

Assessment of Change Status of Courts Reform in Cyprus

Final Report

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May 2021



Cyprus Courts Reform

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Executive Summary

Introduction

The Supreme Court of the Republic of Cyprus, with the support of the Directorate General for Structural Reform Support (DG REFORM) of the European Commission (EC), is undertaking an ambitious reform process to improve the courts system in Cyprus. The Cypriot authorities have requested support from the EC for advice and support on the implementation of various aspects of the courts reform process in Cyprus. The EC has agreed to provide technical support and selected the Council of Europe to deliver the requested support to Cyprus.

One of the supported projects relates to the change management process of courts reform. This incorporates a number of different components, the first of which relates to making an *assessment of the current status of certain aspects of the courts reform programme*. This report sets out that assessment.

The Institute of Public Administration (IPA), Ireland was selected to deliver this assessment. The IPA possesses recognised and relevant national and international experience and expertise in the provision of advice in the area of governance and public administration reform and development, including extensive involvement with public administration and judicial reform projects in Cyprus.

It was agreed at the outset that, given the multiple court reform projects currently under way in Cyprus, that the IPA team would concentrate on assessing the status of the main recommendations arising from the Functional Review of the Court System (2018), including the Backlog of Cases, the Digital Audio Recording project, and the establishment of a Judicial Training School. Progress on other reform projects would be referenced to the extent that these arose as part of the consultations.

The methodology adopted involved desk-based research, a review of documentation, and interviews with key stakeholders. All interviews were conducted online due to the global pandemic and consequent restrictions on travel. In Cyprus, the project was co-ordinated by former Supreme Court judge Mr George Erotocritou, Director of Reform and Training, who provided invaluable support and insight. We would like to thank Mr Erotocritou and all of the contributors and participants to this project.

Below is a summary of the contents of each chapter of this report and of the key challenges to the successful delivery of the courts reform process.

Chapter One

Chapter one provides introductory comments and briefly explains the context of this report.

Chapter Two

In chapter two we set out a detailed stakeholder analysis. The overall courts reform process represents a complex process of change that incorporates multiple ongoing reform projects.

All of these projects are at different stages. There are therefore multiple stakeholders with an interest in some or all aspects of these reforms and/or whose support and active involvement is required to make progress.

A stakeholder map is set out. This is followed by a description of 18 key stakeholders, both internal and external, in various aspects of the courts reform process. Their role and connection to the reform process is described in each case.

While the list presented does in this report not represent a full list of all stakeholders, it does include the key stakeholders with an interest in, and role to play, in the implementation of court reforms. What is clear is that the active engagement of all these stakeholders is necessary for reform to be successfully implemented. All groups must be clear on their responsibilities and roles. On the basis of the current assessment, while all of the stakeholders referred to are playing an active role in the reform process, there is a lack of co-ordination, information, and clarity regarding roles in the various reform projects and how these project interact with each other. The ultimate beneficiaries of courts reform are the citizens of Cyprus, and the successful implementation of courts reforms is critical to supporting the economic, social and commercial wellbeing of the country.

Chapter Three

Chapter three provides an assessment of the status of all the key reform projects. The change status of each project is classified in terms of its criticality, the extent to which progress has (or has not) been achieved, and the level of risk associated with delays in the further implementation of the projects. The projects are classified as being in a high, moderate or low category of risk based on these criteria. Projects classified as high are those assessed as being most critical, that have achieved least progress, and that still face substantial obstacles in terms of implementation.

Five projects/reform areas are classified in the 'high risk' category. These are:

1. Clearance of the Backlog of Cases.
2. Establishment of an Independent Courts Service.
3. Revision of Case Management Processes.
4. Establishment of Adequate Project Management Structures and Resources.
5. Registry and Documentation Accommodation.

A further six projects are classified as being moderate risk. The remainder are categorised as low risk because either they have been fully implemented or substantial progress has already been achieved. A detailed description and assessment of each project/reform area is provided.

Resolving the backlog of cases remains particularly critical, since making progress on a number of other aspects of the reform process depends on making substantial and timely progress on this project.

Chapter Four

A number of the key challenges to the successful delivery of the courts reform process are summarised in this final chapter. These include the following.

Achieving clarity regarding roles and responsibilities

It is essential that clear roles and responsibilities are assigned to ensure co-ordination of projects and to ensure that projects are successfully managed and implemented. It is not currently clear who exactly is steering and managing the overall reform programme. There is a lack of an integrated approach to projects such as the clearance of the backlog, the acquisition and development of new courts accommodation, E- Justice, the implementation of the new rules of civil procedure, and digital audio recording, where the implementation of each of these projects impacts on the other.

Where responsibilities for both the management and the implementation of projects are clear and integrated, as has been the case with those progressed by the Director of Reform and Training and the Reform Department, projects have been delivered in a timely manner and to a high standard. It is where there is lack of clarity about responsibilities, and, more particularly, fragmentation of responsibilities for project management and implementation, that issues and delays are most significant.

Resourcing

The Functional Review of the Courts (2018) recommended that full-time project management and other resources should be assigned to the overall implementation of the reform programme. Each individual project also requires dedicated resources. Progress on a number of projects are still being inhibited by a lack of adequate resources and a lack of the skills and capacities required for the management of complex and technical projects.

Resistance to change and lack of communications strategy

While it is clear that there is strong support for reform among the key stakeholders, there is still evidence of some resistance to reform in certain areas. Coupled with the lack of clarity as to roles and responsibilities, the absence of a clear communication strategy to date has also contributed to a number of implementation difficulties.

It is noted that the Council of Europe is now supporting a project for the development and implementation of a communications strategy related to courts reform. This is an important development, with potentially valuable outcomes in creating better understanding of the need for reforms and creating a positive sentiment for change. However, this initiative will also need to be supported by robust change management and implementation strategies within each of the reform projects.

Strategy, planning, and project management

While progress is being made with certain aspects of the reform process, the progress is 'patchy'. This is undoubtedly partly due to the fact that many of the key stakeholders have onerous other duties outside the reform process in managing and delivering the ongoing business of the courts.

However, what is clearly lacking is an overall strategy for reform, one that clearly sets out 'the big picture' and the key milestones along the way. There is a lack of the ongoing planning needed to co-ordinate the key stakeholders and their involvement at the right time, and to ensure that interdependencies between projects, and other critical dependencies are identified and managed. There is a lack of project management skills and resources available to the overall reform process, and to specific projects.

Project interdependencies

There are many critical interdependencies between the various strands of the courts reform process. While it is not possible to set out the full set of these interconnections and interdependencies in this report, a simplified conceptual framework of project interdependencies is set out. A more detailed analysis of interdependencies needs to be done which will allow for plans that incorporate key connection points and supports key discussions between project teams, and the appropriate sequencing of tasks and activities across the whole reform process. The independent court service, when established, will ultimately influence and impact every aspect of reform.

Conclusion

In conclusion, it is recognised that the courts reform process in Cyprus represents a highly complex process of reform. Real progress has been achieved in implementing certain court reforms and in making progress on others. There is undoubtedly significant commitment to reform amongst the stakeholders. In order to now make systematic progress across the whole courts reform process, however, new approaches are required. The success of this process remains critical not just for the effective and efficient functioning of the courts and judicial system, but for the social, commercial, and economic well-being of the Republic of Cyprus.

1. Introduction, Approach and Methodology

1.1 Introduction

The Supreme Court of the Republic of Cyprus, with the support of the Directorate General for Structural Reform Support (DG REFORM) of the European Commission (EC), is undertaking an ambitious reform process to improve the courts system in Cyprus. The Cypriot authorities have requested support from the EC for advice and support on the implementation of various aspects of the courts reform process in Cyprus. The EC has agreed to provide technical support and has selected the Council of Europe to deliver the requested support to Cyprus.

One of the supported projects relates to the change management process of courts reform. This incorporates a number of different components ('Lots'), the first of which is **an assessment of the current status of certain aspects of the courts reform programme**. It is anticipated that further phases will incorporate the development of a change management strategy, coaching for key agents of change, and the development of indicators to measure progress on implementation. The current project is specifically concerned with Lot 1: *"Assessment of the needs for change management related to the reform process to improvement of the court system"*.

The Institute of Public Administration (IPA), Ireland, was selected to deliver on this Lot. The IPA possesses recognised and relevant national and international experience and expertise in the provision of advice in the area of governance and public administration reform and development. Between 2017 and 2020, the IPA carried out a detailed functional review of the courts system in Cyprus, delivered a feasibility study on the use of Digital Audio Recording in that system, and managed the project to review the civil procedure rules for the courts system in Cyprus. It has also successfully completed a number of reviews of Cypriot ministries and independent government organisations. The IPA has gained an in-depth knowledge of the Cypriot administrative system.

1.2 Approach and Methodology

It was agreed at the outset that, given the multiple court reform projects currently underway in Cyprus and the need to make best use of limited resources, the IPA team would concentrate on assessing the status of the main recommendations arising from the Functional Review of the Court System (2018), including the Backlog of Cases, the Digital Audio Recording project, and the establishment of a Judicial Training School. Progress on other reform projects would be referenced to the extent that these arose as part of the consultations.

The assessment was carried out by a review team that comprised Dr Brian Cawley and Ms Olive Caulfield, both of whom have been involved in previous courts reform projects in Cyprus. The overall IPA involvement in Cyprus was led by Dr Michael Mulreany, Assistant Director General, IPA, who maintains oversight of all projects.

The methodology adopted involved desk-based research, a review of documentation provided on the basis of a document request, and interviews with key stakeholders. All

interviews were conducted online due to the global pandemic and consequent restrictions on travel. The interviews used a semi-structured format in line with best practice. A full list of those interviewed is at Appendix 1.

In Cyprus, the project was co-ordinated by Mr George Erotocritou, Director of Reform and Training, who collated relevant information for the Review Team, helped to organise meetings, and provided valuable insights given his extensive knowledge and experience of the reform process. We would like to thank Mr Erotocritou for his assistance. We would also acknowledge the support and contribution of other stakeholders who contributed to this assessment and the valuable assistance provided by Mrs Aliko Serghi of the Ministry of Finance to the Office of the Director of Reform. We would also like to thank the project team from the Council of Europe, particularly Ms Elena Yurkina and Ms Rafaella Hadjikyriacou.

The report that follows sets out a detailed assessment of the status of reforms, commencing in the next chapter with an analysis of stakeholders.

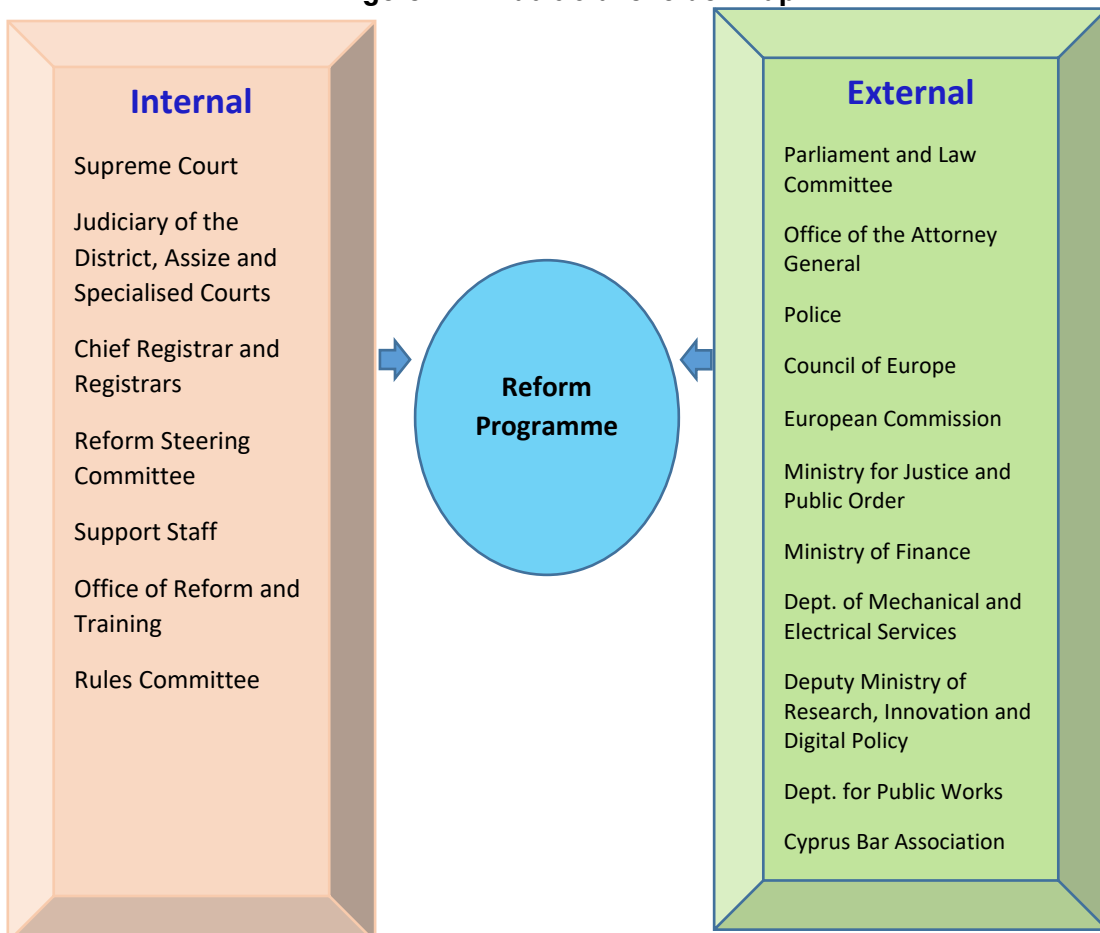
2. Stakeholder Analysis

2.1 Introduction

The overall courts reform process represents a complex process of change. As noted at chapter one above, there are multiple ongoing strands and projects within the reform process. All of these projects are at different stages. There are therefore multiple stakeholders with an interest in some or all aspects of these reforms and/or whose support and active involvement is required to make progress.

The stakeholder map below, developed by the experts, represents a simplified view of key stakeholders in the courts reform process and is based on our consultations as part of the change assessment process. It should be noted, however, that many of these stakeholders may also include sub-groups, who may play different roles and may have different views on the reform process. The value of setting out even a simplified version of the stakeholder map, as in Figure 1 below, is that it reminds us of the complexity of the change management landscape and that these stakeholders must be actively involved, communicated with regarding the state of progress and the interconnections between different reform projects, and engaged with at the right time. We will refer to this process in more detail later in this document when describing the status of the various reform projects. The stakeholder map below sets out key stakeholders both internal and external to the courts system in Cyprus.

Figure 1. A Basic Stakeholder Map



2.2 A Summary of the Key Stakeholders in Courts Reform

Below we briefly describe the key stakeholders and their role in courts reform.

- **Supreme Court (SC):** As well as being the highest judicial authority, the SC also has responsibility for management and governance of the courts system. As such, it has a critical role in leading all aspects of reform.
- **District, Assize and Specialised Courts (DC):** Many of the reforms have significant implications for the second-tier courts, and indeed some pilot projects are being conducted in certain districts. Therefore, the judges of these courts also have an important role to play in the implementation of reforms at that level.
- **Chief Registrar (CR) and Registrars:** The Chief Registrar has a wide-ranging role that encompasses both statutory and administrative functions. The CR has overall responsibility for managing staff and systems within the courts and for liaising with various ministries and other agencies. The CR currently has an important role in assisting with, and promoting, certain aspects of reform.

The Registrars located in the various registries have a critical role in managing the business of the courts at all levels and ensuring an efficient and effective throughput of cases. They also play an important role in reform, as they will be responsible for implementing new procedures and approaches in the registries, as well as managing the staff in the registries and keeping them informed of changes.

- **The Reform Steering Committee (RSC)** is chaired by the President of the SC and is responsible for oversight of the reform programme. The committee includes representatives of the SC and DC judiciary, the Ministry of Finance, the Ministry of Justice and Public Order, and the Cyprus Bar Association. As such, it brings together a number of the key stakeholder groups.
- **Support Staff:** There are over 400 staff in the courts system comprising judicial support staff such as registrars, legal assistants, stenographers and bailiffs, and interchangeable staff employed by the Ministry of Finance, including clerical staff, messengers, and cleaners. All categories and types of staff play a critical role in the change process. They must be both adequately informed and adequately prepared and equipped to deal with proposed changes.
- **Office of Reform and Training (ORT):** The Office was established to both drive and support the courts reform programme and is led by a Director, the former Supreme Court judge Mr George Erotocritou. It has had responsibility for leading and promoting various, but not all, aspects of the courts reform process. The Director has also undertaken an additional role as Director of the recently established Judicial Training School of Cyprus.
- **Rules Committee (RC):** As part of the project for the Review of the Civil Procedure Rules, the Supreme Court formed a Rules Committee to review and comment on the

draft rules and the translations prepared by the committee chaired by Lord Dyson. Following the review of the draft rules, the Supreme Court established a Permanent Rules Committee (PRC) with the same membership. The Committee reviewed the comments of the Cyprus Bar Association and the Cyprus Judges Association on the draft rules and recommended acceptance of both the rules and comments to the Supreme Court. The Supreme Court has approved the proposed rules but has not set the date on which they will come into force. The implementation of the new rules will have significant implications for enabling various aspects of courts reform.

The PRC will now continue to have an important role in reviewing current and new rules. It will advise the Supreme Court on the making, annulling, or amending the rules of court, or making new rules.

- **Parliament and Law Committee:** In any democratic system the parliament plays a leading role in providing direction for the reform of public administration and passing legislation to underpin and enable that reform. This is the case in Cyprus. For example, three critical structural reform bills related to the reform of the courts system were recently laid before Parliament. The bills relate to the establishment of a Court of Appeal, the separation of the Supreme Court, and for the reform of the Supreme Council of Judicature. These reform bills must now await discussion following parliamentary elections in May. The Parliamentary Committee on Legal Affairs, comprising cross-party representation, plays a critical role in discussing, reviewing and proposing in relation to these reform bills.
- **Office of the Attorney General (AG):** The Attorney General of the Republic is the legal adviser to the President, Government and Ministries. In this capacity the AG has overall responsibility for all prosecutions on behalf of the State and, as such, is a key user of the courts system.
- **Cyprus Police:** The Cyprus Police assist in the prosecution of criminal offences on behalf of the Attorney General in the Assize Courts. Prosecution for offences triable summarily are conducted by those members of the police who are qualified lawyers.
- **Council of Europe (CoE):** The Council of Europe is involved in promoting, and providing funding for, courts reform initiatives in Cyprus. It is currently implementing a Project on Enhancing the Current Reform of the Court System and the Implementation Process as well as the Efficiency of Justice in Cyprus, incorporating this assessment of the status of the various reform projects.
- **European Commission (EC):** The Directorate-General for Structural Reform Support (DG Reform) of the EC seeks to support Member States to design and implement resilience-enhancing reforms, including improving the quality of public services. It has already provided funding for a number of courts reform-related projects in Cyprus.

In addition, the recently launched Recovery and Resilience Fund initiative is a temporary recovery instrument from the European Commission to provide funds, and support projects, to help repair the immediate economic and social damage brought

about by the coronavirus pandemic. Member States, including Cyprus, are in the process of preparing their recovery and resilience plans that set out a coherent package of reforms and public investment projects. In this context, targets and deadlines for the implementation of reforms must be provided by each member state.

- **The Ministry for Justice and Public Order** is the ministry with primary responsibility for the courts system. It therefore has a leading role in promoting reform. In our recent interview with the Minister for Justice and Public Order, as part of this assessment project, the Minister emphasised that the reform of the courts system continues to be the main priority for the Ministry.
- **The Ministry of Finance** has an important role in providing resourcing for reforms. However, it enables reforms in other ways, such as managing the submission to the Recovery and Resilience Fund and in supporting staffing arrangements in the courts through, for example, the provision of interchangeable staff. In its key role in managing the economy, the ministry has a keen interest in ensuring that the courts system is fit for purpose and supports economic and commercial activity.
- **The Department of Mechanical and Electrical Services**, which is a department of the Ministry of Transport, Communications and Works, is involved in electrical and mechanical engineering works of public interest and advises the Government on policy planning on such matters. As such, it has responsibility for providing the courts with the appropriate infrastructure to support projects such as E-Justice and the proposed Digital Audio Recording (DAR) system.
- **The Deputy Ministry of Research, Innovation and Digital Policy** is involved in the interim i-Justice project pending the introduction of the full E-Justice system. It also potentially has a role to play in initiatives such as DAR, and it has indicated it will assist the courts with this project when there is agreement to proceed.
- **The Department for Public Works**, which is also part of the Ministry of Transport, Communications and Works, has responsibility for the supervision and management of the contracts for the construction, improvement and maintenance of government and other buildings. There are a number of serious issues relating to courts buildings and accommodation in Cyprus, a number of which were highlighted in the Functional Review of the Courts (2018). This Department has a key role to play in helping to resolve these issues in a timely manner.
- **Cyprus Bar Association (CBA):** Established in 1960 the Cyprus Bar Association (CBA) is the regulatory and professional body for the majority of registered practicing advocates in Cyprus. As lawyers interact with the courts system on a daily basis, the CBA has a critical role to play in educating and informing members with regard to proposed reforms, as well as making proposals and suggestions.

2.3 Active Engagement of Stakeholders

While the above does not represent a full list of all stakeholders, these are the key stakeholders with an interest in, and role to play, in the implementation of courts reforms. Some play a central leadership role, while others play more of a supporting and enabling role. What is clear is that the active engagement of all these stakeholders is necessary for reform to be successfully implemented. Information must be provided in a comprehensive, consistent, and timely way to all stakeholders. All groups must be clear on their responsibilities and roles.

The above list includes 18 key stakeholders. As we shall see from the discussion that follows, there are 14 strands of the courts reform process at various stages of progress. This makes for a highly complex implementation process, one that requires an overarching strategy and plan, and clear leadership. On the basis of our current assessment, all of the stakeholders referred to above are playing an active role in the reform process, but there is a lack of coordination, information, and clarity regarding roles in the various reform projects and how those roles interact.

3. Reform Projects: An Assessment of Their Status

3.1 Introduction

Before providing a detailed assessment of the status of the different reform projects, it is useful to summarise the overall situation. As noted at Section 1.2 above, for the purposes of this assessment it was agreed that the IPA team would focus primarily on the status of the recommendations arising from the Functional Review (FR) of the Courts System (2018), the proposed introduction of Digital Audio Recording of Court proceedings (IPA Feasibility Study July 2019 refers), the Report of the Supreme Court on the Operational Needs of the Courts and Other Related Issues (Erotocritou Report 2016), the Backlog of Cases (also the subject of recommendations in the FR Report 2018), and the Judicial Training School. However, in what follows we also refer to other ongoing reform projects to the extent that information was provided as part of the consultation process.

It is important to state at the outset that progress has been made in various projects. This progress has been achieved due to the diligent work of a number of the stakeholder groups referred to in chapter 2 above, including the Supreme Court, Chief Registrar and Registrars, Director of Reform and Training, the Government and Parliament of the Republic of Cyprus, various ministries (most notably the Ministry of Finance and the Ministry of Justice and Public Order), the Cyprus Bar Association, and the various funding/sponsoring bodies.

Consider the following examples. The Judicial Training School has been established, a Board and Director has been appointed to it, and training of judges has commenced. At the time of this assessment (April 2021), agreement had been reached on three important reform bills relating to various aspects of courts reform. These are awaiting discussion, and possible enactment, by Parliament following parliamentary elections in May. An Administrative Court for International Protection has been established to address the growing number of claims for asylum. Objective criteria for the recruitment and appointment of judges have been put in place. Some progress has been recorded on other reform elements, such as the refurbishment of court buildings and the sourcing of new buildings.

However, it also has to be clearly stated that in a number of areas critical to the reform of the courts system there has either been no progress at all or progress that is very slow. While it is entirely understandable that the same level of progress cannot practically be achieved across all strands of reform, the variations in progress are also undoubtedly due to the lack of an over-arching strategy that encompasses a comprehensive view of all reform projects, including the connections and interdependencies that arise. So, while the more detailed assessment of progress on each individual project as set out below is important, it is equally important to recognise that it is through the *collective implementation* of all of these projects that the real advantages to the courts system will arise. Such implementation requires a clear strategy.

3.2 Assessment of Status of Projects/Recommendations Related to Courts Reform

As noted earlier, for the purposes of this assessment we focused particularly on the status of recommendations from the Functional Review (2018), the proposed Digital Audio Recording system (Feasibility Study 2019), the Report of the Supreme Court (Erotocritou Report 2016), the Backlog of Cases, and the Judicial Training School. However, in what follows we also reflect the status of other projects to the extent these were referenced during our interviews. We also reference critical dependencies or connections to other strands of reform where relevant.

The projects are presented in order of our expert assessment of their status based on three criteria:

1. Criticality: how critical is the project in terms of overall court reform? All of the projects incorporated in this assessment are classified as either being of high or medium criticality.
2. Achievement of Progress: how much progress has been made to date with the project or recommendation? Where there has been limited or no progress on a project, a high score on this criterion is recorded. Where some progress has been made, a moderate rating is given. Where the project is substantially or fully completed, a low score is given.
3. Risk: how much risk is associated with making progress, in terms of obstacles or other risks? If there is a substantial risk associated with failure to make progress on the project, either due to complexity or potential obstacles to progress or both, it is scored high on this criterion. If risks are considered to be moderate or low, they are scored accordingly.

Each of these criteria were scored on a scale of 1 (low) to 5 (high).




- Projects/recommendations with a high score (4 or 5) in all three areas are marked as 
- Projects/recommendations with a combination of moderate (3) and high scores in at least two areas are marked as 
- Projects with low scores (1 or 2) in at least two areas are marked as 

Figure 2 below provides a summary of the major reform projects and strands of reform, with the colour code assigned to each element.

Figure 2: Reform Projects and Recommendations



There follows a description of the current status of each of the reform projects, followed in each case by an overall assessment.

3.3 The Backlog of Cases █

The Functional Review of 2018 drew attention to the serious problem with backlogs in the courts and the delays in bringing cases to court. Specifically, the review noted that:

... the problem of backlogs, and the consequent serious delays in cases coming to court, is getting worse. Actions in the system are conditioned by the need to maintain

a crisis footing, and the demands on all staff and on the judiciary are excessive, and without any prospect of early resolution. In such a scenario, the challenges of maintaining orderly management and procedure are overwhelming, the possibility for reform or innovation are extremely limited, and there is little or no opportunity for long-term planning (4).

In the Functional Review it was further noted that:

In order to address the fundamental weaknesses in the current system a range of changes must be implemented, but for these to have any chance of success the weight of the backlog of cases must first be lifted (118).

The data presented in the 2018 review referred to data from the EU Justice Scoreboard report for 2017. The EU Justice Scoreboard for 2020 shows that the level of backlogs in the Cyprus courts in civil, commercial, administrative and other cases remains among the highest in the EU. The Scoreboard also shows that the estimated length of time to resolve civil, commercial, administrative and other cases, at over 700 days, is the highest in the EU (EU 2020 Justice Scoreboard, 8). Although the figures show some improvements over 2017, including an improved clearance rate, the situation remains critical. The Scoreboard also shows that the number of incoming civil, commercial, administrative and other cases has dropped considerably between 2012 and 2018 (7), although some of those interviewed as part of the current assessment expressed concern that this reduction may be due to the delays in the courts. For a number of categories of data presented in the EU Justice Scoreboard 2020, no data was available for Cyprus.

The main recommendation relating to the backlog in the 2018 Functional Review was to:

Establish a taskforce supported by a dedicated project leader and project team to address the backlog in the Supreme Court, the District Courts and the Industrial Disputes Court (130).

We now provide more detailed assessment of the backlogs at district court level, and the backlog of appeals.

3.3.1 Backlog at District Court Level

A detailed process, and project management structure, was set out in the Functional Review (120-122) for addressing the backlog. It was estimated at that time that it would take 2.4 years to clear the civil backlog at District Court level. The most recent figures available show that, as at December 21, 2020, approximately 25,000 cases were awaiting hearing for more than 2 years. There is no current estimated time for the complete clearance of the backlog.

As part of the Recovery and Resilience Fund Plan, Cyprus has committed to a reduction of 20% in cases pending for over 2 years by the second quarter of 2024, and a reduction of 40% by 2026. The Supreme Court has committed to preparing a detailed action plan by the end of 2021 for the elimination of the backlog of cases.

In the intervening period since the Functional Review, the recommendation to establish a project team was not implemented. A senior registrar was appointed to assist the Director of Reform and Training with this project but was transferred to a new position after 6 months and has not been replaced. The Supreme Court appointed two judges in succession to coordinate the backlog of cases project. Both have since retired. A Judge of the Supreme Court is now responsible for this project.

A number of different approaches and criteria have been used to identify and quantify the backlog and to estimate the likely time required to eliminate the backlog. The Functional Review recommended that the backlog be quantified by the Taskforce using standard international comparators for delay. In both the UK and Ireland, a case awaiting hearing for a period of more than approximately 19 months is considered “delayed”.

An assessment of the number of judges required to clear the backlog in the District Courts was carried out by the Director of Reform and Training with the assistance of the Ministry of Finance. This number was based on the average case level of a judge, the impact that the introduction of less experienced judges may have on productivity, and the number and complexity of cases making up the backlog. It was validated by statisticians in the Ministry of Finance. Based on this analysis, the Supreme Court applied for 26 new judges, an application that was approved. Following a recruitment process, however, only 15 applicants reached the required standard and were appointed.

It was initially planned that cases over 4 years old would be tried by the judges assigned to the Taskforce, and that the remainder (pending from 2-4 years) would be dealt with by the current judges in addition to their normal workload. Currently only 7 of the 15 judges appointed are assigned to the backlog. More experienced judges were assigned to the task of clearing the backlog, with new judges appointed to hear new cases.

To date the only district in which clearance of the backlog has commenced is in Paphos. A pilot project has commenced there, and 7 judges have been assigned to hearings. In other districts the lack of availability of chambers, courtrooms, and supporting staff has posed a major obstacle to making progress. In an attempt to address this issue a proposal was made to have sittings in the afternoon. That proposal has not received sufficient support and, to date, it has not been progressed. In Limassol, 4/5 new courtrooms are to be provided, but there is currently no timeline for delivery. In Nicosia, the Administrative Court is due to move to a new building in mid-2021. This will allow judges to be accommodated in the Supreme Court building in order to address the Nicosia backlog.

3.3.2 Backlog of Appeals

The serious issue of the backlog of appeals awaiting hearing at Supreme Court level was also referenced in the Functional Review. For example, it was noted that

... the number of appeals being filed with the Supreme Court each year has almost doubled between 2010 and 2016. The number of appeals now outstanding is simply causing the system to grind to a halt. Therefore, measures to remedy the situation

must address both the rate of input of new appeals, as well as the process for hearing appeals, including the issue of jurisdiction. (130)

It was recommended that a comprehensive review of the appeals system be undertaken that, together with the work to be undertaken by the Taskforce on the backlog, would seek to address this problem. The current situation regarding the backlog of appeals remains unchanged. We understand that there are currently approximately 3,500 civil appeals still pending.

Recommendations relating to the revised arrangements for the hearing of appeals have progressed. A Bill to establish a Court of Appeal is before Parliament. We understand that consensus has been achieved with regard to the passage of the Bill. Another Bill proposes the separation of the Supreme Court into a Supreme Constitutional Court (Constitutional Matters) and a Supreme Court (Civil and Criminal Matters). In April 2021, Parliament decided not to vote the Bills into law but to leave them for further discussion when the new Parliament convenes after May parliamentary elections.

It is envisaged that, if progressed, these legislative developments will have a positive impact on the clearance of the backlog of appeals. It is proposed that the task of clearing appeals would be allocated between the new Court of Appeal and the Supreme Court, thus speeding up the process. A former hotel in Nicosia has been renovated to house the Court of Appeal, when established.

3.3.3 Assessment

As can be seen from the above description, the situation regarding the backlogs at District Courts level remains critical. One serious consequence of the ongoing backlog at District Court level is that the view has been taken that the new Civil Procedure Rules (the drafting of which were the subject of a separate project) cannot be implemented until the backlog is cleared. This is in addition to the other serious consequences of such a major continuing backlog for the administration of justice, including the commercial and social consequences, referred to the 2018 Functional Review. Some steps have been taken to clear the backlog, but these are inadequate. There is an absence of an over-arching and coherent strategy to clear the backlog, a lack of project management capacity and structure, ongoing serious issues relating to accommodation and resourcing, a lack of clarity with regard to roles, and a lack of sustained focus on clearing the backlog within a clearly specified timescale.

Little or no progress has been made on dealing with the backlog of appeals. The expected establishment of an Appeals Court and the proposal to address the backlog of appeals by distributing cases between the new Appeals Court and the Supreme Court do provide a realistic prospect of clearing the backlog in a realistic timeframe. However, there are risks associated with the plan, including those relating to the passage of legislation, and it needs to be carefully managed in order to reach a successful outcome.

The continuing backlog of cases remains the most serious obstacle to courts reform. Making progress on a number of other reform projects, including the implementation of the new

Rules of Civil Procedure, depends on the backlog being cleared. Clearing the backlog is essential for putting the Cypriot judicial system back on a sound footing.

3.4 Establishing the Courts Service of Cyprus



The Functional Review (2018) noted that

This is the time for a fresh start for the management and administration of the courts in Cyprus, and this is best achieved through the establishment of a new structure. The Review Team is of the view that the establishment of an independent statutory body, which for ease of reference in the rest of this report we refer to as the Courts Service of Cyprus, to manage and support the courts would represent a first, but very important, step in the modernisation of the Cypriot courts system. (133)

The primary objective for the establishment of the independent court service was to separate the management and operations of the courts service from the judicial functions and to establish a professional management structure to develop strategy and plans to ensure the smooth administration of justice. It was also noted in the Functional Review that:

In practical terms there are limited or no structured management processes in place for, inter alia, business planning, production and analysis of management information, development of training or staffing plans, and opportunities for structured engagement with ICT development or building plans (39).

In 2021, at the time of this assessment, the situation is essentially the same. The courts system in Cyprus continues to suffer from the absence of an independent courts service with an independent management structure. In interviews with the key stakeholders undertaken as part of this assessment, there was widespread support for the establishment of an independent courts service.

A Call for Tender related to a project that includes the “Creation of an independent court service responsible for the management and administration of courts in Cyprus” was issued by the Council of Europe in February 2021. The proposed completion date for the project was listed as September 2022.

While the CoE Call for Tender represents a positive development, there are significant risks associated with the completion and implementation of such a project. Notwithstanding the external expertise that may be engaged to advise on the establishment of the independent courts service, resources and plans will also need to be put in place locally in Cyprus to engage in a structured way with this project once it is initiated. Planning would need to begin now for the transition to an independent court service to ensure that, once the CoE project is completed, that there is a rapid implementation of the structures. It will also take time to put the necessary structures, systems and staffing in place.

3.4.1 Assessment

While no progress has been made on the recommendation made in the Functional Review, the recently proposed project from the CoE represents a step in the right direction. The implementation of an independent courts service will represent a milestone in courts reform in Cyprus and put the system on a solid platform to enable progress and development. As noted in the Functional Review (133), many aspects of the future development of the courts in Cyprus, including the ongoing management of reform, depends on having strong management structures in place. For this reason, the project to establish an independent courts service, and its implementation, must be a high priority.

3.5 Revision of Case Management Processes

The Functional Review (2018) identified a number of weaknesses with both administrative and judicial case management in the Cypriot courts system. These were contributing to difficulties in managing cases to court, which in turn were contributing to excessive adjournments, problems in tracking case progress and providing up-to-date statistics, lack of standardisation of approach between different districts, and less than optimal use of judicial time.

A number of recommendations were made, including the following:

- Assign a case management judge(s) in each district to manage cases to trial, to allocate cases to hearing and to ensure consistency in the application of rules, procedures and practice directions.
- With the implementation of E-Justice, and prior to that with some enhancement of existing ICT system, to introduce a case categorisation, tracking, and monitoring system to support the streaming of cases, monitoring compliance with orders and protocols, and managing the central allocation of cases to hearing.
- Introduce a system of continuous hearings
- Criminal summons cases should not be entered in the court list until service is effected (221).

Our understanding is that none of these recommendations have been implemented to date. It is also understood that some changes to case management processes must await the implementation of the new Civil Procedure Rules. Also, case management procedures must be aligned with the proposed new E-Justice system, which is still to be implemented.

As an interim measure, a system for the online filing of claims (i-Justice) was developed. This system allows for the online filing of claims, pleadings, addresses and other documents relating to a case. It is currently being implemented on a pilot basis (see 3.11 below). In addition, the Council of Europe Call for Tenders, noted above, also included a component relating to the evaluation and review of administrative processes for case management in the registries, with a view to redesign and improvement of the processes.

3.5.1 Assessment

There has been little or no progress made in improving the critical judicial and administrative case management procedures since the Functional Review of 2018. This is partly due to interdependencies with other projects, such as E-Justice and the Rules of Civil Procedure. However, based on the current assessment, there is no evidence that an integrated approach is being taken to the management, co-ordination, and prioritisation of the dependencies between projects. While the proposed CoE review of case management processes is helpful, the lack of progress to date highlights again the need for the development of the internal capacity within the Cypriot courts system to manage these changes and project interdependencies.

3.6 Project Management Structures and Resources



Chapter 5 of the Functional Review Report (160-165) addressed the issue of implementation and change management related to the recommendations of the review. Detailed recommendations were made with regard to the project management structures and personnel that needed to be put in place, including a Taskforce to deal with the backlog headed by a Project Leader and administrative staff, and a separate Project Leader, with supporting administrative staff. Implementation was to proceed in the context of a clearly defined project plan, with associated responsibilities and timelines. It was noted in the report that

... if the implementation of recommendations from this report are to have any chance of success, these resources must now be appointed as a matter of urgency so that work on implementation can commence immediately. (161)

While, as noted earlier, a judge has been appointed to manage the backlog at district court level, no other resources have been assigned to the implementation of the recommendations from the functional review. While some additional staff resources were assigned to the Office of Reform and Training, these staff have now left and have not been replaced. There is no evidence of any over-arching project plan that sets out the various strands of the reform process, nor a specific project plan for the management of the backlog. In relation to the Digital Audio Recording project, in the 2019 feasibility report it was recommended that a project sponsor, a project office, a project manager and a project plan be put in place. We understand that, in the context of commitments to judicial reform under the Recovery and Resilience Plan, a project manager has just recently been appointed.

3.6.1 Assessment

For any project and related change management process, it is essential that the structures, resources, and skills are put in place for the effective project management required to achieve the desired objectives. As already noted, the courts reform process in Cyprus encompasses several projects, many of them complex, overlapping, and interconnected. The oversight and governance structures to manage this reform process are not currently in place. This has led to a fragmented approach, with no clear analysis of the project interdependencies.

3.7 Court, Registry and Document Accommodation



The Functional Review of the Courts (2018) drew attention to serious problems with court and registry accommodation and storage. It was noted in the Review that

... registry accommodation and storage space at the Supreme Court need improvement. and that document storage, particularly in Nicosia, is woefully inadequate. This poses an inordinate risk to the functioning of the courts, both from the perspective of file management and possible damage or destruction (157).

In particular, the serious situation at Nicosia District Courthouse was highlighted.

At the Nicosia courthouse, working conditions are unacceptable. Insufficient and inadequate space impedes efficient administration and management, while increasing the risk of loss of court documents (8).

The Functional Review recommended that, pending the construction of new courthouses (for example in Nicosia), temporary solutions be found. It was identified that the lack of an estate management function within the current courts system was impeding the identification of solutions and productive liaison with other ministries and departments, such as the Department for Public Works. This function would be established within the new independent courts service.

Based on our current assessment, while some progress has been made, the situation regarding accommodation and storage remains critical. Some progress has been made. The Administrative Court is due to move to a new building in mid-2021. This will allow new judges to be accommodated in the Supreme Court building to deal with the backlog cases for Nicosia. In Limassol, 4 to 5 new courtrooms are being provided. In Larnaca, it is planned that space will be available in May to commence hearing of the backlog of cases.

However, as noted earlier, the lack of availability of suitable chambers and courtrooms has represented a serious impediment to making progress on the backlog. With regard to the proposed new court building for Nicosia, the project has encountered a number of obstacles to progress. Tenders are now in preparation, and the project is expected to take 4-5 years to complete. In the meantime, the poor conditions at the Nicosia courthouse persist.

3.7.1 Assessment

Major capital projects, such as the design and construction of a new courthouse, take considerable time. However, the fact that no clear project plan was in place for addressing the backlog of cases is at least one of the reasons why temporary solutions to accommodation problems have not been identified. The lack of a project management function, or a designated responsibility for estate management within the courts system, continues to impede communications and liaison with the relevant ministries and departments. The risks to document storage at Nicosia courthouse still exist. The problem of accommodation and storage remains urgent and critical.

3.8 Judicial Time Management

In the report of the Functional Review, it was noted that

... the most important resources available to a courts system to ensure that cases are heard in a fair and equitable manner, and within acceptable timeframes, are judicial time and a consistent approach to case management. (63).

In that context a number of recommendations were made. These included that consideration be given to reducing the number of supreme court judges on the appeals bench for administrative appeals and on interview boards for the appointment of new judges. Other recommendations included the expansion of the role of Registrars and Legal Officers.

As noted earlier, a number of bills are now before parliament. These relate to the separation of the Supreme Court into a Supreme Constitutional Court and a Supreme Court (Civil and Criminal Matters); the establishment of a new Court of Appeal; and the reconfiguration of the Supreme Council of Judicature, which has responsibility for the appointment of judges. It is hoped that these bills will be enacted when Parliament reconvenes after parliamentary elections. If so, this will clear the way for a number of these new structures being put in place.

3.8.1 Assessment

The bills currently before parliament, if passed, can go some way towards addressing the optimal use of judicial time. However, a number of other recommendations made in the Functional Review that would contribute to addressing this problem remain outstanding and should be progressed.

3.9 Recording of Court Proceedings

It was pointed out in the Functional Review, in relation to current methods of recording court proceedings, “that the currently inadequate level of stenography, or stenotyping, support is negatively impacting on the efficient use of judicial and court time” (147). It was recommended that this be addressed through the introduction of a system of Digital Audio Recording (DAR).

Subsequently, a technical assistance project to undertake a feasibility study on the introduction of Digital Audio Recording was funded by DG Reform of the EC, and a report delivered in July 2019. The Review Team concluded that the current arrangements for recording court proceedings are not fit for purpose and that DAR represented a feasible solution:

DAR presents a high-quality sustainable and transparent solution to the recording of court proceedings and has the capacity to meet the needs of the Cypriot courts. There is a high level of support among the judiciary, staff and other court users for the introduction of DAR. (4)

A number of detailed recommendations were made, including that planning for the introduction of DAR should commence immediately.

We understand that efforts are being made to progress this project, including involving the Department of Mechanical and Electrical Services and with support from the Deputy Ministry for Research, Innovation, and Digital Policy. A project manager has recently been appointed and an action plan has been prepared. It is not clear, however, whether the full project management structures recommended in the feasibility study are yet in place or what the timeline is for implementation.

3.9.1 Assessment

The introduction of DAR remains a priority for the reform of the courts. In the course of this assessment, it was brought to attention that although approval was given for the recruitment of 10 new stenographers, it proved impossible to recruit them; there are none available in the market. This re-confirms the challenges related to continuing with the present system.

Planning for the future arrangements for the recording of court proceedings is now even more urgent. The declining availability of stenographers, the limitations of the current stenotyping contract, together with the expected increase in the number of judges, makes this a time-critical project.

3.10 Rules of Civil Procedure

While the updating of the Rules of Civil Procedure was the subject of a separate reform project and was not specifically examined as part of this assessment, it was noted in discussions that considerable progress has been made. A project to review the existing rules was funded by DG Reform of the European Commission and managed by the IPA, Ireland. In 2019 a team of experts, headed by Lord Dyson, issued a report, “The Civil Procedure Rules - Guiding Drafts”, based on the English rules. The report was issued in English and was then translated into Greek.

The translation of the new rules into Greek was also funded by the EC and managed by the Council of Europe (COE). The translation was completed by a group of local experts. The final review was carried out by a Rules Committee, appointed by the Supreme Court. The final Greek draft of the Civil Procedure Rules was completed and submitted to the Supreme Court for review. The Supreme Court then appointed a Permanent Rules Committee (PRC), with the same membership. The final draft rules were provided to the Cyprus Bar Association and the Judges Association of Cyprus for comment. Those comments were reviewed by the PRC, which recommended acceptance of both the draft rules and comments to the Supreme Court. The Supreme Court has now approved the proposed Rules, but it has not set the date they will come into force. It is understood that the Rules cannot be put in operation until the backlog of cases is eliminated.

3.10.1 Assessment

The introduction of the new rules is considered to be a critical step in underpinning reform of the court system in Cyprus, including enabling a number of important changes. As noted above, the implementation of the new rules is dependent on clearing the backlog of cases.

3.11 E-Justice



Although the E-Justice project represents a substantial reform project in its own right and was not the subject of a detailed assessment in the current exercise, we refer to it in the context of overall court reforms. The Functional Review referred to the outdated paper-based systems that are a feature of the courts system in Cyprus and the need to replace them with technology-based systems. In the 2020 European Justice Scoreboard, Cyprus is rated among the lowest performers in terms of use of technology for case management and online access to published judgements (2020 EU Justice Scoreboard, 25-26).

At the time of the publication of the Functional Review in 2018, a call for tenders had been issued for a new E-Justice system, and submissions were being reviewed. It was expected that user acceptance testing for the new system would be completed by mid-2020. However, serious delays in finalising the issue were encountered due to administrative recourses filed in relation to the awarding of the contract. The first meeting for the new project was held in October 2020, and it is now expected to be completed in 14-16 months.

As an interim measure a system for the online filing of claims (i-Justice) was developed. This system allows for the online filing of claims, pleadings, addresses and other documents relating to a case and was due to be implemented from mid- February 2021. At the request of the Cyprus Bar Association, the Supreme Court agreed to an extension to this date to allow lawyers prepare for the change. At the time of this assessment, a pilot project was about to be implemented. The pilot project will initially deal with new cases in the administrative court, general courts and all types of applications in Famagusta Court. While it was agreed that the new system will run in parallel with the existing manual system, there is some concern that the registries will now have to handle both the i-Justice system and the manual system.

As part of the implementation of the E-Justice system the facility to pay court fees electronically is being introduced. This will eliminate the necessity to manually affix stamps to applications when initiating court proceedings.

3.11.1 Assessment

It is encouraging to note the progress with the interim i-Justice system, and that it was possible to resolve the issues of concern relating to its implementation. The main E-Justice system remains critical and fundamental to the reform of the courts system in Cyprus because of the continued dependency on manual paper-based systems and the inefficiency and risks associated with such systems. The observation in the Functional Review that “it is extremely important that the E-Justice project is not implemented in isolation but must be integrated

and coordinated with other initiatives, such as with the recommendations emanating from this functional review and from the review of the rules of court” (85) still remains relevant.

3.12 Review Arrangements for Hearing of Appeals

It was noted earlier that recommendations were made in the Functional Review to review the arrangements for the hearing of appeals. As also noted earlier, recommendations relating to the revised arrangements for the hearing of appeals have been progressed. A bill to establish a Court of Appeal is before Parliament. We understand that consensus has been achieved with regard to the passage of the bill, which it is hoped will pass when Parliament reconvenes after the May 2021 parliamentary elections. The bill is one of a number currently before Parliament that, if passed, will change both the structure of the Supreme Court and create a Court of Appeal. A former hotel in Nicosia has been renovated to accommodate the new court when it is established.

3.12.1 Assessment

The establishment of the new Court of Appeal could happen as early as September 2021 if the requisite legislation is passed and other arrangements put in place. This will be another important milestone of reform. Other aspects of the appeals process, as referred to in the Functional Review, may also be considered at that point.

3.13 Alternative Dispute Resolution (ADR)

The use of ADR is generally considered to be an intrinsic part of the case management process. The use of ADR both within and outside the courts system in Cyprus was considered during the Functional Review. It was recommended that

ADR mechanisms be established in Cyprus for dealing with personal injuries cases and consumer disputes. We also recommend that careful consideration be given to making recourse to these ADR mechanisms a requirement, as is the case with the PIAB in Ireland. If resolution is not possible using these mechanisms, then litigants retain the right to refer their case to the courts. (149)

3.13.1 Assessment

The recommendations have not been implemented to date. One of the reasons put forward for the slow adoption of ADR is that there appears to be a low level of trust in ADR among litigants in Cyprus. However, this is clearly an area where leadership to support the development and acceptance of ADR is required, and the necessary education and other processes need to be put in place to support the implementation of ADR.

3.14 Objective Criteria for the Appointment of Judges

Although not specifically reviewed as part of the current assessment, it was noted that a project was introduced to develop objective criteria for the appointment and promotion of judges. The project was funded by the EC, and a technical assistance report was prepared by international experts. Their report was issued in 2019. The recommendations were accepted by the Supreme Court. The criteria, with minor amendments, are now applied in the judicial appointments process.

3.14.1 Assessment

This represents a good example of an important reform that has proceeded from recommendation to implementation in a relatively short timeframe, reflecting how reforms can proceed where there is the capacity and willingness to implement reform.

3.15 Judicial Training

Commenting on the training of judges, the Functional Review of 2018 stated as follows:

... there is no mandatory requirement for judicial training in Cyprus. The EU Justice Scoreboard indicated that Cyprus is 4th from the bottom of the table in the provision of training to the judiciary. In 2012, Judge G. Erotocritou presented a report (2012) proposing the establishment of a Judicial School to the Supreme Court, the Attorney General, the Ministry of Justice and the Bar Council. The recommendations of the Report were accepted by the Supreme Court. (19)

The Judicial Training School of Cyprus was established by Law 101(I)/2020 on 14 August 2020. The Board of the School was appointed by the Supreme Court. Mr George Erotocritou has been appointed the first Director of the School. A Legal Officer has been assigned to assist the Director. Under the umbrella of the Supreme Court, the School has provided training to all Judges since 2017 and has trained seven judges to be the first trainers of the School. Training is also available for court staff. The Functional Review also made a number of recommendations in relation to judicial training, including a rota system for judges and the introduction of a mentoring system for new or inexperienced judges.

3.15.1 Assessment

The establishment of the Judicial Training School after many years of preparatory work, and the availability of training for judges and courts staff, represents a significant achievement and an important building block and resource for courts reform more generally in Cyprus.

3.16 International Protection



While not specifically incorporated as part of this assessment, it was noted that the Administrative Court for International Protection has been established in Cyprus to address the growing number of claims for asylum and is in operation with a complement of 5 judges. An additional 5 judges have now been approved to deal with the increasing caseload.

3.16.1 Assessment

The establishment of the new court represents an important development in response to an urgent and challenging issue. The establishment of the court has contributed to the reduction of the backlog of the Administrative Court, which previously handled cases related to international protection.

3.17 Other Areas of Reform

A bill to establish a Commercial Court is pending. When established, the court will deal with high value commercial cases over €2m and will also include the Admiralty jurisdiction. The objective is to reduce delay in the hearing of such cases and thus improve the competitiveness of Cyprus as a provider of services, attract foreign investment, and enhance long-term economic growth.

4. Challenges to the Delivery of the Courts Reform Programme

4.1 Introduction

In chapters 2 and 3 above, we have discussed in some detail (i) the stakeholders with a role to play in the courts reform process and (ii) the status of the various reform projects, including an assessment of each. In this section we summarise some of the main challenges and obstacles to the reform process that have been identified and that will need to be addressed in a Change Management Strategy.

4.2 Clarity of Roles and Responsibilities

In addition to its judicial role, the Supreme Court has responsibility for the management and administration of the courts. While the Supreme Court has the overall responsibility for the delivery of the courts reform programme, the responsibility to drive and implement the programme has been shared with the Reform Steering Committee (RSC) and the Office of Reform and Training.

During the Functional Review of the Courts System, the RSC played a key role in setting out the views of the Supreme Court and other key stakeholders, including those relating to the challenges facing the courts and the priorities for reform. Following the adoption of the recommendations of the Functional Review by the Supreme Court, the RSC met monthly to consider and monitor the progress of the reform programme. It was presented with detailed action plans related to various reform projects for its consideration. Subsequently, we understand the RSC has performed more of an information exchange role and that action plans are no longer presented or reviewed.

While the Office of Reform and Training has played a key role in driving reform projects, it is not involved in all projects, nor is it briefed on the progress of all projects. It should be noted that those projects where both the management of the project and its implementation have been within the control of the Director of Reform and the Reform Department (for example, the establishment of the Judicial Training School) have been delivered in a timely manner and to a high standard. It is where there is a lack of clarity about responsibilities and, more particularly, fragmentation of responsibilities for project management and implementation, that issues and delays have arisen.

The responsibility for the day-to-day management of the courts system is the responsibility of the Chief Registrar, who is now also heavily involved in the implementation of the reforms within the registries.

Different criteria have been established for defining the backlog of cases, also reflecting the changes in responsibility for managing the backlog. As seen from the stakeholder analysis, many other stakeholders have partial responsibility for certain aspects of reform.

It is not clear who exactly is steering and managing the overall reform programme. No one person or body appears to have full oversight of all of the individual projects. There is also no evidence that an integrated approach is being taken to projects such as the clearance of the backlog, the acquisition and development of new courts accommodation, E-Justice, CPR and DAR, where the implementation of each of these projects impacts on the other. As a result, decisions on issues within specific projects will inevitably be taken in isolation and critical interdependencies will be missed.

4.3 Resourcing

The Functional Review recommended that full-time resources should be assigned to the implementation of the reform programme. It was recommended that significant additional resources be provided to the Office of the Director of Reform and Training and that revised project management structures be put in place, including for addressing the backlog.

Mrs Aliko Serghi, Planning Officer, Ministry of Finance, provided constant and valuable assistance to the Director of Reform and Training, and some additional support was also provided at various stages over the last 3 years. While a Registrar was appointed to the Office, they subsequently departed. There are currently no additional resources provided to the Office, which faces great difficulties in seeking to cope with the several ongoing projects and other duties.

Each individual project also requires dedicated resources. The failure to establish a taskforce to manage the backlog project has contributed to ongoing difficulties with that project. The absence of project plans, key performance indicators, and up-to-date statistics means that progress cannot be measured, and the approach cannot be modified on an on-going and informed basis.

Likewise, resourcing of the registries is of key importance. The responsibility for implementation of key projects such as E-justice will fall to the registrars, who will also be required to maintain the continuity of the business of the courts while supporting new specialised courts and ensuring that maximum benefit is obtained from new systems and processes.

4.4 Resistance to Change and the Absence of a Communications Strategy

While it is clear that there is strong support for reform among the key stakeholders, there is still evidence of some resistance to reform in the parliament, in some parts of the judiciary, and amongst some staff and lawyers.

Coupled with the lack of clarity as to roles and responsibilities, the absence of a clear communication strategy has also contributed to a number of implementation difficulties, such as those relating to the i-Justice project and the clearing of the backlog. It is also clear that some key stakeholders are unaware of the full extent of the reform programme, the interdependencies between projects, the full implications of implementation, or the current status of the main reform projects.

In this context we note the recent project established by the Council of Europe to develop and implement a strategy for communications related to all aspects of courts reform, including (but not limited to) the new Rules of Civil Procedure. A company has been engaged to undertake the development and implementation of a communications strategy. The communications strategy is intended to create awareness and positive sentiment regarding judicial reform among beneficiaries and the general public, and to educate relevant stakeholders regarding the new rules. This is clearly a very important project; clear communication of the objectives of reform, and the development of positive sentiment towards change, will be critical to making progress in the next phase of the reform process.

4.5 Strategy, Planning and Project Management

While progress is being made with certain aspects of the reform process, the progress is 'patchy,' and in some cases there is a lack of urgency. This is undoubtedly partly due to the fact that many of the key stakeholders have onerous other duties outside the reform process in managing and delivering the ongoing business of the courts.

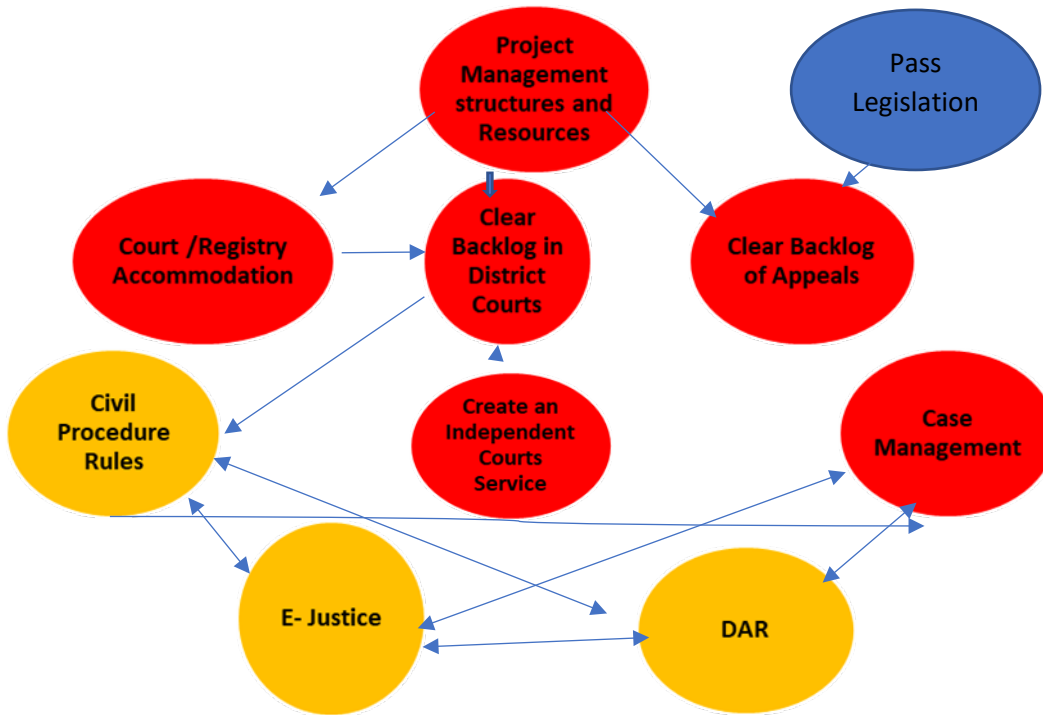
What is clearly lacking, however, is an *overall strategy* for reform, one that clearly sets out 'the big picture' and the key milestones along the way. Also missing is the ongoing planning needed to co-ordinate the key stakeholders and their involvement at the right time and to ensure that interdependencies between projects, and other critical dependencies, are identified and managed. There are insufficient project management skills and resources available both to the overall reform process and to specific projects. Project management capability is essential for managing the implementation of a complex reform process such as courts reform. As discussed above, there also needs to be a clear designation of responsibilities and accountabilities for implementation.

4.6 Project Interdependencies

As mentioned throughout this report, there are many key interdependencies between the various strands of the courts reform process. It is not possible to set out the full set of these interconnections and interdependencies, and indeed to do so would require detailed analysis of the various projects and of how their elements relate to each other.

However, it is critically important that the fact of these interdependencies is recognised and that a detailed analysis of the interconnections is done. This will allow for project plans that incorporate key connection points and discussions between project teams and the appropriate sequencing of tasks and activities across the whole reform process. Figure 3 below provides a simplified conceptual framework, developed by the experts, of some of the key dependencies between projects and strands of the reform process. The creation of an independent court service is placed at the centre as, when established, it will influence and impact every aspect of reform.

Figure 3 Conceptual Framework of Project Dependencies



4.7 Conclusion

The current assessment has set out the situation with regard to various key courts reform projects in Cyprus. We have described the multiple stakeholders that need to be engaged in a co-ordinated way with the various reform projects. We have also described the multiple reform projects that are currently underway and at various stages of progress, and others that are still awaiting commencement. Making rapid progress on some of these, particularly the clearance of the backlog of cases, is critical to making progress on other projects. We have reflected this in our discussion of critical project interdependencies.

In our discussion of the specific projects at chapter three, we have made an assessment of their criticality and risk, one based on a ranking system. A number of these projects have been assessed to be at the highest level of risk/criticality. A small number of reform projects have also been implemented successfully, reflecting the capacity within the system to implement change when there is a determination and focus to do so. Most particularly, we would point to the success of the Director of Reform and Training in successfully implementing projects for which that Office has had clear responsibility. This success highlights the importance of having a clear allocation of responsibilities for the management and implementation of all reform projects, along with the adequate resources, skills, and capacity to match those responsibilities.

We have emphasised that in order now to make systematic progress across the whole reform process, new approaches are required. The courts reform process in Cyprus represents a highly complex process of reform. While progress has been made, and there is undoubtedly significant commitment to reform amongst the stakeholders, the structures, skills, and

project management capacity currently in place are inadequate for a reform process of this size, complexity, and criticality, one that is important not just for the courts system in Cyprus, but for the social and economic well-being of the country.

In order to make real progress to the next stage of reform of the courts system in Cyprus, these issues will have to be addressed in a holistic and comprehensive manner. The issues will be addressed in more detail in later components of this Council of Europe-supported process.

Appendix 1 - Participants in Online Interviews February – March 2021

Cyprus Courts

Judge Persefoni Panyani	President of the Supreme Court of Cyprus
Mr. George Erotocritou	Director of Reform
Mrs. Phani Hadjiphani	Legal Officer, Judicial Training School

Ministry for Justice and Public Order

Ms. Emily Yiolitis	Minister
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Ministry of Finance

Mr. George Panteli	Permanent Secretary
Mrs. Aliko Sergei	Planning Officer

Institute of Public Administration (IPA)

Dr. Brian Cawley	Senior Expert and former Director General, IPA
Dr. Michael Mulreany	Assistant Director General, IPA
Ms. Olive Caulfield	IPA Team

Cyprus Bar Association

Dr. Christos Clerides	President
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