

EVALUATION OF THE COUNCIL OF EUROPE'S INDEPENDENCE AND EFFICIENCY OF JUSTICE SUB-PROGRAMME

Management response & Action plan



Name of Evaluation Report:	Evaluation of the Council of Europe’s Independence and Efficiency of Justice sub-programme		
Date of Evaluation Report:	20 March 2023	Date of the Action Plan:	10 May 2023

Overall management response to the evaluation:

This generally very positive evaluation of the “Independence and Efficiency of Justice” sub-programme is to be welcomed. It clearly acknowledges the sub-programme’s relevance, as well as the fact that the Council of Europe’s expertise and work in this field is perceived by stakeholders as unique and valued highly both in terms of relevance and effectiveness. The key importance of the independence and efficiency of justice for upholding human rights and the rule of law in general will be taken into account in the preparation of the draft Programme and Budget 2024-2027.

The recommendations point at useful objectives, such as further reinforcing communication and co-ordination between different bodies and entities either directly implementing this sub-programme, or those in charge of related sub-programmes which imply work on justice systems (e.g. “Democracy through Law (Venice Commission)” or “Combatting corruption (GRECO)”). The best means of implementing them without creating additional cumbersome layers – considering the already existing organisational structures and procedures - will be carefully considered. Some of the recommendations usefully complement and align well with already ongoing efforts and reflections on ways to further clarify structures and streamline procedures.

In line with the results-based management approach of the Organisation (as presented in the results-oriented management strategy of the Organisation), the theory of change of the sub-programme and the indicators used for monitoring purposes will be reviewed in the context of the preparation of the draft Programme and Budget 2024-2027.

The implementation of the recommendations will also be informed by other ongoing parallel processes, such as the Performance Audit of Directorate General Human Rights and Rule of Law (DGI) (carried out by the External Auditor) or the “Evaluation of civil society participation in co-operation activities”.

ACTION PLAN

Management Decision ¹	Entity in Charge	Planned Actions ² (determined by Entity)	Target Date for Action	Person Responsible for Action
1. Overarching recommendations at the directorate level:				
<p>a. The Human Rights Directorate should establish a sub-programme co-ordination mechanism (e.g. a task force) involving representatives of the secretariats of the sub-programme bodies, the Department of Human Rights, Justice and Legal Co-operation standard-setting activities and the Department of Implementation of Human Rights, Justice and Legal Co-operation Standards (including the Co-operation Programmes Division) to ensure a unified governance structure for the sub-programme and the flow of information. The Directorate of Programme and Budget and the Directorate of Programme Co-ordination could also take part in meetings of this mechanism. (High³)</p> <p>b. The Director General for Human Rights and Rule of Law (DGI) should consider designating a focal point for the rule of law at the level of the Directorate General to facilitate communication and co-ordination and to ensure consistency of messaging, mutual synergies and support between the sub-programme and other relevant Council of Europe bodies working in that thematic area, in particular the Venice Commission and GRECO. (Medium)</p> <p>c. The Human Rights Directorate should develop a shared working and knowledge management space to include information about available standards and tools per thematic area to facilitate consistent use of sub-programme outputs by other Council of Europe bodies and, as much as possible, other bodies outside the Council of Europe. (High)</p> <p>d. The secretariats of the CCJE, CCPE, CEPEJ and the co-operation programmes Division should establish a consultation process with the Venice Commission secretariat (and other competent bodies, if appropriate) to consult each other consistently and systematically as a matter of good practice on each thematically relevant draft text that is being prepared, allowing time for comments whenever possible and ensuring consistency between their outputs. (High)</p>				
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> Under consideration	DGI (Human Rights Directorate)	<p>These recommendations will be considered jointly since they all aim at strengthening communication and co-ordination among entities within the Human Rights (HR) Directorate and within other DGI directorates. Internal co-ordination at sub-programme level will continue to be ensured by the sub-programme reference points (currently 2).</p> <p>Consideration will be given to further improve co-ordination without creating additional cumbersome layers (e.g. identifying a single reference point for 2024-2027 or organising regular meetings).</p> <p>GRECO is ready to engage with a focal point (as mentioned under Rec 1.b), both to exchange information and to meet at certain intervals to discuss ongoing developments and challenges.</p> <p>The Venice Commission is also ready to engage with such a focal point and to strengthen co-ordination and, whenever possible and relevant, consultations with the CCJE, CCPE, CEPEJ and the Co- operation Programmes Division in order to ensure consistency.</p>	31/12/2023	Director of the HR Directorate, in consultation with the Director General (DGI) and other directors concerned

1. The Management decision concerns the Recommendation (Accepted, Rejected, Under consideration).

2. For implementing accepted recommendations.

3. Recommendations have been classified as either “high” or “medium” in terms of the assessment of their importance following the eval

Management Decision ¹	Entity in Charge	Planned Actions ² (determined by Entity)	Target Date for Action	Person Responsible for Action
<p>2. Recommendations at the sub-programme level:</p> <p>a. The sub-programme reference points, especially the secretariats of sub-programme bodies and representatives of the co-operation programmes Division, with the support of the Directorate of Programme and Budget (DPB) and the Directorate of Programme Co-ordination (DPC), should consider reformulating the sub-programme's Theory of Change to define the sub-programme impact in more concrete and measurable terms and reframe the intermediate outcomes so as to better reflect the mandates of the sub-programme's bodies, i.e. a focus on independence and impartiality, on the one hand, and efficiency, on the other. (Medium)</p> <p>b. More tailored monitoring should be implemented across the sub-programme, at the levels of outputs, outcomes and impact. Outcome and impact indicators should be developed for the sub-programme and reported on by all involved parties. (High)</p> <p>c. The CCJE, CCPE, CEPEJ and co-operation programmes should consistently and systematically translate sub-programme opinions and tools into national languages to improve dissemination. The Directorate of Programme and Budget in co-operation with the secretariats of the sub-programme bodies should ensure that some translation budgets are foreseen, while the Directorate of Programme Co-ordination and the co-operation programmes Division should consistently earmark translation funds in project budgets. (Medium)</p>				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DGI (Human Rights Directorate in consultation with DPB and DPC)	<p>Rec 2.a and b will be fully taken into consideration when preparing the draft Programme and Budget 2024-2027 in consultation with DPB and DPC.</p> <p>On Rec 2.c, the CEPEJ Secretariat will try to have its tools systematically translated in countries with which the CEPEJ has a bilateral or regional co-operation programme, if this can be included within the scope of this programme. The CEPEJ will also encourage its members, whenever a tool is adopted, to translate it into the national language. It is difficult, apart from these two situations, to finance translations within the budget allocated to the CEPEJ.</p> <p>Regarding the CCPE and CCJE, given the limited resources available in the Ordinary budget (OB), translation of documents in non-official languages cannot be a priority for the use of OB resources. On the other hand, earmarking funds for translation in co-operation budgets will continue to the extent possible.</p>	31/12/2023	Heads of Department for Human Rights, Justice and Legal Co-operation Standard- Setting Activities, and Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards in consultation with DPB and DPC

Management Decision ¹	Entity in Charge	Planned Actions ² (determined by Entity)	Target Date for Action	Person Responsible for Action
<p>3. Recommendations concerning CCJE and CCPE:</p> <p>a. The Secretary General should consider proposing to the Committee of Ministers an increase in the CCJE and CCPE budgets to enable more targeted activities, including at member state levels, and increase the number of staff. (High)</p> <p>b. If proposed by the CCJE and CCPE Secretariat, the Committee of Ministers should approve an increase in the number of CCJE and CCPE plenary meetings to two per year. The increase in the number of meetings should be accompanied by proportionate budget increases. (Medium)</p> <p>c. The CCJE and CCPE should intensify their activities to include more in-person events for international and national networks of legal professionals (conditional on point a.). (Medium)</p>				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DGI (PO and SecCM Secretariat in consultation with CCJE/CCPE)	Partially accepted: Rec 3.a: Needs will be assessed in the framework of the preparation of the draft Programme and Budget 2024-2027 and in light of the final outcome of the 4th Summit of Heads of State and Governments. Proposals will be made for the biennium 2024-2025 where relevant. Rec 3.b is addressed to the Committee of Ministers. Rec 3.c is dependent on the follow up to 3.a and b., although an increase of meetings may cause difficulties in terms of workload to CCJE members.	31/12/2023	Director of the HR Directorate, Director DPB
<p>4. Recommendations concerning the CEPEJ Secretariat:</p> <p>a. CEPEJ's work should be delineated and focused primarily on the efficiency and quality of justice. Whenever independence and competence of judges and prosecutors is concerned by CEPEJ's work, CEPEJ should co-operate closely with the CCJE or CCPE. (High)</p> <p>b. CEPEJ should increase engagement and use of its pilot courts network. A more effective incentive scheme for participation could be developed. The verification process conducted every year could be an opportunity to agree specific and select commitments that individual members of the pilot court network could take on board. These could include minimum and voluntary commitments. (Medium)</p> <p>c. CEPEJ should consider carrying out a broader assessment of the demand for its services across member states to further develop its co-operation programmes in countries where it currently does not operate. Expanding CEPEJ co-operation programmes should be accompanied by the allocation of adequate resources. (Medium)</p>				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DGI (CEPEJ Secretariat)	<p>a. CEPEJ will systematically invite the CCJE and CCPE Presidents to its plenary meetings and propose exchanges of views with CCJE and CCPE whenever judges/prosecutors are the main topic of a future CEPEJ tool.</p> <p>b. (i) The Secretariat of the CEPEJ will carry out an annual control of the motivation of all pilot courts; (ii) the invitation to the annual meeting organised in one of the pilot courts of the Network will also be an incentive to participate; (iii) one regular meeting in person per year will be supplemented by an addition on- line meeting/ meetings to discuss a specific topic relevant for the pilot courts and/or the CEPEJ; (iv) there will be a selection of a group of pilot courts (e.g. five courts) to work on specific topics of common interests.</p> <p>c. A specific item will be put on the agenda of each CEPE plenary meeting.</p>	Immediately	Secretary to the CEPEJ

Management Decision ¹	Entity in Charge	Planned Actions ² (determined by Entity)	Target Date for Action	Person Responsible for Action
<p>5. Recommendations concerning the co-operation programmes Division:</p> <p>a. The co-operation programmes Division should implement a fitting organisational structure that would reflect both the thematic and geographic dimensions of its work and enable systematic and consistent mainstreaming of sub-programme The CPD is thus encouraged to pursue its plans to appoint thematic focal points responsible for certain thematic areas across current geographic units. (High)</p> <p>b. The Department for Implementation of Human Rights, Justice and Legal Co-operation Standards should introduce a process to ensure that the overlap between co-operation programmes run by CEPEJ and the Co-operation Programmes Division is limited. CEPEJ should be solely responsible for the practical implementation of its tools and guidelines when efficiency and quality of justice and these tools and guidelines are the main focus of the project. If CEPEJ tools are to be used as part of other projects (which should in principle be done only if there is no CEPEJ programme in the country), the Co-operation Programmes Division should involve CEPEJ in the design and implementation of programmes in that respect from the start, to ensure synergies and to build on the CEPEJ Secretariat's expertise for the implementation of that specific part. (Medium)</p> <p>c. In the absence of the political will of national authorities, the co-operation programmes Division together with all sub- programme bodies should continue implementing strategies for a strengthened engagement with civil society organisations and justice professionals at national levels to ensure continuous presence and results, looking for new partnerships and innovative forms of engagement. (Medium)</p>				
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> Under consideration	DGI (Department of Implementation of Human Rights, Justice and Legal Co-operation Standards/ Co- operation Programmes Division)	These recommendations are broadly in line with efforts and reflections already ongoing within the Department to clarify its institutional structure and streamline working procedure; they will be fully taken into consideration in this context. Rec 5.c will be considered also in light of DIO's "evaluation of civil society participation in co-operation activities", which is expected to be finalised in the near future.	31/12/2023	Head of Department of Implementation of Human Rights, Justice and Legal Co-operation Standards

Abbreviations	
CCJE	Consultative Council of European Judges
CCPE	Consultative Council of European Prosecutors
CPD	Co-operation Programmes Division
CEPEJ	European Commission for the Efficiency of Justice
DGI	Directorate General for Human Rights and Rule of Law
DPB	Directorate of Programme and Budget
DPC	Directorate of Programme Co-ordination
GRECO	The Group of States against Corruption
HR Directorate	Human Rights Directorate
PO	Private Office of the Secretary General and the Deputy Secretary General
SecCM	Secretariat of the Committee of Ministers