



30th Council of Europe Conference of
Ministers of Justice
Istanbul 2010



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30TH COUNCIL OF EUROPE CONFERENCE OF MINISTERS OF JUSTICE

(Istanbul, Turkey, 24 - 26 November 2010)

RESOLUTION No. 1 on a modern, transparent and efficient justice

THE MINISTERS participating in the 30th Council of Europe Conference of Ministers of Justice (Istanbul, Turkey, 24 - 26 November 2010),

1. Welcoming the report of the Minister of Justice of Turkey on "Modernising Justice in the Third Millennium: - transparent and efficient justice; - prisons in today's Europe" and the contributions made by other delegations;
2. Recalling that it is the aim of the Council of Europe to preserve, strengthen and promote democracy, human rights and the rule of law;
3. Having regard to Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter "ECHR") which guarantees the right to a fair trial within a reasonable time, to the relevant case-law of the European Court of Human Rights as well as to the relevant international legal instruments;
4. Recognising that the use of information and communication technologies (hereafter "ICTs") has become indispensable to the modernisation of justice in view of the delivery of a fair, efficient and accessible justice - an essential element of the rule of law - thereby facilitating the access to courts, reducing delays, improving the quality of service delivery and bringing citizens closer to justice systems which they trust;
5. Recognising that the use of information and communication technologies plays an increasing role in international co-operation between judicial authorities and may facilitate a more timely response to requests for mutual legal assistance, thereby avoiding unnecessary delays in investigation and prosecution of crimes;

6. Noting that many judgments and pending cases at the European Court of Human Rights are the result of undue delay of judicial proceedings (Article 6 § 1 of the ECHR);
7. Emphasising that a modern, transparent and efficient justice should be a justice in which courts have the duty and ability to address the management of judicial timeframes as one of their priorities;
8. Highlighting that modernising justice contributes to strengthening member States' mutual trust in their judicial systems, which is essential to the development of a European judicial area;
9. Highlighting that the modernisation of justice and the use of ICTs may imply an increased collection and processing of personal data, which must be done in compliance with the right to respect for private and family life (Article 8 of the ECHR and the relevant case-law of the European Court of Human Rights) and, where applicable, the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108, hereafter "Convention 108") and its additional Protocol (ETS No. 181);
10. Aware of the need to prevent threats to human rights resulting from breaches of data security and the misuse of data collected by justice systems and law enforcement agencies and the need for adequate training to prevent such breaches and misuse;
11. Highlighting that the criminal justice system of the third millennium will increasingly need to address issues of cross border and virtual relationships in ICTs (e.g. cloud-computing tools), which may require a fresher look at the traditional methods of international criminal law co-operation;
12. Recognising the importance of the Council of Europe's Convention on Cybercrime (ETS No. 185) which is increasingly recognised as the legal framework of reference for fighting cybercrime at the global level;
13. Acknowledging the importance of fostering the development of the information society and of the Internet to secure the exercise of human rights and fundamental freedoms in the context of the use of ICTs, and noting the results of EuroDIG (European dialogue on Internet governance) and the Internet Governance Forum (IGF);
14. Welcoming the adoption by the Committee of Ministers on 17 November 2010 of Recommendation CM/Rec(2010)12 on judges: independence, efficiency and responsibilities as well as of the Guidelines on child-friendly justice;
15. Welcoming the report of the European Commission for the Efficiency of Justice (CEPEJ) on "European judicial systems: efficiency and quality of justice" as a public policy tool allowing for a better understanding of the daily operation of the justice system and, thereby, improving the efficiency and transparency of justice in Europe, for the benefit of court users;
16. Noting the work of the SATURN centre, within CEPEJ, in collecting information necessary for the better understanding of the time required for judicial proceedings in the member States;
17. Welcoming the close co-operation between the Council of Europe and the European Union based on common standards and the 2007 Memorandum of Understanding between the two organisations and having in particular regard to the "Multi-annual European e-justice Action plan 2009-2013";

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18. INVITE the Committee of Ministers to entrust the European Committee on Legal Co-operation (CDCJ), in co-operation with other competent bodies of the Council of Europe, to provide guidance to member States in the modernisation of their justice systems and to revise in particular the Committee of Ministers' recommendations:
 - CM/Rec(95)11 on "the selection, processing, presentation and archiving of court decisions in legal information retrieval systems";
 - CM/Rec(2001)2 "concerning the design and re-design of court systems and legal information systems in a cost-effective manner";
 - CM/Rec(2001)3 on "the delivery of court and other legal services to the citizen through the use of new technologies";
 - CM/Rec(2003)14 on "the interoperability of information systems in the justice sector"; and
 - CM/Rec(2003)15 on "archiving of electronic documents in the legal sector";
19. INVITE the Committee of Ministers to entrust the European Committee on Crime Problems (CDPC) to examine how the use of ICTs can make judicial co-operation in criminal matters more effective;
20. INVITE the Committee of Ministers to entrust the European Committee on Crime Problems (CDPC) to examine issues arising from the use of ICTs, in particular the competence of law enforcement authorities to investigate and prosecute crimes beyond national jurisdiction, in co-operation with the Convention Committee on Cybercrime (T-CY), while expressing their support for the ongoing work of the latter Committee on a possible standard-setting text on the use of transborder investigative measures, including transborder access to data and data flows;
21. INVITE the Committee of Ministers of the Council of Europe to consider the feasibility of implementing a Digital Legal Information Library and a Platform for the Exchange of Information on ICT Projects in member States;
22. INVITE the European Union to include in its e-justice portal links to the relevant Council of Europe standards and to enable the Council of Europe to contribute to the "Multi-annual European e-justice Action plan 2009-2013";
23. INVITE the Committee of Ministers to build on the work of the SATURN centre within CEPEJ, further developing its capacity to acquire better knowledge of the time required for judicial proceedings in the member States, with a view to developing tools to enable the member States to better meet their obligations under Article 6 of the ECHR regarding the right to a fair trial within a reasonable time;
24. ASK the Secretary General of the Council of Europe to present a report on the steps taken to give effect to this Resolution on the occasion of their next Conference.