

IGJS

The Inspectorate General of Judicial Services



English version

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1. Presentation of the Inspectorate General of Judicial Services (IGJS)

Created in 1964, the Inspectorate General of Judicial Services (IGJS) is a service under the responsibility of the Minister of Justice and Freedoms.

Its role is that of a permanent supervisory body of the civil and criminal courts, excluding the Cassation Court, and of all of the departments and bodies under the responsibility of the Ministry of Justice and Freedoms.

1.1 Staff

The Inspectorate General consists, for the most part, of judges and prosecutors. It is headed by the General Inspector; a high ranking judge appointed by decree of the President of the French Republic.

He is assisted by 6 deputy general inspectors, 26 inspectors of judicial services (all of them being basically members of the judiciary as judges or prosecutors) and 2 high ranking civil servants. In addition, 8 civil servants from the Ministry of Justice and Freedoms are appointed as inspectors in charge of health and safety. They investigate in these matters in the bodies which are dependent upon the Ministry of Justice and Freedoms and report to the General Inspector.

The secretariat of the IGJS comprises 15 civil servants. It is coordinated by a chief clerk who, under the leadership of the Secretary General of the service, handles with all matters relating to the running of the service (budget, real-estate, staff...). A documentation research unit, currently comprising two clerks, is responsible for permanent legal intelligence and for performing searches at the request of members of the service.

Overall, there are 58 members of staff.

1.2 Resources

The IGJS has no financial autonomy: it does not therefore have its own budget. Its operating resources are allocated by the Ministry of Justice and Freedoms.

In recent years, the service has been very much committed to using new technologies, which is both a strategic focus and an operational need.

Four main lines of action have thus been developed:

- Systematic computerised exchange of documents with the courts audited: in the past, these documents were posted by courts. Now they are made available in computer files that the members of the IGJS audit team can access at any time by intranet.
- Increasing use, in particular for elaborating thematic reports, of the online survey software Sphinx: this tool allows sending electronic questionnaires and requests to the courts or services in order to make surveys. Responses are processed automatically. Thus, a significant volume of quantitative and qualitative data can be gathered swiftly and analysed by the service. Six online investigations have been conducted since 2007, one of which concerned the enforcement of custodial sentences by the courts.
- Direct consultation of the audited courts' civil databases (for the duration of the inspection) in order to conduct the necessary statistical searches and to prepare sampling before working on site. In the past, these operations were carried out on site and demanded considerable assistance by the courts' staff. This system will soon be extended to the consultation of the audited courts' criminal databases.
- Development of videoconferencing: as part of the court audits/inspections, on-site visits are systematically preceded by videoconferences in order to present the team of inspectors, the objectives and the agenda of the audit/inspection as well as the concrete expectation from the investigations. In many cases, that allows solving some difficulties prior to the audit/inspection and thus that has reduced the time required on site.

2. Activities of the IGJS

Statistics for 2009 show that the activities of the IGJS are on the rise:

Number of requests addressed to the IGJS (all types of audit/inspection taken together)

2005	2006	2007	2008	2009
25	33	39	34	59

Number of reports filed

(the reference year is the year in which the report is filed and not the year when the service is asked to investigate)

2005	2006	2007	2008	2009
30	30	44	45	56

Activities of the IGJS

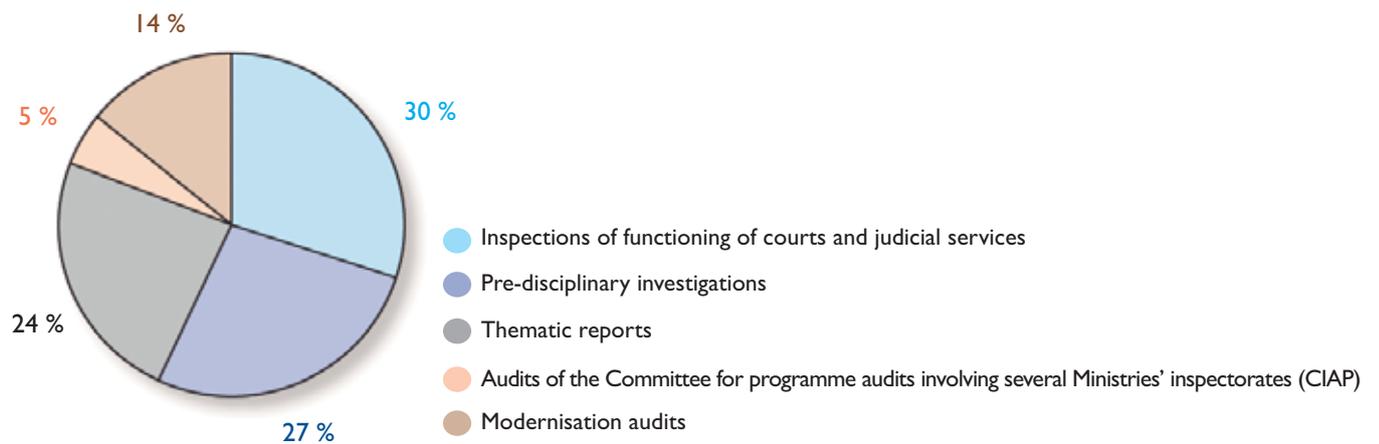
		2006	2007	2008	2009
Inspections of functioning of courts and services	Courts of appeal	0	0	2	4
	First instance courts	4	7	8	10
	Other courts	1	10	5	3
	Audit follow-up	0	0	0	7
	Subtotal	5	17	15	24
Pre-disciplinary investigations		8	12	13	11
Thematic reports		10	8	10	15
Audits of the Committee for programme audits involving several Ministries' inspectorates (CIAP)		2	2	2	3
Internal accounting control audits		0	0	5	3
Modernisation audits		5	5	0	0
TOTAL		30	44	45	56

It should be noted that since 2008, the IGJS has extended its inspections of functioning to the courts of appeal and has conducted the first audits of the accounting organization of judicial services.

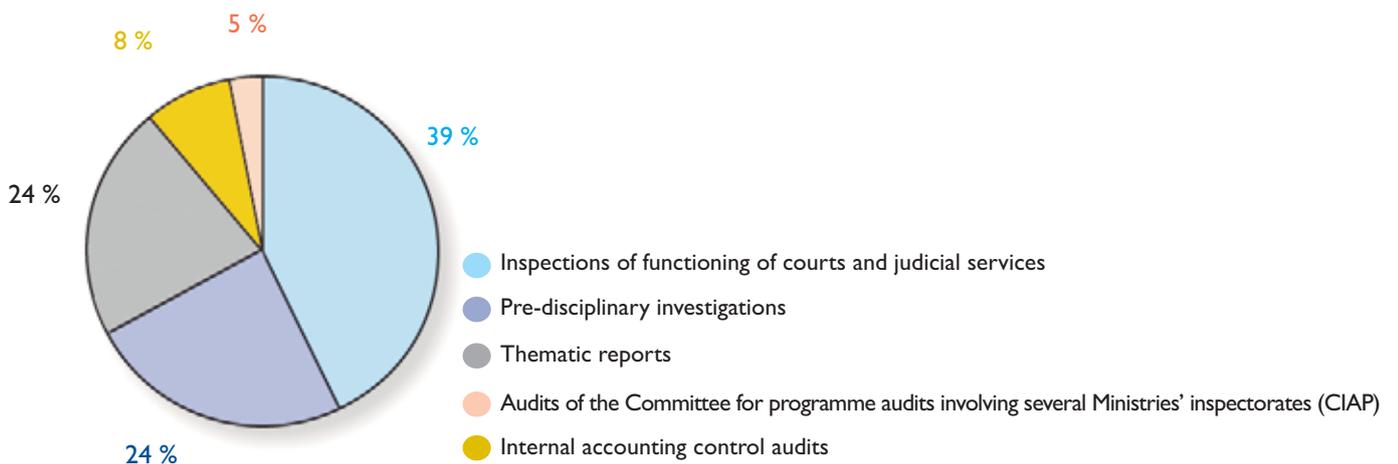
The percentage of pre-disciplinary investigations is steady while the percentage of inspections of functioning of courts is still on the rise. This trend confirms that permanent assessment of the court functioning has become the main mission of the IGJS.

Furthermore, the members of the Inspectorate general spent more than 1,800 days on site in 2008-2009, i.e. approximately 26 days a year per person, mainly in the national territory and sometimes abroad.

Distribution per type of audits/inspections 2006-2007



Distribution per type of audits/inspections 2008-2009



2.1 Activities scheduled by the IGJS

2.1.1 Court functioning inspections

2.1.1.1 Planning

Each year, the General Inspector submits a list of courts to be inspected to the Minister of Justice and Freedoms. This list is drafted on the basis of geographical criteria or specific concerns. For instance, audits have recently been scheduled in order to measure the impacts of the reform reducing the number of courts (known in France as the “reform of the judicial map”). In these cases, such inspections are a particularly good way for the Ministry of Justice and Freedoms to assess one or more aspects of its public policies, the implementation of reforms or the appropriateness of systems.

2.1.1.2 Method

In recent years, the traditional method used to inspect courts has been lightened. The process is now less burdensome than in the past and is designed in order to make more operational recommendations.

The goal of the IGJS is to inspect in a few years' time all first instance courts and courts of appeal.

The method for inspections is close to the audits' one.

First, to ensure harmonization in the approach, the IGJS has designed guidelines per type of court (first instance court, commercial court, court of appeal). These documents contain an analysis grid which may be helpful for the inspector. They cover in particular the regulatory framework of the inspection, the deliverables, the persons to meet, the issues to be addressed, the checks to be made upstream and those to be made during the on-site visit. Above all, they list crucial check points which are determined on the basis of the most significant risks of dysfunction in the courts. These risks are identified for each key mission of the court functioning (general administration and running of the court, civil justice, criminal justice, juvenile justice, provision of information and advice to people). Thus, every aspect of how the court works is assessed.

The guidelines are regularly reviewed in order to integrate the results of experience gained by the IGJS, changes to the law, and decisions and guidelines from the Ministry of Justice and Freedoms within its remit. This approach fosters the objectivity of the inspections.

Concretely, several successive steps are planned.

Firstly, questionnaires are sent out to the inspected court to gather as much information as possible about the organization of the court, the way it works and its activity. Then, the inspectors appointed for the inspection (at least 3) go on site. There, they interview judges, prosecutors and civil servants working at the court and meet with the main partners or authorities in connection therewith (prefect, mayor, lawyers, etc.). They also conduct checks, in particular by studying samples of files, do inventories, and take extracts from the information systems, etc.

During this period, the focus is also on communication and dialogue with the court. Thus, at the very beginning, the team of inspectors presents its objectives to the court staff and gathers observations. Then, the inspectors inform the heads of court (president and prosecutor) of their first conclusions after their stay on site. They prepare a draft report containing their findings and recommendations. This provisional document is sent to the heads of the court of appeal (First President and General Prosecutor) and to the heads of the inspected court in order to receive their remarks as part of a contradictory process. After that, the team drafts the final report (with recommendations) which is sent to the heads of the court of appeal of the inspected court and to the Minister of Justice and Freedoms.

2.1.1.3 Follow-up of recommendations

Since 2009, the IGJS follows up the implementation of the recommendations it makes in its inspection reports. This makes them effective and enables to ascertain their relevance.

At the request of the Minister of Justice and Freedoms, this follow-up will be enhanced and systematised starting in 2010. The new system will rely on the heads of the court of appeal (that has jurisdiction on the inspected court) who will check that the IGJS recommendations have been implemented and will report thereon to the General Inspector of the Judicial Services. They will use a standardised document what will allow a harmonized process. After a first provisional assessment made at the end of

a three-month period from the date on which the IGJS final report is sent to them, the heads of the court of appeal will make a final assessment after another three-month period. In the event that any failing is still noted, the IGJS will conduct a new on-site check to identify the blocking points and to try to remedy the situation.

2.1.1.4 Inspections conducted at the request of the Minister of Justice and Freedoms

Other inspections related to the functioning of judicial services are conducted by the IGJS at the request of the Minister of Justice and Freedoms. Recently for instance, have been realised an assessment of several services of the Paris Court of Appeal, an in-depth audit of the first instance courts within the jurisdiction of the Court of Appeal of Nouméa as well as an assessment of the implementation of the agreement signed by the First instance Court of Cayenne with the Ministry of Justice and Freedoms in order to achieve specific objectives regarding the organisation and the functioning of the Court.

2.1.2 Internal accounting control audits

The Constitutional by-law on finance acts (known in France under the acronym “LOLF”) dated 1st August 2001, mainly applicable as of 1st January 2006, introduced in particular into French rules of public finances two significant changes inspired by the experiences observed in some other Western countries:

- Henceforth, the government must keep accounts that are very similar, in many respects, to those of a private company, i.e. with an obligation to set up an organization contributing to “accounting quality”.
- Government accounts must now be “certified” as proper and sincere and giving a true and fair view of its assets and financial position. This certification mission has been entrusted to a high independent authority: the Court of Accounts.

These new principles of “accounting quality” and “certification” of the State accounts, incorporated into the French Constitution (new article 47-2), have led administrative services to introduce “internal accounting control”, intended to provide reasonable assurance that accounts are reliable.

As part of its mission to certify Government accounts, the Court of Accounts has to ascertain that these internal control systems have actually been put in place. But it cannot do that alone. Therefore it uses the services, within each Ministry, of the institution able to perform “internal audits”. For the Ministry of Justice and Freedoms, this task has been entrusted to the IGJS.

Therefore, inspectors must analyse the organisations responsible for the courts’ accounting activity as well as the accounting processes (i.e. for instance, public ordering, legal costs, legal aid and estimation of the charges to be paid in following years, etc.). The first audits done in 2009 only concerned two to three processes within some services. But the scope of these audits shall be extended to other accounting processes and other ministry services.

While these audits have been performed for a specific purpose, they also contribute to a more efficient use of funds and to a more efficient organization of some court services. This new role assigned to the IGJS is therefore highly complementary to its traditional missions.

The IGJS has developed guidelines for the internal accounting control audits, by adapting the rules recommended by the Ministry of Finances. This document details in particular the risks existing in each process of public expenditure and identifies the resources possibly at disposal to control them.

2.1.3 Coordination of inspections done by other authorities

2.1.3.1 Court inspections done by the heads of courts of appeal

In accordance with Article 8 of the Decree of 25th July 1964, the General Inspector must “*coordinate the inspections done by the (heads of) courts (of appeal) and centralise the(ir) (...) inspection reports.*” Heads of courts of appeal may decide and conduct inspections with reference to Article R. 312-68 of the Code of Judicial Organisation and Article R. 1423-30 of the Labour Code. Each year, the General Inspector asks them about the inspections they plan to implement within their remit. The reports they draw up are sent to the IGJS who studies them and may decide, if difficulties identified justify such action, to propose to the Minister to include the inspected court in the priorities of its inspection plan.

It shall be noted that the IGJS has prepared guidelines for the heads of courts of appeal in order to assist them in their inspections of First instance courts within their jurisdiction. Such guidelines are also being prepared for instance court inspections and will soon complement the tools made available to the heads of courts in order to ensure comprehensive and efficient evaluation.

The conjunction of such court functioning inspections done by the IGJS and of the inspections done by the heads of courts of appeal should enable to assess all the First instance courts in France (including overseas territories) over a seven-year period.

2.1.3.2 Health and safety inspections

The health and safety Inspectorate of the Ministry of Justice and Freedoms benefits from an original positioning within the IGJS: it currently comprises 8 inspectors coming from various directorates of the Ministry but placed under the General Inspector's authority in order to ensure their independence and objectivity.

An inspector appointed by the General Inspector is responsible for coordinating their missions. However, the General Inspector may entrust them with specific tasks and, in particular, involve them, if necessary, in the inspections of functioning of court.

2.2 Non-scheduled activities

2.2.1 Pre-disciplinary investigations

Upon exclusive decision from the Minister of Justice and Freedoms, the IGJS performs pre-disciplinary investigations on possible dysfunctions of the judiciary (what can involve one or more persons) or on the individual behaviour of a judge, a prosecutor or a civil servant.

The purpose of these investigations is to provide the Minister with all information in order to enable him/her to decide on possible action to be taken and in particular, the appropriateness of referring the matter to the disciplinary body.

As positive law stands, defence rights, and in particular the right to be assisted by a lawyer and to obtain the disclosure of the documents of the file, may only be exercised during the procedure before the disciplinary body and not within the framework of pre-disciplinary investigations. Nonetheless, and although it is not legally subject to any specific procedure, the IGJS has gradually developed a methodology for this kind of investigations based on the disciplinary procedure established by the status of judges and by the fundamental principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Beyond strict compliance with the elementary ethical rules (confidentiality of work, methodology guaranteeing loyalty and dignity, scrupulousness, caution, impartiality and fairness), the IGJS discloses all information related to its observations and opinion to the concerned party. Moreover, hearings and interviews, generally conducted by at least two inspectors, are reported in a written document, which has to be approved by the interviewee.

Lastly, investigations must be initiated in accordance with the constitutional principle of independence of the judiciary, as it has been reminded by the High Council for the Magistracy whose responsibility is to guarantee this independence through its powers for appointing judges and prosecutors and as a disciplinary council: *"the disciplinary body can not assess in any manner whatsoever the legal acts of judges, which come under their sole authority and may only be criticised by exercising the rights of review provided for by law in favour of the parties,"* except for the assumption of abuse of power, *"when the definitive court decision makes appear that a judge has grossly and systematically exceeded his authority or disregarded his remit, such that, despite appearances, he has accomplished an act without any link with the legal activity of the court"* (decision of the 8th February 1981).

At the end of the investigations, the inspection team drafts a report containing its exhaustive and objective observations. Where applicable, it specifies any infringements observed, qualifies them and assesses their seriousness. Under no circumstances it does give an opinion about the opportunity to initiate a disciplinary action against the judge, the prosecutor or the civil servant concerned by the investigations. Such task is indeed only on the shoulders of the Minister of Justice and Freedoms after having received and studied the report.

During the last two years, the IGJS has conducted 14 investigations concerning 15 members of the judiciary: among them 12 were judges and 3 were public prosecutors. The investigations have lasted approximately 8 months on average.

2.2.2 Thematic reports

During the last two years, the IGJS has produced 25 thematic reports, alone or with other Ministerial inspectorates.

The themes studied were quite varied: assessment of the procedure implemented in cases of drunkenness in public areas, assessment of conferences which at the regional level decide to personalize the sentences pronounced by the courts, assessment of the poles of investigative judges, audit of the French national school for clerks, inspection of a department of a young offender institution, assessment of the fees paid for social investigations in civil matters, appraisal of the consistency between real-estate commitments of the Ministry and its budget planning.

For example,

- Assessment of the 2005-2007 plan against violence on women and proposals for the 2008-2010 plan:

In November 2007, the Minister of Justice and the Secretary of State for Solidarity have tasked several Ministry inspectorates (including the IGJS) to assess the 2005-2007 plan against violence on women and to make proposals for the 2008-2010 plan which was under preparation.

The inspection team has observed improvements in the fight against violence on women, thanks to the information campaigns and above all thanks to the reinforcement of victim protection (due to the laws of 26th May 2004 and 5th March 2007) but concluded that the reality of the phenomenon remains under-estimated.

- Assessment of the judge with responsibility for looking after the victims of crime (called the "JUDEVI") one year after its implementation

At the request of the Minister of Justice, in August 2008, the IGJS has assessed this novelty within the judiciary. It has observed that the creation of the JUDEVI has obliged the courts to think about how to integrate this new judge in the existing victim support systems. The efforts of the courts and the contribution made by the judges appointed as JUDEVI have been also highlighted. However, it emerged that the level of activities for this judge remains low since its entry into force and that the latter encountered difficulty in gaining recognition, in particular due to too limited powers.

The team has considered possible changes: either maintaining the status quo, at the risk of seeing a gradual decline of judges for the victims of crime, or on the contrary, allocating new powers, in particular jurisdictional powers, in order for them to effectively protect specific victims (women suffering violence from their partners, vulnerable persons suffering ill-treatment, etc.).

- Assessment of the number of custodial sentences pending execution.

After having received a letter from the Minister of Justice asking for investigations, the IGJS has proceeded for the first time in this matter by using a questionnaire to fill in on-line by courts (a Sphinx questionnaire -see 1.2 above). It appears that 126,000 custodial sentences were pending. Out of this number, 22% were pending at the courts' offices, 53% at the public prosecutors' offices and 25% at departments dedicated to sentence enforcement. The IGJS has also observed that the 13 more important First instance courts in the country (with about 24% of criminal activity) had almost 39% of the total number of enforceable sentences which were pending.

An in-depth analysis of the whole execution process of custodial sentences has been realized by the IGJS. The latter has consequently been able to make recommendations in order to improve the efficiency of the system within the courts and to mobilise partners around this aim (in particular the prison administration).

- Assessment of management of items placed under seal

At the request of the Minister of Justice and Freedoms, the IGJS has investigated about this matter and at the end of its work has concluded that the improvement of the policy of the management of items seized and placed under seal must focus on two priorities: to rationalise ingoing and outgoing flows and to optimise management by strengthening the resources available to the courts and by improving the training of people fulfilling this role. Thus, the Inspectorate highlighted the importance of having IT tools and appropriate premises, what is not currently the case everywhere in the country.

2.2.3 Specific reports related to the Government modernisation process

2.2.3.1 The annual report to the Parliament on the implementation of the Multiyear Justice Act

Each year over a period of 5 years, the IGJS has drafted a report, on the implementation of the Multiyear Justice Act of 9th September 2002. For the last year of implementation of this Act (in 2008), the service has endeavoured to assess its results having regard for the objectives set not only for the past year but also for the past 5 year period.

2.2.3.2 Audits done by the Committee for Programme Audits involving several Ministry inspectorates (called “CIAP”)

The CIAP, which reports to the Ministry of Finances, is composed of the heads of inspectorate bodies and services of the various Ministries, including the General Inspector of judicial services for the Ministry of Justice and Freedoms. It selects in the budget of the State the programmes to be audited and appoints teams of audit of at least 3 inspectors, each one coming from a different ministerial inspectorate. The CIAP monitors the work done by the teams, checking that it complies with the methodology set out in its audit guide. Its final recommendations are made with respect of the guidelines it has elaborated for audit reports and after having taken into consideration the response given by the Ministry in charge of the audited programme. Then its final report is sent to various authorities (Government, Parliament, Court of Accounts, etc.).

During the last 2 years, the IGJS has taken part in 4 CIAP audits respectively concerning programmes N° 136 “drugs and addiction” of the Ministry for Health, N° 177 “preventing exclusion and insertion of vulnerable individuals” of the Ministry of Housing, N° 232 “political, cultural and associative life” and N° 176 “national police forces” of the Ministry of Home Affairs.

2.2.3.3 General Review of Public Policies (called « RGPP »)

Initiated by the Prime Minister in 2007, the RGPP is a new and ambitious policy dedicated to all Government services. It is in line with a dynamic and strategic approach of the role of the State. The Review assesses all public policies, checks whether they are justified or not and whether implementation thereof is satisfactory or not. Another of its goals is to search for possible synergies between different Government services in order to rationalise organisations and improve efficiency while controlling costs.

As for the administration of justice, the IGJS together with the Inspectorate General of Finances, has assessed this policy for the Ministry of Justice, and proposed changes on the basis of the findings.

2.2.4 Working groups of the Ministry of Justice and Freedoms

The IGJS is taking part in many working groups set up by the Ministry of Justice and Freedoms, in particular concerning the following themes: evolution of the judiciary; evolution of the audit tools; improvement of the organisation of the courts in administrative, budget & accounting matters; development of IT tools; development of standards; and sustainable development.

2.2.5 Training of judges and prosecutors

The IGJS regularly participates at the request of the French National School for the Judiciary (known as the “ENM”) to training activities designed for judges and prosecutors, in particular on the following topics: presentation of the IGJS (training more specifically intended for new heads of courts); assessment of the quality of justice; assessment of public policies; internal accounting control audits, etc.

2.3 International activities of the IGJS

For many years, the IGJS has developed an international cooperation both at a bilateral and at a multilateral level.

2.3.1 Exchanges of inspectors

The purpose of these bilateral exchanges is to improve the mutual knowledge between inspectorates of different countries, to compare and to share practices. Thus, upon their return, the inspectors from the IGJS who have had such an experience have been invited to present it to the service. The study done in common within the service has thus been fruitful for improving professional practices.

Such exchanges have been carried out with two inspectorates of European countries:

With England and Wales: the exchanges initiated in 2006 and 2007 with the HM Crown Prosecution Service Inspectorate have been continued. In 2009, a French inspector took part in the inspection of judicial services in Surrey and Leicestershire.

With Spain: the IGJS has signed an agreement with the Inspectorate of the Spanish General Council of Judicial Power. Two Spanish inspectors came to France for a one-week internship, during which they have worked with a team conducting an inspection of a First instance court. Few months later, a French inspector went to Madrid and was integrated in the same way into a team of Spanish inspectors.

2.3.2 Strengthening of cooperation between judicial inspectorates of European Union countries

Over the last two years, bilateral relations of the IGJS with its European peers have been developed thanks for instance, to its visits to Bulgaria, Northern Ireland and Poland. These contacts have been followed by visits to the IGJS premises of Bulgarian and Polish delegations.

But a specific effort has been made on a multilateral basis. After the contacts between the IGJS and the Spanish inspectorates in 2007, the Spanish General Council of Judicial Power has organised a seminar which has been attended by 19 countries (in addition to Spain, Germany, Belgium, Bulgaria, Cyprus, France, Slovakia, Croatia, Netherlands, Italy, Lithuania, Luxembourg, Poland, Portugal, Great Britain, Czech Republic, Romania, Sweden and Turkey). This meeting has been very successful, in particular because it has highlighted two main points: on one hand, the extreme diversity of the inspectorates and of the disciplinary systems within the various EU countries; on the other hand, despite of these differences, the similarity of some working methods, in particular as regard the court functioning inspections. It appeared thus interesting to identify good practices able to improve the efficiency of the various inspection services.

That is why the IGJS has decided to organise a conference in Paris in 2010 in order to deepen the work which has been undertaken and to ensure the perpetuation of these meetings.

2.3.3 Development of relationships with judicial inspectorates of non-EU countries

The first steps towards developing a European-Mediterranean Network (in which judicial inspection activities would take their whole part) have been undertaken.

Furthermore, in addition to other services of the Ministry of Justice and Freedoms, the IGJS is working on building partnerships with its foreign peers. The relationships developed with the following countries particularly deserve mention:

- With Algeria (endorsed at a meeting between the French Minister of Justice and his Algerian peer in December 2007).
- With Morocco (as part of a long-standing and regular relationship).
- With Senegal: a partnership agreement now links the French and Senegalese judicial inspectorates, with plans in particular for regular exchanges of inspectors. As the Inspectorate General has close ties with several African countries, other such agreements are planned.
- With Madagascar: at the request of the Minister of Justice of this country, two directors from this Ministry took part in the inspection of a First instance court.
- With Jordan: this country had contacted the IGJS after having decided to update its inspectorate. The General Inspector went to Jordan in May 2009. The relationships will continue in 2010.

Generally speaking, the IGJS has been involved in sharing experience with its foreign peers, in order to achieve better mutual understanding and to prepare the implementation of a real cooperation. In recent years, delegations from Gabon, Madagascar, Senegal, Niger, Benin, Burundi, Ukraine, Morocco, Costa-Rica and Afghanistan have been welcomed by the IGJS on these bases. Delegations from the IGJS have been invited to Senegal, Turkey and Jordan over the same period.





3. Conclusion: towards the reinforcement of the role of the IGJS

The Ministry of Justice and Freedoms currently has an inspectorate system which makes co-exist:

- The Inspectorate General of the Judicial Services (IGJS), mainly composed of judges and prosecutors, under the authority of the Minister of Justice and Freedoms, and having jurisdiction for all the bodies and services under the Ministry as well as for the courts, except for the Cassation Court;
- The Inspectorate of the prison services, placed under the authority of the director of the prison administration of the Ministry of Justice and Freedoms, having power to investigate in the decentralised departments of this administration (like prisons for instance), headed by an inspector of the IGJS, and mainly composed of prison administration civil servants;
- The Inspectorate for the Judicial Protection of Minors, placed under the authority of the director of Judicial Protection of Minors (this directorate being known as "PJJ") of the Ministry of Justice and Freedoms, having power to investigate in all the structures that come under this directorate (for instance, centres for children) and mainly composed of PJJ civil servants;
- The Inspectorate of clerks, under the authority of the director of judicial services of the Ministry of Justice and Freedoms, having power to investigate on the court clerks' and chief clerks' work.

This supervisory system at the central level is completed for the civil and criminal courts by the inspections which may be performed by the heads of courts of appeal (see 2.1.3 above).

Except in cases where the Minister of Justice and Freedoms decides a joint inspection, these various inspectorates work separately. They are not coordinated, their methods are different, and their reports are not shared between them (except for those of the IGJS which, for two years now, are sent to the directorates when one of the issues raised falls within their remit).

In this situation, as part of the modernisation of public policies engaged by the Government, the Minister of Justice and Freedoms has been asked, in line with the more global aim of improving the Ministry's organization, to *"group together his three inspectorates into one Inspectorate General"*.

The draft reform, which should be finalised in 2010, keeps the existing inspectorates, except for the clerk Inspectorate that would be absorbed by the IGJS. In its framework, the General Inspector should gain prerogatives in order to be able to coordinate all the inspectorates of the Ministry, to centralise information, to standardize methodologies and to ensure that in all cases, findings, analyses and recommendations of the inspectorates will be objective and impartial.

IGSJ
Inspection Générale
FDC
Fondation pour le Droit Continental
Application **CHORUS**

5^{ème} IGSJ Inspection Générale des
Inspecteur Général, Chef de

Appendix 1 - Extracts from the main legislation governing the IGJS

Decree n° 2008-689 of 9 July 2008 on the organisation of the Ministry of Justice

Article 1

The central administration of the Ministry of Justice comprises, in addition to the cabinet office and the Minister's spokesperson:

- The General Secretariat;
- The Judicial Services Directorate;
- The Civil Affairs and Seals Directorate;
- The Criminal Matters and Pardons Directorate;
- The Prison Administration Directorate;
- The Juvenile Protection Service Directorate.

The Keeper of the Seals, Minister of Justice, is further assisted by the General Inspector of the Judicial Services.

Article 8

The General Inspector of the Judicial Services shall have duties to inspect all of the bodies and services under the responsibility of the Minister of Justice.

To this end, he shall submit to the Minister of Justice, after seeking the opinion of the Secretary General and the directors, the objectives and the general programmes of the inspections.

He shall manage the activities of the members of the judiciary delegated by the Minister of Justice to conduct inspections pursuant to Article 18 of Decree 58-1281 of 22 December 1958 as amended; coordinate the inspections conducted by the heads of courts as it is provided for by Article 17 of the same decree; and centralise processing of the inspection reports.

He shall have at his disposal an inspection secretariat.

Decree n° 65-2 of 5 January 1965 on the exercise of duties of the General Inspector of Judicial Services

Article 1

The General Inspector of the Judicial Services shall, under the authority of the Minister of Justice, fulfil a permanent role of inspection of the criminal and civil courts, except for the Cassation Court, and of all services and bodies depending on the Ministry of Justice.

The General Inspector shall be assisted by deputy general inspectors and inspectors of the judicial services.

Article 2

At the beginning of each year and after consulting the directors and department heads of the Ministry of Justice, the General Inspector of the Judicial Services shall prepare a programme of inspections that shall be submitted to the Minister of Justice and decided by the same.

The directors and department heads shall be informed of the inspections scheduled on the annual programme.

Article 3

In addition to the annual programme, the Minister of Justice may appoint the General Inspector of the Judicial Services to conduct specific inspections in the course of the year.

The General Inspector shall further centralise the reports drafted by the heads of courts on the inspections conducted, under Article 17 of Decree no. 58-1281 of 22 December 1953. He shall disclose to the directorates and services of the Ministry these reports or information extracted from them and relating to matters within their remit.

Article 4

The General Inspector shall assess the functioning of the courts or services having regard, in particular, for the organisation, methods and service provided by personnel. He shall make all suggestions to improve performance and efficiency.

Article 5

To fulfil his duties, the General Inspector of the Judicial Services shall have general authority to investigate, verify and check. He may, in particular, summon and hear judges, prosecutors, civil servants, as well as public and ministerial officers, and demand disclosure of all necessary documents.

For a given inspection, a judge, a prosecutor or a civil servant in service at the central administration shall be made available to the General Inspector; at his request, by the director or department head in question.

The deputy general inspectors and inspectors of the judicial services shall have the same authority to investigate, verify and check for the inspections they conduct under the authority of the General Inspector.

Article 6

To accomplish inspections of judicial services or bodies which are apart from the courts, the Minister of Justice may ask the relevant Ministers to place at his disposal one or more members of the inspectorate placed under their authority.

Article 7

The General Inspector shall report to the Minister of Justice on the results of his inspections.

Following a decision by the Minister of Justice, the inspection reports shall be disclosed to the relevant directors and department heads.

Article 8

The General Inspector of the Judicial Services shall have at his disposal an inspection secretariat which shall particularly prepare such work, liaise with the directorates and services of the Ministry, and centralise and disseminate the reports drafted by the heads of courts.

Decree n° 93-21 of 7 January 1993 (enacted after amendments made to the Order n° 58-1270 of 22 December 1958 which organises the status of the judiciary)

Article 5

A high judge belonging to the Cassation Court or holding a position as central administration director, First President of a court of appeal or General Prosecutor to a Court of Appeal may be assigned to the central administration to fulfil duties as General Inspector of the judicial services.

High judges and high prosecutors as well as senior-ranking judges and senior-ranking prosecutors in the judicial hierarchy and meeting the statutory conditions for appointment to a high position may be assigned to the central administration to fulfil duties as deputy general inspector of the judicial services.

Appointments as deputy general inspector of the judicial services of high judges, high prosecutors, senior-ranking judges and senior-ranking prosecutors in the judicial hierarchy and meeting the statutory conditions for appointment to a high position may also be decided with a view to put at disposal such individuals in the manner defined by amended Act no. 84-16 of 11 January 1984 on the statutory provisions relative to the civil service of the State. Such put at disposal shall not apply to the total number of deputy general inspectors.

Senior-ranking judges or second-rank judges entered on the members of the judiciary's advancement list may be assigned to the central administration to fulfil duties as inspector of the judicial services.

Appendix 2 - Organisational Chart

André RIDE
General Inspector

- General management of the service
- External representation
- Appointment of the inspectors, of the coordinator and of the supervisor for each inspection
- Signature of almost all the IGJS reports

Jean-Paul BAZELAIRE
Deputy General Inspector

Hugues BERBAIN
Deputy General Inspector

Jérôme DEHARVENG
Deputy General Inspector

Hélène MARSAULT
High level Expert

Jean-Paul SUDRE
Deputy General Inspector

- Replacement and representation of the General Inspector
- Management of a part of the activities of the IGJS (inspections of functioning of Appeal Courts, inspections of functioning of First instance courts, Internal accounting controls audits, pre-disciplinary investigations...)
- Supervision of files upon decision of the General Inspector

Carole MANDAR
Chief clerk

- Organisation and supervision of the secretariat
- Management of functioning means

Secretariat
 Isabelle PETIT
 Emmanuelle TURGNE
 Pauline FERREIRA
 Nicole GILBERT
 Françoise LE LOUER
 Isabelle LOUBEAU
 Michèle RESERVAT
 Virginie TROUPLIN

Drivers
 Eric FAMAGOSTA
 Crépin KANGO

**INSPECTORS OF JUDICIAL SERVICES /
 PROJECT OFFICER**

Renaud LE BRETON DE VANNOISE
Secretary General

Administrative management
 and IGJS budget follow up

Béatrice ANGELELLI-LAMOTTE
 Françoise BARBIER-CHASSAING
 Jérôme BETOULLE
 Pierre BIGEY
 Jacques CARRERE

Fabrice CASTOLDI, Health and Safety
 inspectors' coordinator

Hélène CAZAUX-CHARLES
 Sylvie CECCALDI-GUEBEL
 Gilles CHARBONNIER
 Jean-Christophe CROCQ
 Bertrand DAILLIE
 Brigitte DELPECH
 Claude ENGELHARD
 Philippe JEANJEAN
 Dominique LUCIANI
 Bernard MESSIAS

Michel PELEGRY, Head of the penitentiary
 inspectorate

Bruno PIREYRE
 Jacques RAYNAUD
 Armand RIBEROLLES
 Béatrice THONY-RADAS
 Marielle THUAU
 Françoise TOME
 Charlotte TRABUT
 Nicole VERGER

Maxime de BLASI, project officer

- Inspections and audits upon designation of the General Inspector
- For the most experienced inspectors, coordination of audits upon decision of the General Inspector

HEALTH AND SAFETY INSPECTORS

Thierry COLOMBIE
 Jean-Paul RICARD
 Marie-Sara DURUR
 René GALLY
 Philippe GUITTARD
 Sylvaine FRANCOIS
 Philippe MAURIN
 Véronique LABORDE

- Audits about the implementation of the health and safety rules in the penitentiary, the judicial public services for the youth, the judicial services and the administration of the Ministry of Justice and Freedoms