

SUMMARY DOCUMENT

CEPEJ

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ACCESS TO JUSTICE : ASSESSMENT BETWEEN QUALITY & EFFICIENCY

1. At the national system & procedure level

1.1. The geographic distribution of jurisdictions

- 1.1.1 European trends
- 1.1.2 Implications

1.2. Information on the procedures

- 1.2.1 Necessary information for initiating judicial proceedings (*e-technologies*)
- 1.2.2 Information on the *foreseen* time of the procedure
- 1.2.3 Transparency of lawyers costs
- 1.2.4 Information on alternative dispute resolution (ADR)

1.3. Simplifying procedures

- 1.3.1. The simplified and standardised form for legal documents
- 1.3.2. Simplified procedures (immediate appearance, prior recognition of guilt, single judge, *etc.*)

1.4. Adapting procedures

- 1.4.1 Adapting to vulnerable persons and victims of crime
- 1.4.2 Emergency procedures

1.5. The right to be present or represented

- 1.5.1. The right to defend oneself in person or choose an own representative
- 1.5.2. Exceptions

1.6. Controlling procedures

- 1.6.1. Appeals before a higher jurisdiction
- 1.6.2. Monitoring and assessing the public prosecutor
- 1.6.3. Monitoring and assessing court activities
- 1.6.4. Indemnity and users' complaints in the case of legal malfunctions

2. At the Court level

2.1. Access to the courts and host service

- 2.1.1 Physical possibility to reach hearings (access, signage, *etc.*)
- 2.1.2 Courtesy, competence of host service
- 2.1.3 Information on the status of hearings (schedules, summons)
- 2.1.4 Functionality of the courts
- 2.1.5 Security of the courts (audits of surveillance services by the authorities, emergency procedures known to court employees)

2.2. Access to the courts and vulnerable persons

- 2.2.1. Physical accessibility (access for handicapped or elderly persons)
- 2.2.2. Psychological accessibility (counselling for victims, stress management)
- 2.2.3. Intellectual accessibility (users' understanding of their rights, their role and the course of the proceedings)
- 2.2.4. Assessment of the obstacles encountered by those having wished to use legal services

2.3. Access to the courts and new technologies

- 2.3.1 Internal communication
- 2.3.2 External communication

2.4. Alternative dispute resolution (ADR)

- 2.4.1 Local information on the sites and procedures of ADR
- 2.4.2 Meetings of judges / mediators, conciliators, *etc.*
- 2.4.3 Provision of a suitable location

2.5. Reasonable time limit for access to justice

- 2.5.1 Identification of cases not processed within a reasonable time limit
- 2.5.2 Analysis of causes for delay

2.6. Assessment of users' satisfaction

- 2.6.1 First axis : being an actor in the procedure
- 2.6.2 Second axis : being an "informed" actor in the proceedings
- 2.6.3 Third axis : being an actor whose frailty, if existing, is taken into account
- 2.6.4 Fourth axis : being an actor whose critiques are accounted for

3. At the Judge level

3.1. Courtesy, audience, availability of the judge

3.2. Quality of the proceedings

- 3.2.1 Audibility and comprehensibility of the proceedings
- 3.2.2 Relevance and management of the proceedings
- 3.2.3 Level of effective representation of minors in cases of violence or mistreatment
- 3.2.4 Effective presence and quality of work by interpreters

3.3. Quality of the ruling

- 3.3.1 Intelligibility and comprehensibility of the ruling
- 3.3.2 Relevance of the consideration of facts in the ruling
- 3.3.3 Suitability of the motivation with the case, the sanction or the sentence chosen
- 3.3.4 Rate of rulings recalled by a higher jurisdiction
- 3.3.5 Taking account of the ruling of the supreme authority in the course of the judicial proceeding and in the professional work of the magistrate concerned

SOURCES :

- *L'accès à la Justice en Europe*, CEPEJ studies n°9, 2008, Council of Europe, 156 pages (J. LHUILLIER & D. SOLENIK)
- *Systèmes judiciaires européens, cycle 2004-2006*, CEPEJ studies n°1, 2006, Council of Europe, 224 pages (GT-EVAL)
- *Améliorer la médiation dans les Etats membres du Conseil de l'Europe, normes et mesures concrètes*, CEPEJ studies n°5, 2008, 49 pages (GT-MED)
- *Utilisation des technologies de l'information et de la communication (TIC) dans les systèmes européens*, CEPEJ studies n°7, 2008, 68 pages (M. VELICOGNA)