Council has an equal number of judges and representatives of civil society who are not judges (22, of whom 8 are lawyers and 6 university professors) – the judges are elected by their peers, the others are appointed by the Senate by a two-thirds majority.

II. Identifying dysfunctions within a court: internal and external control mechanisms.

1. Internal control mechanisms.

[4] D. De BRUYN, " Le Conseil supérieur de la Justice", J.T., 1999, pp. 401 to 409. X. DE RIEMAECKER and G. LONDERS, "Statut et déontologie du magistrat", Ed. La Charte, 2000, pp.7 to 47.

[5] The necessary appropriations for the functioning of the Supreme Council of Justice are entered in the budget (Article 259bis-22, §2 of the Judicial Code).

[6] Article 151 of the Belgian Constitution; see F. DELPEREE, "trois observations sur la réforme de la justice", Journal des procès n° 356, 16 October 1998, p.14

These controls are accounted for either by a need for transparency in the functioning of the judicial apparatus (public hearings, reasoned decisions, use of remedies), or guarantees relating to the independence of judges (incompatibilities, the prohibition of holding several judicial functions simultaneously, reciprocal supervision between judges and public prosecutors, disciplinary control by the head of service).

For example, the constitutional obligation for reasoned decisions[7] makes it possible for the court decision to be controlled by not only the court of appeal or cassation, but also the citizens themselves, if necessary with the assistance of their counsel.

Public hearings, provided for in Article 148 of the Constitution, is a further guarantee for citizens and enables both the latter and the public in general, via the press, to exercise control.

Particular mention should also be made of the specific control exercised by the Court of Cassation, whose role is, on the one hand, to exercise formal control of the functioning of courts (in particular formal verification of the reasons given for decisions given at last instance) and, on the other, to monitor the court's application and interpretation of the law (making it possible to monitor the quality of court decisions).

The Belgian system is based on two levels of judicial officers: judges and members of the prosecution service. Their independence is enshrined in Article 151 of the Constitution. The independence of the members of the prosecution service explains why Belgian legislation provides for reciprocal control mechanisms between judges and prosecutors.

Independently of the prosecution service's use of available remedies whenever law and order is in danger, it may also appeal on a point of law in the interests of the law if it considers that a court decision is in breach of statutory provisions, thereby seriously jeopardising public order.

The prosecution service, specially tasked with monitoring the correct functioning of the courts and their registries, may also at the request of the Minister for Justice notify the Court of Cassation of court judgments, decisions or measures revealing an excess of authority[8].

Conversely, the courts also exercise control of the prosecution service in pursuance of Article 340, §3 of the Judicial Code, which provides that the court of appeal has not only a right to order prosecutions but also exercises indirect control vis-à-vis the prosecution service in relation to current proceedings by having the authority to ask the Principal Crown Prosecutor to provide a report on an investigation if the court of appeal finds that the prosecution service has failed to act.

As part of the modernisation of criminal proceedings, control is also exercised by the indictments chamber, the defendant and the complainant over the conduct of the investigation[9].

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[7] Art. 149 of the Constitution.
[8] HAYOIT de TERMICOURT, "Les pourvois dans l'intérêt de la loi et les dénonciations sur ordre du ministre de la justice", speech given to the Court of Cassation following the summer recess, 1 September 1964, Brussels, Bruylant.
[9] Law of 12 March 1998, Moniteur belge, 2 April 1998.

The law of 22 December 1998 amending the Judicial Code, significantly strengthened the role of the general assemblies of courts, in that they are indirectly called upon to state an opinion, in the annual report submitted to the Supreme Council of Justice, on the effectiveness of the "action plan" submitted by the head of the court on his/her recruitment in connection with the functioning of the court. This also applies to the assemblies of the prosecution services.

Appraisal of judges is a further new form of internal control for the court concerned[10].

Finally, there are controls associated with the direct action taken by citizens against judges, the "action for damages" (civil action against a judge guilty of a wrongful or dishonest decision), "challenging" (the right granted to a citizen to have a judge or prosecutor whose impartiality may be legally in doubt withdrawn from his or her case), and "relinquishment of jurisdiction" (apart from where there are delays in issuing a judgment, this can cover requests for a case to be referred to another court because of the fear that whole court may not be impartial).

A judge may be held civilly or criminally liable or be subject to disciplinary measures.

The above are all internal control mechanisms specific to the judiciary and its functioning.

2. External control mechanisms

A. Control exercised by the federal executive

The government may not exercise direct control of the judiciary[11].

The Minister for Justice may only invite the public prosecution service to file an application before the Court of Cassation in order to set aside judgments that are contrary to the law or acts in which there has been misuse of authority.

The public prosecution service may be asked to report to the Minister only insofar as that service is responsible for overseeing the lawful functioning of the courts[12].

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[10] Art. 259 nonies.4 of the Judicial Code: "appraisal shall relate to the way in which duties are discharged, with the exception of the substance of judicial decisions, and shall be made on the basis of criteria relating to both personality and intellectual, professional and organisational skills."
The Supreme Council of Justice was given the task of establishing the appraisal criteria for judges. These are primarily qualitative in nature and refer both to legal skills and the personal and communication skills required for the post. Judges are appraised after one year in post and thereafter every three years by a panel comprising elected appraisers and the head of the court. Appraisals are preceded by an interview. Heads of courts are not appraised.
For criticism of the system please see the website of the Supreme Council of Justice (www.csj.be). The SCJ believes essentially that a negative appraisal could adversely affect a judge's career. Appraisal should be viewed as an aid to a judge temporarily experiencing difficulties. It is therefore a matter of some regret that the legislature added pecuniary penalties to a negative appraisal, thereby constituting in reality a disciplinary measure.

[11] E. KRINGS, " Considérations sur l'Etat de droit, la séparation des pouvoirs et le pouvoir judiciaire", speech given to the Court of Cassation following the summer recess, 1 September 1989, Brussels, Bruylant.
[12] Art. 140 of the Judicial Code.

This is therefore simply indirect control through the actions of the prosecution service relating to the smooth functioning of the courts which also falls under its remit of defending the general interest.

It is only in disciplinary matters, and exclusively vis-à-vis public prosecutors that the Minister for Justice has a direct right to act.

In respect of judges, the Minister may simply instruct the prosecution service to exercise its right of petition in order to initiate a disciplinary action, with the final decision resting with the judicial disciplinary authority. The prosecution service is moreover free to express orally its point of view, which may be different from that of the justice ministry.

The Minister for Justice has a right of supervision over the prosecution service, and in this way may exercise control over the functioning of that service.

B. Control exercised by the legislative – the federal chambers

Parliamentary questions are the first form of control. This derives from the democratic principle whereby the powers stem from the Nation, and from the political accountability of members of the government before the chambers.

This is an indirect control insofar as the Minister for Justice must obtain the information required for his/her reply from the judicial bodies through the public prosecution service.

Nonetheless, the legislative can exercise direct control in accordance with Article 56 of the constitution which stipulates that "each chamber has the right to hold an enquiry".

However, contrary to the ongoing control exercised by the Supreme Council of Justice over the functioning of the judiciary, this is specific control (for example: the parliamentary enquiry committee into the killings in the Walloon Brabant, and into the abduction and holding of children against their will (Dutroux affair)).

The principle of the independence of the judiciary means that members of parliament, when conducting an enquiry, are forbidden from:

- censuring or criticising the acts carried out by the courts or judges in the discharge of their judicial functions, even in cases where the enquiry relates to matters concerning the organisation, functioning or competences of the judiciary. The parliamentary committee is neither an authority to pass judgment nor a disciplinary authority;

- issuing orders to the courts or judges relating to the acts carried out by them in the discharge of their judicial functions;

- acting in place of the courts or judges by discharging competences reserved to them in accordance with the constitution or the law; or from hindering or restricting the exercise of

such competences, or from interfering in the discharge of the duties associated with these competences[13];

The committee may therefore note dysfunctions in the judicial apparatus, comment on them and forward information pertaining thereto to the competent judicial authority, which is legally required to take any necessary steps.

C. Control exercised by the Supreme Council of Justice

As stated above, the Supreme Council of Justice, a body falling outside the judiciary, was specially set up to exercise permanent external control of the functioning of the courts.

It is clear that this control or supervision is of a particularly delicate nature since the Supreme Council is required, under Article 151 of the Constitution, to uphold the independence of the members of the judiciary. It cannot therefore exert any pressure likely to affect a court decision.

III. The permanent control of the Supreme Council of Justice: investigation and analysis structures and mechanisms

1. The five statutory control instruments of the SCJ

a) control (verification) of the use of the internal control resources of the judiciary

in order to promote the use made of them

b) the SCJ report on the functioning of the judiciary (based on the annual reports submitted by all courts, prosecutor's offices and tribunals)

with a view to putting forward recommendations to improve the functioning

c) processing of and follow-up to complaints about the functioning of the judiciary

with a view to putting forward individual solutions and/or structural recommendations

d) audit of courts, prosecutor's offices and tribunals

with a view to putting forward recommendations to improve functioning, management, productivity, etc

e) specific investigations into serious dysfunctions

in order to rectify the shortcomings identified.

2. Nature of the control mechanisms:

[13] J. VELU, "considérations sur les rapports entre les commissions d'enquête parlementaire et le pouvoir judiciaire", op. cit., pp.18 to 23. The three prohibitions given above are still valid despite the legislative changes which have been made in the meantime.

- These control mechanisms are implemented by the SCJ's Opinions and Investigations Board, either of its own motion or at the request of the executive or legislative;

- they are in full compliance with the independence of the courts and with due regard for the disciplinary authorities;

- except with regard to the processing of complaints, the findings, observations and recommendations made are forwarded to the three powers in detailed reports, having been submitted beforehand for the approval of the SCJ general assembly (44 members). The control function leads solely to recommendations. The SCJ has no decision-making power. (Complaints are dealt with directly by the Opinions and Investigations Board without the intervention of the SCJ general assembly);

- the SCJ reports are published on its website and in the press.

3. Analysis of the control mechanisms:

a) control (verification) of the use of the internal control resources of the judiciary:

The Opinions and Investigations Board must monitor and promote the use of internal control mechanisms. To this end, each year it draws up a report for the Minister for Justice and the two chambers of parliament, the House of Representatives and the Senate.

At this stage, the courts and services concerned are not invited to comment on the report, in view of the independence of the SCJ.

For the purposes of carrying out this mission, legislation provides for the drafting of an annual report by the authorities concerned (heads of court/service and general assemblies) and stipulates that the Opinions and Investigations Board may request further information from these authorities; such information may not, however, concern the substance of the judicial decisions nor the reasons why the prosecution service has or has not initiated proceedings.

The report drawn up by the Opinions and Investigations Board is drafted so as to maintain the anonymity of the cases dealt with, since this is an overall exercise to assess the use made of the internal control mechanisms.

The questions put by the SCJ relate to the way in which such control is exercised in practice, the compliance by the court or prosecution service with the statutory regulations, the organisation of internal discussions, the way in which statistics are verified, any irregularities that have come to light, apportionment of responsibility, the measures taken and the follow-up given.

It should be noted that quite regularly certain authorities do not co-operate in the drafting of these reports and others merely give formalistic replies to the questions put. The use of reports inevitably comprises the risk of standardised replies.

The main information comes from the public prosecution service and the reports drafted by the general assemblies.

The reports detail certain dysfunctions (for example, lack of preparation for hearings, excessive length of hearings, investigations, etc) which have been or still need to be rectified.

Ideally, the SCJ should cross-reference the information it collects (from both the prosecution service and the courts) and with the complaints recorded and declared to be founded.

This control mechanism makes it possible not only to verify that the records correspond to the actual situation, but also to identify best practices that could be exploited elsewhere.

The SCJ ensures in its dialogue with the heads of court/service that the authorities responsible for internal control are aware of the value and importance of this work; for them it is a proactive measure whereas for the SCJ it is a control measure, in other words in retrospect when the damage has already been done.

The recommendations made by the SCJ, or recourse to a specific investigation, are ex post measures, even though they subsequently show the approach to follow in the future.

The internal control system should ideally serve as an instrument for the effective management of the courts and prosecution services.

b) the SCJ report on the functioning of the judiciary (based on the annual reports submitted by all courts, prosecutor's offices and tribunals)

Each year, all courts, prosecutor's offices and tribunals in the country are required to draft a report on their functioning, to be submitted to the Minister for Justice, parliament and the SCJ.

These reports are an important source of information enabling the SCJ to gather all the data from the heads of court/services, the general assemblies of courts and the assemblies of public prosecutor's offices regarding the functioning of justice and the use of available resources.

This control task by the SCJ soon revealed the enormous problems arising from the mass of information to be processed virtually simultaneously, particularly as it was presented in very different and barely comparable forms.

The previous SCJ had produced a "pro-forma annual report" in order to have a uniform presentation for replies and to make processing easier. This pro-forma report concentrates on three main themes: case load, backlogs and proposals from heads of court/service.

While this certainly meant that processing the replies was made easier, the risk of receiving standardised replies merely referring back to previous reports proved to be well-founded.

Such an approach cannot address one of the biggest problems deriving from the fact that there is no uniform way of measuring case load, the very keystone of the exercise.

In my view, the judicial authorities responsible for these reports should ideally take on board the fact that the report on functioning is primarily for internal use. It is an internal audit to check, in the same way as an individual interview with a judge prompting him or her to reflect, whether or not the court or service functions in the best possible way, and to see how things could be improved with the resources that are available.

Nevertheless, once again it is a form of ex post control for the SCJ.

In future, the SCJ should, and this is one of its intentions, produce a genuine audit instrument, enabling heads of court/service to make constant improvements in the quality of their service by means of best practices drawn up elsewhere, and to embark upon pilot projects which can subsequently be used more widely.

The SCJ report is forwarded to the three powers, and at present it is not submitted before this stage to the courts and services concerned for their comments.

c) processing of and follow-up to complaints about the functioning of the judiciary

The SCJ Opinions and Investigations Board receives complaints from the public or authorities (judges or occasionally the SCJ Nominations and Appointments Board) concerning the functioning of the judiciary and has the authority to decide to take no further action on certain of these, within the time limits laid down in the law.

For example, the following are deemed inadmissible: anonymous, verbal, unsigned or undated complaints.

The following are liable to be given no further action, without the possibility of appeal:

- those which fall under the criminal or disciplinary jurisdiction of other bodies (the SCJ is not competent to deal with complaints relating to barristers, the police, solicitors, etc);
- those relating to the substance of a judicial decision;
- those which can be dealt with through the ordinary or extraordinary channels of appeal;
- those which have already been dealt with provided that no new facts have been brought to light;
- those which are manifestly ill-founded (incomprehensible complaints).

When a complaint is deemed to be well-founded, the Board forwards to the bodies concerned and the Minister for Justice a recommendation with a proposed solution to the problem or a proposal for the improvement of the general functioning of the judiciary.

The Supreme Council draws up an annual report for the Minister for Justice and parliament on the follow-up given to the complaints received, at the same time as its annual report on the functioning of the judiciary.

This responsibility, which is a significant one since complaints are an indicator of the level of dissatisfaction felt in certain fields by the users of the public justice system, is in reality fairly limited because of the large number of cases in which it has no jurisdiction.

Although as a matter of course an explanatory brochure produced by the SCJ is sent to the person submitting a complaint as soon as it has been received, there is a very clear tendency to consider the SCJ as an appeal body.

The rather small number of complaints submitted to the SCJ is quite telling: in four years the SCJ has dealt with 1,649 complaints whereas the Federal Public Justice Service has dealt with 3,000 in one year.

The majority of complaints concern the length of proceedings (and their aim, although it may not be explicitly stated, is to speed up the proceedings in the case in question). Where a dysfunction is clearly identified, the SCJ issues a recommendation to the authority concerned (for example, that there be systematic follow-up given by the court to any expert opinion it has ordered).

Upon the expiry of its first four-year term of office, the outgoing SCJ initiated reflection on the whole complaints issue. Fully realising that it concerned an important means of measurement and control, it advocated a system enabling it to have a comprehensive view of all complaints relating to the functioning of justice in the broad sense (including all judicial players – the police, barristers, process servers, solicitors, etc).

It has therefore suggested that there be a "front line" approach by the body directly concerned, with an obligation for the latter to report via a computer database to the SCJ on the facts in question and the action taken, with the SCJ acting in certain cases as the next stage in the process if the complaint has not been appropriately dealt with by the front line.

Such a system should enable the SCJ to have a genuine overview of how justice is perceived by citizens, and to gain insight into recurring problems and where they happen.

d) audit of courts, prosecutor's offices and tribunals

This role can be carried out by the SCJ of its own motion or at the request of the Minister for Justice or parliament.

Four audits were carried out by the previous SCJ, the first in the public prosecutor's office in Termonde, at the request of the Minister for Justice, then in the Brussels prosecutor's office, also at the Minister's request, at the Charleroi court, at the latter's request, and at the Brussels Court of Appeal, of its own motion.

In the reports, the SCJ emphasised the constructive nature of the exercise, since clearly the primary objective of improving the functioning of the courts, tribunals or prosecutor's offices visited can only be achieved if everyone co-operates.

The methods adopted are as follows:

- a visit to the premises,
- examination of the relevant documents, analysis of statistics relating to the throughput of cases,

- interview (based on a structured questionnaire) with a fair number of judges, representatives of the administrative staff, barristers (subjects include: the organisation proper, workload and allocation, internal-external communication, organisational culture, job satisfaction, assessment of individuals, assessment of available resources, specialisation, participation in external activities (committees),
- the findings, observations and recommendations are sent to the head of court/service before being officially submitted to the Minister for Justice and parliament.

The SCJ follows up its recommendations, although it has no power to give directions.

The focus of the law of 22 December 1998 setting up the SCJ has always been that of a control function and not a support role for courts. The reason for this was the particular climate of suspicion in which the SCJ was set up.

The objective of the current Council is to develop and further professionalise this tool in the interests of courts and public prosecutor's offices. The audit should be viewed positively.

e) specific investigations into serious dysfunctions

The SCJ Opinions and Investigations Board may, except in relation to any criminal or disciplinary matter, carry out a specific investigation into the functioning of the judiciary.

It must be stressed that these are not investigations into particular cases but into dysfunctions within the judiciary.

While the law does not rule out an investigation into a particular court, or into the performance of one or more members of the judiciary (without, however, going into the substance of a judicial decision), the investigation is limited to the functioning of the court, with the aim of bringing about an improvement in that connection.

Specific investigations are carried out either of the Board's own motion following approval by a majority of the Board members, or at the request of the Minister for Justice or a majority of the members of the House of Representatives or the Senate.

For each investigation a report is sent to the general assembly of the Supreme Council, the Minister for Justice, the House of Representatives, the Senate, and the heads of court.

Specific investigations are normally carried out by the head of court concerned.

If the Opinions and Investigations Board cannot rely on the head of court concerned, it may by way of exception carry out the investigation itself (such a decision has to be approved by a two thirds majority), visit the premises to take statements from the judges[14] and consult any relevant documents, although it cannot seize and consult files that have not been closed.

The on-the-spot investigation takes place under the direction of a judge, an indication of the respect for the functional independence of the judge concerned.

In reality it is the constitutionally enshrined principle of the independence of the judiciary which sets the limits of the Supreme Council's external control, in the same way as it defines

[14] Unjustified refusal to co-operate in the investigation can result in disciplinary sanctions. Article 259bis-17, §2 of the Judicial Code.

the scope of the control carried out by means of a parliamentary enquiry, as referred to above.

The SCJ has not had to deal with a genuine specific investigation, although an audit request had been classified as such.

4. Dysfunction warning mechanisms – follow-up - assessment

Among the range of control mechanisms referred to above, it is primarily the complaints, internal control mechanisms inherent in the public prosecutor's control functions and the reports of the general assemblies, the reports on the functioning of justice and parliamentary questions which are the warning mechanisms.

The follow up given by the SCJ takes the form of an at least annual dialogue with the heads of court/service and the drafting of recommendations. The SCJ has no decision-making power.

Follow-up is assessed by means of the reports drafted by the SCJ to parliament and the Minister for Justice. These are the bodies which assess the work done by the SCJ. The members of the SCJ Bureau (the Chairs of the various boards) make an annual report to the Justice Committees of the House of Representatives and the Senate.

IV. Conclusions.

The setting up of the SCJ and its role of carrying out external control of the functioning of the judiciary is a radical innovation in Belgian judicial practices.

This independent body is responsible for gathering all data from the heads of court/service, the general assemblies and the assemblies of prosecutor's offices on the functioning of the judiciary and the use of available resources, and for dealing with citizens' complaints.

The various instruments assigned to the SCJ mean it has a central role to play and enable it to obtain a general and qualified view of the functioning of the judiciary in order to fulfil its primary role of drawing up, either of its own motion or at the request of the Minister for Justice or parliament, opinions and proposals, which even though they are not binding or suspensive in nature, make the Council the institutionalised adviser of parliament and the government.

Nonetheless, the methods it adopts have to be refined so that the quantitative indicators already available can be supplemented by reliable qualitative ones, which are indispensible to the evaluation and improvement of high quality justice.

These instruments should make it possible to further develop a genuinely professional, effective and efficient system of permanent, ongoing audits.

Best practices in respect of the available resources should therefore be exploited and used to improve the quality of the functioning of the courts, tribunals and prosecutor's offices in the citizens' interests.

The SCJ intends to encourage courts to be continually assessing their functioning and to encourage a new momentum. The Council could, for its part and using the financial resources made available to it, improve the court audits it carries out and put them on a

more professional footing, by providing courts with an effective tool – the ultimate aim being to promote a proactive as opposed to a reactive (ex post control) approach, which unfortunately for citizens, only takes place once the damage has been done.

X. De Riemaecker.