



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 impact of technological tools on the effectiveness and quality of the justice system



The impact of technological tools on the effectiveness and quality of the justice system

The CEPEJ's first evaluation report in 2006 included a section on the extent to which courts were equipped with computer facilities and the use made by judges and other court staff of new technologies. It was clear that, as a result of their use, proceedings were being dealt with more effectively and that they provided statistical tools offering more accurate measures of performance. Theoretically, therefore, every country and every court can now benefit from applications and statistics that enable them to measure their performance in terms of activity, the time taken to deal with cases, the backlog of cases and current workloads.

Coinciding with the development of these tools has been the dissemination in Europe of the concept of New Public Management, which has been applied to judicial organisations as it has to all public bodies. The 2008 financial crisis and the resulting budgetary constraints gave rise to the idea that computers provided an opportunity to increase productivity significantly and rationalise the functioning of a judicial institution whose traditional characteristics were procedural complexity and the uncertain nature of its decisions. The repetitive nature of certain cases and participants' need for greater predictability, for example regarding procedural deadlines and the dissemination of court judgments, has undoubtedly altered the landscape for a significant segment of courts' activities.

Technological tools and effectiveness of the justice system

It is clear that the development of information technology has been accompanied by substantial improvements in the effectiveness of judicial systems, thanks to the introduction into courts' practice of case management systems that enable them to rationalise the flow and handling of cases and their statistical monitoring. Tools for managing human and financial resources facilitate the administrative organisation that provides the back-up to judicial decision making. Court registries and judges are supplied with guidelines that offer considerable assistance with the processing of mass offences/simple and repetitive cases. Indicative scales enable judges to have a better appreciation of the relevant case-law and offer those concerned a more predictable and egalitarian form of justice. Electronic communications between judges and lawyers simplify and expedite the preparation of civil cases, while at the other end of the process they facilitate the publication, dissemination and execution of judgments.

Dissemination of judicial data

Throughout Europe, with the development of the Internet and associated databases of the relevant legal provisions, one of the main concerns is how to strike a balance between two, generally conflicting, principles, namely on the one hand the right to information and citizens' right of access to public data, and on the other protection of privacy, particularly with regard to personal data appearing in judicial documents and decisions.

The Google judgment of the Court of Justice of the European Union on 13 May 2014 on the storing of personal, and particularly computerised, data confirmed that data protection legislation is applicable to search engines, thus entitling computer users, under certain circumstances, to request the removal of links to information, access to which infringes their privacy. Google received 50 000 requests for delisting in France in the months that followed. The courts will have to deal with all the resulting legal proceedings and must be organised to cope with them.

The European Court of Human Rights has also considered "the compiling, storing, using and disclosing of personal information by the State" which "amounts to an interference with one's right to respect for private life as guaranteed by Article 8 § 1 of the Convention". The most recent cases show that the Court "is being faced with new concepts such as that of data portability and the right to be forgotten, in other words, the right for the data subject to object to the further processing of his/her personal data, and an obligation for the data controller to delete information as soon as it is no longer necessary for the purpose of the processing". The sensitive and costly issue of the complete anonymisation of judicial decisions before their dissemination is therefore of considerable importance.

The centralisation of judicial data through computer applications also raises the issue of whether courts should be administered by central ministerial authorities or by independent judicial bodies. Finally, control of databases raises the issue of the market for judicial information, including sensitive data. More data was created in 2011 than in all the previous history of humanity. The data flow on social networks is increasing by 30% each year. The so-called "big data" and "open data" processed and

Cyberjustice has profoundly transformed the work of judges and court officials. For example, in the French Court of Cassation, as in more and more European courts, judges use their computers as a virtual office in an entirely paperless environment, which allows them to access all the case documentation and the relevant case-law and legal databases, to seek out precedents and to exchange information with parties, the registry and colleagues. The volume of information to be managed expands greatly if one takes into account all the relevant law, including judgments of the European Court of Human Rights, the Court of Justice of the European Union and other, domestic, supreme courts. It is therefore crucial to ensure the scientific quality and independence of the decision-making tools and research engines concerned. The same applies to protection of personal data associated with judicial proceedings, for it is one thing to hand down a judicial decision in a public hearing, another to communicate it to the parties, and yet another to disseminate it publicly on the Internet. These methods of transmission all correspond to different legal situations and are constantly being made easier with the aid of computer processing.

disseminated on the Internet are the driving force of the digital economy and judicial data are not exempt from these market pressures, to mention only insurance companies, judicial publishers and start-ups seeking niche markets to explore.

The quality of the justice system as a focus of the new technologies debate

Reducing the time taken to process cases by adopting a rational approach, based on disposition time and clearance rate indicators, constitutes a measurable improvement in the quality of judicial services, so long as care is taken to clearly identify and differentiate between categories of cases.

The impact of new technologies on the quality of judicial decision making is much more difficult to assess, given the many ways in which decision-making tools are used (compendiums of judgments, libraries of paragraphs, access to case-law databases, and so on). Using video-conferences for hearings must satisfy precise criteria to ensure a fair trial or hearing while at the same time simplifying certain proceedings that do not require the individuals' presence at the hearing, simply on the orders of the judge.

Priority should probably be given to the on-line services available to citizens. The latter want new technologies to be used for providing access to information, the issuing of notices or summonses or the serving of documents. [The Netherlands has brought into operation a very interesting on-line legal aid and mediation service](#) that has been presented to the CEPEJ. Other practices have received awards in recent years under the auspices of the [Crystal Scales of Justice Prize](#).

Reflecting the importance of these new areas of activity, the GT-EVAL has completely rethought and expanded the new technologies section of its questionnaire for the evaluation report on judicial systems, which is dealt with as a specific topic. The evaluation working group (GT-EVAL) will have the opportunity in 2016 to develop these points, thus enabling the GT-QUAL to produce the main lines of a policy on the subject. For it is not computers as such that need to be placed in the forefront, but rather the actual service they can offer to judges, judicial staff and the general public.

Jean-Paul JEAN

Chamber President at the Court of Cassation (France)
Director of the documentation, studies and report Department
Head of the Department for international relations
Chair of the CEPEJ working group on evaluation of European judicial systems

Managing the shift towards cyber-justice

Generalised IT use in the courts of Council of Europe member States



The working cultures of courts and IT departments hinge on very different guiding principles. The activities of the judiciary (sovereign, independent from other forms of authority) call for customised processing to support this branch in what is an artisanal task (handing down personalised decisions for an individual). For their part, IT departments are geared to designing global automation solutions at best cost, in support of more blanket policies to improve efficiency of public services, based on "new public management" principles.

Yet despite that disparity of approaches, the development of IT use in the courts of Council of Europe member States continues apace, as mainstream resources are now in short supply and the need to identify "seams" of productivity has become vital. With a few rare exceptions, IT use is commonplace in European justice.

In this context, the concept of "change management" might be seen as irrelevant by some. Information technologies are no longer a new phenomenon and the fact that they are deeply rooted in the day-to-day work of courts could lead us to conclude that the change is already behind us.

Change management: an imperative for maintaining an independent justice system

There are at least two reasons why all the stakeholders should remain strongly committed to a change management strategy.

The first argument is highly pragmatic, highlighting a situation that is very much a reality: the stark difference between objectives officially assigned to an IT system and its true effectiveness. The yardstick of "return on investment" is often unutilised and underexploited, in terms of what could be achieved quantitatively (shorter case processing, cost of software versus improved output) and also qualitatively (end service provided to parties in proceedings). In fact, change should be managed on an ongoing basis, by adapting and improving existing solutions, in the light of the results actually achieved.

The second argument, less obvious and far more strategic in nature, relates to the role of the judicial professions in the construction of IT systems: when a case-law database sorts decisions on criteria of "relevance", who decides on the criteria that will place a decision at the top of the search results? When an IT system provides judges with suggested pre-drafted paragraphs for their decisions, who should be involved in drafting those paragraphs and determining how they are to be presented in a virtual library installed on the workstation? When system software automatically allocates cases to judges, how can it be ensured that this is a neutral process?

Given their technological complexity, these are all issues that the judiciary might delegate to IT specialists, often in private sector service companies, after a few basic provisos and statements of principle. In reality, they are all gateways to control the activities of the judiciary from within and compromise (discreetly) its independence.

Justice defined by its vocation and not by mathematical models

The old adage "Justice should not only be done but be seen to be done" takes on a contemporary feel here: protecting the independence of justice requires the implementation of policies geared to the transparency of the IT machinery that might influence decisions (such as having independent experts, mandated by councils of the judiciary, to certify the functioning of search and sort algorithms). An independent justice also – and above all – calls for the very strong involvement of the professions coming into play, so that fresh challenges are properly understood and the risks are not overlooked.

To take one example, most American states now have actuarial systems evaluating the risks of criminal reoffending. While this technique appears to make judges' decisions more objective, a more in-depth study by Oxford University reveals that, while these systems tend to be effective in predicting low risks, they produce incorrect findings in around 50% of the cases involving individuals labelled as dangerous.

Clearly, the pursuit of ambitious public policies to reform judicial systems can but continue to be heavily reliant on information technologies. However, scientific and statistical approaches implemented by IT tools cannot, alone, map out the future of a justice whose imperatives can hardly be modelled using mathematical formulae.

Yannick MENECEUR

Special advisor

Secretary of the SATURN Centre for judicial time management

Responsible for the CEPEJ Network of pilot courts

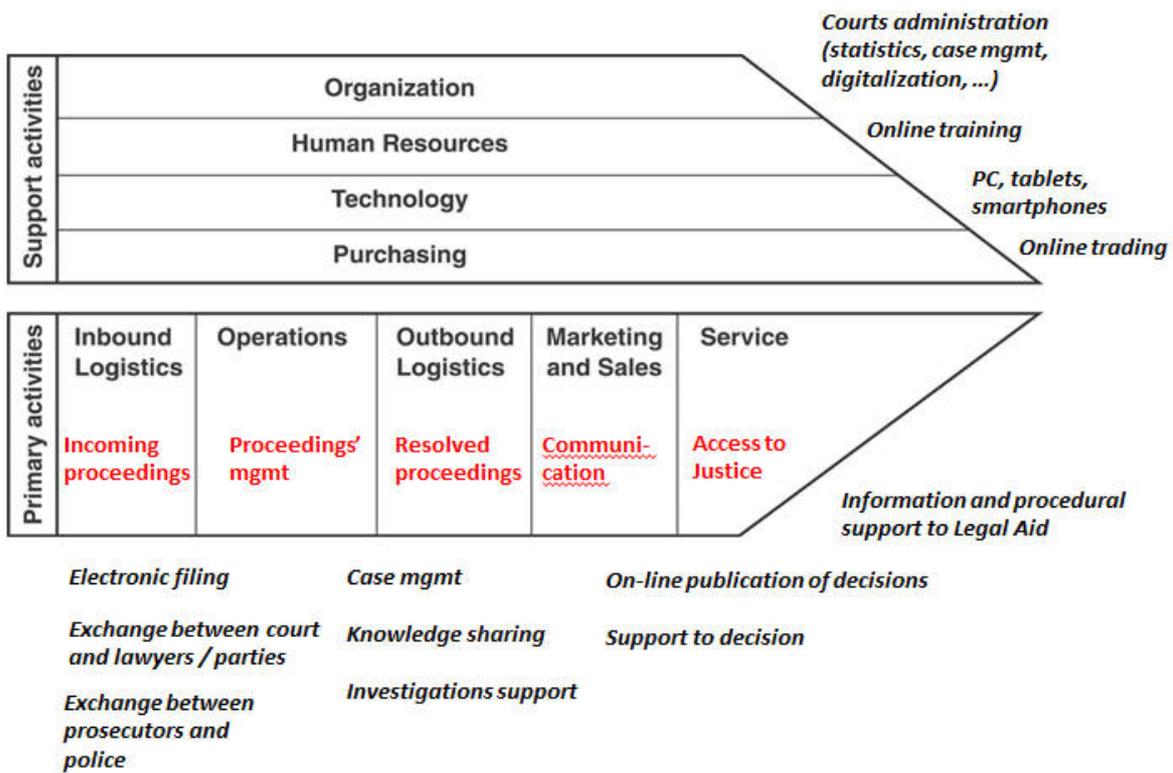
The use of new technologies in courts : an essential tool for a better case management



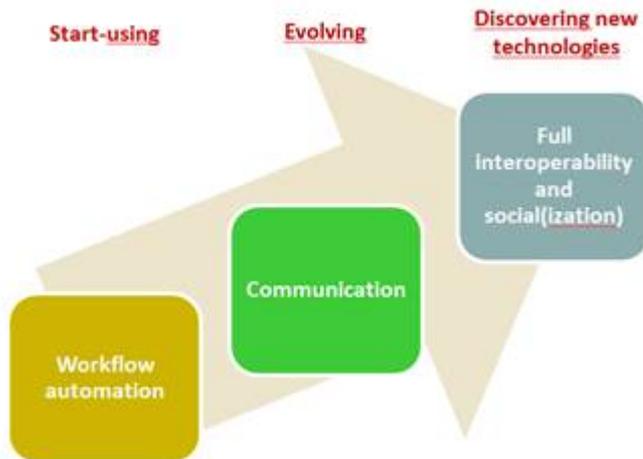
Why we use IT in justice?

- ▶ IT substitutes redundant manual activity
- ▶ IT increases efficiency (do more with less)
- ▶ IT enhances effectiveness (do better, do faster)
- ▶ Lack of human resources requires to leverage on technology potential
- ▶ To keep the pace with the rest of the world, from both aspects:
 - ▶ Justice administration
 - ▶ Justice "core business": civil, criminal, investigations

Where is IT in justice?



European judicial systems are not all at the same stage



► [Read the whole article](#)

Fabio BARTOLOMEO

Member of the CEPEJ Working group on quality of justice (GT-QUAL)
CEPEJ member
Director of Statistics at the Italian Ministry of justice

Information Management System based on RFID technology in District Court in Warsaw



RFID technology: description

- The basis of the Data Management System is RFID technology (Radio Frequency Identification)
- RFID System was created to manage, administer and monitor the location of the legal documents inside the court and to track the constant movement of the documents
- System allows to make a virtual map of the court and court's archives with every single point where documents are located

Problems

A huge number of files, which were moving daily (90 % of active files (in regular movement) - daily movement of files from approximately 3500 volumes of files - up to approximately 5000 volumes of files) increased the possibility of :
- misplaced files,

- lack of replacement folders,
- incorrect information inside the replacement folder (not knowing where the files are)
- incorrect marking on folders
- lack of knowledge if the file is available
- lack of knowledge about the current archive resources
- many people involved in the documents locating activities

Purposes and goals

- constant and easy access to documents
- decrease of waiting time for sharing data and information
- minimization of lost documents and folders
- optimization within human resources engaged in court`s work to improve the efficiency of employment
- feeling of being supported in storage of high importance documents by the reliable system

Benefits

- easy, fast and efficient access to data base which improve the efficiency of whole justice system
- automation within libraries and sharing documents
- better communication and better controlling system
- human resources efficiency increase
- decrease of mistakes, damages and losts of data
- increase of security and safety
- easier data searching system
- decrease of logistic costs

RFID devices

Implementation of the RFID system included:

- Marking covers of files with RFID tags and coding them into the system
- Installation of RFID devices:
 - SKD Position (coding working space)
 - SPD Position (for tracking movement of files)
 - „Scanning gate" (for tracking movement of files)

Both of them can be used alternatively

- Mobile RFID reader (searching and inventory of files),
- smart shelf system - approximately 120 shelves

[\(view the powerpoint presentation\)](#)

Anna WASILEWSKA

Judge

Commercial District Court

Warsaw (Sad Rejonowy dla m.st. Warszawy)

Thematic file: Leading Change to Cyberjustice



At the 26th plenary meeting of the CEPEJ on 10 and 11 December 2015, a study session entitled "Leading Change to Cyberjustice" has been organised. This study session was an opportunity to present some technological applications in the field of justice (European Court of Human Rights, Spain, France, Poland and Portugal) and has been followed by a Roundtable on Gains, potentials and challenges of cyberjustice.

► [Thematic file: Leading Change to Cyberjustice](#)

Ongoing activities: what's new?

Evaluation of judicial systems

Justice Scoreboard

The CEPEJ delivered the first part of its Study evaluating the functioning of the justice in all member States of the European Union on the basis of facts and figures and by using the same methodology used for preparing its biennial report on "European judicial systems". This Study will serve as a basis for the publication of the "Justice Scoreboard" by the European Commission.

2014-2016 evaluation cycle

The CEPEJ Working group on the evaluation of European judicial systems (GT-EVAL) held its meeting in Strasbourg on 4 November 2015. On this occasion, the group discussed the implementation of the 2014-2016 evaluation cycle.

The national correspondents held their meeting on 5 November 2015, in presence of the Working group members. The national correspondents have to complete the CEPEJ evaluation scheme before 31 December 2015 (2014 data), as well as a specific questionnaire on the impact of the ICT (Information and

Communication technologies) on the work of jurisdictions in view of the publication of the report in Autumn 2016. A new and more interactive electronic presentation of data should be proposed.

Peer's evaluation

States wishing to be candidate of a peer's evaluation for 2016 are invited to introduce their application through the CEPEJ Secretariat (cepej@coe.int).

► [More information...](#)

Timeframes of proceedings



The steering Committee for judicial time management (SATURN) held its meeting in Strasbourg on 22 and 24 September 2015. On this occasion, the Group adopted the Guide for the implementation of SATURN tools in courts which has been adopted at the CEPEJ plenary meeting on 10 and 11 December 2015.

► [More information...](#)

Quality of Justice

The working group on Quality of justice (GT-QUAL) held its meeting in Strasbourg on 1 and 2 October 2015.

The Group drafted a Good Practice Guide in the field of enforcement which has been adopted at the CEPEJ plenary meeting in Strasbourg on 10 and 11 December 2015.

► [Good Practice Guide in the field of enforcement](#)

The Group is also working on the implementation of structural measures prior to the introduction of effective remedies (Article 13 of the European Convention on Human Rights).

Furthermore, the Group examined the drafting of guidelines "Managing the shift towards cyber-justice" and defined standards and indicators in the field of quality of justice.

Training programme for the organisation of court user 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 the CEPEJ experts in this field. They are invited to address their request to the Secretariat of the CEPEJ: Stephane.Leyenberger@coe.int.

Courts training programme for the application of CEPEJ tools

Albania



Court training activities in Albania are still underway, concentrating more particularly on the analysis of the daily work of the courts and the assessment of the degree of implementation of the SATURN guidelines on judicial time management in all Albanian courts.

From 18 to 22 May and from 15 to 18 June 2015, the experts made a series of visits in 12 more Albanian courts. The aim of these meeting was to share the results and discussions with the chief presidents and clerks of these courts.

A round table took place on 14 September 2015, in Tirana, to discuss issues relating to time management in Albanian Courts. This discussion was based on findings and observations of the Court Coaching visits conducted in 37 courts and reflected the most pressing time management issues and problems affecting the Albanian judicial system. Representatives of the Albanian Constitutional Court, High Court, Ministry of Justice, the High Council of Justice, Office for Budget Administration, Bar Association, School of Magistrates and a substantial number of first and second level courts attended the round table. International organisations working in the justice area in Albania joined as well. Following the round table, technical working meetings with individual courts, aiming at assessing progress to date of the Court Coaching Programme on 15 SATURN Priority Guidelines and quality tools took place on 14 and 15 September 2015.

These activities are organised within the framework of the Project "Increase the efficiency of the Albanian justice system and in line with European standards" (SEJ).

► [More information about the Project](#)

Azerbaijan

The CEPEJ experts introduced the methodology and the results of the identification of the main efficiency indicators in each of the 5 pilot courts (clearance rate, disposition time, number of cases handled by each judge, etc.). The next step will include a draft, made by the CEPEJ experts, for discussion with the concerned people, of individual reports for the courts, which will highlight the main conclusions and recommendations for a better implementation of the CEPEJ tools in each of the pilot courts. After approval of the content of these reports, the pilot courts will proceed to their implementation in 2016, with the support of the PCF Project.



► [More information about the Project](#)

Croatia



In the framework of the cooperation Programme between Croatia and the CEPEJ financed by the "Norway Grants" entitled: "Improving the quality and efficiency of the judicial system through infrastructure development and better court management" a training plan was implemented for the courts.

The CEPEJ experts met the staff of the court of Karlovac on 6 October 2015 to discuss the implementation of the recommendations aimed at analysing the timeframes to prevent backlog and excessive delays in the processing of cases.

Greece

A team of CEPEJ experts visited the Administrative Tribunal of Thessalonik on 19 June 2015 to assess the degree of implementation of the SATURN Guidelines, and more particularly of the 15 priority guidelines which can be implemented without additional resources, and the possible solutions to optimise the functioning of the Court concerning the lengths of procedures. The team of experts transmitted a report which contained concrete recommendations facilitating the reduction of lengths of procedures and aiming at a better workload management.

Jordan

A Jordan delegation participated in the 18th meeting of the SATURN Steering Committee for judicial time management and to the 10th plenary meeting of the CEPEJ Network of pilot courts which took place in Strasbourg from 22 to 24 September 2015.

This activity has been organised in the framework of the Joint programme "Towards a strengthened democratic governance in the Southern Mediterranean" - South Programme 2, financed by the European Union and implemented by the Council of Europe.

► [More information about the Programme](#)

Morocco

A team of CEPEJ experts travelled to Rabat and Fez from 6 to 9 October 2015. The experts had a meeting with the representatives of the Ministry of Justice and Freedom of Morocco, in order to make an in-depth presentation of the tools developed by the CEPEJ in the field of judicial time frames and quality of justice. They had an exchange on the scoreboards on judicial activity developed by the Ministry of Justice and Freedom. They also had a meeting with representatives of the Appeal's Court of Rabat to present the draft report in the field of judicial time frames and quality, written by the CEPEJ experts. In addition, the mission was an opportunity to visit the Appeal's Court of Fez - the new pilot court of the CEPEJ.

This activity has been organised in the framework of the Joint programme "Towards a strengthened democratic governance in the Southern Mediterranean" - South Programme 2, financed by the European Union and implemented by the Council of Europe.

Republic of Moldova

In the framework of the Project "Strengthening the efficiency of justice and support to lawyers' profession in the Republic of Moldova", funded by the European Union and implemented by the Council of Europe, the team of CEPEJ experts conducted, from 1 to 4 September 2015, the second mission to the Republic of Moldova. On 1-3 September the experts visited other three pilot courts (Soroca Sector Court, Cahul Appellate Court and Ialoveni Sector Court) and discussed in particular the court management practices and the level of implementation of CEPEJ tools on efficiency and quality of justice and courts. Furthermore, the CEPEJ experts conducted a workshop to launch the court coaching programme on implementation of CEPEJ tools in the pilot courts: presentation of the methodology and of the various indicators (clearance rate, disposition time, appeal ratios, case per judge, critical analysis of the provided data, etc.).

The CEPEJ experts will draw up individual court coaching reports, which will outline the findings and recommendations for further implementation of the CEPEJ tools. The implementation of the recommendations proposed is foreseen for the course of 2016.

The CEPEJ has created a training programme for the courts regarding the use of the SATURN tools on court delays. It is provided by CEPEJ members and experts. Each court interested in this programme is invited to contact Stephane.Leyenberger@coe.int.

More generally, the CEPEJ adopted, at its plenary meeting in Strasbourg on 10 and 11 December 2015, a guide entitled: "Methodology for implementing CEPEJ Cooperation Programmes".

► [More information](#)

Network of pilot courts

The 10th meeting of the Network of pilot courts took place on 23rd September 2015 in Strasbourg. The members of the SATURN Steering Committee for judicial time management also participated to this meeting, which marked the 10th anniversary of the creation of the Network. This anniversary has been celebrated by



the awarding of the Pro Merito Medal of the Secretary General of the Council of Europe to Mr Jacques BÜHLER, President of the CEPEJ SATURN Group on judicial time management since its creation in 2004.

► [More information...](#)

Events organised in the member States of the Council of Europe in 2015 on the occasion of the European Day of Justice

The CEPEJ just published a list of the events member States of the Council of Europe organised to celebrate the European Day of justice, which usually takes place around 25 October. The CEPEJ awarded the 2015 edition of the Crystal Scales of Justice Prize during the main event in Banja Luka (Bosnia and Herzegovina), within the framework of the Chairmanship of the Committee of Ministers of Bosnia and Herzegovina, on 23 October 2015. The Prize has been organised in the framework of the Roundtable entitled "How to improve day-to-day functioning of courts towards a more efficient justice?", with the participation of Mr Igor CRNADAK, Minister of Foreign Affairs of Bosnia and Herzegovina, Mr Josip GRUBESA, Minister of Justice of Bosnia and Herzegovina, Mr Anton KASIPOVIC, Minister of Justice of Republika Srpska, of Mato JOZIC, Minister of Justice of the Federation of Bosnia and Herzegovina and of the President of the CEPEJ, Georg STAWA.

► [Report on the events organised in Europe to celebrate the European Day of Justice](#)

The countries who wish to propose to host the main event of the 2016 European Day of Justice are invited to contact the CEPEJ Secretariat (cepej@coe.int).

► [More information...](#)

The CEPEJ rewards the Judicial Institute for Scotland with the 2015 Crystal Scales of Justice Prize for its initiative entitled "The Judicial HUB"



The Judicial Institute for Scotland has been awarded the 2015 Crystal Scales of Justice Prize for an initiative entitled "[The Judicial HUB](#)". The Prize has been awarded by the Council of Europe on 23 October 2015 in Banja Luka (Bosnia and Herzegovina), on the occasion of the main event of the European Day of Justice. The Judicial HUB proposes a virtual environment dedicated to the training and communication for the actors of the judicial system in Scotland, in respect of the rules governing IT security.

Three special mentions have been awarded by equal merit to the three following initiatives:

- Court Administration of the Republic of Latvia, for the project "[Recording of court hearings with technical means](#)";
- Dutch Legal Aid Board (The Netherlands), for the project "[Online Dispute Resolution \(ODR\) for Relational Disputes](#)";
- High Judicial Council of Serbia, for the project "[Model Court Guideline for the Basic and Higher Courts in the Republic of Serbia](#)".

► [More information](#)

Publications



High quality justice for all member states of the Council of Europe

► [Guide for the implementation of the SATURN tools for judicial time management](#)

► [Good practice guide on enforcement of judicial decisions](#)

► [CEPEJ Study No.22: High quality justice for all member States of the Council of Europe](#)

► [Compilation of CEPEJ guidelines](#)



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.

▶ **22 January 2016**

27th meeting of the Bureau
Paris (to be confirmed), France

▶ **25 February 2016**

1st "online report" meeting of the Working group on evaluation of European judicial systems (GT-EVAL)
Paris, France

▶ **15 and 16 March 2016**

19th meeting of the Working group on quality of justice (GT-QUAL)
Strasbourg, France

▶ **21 and 22 April 2016**

19th meeting of the SATURN steering Committee for judicial time management
Strasbourg, France

▶ **3 and 4 May 2016 or 4 and 5 April 2016 (to be confirmed)**

29th meeting of the working group on evaluation of European judicial systems (GT-EVAL)
Paris, France

▶ **4 May 2016**

10th meeting of the national correspondents (to be confirmed)
Strasbourg, France

▶ **30 June - 1st July 2016**

27th plenary meeting of the CEPEJ
Strasbourg, France

▶ [More information](#)