

REPORT

RELATIONS EAJ/CEPEJ

Paris, le 4 mai 2017

Mr President

You made me the honor to ask for me to study the participation of the EAJ in the works of the European Commission for the Efficiency of Justice (CEPEJ) and, if necessary, to represent EAJ.

The aim of the CEPEJ is the improvement of the efficiency and functioning of justice in the member States, and the development of the implementation of the instruments adopted by the Council of Europe to this end.

The CEPEJ is composed of experts from all the 47 members states of the Council of Europe (and few States observers). Intergovernmental organisations or international non-governmental organisations are also observers¹. EAJ is one of those observers.

Here are the works of CEPEJ and what EAJ could develop with this commission.

I. WORKING GROUPS

The CEPEJ contains several working groups which meet regularly.

Until then, EAJ does'nt attend these works, the interest of wich seems very uneven.

Attend all the works would ask an important presence at the CEPEJ (and EAJ probably does'nt have the ressources).

I specify that the European Union of Reichspfleger (EUR) seems to attend all the works (his president, a french man, lives in Strasbourg).

I think EAJ should follow all the works of the working groups on the website of the CEPEJ and get involved by attending some of the thematic meetings, chosen according to their interest as regard to the missions of EAJ.

¹ *List of the International non-governmental Organisations:*

The Council of the Bars and Law Societies of the European Communities
European association of Judges (EAJ)
Magistrats européens pour la Démocratie et les libertés (MEDEL)
European Judicial Training Network

Association of European administrative judges

The European Union of Reichspfleger (EUR)
International Union Of Judicial officers
European Network of the Councils for the Judiciary (ENCJ)
American Bar Association - Rule of Law Initiative (ABA - Rule of Law Initiative)
Notaries of Europe

1. Working group evaluation of european judicial systems.

Every two years, the CEPEJ publishes a report of description and comparison of european judicial systems, particularly about efficiency and quality of Justice.

The report of evaluation 2016 was published in the beginning of october, on the basis of the statistical elements supplied by States (Data 2014). This report, very complete, was circulated by the media of more than half of States (24 sur 45).

I think it could be interesting for members associations of AEJ to use that report to support their claims. Indeed, comparisons and statistics allow to bring dysfunctions and the means to remedy it, to light.

As those works are only based on statistics given by States, it seems to me that EAJ would'nt have any interest to be more active in this working group (where participants decide the way in collecting data or subjects being studied).

2. working group quality of the justice

Its constructed to developp means of analyse and evaluation of the work done inside the courts with a view of improving, in the member states, quality of the public service delivered by the justice system, in particular vis-à-vis the expectations of the justice practitioners and the users, according to criteria of performance and efficiency meeting a large consensus.

According to the website, this working group must fulfil its tasks « observing the principle of independence of judges ».

The CEPEJ offers to States members a document to evaluate the quality of the Justice. It's a tool.

Another document can help the governments to conduct a satisfaction survey.

Another document is about the « guidelines on the change management towards Cyber Justice ».

There're is a thought about the jurisprudence of CEDH to make judicial system evaluate, in order to avoid conviction.

This working group met in february. Unfortunately, it was impossible to me to go.

As regard to the missions of EAJ, it seems to me that it would be important and interesting that EAJ would be present in thematic meeting of this working group to bring, if necessary, the opinions of judges.

3. « Saturn » group

This group is instructed to collect informations necessary for the knowledge of judicial timeframes, by analysing the situation of existing timeframes in the member States and detailed enough to enable member states to implement policiens aiming to prevent violations of the right for a fair trial within a reasonable time protected by art 6 of the European Convention on Human Rights (the notion of « reasonable deadline » and « disposition time »).

The Centre is aimed to become progressively a genuine European observatory of judicial timeframes, It's managed through a steering group, wich works in particular for collecting, processing and analysing the relevant information on judicial timeframes in a representative sample of courts in the

member states.

I think it would be interesting to evaluate again, by reading reports of this working group, if EAJ should attend the meetings of the working group.

4. Working group about mediation

After an interruption, this group is resuming its activities in 2017. Previously, the group had conducted an impact assessment in the States of the existing Recommendations of the Committee of Ministers concerning mediation (family mediation, penal matters, civil and alternative to litigation between administrative authorities and private parties).

I don't think EAJ should attend those meetings.

5. working group on execution

It's instructed to enable a better implementation of the relevant standards of the Council of Europe regarding execution of court decisions in civil, commercial and administrative matters at national level.

This working group won't meet in 2017.

6. Innovation Centre – platform for exchange of good practices

The objective is to highlight innovative practices or recognised practices that can serve as a model applicable in other European countries, allowing the increase of efficiency, quality and independence of judicial systems.

Is considered as "good practice" any practice which meets the general mission of the CEPEJ which is to contribute to a better functioning and performance of the judiciary or the courts, while guaranteeing the quality of services provided to litigants. Moreover, it is necessary that any practice found previous application and gave conclusive results within the authority concerned. Will be particularly highlighted any practice that meets the targets set by the CEPEJ instruments in terms of optimisation of court proceedings and quality of justice.

No meeting is planned for 2017. It would be important to attend to the meeting of this group if meetings were organised about independence of judicial systems.

II. THE EUROPEAN DAY OF JUSTICE

The European day of justice is celebrated each year around the 25 October. European members are invited to inform about their projects in their respective countries to bring justice closer to citizens, to inform them on their rights and to promote the work of the Council of Europe.

All the States do not celebrate this day.

There's no interest for EAJ.

III. PLENARY MEETINGS

The CEPEJ meets twice a year, during 2 days, in june and december.

I went to the general assembly of the CEPEJ, with Gerhard REISSNER in december. Gerhard spoke for the EAJ to explain the concerns of our association. He so was the only one, during all the session, to evoque the concerns for Justice in Turkey.

I think it's important to attend the meeting in june. I'll be able to attend one day.
It's important that at least one person attends the general assembly, even if everything is upstream prepared.

IN CONCLUSION

It's important to say again that de CEPEJ is an organisation where sit the representatives of the governments. The speeches are very «convantional » (ex : nothing about Turkey in decembre, except EAJ). It's not an organisation of defense of the interests of such or such (judges, lawyers, clerks...) in the judicial system, but rather of defense of the interests of the citizens.

It's essential for EAJ that at least a person attends the plenary meetings, and to try to be present in some thematic working groups.

However, it's a big task for only one person. Maybe a little group would be interesting.

Virginie DUVAL
Présidente de l'Union Syndicale des Magistrats
France