

ITALIE

Questionnaire to prepare the Study Session

I. Highlighting of dysfunctions within a court¹
1. Is there an organised system allowing to detect dysfunctions within a court? No.
a. If yes, i. what are the alert mechanisms ? ii. who has the initiative of alert ? iii. who is the addressee of the alert ?
b. If not, how are the dysfunctions within a court brought to the attention of the competent judicial and administrative authorities ? Dysfunctions can be reported to the president of the court by lawyers, by judges, as well as by any individual. Periodical inspections are carried out by inspectors of the Ministry of Justice.
II. Methods of investigation and analysis of dysfunctions
2. Which are the methods used to check these dysfunctions ? (audit, evaluation, on location visit, etc..) The president of the court (or of a section) can examine the person who reported the dysfunctions, ask questions to the judges/clerks involved, and also demand them written explanations. The Minister of Justice can open inquiries, that are conducted by inspectors. For this purpose, an "Ispettorato Generale" of the Ministry is set up.
3. Once a dysfunction has been detected, what methods of analysis are used ? The evaluation is freely made by the president of the competent court (or of the section involved), or by the Minister, without any pre-established method of analysis.
III. The structure in charge of investigating and analysing the dysfunction
4. Is this structure centralised or decentralised (in this case, is it internal or external to the court) ? No structure is provided. Inside the court, investigation and analysis are carried out by the president (or by his/her delegate). As far as the General Inspectorate of the Ministry of Justice is

¹The questionnaire does not intend to address disciplinary matters

concerned, it is a centralised structure.
<p>5. Under what authority is it placed ? The General Inspectorate is placed under the Minister of Justice.</p>
<p>6. How is this structure set up ? Who appoints its members ? The Minister of Justice appoints the General Inspector and the other inspectors.</p>
<p>7. What is its jurisdiction ? ===</p>
IV. Follow up given to the analysis in order to remedy the dysfunction
<p>8. What form will be adopted for the conclusions of the structure of investigation and analysis ? No pre-established form is provided for investigations carried out by a president of court. In the case the president delegates a collaborator to investigate, normally a written report is then submitted by the delegate to the president. As for the inspectorate, it submits a written report to the Minister of Justice.</p>
<p>9. Who is the addressee of the conclusions of the structure of investigation and analysis ? See point no. 8.</p>
<p>10. What means are available for the structure in order to find a remedy to the dysfunction ? ===</p>
<p>11. If the investigation structure does not monitor the implementation of the recommendations, which structure is entrusted with their implementation? No specific provision exists. The chiefs of the courts of appeal have a function of “supervision” on the courts of the respective district.</p>
V. Efficiency of mechanisms
<p>12. Is the functioning of this structure evaluated ? ===</p>
<p>13. What improvements could be made ? Radical innovations would be necessary. With the existing system, the attention on the functioning of justice and the monitoring of dysfunctions should be increased. A higher degree of responsibility upon chiefs of offices (president of courts and of sections) could be useful, in connection with their duties of supervision.</p>