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French Ministry of Justice

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FRENCH MINISTRY OF JUSTICE

The French ministry is a ministry with *a wide remit* as France has a tradition of centralisation. Its organisation depends on our history, on the kind of law we implement and the *tasks* that we want *the judicial system to undertake*. The *tasks* have evolved as in a modern society we require more and more of *the judicial system*. *The hope is that the Ministry of Justice reinforces democracy through the laws it drafts but also by being a service which enables the people to have easy access to justice.*

At the present time, the French **Minister of Justice** (*Ministre de la Justice*) is an important cabinet member in the Government of France. The current Minister of Justice is Pascal Clément.

The Minister's *role is* as follows:

- overseeing the building, maintenance and administrative management of the court system;
- vice-president of the high council of the judiciary (which oversees the career of most judges, and advises on the careers of prosecutors);
- supervising the public prosecutors;
- overseeing the prison system; and
- proposing bills on civil or criminal law or procedure
- defining the main orientations of Judicial Policy (eg: help *for* victims, *the fight* against organized crime, access to justice)

The Minister of Justice also, as Keeper of the Seals, retains the Great Seal of France.

The Minister relies on a structure and administrative staff in order to perform his role.

ORGANIZATION

The ministry *comprises* the *Minister's* cabinet and the central administration;

- 1) Each minister has a private office, which is composed of members whose nomination is politically determined, called the *cabinet*)
- 2) In order to achieve its objectives the ministry has a central administration (*administration centrale*), generally divided into divisions and departments which are usually divided into sub-divisions or sub-directions. Each division or department is headed by a director, named by the President in Council. The central administration largely stays the same regardless of the political tendency of the executive in power. 2000 people working in the ministry. The budget for justice is 5,9 billion euros.

In France the central administration is divided into two branches:

a) The first one called the general Secretariat: it is a new institution created in September 2005; The general Secretary is a very *senior* judge. This *position* was created *as a result of the Government's wish* to rationalize the administration of ministry; *the general Secretary has two fundamental functions which are as follows:*

- to assume the activities which run through many of the Directorates.
- to manage the financial resources for all the divisions and departments of the ministry and courts

To achieve this he can rely on the following services: (one direction, 3 departments, one commission)

Direction of the General Administration and Equipment (DAGE)

Department for legal aid and policy *for* urban territories (SADJPV) (victims)

Department *for* European and International Businesses (SAEI)

Department of communication

Commission of Data processing, networks and Electronic Communication (COMIRCE)

b) The second branch of the central administration is composed of 5 divisions which a special field of competence (Division for the Judiciary, Criminal division, Civil Division, The penitentiary policy division, Division for protection of Juveniles) **and the general inspectorate.**

B) Role of the various components

1) The cabinet

The ministerial Cabinet is the political body which supports a minister in his work and *comprises* his/her closer collaborators The ministerial cabinet is a restricted organisation, *made up* of personal collaborators chosen by the minister. *Its* function is to advise and assist it in the construction of the whole of the Ministry's functions.

2) *The general secretariat*

The Secretariat General of the Ministry for Justice assists the Minister for all the *functions* which run through all the Directorates and for the questions of the financial resources of the judicial system.

Concerning the questions of resources for the judicial system the secretariat general ensures:

The policy of modernisation, of devolution and territorial organisation of the Ministry; strategy of reform of the Ministry; the coordination of the policy of the communication and data processing and information technology or, the control of the whole actions carried out by the Directions of the Ministry in the field of court expenses

Among the *tasks* that traverse the Directorates one can quote

The coordination of the *matters* in which the Ministry is engaged with other ministries (in particular the policy of urban territories);

The research policy *responsible for* implementing institutional communication, internal and external, as well as European and international co-operation projects

The general Secretary is the senior official for the security of the Ministry. *He* coordinates the policy of safety for the ministry

To conclude its actions the General Secretariat relies on

- **Direction de l'Administration Générale et de l'Équipement (DAGE)**

The division prepares the budget of the ministry and its implementation. It ensures the relationship with the Ministry of Finances and the ministry of Civil Service, for all the questions of general interest for the staff and the financial affairs. It coordinates the policy of the equipment, data processing, and statistics and manages the archives of the Ministry.

- **Department for legal aid and policy of urban territories (SADJPV)**

The Department of legal aid and policy of urban territories, created in February 2002, *deals with all issues related to legal aid*. In the French system this includes both legal information in all the areas of daily life and access to justice and also the policy of urban territories, and the linked bodies and associations (in penal matters and for victims). Its objectives are to define an overall policy, to coordinate the actions but also, to give a financial support in these fields to the (jurisdictions) courts and to the local organisation

There are 3 offices *which* deal with these competencies.

This office has responsibility for all the questions related to legal aid and in particular:

- the payment of the legal costs in particular the fees of *legal* representatives for people with no income or low incomes¹ *enabling them* to bring proceedings or defend themselves in court, and the management of the budget of legal aid, control and analyse of *its* use;
- the drafting of the regulations,
- technical help for the local offices which *administer* the funds, and legal advice to the courts in charge of the application of the legal aid provisions.

The second office works on what is called policy of urban territories which means:

- providing financial support *for* the creation of offices specialising in legal aid to the 82 local councils located in the lower courts and at a departmental level in which professionals give the relevant information, or “Maisons de justice et du droit “ as the 120 structures specialised in this field are called. Their role is to *facilitate public access to* legal information or to alternative means of dispute resolution;
- management of the budget, control of the financial sustainability of the structures above mentioned, and evaluation of the actions developed in this field;
- defining the inter-ministerial directions in the field of policies against delinquency;
- participating to the inter-ministerial policy against exclusion

The third office is *responsible for* all the national policy dedicated to victims of penal offences.

For this purpose, this office is dedicated to:

- drafting regulations to take positive actions for victims - from the offence until the process of compensation- (in the framework of a national action plan)
- coordinating and supporting the network of associations *specialising* in helping victims in order to generalize the access to trained staff.
- developing means of evaluation

Department of European and International Affairs (SAEI)

Created in May 1991 the department defines the international policy for the minister and coordinates all *matters* of judicial cooperation; it is competent in human right cases, comparative law and responsible for the networks of French lawyers who are working around the world (liaison magistrates, technical assistants , and judges in International or European courts)

o Central Service of Information and Communication (SCICOM)

The main *task* of the SCICOM, under the authority of the Secretariat-general is to formulate and propose and implement a strategy of internal and external, communication. It has to inform the public of the *responsibilities* and the jobs of the personnel of the ministry. It

¹ in the French system, when a decision is made by the legal aid office *inside each lower court* the legal costs may be paid in full or partially by the State depending of the income of the person concerned

falls to the Secretariat General to place at the disposal of the ministry and its structures, a system of monitoring and analysis of expectations of the staff and citizens

Commission of Data Processing, Networks and Electronic Communication (COMIRCE)

Commission of Data processing, the Networks and the Electronic Communication of the Ministry for the Justice assists the Secretariat-general *in* the data processing of the Ministry

- proposes the annual program of actions to insure the coordination of the development of data processing (standardization, technique of the structure, management, training, share of experience).

- prepares the diagram of data processing and telecommunications of the ministry. For that it takes into account the evolution of technologies

The COMIRCE carries out a permanent technological survey. Lastly, the President of the COMIRCE is the corresponding CNIL (data protection) for the Ministry for Justice.

2) Inspection Générale des Services Judiciaires (IGSJ)

- *Located* near the Minister of Justice to assist it, the Inspector General of Legal Services carries out a permanent task of inspection of the jurisdictions, *excepting* the Supreme Court, and of all the services and the organisations of the ministry.
- The Minister of Justice can also entrust him with special topics such as - *evaluating* a determined activity, *preparing* reforms, measuring the impact of reform - or specific tasks (eg the evaluation of the implementation on the territories of courts specialising in organised crime, evaluation of forensic medicine)
- It is moreover the liaison with the Mediator of the Republic (the French ombudsman), an obligatory member of the COMIRCE (Commission of the Data processing of the Networks and the Electronic Communication of the ministry for justice), and Senior official for durable development. Lastly, the general Inspector is an obligatory member of the commission which deals with the career of magistrates.

3) Direction des Services Judiciaires (DSJ) Legal Services

This is one of the main divisions of the central administration of the Ministry for Justice.

It undertakes the role of managing the organisation and the efficient functioning of judicial system. Consequently, it is it which is charged with managing the career of the personnel of the French jurisdictions, civil servants clerks and judges.

Under directions of the DSJ

Under direction of the Judiciary (careers of judges and prosecutors in connection with the judiciary Council)

Under direction of the Organization and the Programming (they deal with the organisation and working of the courts)

Under direction of the Clerk's Offices (management of the careers of the clerks)

4) **The direction of Civil cases and the Seal**

The direction of the civil cases and the Seal is one of the directions of the Ministry for Justice (DACs)

An important task of the ministry consists in the preparation of legislative acts. This sphere of responsibility *comprises mainly* the civil law (family law, inheritance law, contract law, contract, company law, copyright as well as the rules for civil proceedings, enforcements and insolvency.

It exerts supervision over the legal professions subject to the control of the Ministry of Justice.

In civil and commercial matters, it drafts the texts needed in domestic law to implement international conventions on judicial cooperation.

It is the central authority for cooperation with other countries and for the exchange information in the field of civil law. *In addition it facilitates the conduct of judicial procedures for the provision of judicial aid;*

It advises the other public administrations in the matters *falling under its responsibility,*

Under direction of the DACs

Under direction of the civil legislation, nationality and procedure (

Under direction of the legal and legal professions

Under direction of commercial law, *property* law and civil legal mutual aid

5) **Criminal division (DACG)**

- Attributions: the minister conducts the policy of prosecution determined by the government ; he ensures that the application of such a policy on the territory of the Republic is coherent.

1) It addresses general instructions on prosecution to the magistrates of the Public Prosecutor's office i.e. Attorney Generals and Public Prosecutors: our system is a system of discretion of prosecution.

2) The direction drafts the wording of law and regulations on criminal law and penal procedure.

3) Under the authority of the Minister of Justice, it defines the major direction of public policy, coordinates the exercise of the public protocol.

4) It is in charge of the instructions of petitions for mercy addressed to the President of the Republic and the examination of the requests for release on parole concerned with the Minister of Justice

5) The office of international repressive mutual aid and penal conventions implements international repressive penal matter mutual aid and contributes, with the SAEI, to the development of international criminal law affecting international repressive mutual aid

Sub-directions

- Sub-direction of general criminal justice.
- Sub-direction of specialized criminal justice
- Service of National criminal Record.

6) Direction de l'Administration Pénitentiaire (DAP) (prison and probation)

The prison authorities *have formed part* of the Ministry for Justice since 1911. Prior to this it was attached to the Ministry for the Interior.

Double responsibility:

It is responsible for people who are placed in custody following a court ruling, for execution of sentences and security measures against freedom and the *treatment of prisoners in prison*.

It exercises a role in the prevention of re-offending by prisoners by preparing them for release and by ensuring the follow-up of measurements and penalties carried out in freedom (community service, conditional freedom).

It has the role:

- of carrying out the decisions of court
- of ensuring the guarding, maintenance, the education and the reintegration of the prisoner
- of ensuring respect of the human rights of a prisoner
- of ensuring the check and facilitate the reclassification of condemned people

The external services depend on a central administration.

The central administration takes individual regulations relating to the execution of the sentence such as their law-given rights and their legal protection

The criminal code details the bodies exercising the policy for detention ; *it also determines* the different categories of prisons and prisoners, the living conditions in prison, transfer, the application of programmes and the use of prisoner's free time, their work, the calculation of sentences for good conduct, social contact.

It also describes the *methods* of serving sentences, the procedure for transferring prisoners, the ways of terminating sentences, post *prison* care.

7) Direction for the Protection of Juveniles

This direction is responsible for the control of the establishments for the protection of juveniles. It takes care of juvenile delinquents or minors in danger or young adults in great difficulties.

The Management of the legal Protection of juveniles *undertakes responsibility* for the education and prevention for young delinquent minors or endangered, as well as young adults, people experiencing difficulty in social integration. It exercises an administrative, financial and a pedagogical control on establishments dedicated to young delinquents

Priority is given to education in order to insure *the reinsertion into society for young delinquents or young people who are in danger*. Care of them can be undertaken through public or private associations which work with the ministry

Under direction of the DPJJ

Under direction of educational action and the lawsuits

Under direction of administrative and financial business

Under direction of human resources and social relations