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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

CEPEJ has started its 3rd cycle of the evaluation of European judicial systems. This is an important stage of its work to provide policy makers (ministries, parliaments) and professionals working in the justice field (councils for the judiciary, courts, prosecution services, bar associations, etc.) reliable public policy tools thus allowing them to better orientate the necessary judicial reforms.

Learning to better understand and bring about better reform remains the objective of this evaluation, which requires a rigorous scientific approach and involves dozens of experts in member States, in the CEPEJ's working groups and the Secretariat based in Strasbourg.

The much anticipated third edition of the CEPEJ's report "European judicial systems" – to be published in Autumn 2010 – must enable to establish the first statistical series so as both to compare judicial systems between comparable countries and, within the same country, to assess the evolutions, throughout a given period, of indicators which have since been stabilised.

It is therefore essential that each member state is able to comply with the Guidelines "GOJUST" on judicial statistics, adopted by the CEPEJ. They aim, in particular, to collect and process homogeneous data as regards case-flow management and backlogs in courts and lengths of judicial proceedings for the four categories selected at this stage by the experts: litigious divorces, employment dismissal cases, robberies and intentional homicides.

It is also important that CEPEJ remains particularly concerned regarding the quality of data and national mechanisms that collect this data. This is the essence of the peer evaluation process established by the CEPEJ. It enables experts to visit, each year, several member states and to share their experience and to better understand their national statistical system.

I wish a successful and fruitful outcome to the work of all national correspondents and I extend my warm thanks to all those who are involved in this unique project, whose results will be once again of great interest to the legal community in Europe and beyond.

Stéphane Leyenberger
Secretary of the CEPEJ

File: Judicial data

e-Justice as an opportunity to enhance justice system effectiveness



CEPEJ launches the next review of functioning of all Council of Europe member states justice systems. Greater these days interest in evaluation studies stems from several reasons. In the recession in economies many finance ministers seek budgetary savings also among the justice systems expenditures. Ministers of justice analyze numbers of law courts, judges and cases, and also courts' proceedings durations. All want to streamline the administration of justice processes in an unprecedented scale (partly due to the recession). e-Justice is becoming discussed as a necessary tool in improving the efficiency of justice. Rightly, since prompt decisions in litigious cases, and instant ones in non-litigious ones, as well as shortened registration procedures are among the factors that foster the economic growth. And, as far as criminal cases are concerned, efficient proceeding and sentencing is an element of both general prevention, and sense of justice. One of the important issues connected with the effectiveness of administration of justice is that of electronic data processing (EDP) implementation. Proper computerization, appropriate software,

and their proper use and maintenance enables the courts' and public prosecutors' procedures to be speed-up. ([more...](#))

Beata GRUSZCZYŃSKA

Criminologist

Chair of Criminology and Criminal Policy at Warsaw University, Head of Criminal Statistics and Research Division at Institute of Justice in Poland and member of the CEPEJ's working group

Collection of judicial statistics: organising the national data collection system on the basis of the CEPEJ instruments



Each court in the Council of Europe member states has a duty to deliver its judgments within a reasonable time and with optimum quality. Statistics are instruments whereby the caseload of a court can be effectively managed. The CEPEJ has laid down statistical standards.

Essentially it is a matter of each court, whether or not computerised, being able to produce the following elementary data:

- number of proceedings backlogged at the start of the monitored period
- number of new proceedings initiated
- number of proceedings resolved
- number of proceedings backlogged at the end of the monitored period.

It is also necessary for each court to know its staff numbers (judges, clerks, administrative and other staff) in full-time equivalent having assisted in the handling of proceedings during the monitored period. ([more...](#))

Jacques BÜHLER

Doctor of Law

Chair of the Steering group of the SATURN Centre (judicial time management) of the CEPEJ

Differences in the data collection procedure between criminal and civil justice data

In the judicial data collection some of the requirements and organisational rules for the information management seem to be quite the same both in criminal and in civil matter, mostly if the collection is assisted by a computerized database .

The similarities can be found in the following items:

- the need to respond to one of the main objective of a trial: rendering available and transparent to the external users as much as possible of the trial workflow and decisional process of the judge/court, in the due respect of the specific national law and under the guideline of the European Convention on Human Rights, article 6;
- the aim of improving efficiency of courts in the data management, helping internal users in their daily tasks;
- the general security characteristics that every IT system should respect, according to the European and international legal charts, directives and recommendations:
 - o availability
 - o authentication
 - o integrity
 - o confidentiality ;
- the capability of giving information for the evaluation of the performance of the courts and of the public prosecutor offices.

About this last item, it can be recalled an important document from the European Commission for the Efficiency of Justice (CEPEJ), instituted within the Council of Europe:

- the Time management checklist of indicators for the analysis of lengths of proceedings in the Justice system .

Each of the six standards elaborated by CEPEJ sends to the provision of adequate IT systems, which go through every step of the trial and register every relevant information about the trial workflow.

Another important point must be focused and is common and shared by the data collection in both the matters (criminal and civil subjects):

- the use of data in statistics is anonymous, so that, if anonymity is effective, there is usually no question about protection of individuals in the use of the information subsequent to the trial phases. ([more...](#))

Daniela INTRAVALIA

IT court manager, Italian Ministry of Justice, Milan

The role of the Registrar in the data collection procedure

The role of the Registrar in the data collection procedure is closely connected with the court automatization. This is reflected both in the field of non-statistical, as well as in the field of statistical data collection.

As far as the area of non-statistical data is concerned, we had to face a double collection of data in the past. This was, first, the data collection by the lawyer or the notary for his own procedure; this was, second, the data collection by the Registrar for the court proceedings. Therefore, it is justified

to speak and discover a waste of human resources. To collect data in the same way twice, does not make any sense. During the so-called transition phase it just happened to arrive that the Registrar had to make the media transfer of paper documents into electronic documents, while constructing the database. An example for the media transfer during the transition phase is Article 298 A German Code of Civil Procedure (= ZPO). Today, however, as a standardized collecting procedure, it is common practise to make structured data available for the Registrar and the court proceedings. These non-statistical data, made available, are usually based on XML. Let me just refer, for instance, to a special dataset XJustiz in German court proceedings (see www.xjustiz.de). Thus, an automatic upload of such non-statistical data can take place (name, address, date of birth, residence etc.), thus saving not only human resources, but also speeding up the court proceedings in the beginning and providing a higher level of workflow. Therefore, it is justified to speak about a genuine evaluation process in this regard. ([more...](#))

Harald WILSCH

Diploma Rechtspfleger (FH) at the Local Court of Munich, Bavaria
Treasurer of the European Union of Rechtspfleger (E.U.R.)

The mechanisms of in data collection in countries in transition : the example of Albania

Albania is a country where the economic development is ongoing and a lot of reforms are ongoing as well. Albania is a country where a judicial reform is underway. Therefore we do have some obstacles in data collection and the judicial statistics performance. This is a whole new process for the court administrators and for the staff working in the Ministry of Justice dealing with the preparation of unified statistical service in the field of justice. The aim of judicial statistics is to facilitate the efficient functioning of a judicial system and contribute to the steering of public policies of justice. Therefore judicial statistics should enable policy makers and judicial practitioners to get relevant information on court performance and quality of the judicial system, namely the workload of courts and judges, the necessary duration for handling this workload, the quality of courts' outputs and the amount of human and financial resources to be allocated to the system to resolve the incoming workload.

Albania, like each other member state, has specific statistical institutional arrangements in order to collect, coordinate, aggregate and process the information from various statistic providers needed for evaluating the functioning and measuring the activity of courts, prosecution services, administrative services within the judicial system and any other bodies with a role in judicial activities.

In the performance of its activity, the Ministry of Justice has the purpose of seeking respect for the Constitution and the laws, the realization and protection of dignity, fundamental human rights and freedoms and of contributing to the prevention of violations of law, in conformity with and in the service of the requirements of the democratic development and European integration of the Republic of Albania.

In compliance with law, the Ministry of Justice supports, co-operates and coordinates its activity with that of the institutions of the judicial power and with the prosecutor's office, respecting the principle of the separation of powers and the independence of the judicial power and the prosecutor's office. The Ministry of Justice exercises its activity in the directing the unified statistical service in the field of justice. ([more...](#))

Reported by Rezana Balla,
Ministry of Justice, Albania

Recent events

Crystal Scales: Poland has been honoured with the project : "Voluntary work of convicts in Poland"



The Award Ceremony of the Crystal Scales of Justice Prize took place in Brussels on 5 June 2009. "Voluntary work of convicts in Poland", by the Central Board Prison Service (Poland), won the 2009 competition. 3 other projects were honoured:

- SAS-E-Justice by the General Public Prosecutor's Office of the Land Brandenburg (Germany)
- Mentor Scheme by the Association for probation and mediation in Justice (Czech

Republic)

- European Criminal Law and Humanitarian Rights Chamber, by the Amsterdam District Court, Criminal Law Department (The Netherlands)

The 2009 Edition of the Crystal Scales of Justice Prize was devoted to initiatives in the field of criminal law and procedure. The prize was awarded with the aim of identifying and promoting innovative practices in respect of conduct of criminal proceedings, court organisation and general functioning of the criminal justice system.

[Special file](#)

On--going activites: what's new?

Evaluation of judicial systems

The new cycle for evaluating European judicial systems, concerning 2008 data, is under way. The national correspondents are collecting data which will be forwarded through the electronic scheme to the CEPEJ's Secretariat and experts by the end of the year so as to be processed and analysed. The next evaluation report is due to be published by the CEPEJ in autumn 2010. Furthermore, two peer evaluation visits on national systems for collecting judicial statistics took place this year in Malta and in the Russian Federation.

▶ [More information](#)

Timeframes of proceedings

Relying on the [Guidelines for judicial time management](#) adopted by the CEPEJ in December 2008, the CEPEJ's SATURN Centre for judicial time management is setting up tools aimed at measuring, according to a homogenous way, lengths of proceedings for some case categories, with the support of the Network of pilot courts. The SATURN Centre is thus evolving towards an Observatory of judicial timeframes in Europe.

▶ [More information...](#)

European Day for civil Justice



The Secretariat of the CEPEJ went to Fribourg on 10 November 2009 in order to celebrate the main event organised this year in the framework of the European Day for Civil Justice. Events communicated to the CEPEJ Secretariat were organised in Austria, Germany, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Finland, Italy, Malta, Netherlands, Slovenia, United Kingdom. The events have benefited from support of the European Commission and of the Council of

Europe.

[Special file](#)

Quality of Justice

A handbook for "carrying out of enquiries of the court user's satisfaction" is being finalised within the CEPEJ-GT-QUAL. It is namely aimed at heads of courts who would like to organise such surveys. Moreover, a study on "quality systems" in Europe, directed by Philip Langbroek, will be discussed soon within the expert group. Finally, the group is pursuing its study on the contractualisation of court proceedings.

▶ [More information...](#)

Execution of court decisions



The working group (CEPEJ-GT-EXE) is completing the guidelines aimed to facilitate the implementation of the European standards on execution of non criminal court decisions (in particular [Recommendation R\(2003\)17](#) on enforcement).

▶ [More information...](#)

Network of Pilot Courts



The 4th plenary meeting of the Network of pilot courts took place in Strasbourg on 10 September. The pilot courts contribute in particular to setting up the European Observatory of judicial timeframes and have been invited to organise in 2010 court users' satisfaction surveys by using the tools to be provided for by the CEPEJ.

▶ [Conclusions of the meeting](#)

Publications



▶ **CEPEJ Studies No 10**
[Enforcement of court decisions in Europe](#)

To book this publication, please send an e-mail to the following address: cepej@coe.int.

Upcoming events

▶ **09-10/12/2009**

14th plenary CEPEJ meeting
Strasbourg, France

▶ **12-14/04/2010**

Meeting of the Network of Pilot Courts and of the SATURN Group
Geneva, Switzerland

Readers corner

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