



Print Send FRANCAIS

[www.coe.int/cepej](http://www.coe.int/cepej)



**e-Justice as an opportunity to enhance justice system effectiveness**

CEPEJ launches the next review of functioning of all Council of Europe member states justice systems. Greater these days interest in evaluation studies stems from several reasons. In the recession in economies many finance ministers seek budgetary savings also among the justice systems expenditures. Ministers of justice analyze numbers of law courts, judges and cases, and also courts' proceedings durations. All want to streamline the administration of justice processes in an unprecedented scale (partly due to the recession). **e-Justice** is becoming discussed as a necessary tool in improving the efficiency of justice. Rightly, since prompt decisions in litigious cases, and instant ones in non-litigious ones, as well as shortened registration procedures are among the factors that foster the economic growth. And, as far as criminal cases are concerned, efficient proceeding and sentencing is an element of both general prevention, and sense of justice.

One of the important issues connected with the effectiveness of administration of justice is that of electronic data processing (EDP) implementation. Proper computerization, appropriate software, and their proper use and maintenance enables the courts' and public prosecutors' procedures to be speed-up.

Among the key innovations the electronic communications between parties to the proceedings should be mentioned. Such a solution is especially needed in civil law cases requiring frequent information flows and documents transfers. Many actions and procedural steps should be made electronically. Non-litigious cases, especially registration ones, e.g. those before business courts might be processed simply electronically, without the necessity to visit courts and wait for a long time to get a decision.

It is high time to radically accelerate implementation of EDP in administration of justice.

It is desired in the fields of management, administration, creation and use of legal data bases, but also in communication between parties to the proceedings. It is obvious that e-Justice speeds-up actions, improves organization and planning, and makes contacts with the administration of justice agencies easier.

So far, information and communication technology (ICT) entered the field of administration of justice; however, from examinations performed to date it comes that the computerization levels, as well as those of using them, in European countries are very varied. Some countries have already opened the era of advanced ICT and e-Justice is a fact there. On the basis of the 2006 data we may assume that in each sixth state computerization is complete i.e. in all the courts electronic communication is employed. The electronic registration of files, as well as of procedural and other actions makes the proceedings much easier and faster. Moreover, automatic reports and statistical records may be created. A continuous monitoring of procedural steps is feasible, as well as of their duration and arrears.

There are however several countries in which implementation of new technologies progresses slowly. In each fifth member states less than 10% courts are equipped in computers and electronic communication is practically unknown. Many laborious organizational procedures and actions, correspondence, sending evidence documents and summons are still being made manually. Also reporting, necessary for statistics and planning of work, is still being made with the use of archaic methods, including numerous unhandy forms.

It happens that technology is employed only in certain courts of law, e.g. business courts, as well as in some registers, e.g. the land and mortgage register or commercial register. Furthermore, it happens that the courts or public prosecutors' offices introduce innovations - electronic files, electronic transfer of documents - alone, of their own initiative. An example is *SAS – eJustice used in the Public Prosecutor's Office of Land Brandenburg*, which was one of the honored project in 2009 competition of Crystal Scales

of Justice in Criminal Matters. It consists in the use of a specially developed integrated electronic system to create and process documents in public prosecutors' offices. The system has its database containing evidence data, documents and prosecutors' decisions. It automatically creates many traditionally time-consuming documents. It facilitates searching, completing and sending documents in standard formats to their addressees.

The need to implement e-Justice, as well as properly disseminate it and make more common is obvious. These issues are dealt with within a special long-term plan of the European Commission which embraces e.g. human resources management, cases management, organization of administration of justice. Among its important elements

the creation of electronic portals should be mentioned. European e-Justice portals should be a main source of information and a channel of communication with administration of justice agencies. Such portals should also be internationally compatible. Nowadays an integrated **European e-Justice** becomes a necessary measure to support the enhancement of the administration justice effectiveness.

**Beata GRUSZCZYŃSKA**

*Criminologist*

*Chair of Criminology and Criminal Policy at Warsaw University, Head of Criminal Statistics and Research Division at Institute of Justice in Poland and member of the GT-EVAL CEPEJ Methodological Team*