
From the Managing Editor

By Philip Langbroek

The Commission for the Efficiency of Justice of the Council of Europe

Eight years ago the Committee of Ministers of the Council of Europe installed the Commission for the Efficiency of Justice. In accordance with its name in French: Commission Européenne Pour l'Efficacité de la Justice, it is abbreviated as 'CEPEJ', also based in Strasbourg, France.

The Council of Europe has 47 member states, among which are the 27 members of the European Union. As the Council of Europe is based on the European Convention on Human Rights, the main reason of its existence is the overload of work and large backlogs of the European Court of Human Rights. To give an indication: in 1999 8,400 applications were allocated; in 2003 27,200 cases were allocated, while around 65,000 applications were already pending. In 2009 57,200 applications were allocated to a judicial formation and the backlog had risen to 119,300 applications.

The work of the CEPEJ focuses on improving the work of national justice system, also from a fair trial perspective. This is remarkable, as the jurisprudence of the European Court of Human Rights does focus on the fairness and timeliness of judicial proceedings and on their outcomes, but has repeatedly stated that the internal organization of court organizations is a competence of the member states of the convention. The eventual aim of the CEPEJ is to reduce the number of applications to the ECtHR, but without reducing the level of legal protection in its member states.

The CEPEJ has been working steadily on gathering knowledge and exchanging analysis and experiences on the functioning of court organizations. Given the differences one may expect between the 47 European member states with their different languages, the CEPEJ has managed to create a solid basis for evaluation of national justice systems, it has started a centre for the Study and Analysis of judicial Time Use Research Network, (SATURN), and it also installed a working group on quality of justice.

A main feature of its methodology is to organise a close cooperation between scholars and judges and civil servants in the justice domain. The work is publicly accessible via: www.coe.int/cepej. The CEPEJ and its working groups are supported by a small bureau (presided by Fausto de Santis and John Stacey) and secretariat (headed by Stéphane Leyenberger). They do a lot of work which deserves our admiration. They are in effect the diplomats that keep the development ongoing and they manage to keep member states active and committed.

As the progress of such an essentially networked organization goes slow, it is too early to evaluate the success of the CEPEJ. By June 10, of this year, the 14th protocol to the European Convention came into force, enabling the European Court for Human Rights to rationally adapt its internal organization and proceedings to the very large numbers of applications it receives every year.

For us, as a Journal of the International Association for Court Administration, staying connected to this organization within the Council of Europe is of vital importance as they are a natural ally in gathering and spreading of knowledge and experience on the administration of courts and judges, especially so, because the large majority of its member states has not a common law system but a civil law system and the specific justice infrastructures that belong to it.

