

**SPEECH AT THE FINAL EVENT FOR THE COMPLETION OF THE PROJECT  
FOR THE ESTABLISHMENT OF AN INDEPENDENT COURTS SERVICE**

**Supreme Court**

**18 January 2023**

***“FUTURE STEPS TOWARDS A MODERNISED AND EFFICIENT JUSTICE  
SYSTEM IN CYPRUS”***

The ambitious Reform of the Courts in Cyprus officially started in 2016, with the Report of the Supreme Court, which in effect codified all the deficiencies that existed at the time.

This was essential for two reasons.

Firstly, the proposed reforms, in the 2016 Report, formed the basis for obtaining political support and secondly, it enabled us to obtain technical support from the EU, under the old Rules of SRSS.

Right from the beginning of the reform process, we set six main goals:-

The first was to improve the allocation of resources to the judiciary. This was achieved with the excellent cooperation we had with the Ministry of Finance and especially with the Director General of the Ministry, Mr George Panteli and other officials of the Ministry.

The second goal was to review the Civil Procedure Rules. This was completely achieved and the new Rules will come into force in September 2023.

The third was to improve the management of the Courts. This will be achieved mainly by the implementation of the Project, that concerns the establishment of an Independent Courts Service, the Report of which is presented today. We anticipate that this will drastically change the management of the courts, in the years to come.

The fourth goal was the introduction of new technologies and the digitalization of the Courts. This has already been facilitated by the introduction of the i-justice and e-justice, the Digital Audio Recording of Court Proceedings and the Digitalisation of insolvency proceedings.

The fifth goal was to improve the training offered to Judges. To that effect, the Supreme Court facilitated the establishment of a Judicial Training School, which, as everybody agrees, provides high quality training to all Judges, Legal Officers, Registrars and Staff of the Supreme Court.

The sixth and final goal was to increase transparency and accountability. This was mainly achieved by forming the Permanent Rules Committee and secondly by establishing the Transitional Consultative Council which advises the President of the Republic with regards to the appointment of members to the two Supreme Courts. The assistance of the Minister of

Justice in preparing the relevant legislation and co-ordinating all negotiations between stakeholders, was of vital importance.

Transparency was also facilitated by allowing the Attorney-General and representatives of the Bar Association, to participate in the deliberations of the Judicial Council, which appoints and promotes first instance Judges on the basis of the new criteria, which were introduced for the first time in 2019, as part of the reform process.

It has been acknowledged by the European Commission and various Commissioners, that our reform record is impressive. Since 2016 we have completed most of what we had set out to do.

Until today, we have completed 8 funded Projects in total. The Courts Service is the last.

In addition, there have been several other reform projects that were initiated and were funded by national funds. For instance the E-justice Project, the separation of the Supreme Court, the creation of the new Court of Appeal and many others.

The Reform Projects concerned mainly Civil Justice. None of the Projects or actions undertaken concern criminal justice or other specialized jurisdictions.

The first question that arises is whether the reforms proposed, are enough to modernize our civil Jurisdiction.

The answer is definitely yes.

As far as the Civil Justice is concerned, the reforms are important and are expected to overhaul the system. I name just four:- the Revision of the Civil Procedure Rules, the Project that is completed today, that concerns the establishment of an Independent Courts Service, the creation of the new Court of Appeal and the e-justice Project.

Without ignoring the rest of the Projects, like the Digital Audio Recording, the Establishment of the Judicial Training School and many others, I believe that the four Projects I mentioned above, will make a significant contribution in considerably speeding up the administration and efficiency of Justice.

However, I must emphasise that the reforms planned are not sufficient to modernize the whole of the Court system. There are a lot more areas that need modernization, for instance the criminal justice system, the courts of specialized jurisdiction, finding alternative ways to resolve disputes, for instance compulsory mediation, the use of artificial intelligence in courts and many others.

Unfortunately, we cannot at this stage proceed to further reforms. This is due to one major handicap. The rate of implementation has been proven to be somewhat slow. The reforms that have been completed so far, should have, strictly speaking, been completed within 2-3 years. Instead, it has taken 6 and probably we may need another 2-3 years

before all projects planned, are fully implemented, for instance the Digital Audio Recording of court proceedings and the establishment and functioning of the Courts Service.

Regrettably, this extremely slow rate of implementation, does not allow the reform in other areas of the system, to start. Right now, the plate is full. Our digestive system proved to be a little slower than what we had hoped for and this leads to fatigue.

People in key positions change, with the result that each new person at the top has different priorities, which may differ from those that existed before. I remind you that since 2016, we changed 4 Presidents of the Supreme Court, 2 Ministers of Finance, 3 Ministers of Justice and 2 Attorney-Generals.

There are also two further factors that are major obstacles to the modernization of the courts. The first is the resistance to change, both within and outside the system and the second is the slow change of culture.

The resistance to change manifests itself in many ways that I need not analyse now, but I will give an example.

Due to the severe backlog of cases, one of the main concerns of the experts was to save judicial time. They suggested many ways to remedy this particular problem. One is that the Registrars be allowed to carry

out quasi-judicial duties, but until today this recommendation has not been taken on board.

Another recommendation made in the past by the experts, but not yet implemented, is the need for the specialization of judges.

It is hoped that with the establishment of the new Court of Appeal, specialization will be introduced not only at the Court of Appeal level, but also at the District Court level. There is a commitment given to the European Union concerning this issue, but remains pending to date.

One way to combat resistance to change, is for the Supreme Court to appoint a Permanent Judicial Reform Committee, whose main task would be to act as a vehicle to change, given that the Supreme Court has an extremely heavy workload of both judicial and administrative duties and has no time to study in depth the various suggestions that are made for change. The Committee will have the time to look deeper into areas that need to be reformed and advise the Supreme Court on an annual basis, on those reforms that it considers necessary, in order to maintain the efficiency and independence of the Court system.

The Committee could consist of Judges, Lawyers, Academics, other experts, representatives of the Ministries of Finance and Justice, the Attorney-General's office and why not, members of civil society.

For instance, the Committee or its subcommittee, could review new areas of Reform, such as online court hearings, the better use of

technology, the introduction of compulsory mediation for all claims, especially the small ones, before litigants are allowed to litigate their dispute in court. In other countries, such measures reduced the claims litigated by 40-50%. The Committee could also consider whether electronic dispute resolutions could be used in courts, for very simple claims.

I believe that without constantly reforming and transforming the court system, it will be a matter of time before the system stagnates and becomes once again inefficient.

I come now to the change of culture, which I believe will be the most difficult obstacle to overcome in the future, during the implementation process. As it has been said, "Culture is like the wind. It is invisible, yet its effect can be seen and felt. When it is blowing in your direction, it makes for smooth sailing. When it is blowing against you, everything is more difficult".

Therefore, a change of culture is absolutely necessary. Not only for the implementation of the current projects, but also for the designing of new reforms which require long term planning and a holistic approach.

In order to bring about a change of culture, you need a strong commitment from all stakeholders. There must be a close coordination between all concerned parties, which is not always easy, but if it is achieved, it can only bring positive results, like it did in Ireland.

As you already heard, in September 2023 the new Rules of Civil Procedure will come into force. However, unless Judges, Lawyers and Litigants adopt the new culture that is highlighted in the new Rules, the benefits resulting from the changes brought about by the new Rules, will not be as effective as envisaged.

To help bring about a new culture, it is necessary that both the Supreme Court and the Bar Association, pass the necessary messages to all concerned.

As the completion of this project coincides with the end of my mandate as Reform Director, I would like to thank:-

Firstly, the Supreme Court for the trust they showed in me in appointing me as Director of Reform six years ago and for allowing me to function freely.

Secondly, DG Reform of the European Commission, for its continuous support, especially during our first inexperienced years. I warmly thank Mr Mario Nava, the present Director of DG Reform, for his invaluable assistance. No words can describe my appreciation for the constant support, encouragement and guidance that I received for the last 6 years from my good friends Daniele Dotto, Sebastien Renaud and Adamantia Manta.

I am also grateful to the Council of Europe for co-funding and managing a number of our projects. Especially I thank Mr Christos



Giakoumopoulos, Director General of Human Rights and Rule of Law, Mr Tigran Karapetyan, Ms Elena Yurkina and Ms Rafaella Hadjikyriacou, for the truly excellent cooperation we had, almost on a daily basis. I am glad to say that our collaboration also extended to fields beyond the projects we were managing at any one time. A good example is the recent funding of the preparation of the Index for the new Rules.

It is not an exaggeration to say that without the support of DG Reform and in particular of Daniele, as well as the Council of Europe, the Reform process would not have proceeded as smoothly as it has and I would not have lasted that long as Director of Reform.

It would be an omission if I did not also express my gratitude to IPA (the Institute of Public Administration of Ireland) and all the other experts that participated in the Courts Service Project and the re-engineering of Court Registries.

Lastly, I would like to thank the Chief Registrar for her positive attitude throughout the reform process and the staff of my Office for their patience.

As I conclude, please allow me to say that I strongly believe that when all the projects are fully implemented, the Cyprus Courts will be transformed. But as I have mentioned earlier, the reform must continue on an annual basis, as it is an ongoing process. There are indeed so many other areas that need to be reformed, so that the judicial system,

by remaining efficient and independent, can serve the Rule of Law and society in general.

Thank you.

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