



Strasbourg, 5 December 2023

CEPEJ(2023)15

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

**CONCEPT NOTE ON THE DATABASE
OF BACKLOG REDUCTION PRACTICES**

*Document adopted by the CEPEJ at its 41st plenary meeting¹
(Strasbourg, 4-5 December 2023)*

A. BACKGROUND INFORMATION

In June 2023, the CEPEJ adopted the [Backlog reduction tool \(CEPEJ\(20023\)9FINAL\)](#). This tool contains measures to address backlog of cases. The list of measures is not exhaustive. A number of member States expressed their wish to share further good practices in reducing backlog of cases. It is therefore intended to develop a database to collect already implemented measures to fight backlog. The [Resource Centre on Cyberjustice and Artificial Intelligence](#) could be an inspiring example for the establishment of such a Database. The Database will also build on the experience with collecting practices for the [Compendium of “best practices” on time management of judicial proceedings](#) adopted by the CEPEJ in 2006.²

B. PURPOSE OF THE DATABASE OF BACKLOG REDUCTION PRACTICES

- *Display up-to-date backlog reduction practices*

The *Database of backlog reduction practices*³ aims to function as a publicly accessible resource centre providing reliable up-to-date information on implemented or piloted backlog reduction practices in member and observer States. The term “*practices*” encompasses measures, tools, reforms, and all activities geared towards reducing and/or preventing the backlog of cases being formed in the courts. Efforts will be made to display practices from regions and countries beyond Europe, wherever possible.

- *Facilitate bilateral exchanges and knowledge sharing among authorities*

The *Database of backlog reduction practices* would enable authorities involved in backlog reduction activities to gain an overview of existing practices across Europe, facilitating learning from experiences of other States, through bilateral exchanges with peers on the practical experience of specific backlog reduction activities. It could help authorities to draw up action plans for successful backlog reduction and prevention.

- *Provide factual presentation, without endorsing specific practices*

The entries in the *Database of backlog reduction practices* will be based on the information on practices given by relevant authorities, without comments or analyses. The Database does not imply any endorsement or recommendation of the presented backlog reduction practices by the CEPEJ or the Council of Europe.

C. STRUCTURE OF THE DATABASE OF BACKLOG REDUCTION

The Database would be structured according to the categories corresponding to the main area of application of the measure/practice to fight backlog of cases. In addition to the areas of applications, information can be sorted according to the domain and level of application. The database would contain the following entries:

² CEPEJ(2006)13

³ This is a provisional title; other possible titles could be “Resource centre for backlog reduction practices” or “Repository of backlog reduction practices”.

1. TITLE OF THE MEASURE/PRACTICE

Name of the measure/practice in English and native language

2. DOMAIN [Choose from the following options]

- Legislative
- Operational
- Resources
- Training

3. AREAS OF APPLICATION

1. **Legislation, regulation, and policies** [Practices focusing on legislation and policies adopted by the Parliament or other relevant bodies, already implemented, contributing to fighting or reducing backlog of cases. This includes legislative amendments.]
2. **Organisation of judicial systems** [Practices pertaining to measures and judicial reforms affecting court networks and structure, judicial processes, and the role of judges and prosecutors.]
3. **Initial and in-service training** [Measures covering initial and in-service training opportunities related to justice efficiency directly connected to backlog reduction activities. Target groups include all justice actors, not limited to judges and court staff but also other justice professionals, such as judicial experts and enforcement agents.]
4. **Resource allocation** [Measures concerning the allocation of human, financial, and material resources to judicial systems that have had an impact on the reduction of case backlogs and the length of court proceedings.]
5. **Digitalisation of judicial systems** [Measures introduced to digitalise judicial systems, resulting in improved process management that shortens court proceedings and reduces case backlogs.]
6. **Court management** [Measures focusing on more efficient court management through reorganising business processes.]
7. **Case management** [Measures involving improved court procedures and temporary or permanent reorganisation of case management in courts. Reorganised case allocation, management of proceedings, trial scheduling, document flow, handling of backlog and/or repetitive cases are strategies that can reduce backlogs.]
8. **Justice actors** [Measures encompassing the role of justice actors and professionals in enhancing the effectiveness of judicial processes. Measures can be designed to handle cases more effectively through improved interactions, management and communication between courts and justice professionals (public prosecutors, lawyers, notaries, enforcement agents, expert witnesses etc.).]

More than one area of application can be selected per practice.

4. LEVEL OF APPLICATION

- **System/national-wide**
- **Court/Prosecution service**
- **Judge**

The measures can be implemented at different levels: system-level (usually taken by the authorities that have competences at the national level such as high judicial council, supreme court, parliament, ministry of justice, etc.); court-level (measures that can be implemented by an individual court); and judge-level (measures that can be implemented by an individual judge).

Depending on the domains of application, the measures in this database are qualified as: legislative (require changes in legislation); operational (require changes to the organisation of court work and business processes); resources (require providing additional human or material resources, including ICT); and training (require development and organisation of trainings for judges and/or non-judge staff).

Only one prevalent domain should be selected for each measure. In this way, users will be able to filter the most relevant measures for the domain they are interested in.

5. PERIOD OF IMPLEMENTATION

- *in the last 2 years*
- *in the last 2 to 5 years*
- *before 5 years ago*

Measures can be designed to respond to different implementation periods. The database will indicate the periods in which the measures/practices have been implemented.

6. STATUS OF IMPLEMENTATION

- **Under implementation**
- **Implemented**
- **Pilot**
- **Cancelled**

Indicate if the practice is in use, has been used, or is in a pilot phase.

7. COUNTRY [Choose from the list of countries]

8. DESCRIPTION

Briefly describe the practice/measure to inform readers what it is and how it works.

9. RESULTS – EVIDENCE BASED

Describe results achieved by implementing the measures/practices. Please provide evidence supporting the results, supplemented by relevant statistical data.

10. LINK

If available, provide a link to the document/official text where the measure is described.

11. IMPLEMENTING AUTHORITY/IES

Please indicate the authority responsible for implementation.

12. ANY OTHER COMMENT

Please provide any additional information, particularly details not covered in other sections. This information will not be published but used instead for internal discussion.

13. INFORMATION PROVIDER

Please let us know your name, institutional affiliation, and contact details. This information will not be published but will help us to communicate with you.

D. COLLECTION OF INFORMATION

The above entries would be also used for collection of information (practices, measures, tools, and reforms). A template would be prepared for this purpose together with **Frequently Asked Questions** (FAQ). This will help collect information in a structured and harmonised way.

1. HOW TO COLLECT INFORMATION?

- *Main actors*
The entries would be collected mainly through the Network of pilot courts, national correspondents and CEPEJ members.⁴
- *Classification and review by a Task Force*
The collected information would be discussed and categorised by a Task Force set up specifically for this purpose. The Task Force will be responsible for reviewing submitted practices/measures and deciding on their publication.
- *Regular updates*
The Database is updated every six months. New entries and missing information are added.
- *Possibility to submit information*
The Database relies on the submission of practices and measures that were or currently are implemented in member and observer States. They need to be proven practices – successful or not – already in operation or in a pilot phase. The CEPEJ welcomes the submission of information on practices, measures, and reforms aimed at reducing or preventing backlog of cases. The submission should be sent to (*the name and the e-mail address to be added*).

2. WHAT ARE THE CRITERIA FOR PUBLICATION?

The criteria for publication include relevance, implementation, and evidence based. The database includes measures with a proven record of successful implementation or measures that did not achieve the desired result of reducing, preventing, or eliminating backlog of cases. The unsuccessful measures are also considered to be useful for learning purposes. The submitted information must be accompanied by evidence, in particular statistical data, that prove the result of the measures/practices.

E. STEPS TO DEVELOP THE DATABASE

- Concept set-up and agreed within CEPEJ-SATURN (5-6 October 2023)
- Methodology of information collection defined (5 – 6 October 2023)
- Approval of the concept and project by the CEPEJ at the plenary meeting (4-5 December 2023)
- The input file set up by the Secretariat
- Information gathered, checked, and filtered by a Task Force set up for this purpose

⁴ The Network of pilot courts consists of representatives of courts from Council of Europe member States. They can be first instance or higher instance courts in civil, administrative, or criminal matters. The pilot courts are nominated by CEPEJ members. Practices and measures will also be collected through bilateral co-operation programmes and other CEPEJ-related activities (Crystal Scale of Justice Prize, round-tables, seminars and evaluation missions, etc.).

- Prototype for the dashboard defined
- Dashboard created by the Secretariat or the external visualisation specialist hired for this purpose and updated and maintained by the Secretariat
- Presentation of the concept / preliminary database to the pilot courts (April/May 2024)
- Continuous information gathering form set up by the Secretariat

These are non-exhaustive steps and can be modified.