



Greek Chairmanship
Council of Europe
May – November 2020
Présidence de la Grèce
Conseil de l'Europe
Mai – Novembre 2020



European
Commission
for the Efficiency
of Justice

Commission
européenne
pour l'efficacité
de la justice



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Ad hoc virtual CEPEJ plenary meeting
Wednesday 10 June 2020

Organised in the framework of the Greek Presidency
of the Committee of Ministers of the Council of Europe

Concluding remarks by
Hanne Juncher, Head, Justice and Legal Co-operation Department,
Directorate General of Human Rights and Rule of Law

Alternate Foreign Minister,
Dear CEPEJ members, experts and observers,

We have had the pleasure of listening to a series of excellent contributions by members and participants with experience from a variety of justice systems in Europe and even beyond.

We have seen how justice during and after the pandemic raises important and wide-ranging issues.

I would like to express the **appreciation** of the Council of Europe for the support of the Government of Greece through their Chairmanship of the Committee of Ministers of the Council of Europe, and to Alternate Foreign Minister Varvitsiotis for his presence and contribution.

We also very much appreciate the **support** of Secretary General Pejčinović Burić, which is an indication of the continued importance and relevance of the work of the CEPEJ.

-o0o-

One specific outcome of today will be the **Declaration** by the CEPEJ on the lessons learned and challenges faced by judicial systems during and after the crisis. It will be presented in a moment by the President of the CEPEJ.

The principles set out in the draft Declaration of the CEPEJ have all been touched upon in the interventions today, and there is no need for me to repeat that. I will rather look briefly at some of the complementary points that have been raised.

The **context** is that national judicial systems have been, or are still, going through a period characterised by disruptions and constraints.

Member States are going to be **looking at ways** to ensure that people can again enjoy an efficient service of justice, characterised by quality and fairness.

They are also going to be **drawing lessons** from this period, again with the fair trial requirements of Article 6 and the principles of judicial independence and the separation of powers as the cornerstone.

The **transversal** themes emerging appear to be ones of flexibility, dialogue, innovation, and concern for the needs and situation of vulnerable groups.

Another red thread has been the merit of **sharing experiences**, just as we have been doing today.

-o0o-

The point has been made that Member States should be **proactive** about their court management procedures.

Particular attention should be devoted to the **well-being** of judges and court staff.

Cultural differences have been observed between countries, with a more or less directive approach to how courts should organise themselves.

There is an issue of **who issues** the guidance or rules for the functioning of justice during the crisis and notably the involvement of the judges and the courts themselves. Indeed, **coordination** overall is a question to be looked at.

The crisis has been an “**accelerator**” when it comes to ICT - everyone has been pushed straight into new working methods, especially telework and video-conferencing. There will be no going back from that, but it needs to be perfected, with focus and specificity.

When it comes to the **telework** of justice professionals, its use and roll-out should take account of all the phases of a legal proceeding.

Member States should integrate **human resources management** fully into the use and conception of ICT and teleworking methods.

Sufficient **financial resources** matter. Systems which have faced structural under-financing are experiencing additional challenges when it comes to responding to a crisis.

There should be clarity about what is considered **urgent**, and about who decides that.

The use of ICT may increase existing inequalities among **court users**. The information provided to the users should be adequate and understandable.

And judicial proceedings being **accessible by the public and the press** has to be preserved.

Legal aid provision should be ensured and account taken of how the needs for legal aid may evolve at a time of crisis.

The possibilities offered by the use of on-line **mediation** and other methods of on-line ADR should be given due attention, with all the necessary safeguards ensured.

The importance of **enforcement** must not be forgotten.

Likewise as regards of the role and safety of **lawyers**, including in detention settings.

Those of us working at the **intergovernmental** level should take a holistic and strategic approach to the issues and integrate **evaluation** from the outset, including by collecting data.

Finally, contributors today have made various proposals for **future areas of work** or new initiatives by the CEPEJ, and we will be looking at that in your normal meetings and Working Groups.

Thank you.