

Strasbourg, 10 May 2017

CEPEJ-SATURN(2016)6Rev2

## **Handbook for implementing CEPEJ tools**

Version 3 of 10 May 2017

Drawn up by the SATURN Group

# Handbook for implementing CEPEJ tools

## I. Introduction

### A. Components of sound justice

The following are the characteristics inherent in sound justice, or a judicial system that functions well.

1. The judicial authorities are accessible: anyone can bring a case before a court irrespective of their financial means.
2. The judicial authorities are managed efficiently. In particular, judicial decisions are delivered within a reasonable time and
3. in optimum quality (comprehensible reasoning, judgment clearly worded and enforceable).
4. These decisions are accepted by the parties, the authorities and others involved in the proceedings. This will be reflected in particular by the enforcement of judicial decisions within a reasonable time and by the absence of any obstacle to that enforcement.

These components are to be found in particular when the following basic conditions are met:

- independence of the judiciary;
- absence of corruption both in general and within the judicial authorities in particular;
- targeted initial and continuing training of judges and law officers as well as employees of public prosecution services and of the courts;
- appropriate legislation (including procedural laws);
- operational infrastructure and logistics.

### B. Focusing of CEPEJ activities on analysing the efficiency and quality, in the broad sense, of the functioning of judicial systems

The CEPEJ carries out its mandate in the general aforementioned context and makes its contribution to the smooth operation of justice in general and the courts in particular. It focuses its work on:

- gathering the data required to analyse the smooth operation of a judicial system of a court or public prosecution service;
- optimising the processes that enable judicial decisions to be delivered within reasonable timeframes;
- optimising the basic conditions in which justice evolves, with due regard being had to areas dealt with by other Council of Europe bodies.

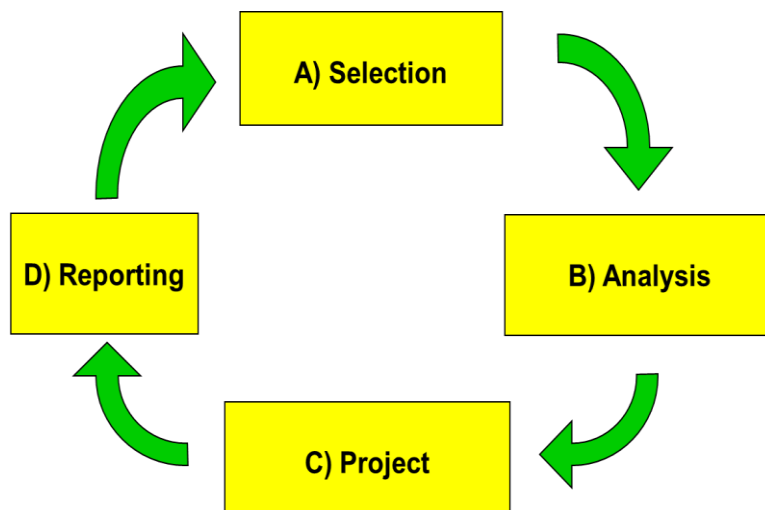
Accordingly, and by converse implication, the CEPEJ does not deal with or only very marginally deals with matters associated with the independence of the judiciary (see on this subject the work of the Consultative Council of European Judges and the Consultative Council of European Prosecutors), with corruption (see in this connection the inspection activities of GRECO), with the training of judges, law officers and judicial employees (see the work of the Council of Europe's Lisbon Network) or with legislation (see the work of the CDCJ).

Over the years, the CEPEJ has conducted many analyses and developed numerous tools for optimising the functioning of judicial systems and the courts.<sup>1</sup>

The aim of this document is to explain the relationship between the CEPEJ's various analyses and tools and to facilitate their use by experts during a co-operation mission or by members of judicial authorities wishing to optimise the functioning of their own judicial system or courts themselves.

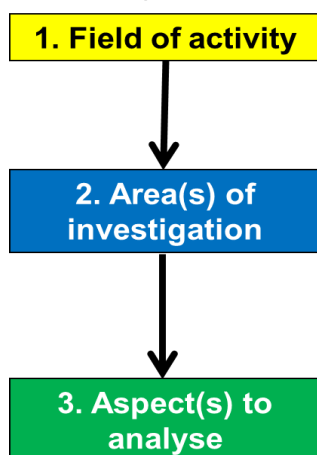
## II. Methodology for use of the CEPEJ tools

The CEPEJ tools are very user-friendly. Four phases only are needed for their implementation:<sup>2</sup> the selection phase, the analysis phase, the project phase and the reporting phase.



### A. The selection phase

There are three steps within the selection phase:

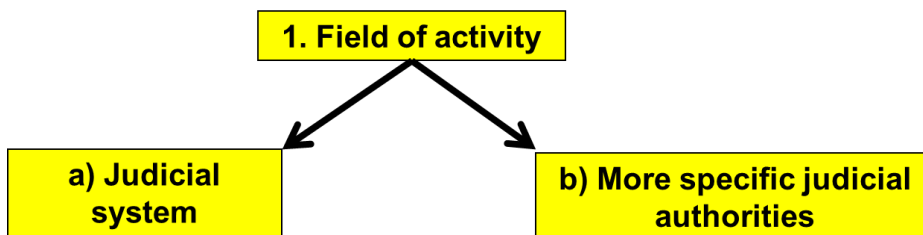


<sup>1</sup> See also CEPEJ Studies No. 22, which provides a detailed historical account of the CEPEJ 's work.

<sup>2</sup> Except for the satisfaction surveys, which use their own methodology.

## 1. The first question to ask is:

Within the judicial system, optimisation is sought in respect of which judicial authority?



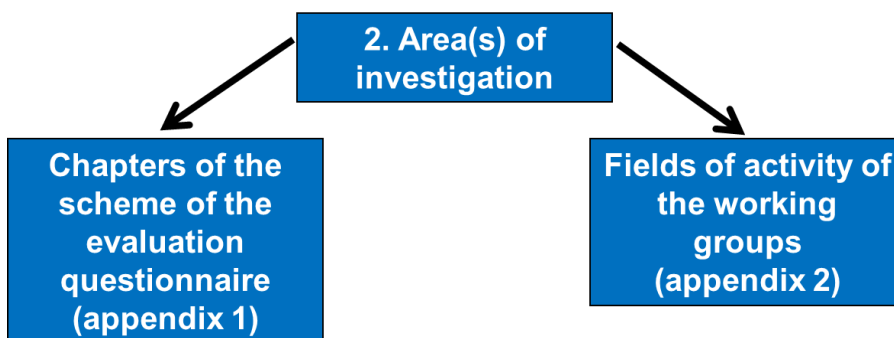
There are two possible answers:

- a) The judicial system as a whole (for the next steps, see 2a below);
- b) One or more specific judicial authorities: a particular court, a selection of courts, a particular public prosecution service, a selection of public prosecution services.

For the next steps, see 2b below.

## 2. The second question to ask during the selection phase is:

Which area(s) do we want to optimise in the selected entity/entities?



- a) When the answer to the first question is “the entire judicial system”, it is necessary to determine, on the basis of the questionnaire on the evaluation of judicial systems, which areas need to be examined to establish whether there is room for improvement. For the list of areas, see Appendix 1.

The choice of one or more areas on this list gives the advantage of comparing the judicial system concerned with that of other comparable countries. An area not on the list can, of course, also be chosen.

For the next steps, see 3 below.

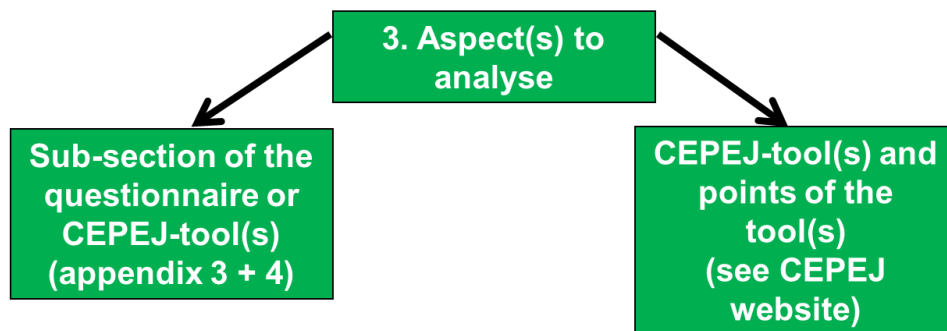
- b) When the answer to the first question is one or more specific judicial authorities, it is necessary to select the area(s) to be examined to identify its/their optimisation potential. For a list of areas, see Appendix 2.

The advantage of choosing an area on the list is that there exists a guideline, a checklist, a document describing good practices, or another type of CEPEJ document on the subject. An area not on the list can, of course, also be chosen.

For the next steps, see 3b below.

### 3. The third question to ask during the selection phase is:

In the area(s) chosen, what aspects do we want to analyse with a view to their possible improvement?



a) When the field of investigation is the judicial system as a whole, it is possible or indeed recommended, to choose the aspects to be studied within a specific area:

- either by selecting a sub-area corresponding to a sub-section of the questionnaire on European judicial systems (see Appendix 3) or by selecting specific questions<sup>3</sup> from that questionnaire;<sup>4</sup>
- or by selecting CEPEJ tools on individual aspects or devoted entirely to matters concerning the functioning of a judicial system as a whole (see Appendix 4).

b) When the field of investigation concerns a specific area of the functioning of a judicial authority, the recommended approach is to select in the CEPEJ tool(s) chosen those aspects that can be implemented with a minimum of resources and will provide maximum added value for the smooth functioning of that authority. The CEPEJ has published a guide to the implementation of guidelines on judicial timeframes, which contain 16 priority guidelines that can, in principle, be implemented by any court with no outside assistance and no additional resources, enabling it to shorten the time taken to process cases. With regard to quality, it is for example possible to exclude all items in the quality checklist<sup>5</sup> that do not pertain to the courts and to choose from the remaining items those that appear particularly important for the court concerned.

<sup>3</sup> Example: if a state wants to optimise its judicial organisation with the aim of optimising the resolution of administrative disputes, it will select the questions on the courts and administrative disputes (Q43 and Q91+97+99, Chapter 4).

<sup>4</sup> See document CEPEJ(2015)1 Scheme for evaluating judicial systems – 2014-2016 cycle.

<sup>5</sup> Document CEPEJ (2008)2, Checklist for promoting the quality of justice and the courts.

## B. Analysis phase

### a) Analysis of the judicial system

As a general rule, an analysis is carried out at national level.<sup>6</sup>

#### 1. Data collection

When the items to be studied are taken from the questionnaire on European judicial systems, national data are available in the CEPEJ database.<sup>7</sup> When it is decided to analyse other items not contained in that questionnaire, it is necessary to begin by collecting the corresponding data.

#### 2. Determining the group of comparable countries

When analysing a judicial system, it is helpful to compare its functioning and efficiency with the system employed by comparable countries.

The criteria for determining the group of comparable judicial systems depends to a significant extent on the aspects to be analysed or compared. It is recommended that the criteria be given a weighting in order to retain a core of identical comparable countries throughout the analysis.

The following criteria are generally taken into consideration:

- similar number of inhabitants;
- identical legal traditions;
- comparable gross domestic product (GDP) (essential for comparing matters related to the budget);
- comparable state organisation (highly centralised state, state with little centralisation, federal state, etc.);
- similar topography/geography/size (essential for comparing the organisation and the judicial map);
- the geographical proximity and/or cultural similarity of countries whose judicial systems can be compared.

In all cases, it is highly advisable to include in the comparison:

- the European average and/or median;
- European standards where they exist.<sup>8</sup>

Owing to the differences that exist between comparable countries, comparisons need to be carried out of standardised values<sup>9</sup>, such as:

- budget per inhabitant;
- number of judges per 100 000 inhabitants;
- number of non-judge staff per judge;
- number of cases per 100 inhabitants;
- number of cases per judge;
- etc.

---

<sup>6</sup> There may be exceptions in federal states, in which such an analysis can be carried out at the level of a constituent state.

<sup>7</sup> CEPEJ-STAT is available on the CEPEJ website : <http://www.coe.int/cepej/>

<sup>8</sup> Currently being drawn up with regard to case processing time.

<sup>9</sup> Cf Explanatory note of the CEPEJ Evaluation Scheme

### Conclusions and recommendations

Such a study should contain:

- a description of the similarities and differences between the judicial system analysed and other judicial systems as well as any European standards that may exist;
- an explanation of the reasons for any differences identified;
- recommendations for improving the situation when explanations of differences reveal a potential for optimisation.

### *3. Changes over time*

Within a judicial system, it is also interesting to examine both the evolution over time of the specific issues which are the subject of the study and the indicators for measuring the efficiency of the judicial system [see on this subject the EUGMONT appendix to the CEPEJ's Guidelines on Judicial Statistics (GOJUST)]<sup>10</sup>.

The time-based comparison can be conducted when it is not possible to compare comparable countries, but it should generally complement the comparison with comparable judicial systems.

### Conclusions and recommendations

Such a study should contain:

- a description of changes in the situation over time, highlighting:
  - stable situations
  - positive changes
  - negative changes
- the reasons for significant positive or negative changes<sup>11</sup>

### *4. Example of a plan for analysing the situation of a judicial system*

See Appendix 5

#### **b) Analysis of a court**

An analysis can be carried out for a single court, a series of similar courts or each court in a judicial system.

### *1. Data collection*

Whatever the aspects being examined, it is very useful to establish for the court concerned:

- its organisation and jurisdiction;
- its basic statistics for the past 3 to 5 years<sup>12</sup>;
- its resources, in particular the number of judges and staff;
- information on the extent to which it is computerised.

See Appendix 6, which describes the preparations for a court visit by experts.

<sup>10</sup> Document CEPEJ (2008)11, CEPEJ Guidelines on judicial statistics (GOJUST).

<sup>11</sup> For example, a change of plus or minus 20% can be considered significant.

<sup>12</sup> See EUGMONT annex:

[https://wcd.coe.int/ViewDoc.jsp?Ref=CEPEJ\(2008\)11&Language=lanEnglish&Ver=original&Site=DGHL-CEPEJ&BackColorInternet=eff2fa&BackColorIntranet=eff2fa&BackColorLogged=c1cbe6](https://wcd.coe.int/ViewDoc.jsp?Ref=CEPEJ(2008)11&Language=lanEnglish&Ver=original&Site=DGHL-CEPEJ&BackColorInternet=eff2fa&BackColorIntranet=eff2fa&BackColorLogged=c1cbe6)

## 2. Analysis of aspects to be studied

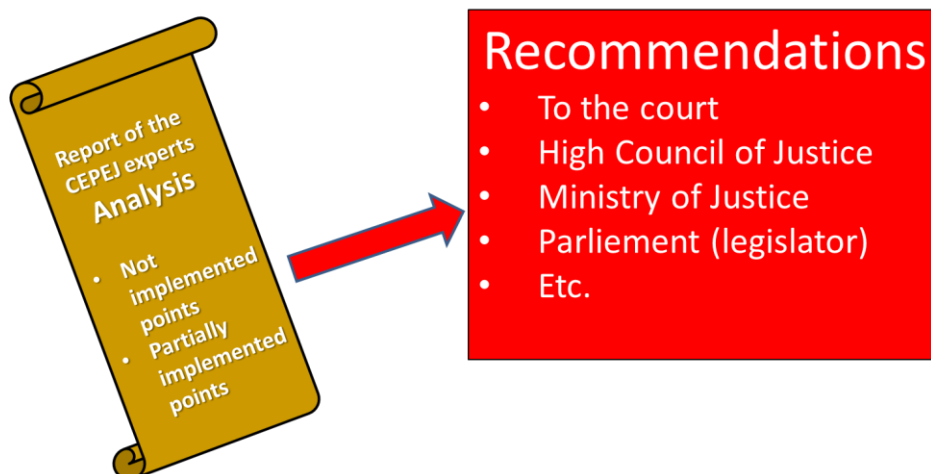
The aspects to be studied can be analysed by the court itself or by CEPEJ experts during a visit to the court.

The analysis of a court can consist of:

- a comparison with comparable courts in the judicial system examined or in another Council of Europe member state. This will be particularly the case for supreme courts, of which by definition, there is only one within a judicial system;
- a description of the development over time of the aspects examined.

When examining the aspects selected in the CEPEJ tools, the study must focus on the current extent to which these aspects are implemented, that is to say whether they are:

- fully implemented
- implemented but in a different way from that specified in the CEPEJ document
- not implemented, but a complete implementation plan has been drawn up
- partially implemented
- not implemented



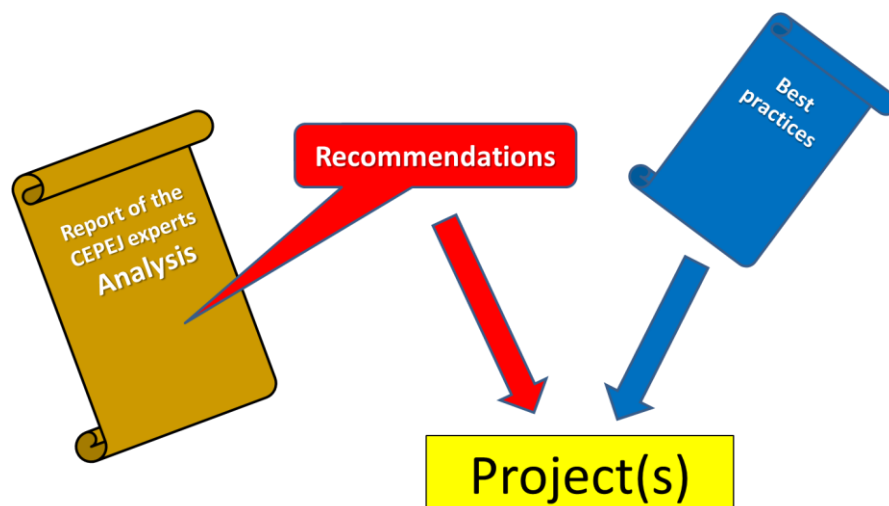
The aspects that are particularly interesting for the analysis and launch of projects are those that have been partially or not implemented. The analysis will include recommendations for improving and optimising the functioning and efficiency of the court in question through the practical implementation of those aspects.

## 3. Proposal for a court analysis plan

Appendix 7 contains a template for a court analysis that can be adapted according to the CEPEJ tool chosen and the aspects that have been selected.



## C. Project phase



### a) Project to optimise the functioning of a judicial system

#### 1. Starting-point

The starting-point is the areas of deficiency identified and recommendations and improvements proposed during the analysis phase. These may result from the comparison with similar judicial systems or from tracking developments over time. In the latter case, it is negative developments that will serve as a project starting-point, with the aim of reversing the trend.

Moreover, when the situation of a court is analysed it often happens that drawn up recommendations do not apply to the court itself but to the functioning of the entire judicial system and fall more within the purview of ministries of justice, judicial service commissions or other authorities involved in the functioning of the justice system.

When the authorities responsible for launching and implementing the project or the CEPEJ experts involved in cooperation programmes have to draw up the parameters of the projects to be carried out, this often proves a very difficult task. The best practices gathered within the judicial system in question or similar judicial systems can serve as a discussion basis for determining project parameters. The CEPEJ has published several best practice compendiums on its website.<sup>13</sup> This document is updated at regular intervals by the SATURN working group.

#### 2. Prioritisation of projects

Once projects have been defined for all or some of the recommendations, it is necessary to list them, for example in the form of a matrix, and determine which projects should be implemented immediately and which will be launched later.

The prioritisation matrix may take the following form:

<sup>13</sup> For example, on the subject of judicial timeframes, document [http://www.coe.int/t/dghl/cooperation/cepej/Delais/2\\_2015\\_Saturn\\_Guidelines\\_commentsimplementation.pdf](http://www.coe.int/t/dghl/cooperation/cepej/Delais/2_2015_Saturn_Guidelines_commentsimplementation.pdf) contains details of the best practices gathered within the pilot courts for each of the priority guidelines.

| Project/recommendation | Impact on the functioning of the judicial system   | (One-off) costs of the project   | (Annual) operating costs  | Total | Priority |
|------------------------|--|--|---|-------|----------|
|                        | Scale: 1 - 4<br>1 = little impact<br>4 = makes a big contribution to the proper functioning of the judicial system | Scale: 1 - 4<br>1 = very high costs<br>4 = can be carried out with current resources | Scale: 1 - 4<br>1 = very high costs<br>4 = can operate without additional resources |       |          |
| Project A              |  |  |   |       |          |
| Project B              |  |  |   |       |          |

The projects with the highest total are those that, on the one hand, will make a significant improvement to the functioning of the judicial system at low cost. If cost plays a secondary role in a member state, more weight can be given to impact-related factors and the result obtained in this column can be multiplied by two, three or five when determining the total number of points. As a rule, it is not possible, and is even inadvisable, to launch too many projects at once. Accordingly, a set of projects should be launched initially and then their impact measured. If necessary, a second set of projects can be launched at a later stage.

### 3. Project management

It is recommended that projects be managed according to current project management methods.

As a rule, these require the establishment of a project organisation and project planning and the allocation of resources to carry out the project. It is essential to also determine the project objectives in order to be able to measure at the end whether these objectives have been achieved. It is also necessary to draw up other contractual documents, such as a set of specifications. This will then be followed by an implementation phase, perhaps involving tests and a roll-out procedure, for example in the case of an IT application. With regard to the final report, see Part D below.

In the case of legislative projects, the method and stages are dictated by the legislation applicable in the country concerned.

For CEPEJ experts involved in a co-operation project, it may prove helpful to keep a list of recommendations and/or projects initiated by the state concerned and during each mission to inquire about how the situation has developed. Appendix 8 contains an example of a table showing the follow-up given to recommendations or projects.

#### b) Project to optimise the functioning of a court

##### 1. Starting-point

The starting-point is the recommendations made in the analysis report. These may be subdivided into several types of recommendation according to the recipients of the proposals made. They may be recommendations:

- for the court concerned;
- for the judicial service commission (if there is such an institution);

- for the Ministry of Justice;
- for the legislature;
- etc.

When the recipient is not the court concerned, the recommendations should be forwarded, with the court's support, to the authorities concerned.

## 2. *Prioritisation of a court's own projects*

In the case of several projects specific to the court concerned, it is also helpful to prioritise them according to the method described above for judicial systems.

The advantage of projects that make a substantial improvement to the functioning of a court and can be carried out without additional resources is that they can be initiated without delay and fall within the purview of the court. In this case, it is generally unnecessary to obtain authorisation from the supervisory authorities or supreme supervisory authorities responsible for the court concerned.

## 3. *Project management*

The above remarks on the management of projects within judicial systems apply to the project relating to the courts.

Internal court projects often directly or indirectly affect the work of judges. Most judges are disinclined to change the way they work and are only marginally interested in projects until they have to implement them; at this moment of time they take a more practical interest in them and ask for any kinds of improvements and modifications to be made (for example to the IT applications they have to use). For this type of project, it may be beneficial not to apply a classical method of project management consisting firstly of a substantive phase of needs assessment and secondly of implementation according to the specified needs. When needs are expressed at the time of the introduction or implementation of a project, meeting them leads to higher, and generally unforeseen, costs. In order to avoid this type of situation, it is possible to carry out projects where needs are not expressed until the project's start or implementation stage. These needs can be managed according to an iterative method (also known as an "agile" or "Scrum" method).<sup>14</sup> In this case, a basic version, for example of a software program, is put into operation in a section of a court. The organisation of projects provides from the outset for the users concerned, especially judges, the possibility to express their needs, and a development (implementation) phase is planned from the beginning, together with the rapid roll-out of a new version.

In the project management context, it will be necessary to determine at the moment a project is launched how many iterations need to be scheduled in order to arrive at a consolidated version, for example of the software application.

### **D. Reporting phase**

The remarks made in this part apply to co-operation projects to optimise the functioning of both a judicial system and a court.

The *objective* of the report phase is twofold, namely to:

---

<sup>14</sup> For more information on the Scrum method, see in particular Wikipedia, [https://en.wikipedia.org/wiki/Scrum\\_\(software\\_development\)](https://en.wikipedia.org/wiki/Scrum_(software_development))

1. monitor activities, difficulties encountered, measures taken and follow-up to work carried out in the project;
2. be able to measure the impact of projects carried out.

There are *three main types of report*: analysis reports, situation reports and final reports.

#### **a) Analysis report**

As far as analysis reports are concerned, see Part B above, analysis phase, and Appendices 5 and 7.

#### **b) Situation report**

The situation report is drawn up by project leaders and is designed to provide the body responsible for steering or supervising the project with regular information on the project status, on the risks that could slow down or stop the project, on the difficulties encountered, on measures taken to minimise risks and iron out difficulties and on the next steps planned.

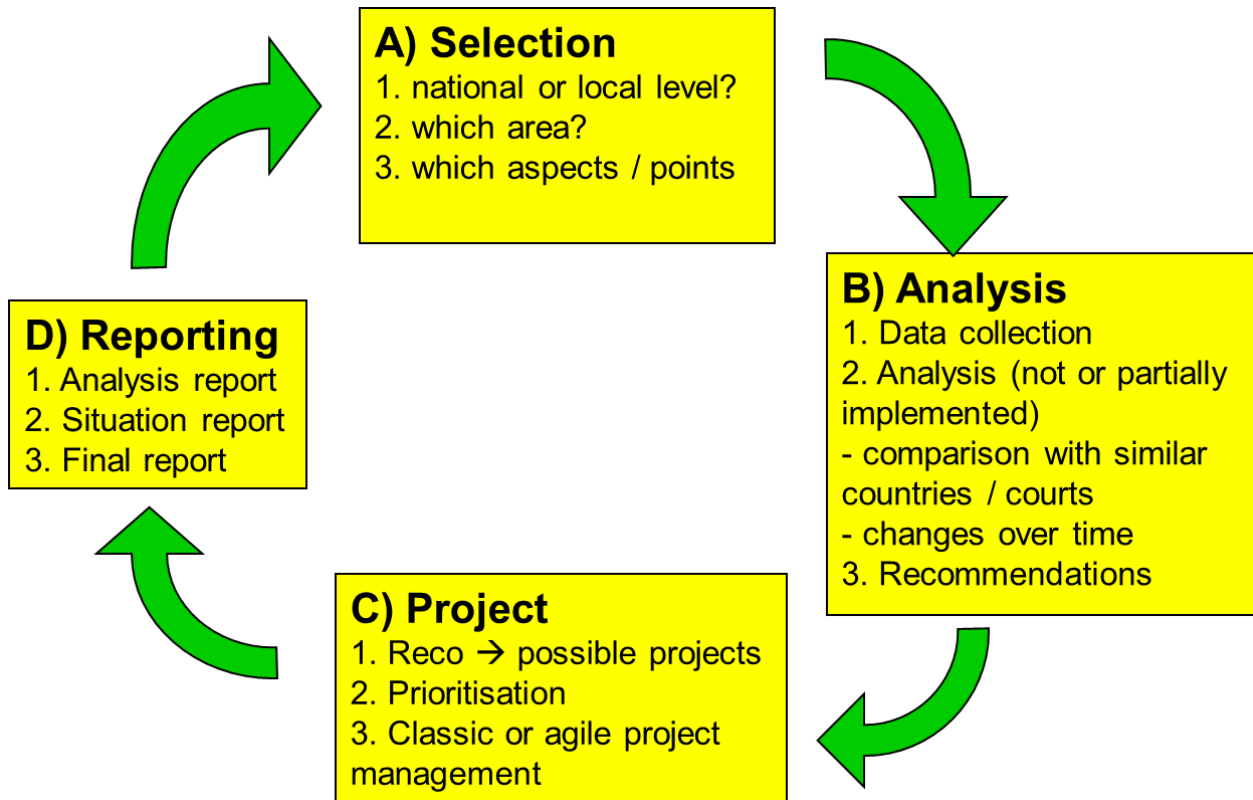
Appendix 9 contains a template for a situation report.

The important aspects of situation reports can be entered by experts involved in a co-operation project into tables showing the follow-up given to recommendations (see Appendix 8).

#### **c) Final report**

The final report is designed to provide a summary of the chronology of the project, to verify that the project's objectives have been achieved, to describe the difficulties encountered and to outline the lessons to be learned that may be useful for other, similar projects. Appendix 10 contains a template for a final report.

### III. Methodology - Summary



#### **IV. Appendices**

1. Judicial system – list of areas for selection
2. List of areas for which there is a CEPEJ tool
3. List of sub-areas for selection
4. List of CEPEJ tools or parts of tools concerning the functioning of an entire judicial system
5. Template for an analysis of a judicial system
6. Preparations for a court visit by experts
7. Template for an analysis of a court
8. Example of table showing the follow-up given to recommendations and/or projects
9. Template for a situation report
10. Template for the plan of a final report

## **Appendix 1: Judicial system – list of areas for selection**

(Source: document CEPEJ (2015) 1, scheme for evaluating judicial systems, 2014-2016 cycle)

1. Demographic and economic data
2. Access to justice and to all courts
3. Organisation of the court system (including the judicial map and administrative support arrangements for the courts)
4. Fair trial
5. Career of judges and public prosecutors
6. Lawyers
7. Alternative dispute resolution (and diversion in criminal matters)
8. Enforcement of court decisions
9. Notaries
10. Court interpreters
11. Judicial experts
12. Anticipated reforms

For details, look the appendix 3.

## **Appendix 2: List of areas for which there is a CEPEJ tool**

[Source: CEPEJ website ([http://www.coe.int/T/dghl/cooperation/cepej/default\\_en.asp](http://www.coe.int/T/dghl/cooperation/cepej/default_en.asp))]

1. Assessment of the court's efficiency
2. Management of case processing times
3. Quality of justice
4. Enforcement of court decisions
5. Mediation

For details, look the appendix 4.



## **Appendix 3: judicial system – List of sub-areas for selection**

### **1. Demographic and economic data**

- 1.1 Inhabitants and economic information
- 1.2 Budgetary data concerning the judicial system
- 1.3 Budgetary data concerning the whole justice system

### **2. Access to justice and all courts**

- 2.1 Legal aid
- 2.2 Users of the courts and victims

### **3. Organisation of the court system** (including the judicial map and administrative support arrangements for the courts)

- 3.1 Courts
- 3.2 Judges and non-judge staff
- 3.3 Public prosecutors and staff
- 3.4 Management of the court budget
- 3.5 Use of technologies in courts
- 3.6 Performance and evaluation

### **4. Fair trial**

- 4.1 Principles
- 4.2 Procedural timeframes

### **5. Career of judges and public prosecutors**

- 5.1 Recruitment and promotion
- 5.2 Training
- 5.3 Exercise of the profession
- 5.4 Disciplinary procedures

### **6. Lawyers**

- 6.1 Status of the profession and training
- 6.2 Exercise of the profession
- 6.3 Quality standards and disciplinary proceedings

### **7. Alternative dispute resolution (and diversion in criminal matters)**

### **8. Enforcement of court decisions**

- 8.1 Enforcement of decisions in civil matters
- 8.2 Enforcement of decisions in criminal matters

### **9. Notaries**

### **10. Court interpreters**

### **11. Judicial experts**

### **12. Anticipated reforms**

## **Appendix 4: List of CEPEJ tools or parts of tools relating to the functioning of an entire judicial system**

### **1. Evaluation of judicial systems**

Doc. CEPEJ (2008)11, CEPEJ Guidelines on judicial statistics (GOJUST).

### **2. Judicial time management**

2.1 Doc. CEPEJ (2014)16, revised SATURN guidelines for judicial time management (2nd revision), in particular:

I General principles and guidelines

II Guidelines for legislators and policy makers

III Guidelines for authorities responsible for administration of justice

2.2 Doc. CEPEJ (2005)12 REV, Time management checklist (Checklist of indicators for the analysis of lengths of proceedings in the justice system)

2.3 Doc. CEPEJ(2016)5, Implementation guide: Towards European judicial timeframes

### **3. Quality of justice**

3.1 Doc. CEPEJ (2014)15, Guidelines on the organisation and accessibility of court buildings

3.2 Doc. CEPEJ (2014)14, Guidelines on the role of court-appointed experts in judicial proceedings of Council of Europe Member States.

3.3 Doc. CEPEJ (2013)7, REV, Guidelines on the Creation of Judicial Maps to Support Access to Justice within a Quality Judicial System.

3.4 Doc. CEPEJ (2010)1, Handbook for conducting satisfaction surveys aimed at court users in Council of Europe member States.

3.5 Doc. CEPEJ (2008)2, Checklist for promoting the quality of justice and the courts.

3.6 Doc. CEPEJ(2016)12, Measuring the quality of justice

3.7 Doc. CEPEJ(2016)13, Guidelines on how to drive change towards Cyberjustice

3.8 Doc. CEPEJ(2016)14, Good practice guide: Structural measures adopted by some Council of Europe member states to improve the functioning of civil and administrative justice

3.9 Doc. CEPEJ(2016)15, Handbook for conducting satisfaction surveys aimed at Court users in the Council of Europe's member States

### **4. Enforcement of judicial decisions**

4.1 Doc. CEPEJ (2009)11, REV 2, Guidelines for a better implementation of the existing Council of Europe's Recommendation on enforcement.

### **5. Mediation**

5.1 Doc. CEPEJ (2007)13, Guidelines for a better implementation of the existing recommendation concerning mediation in penal matters.

5.2 Doc CEPEJ (2007)14, Guidelines for a better implementation of the existing recommendation concerning family mediation and mediation in civil matters.

5.3 Doc. CEPEJ (2007)15, Guidelines for a better implementation of the existing Recommendation on alternatives to litigation between administrative authorities and private parties.

## **Appendix 5: Template for an analysis of a judicial system**

### **Summary for management**

- Overview of court system
- Identification of deficiencies
- Summary of conclusions in the areas examined
- List of all recommendations
- Proposal for follow-up

### **1. General information on the country**

### **2. Comparable countries**

### **3. Budget of the judicial system**

- 3.1. Budget of the courts
- 3.2. Legal aid budget
- 3.3. Budget of the public prosecution service
- 3.4. Budget of the entire judicial system
- 3.5. Conclusions - recommendations

### **4. Organisation of the court system**

- 4.1. Courts of first instance
- 4.2. Appeal courts
- 4.3. Specialised courts
- 4.4. Supreme court(s)
- 4.5. Conclusions - recommendations

### **5. Judges, law officers and staff**

- 5.1. Judges and court staff
- 5.2. Prosecutors and public prosecution staff
- 5.3. Conclusions – recommendations

### **6. Other judicial system players**

- 6.1. Lawyers
- 6.2. Enforcement agents
- 6.3. Others (notaries, interpreters, experts)
- 6.4. Conclusions – recommendations

### **7. Alternative dispute resolution (and diversion in criminal matters)**

- 7.1. Current situation
- 7.2. Conclusions - recommendations

### **8. Volume of cases dealt with**

- 8.1. *Indicators used*
- 8.2. *Cases processed by the courts*
  - 8.2.1. Courts of first instance
  - 8.2.2. Courts of appeal
  - 8.2.3. Supreme court(s)
- 8.3. *Cases processed by the public prosecution service*
- 8.4. *Conclusions - recommendations*

### **9. Enforcement of court decisions**

- 9.1. In civil cases
- 9.2. In administrative cases

- 9.3. In criminal cases
- 9.4. Conclusions – recommendations

## **10. General conclusions**

## **11. Proposal for follow-up**

## **12. Appendices**

### **NB:**

Each of the aspects studied can contain the following sub-aspects:

- a) Description of the situation within the judicial system examined
- b) Comparison with comparable countries
- c) Developments over time within the judicial system examined
- d) Projects underway in the member state whose judicial system is being examined

## Appendix 6: Preparations for a court visit by experts

Before any visit, the following should be agreed with the court:

### 1. Date and place

- [date] [time]
- [name and address of the court]

### 2. Participants

- a) *For the court*
  - [name and function of the court participants]
- b) *For the CEPEJ*
  - [name and function of the CEPEJ participants]

### 3. Aims of the meeting

The aims of the meeting are

- a) to inform the court's participants about the CEPEJ and its tools
- b) to select the CEPEJ tools that the court wishes to implement (to be done before the meeting if possible)
- c) to inform the CEPEJ participants about the court's organisation, resources and caseload
- d) to establish (by discussing the points to be examined) the extent to which the aspects in the CEPEJ tools selected are being implemented
- e) to identify projects likely to improve the functioning of the court
- f) to agree on the follow-up to the work.

### 4. Standard programme

| Schedule  | Activities   |
|---|--|
| <b>approx. 15 minutes before actual visit commences</b> | Arrival at the court and preparatory work (technical tests prior to presentations)   |
| <b>20 minutes</b>                                       | General introduction, introduction of participants and adoption of the meeting objectives  |
| <b>1 hour</b>   | Description of the court and its current challenges, including visit to the court  |
| <b>1 hour</b>   | Description of the CEPEJ and its tools, including the CEPEJ indicators applied to the statistics of the court and the methodology for implementing the tools |
| <b>3 hours</b>  | Selection of the aspects to be examined and examination of the extent to which the items selected are being implemented                                      |
| <b>30 minutes</b>                                       | Discussion and determination of follow-up work   |
| <b>10 minutes</b>                                       | For any over-running of the above  |
| <b>TOTAL: 6 hours</b>                                   |  |

## 5. Arrangements to be made before the meeting

### a) *By the court*

Submission to the CEPEJ secretariat of an organisational chart or details of the organisation of the court and its resources:

- number of judges
- number of non-judge staff, including
  - number of staff with legal training assigned to case law
  - number of administrative staff assigned to case law
  - other court staff (with details).

Submission to the CEPEJ secretariat of statistics covering at least the last three years<sup>15</sup>, but ideally the last five years both for the court as a whole and, if possible, for its subdivisions/sections, including

- the number of pending cases at 1 January
- the number of new cases
- the number of decided cases
- the number of pending cases at 31 December.

Submission to the CEPEJ secretariat of details of the structure of the caseload (pending cases) at the most recent date possible before the meeting, including the number of cases registered

- during the current year (Y)
- the previous year (Y-1)
- year Y-2
- etc.

### b) *CEPEJ*

Submission to the court of the CEPEJ tools of interest to it.

## 6. Meeting language and translation service

[to be determined in advance, if possible a common language understood by all participants]

---

---

<sup>15</sup> See EUGMONT Annex :

[https://wcd.coe.int/ViewDoc.jsp?Ref=CEPEJ\(2008\)11&Language=lanEnglish&Ver=original&Site=DGHL-CEPEJ&BackColorInternet=eff2fa&BackColorIntranet=eff2fa&BackColorLogged=c1cbe6](https://wcd.coe.int/ViewDoc.jsp?Ref=CEPEJ(2008)11&Language=lanEnglish&Ver=original&Site=DGHL-CEPEJ&BackColorInternet=eff2fa&BackColorIntranet=eff2fa&BackColorLogged=c1cbe6)

## Appendix 7: Template for an analysis of a court



[Place], [Date]

CEPEJ(201x)model\_EN

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

**REPORT ON ...  
AT THE ... COURT**

Drawn up on ...  
by ...

## 1. GENERAL DESCRIPTION OF THE COURT

1.1 Name and location: ... Court

1.2 Population concerned: Approx. ... million inhabitants.

1.3 Jurisdiction:

...

1.4 Organisation of the court

▲ *President*

...

▲ *Subdivisions of the court*

...

*Judicial map, etc.*

1.5 Judges, law officers and staff:

- **Number of professional judges:** ... , including ...% women
- **Number of lay judges:** ...
- **Number of part-time judges:** ...
- **Number of prosecutors attached to the court:** ...
- **Number of registrars:** ... , including ...% women
- **Number of enforcement agents:** ...
- **Number of other staff (security officers, etc.):** ...

1.6 Building and premises

1.7 Computer hardware and equipment:

a) *Software*

...

b) *Hardware*

...



## 2. Volume of cases handled by the court

### 2.1 Indicators used

<sup>1</sup> **CR: clearance rate indicator** – ratio between new and resolved cases during a specific period, expressed as a percentage.

$$\text{Clearance Rate (CR)} = \frac{\text{Number of resolved cases}}{\text{Number of incoming cases}}$$

*Example:* if during a calendar year the court has had 500 new cases referred to it and has resolved 550 cases in the same period, the CR is 110%. If the court only managed to resolve 400 cases, the CR would be 80%. A CR above 100% means the number of pending cases is falling.

<sup>2</sup> **DT: disposition time.** This indicator compares the number of resolved cases during the period observed and the number pending at the end of that period. The number 365 is divided by the number of resolved cases divided by the number of unresolved cases at the end of the period to enable this to be expressed in the number of days. The ratio measures how quickly the judicial system (or the court) turns over received cases – i.e., how long it takes for a type of case to be resolved. This indicator provides further insight into how a judicial system manages its flow of cases.

$$\text{Disposition Time (DT)} = 365 \times \frac{\text{Number of pending cases at the end of the year}}{\text{Number of resolved cases}}$$

 = CR above 95% and DT lower than 365 days (1 year)

 = CR between 75% and 95% and DT between 365 days and 730 days

 = CR below 75% and DT above 730 days (2 years)

|              | Cases pending at 1.1.20.. | New cases | Total | Resolved cases | Cases pending at 31.12.20.. | > 2 years | CR (%) | DT (days) |
|--------------|---------------------------|-----------|-------|----------------|-----------------------------|-----------|--------|-----------|
|              |                           |           |       |                |                             |           |        |           |
|              |                           |           |       |                |                             |           |        |           |
|              |                           |           |       |                |                             |           |        |           |
|              |                           |           |       |                |                             |           |        |           |
|              |                           |           |       |                |                             |           |        |           |
|              |                           |           |       |                |                             |           |        |           |
|              |                           |           |       |                |                             |           |        |           |
|              |                           |           |       |                |                             |           |        |           |
|              |                           |           |       |                |                             |           |        |           |
|              |                           |           |       |                |                             |           |        |           |
|              |                           |           |       |                |                             |           |        |           |
| <b>Total</b> |                           |           |       |                |                             |           |        |           |

*Consistency with Timeframes*

*Comments:*

## **2.2 Structure of the pending cases at (date) ...**

*a) Table and description*

*b) Comment*

## **3. DETAILED DESCRIPTION OF THE PROCESS OF SELECTING CEPEJ TOOLS FOR IMPLEMENTATION**

### **3.1 Persons present**

...

### **3.2 Description of selection process**

...

### **3.3 Degree of success in achieving the objectives selected**

[For each aspect

a) Description of the aspect

b) Description of the situation, especially the extent to which this aspect is implemented at the court concerned

c) Summary of the extent of the implementation:

- fully implemented

- implemented by other means

- implementation planned

- partially implemented or

- not implemented

d) In the case of aspects only partially or not implemented: recommendations for implementation if this is considered appropriate, i.e. if it will contribute to improving the functioning of the court.]

## 4. FINAL OBSERVATIONS

### 4.1 Assessment of degree of achievement with regard to the aspects examined

| Degree of achievement | Implementation | Partially implemented | Not implemented |
|-----------------------|----------------|-----------------------|-----------------|
| Number of aspects     |                |                       |                 |

The aspects partially implemented are:

- ...
- 

The aspects not implemented are:

- ...
- 

### 4.2 Summary of recommendations

...

### 4.3 Follow-up

---

**Appendix 8: Example of table showing follow-up to recommendations and/or projects**

CEPEJ (201.) x

Strasbourg,

**Follow-up to recommendations and/or projects at the xxx court**

|            | <b>Recommendations/projects</b>                                | <b>State of implementation as of</b>   | <b>State of implementation as of</b>   | <b>etc.</b> |
|------------|--|--|--|-------------|
| <b>No.</b> | <b>Designation</b>   | <b>[date]</b>  | <b>[later date]</b>  | <b>etc.</b> |
| <b>1</b>   | <b>(title)</b>   |  |  |             |
|            | <b>Precise description as contained in the analysis report</b> | <b>Description of the degree of implementation and follow-up to the measures</b> | <b>Description of the degree of implementation and follow-up to the measures</b> | <b>etc.</b> |
| <b>2</b>   | <b>(title)</b>   |  |  |             |
|            | <b>Precise description as contained in the analysis report</b> | <b>Description of the degree of implementation and follow-up to the measures</b> | <b>Description of the degree of implementation and follow-up to the measures</b> | <b>etc.</b> |
| <b>3</b>   | <b>(title)</b>   |  |  |             |
|            | <b>Precise description as contained in the analysis report</b> | <b>Description of the degree of implementation and follow-up to the measures</b> | <b>Description of the degree of implementation and follow-up to the measures</b> | <b>etc.</b> |

**Appendix 9: Template for a situation report**

|                                   |                         |  |
|-----------------------------------|-------------------------|--|
| <b>CEPEJ(201.) ..</b>             | <b>Situation report</b> |  |
|                                   | <b>Project: ...</b>     | <b>Date: ...</b>   |
|                                   | <b>Phase: ...</b>       | <b>Authority or person responsible for the project:</b><br>... |
| <b>Situation report as of ...</b> |                         |  |
| <b>1. State of progress</b>       |                         |  |
| - ...<br>- ...                    |                         |  |
| <b>2. Difficulties</b>            |                         |  |
| - ...<br>- ...                    |                         |  |
| <b>3. Measures required</b>       |                         |  |
| - ...<br>- ...                    |                         |  |
| <b>4. Follow-up</b>               |                         |  |
| - ...<br>- ...                    |                         |  |

## **Appendix 10: Template for the plan of a final report**

1. Aim of the document
  2. Statement of the general project objectives
  3. Description of the project stages
  4. General and detailed project objectives and extent to which these have been achieved
  5. Description of the difficulties encountered and lessons for future projects
  6. Summary of project costs
  7. Conclusion and follow-up
-