

Deputy Head of the Legislative Office at the Ministry of Justice.

Programme outline for the efficiency of Justice

1. From the beginning of his mandate the Italian Minister of Justice has put the efficiency and the speed of justice as his main aims.
2. He has found directly several reasons for the judicial system's slowness in particular: "the backwardness of the justice machinery" that is not able to manage the own resources following the efficiency's standards ; an overloaded legislation that ends by increasing the case-load; the high number of cases that load the courts and slow their responses with the consequence of heavy economic expense due to so called "Pinto law" that has raised a fund to compensate people who face excessive length of proceedings".
3. And so a new set of proposals for judicial reform, also by the constitution of a specific commission, has been prepared by the Ministry of Justice and presented to Parliament.
The actions proposed in order to improve the efficiency of Justice Organization go through reforms oriented to a redefinition of the judicial system, inserting, in this view, "indispensable legislative innovations" as this Commission suggests in its programme.
4. Certainly the recovery of the efficiency of the judicial system requires:
 - increase in value and dignity of the conduct of court officials and clerk's office personnel;
 - reorganization of office management by increasing the quality of the work of court departments and offices and court files;

- decrease of the case-load by means of the development of probation and mediation services ;
- reforms that are aimed at the fair trial and due process in civil and criminal matters;
- new order in working methods using information and communication technology

5. The last one is the primary goal in fact the project of civil telematic procedure is in progress especially in those sectors that present a great deal of routine procedures and documentary evidence (injunction, execution). About the criminal matters the aim is the realization of an "integrated system" by a single informative flow from the knowledge of the crime, across the action, to execution, eventually including incidental phases like the coercive or the conservation measures.

6. In relation to the reform of the Code of Civil procedure some proposals have been presented by the Ministry of Justice to Parliament in order to hit the centre of the target that is the due process.

Particularly a bill has been introduced to revise the law of civil procedure that causes complications and makes the process slow and the norms uncertain. It's necessary to agree the interest of the parties and of the defending counsel with the primary interest in the timely settlement of the litigation (within a reasonable time); and there is a further bill in Parliament about the graduated use of the certified e-mail for all services of process between the parties of the process.

This innovation relieves the clerk's office staff of a heavy job (about 1/3) and makes it possible to employ these human resources in a more incisive collaboration into the judicial activity which will speed the processes.

The reform is inspired by the observation that a lot of justice delays derive from slowness of the services of process and from the impossibility of the judge to manage the process in order to avoid the dilatory exceptions of the defence lawyers.

- 7. In the civil matter the Ministry of Justice is drawing up some bills to increase the choice of alternative dispute resolutions particularly in individual labour dispute involving the Commissions of the Ministry of Labour and Social Security, in the matter of social security involving the social security Institutions, in relations between Banks and Consumers, in Company matters, in trade relations, in insurance matters and medical liability.**
- 8. Moreover it must be added that the reforms proposed to civil proceedings already provide for attempts of settlement before the Judge -reinforcing his role- promoting the choice of mediation service by tax reliefs.**
- 9. As regards the problem concerning the length and the efficiency of the process in criminal matters a solution has been given which involves the entire judicial system in the light of constitutional principle about the reasonable length and with respect for the right of the offender and the inalienable demands of the victim; and particularly:**
 - a) the judge's duty to programme every single trial activity in order to deliver a judgement within a reasonable time (five years in all for three degrees of adjudication);**
 - b) simplification of the criminal proceedings safeguarding the rights of the persons under investigation or accused, increase in the choice of alternative procedures;**
 - c) improvement of the efficiency of all services of the process (notices, communications, advices) also by the use of information and communication technology (data communication, for example) which is less expensive;**
 - d) re-establishment of the suitable terms of prescription, and the exclusion -as a general rule- of the differentiated treatment of the habitual criminal and the first time offender;**

- e) **abolition of the trial in absence with the warranty that the accused has the really knowledge of the action against him as the European Court on Human Rights requires;**
- f) **the introduction, for the major offender also, of probation, a new institution for the re-socialisation of the offender, which -suspending the process reduces the backlog of cases before the courts and, at the some time, supports the rehabilitation of the offender;**

10. In criminal matters two Commissions have been constituted, one for the reform of the criminal Code and the other one for the reform of the criminal procedure Code: both the Commissions must end their work by 31 July 2007.

The main job of the second Commission is the reform of the criminal procedure Code following the fair balance between the two principles -both of them constitutionally guaranteed- of the fair trial (within a reasonable time) and due process laid down in article 6 of the European Convention on Human Rights.

11. In relation to the theme of the re-organization, consideration is being given to setting up in the judicial offices, especially the largest ones, "screen divisions" with the task of identifying similar cases or grounds of appeal which are manifestly inadmissible or similar questions of law, so that it's possible to reach a rapid and reasonable decision.

Besides it's planned to establish -through a bill passed by the Cabinet on 25 May 2007- the Judge Office- as judiciary activities'

supporter composed -in addition to administration staff- by external professionals coming from university and the post university world in the context of the training of the legal professions.

Always in this context is the implementation of the so called "office of the proceeding" which makes use of a system of monitoring and evaluation that regards the incoming cases, length of proceedings, backlogs, decisions and the collection and analysis of information in relation to specific norms, in order to improve the efficiency of Justice and the quality of the service delivered by the courts for the sake of the community.