

# COUNCIL OF EUROPE

## COMMITTEE OF MINISTERS

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RECOMMENDATION No. R (95) 12

### OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON THE MANAGEMENT OF CRIMINAL JUSTICE

*(Adopted by the Committee of Ministers on 11 September 1995  
at the 543rd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that fair and efficient criminal justice is a prerequisite for any democratic society based on the rule of law;

Considering that over recent years criminal justice systems throughout Europe have faced an increase in the number and often in the complexity of cases, unwarranted delays, budgetary constraints and increased expectations from public and staff;

Recalling that crime policies such as decriminalisation, depenalisation or diversion, mediation and the simplification of criminal procedure can contribute to addressing these difficulties;

Considering that specific managerial principles, strategies and techniques, as set out in the report on the management of criminal justice elaborated by the European Committee on Crime Problems, may make significant contributions to the efficient and effective provision of criminal justice;

Emphasising that any action taken to increase the efficiency and effectiveness of criminal justice must take due account of the requirements laid down in the European Convention on Human Rights, in particular the rights of the accused, the legal safeguards for the parties and the independence of the judiciary;

Recalling Recommendation No. R (87) 18 on the simplification of criminal justice and Recommendation No. R (94) 12 on the independence, efficiency and role of judges,

Recommends the governments of member states to:

1. be guided, when reviewing their legislation and practice, by the principles, strategies and techniques of management contained in the appendix to this recommendation;

2. bring the recommendation and the report on the management of criminal justice elaborated by the European Committee on Crime Problems to the attention of their competent authorities and invite them to take these texts into account when analysing the operation of criminal justice organisations and when considering improvements thereto.

Appendix to Recommendation No. R (95) 12

**I. Setting of objectives**

1. Management principles, strategies and techniques may make significant contributions to the efficient and effective functioning of criminal justice. To this end, the agencies concerned should set objectives for the management of their workloads, finances, infrastructure, human resources and communications.
2. The achievement of more efficient and effective criminal justice will be greatly facilitated if the objectives of the various agencies are co-ordinated within a broader framework of crime control and criminal justice policies.

**II. Management of the workload**

3. Regular and on-going monitoring procedures should be in place, designed to appraise the functioning of criminal justice agencies, to evaluate their efficiency and effectiveness and to promote useful improvements. Progress in these respects might be achieved either by developing an internal consultancy function or by recourse to external consultants.
4. Criminal justice management cannot always and everywhere be subject to the same rules because circumstances evolve. For this reason, workload and resource planning should take account of indicators of demographic, social, economic and other conditions and changes.
5. Criteria for efficient workload management and for the appropriate handling of the different categories of cases should be defined. These should be developed in collaboration with the judicial and other staff concerned. Appropriate support should be provided to help the agencies conform with these standards.
6. In this respect, screening techniques should be developed in order to allow judges and prosecutors, as from the first stages of proceedings, to handle cases in a differentiated manner.
7. In order to make better use of human resources, judges and prosecutors should be freed of tasks that could be performed by other agents, including administrative staff, whose jobs would thus be enriched.

**III. Management of infrastructure**

8. Systematic stock-taking of available assets, needs assessment and long-term planning should underpin decisions about investment in new buildings, their geographical location, the upgrading of facilities in old buildings, and building maintenance. Account should also be taken of the needs and expectations of the various professional and non-professional users of criminal justice.
9. Emphasis should be placed on the mobilisation of any hidden or under-used physical resources and on obtaining possible economies of scale. This might, for example, involve re-scheduling some hearings to periods when there is spare capacity, concentrating more agencies on one site, or reorganising the lay-out of existing facilities.

**IV. Management of human resources**

10. The introduction of managerial principles, strategies and techniques should take account of the special culture and conditions pertaining to the judicial environment, and should be undertaken by persuasion rather than imposition.
11. Systematic professional records (covering skills, training, etc.) should be established to facilitate good management of human resources and the appropriate match between tasks to be undertaken and individuals. These records, kept within the competent agencies, should be accessible to the staff to whom they relate.
12. Initial and in-service training programmes for judges and prosecutors should take into account the principles and practices of modern management in a judicial context.
13. Career development planning should be actively pursued, *inter alia* through furthering specialisation, dissociating grade and post where appropriate, and by creating other opportunities for staff to develop new skills and expertise. Working conditions should be subject to specific examination, especially when they are particularly difficult.

**V. Management of information and communication**

14. More reliable and efficient systems for the collection, retention, use and dissemination of data should be introduced. They should provide for the necessary protection of personal data.

15. Information technology should be adapted to the work and requirements of the criminal justice agencies involved and to the end-users of the information. The latter should be consulted regarding their requirements in the matter.

16. In the management of criminal justice, emphasis should be placed on good internal communication within each criminal justice agency.

17. Criminal justice agencies should be more committed to an information dissemination policy. The various levels of criminal justice administration (central, regional and local), the judicial authorities and the other agencies involved in crime control should accelerate information flows and provide better feed-back on the outcome of the cases dealt with.

18. Stronger emphasis should be placed on developing better public relations, particularly to address specific needs and concerns of the users of criminal justice, the mass media, the voluntary sector (victims' associations, for example), citizens and their democratic institutions (parliaments, local authorities).