

## 17<sup>th</sup> plenary meeting of the CEPEJ in Strasbourg on 28 and 29 June 2011

Leo Netten, President of the UIHJ and Mathieu Chardon, First Secretary of the UIHJ, Attended on 28 and 29 June 2011 the 17<sup>th</sup> Plenary Meeting of the CEPEJ, at the Council of Europe, in Strasbourg



### To understand to act and reform

The European Commission for the Efficiency of Justice (CEPEJ) holds its plenary meetings twice a year. In its capacity as a permanent observer member the UIHJ is called to attend these meetings, along with representatives from each of the 47 states of the Council of Europe member states and other observers, and representatives of the European Union and the Council of Europe. The meeting, of which we must acknowledge the excellent organization and the very pleasant and constructive working atmosphere, was chaired by John Stacey, President of the CEPEJ.

Philippe Boillat, Director General of the Directorate General of Human Rights and Legal Affairs of the Council of Europe, delivered welcoming remarks to the participants. He praised the work of the CEPEJ, particularly in the light of the work of the latest report on European judicial systems. He noted that

this report had had unprecedented media coverage, very broad, well beyond Europe, as the Council of Europe and the CEPEJ's expertise was required in countries like the United Arab Emirates, Brazil or Morocco. "The CEPEJ is a reference in Europe and in the world," said Mr Boillat adding that "To understand to act and reform" could be the motto of the CEPEJ. As part of the on-going structural reforms within the Council of Europe, the Director General of DG HR-LA said to the general satisfaction that justice being one of the essential pillars of the Council of Europe for the defence of human rights it would have a central place in the reforms. This should allow the CEPEJ to continue and develop its actions. Fifteen countries presented their latest developments in the judiciary. Stéphane Leyenberger, Secretary of the CEPEJ, presented the new CEPEJ project, "Meetings of the CEPEJ," which consists of a series of awareness, training and exchanges sessions around the CEPEJ tools for professionals of justice. He invited members to be a candidate to host such events. Leo Netten then indicated that the UIHJ is used to present Recommendation Rec (2003) 17 of 9 September 2003 of the Council of Europe and the guidelines of the CEPEJ of 17 December 2009 on the implementation of the recommendation and offered its expertise.

A report on "Contractualisation of judicial processes in Europe" was presented and approved. This document

should be published shortly under the "CEPEJ Studies." Among the other topics approached were the on-going works of the working group on quality (CEPEJ-GT-QUAL), or the latest developments of the steering group SATURN.

The second day was entirely devoted to the preparation of the assessment cycle of the judicial systems 2010-2012.

### The Impact of Recommendation 17 and Guidelines on Enforcement

As part of the cooperation with the CEPEJ, Leo Netten recalled once again the full impact of the Recommendation Rec (2003) 17 and the guidelines of the CEPEJ on enforcement and enforcement professionals which see the UIHJ as their tireless promoter. Then Mathieu Chardon presented the events that the CEPEJ and the Council of Europe could be interested in. He specifically mentioned the issue of the publication *Juris Union* No. 5 on the guidelines. The first secretary of the UIHJ also announced the next congress of the UIHJ in Cape Town (South Africa) in May 2012 with the theme "The judicial officer of the 21<sup>st</sup> century." He said the work undertaken by the UIHJ and its Scientific Council for the creation of a World Code of Enforcement will be presented there. He also informed the participants that the UIHJ was a founding member of the newly established European Law Institute, was also a member of the Working Group of the European Commission on the attachment of bank accounts and, finally, that on 7 October 2011, it organized a major international conference in Athens (Greece), on the role of judicial officers in the finding of evidence.

## 18<sup>e</sup> réunion plénière de la CEPEJ

En sa qualité de membre observateur permanent, l'UIHJ a participé à la 18<sup>e</sup> réunion plénière de la Commission européenne pour l'efficacité de la justice qui s'est tenue à Strasbourg (France) au siège du Conseil de l'Europe les 7 et 8 décembre 2011.



### Le Grand questionnaire de l'UIHJ

La réunion était dirigée par Georg Stawa (Autriche), vice-président de la CEPEJ, assisté du toujours très efficace secrétariat. L'UIHJ était représentée par son 1<sup>er</sup> secrétaire, Mathieu Chardon. Après les mots d'introduction, plusieurs représentants des pays membres du Conseil de l'Europe ont présenté les développements récents dans le domaine judiciaire.

En Azerbaïdjan, par exemple, une réforme des tribunaux est en cours. Le représentant azéri a présenté les bâtiments nouvellement construits pour accueillir les juridictions. L'Allemagne a évoqué le problème de la durée excessive des procédures judiciaires dans ce pays. Une loi qui vient d'être adoptée a pour objet de raccourcir ces délais. La loi introduit le droit pour le justiciable d'être indemnisé en cas de durée excessive d'une procédure judiciaire, sans qu'il soit nécessaire de rapporter la preuve d'une faute. En Lituanie, plusieurs réformes sont en cours, notamment celle relative à une nouvelle répartition du taux de ressort de certaines juridictions.

Une session d'étude a été organisée en quatre ateliers, dans le but de partager des concepts communs pour évaluer le fonctionnement des systèmes judiciaires :

- Financement du système judiciaire
- Personnels judiciaires et non judiciaires
- Gestion des flux d'affaires
- Et évaluation de l'activité des tribunaux et des juges

Les résultats des travaux ont ensuite été restitués. Georg Stawa a présenté le cycle 2010-2012 de l'évaluation des systèmes judiciaires européens. Ce cycle sera achevé fin 2011 et fera l'objet d'un rapport qui sera présenté en 2012.

Les groupes de travail ont informé les membres de la CEPEJ sur l'avancée de leurs travaux : Centre SATURN pour la gestion du temps judiciaire, et qualité de la justice (CEPEJ-GT-EVAL).

Dans son intervention, Mathieu Chardon a insisté sur les lignes directrices du 17 décembre 2009 sur l'exécution, dont l'UIHJ assure une promotion

constante dans chacune de ses réunions. Le premier secrétaire de l'UIHJ a également informé les membres de la CEPEJ du prochain congrès international des huissiers de justice qui se déroulera à Cape Town (Afrique du Sud), des 1<sup>er</sup> au 4 mai 2012, indiquant que les lignes directrices de la CEPEJ seraient au cœur des travaux, ainsi que la présentation d'un Code mondial de l'exécution. Enfin, notre confrère a dévoilé le Grand questionnaire de l'UIHJ. Ce questionnaire comprend environ 350 questions touchant tous les domaines de la profession d'huissier de justice. Il a été adressé à tous les représentants des États membres de l'UIHJ. Les réponses obtenues à ce jour (36 pays pour le moment) ont été traitées de façon informatisées et ont été publiées sur un site. Mathieu Chardon a présenté ce site aux participants et leur a donné le code d'accès pour consultation, indiquant que l'UIHJ mettrait ce questionnaire à la disposition des membres de la CEPEJ.

### **Le Forum économique mondial sur la justice et le développement**

Klaus Decker, représentant la Banque mondiale, a présenté le nouveau projet du département juridique de la Banque mondiale, celui de la création d'un Forum économique mondial sur la justice et le développement. Il s'agit de mettre en place un forum permanent d'échanges en matière juridique, incluant une plate-forme informatique pour faciliter ces échanges. La Banque mondiale estime à juste titre que le droit et la justice jouent un rôle essentiel dans le processus de développement des pays dans les pays. L'échange d'expériences ne peut que faciliter la promotion d'une meilleure compréhension du droit. La Banque mondiale entend associer trois types de partenaires à ce Forum : les organisations internationales, les organisations régionales, ainsi que certaines organisations nationales. M. Decker s'est déclaré très intéressé par la présentation du Grand questionnaire de l'UIHJ qui entre parfaitement dans le cadre des objectifs visés par le Forum.

## **18<sup>th</sup> Plenary Meeting of the CEPEJ**

**As a permanent observer member the UIHJ attended the 18<sup>th</sup> Plenary Meeting of the European Commission for the Efficiency of Justice held in Strasbourg (France) at the Council of Europe on 7-8 December 2011.**

### **The Grand Questionnaire of the UIHJ**

The meeting was chaired by Georg Stawa (Austria), Vice President of the CEPEJ, assisted by the always very effective secretariat. The UIHJ was represented by its first secretary, Mathieu Chardon. After the introductory remarks, several representatives of member countries of the Council of Europe presented the recent developments in the judiciary. In Azerbaijan, for example, a court reform is underway. The representative of Azerbaijan introduced the newly constructed buildings to accommodate the courts. Germany raised the problem of excessive length of judicial proceedings in this country. A law that just passed is intended to shorten delays. The Act introduces the right of the defendant to be compensated in case of excessive length of judicial proceedings, without the need to provide proof of fault. In Lithuania, a number of reforms are underway, including one relating to a new distribution of the competence of some jurisdictions.

A study session was held in four workshops, in order to share common concepts for evaluating the functioning of court systems:

- Funding of the court system
- Judicial and non-judicial staff
- Case flow management
- And evaluation of the court and judge activity

The results of the work were later presented. Georg Stawa presented the 2010-2012 cycle of the evaluation of European judicial systems. This cycle will be completed late 2011. The report is to be published in 2012.

The working groups informed the members of the CEPEJ on the work in progress: SATURN Centre on judicial time management, and quality of justice (CEPEJ-GT-EVAL).

In his speech, Mathieu Chardon insisted on the CEPEJ guidelines of 17 December 2009 on enforcement, which are constantly promoted by the UIHJ in each of its meetings. The first secretary of the UIHJ also informed the members of the CEPEJ of the next international congress of judicial officers to be held in Cape Town (South Africa), from 1 to 4 May 2012. He added that the CEPEJ guidelines would be at the heart of the work, and that a World code of enforcement would be also presented. Finally, our colleague

unveiled the Grand questionnaire of the UIHJ. The questionnaire includes about 350 questions in all areas of the profession of judicial officers. It was sent to all representatives of the Member States of the UIHJ. The responses to date (currently 36 countries) has been processed and published on a dedicated webpage. Mathieu Chardon presented this webpage to the participants and gave them the access code for consultation, indicating that the UIHJ made this questionnaire available to all members of the CEPEJ.

### **The Global Economic Forum on Justice and Development**

Klaus Decker, representing the World Bank, presented the new project of the Legal Department of the World Bank, i.e. the creation of a Global Economic Forum on Justice and Development. This forum aims at establishing a permanent forum of legal exchanges, including a platform to facilitate these exchanges. The World Bank estimates correctly that law and justice are essential in the development process in countries. The exchange of experiences can only help promote a better understanding of the law. The World Bank intends to involve three types of partnership within this Forum: international organizations, regional organizations and some national organizations. Mr Decker said he was very interested in the presentation of the Grand questionnaire of the UIHJ which fits perfectly with the aims of the Forum.