



**MINISTÈRE  
DE LA JUSTICE**

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# The assignments entrusted to France's inspectorate general of justice

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### A changing inspectorate

Placed under the authority of France's Minister of Justice (garde des Sceaux), the Inspectorate General of Justice ("IGJ") created by decree no. 2016-1675 of **5 December 2016** merged the French Ministry of Justice's three inspectorates: prison service, youth protection services and judicial.

It may be entrusted by the Minister of Justice with any assignment concerning the provision of information, expertise and advice, as well as any assignment regarding the assessment of public policies. These assignments may also be requested by France's Prime Minister or, when authorised by the Minister of Justice, by other ministers or national and international authorities.

In addition to its traditional assignments which are the audit of operations, the inspection of operations, administrative investigations, topic-based assignments, inter-ministerial assignments or international assignments, the IGJ is also developing new assignments relating to the provision of support and advice, and case-based examinations. Strengthened by its expertise regarding the Ministry's various networks, the diversity of its members' experience, the methodology, code of conduct and independence which underlie each of its assignments, the IGJ has significant coordination and mobilisation capacities which are relied on by both territorial managers and the central authorities.

This diversity provides the wealth of an inspectorate that aligns itself closely with the concerns of its partners to guarantee the responsiveness and effectiveness that are essential to the proper functioning of the institutions.

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# TRADITIONAL ASSIGNMENTS

## Contrôle de fonctionnement

### Definition

The oversight of operations consists of assessing the activity, operations and performance of the court, department or establishment monitored. It identifies any difficulties encountered and also recognises best practice in terms of operations.

No assessment can be made of individuals or of the court sphere.

Any recommendations or observations of use are then issued.

### Exhaustive and methodology-based team work

The methodology used for the oversight of operations is based on guidelines drawn up and validated on a collective basis. It relies on an initial phase consisting of the search for documents produced by the structure in question.

The assignment team sets a forward-looking timetable for all phases of the monitoring, which is disclosed to the relevant individuals.

The verifications cover all of the areas within the jurisdiction of a court or a department.

All available information is used and examined collectively.

Upon completion of an on-site visit, the assignment team summarises the

interviews and investigations completed. It highlights the initial observations and identifies any positive points and areas for vigilance.

### Drafting of a report released for discussion

The interim report highlights any strong points (what's working well) and points for vigilance (what could be improved).

It is a dynamic summary rather than a descriptive report.

The interim report is discussed by the chief justices of the court or the heads of department, who have the opportunity to make all useful observations regarding the analyses.

The final report integrates these observations and the assignment's responses. It is submitted to a "committee of peers" (COPAIRS) for discussion and opinion.

It is signed by the members and sent to the Minister of Justice who determines its circulation.

### Follow-up on the recommendations made

The assignment team checks whether its recommendations have been implemented after a period of three, and then six months.



### Examples :

oversight of the work carried out by the court registry departments, by the courts of appeal, by prison administration structures or the legal teams of the youth protection service, by the specialist employment tribunals and commercial courts, etc.

## OVERSIGHT OF OPERATIONS

### Carried out by?

IGJ Inspectors

### On behalf of?

The minister, top court officials, directors of institutions and departments

### What?

Organisation, operations and performance of a court, institution or department within the Ministry of Justice

### Why?

To identify strong points and points for vigilance, to improve operations

### How?

Operations monitoring guidelines

# TRADITIONAL ASSIGNMENTS

## Inspection of operations

### Definition

Inspections of operations are carried out at the request of the Minister of Justice in the context of problems identified regarding the functioning of a department.

The assignment must identify the causes and assess the organisation and operation of the structure in question within the ministry of justice. Under no circumstances can this involve an assessment of the individual performance of the members of the department in question.

The assignment team makes recommendations which make it possible to avoid such situations recurring.

### Conduct

Each assignment team has complete freedom to set out its observations, analyses and recommendations. Because of the freedom in terms of methodology granted to inspections of operations, the process can be adapted to the specific nature of the issues identified. Tools are borrowed from the various mechanisms developed by the IGJ, such as guidelines.

### Investigation

Investigations are two-stage, in accordance with the principles which guide the work of the inspectors (analysis, observations, proposals). Upstream, documents are collated and examined and observations then made on site. These visits are devoted to drawing up an inventory and conducting interviews with the individuals in question.

### Report

The report may take a variety of forms depending on the multiple fields and specific details of each inspection.

### Monitoring

The report is not subject to a counter-examination by the structure inspected prior to release to its initiator. Proposals regarding the circulation of the report may be made to the relevant departments at the Ministry.

The recommendations made by the operations inspection are not monitored.



### Examples :

assignment concerning a prison establishment following a hostage-taking, a break-out, an educational centre closed down following a critical report, a local court following a compliant, etc.

## INSPECTION OF OPERATIONS

### Carried out by?

IGJ Inspectors

### On behalf of?

The minister

### What?

Malfunctions within a department

### Why?

To end the malfunctions

### How?

No methodology imposed

# TRADITIONAL ASSIGNMENTS

## Administrative investigation

### Definition

Entrusted exclusively by the Minister of Justice to the IGJ, the administrative investigation consists of determining whether, in their professional duties, a judge or a civil servant within the Ministry of Justice has committed any faults or behaved in a manner liable to sanction on disciplinary grounds. Administrative investigations always target a named individual and, on this point, stand apart from all of the Inspection's other assignments.

### Composition of the assignment team

For civil servants, the assignment team consists of inspectors or general inspectors from the Inspectorate-General of Justice, including at least one individual from the same division or body as the individual who is the subject of the investigation.

**Only judges are able to carry out an administrative investigation relating to a judge.**

### The guarantees provided to the individual who is the subject of the investigation:

- They may be assisted by a lawyer, a trade union representative, a judge or a civil servant from the Ministry of Justice.
- They make a sworn undertaking to keep confidential any documents disclosed to them.
- They are provided with a copy of the initial documents in the file along

with the engagement letter served by the inspectors. Upon completion of the investigations, they are provided with a copy of all of the documents ahead of his questioning. The questions asked are based on these documents only.

- They are given sufficient notice of his questioning to allow them to prepare for the interview. After this interview and within the deadline indicated, they may submit any documents and make any comments or requests for investigations.

### The investigation

- Investigations may extend to include facts and events other than those described in the engagement letter.
- Minutes are drawn up for all interviews and signed by the party in question and the auditors.
- Interviews are always conducted by at least two inspectors.

### The assignment report

This includes:

- an examination of the career path of the individual in question.
- an analysis of the actions cited and of his behaviour more generally.
- a conclusion in which the assignment team confirms any breaches if applicable.

The report is sent to the Minister of Justice alone, who assesses the next steps to be taken. The individual in question is informed when the report is filed.



### Examples :

professional or personal conduct of an individual within the ministry of justice.

## ADMINISTRATIVE INVESTIGATION

### Carried out by?

IGJ Inspectors

### On behalf of?

The Minister

### What?

Individual behaviour

### Why?

To identify breaches

### How?

Case law of France's Supreme Court for administrative matters (Conseil d'Etat) and the Supreme Council of the Judiciary (Conseil supérieur de la magistrature)  
IGJ's specific methodology

# TRADITIONAL ASSIGNMENTS

## Topic-based assignment

### Definition

Topic-based assignments are designed to assess the effectiveness and relevance of a public policy or the implementation of a legislative reform, whether specific to the Ministry of Justice or shared with other Ministries.

They may also cover a more targeted assessment of the resources necessary for a policy and the potential areas for rationalisation that can be contemplated to achieve improved results. They may constitute expertise on specific technical subjects.

Topic-based assignments describe, measure and analyse the actual effects and results obtained. They may lead to recommendations. They cover a particularly wide range of subjects.

### Organisation

Since the merger of the Ministry of Justice's three inspection teams in 2017

(prison service, youth protection services and judicial), the composition and organisation of the Inspectorate General of Justice has favoured topic-based assignments.

### Methodology

This is based on the conduct of in-depth investigations into the field in question, with on-site visits and numerous interviews. This is an innovative approach triggering research and encouraging discussion among qualified individuals, adopting an approach involving comparisons with practice outside of France.

Comparing and analysing the data collected enables a report to be drawn up and recommendations to be made which may have effective next steps, including in terms of legislation.

The publication of topic-based reports allows citizens to be kept informed.



### Examples :

environmental justice, domestic homicides, discipline within the legal professions, court-ordered prisoner transfers, the legitimate expectations of persons involved in court procedures, etc.

### TOPIC-BASED ASSIGNMENT

#### Carried out by?

IGJ Inspectors

#### On behalf of?

The Minister

#### What?

Public policies

#### Why?

To assess the intrinsic value of a public policy, prospects

#### How?

IGJ's specific methodology

# TRADITIONAL ASSIGNMENTS

## Inter-ministerial assignments

### Definition

For several years now, the Inspectorate General of Justice has been developing its expertise in the area of the assessment of public policies and prospects. It is regularly invited to conduct assignments in partnership with other inspectorates general.

The Inspectorate General of Justice (IGJ) works closely with the Inspectorates General of Administration (IGA), of Finance (IGF), of Social Affairs (IGAS), of Foreign Affairs (IGAE), of Education, Sport and Research (IGESR) and also with the General Councils for Sustainable Development (CGEDD), for the Armed Forces (CGA) and for Economic and Financial Audit (CEGEFI).

Certain members of the IGJ are moreover also members of the intelligence services inspectorate which carries out specific inspections and audits at the request of the Prime Minister.

Acting jointly with these bodies and departments, the Inspectorate General of Justice responds to orders from political authorities (the Prime Minister, the Minister of Justice, other Ministers) aimed at:

- providing an overview on matters concerning the action taken by multiple ministries,
- assessing the effects of a major public policy,

- resolving an inter-ministerial dispute on the implementation of an administrative process,
- imagining the next steps necessary for the public action of the future.

The engagement letter is signed by the Ministers in question and sent to each Head of Inspectorate.

### A shared methodology detailed by an inter-ministerial charter

The teams in charge of assignments of this type apply a robust methodology based on the objectiveness of the observations made, on a cross-analysis and on the realistic nature of the recommendations made.

Inter-ministerial assignments make every effort to conduct multiple discussions involving all sides with the courts or administrations in question, so as to promote the acceptance of any recommendations made.

### International topic-based assignments

Thanks to the European network of inspectorates, the Inspectorate General of Justice is moving towards the implementation of veritable international topic-based assignments, aimed at improving the sharing of experience on a Europe-wide level, the assessment of shared mechanisms and the implementation of new tools for cooperation within the European Union.



### Examples :

the decriminalisation of parking offences, the social security and tax status of civil servants, court-ordered prisoner transfers, the assessment of mechanisms designed to prevent radicalisation, law and the environment, etc.

## INTER-MINISTERIAL ASSIGNMENTS

**Carried out by?**  
Inspectors from different Inspectorates

**On behalf of?**  
Multiple Ministers

**What?**  
Assessing a public policy

**Why?**  
To develop effectiveness

**How?**  
Inter-ministerial assignment guidelines

\*Please read The assignments of the European Network of Justice Inspection Services (RESIJ) - Page 14

# TRADITIONAL ASSIGNMENTS

## The assignments of the European Network of Justice Inspection Services (RESIJ)

### Definition

The international dimension of the IGJ's activities is defined by Article 6 of Decree 2016-1675 of 5 December. The Minister of Justice or the Prime Minister may "entrust to the General Inspectorate any assignment concerning the provision of information, expertise and advice, as well as any assignment regarding the assessment of public policies, training and international cooperation".

The Decree sets out the possibility of carrying out these assignments at the request of international courts, foreign governments, international organisations or the European Union (EU).

### Creation of the European Network of Justice Inspection Services (RESIJ)

In 2017, the IGJ organised a first conference bringing together representatives of:

- the justice inspection services of 14 European countries: Belgium, the Czech Republic, Italy, Lithuania, Montenegro, the Netherlands, Poland, Portugal, Romania, Serbia, Slovenia, Spain and the United Kingdom,
- the European Union (EU),
- the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe.

The objective was to analyse how the national judicial inspection services could contribute to improving the quality and

efficiency of the justice systems within the European Union.

In February 2018, the six EU Member States (**Belgium, France, Italy, Portugal, Romania and Spain**) created the European Network of Justice Inspection Services (RESIJ) chaired by France. These countries were joined by **Bulgaria** in 2019. **Luxembourg** and the **Czech Republic** have observer status.

The IGJ is completing an important initial stage in the consolidation within Europe of national inspection services.

### An initial European inspection

RESIJ launched a joint assessment assignment, carried out by members of the inspection services of the six countries, relating to the manner in which several instruments for judicial cooperation on civil matters are implemented. The choice retained concerns areas which have a significant impact on the lives of European citizens, such as, for example, Regulation (EC) no. 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.

This assessment work, completed between 2018 and 2020, comes in the context of the "**Evaluation of European instruments of judicial cooperation in civil matters, by national inspection authorities**" (ECJIN) validated by the European Commission.

## ASSIGNMENTS OF THE EUROPEAN NETWORK OF JUSTICE INSPECTION SERVICES

### Carried out by?

The national justice inspection services, RESIJ members

### On behalf of?

The European Union and national judicial organisations

### What?

A common public judicial policy

### Why?

To harmonise practices

### How?

Innovative and operational European methodology

# NEW ASSIGNMENTS

## Support assignment (MAPPU)

### Definition

Support assignments are the consecration of a major change for the IGJ concerning its relations both with the central authorities and with the Ministry of Justice's decentralised courts and departments. They are the response to a significant need for support to be provided to individuals on the ground, against a backdrop of an increase in transformation issues. For the IGJ, this involves fully implementing its advisory mission and joining a movement reaching across different general inspectorates.

### Method

The support assignment is flexible and can be implemented, for periods of varying length, according to differing timeframes. It is addressed to the geographical heads of decentralised departments and courts, and to the central administration, offering them a methodology and tools to apprehend the reality of a change, most usually resulting from a reform.

The IGJ affirms its status as a "trusted third party" to which those in charge of reforms can turn. Against a background in which resistance to change may be strong and balance hard to find, the IGJ can therefore make a contribution, through its work, to attaining greater acceptance with regard to the transformations being implemented.

### Actions taken

- Support to chief justices with the implementation of the new geographical organisation of the courts.
- Support to courts and the central administration for the implementation of the reform of sanctions.
- Support for the reform of criminal justice in relation to minors.
- Support for the deployment of the secretariat general of the Ministry of Justice in France's overseas territories and departments.
- Support for the governance of prison services in France's overseas territories and departments.
- Support for the assessment of France carried out by the FATF (Financial Action Task Force).
- Support for the deployment of internal control mechanisms within the Ministry of Justice.
- Support for the adaptation of the work carried out by the courts and support services in the context of the current public health crisis.
- Support for the assessment of the mechanism for the removal of violent spouses and the use of electronic tagging to enforce restraining orders.

### A set of specific support measures

In the context of the work on the reform of criminal justice in relation to minors, the IGJ was involved to facilitate the drafting of the statute (Ord. 2019-950, 11 Sept. 2019 [due to come into force on 1. Oct. 2020] repealing Order 45-174 of 2 February 1945 : JCP G 2019, doctr. 1132, Étude E. Gallardo. - S. Jacopin, « La codification de la justice pénale des mineurs : entre continuité(s) et rupture(s) » : LPA n° 203, 10 Oct. 2019, p. 6 et s). The advice given was aimed at facilitating the work carried out by the departments and the cabinet in accordance with the strategy defined by the Ministry of Justice and at ensuring the overall coherence of the statute, which excluded any involvement by the Inspectorate in the actual drafting process. In a second phase, the IGJ is continuing to work alongside departments and stakeholders in the field in order to provide support for this change resulting from the enforcement of the new statute.

### Examples :

Order of 1945, block sentencing, organisation of the prison administration department (DAP) in overseas territories and departments, support for the deployment of the restraining order electronic tagging system (BAR), etc.

### SUPPORT

**Carried out by?**  
IGJ Inspectors

**On behalf of?**  
Courts and departments

**What?**  
Evaluation and advice

**Why?**  
To support for reforms

**How?**  
Case-by-case methodology

# NEW ASSIGNMENTS

## Case-based examination

### Definition

The case-based examination is an advisory assignment designed for a short period of time: five to six weeks. It is aimed at analysing any malfunctions within central or decentralised departments. To remedy such malfunctions, it puts forward operational solutions focusing on organisational and managerial issues and the management of psycho-social risk factors.

It does not under any circumstances apportion responsibility.

### Conduct

The situation is examined in the context of a three-dimensional mechanism:

- **seeing** : a team of inspectors is rapidly appointed and operational;
- **knowing** : investigations are carried out into the manner in which a department is organised, management and the psycho-social risk factors (RPS);
- **acting** : recommending customised solutions.

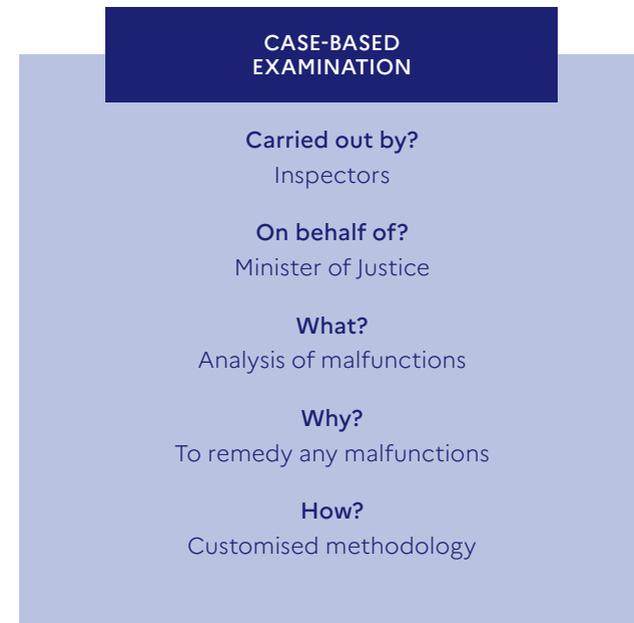
### Partners

In the context of the examination of a situation, the team of inspectors may be supported, at its own request or at the initiative of the Minister of Justice, by the services of an expert. This expert may be a judge, a civil servant, a member of a consulting firm or any other individual with specific expertise.



### Examples :

Functioning of a court registry, the human resources of a regional administration (SAR), the human resources department of a division, etc.



# ||| • AUDIT ASSIGNMENTS (MMAI)

## Organisation

Chaired by the **Minister of Justice, the Ministerial Internal Audit Committee (CMAI)** defines the **Ministry's audit policy**. This is implemented by the **Ministerial Internal Audit (MMAI)**, which reports to the Inspectorate General of Justice (IGJ). The MMAI and the CMAI have operational authority over the internal audit division, the unit within the IGJ which carries out the internal audits scheduled by the CMAI.

## The team

The internal audit is led by a manager and his deputy, and consists of six auditors.

## Frame of reference

To complement the work of the IGJ, the internal audit forms part of the mission to improve and rationalise public management. Its functioning is based on its objectiveness, independence and respect for the professional standards drawn up by the Committee for the Harmonisation of Government Internal Audit (CHAIE). These standards form the internal audit's frame of reference within the Government department (CRAIE).

**The internal audit charter** is completed by a protocol linking the Office for Budgetary Responsibility (Cour des comptes) and the IGJ. This document defines the interaction between the work of the Office for Budgetary Responsibility

and the Ministerial internal audit, organising their working relationship, exchanges of information and reports, in compliance with obligations relating to confidentiality.

## The assignments

The scope of action applies to all units, teams and departments within the Ministry of Justice, to the corresponding operatives and to any associations funded for the most part by the Ministry.

The MMAI analyses the risks that apply to the implementation of public policy regarding justice for which the Minister is responsible. On this basis, the MMAI establishes an annual scheduling proposal aimed at handling certain of the Ministry's most at-risk processes.

## Conduct

Assignments are performed both within the central administration and in decentralised department, sometimes in partnership with another audit function. They may relate to any division within the Ministry. The auditors draw up a report on the basis of contributions from all sides, including recommendations. The implementation of the latter by the relevant departments is monitored by the division. Assessments are made six and eighteen months after the date on which the final report was sent to the parties audited.



## Examples :

The Portalis project, the accounting quality of the Ministry of Justice's payroll costs, the mechanism used to monitor the management of high-risk detainees, the implementation of the GBCP decree by the MJ's schools, the review of prison PPP expenses, the implementation of the recruitment of contractual staff within the central administration, financial year end operations (partnership with the DGFiP's risks audit team), the deployment and application of the procurement card, rendering reliable the data contained in the national criminal records on the identification of individuals found guilty, the implementation of the Ministerial plan for the management of psycho-social risks.

## INTERNAL AUDIT

### Carried out by?

The auditors

### On behalf of?

The Minister and the departments audited

### What?

The various processes of the Ministry and the corresponding risk management mechanisms

### Why?

To achieve the Minister's objectives, to provide assurance on the degree of control over the activities and advice as to how to improve operations

### How?

Methodology supported by standards, independence and objectiveness

## PERMANENT COORDINATION ASSIGNMENT WITH WORKPLACE HEALTH AND SAFETY INSPECTORS (ISST)

### The organisation

Part of the Ministry of Justice since 1998, workplace health and safety inspectors (ISST) have reported to the IGJ since 2001. This reporting in operational terms to the General Inspectorates of the relevant Ministries was set out by Decree 82-453 of 28 May 1982 (as amended) on workplace health and safety, and medical risk management in the civil service (art. 5-1) and to the IGJ by an order dated 19 June 2001 (as amended).

This reporting in operational terms enables the independence of the inspectors and the objective nature of their observations to be guaranteed and protected, and promotes the effectiveness of their recommendations.

Their actions are led by the head of the audit function, the order giver. Members are coordinated in the context of a permanent assignment.

### Their assignments

The workplace health and safety inspectors audit all rules relating to the protection of physical and mental health and to the safety in the workplace of over 90,000 agents across more than 1,000 sites.

The eight inspectors (one dedicated to the central administration, three to the DSJ, two to the DPJJ and two to the DAP) have as their primary role the audit of compliance with the rules relating to health and safety in the workplace and the fire prevention rules in establishments open to the public within the departments and the physical properties of the Ministry of Justice.

They play a major role in providing expert advice to department heads on the application of the rules governing the management of professional risks and the improvement of conditions in the workplace, in order to develop a suitable risk management policy.

They lead the network of workplace health and safety stakeholders, in particular – risk management advisors and assistants, take part in meetings of workplace health and safety committees (CHSCT) and take part in numerous training sessions held at the Ministry's schools.



### Areas concerned

premises of the judicial courts, prisons, youth protection centres and the central administration, etc.

### WORKPLACE HEALTH AND SAFETY INSPECTORS

#### Carried out by?

Workplace health and safety inspectors

#### On behalf of?

Department heads and agents

#### What?

Protection of physical and mental health and safety of agents in their work.

Management of professional risk

#### Why?

To ensure protection and planning

#### How?

On-site inspections

Expertise and advice



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