

# CEPEJ – the Report of the European Commission for Efficiency of Justice

## Satisfactory result of Georgian Judiciary

The European Commission for the Efficiency of Justice (CEPEJ) was established on 18 September 2002 with Resolution Res(2002)12 of the Committee of Ministers of the Council of Europe. The aim of the CEPEJ is the improvement of the efficiency and functioning of justice in the member States, and the development of the implementation of the instruments adopted by the Council of Europe to this end. In order to carry out these different tasks, the CEPEJ prepares benchmarks, collects and analyses data, defines instruments of measure and means of evaluation, adopts documents (reports, advices, guidelines, action plans, etc), develops contacts with qualified personalities, non-governmental organizations, research institutes and information centers, organizes hearings, promotes networks of legal professionals.

In the Action Plan adopted at their 3rd Summit (Warsaw, 16-17 May 2005), the Heads of State and Governments decided to develop the evaluation and assistance functions of the CEPEJ in order to help member states to deliver justice fairly and rapidly.

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The creation of the CEPEJ demonstrates the will of the Council of Europe to promote the Rule of Law and Fundamental Rights in Europe, on the basis of the European Convention on Human Rights, and especially its Articles 5 (Right to liberty and security), 6 (Right to a fair trial), 13 (Right to an effective remedy), 14 (Prohibition of discrimination) –says the Chairman of Chamber of Civil Cases of Tbilisi City Court Irakli Adeishvili.

As he also notes, the establishment of CEPEJ, shows the intention of the Council of Europe not only to elaborate international legal instruments but also to promote a precise knowledge of the judicial systems in Europe and of the different existing tools which enables it to identify any difficulties and facilitate their solution.

The CEPEJ is composed of experts from all the 47 member States of the Council of Europe and is assisted by a Secretariat. Observers may be admitted to its work. Organization collects judiciary data of all member states and because their collection and analysis requires some time, publishes its evaluation after two years.

## Evaluation of European Judiciary Systems by CEPEJ

CEPEJ report is based on the data of 45 member states covering the situation of the year of 2006. The report was adopted on 2-3 July 2008 and published on October 8, 2008.

“The statute of the CEPEJ emphasizes the comparison of judicial systems and the exchange of knowledge on their functioning. The scope of this comparison is broader than ‘just’ efficiency in

a narrow sense: it also emphasizes the quality and the effectiveness of justice” –says Irakli Adeishvili.

In order to fulfill these tasks, the CEPEJ has undertaken a regular process for evaluating judicial systems of the Council of Europe's member states. Its Working Group on the evaluation of judicial systems (CEPEJ-GT-EVAL) is in charge of the management of this process.

To facilitate the process of collecting and processing judicial data, an online electronic version of the Scheme has been created. Each national correspondent can thus accede to a secured webpage to register and to submit the relevant replies.

***In all three instances the overall duration of civil cases is 18 months, in administrative cases – 15 months, in criminal cases – 12 months, which is a good result at European level.***

“Evaluation report of CEPEJ is very thick and covers lots of aspects related with judiciary. In the term judiciary CEPEJ includes courts, prosecution and legal aid. The most interesting is the quantity of budget allocated for judiciary” – explains the chairman of the Civil Chamber.

According to the Report, in 2006 all budget allocated for judiciary (courts, prosecution and legal aid) in Georgia was 19 813 558 Euro. From of this amount 11 760 538 Euro was allocated for courts, 8 million for prosecution and 53 000 for legal aid. However, as Irakli Adeishvili maintains this sum is greatly increased now.

The chairman explains that the difference between the budgets allocated for courts and for prosecution is not that great, however, in other countries their budgets are substantially different and priority is given to courts. In particular, in Lithuania 58 million Euros are allocated for courts while only 27 million for prosecution. In Ukraine courts are financed by 276 million Euros while the budget on prosecution is only 120 million. According to the report, the public funds allocated for courts and for prosecution are almost equal in Armenia and Azerbaijan. In Armenia there was 12 million 700 thousand Euros allocated for judiciary, in Azerbaijan – 26 million Euros.

CEPEJ report also emphasizes the quantity of public funds allocated for judiciary per one inhabitant. In Georgia this amount is 5 Euros, while in France – 53 Euros.

“Maintenance and investment in court buildings is a substantial share of the total court budget in Cyprus, Ireland, Georgia and UK-Scotland. It is noteworthy that CEPEJ emphasized the growing tendency for the specialization of the courts. The same tendency is in Georgia where one of the aims of creation of enlarged court is the specialization of judges” – says Irakli Adeishvili and adds that according to the same report Georgia in computerization level in the courts is in moderate level of computerization group together with Azerbaijan, Croatia, Greece, Poland, Andorra.

***In the study which shall take place in 2010 and depict the situation of the year of 2008 Georgia shall have better data, because the judiciary reform is in its developing stage and it shows that we are progressing, the result of which can be viewed even now.***

According to the study in 2006 there were 272 judges in Georgia, which constituted 6,2 judges per 100 000 inhabitants. As the study shows, there were 179 judges in the same period in Armenia which is 5,6 judges per 100 000 inhabitants; 494 judges in Azerbaijan- 5.8 per 100 00 inhabitants. As for other countries, in Estonia there were 239 judges, 17,8 per 100 000 inhabitants. The lowest number is in Ireland 132 judges or 3,1 per 100 000 inhabitants.

“The functioning of the High School of Justice should be noted which already had its first graduation and the first 11 students shall be appointed at a vacancy of judges if they successfully pass the competition. Overall after the reform, there will be 300-310 judges in Georgia” – says Irakli Adeishvili.

CEPEJ report also covered the court staff. According to the study in Georgia there were 2,6 court staff per judge. Irakli Adeishvili noted that for comparison in other countries the situation is the following – in Norway 1,7 court staff per judge, in France – 2,0, in Estonia – 4,3, In Spain – 9,1.

According to Irakli Adeishvili it is very interesting to review that part of the study which concerns the quantity of incoming and outgoing cases in courts per 100 000 inhabitant. As the study shows, in 2006 in Georgia there were 498 incoming cases per 100 00 inhabitants, out of which 462 were finalized. According to the data of other countries within the period in Azerbaijan there were 640 incoming and 640 outgoing civil cases, in Estonia - 1933 incoming and 2095 outgoing cases, in France - 2672 incoming and 2571 outgoing cases.

The study shows that the disposition time for civil case in the first instance court took 216 days in Georgia, while in Moldova – 39 days, in Latvia – 157 days, in Sweden – 206 days, in France- 262, in Bosnia and Herzegovina – 701 days.

“It should also be noted that the Supreme Court of Georgia has conducted a study of the time frames of duration of cases in 2007-2008, which showed that in all three instances the overall duration of civil cases is 18 months, in administrative cases – 15 months, in criminal cases – 12 months, which is a good result at European level” – says Irakli Adeishvili.

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Chairman of the Chamber of Civil Cases of Tbilisi City Court says that according to CEPEJ Report the data of Georgian judiciary for 2006 is more progressive, then for the year of 2004.

“I am sure that the in the study which shall take place in 2010 and depict the situation of the year of 2008, Georgia shall have better data. The judiciary reform is in its developing stage and it shows that we are progressing, the result of which can be viewed even now” – it is the estimation of the Chairman of the Chairman of Chamber of Civil Cases of Tbilisi City Court. .