

GDCC MEETING
(October 18, 2010)
TWG-LJR

The cooperation between the RGC and DP on the finalization of
“the Law the Organization of Courts” and “ the Statute
on Judges and Prosecutors”

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The strategic objective 2 of the Legal and judicial Reform Strategy is to modernize the legislative framework. Eight laws were considered as fundamentals. Since the third CDCF meeting on June 2010, five out of those eight laws are entered into force, namely the Civil Procedure Code, the Civil Code, the Penal Procedure Code, the Penal Code and the Anti-Corruption Law.

The output1 of the JMI 16 related to the Legal and Judicial Reform is the completion of the remaining fundamental laws pertaining to the judiciary. The output indicator is the approval by the Council of Ministers of the fundamental laws pertaining to the judiciary, being the law on the organization of courts, the statute on judges and prosecutors, and the law on the amendment of the organization and the functioning of the supreme council of the magistracy.

As coordinating institution the TWG-LJR has identified the slow pace of the reviewing process on those draft laws at the Council of Jurists. In association with the aid effectiveness actions, the Chairman and the two co-facilitators of the TWG-LJR have reached an agreement to submit to the Secretariat of the GDCC a discussion point related to this matter. The purpose of the submission is to look for a way to speed up the process, such as an agreed consensus to establish a special sub- group within the TWG-LJR responsible for the implementation of this specific project” Drafting of the three remaining fundamental laws pertaining to the judiciary”. The sub-group will have a close collaboration with the Council of Jurists Working Group in charge of the reviewing of the drafts in order to identify constraints and to find an effective way to speed up the process, including the proposal for an eventual consultation process.

The lack of adoption of those above-mentioned laws may create problems for the implementation of other reforms in the sector, including the

execution of the disciplinary measures and securing the independence of the judiciary.

Without the Statute on judges and prosecutors there is no clear situation in term of classification of judges and prosecutors within the courts, their retirement regime, and so on.

Without the organic law on the organization of courts specialized chambers or tribunals continue to be a question mark for different kind of users of the courts, including business people, in particular foreign investors whom the country needs them the most.

Identified challenges will be put on the table and eventually resolved through consultations organized by the sub-group in close and sincere collaboration with all concerned stakeholders.

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