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The aim of the CEPEJ is to contribute to improving the quality of justice and the efficiency of its functioning in the 47 Member States of the Council of Europe.

## Edito



The CEPEJ 10 years on: expectations and achievements

Hopes and fears combined during the development of the Statute for the Committee on the Efficiency of Justice (CEPEJ).

Certain States were reluctant to be compared to others. As stipulated in article 2 of the statute of the CEPEJ (appendix to the Resolution of the Committee of Ministers establishing the CEPEJ), the aim was "to examine the results achieved by the different judicial systems in the light of the principles referred to in the preamble to this resolution by using, amongst other things, common statistical criteria and means of evaluation". In the ten years of this work, the CEPEJ has produced five Reports on European Justice Systems. The last of these was presented on the side-lines of the Conference of the Ministers of Justice of the Council of Europe in Vienna in September 2012.

These Reports give a picture of the current situation of the member States of the Council of Europe. Even if the CEPEJ always refused to establish a ranking, the individual tables compiled for the Report allow each State to be situated.

The creation of the CEPEJ tool brought with it the hope to improve the functioning of the justice systems. With this tool it would be easier to understand the main trends and evolutions of the judicial system, to identify difficulties, to propose reforms for improving the efficiency of justice and to facilitate their implementation. The Report is an invaluable tool for judicial policy making, as much for the justice systems, the ministries of justice, the parliamentarians and the different groups of legal professionals as for the whole judicial community.

The drafting of the Report requires much skill, methodological

## File : Impact of the publication of the 2012 edition of the CEPEJ evaluation report on European judicial systems

The 2012 edition of the "Evaluation Report of European judicial systems: efficiency and quality of justice" is a fine vintage. Its presentation at the Council of Europe ministerial conference in Vienna (Austria) on 20<sup>th</sup> September 2012 attracted an ever-increasing level of media interest despite the purported severity of its data processing and the refusal to establish rankings between


countries.

Justice systems felt the effects of the financial crisis in 2010, and budgetary restrictions imposed greater rigour on the States in administration of the courts to ensure efficient use of public funds. The vast majority of judicial systems have now imposed the payment of a tax or court fees upon citizens in order to initiate a lawsuit. But this must not preclude solidarity towards the poor when they have recourse to legal action to assert their rights. We must therefore welcome the fact that all member States now have legal aid arrangements and have brought their laws into compliance with Article 6.3.c of the European Convention on Human Rights by ensuring that anyone charged with a criminal offence who does not have sufficient means to pay for legal assistance can be given such assistance. The increase in the number of lawyers and courts in many Eastern European countries is also a sign of the development of the rule of law.

Greater account seems to be taken of the needs of users of the justice system in terms of facilities and access to the law. The conducting of court surveys, supported by the CEPEJ, is one contributing factor, as is the introduction of ad-hoc systems for the processing of claims and complaints. An improvement in the functioning of the courts also depends on the awareness and monitoring of their activities in order to reduce timeframes, delays in proceedings and backlogs of cases. The tools for analysing and monitoring clearance rates and disposition times seem to be increasingly well integrated in statistical systems.

But the aim of the CEPEJ report is also to show that the independence of judges, their training, the development of alternative procedures such as mediation to enable judges to focus on the most important cases, and more modern court organisation with appropriate computerisation are all factors contributing to a high-quality justice system.

We also sought to be proactive by highlighting for the first time the "glass ceiling" that exists in the judiciary, where, as in all too many public services, there still are not enough women in positions of responsibility in proportion to their overall number. We will continue to explore this issue. The progress of institutions also depends upon the reliability of regularly published data on their activities. This is why it is vital, that the CEPEJ be equipped - with the necessary means for maintaining and publishing the key data relating to the justice system in all the member States, thus providing the Council of Europe with a permanent observatory of European judicial systems.

 [Interview: "Why are the evaluation cycles of European judicial systems qualified as tools for public policy to orient reforms of the judicial system ?"](#)

reflections and intellectual efforts. Since in Europe there is a marvellous diversity of legal traditions and judicial structures, it is extremely difficult to compare the statistical data of several countries. An electronic scheme of questions now allows States to respond to the questionnaire, to process the data and to analyse the functioning of the justice systems.

One of the biggest challenges was to ensure the comparability of the data. We can congratulate the Secretariat, the scientific consultants and the members of the relevant working group, particularly Jean-Paul Jean, who overcame incredible obstacles and showed creativity in solving problems. Today, the evaluation Report of European Judicial Systems has become a point of reference and is eagerly awaited, whereas the first one was an experiment, the work of a few bold pioneers. This report really does deserve to be translated into our own national languages.

What made the CEPEJ so original was our innovative approach. We pursue the following objectives:

- the implementation of the Human Rights standards, in particular those regarding the fairness of proceedings,
- to guarantee quality of decisions, an essential condition for legal certainty and the confidence of both the public and of the economy as regards justice,
- to establish a justice system which is closer to its citizens and responsive to their needs,
- to respect reasonable timeframes.

The CEPEJ is entrusted with the task of proposing pragmatic solutions for judicial organisation to the member States of the Council of Europe, taking fully into account the users of justice. In this way it helps to relieve the case-load of the European Court of Human Rights by offering to the States effective solutions to prevent violations of the right to a fair trial within a reasonable time.

The work of the CEPEJ has given rise to many useful documents, checklists and studies. 19 CEPEJ studies are available on the website. Useful documents have also been developed under Targeted Co-operation. In this framework, 12 countries have received 14 reports proposing tailor-made solutions to national problems.

The "Crystal Scales of Justice" Award was created in collaboration with the European Union. This award highlights innovative developments from European jurisdictions which improve access to justice or facilitate relations between the public service of justice and its end users.


### **Jean-Paul JEAN**

Avocat Général, Court of Cassation and associated Professor at the University of Poitiers, France,  
Chairman of the CEPEJ-GT-EVAL

The CEPEJ Statute allows for the establishment of networks and contacts with academia and with professional associations of judges or clerks for example. These people have always been valuable interlocutors for the CEPEJ. In addition, the CEPEJ has created a network of Pilot Courts, to which 34 countries have nominated 53 courts and even more contact persons. This network ensures that the work of the CEPEJ is rooted in practice.

After the Second World War not only resulted in the division of Europe: often political or legal systems collapsed or became virtually incompatible. After the fall of the Berlin Wall, it became possible to come again together again around our common European values. Democracy, rule of law and Human rights once more mean the same thing to all Europeans and are thus regaining their full significance.

Let me mention a concept which could apply to all the work of the CEPEJ: that of "les retrouvailles", that could be translated in English as "to meet again". European countries are once again reconnecting with the objectives, standards, and concern for justice and equity of the founding fathers of the Council of Europe. They had an idea of Europe and pan-European, of which the CEPEJ defends the legal and judicial aspects. We try to find ways to deliver justice with fairness and efficiency, to make quality decisions in a reasonable time which so protects Human Rights and earns the confidence of the citizens. The public justice service thus contributes to the strengthening of the rule of law and the proper functioning of democracy.

 [Interview: "As first President of the CEPEJ from 2003 to 2006, can you describe the initial ambitions of the CEPEJ and its achievements ?"](#)

**Eberhard Desch, Germany**

Former CEPEJ President  
Head of Division of International  
Law, Federal Ministry of Justice,  
Berlin

Beyond the different articles reflecting national concerns by quoting extracts from the CEPEJ evaluation report of judicial systems, the CEPEJ Secretariat has gathered information on the impact of the publication of this report in the member States.

The sources which have allowed this analysis come from press reviews following the publication of the report and the feedback from CEPEJ members at the 20th plenary meeting of the CEPEJ on 6<sup>th</sup> December 2012, in Strasbourg.

**Andorra**

The Consell Superior de la Justícia of the Principality of Andorra extracted data from the report on investment in the judicial system, the level of computerisation for direct assistance of the work of judges and clerks, the comparison of the remuneration of judges or prosecutors, mediation and arbitration, the number of lawyers and different enforcement systems. The CEPEJ report was also mentioned on the occasion of the solemn hearing in the speech of the President of the High Court of Justice, who is also a member of the Network of Pilot courts. He noted the favourable position of his jurisdiction regarding the CEPEJ performance indicators of clearance rate and disposition time. The written press conducted a comparative study on investment in the judicial system. In view of the insistence of the Bar on the implementation of mediation and arbitration, the press observes that Andorra is one of the few countries which doesn't have this type of dispute resolution.

[\(Read the complete article\)](#)

### **Austria**

The articles of the press review essentially concern fair trial, court activity (clearance rate, disposition time) and the high level of automation of the judicial system.

[\(Read the complete article\)](#)

### **Azerbaijan**

Azerbaijan indicated that the CEPEJ has prove its effectiveness and was heavily involved in the judicial reform in the country. Press articles deal primarily with the reform and ongoing developments.

[\(Read the complete article\)](#)

### **Belgium**

The Belgian press review mainly mentions the number of judges and parity issues in the profession.

[\(Read the complete article\)](#)

### **Bosnia and Herzegovina**

The overview of the Report will be translated and disseminated to justice professionals and made available to the public. Some information from the CEPEJ report has been cited in expert meetings and conferences. Following publication of the 2010 CEPEJ Report, the High Judicial Council of Bosnia and Herzegovina has asked a group of experts to draft a regulation on optimum and foreseeable timeframes of judicial proceedings based on the CEPEJ documents. Based on their proposal, the High Judicial Council of Bosnia and Herzegovina recently adopted the regulation, which and it is to be tested in several judicial institutions in early 2013. Its implementation in all courts and prosecutors offices in Bosnia and Herzegovina will begin later in 2013. It is expected that similar initiatives will follow the publication of the 2012 CEPEJ Report.

[\(Read the complete article\)](#)

### **France**

France has lent its support to the creation of the permanent observatory of European judicial systems within the CEPEJ. Budgetary elements for 2013 have been underlined: 4,3 % growth of payment credits, efficiency of justice being considered a priority, which is evidenced especially by the creation of 142 jobs in the judicial services in addition to a redeployment of 150 jobs, a particular effort in terms of court costs and legal aid. The main concerns of the press relate to the insufficiency of the budget allocated to justice.

[\(Read the complete article\)](#)

### **Ireland**

The press releases deal primarily with the amount of the budget allocated to justice, the high salary of judges and the frequency of procedures.

[\(Read the complete article\)](#)

### **Italy**

The CEPEJ is considered the most reliable institution for the evaluation of the efficiency of European judicial systems. The scope of the Report and its use by the direct operators of justice – (e.g. judges, prosecutors, officials from the Ministry of Justice) are very important and several administrative acts and studies are inspired by and based upon the CEPEJ data. It is also common to find quotations from the CEPEJ in newspaper articles, especially in those dealing with the efficiency and organisation of justice. The report contributes to the increase of the influence of European institutions on decisions and legislation in the field of justice. It is certain that the Council of Europe, either directly or indirectly through publications such as the CEPEJ Report, does influence policy makers in the field of justice. The majority of articles in press review discuss the budget allocated to the judiciary.

[\(Read the complete article\)](#)

### **Latvia**

Certain aspects have been analysed, such as the training of judges. The Report has also been discussed by the Council for the Judiciary and the Association of Judges. Furthermore, surveys were conducted

last year and some indicators have been implemented to measure the quality of justice. Several conferences have been organised to this end.

[\(Read the complete article\)](#)

### **Lithuania**

The report has been largely distributed among justice professionals, the Ministry of Justice and the Ministry of Finance. A meeting of the Prosecutor Generals was organised, during which data referring to prosecutors was analysed in detail.

[\(Read the complete article\)](#)

### **Luxembourg**

The press releases mainly concern the size of the budget allocated to justice, the average number of judges, gender issues and the impacts of the economic crisis on the budgets of the European judicial systems.

[\(Read the complete article\)](#)

### **Monaco**

The press articles largely refer to the budget for justice, the impossibility of filing a complaint about the functioning of the justice system of Monaco, the backlog of judicial proceedings, the length of proceedings and attendance rate of defendants at hearings.

[\(Read the complete article\)](#)

### **Portugal**

The majority of the articles are about the growing number of judges and disciplinary measures against judges, lawyers and enforcement officers. Many articles also address about the excessive length of proceedings in civil and commercial matters as well as the increasing number of social disputes due to the crisis, and redundancy in particular.

[\(Read the complete article\)](#)

### **United Kingdom**

Most items welcome the British legal aid system and discuss the insufficient number of judges, their high salary and the deficit of gender issues.

[\(Read the complete article\)](#)

### **Slovenia**

The Ministry of Justice and Public Administration of Slovenia has notified all judicial professionals of the publication of the CEPEJ European Judicial Systems Report - 2012 Edition and has ordered the translation of a document presenting the report (an overview) in Slovenian. It is reasonable to expect that, as within the previous editions of the CEPEJ Report, the data and conclusions of the Report will be used in the preparation of strategic documents of the Ministry. The CEPEJ Evaluation report on the functioning of judicial systems 2012 has been analysed by Dr. Matej Avbelj (Dean and lecturer at the Graduate School of Government and European Studies in Kranj) in a widely read column, published by a juridical portal (IUS-INFO). In his article Dr. Avbelj critically assesses the Slovenian judicial system by comparing the data presented in the Report for Slovenia, Austria, Croatia, the Czech Republic and Germany.

[\(Read the complete article\)](#)

### **Spain**

The main data highlighted in the press concerns the reduction of the number of judges in Europe and legal aid per capita in Spain.

[\(Read the complete article\)](#)

### **Switzerland**

The Institute of High Studies in Public Administration (IDEHAP) located in Lausanne, maintains a database of cities and cantons known under the acronym [BADAC](#). Following the publication of the CEPEJ Report, the persons in charge of this database have expressed an interest in integrating the CEPEJ data concerning the cantons into their own database. The Swiss representative, Mr Jacques BUELHER, is currently seeking funding for adaptations to be made to the database to include the CEPEJ data. Once the CEPEJ data has been integrated, it will be possible, for example, to extract maps with intercantonal comparisons.

[\(Read the complete article\)](#)

### **"The Former Yugoslav Republic of Macedonia"**

Emphasis was placed on the salaries of judges and prosecutors, the number of judges and the clearance rate. The Report has been published on the website of the Ministry of Justice, the Academy for the training of judges and prosecutors and other judicial institutions. It has been sent by e-mail to

all the court presidents. An event was organised for all the court presidents during which M. Nikola PROKOPENKO presented the report.

[\(Read the complete article\)](#)

## Ukraine

The articles from the Ukrainian press are mainly about the lack of information available to the CEPEJ for the production of the Report.

[\(Read the complete article\)](#)

## Ongoing activities: what's new?

### Special file: CEPEJ's 10th anniversary, 6<sup>th</sup> December 2012



A special file containing the speeches and presentations made during the celebration of the CEPEJ's 10th anniversary is available on the CEPEJ's website. This file also includes 6 interviews with the CEPEJ founders and actors, the achievements of the CEPEJ and upcoming developments, as well as a film featuring speeches, dialogues, round tables and presentation of the Crystal Scales of Justice awarded projects.

► [More information](#)

### Evaluation of judicial systems



The new evaluation report of European judicial systems was published on 20<sup>th</sup> September 2012 in the framework of the Conference of Ministers of Justice of the Council of Europe in Vienna (Austria).

The evaluation scheme and the explanatory note for the 2012-2014 cycle of evaluation of judicial systems, were adopted on 7<sup>th</sup> December 2012 at the CEPEJ plenary meeting. The scheme will be open to replies from national correspondents from 3 June 2013, until 31 December 2013. The processing of the data will begin in January 2014.

A report on the impact of the functioning of justice on the economic situation of the member States of the European Union was submitted to the European Commission at the end of 2012.

► [More information](#)

### Timeframes of proceedings



A court coaching programme for the implementation of the SATURN tools on judicial time management is currently being developed. Any court interested in this programme is invited to contact [Stephane.Leyenberger@coe.int](mailto:Stephane.Leyenberger@coe.int).

At its last plenary meeting, on 7<sup>th</sup> December 2012, the CEPEJ invited all the member States to provide the Secretariat of the CEPEJ with elements of good practices in the different member States in order to update the existing Guidelines for judicial time management.

The members of the CEPEJ adopted the update of the report on the Length of court proceedings in the member States of the Council of Europe based on the case-law of the European Court of Human Rights, prepared by the scientific experts: Françoise Calvez and Nicolas Régis ([CEPEJ studies No. 19](#)).

► [More information](#)

### Quality of Justice



The working group on quality of justice (CEPEJ-GT-QUAL) continues its training programme for the organisation of satisfaction surveys by court users. Interested courts may benefit from the support of CEPEJ experts in this field. They are invited to contact the Secretariat of the CEPEJ: [stephane.leyenberger@coe.int](mailto:stephane.leyenberger@coe.int).

The definition of quality indicators in the field of justice, as well as the preparation of guidelines on main principles governing the reorganisation of judicial maps and the organisation of court buildings are under preparation.

► [More information...](#)

### Network of Pilot courts



The Network met in Malta for its 7th plenary meeting on 27<sup>th</sup> September 2012, during which three clusters have been defined:

- Seeking best practices on court file management and transmission of cases from one judge to another
- The role of judicial experts in quality of justice
- Is it possible to define guidelines on the organisation and accessibility of court premises?

▶ [More information...](#)

## European Day of Civil Justice



JOURNÉE EUROPÉENNE  
DE LA JUSTICE CIVILE

The main event of the 10<sup>th</sup> Edition of the European Day of Civil Justice took place in Vilnius (Lithuania) in presence of the Minister of Justice of Lithuania, of representatives of the Council of Europe and of the European Commission. The European Day of Civil Justice featured a conference on mediation, a short film festival on mediation and the award ceremony of the Crystal Scales of Justice Prize. 11 countries informed the CEPEJ about their initiatives for the celebration of this Day (Bosnia and Herzegovina, Croatia, Estonia, France, Germany, Ireland, Italy, Lithuania, Republic of Moldova, Montenegro, Romania, Serbia, Slovenia).

▶ [More information...](#)

## Crystal Scales of Justice



The European prize of the 2012 Crystal Scales of Justice for innovative practices in the field of justice was awarded on 25<sup>th</sup> October 2012 in Vilnius (Lithuania), at the main event of the European Day of Civil Justice. The Jury of eminent legal professionals examined 38 applications, representing 18 European countries. The "Tribunal de Grande Instance" of Antwerp (Belgium) won the Prize for its efforts consented to the [follow-up of judicial expertises](#). Three special mentions were also awarded to projects developed in France, Spain, and Slovenia:

- ▶ [The co-hearing of the judge to family affairs – Auditor of children – Regional Court of Tarascon \(France\) presented by the Tribunal de Grande Instance de Tarascon \(France\)](#)
  - ▶ [Lexnet](#), presented by the Secretariat general for justice administration (Spain)
  - ▶ [Judicial data warehouse and performance dashboards](#), presented by the Supreme Court of Slovenia
- The Crystal Scales of Justice Prize is awarded jointly by the Council of Europe, through the European Commission for efficiency of justice (CEPEJ), and the European Commission.

▶ [More information...](#)

## Publications



▶ [CEPEJ evaluation Report on European judicial systems \(2012 Edition, 2010 data\) \(CEPEJ Studies No. 18\)](#)

▶ [Report on the Length of court proceedings in the member States of the Council of Europe based on the case-law of the European Court of Human Rights, prepared by the scientific experts Françoise Calvez and Nicolas Régis \(CEPEJ Studies No. 19\)](#)

▶ [The Role of Lawyers in Judicial Proceedings in Europe, report established by Isabelle Andoulse \(in co-operation with the CCBE\)](#)

## Readers corner

You wish to react to an article published in this issue or suggest topics to be addressed in future editions ? Please send us your suggestions by e-mail to the following address: [cepej@coe.int](mailto:cepej@coe.int).

## Forthcoming events

- ▶ 21<sup>th</sup> plenary meeting(Strasbourg) 20-21 June
- ▶ 14<sup>th</sup> meeting of the GT-QUAL (quality of justice) (Strasbourg) 19-20 September
- ▶ 14<sup>th</sup> meeting of the Groupe de pilotage SATURN (Strasbourg) 25 and 27 September
- ▶ 22<sup>th</sup> meeting of the Bureau (Paris) 9 October
- ▶ 23<sup>th</sup> meeting of the GT-EVAL (evaluation of judicial systems) (Strasbourg) 17-18 October
- ▶ European Day of Justice 25 October
- ▶ 22<sup>th</sup> plenary meeting (Strasbourg) 05-06 December

