



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 European Commission for the Efficiency of Justice expands its geographical scope

The principal aim of the European Commission for the Efficiency of Justice is, of course, to promote the efficiency and quality of the public justice service in the 47 member states of the Council of Europe. However, the methods of evaluation and analysis and the practical tools it has developed for public decision makers and people working in courts can be applied to other judicial systems. The CEPEJ's work with our member states is therefore of interest to countries outside our continent. For example, in 2010 the Emirate of Abu Dhabi (United Arab Emirates) contacted the Commission and requested an audit of its judicial system, as it had been impressed by examples of our work on the Commission's website. We have since continued our co-operation with this country. Since 2012, the CEPEJ has also spearheaded the neighbourhood policy with the countries of the Mediterranean Basin proposed by the Secretary General and supported by the Committee of Ministers. In Morocco, Tunisia and, more recently, Jordan, the members and experts of the CEPEJ have been explaining, adapting and assisting in the application of the CEPEJ's evaluation methods and its practical tools, which have been tested in several pilot courts – for example, the SATURN tools for judicial time management and tools for evaluating the satisfaction of court users. Sound working relationships and a genuine relationship of trust is gradually being established between legal experts working in similar posts in different continents, despite a number of differences in context. Through the CEPEJ's work, the Council of Europe is now able to make a real contribution to co-operation programmes with its members and partners and thereby foster the universal values underlying European construction in countries outside Europe, while respecting the differences and specific characteristics of other cultures.

**Stéphane Leyenberger**

Secretary of the CEPEJ

## File : CEPEJ co-operation activities in the

The joint programmes "Strengthening democratic reform in the southern Neighbourhood" and "Support to the Jordanian authorities in improving the quality and efficiency of the Jordanian justice system" are funded by the European Union and implemented by the Council of Europe.

Launched in January 2012, the programme "Strengthening democratic reform in the southern Neighbourhood", of an initial length of 3 years, aims to accompany democratic and political reforms in the Southern Mediterranean countries, following a demand driven and targeted approach. In this framework of his component No. 1, the CEPEJ has been entrusted to proceed in the evaluation of the functioning of judicial systems of Morocco and Tunisia.

The activities contain notably:

- ▶ a global evaluation of the functioning of the justice system in Morocco and Tunisia;
- ▶ a more specific evaluation of the efficiency of a panel of pilot courts;
- ▶ the enlargement of the evaluation of the efficiency to other courts;
- ▶ the design of a concrete working plan for the pilot courts;
- ▶ the evaluation of the curricula of the legal service training college;
- ▶ the organisation of specialised training courses for justice professionals;
- ▶ the participation of national authorities in the activities of the European Commission for the Efficiency of Justice (CEPEJ).

In Jordan, the CEPEJ is currently undertaking a similar assessment of the functioning of the Jordanian judicial system, and offers similar capacity-building advice to pilot courts, but under a separate agreement between the Council of Europe and the European Union, namely a Joint Programme entitled "Support to the Jordanian authorities in improving the

## quality and efficiency of the Jordanian justice system".

The detailed description of the state of work for each programme follows.

## Jordan



Within the framework of the joint programme "Support to the Jordanian authorities in improving the quality and efficiency of the Jordanian justice system", the CEPEJ was given a mission aimed at providing assistance to the Jordanian authorities for improving the quality and efficiency of their judicial system. The mission, carried out in Amman on 19-22 November 2013 with Mr Mats Lindberg, representing the Secretariat, enabled us to forge initial links with the Ministry of Justice, the Judicial Council of Jordan and other local talking partners and carry out an expert appraisal of possible means of implementing the programme.

The Jordanian justice is engaged in a major reform programme, whose implementation has been hampered by the fact that six justice ministers have succeeded one another in the space of two years and opinions differ regarding the content of certain reforms. The constitutional reform of 1 October 2011 incorporated a section on the judiciary, but Parliament rejected the follow-up draft legislation concerning the respective prerogatives of the Ministry of Justice and the Judicial Council, chaired by the President of the Court of Cassation. Accordingly, the question of which body the judicial studies institute (which recruits and trains members of the judiciary) and the inspectorate (which assesses them) should belong to is not settled. Similarly, views differ as to the procedures for appointing members of the judiciary, and a new bill must therefore be presented by the government.

The CEPEJ delegation was very well received by the top officials of the Ministry of Justice, particularly the Secretary General Mr Ahmad Jamaliyeh, the Director of judicial services, Mr Ali Messaimi and the Director of international relations, Mr Ammar A. Al Husseini. The working meetings provided information on the organisation of the judiciary and the work of Jordan's courts. We presented the activities and tools of the CEPEJ in order to study which cooperation initiatives are envisageable. Details of concrete achievements within cooperation programmes run with Morocco and Tunisia and also the possibility of pooling information (comparison of data, exchanges of experience) were of particular interest to our hosts.

In agreement with Mr Ahmoud Abadneh, Judicial Council Secretary General and following the criteria of the CEPEJ, the Jordanian authorities identified pilot courts where modernisation projects could be envisaged. Mr Samir M. Kerfan, President of the Jordan Bar Association, designated lawyers who would act as project correspondents in each of the courts concerned and was especially interested in initiatives aimed at improving public information, the legal aid system and the length of proceedings, especially at the stage of executing judgments.

A visit to two courts of different sizes – in Amman-Centre (100 judges) and Amman-West (30 judges) - provided an opportunity to engage in initial dialogue with those managing them and to gain an insight into how they were organised, how plaintiffs and defendants were dealt with, the level of computerisation, the content and functioning of the application used to register and follow up civil and criminal cases and the use of statistics. Thanks to the investments of recent years within the framework of the USAID Rule of Law programme the Jordanian courts have a good level of computerisation and a sophisticated application for case management and the running of court activities, further enhanced by a training programme for judges and registrars.

A second mission at the end of January 2014 will enable us to work with the Jordanian authorities and the pilot courts to specify the action programme for modernising the functioning of courts, with input from members of the judiciary and registrar staff, in the same spirit of exchange that characterised the initiatives in Morocco and Tunisia.

► [More information...](#)

**Jean-Paul Jean**

Advocate General at the Court of Cassation  
Associate Professor at the University of Poitiers  
President of the CEPEJ experts Group on evaluation

## Morocco

**Fruitful co-operation between the Moroccan authorities and the CEPEJ**



The CEPEJ tools have proven useful in giving a diagnostic of the Moroccan judicial system as a whole and of the courts in particular. These tools make it possible to implement measures for optimising the operation of the judicial system and courts. The relevant measures are initially being implemented in the three pilot courts (Casablanca Civil Court of First Instance, Sidi Kacem Court of First Instance and Agadir Administrative Court). In particular, they involve optimising the service and notification of documents, conducting court user satisfaction surveys and setting annual targets per type of case for courts. Details are given below.

### **Optimising the service and notification of documents**

Problems in the service of summons to hearings and, more generally, the notification of documents are among the main causes of the length of some proceedings in Morocco. In Casablanca and Sidi Kacem, the projects began with round tables held under the aegis of the Ministry of Justice and Freedoms of the Kingdom of Morocco. The participants included representatives of all those involved in the service of documents: relevant government ministries, courts, bailiffs, local authorities, lawyers and experts. The solution adopted, on which consensus was reached at the round tables, has been applied on a trial basis in Casablanca since the beginning of November 2013. It gives priority to service by bailiffs. They are independent officers whose status is defined by law; they are responsible for the service and notification of court documents. Under the project, bailiffs can increase their efficiency by contacting local authorities directly to obtain the address details of persons on whom judicial documents are to be served. In all cases, the bailiffs draw up service records using standard templates. A review of progress will be conducted once the projects in Casablanca and Sidi Kacem are completed.

### **Court satisfaction surveys**

The standard of court services can be assessed by the courts themselves using the CEPEJ quality check list. It is worthwhile comparing this internal assessment with the views of parties and lawyers. Satisfaction surveys are an appropriate means of doing so. During the first half of 2014, satisfaction surveys will be conducted in the three pilot courts. Depending on the results, the use of satisfaction surveys may then be extended to all courts in Morocco.

### **Court targets**

Experience in courts shows that it is possible to optimise their performance by setting targets for judicial timeframes. With a view to determining whether this approach can also optimise the performance of Moroccan courts, targets for 2014 have been set at Agadir Administrative Court. Monitoring will be carried out to detect any discrepancies in relation to the targets for 2014 so that corrective measures may be taken in the course of the year. At the beginning of 2015, the benefits of this instrument for the courts will be assessed and the extension of its use to all courts in Morocco may be discussed.

► [More information...](#)

**Jacques Bühler**

Deputy Secretary General - Swiss Federal Court

President of the CEPEJ SATURN steering Group for the management of judicial timeframes

and CEPEJ member

## **Tunisia**



### **A support scheme for justice in Tunisia**

After the revolution that began in December 2010, Tunisia entered the "Arab Spring" which raised high hopes among the population for democracy, freedom and improvements in their living conditions.

This was the context in which the European Commission for the Efficiency of Justice (CEPEJ) decided on a joint programme between the Council of Europe and the European Union entitled "Strengthening democratic reform in the southern neighbourhood". Tunisia had a natural place amongst these southern countries so as to strengthen the internal process of political and democratic reform and more specifically the effectiveness and independence of justice.

Justice, a fundamental institution in the functioning of a state the Rule of law, deserved a serious reappraisal both in its essential principles and in the way it functions. Three experts holding judicial office were appointed as from November 2012 to undertake an evaluation of the functioning of Tunisian traditional justice on a daily basis and to devise and implement targeted programmes for improving the performance of the courts.

Standing arrangements have been made in Tunis to give the project real substance and daily follow-up on the ground.

To date, 4 on the spot assignments have already been carried out by the experts, starting with exchanges of information and numerous meetings with Tunisian judges and prosecutors, lawyers and

civil servants to determine exactly the difficulties in the functioning of Tunisian justice and identify the most urgent requirements for remedying them.

A first report has allowed the main areas of possible development of the Tunisian judicial system to be pinpointed, in co-operation with the CEPEJ.

The first of these concerns establishing democratic organisation of work in the courts. As top priority, a revision of the constitutional principles should be carried through in order to delineate a more independent justice system that succeeds in exerting its own control over its own organisation and the means which are vital to it in order to function.

The second relates to the tools of management which are indispensable in a modern society, to begin with information technology without which the administrative work of judicial officers and staff is too burdensome and precludes access to the indispensable statistical instruments of management. Modernisation of the methods used to manage the judicial establishments will also need to be promoted in order to evaluate and apportion the workload better and rationalise the handling of administrative and judicial files thanks to adapted working procedures.

Lastly, there must be initiatives to improve the judge's public image, restore confidence in justice and improve the service delivered to people amenable to justice.

For each of these work areas, project briefs have been drawn up, directed at the 4 pilot courts identified with the Tunisian authorities to test the projects proposed by the experts, after obtaining the consent of these courts.

To give specific examples, following a seminar organised in Geneva with Tunisian court of cassation judges, the initiatives have already been launched to create a database of the principal court of cassation decisions establishing precedents. A study visit to the Avignon district court has been arranged to improve the case file registration system and create proper management charts for the operation of a court. Various project steering committees have been convened in the Tunisian courts notably in order to reduce the flow of cases by instituting hearings to prepare them for trial.

This project has only begun in a political context still characterised by uncertainty. It is already apparent that the needs are considerable but that many judges are genuinely determined to take charge of their destiny and embark on the indispensable reforms and modernisation.

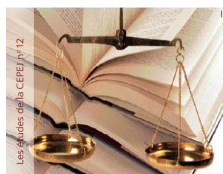
► [More information...](#)

**Cédric Visart de Bocarmé**

Prosecutor general at Liège (Belgium)  
CEPEJ expert

## Ongoing activities: what's new?

### Evaluation of judicial systems



#### Justice Scoreboard

The European Commission has signed an agreement binding the CEPEJ to supplying the elements in view of the publication of the Justice Scoreboard of the member States of the European Union in 2014, on the basis of the 2012 data.

#### CEPEJ evaluation report on European judicial systems



The new evaluation report on European judicial systems should be published in 2014, after its adoption at the CEPEJ plenary meeting in Baku on 3 and 4 July, in the framework of the Azerbaijani Chairmanship of the Council of Europe Committee of Ministers.

### Peer's evaluation

The CEPEJ group of experts in charge of the peer's evaluation system for collecting and processing judicial data, went to Riga (Latvia) from 13 to 15 November 2013. The group met the authorities of the Ministry of Justice to discuss the reforms of the judicial system underway, on the basis of the analysis of judicial statistics given during the 2010-2012 evaluation cycle. Then, the group has since provided its recommendations to be submitted to the authorities in the perspective of the next evaluation cycles. Further visits will take place in Estonia and Lithuania, Switzerland and Ukraine in 2014 and 2015.

► [More information...](#)

### Timeframes of proceedings



#### "Strengthening democratic reform in the southern Neighbourhood" (Morocco)

A first series of training sessions on reasonable timeframes has been carried out by the CEPEJ experts in Marrakech and Rabat, from 11 to 15 November 2013. The powerpoint presentations are available in French and Arabic on the CEPEJ website. One thousand samples of the DVD in French and in Arabic will be put at the disposition of the Higher

Institute of the Judiciary in Rabat in the course of February 2014 and will be distributed to all Moroccan courts. The video will also be made available on the CEPEJ website for trainers, on the page entitled "[Training kit](#)" (in French only).

### **Updated guidelines for judicial time management**

The SATURN Guidelines for judicial time management have been updated by the CEPEJ. These Guidelines, which were first published in 2008, are updated every 5 years to take into account the developments and reforms of the member States in the field of court management. They include calculation sheets which make it possible to draw up statistics in the field of case-flow management and can be used directly by court managers.

▶ [Guidelines for judicial time management](#)

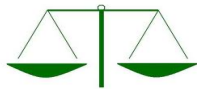
### **Courts training programme to the application of SATURN tools**

The CEPEJ has created a courts' training programme by means of applying the SATURN tools on judicial timeframes. It is provided by CEPEJ members and experts. Each court interested by this programme is invited to contact [Stephane.Leyenberger@coe.int](mailto:Stephane.Leyenberger@coe.int).

▶ [More information...](#)

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### **Quality of Justice**



#### **Questionnaire on the role of experts in European judicial systems**

In the framework of the activities carried out by the Working group on the quality of justice (CEPEJ-GT-QUAL), the CEPEJ pilot courts Network has been invited to work on the role of experts in judicial procedures. In this framework, a [questionnaire](#) on the court experience in their relations with judicial experts and on the role and status of experts has been sent to the members of the pilot courts Network. The collected data will serve as a basis for the preparation of a study on the role of experts in the European judicial systems.

#### **Revised Guidelines on the creation of judicial maps to support access to justice within a quality judicial system**

At its last plenary meeting, the CEPEJ adopted its revised Guidelines on the creation of judicial maps. This document can be used as a basis for administrators to take operational decisions concerning the design of the judicial maps, identifying in particular the factors that should be taken into account when deciding the size and location of courts.

▶ [Guidelines on the creation of judicial maps to support access to justice within a quality judicial system](#)

#### **Checklist for court coaching in the framework of customer satisfaction surveys among court users**

Fabio Bartolomeo and Roberto Calabrese (Italy), respectively CEPEJ member and expert, have developed a concrete tool for the courts: the Checklist for court coaching in the framework of customer satisfaction surveys among court users. This checklist is a detailed guide for persons entrusted with the organisation of client satisfaction surveys.

▶ [Checklist for court coaching in the framework of customer satisfaction surveys among court users](#)

#### **Training programme for the organisation of court users' satisfaction surveys**

The CEPEJ pursues its training programme for the organisation of satisfaction surveys amongst court users. The interested courts may benefit from the support of CEPEJ experts in this field. They are invited to address their request to the Secretariat of the CEPEJ: [Stephane.Leyenberger@coe.int](mailto:Stephane.Leyenberger@coe.int).

▶ [More information...](#)

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### **Network of pilot courts**



The 8<sup>th</sup> plenary meeting of the CEPEJ Network of pilot courts took place on 26 September 2013 in Strasbourg. Three workshops have been organised during this meeting:

- ▶ Workshop 1 : the role of the judiciary in the current economic environment - "how to better spend" budgetary resources available to the courts;
- ▶ Workshop 2: conducting a satisfaction survey in a court: what precautions?
- ▶ Workshop 3: which best practices to reduce the backlog of old cases?

▶ [More information...](#)

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### **Call for candidatures for the main event of the European Day of justice in 2014 and inventory of the events organised by the Council of Europe member States in 2013**



The countries wishing to submit their application for the organisation of the main event of the European Day of Justice in 2014, during which the Crystal Scales of Justice Prize will be awarded to the selected projects, are invited to inform the Secretariat of the CEPEJ. The European Day of Justice is celebrated each year around the 25 October. It aims to bring justice closer to citizens, to inform them on their rights and to promote the work of the Council of Europe in the field of civil justice, through simulation of procedures and information sessions. This day is open, in particular, to all European citizens, students and professionals working in the justice field. In 2013, 13 countries organised open days, simulations of procedures, training days, conferences, etc.

► [More information...](#)

## The CEPEJ organises the "Crystal Scales of Justice Prize" in 2014



The next edition of the European "Crystal Scales of Justice Prize", rewarding innovative practices that contribute to improving the efficiency and quality of justice, will be organised by the CEPEJ in 2014. The projects selected will receive the award on the occasion of the main event of the European Day of Civil justice in October 2014. The experience from previous years confirms the growing interest by Council of Europe member States and their judicial institutions in sharing the good practices that are highlighted through this Prize. The call for applications for the 2014 edition is published on the CEPEJ's internet website.

► [More information...](#)

### Publications

► [A comparative analysis of the functioning of judicial systems of the member States of the European Union](#)

### Readers corner

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

### Upcoming events - February to July 2014

► **13-14 March 2014**

24<sup>th</sup> meeting of the Working group on evaluation of judicial systems (GT-EVAL)  
*Strasbourg, France*

► **3-4 April 2014**

15<sup>th</sup> meeting of the Working Group on quality of justice (GT-QUAL)  
*Strasbourg, France*

► **10-11 April 2014**

15<sup>th</sup> meeting of the CEPEJ SATURN Centre for judicial time management  
*Strasbourg, France*

► **14-16 May 2014**

25<sup>th</sup> meeting of the Working group on evaluation of judicial systems (GT-EVAL)  
*Strasbourg, France*

► **15 May 2014**

8<sup>th</sup> meeting of national correspondents  
*Strasbourg, France*

► **3-4 July 2014**

23<sup>th</sup> CEPEJ plenary meeting  
*Baku, Azerbaijan*