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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.

Editorial



"What do you expect from the CEPEJ over the next five years?" This was the question put to European decision makers and members of the judiciary who met at the European Court of

Human Rights to celebrate the fifth anniversary of the CEPEJ last December. Amongst the excellent ideas proposed was one of particular note: **the CEPEJ as an "aide de camp" to the European Court of Human Rights.**

Our Commission would act as a watching and early warning system to identify structural lacuna in judicial systems and anticipate new dysfunctions – potential causes for appeal to the Court on the basis of Article 6 ECHR.

Can we really help the healing process if we are not capable of first producing a reliable diagnosis? Thanks to mechanisms that it has put in place (a regular process of evaluation of the functioning of judicial systems, the SATURN Centre for the study of judicial time management, which is becoming a veritable observatory on judicial timeframes in Europe), the CEPEJ has unparalleled tools giving it a concrete and precise understanding of European judicial systems. This understanding is essential to the improvement of our court systems and, thus, to preventing appeals before the Court of Strasbourg.

The CEPEJ has become a vital reference in the debate on efficiency and quality in European judicial systems. It should be capable of using this credibility and its know how to root its thinking and its work for the sake of the smooth functioning of justice in the 47 member states of the Council of Europe and thus of a better functioning of the protective mechanisms for individual rights and fundamental freedoms.

Philippe Boillat
Director General of Human Rights and Legal Affairs of the Council of Europe

CEPEJ/ECHR interaction over failure to respect the reasonable time requirement



By the end of 2007, the Court had already found over 10,350 breaches of the Convention, sometimes several in the same judgment. In over 50% of cases, these were violations of Article 6 of the Convention (Right to a fair trial). In 30% of cases, these violations were due to the length of the proceedings at issue.

Of course, not all States are equally concerned by this thorny problem - thorny because it is difficult to resolve from the inside, as some reforms may be unpopular or affect the allocation of budgets among ministries or courts. It is also difficult to solve from the outside when the country does not call on the services of the CEPEJ - and because each country has its own shortcomings, for reasons often stemming from its history.

But is it reasonable to force the Court to rule hundreds of times against the same country for the same reasons? How many violations of Article 6 must the Court find for the States concerned to agree to call on the CEPEJ? Should consideration not be given to the possibility of urging a State to call on the CEPEJ for help when it has exceeded a certain number of similar violations?

It is for this reason that tribute should be paid to the countries - and they are all too few - that have displayed great open-mindedness by calling on the expertise of the CEPEJ. It is surely not easy to agree to this kind of audit, but it is often when one tries to explain to people who are foreign (to a field or country) the reasons for the existence of certain procedures that one puts a finger on the small faults in the system that, together, build up serious problems. ([more...](#))

Paola Tonarelli-Lacore
Head of Division in the Court Registry

File "Timeframes of proceedings"

SATURN (judicial time management) under the aegis of the CEPEJ

Importance of judicial time management

From 1999 to 2006, almost 40 % of judgments delivered by the European Court of Human Rights concerned the question how long the courts took to dispose of cases. Applications founded on undue length of proceedings thus contribute significantly to the current congestion of the Court. Processing court cases within a reasonable and foreseeable time is advantageous both to the



parties and to the courts. Constant attention to this is required on the part of the Council of Europe member states. ([more...](#))

Jacques Buelher
President of the SATURN Group

The "Strasbourg Programme" for reducing backlogs and accelerating the processing of civil cases in the Turin Court



The "Strasbourg Programme" is Italy's first attempt to manage court cases in such a way as to bring about a substantial reduction in the backlog of cases and speed up the processing of civil cases. Once it had been established that it was intolerable, in the light of Article 6 of the European Convention on Human Rights, for civil cases to take more than three years, the Office of the President of the Turin Court embarked, early in 2001, on a targeted comparative inventory of all cases pending. ([more...](#))

Mario Barbuto
President of the Turin Court

The Programme of Reducing Delays in the Rovaniemi Court of Appeal

Rovaniemi Court of Appeal as a pilot court of CEPEJ is trying to expedite its appeal processing times. On the basis of the proposal of the working group the President of the Court has set concrete timeframes for processing appeals. The timeframe for decision-making in the written procedure is 7 months and in the oral procedure 10 months. In addition is required that there are not more than 60 pending cases older than 12 months at the end of the year. These targets are agreed every year in the budget negotiations between the Court of Appeal and the Ministry of Justice. ([more...](#))

Ritva Supponen
Judge at the Rovaniemi Court of Appeal

▶ [More information...](#)

On-going activities: what's new?

Evaluation of judicial systems



The CEPEJ formally adopted the 2008 edition of its "European Judicial Systems – Efficiency and Quality of Justice" report during its 11th plenary meeting in Strasbourg on 3rd July 2008. This report is the only one of its type and it is the product of a comparative analysis of quantitative and qualitative data from 2006 relating to the judicial systems of 45 European states. It will be published (in English and in French) at the beginning of October 2008, after consideration by the Committee of Ministers of the Council of Europe.

▶ [More information...](#)

Timeframes of proceedings



The CEPEJ's SATURN Centre for judicial time management produced, in cooperation with the CEPEJ's network of pilot courts, a questionnaire defining categories of cases which all European courts can use, and allowing concrete information on the length of judicial proceedings, by the type of case, to be gathered in all the member states. Intended to become an observatory on the length of proceedings in Europe, the SATURN Centre is preparing, on the basis of this information, guidelines for time management in courts.

▶ [More information...](#)

Quality of Justice

During its 11th plenary meeting (Strasbourg, 2nd-3rd July 2008), the CEPEJ adopted a [Checklist for the promotion of quality in judicial systems and in courts](#). This document can be regarded as an "introspective tool" allowing public decision-makers, heads or managers of courts, judges and judicial practitioners to understand their responsibilities, at their level, in order to improve the quality of services offered by the court system. The central goal of this tool consists of helping judicial systems to collect appropriate information and to analyse aspects relevant to quality.

▶ [More information...](#)

Prize "Crystal Scales of Justice"



38 applications from 15 European countries were received by the secretariats of the CEPEJ (Council of Europe) and of the European Judicial Network in civil and commercial matters (European Commission) who co-organise this competition, which is designed to reward and highlight innovative practices contributing to an improvement in the quality of justice. A jury, composed of 11 eminent European lawyers, will decide the recipient of the Crystal Scales of Justice within the framework of the European Day for Civil Justice, to be celebrated at the Court of Appeal of Catania (Italy) on 24th October 2008.

▶ [More information...](#)

Justice Forum of the European Commission



The President of the CEPEJ, Fausto de Santis, and its Secretary, Stéphane Leyenberger, attended the inauguration of the Justice Forum in Brussels on 30th May 2008. This Forum is intended to develop regular exchanges between legal professionals, to strengthen mutual trust between judicial systems and the effective application of Community instruments. It was created by a European Commission [Communication of 4th February 2008](#). The CEPEJ has been invited to play the role of privileged partner of the Forum as regards the evaluation of judicial systems in European states.

Publications

Two publications from "CEPEJ Studies" series will be issued in July 2008:



▶ **CEPEJ Studies No4**

La qualité des décisions de justice - Actes du colloque de Poitiers, 8-9 mars 2007 (French only)

▶ **CEPEJ Studies No5**

Better implementation of mediation in the member States of the Council of Europe - Concrete rules and provisions

▶ **CEPEJ Studies No6**

Monitoring and Evaluation of Court System: A Comparative Study prepared by Gar Yein Ng, Marco Velicogna and Cristina Dallara

▶ **CEPEJ Studies No7**

Use of information and communication technologies (ICT) in European judicial systems prepared by Marco Velicogna, IRSIG-CNR

To book those publications, please send us an e-mail at the following address:

cepej@coe.int.

Upcoming events

▶ **25-26/09/08**

4th meeting of the CEPEJ-GT-QUAL
Strasbourg, France

▶ **24/10/08**

[Ceremony of the "Crystal Scales of Justice" Award](#)
Catania, Italy

▶ **24/10/08**

3rd plenary meeting of Pilot courts
Catania, Italy

▶ **25/10/08**

[European Day for Civil Justice](#) (EDCJ)

▶ **10-11/12/08**

12th plenary meeting of the CEPEJ
Strasbourg, France

Readers corner

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cepej@coe.int.