

Opening address

Mr Guy DE VEL, Director General of legal affairs, Council of Europe

Director, Mr Chair and Mr Vice-Chair of the CEPEJ, ladies and gentlemen,

Less than a year ago, in February 2003, I opened the CEPEJ's first plenary meeting here in this very room. I am very pleased today to open this study session on "Justice serving citizens: how to improve the functioning of the judicial system for the benefit of users", which is preceding the second plenary meeting.

As you are aware, the CEPEJ was set up to meet several objectives. Firstly, to improve the efficiency of justice in the member states, as one of the means of reducing "at source" the number of applications to the European Court of Human Rights in Strasbourg, which is the final guarantor of the right to a fair hearing enshrined in Article 6.1 of the convention. As you know, we are faced with growth in the number of such applications, especially those involving failure to keep proceedings down to a reasonable length.

The CEPEJ also has the task of ensuring the effective implementation of the recommendations and resolutions adopted by the Committee of Ministers of the Council of Europe, which set out fairly detailed principles and standards for improving the functioning and efficiency of courts in areas such as mediation, access to justice, legal procedures and the execution of judgments, the use of new information technologies and the role of the various players in the justice system.

Above all, therefore, the CEPEJ is required to analyse the way our judicial systems work with a view to improving, where necessary, the public service they provide for users. It looks at the justice system from the point of view of its users and seeks to make recommendations to governments on ways of bringing the service provided into line with public expectations and the relevant European principles and standards.

The British delegation on the CEPEJ, which I wish here to thank publicly and most sincerely for its initiative, proposed at the last plenary meeting that your commission take up the straightforward yet challenging question of whether the justice system is designed to meet the needs of its users. Or, to be more exact, the question of how to make sure that proper account is taken of users' needs and expectations. That point is crucial. From the outset, the CEPEJ has sought to listen to the justice system's users. This has led it to tackle the tricky issues of assessment of how the system operates and the means of reducing the excessive length of proceedings.

In this connection, I should like to underline the importance we attach to the adoption by the CEPEJ at its meeting that begins tomorrow of a scheme for evaluating judicial systems. This will help in identifying difficulties and proposing solutions or improvements in procedures and judicial systems with a view to improving the quality and the results of the services provided. The approach must therefore necessarily be transparent and involve all the relevant

bodies. The smooth functioning of judicial systems as public services demands constructive dialogue not only within the courts, but also between the key players, ie justice ministries, courts, public prosecutor's departments, lawyers, judges and other legal officials, while at the same time requiring account to be taken of the needs of citizens and users. Lastly, evaluation (or auditing) of this kind requires a real "cultural revolution": from the definition of objectives to the identification of priorities, not forgetting the monitoring of these priorities, which must be based on indicators that cannot solely be quantitative.

The aim at today's study session is to look at things from the user's viewpoint and discuss whether the responses offered by the various players are appropriate or whether new responses need to be devised.

Moreover, finding the right responses is not easy: hence the great value of your discussions today. For one thing, justice systems, like all public services, can no longer exist in "splendid isolation". Like hospitals, schools and administrative departments, they have to be accountable. Is taxpayers' money used properly? Do the services provided meet appropriate quality standards? The case-law of the Strasbourg Court and the relevant instruments adopted by the Committee of Ministers have gradually established quality standards which apply just like other standards apply to other public services.

There can no longer be any question today of regarding the people involved in court proceedings, whether they are plaintiffs or defendants, victims, witnesses or accused persons, as mere "pawns". Whatever their place or their roles in the proceedings, these different categories, whose concerns naturally vary greatly, deserve to be regarded as users and the services provided must meet the standards mentioned above.

Initially, discussion will focus on understanding more clearly what perceptions users have of the way the justice system functions. User surveys are becoming more widespread and offer valuable insights into public expectations.

If users are to be offered a quality justice system, the first response needed involves the information they are provided with. The way they are received in court buildings and the information provided, either at information desks or through new technologies, must be such as to ensure that they do not feel "lost" and are able to play an active and informed part in the proceedings. Much has already been done in this area and the measures presented by the speakers will help clarify the challenges of informing the public properly.

Although necessary, information is not, however, enough on its own. All public services are facing a trend towards users no longer just "consuming services". The justice system is no different. We are beginning to see the emergence and growth of associations representing various categories of users, for instance, victims' associations and associations defending certain groups of citizens. These associations want to be involved in the operation of the justice system. What should the response be here? How can links be established between the legal professions – judges, prosecutors, lawyers, bailiffs and other legal and court officials – and users? Is it possible to agree on forums or bodies for

drawing the various strands together and offering responses to the widely diverging expectations of the various parties? Should the associations concerned have a role in the functioning of the courts?

A number of speakers will discuss this point this afternoon. We are engaged in an open debate where it is necessary properly to weigh up the advantages and risks of opening up judicial systems more to the people they are designed for. In particular, there can be no question of challenging the principles on which the specific nature of the justice system as a public service is founded, above all, the independence and impartiality of the courts.

Among possible measures, the idea of drawing up, at different levels, charters of users' rights has been put forward in some quarters. Certain countries have already begun moves in this direction, while others are looking into the idea. These charters would set out users' rights and duties insofar as they are not already laid down in codes of procedure. At what level could this be done? Is action at European level possible? Today's study session will clearly offer an opportunity to consider this question, along with others that will be raised during the discussions.

Right through today's discussions, users' concerns must take centre stage. Over the following three days, you will then be able to draw on these exchanges when agreeing the CEPEJ's programme of activity for 2004. I am sure your discussions will be fruitful and wish you all a very successful day. Thank you for your attention.