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First review of justice in Europe



On Monday 2 May the European Commission for the Efficiency of Justice (CEPEJ) will publish a report on evaluating judicial systems a historic first that takes stock of justice in Europe and provides leads for understanding why justice cannot always give people an acceptable answer in reasonable time. We interview Eberhard Desch, President of the CEPEJ.

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Question: *Eberhard Desch, you are a judge working in Germany's Federal Ministry of Justice. You have also been President of the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) since it was set up in 2002. On 2 May the CEPEJ is publishing a report on "European judicial systems", a snapshot of justice in the Council of Europe's 40 member states. Why this study? And most of all, why has it never been done before?*

Eberhard Desch: Yes, this report is a first in Europe. There has never been such an array of data on forty European countries quite simply because for a long time it was considered impossible to collect comparable data when our countries' judicial systems are all so different. Judges have the same tasks more or less everywhere, but procedure, judges' training and the way they are appointed differ widely from one country to another. By way of example, the role of a British judge is completely different from that of a French judge.

The main purpose of the report is to review the situation in order to gain a clearer understanding of the difficulties judicial systems face in serving the public. It is a comparative study designed to help governments and parliaments with their reforms, so as to provide a more efficient judicial system that enjoys people's trust and serves to stabilise democracy and the rule of law, which are the foundations of our societies.

Question: *Did this first report produce any discoveries?*

Eberhard Desch: Findings, I would say. The first ones are positive: respect for the basic values of justice, the independence of the judiciary and access to justice – to cite a few examples – are on the whole satisfactory. But there is a real problem where the length of proceedings is concerned. The judicial system often takes much too long to respond to the problems submitted to it. This is very clear from the

number of cases dealt with by the European Court of Human Rights on Article 6 paragraph 1 of the Convention, which protects the right to a fair hearing within a reasonable time. The report shows that the efficiency of justice is not simply a matter of funding, although that is important. There is also a cultural side to it. Some countries have a procedural culture, while others prefer to seek a friendly settlement or mediation. So as not to cite any member countries, I would mention Japan, an observer country to the Council of Europe, where they prefer to seek a friendly settlement rather than start public proceedings.