

30 November 2004

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

**Study session
“Dysfunctions within a court: how to highlight them?
How to respond to them?”**

Strasbourg, 30 November 2004
Room 3

Opening address

Ladies and gentlemen,

The CEPEJ is today showing how innovative a body it is, focusing on practical concerns and seeking to find pragmatic solutions in a key field for the furtherance of the rule of law in Europe: the quality and effectiveness of our judicial systems.

In deciding to repeat the exercise of having a study session prior to the work of the plenary committee, you are doing precisely what the Council of Europe expects of a body such as yours. It is delighted that your commission of specialists from different institutions and disciplines is taking the time to go beyond “current affairs” (and I know that you are already very busy with these) in order to engage in a day of reflection.

I would like to take this opportunity to welcome the new members of the CEPEJ. I am very happy that several countries have replied positively to the call from your Chair, Eberhard Desch, for all member states to be represented on the CEPEJ.

Last year, you looked at “Justice serving citizens”, thanks in particular to the initiative of the United Kingdom delegation.

This year, prompted by the French delegation and Mr André Potocki, you have chosen to look at an essential question that cannot go unaddressed if we are to improve the efficiency of judicial systems: how best to identify and rectify any dysfunctions in courts.

To assist you in your deliberations, you have the honour of a number of high-level speakers, representing different European systems:

- Xavier de Riemaeker, President of the Belgian Supreme Council of Justice,
- Christian Raysseguier, Inspector-General of the French Judicial services,

- Carlos Manuel Gonçalves de Melo Marinho, Member of the Portuguese Judicial Service Commission,
- Ardian Dvorani, Director-General of the Albanian Ministry of Justice.

I would like to thank you most warmly for having accepted our invitation; this will be of the utmost benefit for all members of the CEPEJ and most certainly for the future activities of our Commission. Your presence here is all the more appreciated as it is a mark of the interest in and support for the CEPEJ's activities by the judicial and executive authorities that you represent.

I am convinced that what you have to say, and the exchanges with the CEPEJ members to follow will help find answers to the questions being looked at and will greatly contribute to the CEPEJ's deliberations and to the Council of Europe's policies in the judicial field.

The purpose of this session is not to address the issue of the supervision of judges or disciplinary measures against them, but rather to look at the mechanisms available to our countries when they are faced with dysfunctions in one of their courts. The idea is to take stock of the systems in force, think about what should be put in place and see how the CEPEJ could help improve these systems.

When the Committee of Ministers set up the CEPEJ in late 2002, it wanted to create a body that was substantially different in terms of objectives and working methods from other Council of Europe bodies. It tasked it with putting forward practical responses which could be implemented by our member states in order to:

1. promote the effective implementation of Council of Europe instruments in the field of the administration of justice;
2. ensure that public policies in the judicial field took due account of the users and key players of the justice system;
3. help lighten the case-load of the European Court of Human Rights by providing states with effective solutions prior to the appeal or application stage, by preventing violations of Article 6.

If I may, I would just like to repeat here the appeal I made in June and ask you to remind your home authorities and your Permanent Delegations here in Strasbourg of the key contribution that the CEPEJ can make to improving the functioning of the European Court of Human Rights.

Although there is much talk (and this is a good thing) about the need to improve the control mechanisms of the European Convention on Human Rights, particularly following the adoption of Protocol No. 14, there is unfortunately but scant mention of the CEPEJ as one of the means of limiting appeals. Personally, I make every effort to refer to this as often as I can, but it is also up to you to remind people, by highlighting the results you have already achieved in two years.

The agenda of the plenary meeting which opens tomorrow clearly illustrates the progress made by the CEPEJ in a very short space of time:

- a framework programme for the processing of cases within an optimum and foreseeable time-frame, which was very well received by the Committee of Ministers in September last, and which it is now up to you to transform into concrete measures; this is something which, I have no doubt, will be a long-term task;
- the launching, together with the European Commission, of the European Day of Justice which, in its second year, was a great success in our member states;
- bilateral activities on which the beneficiary states have relied heavily in the context of their judicial reforms;
- and, last but not least, the first report on judicial systems in Europe, drafted by the CEPEJ's working group, on the basis of the replies to your pilot-scheme for the evaluation of judicial systems.

In this connection, I would like to congratulate and express my particular gratitude to the CEPEJ experts who worked tirelessly to produce such a result – I am sure that you all appreciate the work involved in analysing and processing thousands of data items, submitted by and large in a reasonably standard form by 39 member states.

Although I cannot quote all the members of the working group, I am sure they will not begrudge my singling out our scientific expert, Roland Eshuis. Nor should I forget the Ministries of Justice of the Netherlands and Italy which lent considerable support to this exercise, and I would also like to thank the 39 countries that replied, while expressing the hope that in future all our 46 member states will become involved in this joint enterprise.

I very much hope that you will be able to adopt this report by the end of this week.

Of course, it is the report of an experimental activity, with the imperfections inherent in such an exercise. But it showed that such an evaluation was both possible and useful; the pilot report itself contains a great deal of information; it therefore foreshadows what could be a regular evaluation of European judicial systems by the CEPEJ.

The work programme you are to adopt is an ambitious one. But the task assigned to you by the Committee of Ministers is also ambitious: improving the effectiveness of our judicial systems.

This programme is both practical and realistic, since our shared objective is to put forward pragmatic answers to the questions with which we are faced.

The CEPEJ is, accordingly, in phase with all those wishing to build a Europe with a more human face, a Europe which can be further developed on the basis of values such as the rule of law, by means of practical activities for the benefit of 800 million citizens.

I therefore wish you much success in your work and reiterate my full support, and that of the Secretariat, for the implementation of the results of that work.