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Council of Europe
F-67075 Strasbourg
Cedex
cepej@coe.int

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



*John Stacey - New President (left)
Fausto de Santis - Former President (right)*

I have been President of the CEPEJ for only three months but yet so much has already happened or being planned for this year. The first meeting of the new Bureau took place in Paris on the 25th January and I was pleased to be able to welcome Eva Fernqvist and Irakli Adeischvili to their first meeting joining Georg Stawa and myself. I also attended a meeting of the European Network of Councils for the Judiciary (ENCJ) in Budapest where I heard of their work on the questions of quality and effective timeframes, as their activities closely mirrors those of the CEPEJ I am hopeful that there will be closer collaboration in the future so that we can learn from each other's experiences. As I mentioned in my "A word from the President" I would like the CEPEJ to strengthen links with our sister and observer organisations to avoid duplication and utilise each other's expertise.

In February I attended the meeting of GT-QUAL which included the plenary meeting of the Lisbon Network. Not surprisingly the major topic of discussion was the integration of the Network into CEPEJ, hopefully the meeting allayed fears the Network had regarding the perceived loss of independence. There was a very open and honest exchange of views and hopefully I was able to reassure the Network that by being part of CEPEJ their future was more secure and would enable them to continue their work in supporting judicial training academies as well as supporting the work of the CEPEJ.

As a result of the articles in the last edition of the newsletter on the impact of the economic climate on the judiciary I received a number of emails that illustrated to me how successful the newsletter has become in promoting debate on topical issues. I am pleased that we have a further contribution in this newsletter on that subject from Bosnia and Herzegovina to keep that debate going. This success must be due to the efforts of the Secretariat, for which I am very grateful, with a specific mention to Annette Sattel.

John STACEY
President of the CEPEJ

File: Dematerialization of judicial processes



Is disembodied justice effective justice?

The question of dematerialising judicial process, from the standpoint of effectiveness, should be considered in a dual perspective:

1. To users of the public judicial service, dematerialisation has three advantages.

Firstly, dematerialised access to the judicial institution is apt to facilitate the taking of certain steps. When a document is to be released by a court (for example, a certificate that no appeal has been brought against a court decision), it is highly appropriate to provide the possibility of obtaining this document by an application submitted via the Internet or electronic mail.

Furthermore, access to justice can be greatly aided by virtualisation: computerised referral to a court and establishment of virtual procedures will not only solve problems of possible remoteness of courts by relieving persons who have business with them of the obligation to go there in person, but also reduce the management costs of proceedings by computerised transmission simplifying exchanges of documents.

Finally, persons before the courts can more readily follow the progress of the actions which they have brought when offered the possibility of obtaining password access to the computerised case history so as to find out, in real time, how their case is progressing.

2. For the courts, computerisation is beneficial

firstly in rationalising the handling of case files: the operations of registering and keeping track of cases are facilitated; processing of the series of files and the interconnections is performed under more secure conditions; the framing of judgments is aided by templates designed to avert strictly procedural errors; production of multi-criteria statistics and management charts according to type of litigation makes the activity of trial benches more intelligible.

But most notably, computerisation is capable of enhancing the judge's intellectual work: constitution of jurisprudential databases with links to decisions in similar matters, access to the preparatory work of judges who have studied identical questions of law for other cases, legal monitoring devices affording access to authoritative commentaries on the decisions delivered by a court, and more generally the possibility given to judges to connect with the various legal sites available. All these factors go to improve the effectiveness of the judicial institution.

What is more, in a world marked by internationalisation of exchanges, judges in the various states must necessarily amplify their knowledge of foreign law.

The pooling of different countries' case-law on certain websites, assisted access to comparative law studies and the ability to set up discussion forums on questions of mutual interest between judges or courts, point to the emergence of a judicial institution with the capacity to meet the needs of predictability and certainty in the application of legal rules.

Alain LACABARATS

President of Chamber at the Court of Cassation (France)
Member of the Consultative Council of European Judges (CCJE)

Description of developments in the field of dematerialization of judicial processes: spotlights on Turkey and Austria



Dematerialisation of Judicial Systems and its Applications in Turkey

Dematerialisation of Judicial Systems has appeared as a result of e-government practices, a rapid trend following technological developments. In addition to judicial services many other services provided by the public institutions to the citizens have been dematerialised through such practices and they are available electronically now. In this study, how much dematerialisation will affect the efficiency of judicial services will be discussed with references to the applications in Turkey.

Dematerialisation of the judicial services has reached an advanced point through National Judiciary Network Project (NJNP) developed by Turkish Ministry of Justice. Through this Project all judicial institutions in the country particularly including the courts, prisons, forensic medicine institution and the Ministry of Justice have been linked to one another through the electronic network.

NJNP is a significant part of the e-government practices and in this respect, it has not only established communication in electronic environment between the judicial institutions but also integration has been established with other e-government practices. The system is connected to many applications of electronic environment such as police offices, title deed offices and the civil registration system in matters which concern their mandates. Therefore, exchange of information among the public institutions which was carried out physically previously can now be conducted electronically. This has ensured more efficient and effective means of providing judicial services.

[\(Link to the complete article\)](#)

**This is an institutional study conducted by the
Department for Strategy Development of Ministry of Justice of Turkey**

A large range of electronical support within the Austrian court system

In Austria there exists a large range of electronical support within the court system. Communication, registration of cases, statistics, registries of land and companies, videoconferences, ...

All lawyers are connected with the courts by an electronic exchange system, which allows the courts to issue summons, protocols and decisions electronically to the lawyers, and forces them to send almost all their claims and other information electronically to the courts.

This is not a system using emails. There are special providers, which have been licensed by the Ministry of Justice. If one has the technical facilities and pays a certain fee, using the electronic exchange system is possible. It is mandatory for lawyers. Most of the proceedings, with participation of lawyers or other professional clients, are therefore instigated electronically.

Payment orders are produced automatically and have only to be examined and signed by the judge. Initial orders in the enforcement procedures are too much supported by routines of the computer.

[\(Link to the complete article\)](#)

Walter ENGELBERGER
Judge at the Regional Court of Linz
Member of the CEPEJ Network of Pilot Courts

Effects of the economic crisis on the functioning of judicial systems ... follow-up ...



The effects of the economic crisis on the functioning of the judicial system in Bosnia and Herzegovina

The global financial crisis hit Bosnia and Herzegovina's economy in the middle of 2008. Recession and reduction of the level of public revenues inevitably led to the reduction of available budgetary resources, which impacted the budgets of courts and prosecutors' offices. Therefore, the initially approved budget for 2008 for the judiciary as a whole, which amounted to € 105 million, was reduced through a process of rebalancing of the budget by 3.8%.

Trend of budget reduction continued in 2009, so the final approved amount for the judiciary was € 95.3 million. The budgets were partially recovered, primarily because of loans approved by the International Monetary Fund (IMF), so the judicial budgets approved in 2010 increased of 3.3% compared to 2009.

[\(Link to the complete article\)](#)

Rusmir ŠABETA
Head of the Department for Judicial Administration
National Correspondent of the CEPEJ for Bosnia and Herzegovina
High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Evaluation of judicial systems



Comparing data of the 2010 evaluation report: some conclusions to be drawn

At its last plenary meeting on 9 and 10 December 2010, the CEPEJ held a study session on some conclusions to be drawn from data compared in the evaluation report of the 45 European judicial systems concerned. At first, a study on the judicial systems of 16 comparable countries was examined.

Further consideration was given to divorce cases, the comparison of courts' workload in civil and penal matters - on the basis of the analysis of case-flow management indicators: the clearance rate and disposition time, and the training of judges and prosecutors.

► [Special file](#)

Preparation of the next evaluation cycle of judicial systems (2010-2012 cycle)

The working group on evaluation of judicial systems proposed some adjustments to the evaluation scheme (for example: additional questions concerning gender issues in the judiciary, use of video-conference or judicial experts). The Scheme will be accessible to national correspondents as from mid-May until 31 December 2011. Technical adjustments have been implemented to the electronic version of the scheme, in order to facilitate the national correspondent's work. The next report is expected in Autumn 2012.

► [More information](#)

Timeframes of proceedings



The final Resolution of the Ministers Conference of Justice of the Council of Europe (Istanbul, 24 - 26 November 2010), highlights the importance of the CEPEJ's work in the field of judicial time management.

► [Report from the Secretary General](#)

The SATURN Centre pursues its work to develop qualitative and quantitative approaches on timeframes management of timeframes in the courts. Practical training sessions aimed at courts willing to participate are being prepared, for a concrete use of the tools developed by the CEPEJ in this field.

► [More information](#)

Quality of Justice



The Working Group on Quality of justice (CEPEJ-GT-QUAL) pursues the experimentation of the Handbook on Court users satisfaction surveys in several pilot courts (for example: Angoulême, Catania and Turin). The working group is also preparing a framework document on main principles for the organisation of the judicial

maps. It has also launched a reflection on the role of experts in the framework of the judicial process.

► [More information...](#)

Lisbon Network



The work of the Lisbon Network (Network of training institutions of Judges and Prosecutors of the member states of the Council of Europe) has been integrated in the terms of reference of the CEPEJ. Following this integration, the Network has held its plenary meeting in Strasbourg, on 17 February 2011. During this meeting, discussions were held about the way the Network could give useful feedback to the CEPEJ work on training of judges and prosecutors and the possibility for the CEPEJ to communicate better on its tools in the framework of the training curricula.

► [More information...](#)

CEPEJ Communication policy

Several changes are foreseen in the CEPEJ communication policy for 2011.

CEPEJ "Roadshow"

Training sessions aimed at the main beneficiaries (policymakers and legal professionals) on the most important CEPEJ tools will be led by CEPEJ members or experts in the members states. These sessions, open to a wide public, aim to



improve knowledge of the work of the CEPEJ and to facilitate its implementation in the courts. A specific page on the CEPEJ website is under construction.



Council of Europe TV Web on Justice

You can view the interview of Stéphane Leyenberger, Secretary of the CEPEJ on the TV Website of the Council of Europe.

► <http://webtv.coe.int/>

European Day for Justice



The main event of the European Day for Justice will be held in Toulouse (France) around 25 October 2011. Detailed information on the event will be published soon on the website. The Courts and judicial institutions of the Council of Europe member states are invited to inform the Secretariat about initiatives undertaken at a national level in the framework of this day.

► [More information...](#)

Publications



► [Study on "Quality management in courts and in the judicial organisations in 8 Council of Europe member States" - CEPEJ Studies No. 13](#)

► [Handbook for conducting satisfaction surveys aimed at Court users in the Council of Europe's member States - CEPEJ Studies No. 14](#)

► [Report on conducting satisfaction surveys of court users in Council of Europe member States - CEPEJ Studies No. 15](#)

► [CEPEJ information leaflet \(Updated in April 2011\)](#)

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.

Forthcoming events

- [9th meeting of the Pilot Group for judicial time management \(SATURN\) \(Strasbourg\)](#) 19-20 May 2011
- 17th CEPEJ plenary meeting (Strasbourg) 28-29 June 2011
- 18th meeting of the Bureau of the CEPEJ (Strasbourg) 21 September 2011 (to be confirmed)
- 6th meeting of the Pilot Courts (Strasbourg) 22 September 2011