

Beat: News

THE SAUVE REPORT ON JUSTICE DELIVERED TO PRES. MACRON TO CALM THE MAGISTRATES

JUSTICE NEW ACT TO BE VOTED BY THE FALL

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USPA NEWS - A report on the General Sates of Justice was delivered by the Minister of Justice Eric Dupond Moretti to the President of the French Republic Emmanuel Macron on July 8, 2022, at the Elysee, by one of the most famous and legendary French magistrates, Jean Marc Sauve. The 1,400 pages report, entitled "Giving justice to citizens" reveals a sad observation of the current state of the judicial institution in France, which has been degraded for decades, and shows the great suffering of the people of justice and the loss of confidence of litigants, fatigue of excessively long delays in their proceedings, both criminal and civil. On February 9, 2022, unions of justice professionals (magistrates, clerks, court staff) had filed a complaint against the French State before the European Commission for "breach of European legislation in terms of labor legislation applicable to magistrates" . This complaint also failed and followed the call of the 3000, following the general demonstration of the magistrates of December 15, 2021. The unions had then filed their complaint with the European Commission, summoning it to respond, within 70 days, considering that the request is well-founded.

FRENCH JUSTICE TO BE REFORMED & NEW ACT TO BE VOTED BY THE FALL IN NATIONAL ASSEMBLY

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"We have to be clear, we have taken too long to modernize our information systems, our digitization. And the legitimate impatience of professionals is there. In accordance with our philosophy in all areas of public action, which consists of both investing and transforming, all these reforms have been accompanied by unprecedented investments. Where justice had been a budgetary adjustment variable for decades, it has become a priority: +30% in 5 years. declared the President of the Republic Emmanuel Macron, very lucid, on October 18 at the Estates General of Justice in Poitiers.

This report is a preamble to an action plan and a programming law for justice, which should be applied at the start of the school year, i.e. in the fall of 2022. This report thus called for a systemic reform in order to "clarify the role of justice in society, the place of the judicial authority in the city and the mission of the judge" in a context of general mistrust of institutions.

Since then, the Minister of Justice opened, on July 18, 2022, consultations with citizens who participated in the Estates General of Justice and with actors from the judicial world. The Minister wishes to present,

In this report, the Committee for the Estates General of Justice referred to "the advanced state of disrepair in which the judicial institution finds itself" after "decades of failing public policies".

JEAN MARC SAUVET VICE PRESIDENT OF THE COUNCIL OF STATE CHAIRED THE REPORT ON PEDOPHILIA IN THE CHURCH

Jean-Marc Sauvé has held various administrative responsibilities outside of the Council of State. He was technical adviser to the office of the Keeper of the Seals, Minister of Justice, Maurice Faure, then Robert Badinter, from June 1981 to May 1983. In this capacity, he followed the questions of criminal legislation and international criminal cooperation as well as the budgetary and administration of justice matters. In particular, he prepared the project and the debate on the abolition of the death penalty with the Keeper of the Seals, Robert Badinter.

THE « SAUVE REPORT » REVEALED 216,000 CHILDREN WERE ABUSED BY CATHOLIC PRIESTS

The « SAUVE report », named after Jean Marc Sauve, who chaired the Independent Commission on Sexual Abuse in the Catholic Church, was released in October, after two and a half years of investigation, revealing that 216,000 children been sexually abused by priests and men and women religious since the 1950s. For Jean-Marc Sauvé, the Church has not been "able to see or hear". He considers it "essential and inevitable" that it recognize its systemic responsibility.

This SAUVE report had been hailed by the entire legal profession and by public opinion via the media, because Jean-Marc Sauvé called on the Catholic Church to accept responsibility for these acts, not only individually but systemically, stressing that "She had not been able", even "not wanted", to take up the subject. He had also reiterated the recommendation of the commission to lift the secrecy of the confession in the event of sexual abuse of a minor and a vulnerable person, if thus opposing the position of the Church for which the secrecy of confession should be inviolable, which was unprecedented in history, as regards the transparency of the partials and certain pressures of the Catholic Church.

"To begin to respond to the indignity of the prison situation, we have also, in line with the previous five-year term, embarked on a program to build 15,000 prison places. 7000 are under construction, 8000 for which the sites have been fixed. And the evocation of these prison places also allows me here to have the opportunity to thank the staff of the prison administration. promised President Macron.

"We have also started the major digitization project, it has also been mentioned several times just now. This will allow them to refocus on their core business; internal security forces, magistrates, lawyers, administrative staff. From 2022, the digital criminal procedure will begin to be deployed throughout the territory. » declared President Macron.

EXCESSIVELY LONG TRIALS DELAYS HAVE BROKEN LITIGANT CONFIDENCE IN FRENCH JUSTICE

Excessive trial times, insufficient or obsolete IT tools and infrastructure, late execution of court decisions, decline in collegiality, unworthy detention conditions... The crisis experienced by French justice is present both on the side of professionals and litigants. The discouragement of some and the misunderstanding of others tend to become worrying for the guarantee of rights:

- average trial times have been lengthened over the past decades, reaching 13.9 months for the first instance in 2019, 15.8 months on appeal and up to 16 months at labor courts;
- the lack of quality of justice delivered in criminal matters has led to an increase in short prison sentences;
- the deterioration and overcrowding of prisons and remand prisons hinder reintegration and promote recidivism.

Source : Ministry of Justice

THE JUSTICE COMMITTEE ADVOCATES FOR A REWRITING OF THE CRIMINAL CODE

The committee also calls for:

- a reorganization of economic and social justice with the specialization of certain magistrates;
- clarification of the respective roles of juvenile courts and departmental services with regard to the protection of persons;
- a simplified rewriting of the criminal procedure code.

In penitentiary matters, the committee finally underlines the need to give meaning to the sentence to promote reintegration.

PRESIDENT MACRON HAD CALLED FOR JUSTICE REFORM ON OCTOBER 18, 2021 IN POITIERS, AT THE STATES GENERAL OF JUSTICE

On the occasion of the Estates General of Justice which were organized on October 18, 2021, in Poitiers, the President of the French

Republic had delivered remarks, in the presence of the Minister of Justice Eric Dupond Moretti and Jean Marc Sauve the Vice President of the Council of State, and the President of the School of Magistracy Nathalie Roret, and Jerome Gavaudan, President of the CNB (National Bar) in response to the great anger of the corporation of justice in France.

"We created in 2018 the Agency for General Interest Work and the Professional Integration of Prisoners, but which comes well after many reforms. Jean-Marc Sauve reminded me of the 1983 law on community service. President Macron had thus allowed an increase in the number of prison places, including the shortage, preventing magistrates from enforcing prison sentences.

REPORT DEMANDS SYSTEMIC JUSTICE REFORM

The report affirms the need for systemic reform including:

- clarification of the role of justice in society. The missions attributed to the judge must be better defined around the most fundamental of them (application and interpretation of the rule of law, protection of persons);
- the strengthening of the first instance to once again become "the place where justice is primarily rendered";
- the drastic increase in staff: 1,500 magistrates should be recruited over the next five years;
- the opening of justice to civil society.

In addition, the report considers "premature" the abolition of investigating judges. Source: Ministry for Justice

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Editorial program service of General News Agency:

UPA United Press Agency LTD

483 Green Lanes

UK, London N13NV 4BS

contact (at) unitedpressagency.com

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