Clear language on the agenda of the judicial system
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There is also a Dutch and French version of this document.
Er bestaat ook een Nederlandse en Franse versie van dit document.
Il existe aussi une version néerlandaise et française de ce texte.

You can consult or download this document on the High Council of Justice website.

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Introduction

The Crocus Plan 2017-2020 of the High Council of Justice (HCJ) is a multi-year programme involving various projects. One of these consists of “ensuring that magistrates and non-magistrates are mindful of the use of accessible and comprehensible judicial language to enable or facilitate the application of the law”.

The purpose of this document is to encourage all involved, both judicial and extrajudicial, to pay constant attention to the subject of accessible and comprehensible language, whether spoken or written. It is also an instrument intended to critically analyse the initiatives of the High Council, the judicial bodies and their partners in this matter.

The main focus is on legal language with respect to legal proceedings. This text is primarily intended for legal professionals.

This document consists of three parts. The first part describes the need to collaborate on accessible language. In it, the HCJ also gives some general guidelines.

In the second part, the HCJ reports on the activities of the “Accessible and comprehensible judicial language” working group, which it created for this project. This group analysed a series of initiatives concerning the accessibility of legal language. On the basis of this analysis, the HCJ put together a number of practical recommendations, with the aim of giving the projects on the accessibility of legal language a greater chance of success.

The third part consists of a practical overview of the existing projects (including contact addresses) that can inspire others to work on accessible legal language. The document ends with a list of useful references.
Part 1

The justice system must communicate in a clear and accessible manner

1. Why is it important for judicial language to be accessible?

1.1. Presentation of the issue

The 2014 survey (Justice barometer) indicated that 61% of citizens had confidence in the justice system. The scores for teaching and the police were much higher (91% and 81%). One explanation for the lower score recorded by the justice system concerns the language used by the professionals involved. 61% of respondents think that judicial language is not clear enough\(^1\).

In 2016, the percentage of citizens who considered that judicial language was not sufficiently clear was 86%, according to an Internet survey. Among these, there is a substantially higher proportion of people who have already appeared before a court as a “plaintiff, defendant or witness”. Another significant finding from this survey was that 68.8% of lawyers and company legal advisors themselves believed that judicial language is not clear enough. What is more, that was also the case for 66.5% of magistrates. There is no significant difference between French-speakers and Dutch-speakers\(^2\).

1.2. The accessibility of the language goes to the heart of the constitutional State

The existence of jargon or a specialist vocabulary is specific to any professional context, including the legal environment. It is quite normal for laymen to be unfamiliar with some notions.

However, the judicial context is quite distinctive. Indeed, the justice system constitutes one of the three State powers. A democratic constitutional State can only exist if its citizens trust the institutions. Someone who does not understand something, or is not in a position to understand it, risks turning away from it. Inaccessible language only encourages a lack of comprehension and weakens trust in a constitutional State.

It is therefore time to take a giant step towards the use of comprehensible language in the administration of the justice system being definitively established as one of the basic requirements of a constitutional State.

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\(^1\) See the results of the justice survey: [http://www.csi.be/fr/content/barometre](http://www.csi.be/fr/content/barometre)

\(^2\) For more about this survey, see: E. Michaux en G. Vervaeke, “Innovatie binnen justitie. Professionals en ketenpartners aan het woord”, *NJW* 2017, fasc. 355, 50-59. Our thanks go to E. Michaux, who made the figures available to us.
1.3. Accessible language, a quality label

It cannot be denied that the accessibility of the language in the sphere of law and justice has progressed over recent years. Comprehensible language is no longer a secondary activity reserved for a few well-intentioned people but has, rather, become a label of quality. The use of accessible language meets current standards for the administration of justice.

For example, the Consultative Council of European Judges (CCJE) made the following observation in 2005:

“The language used by the courts in their judgements and decisions is not only a powerful tool provided to them to fulfil their informative role (…), but it also constitutes, naturally and more directly, the “law in practice” for those accused of a crime. It is therefore desirable that it is accessible, simple and clear. The CCJE comments that, in some European countries, the judges believe that the shorter a judgement is, the more authority it has; in others, they feel obliged, or are obliged by the law or practice, to explain extensively in writing all aspects of their decisions. Without having the aim of dealing in depth with a subject which is heavily influenced by national legal styles, the CCJE considers that a simple and clear judicial language is beneficial as it makes the rule of law accessible and foreseeable by the citizens, if necessary with the assistance of a legal expert, as the case-law of the European Court of Human Rights suggests. The CCJE considers that judicial language should be concise and direct, avoiding - except when it is necessary - Latin or other wordings that are difficult to understand for the general public. Legal concepts and rules of law may be quite sufficiently explained by citing legislation or judicial precedents.”

“All judicial decisions must be intelligible, drafted in clear and simple language - a prerequisite to their being understood by the parties and the general public. This requires them to be coherently organised and articulated in a clear style accessible to everyone. Each judge may opt for a personal style and structure or make use of standardised models, if they exist. The CCJE recommends that judicial authorities compile a compendium of good practices in order to facilitate the drafting of decisions.”

Defenders of the viewpoint that a clear legal language would be superfluous, or even incompatible with correct legal language are fortunately few and far between.

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1.4. Using accessible language: an ethical duty for all participants in the justice system

Approaching those members of the public involved with the system and ensuring that it is understood, as far as possible, by a wider public constitutes evidence from the positive ethics viewpoint\(^5\). Behaving with dignity also means communicating clearly and acting accordingly. Being open to criticism and showing a constant desire to improve are important values for all legal professionals.

Taking the trouble to word “learned” concepts more simply shows great intelligence and open-mindedness from a legal perspective. In legal language, rigid and formal terminology often conceals an ignorance of key concepts and can betray a lack of personal investment.

Magistrates and lawyers must take no satisfaction in the length of their reasoning or the use of technical jargon but, rather, in the knowledge that their message has been understood and their objective accomplished.

1.5. Accessible language is effective and efficient

Clear language is also essential for practical reasons. The use of “ordinary” language makes the administration of justice more effective. Accessible language leads to greater transparency, predictability and legal security, and therefore fewer disputes having to be taken before the court. Communicating simply helps to avoid a lack of understanding and unnecessary appeals.

The use of everyday language is also advantageous for legal professionals: understanding a simple text or message becomes quicker and easier than having to decipher a complicated and artificial message.

Over time, therefore, accessible language helps to save time and money.

Initially, such a change will need an investment of time and resources. It requires legal professionals to leave their comfort zone. That means they also have to be open to criticism concerning the language they use.

1.6. Accessible language improves legal clarity

Legal practitioners like the security and precision that traditional legal language offers. They are often hesitant about the idea of using simple language through fear of losing some of the subtler nuances of a more formal language.

However, the use of simple language must not include the systematic suppression of legal concepts. It appears that, on average, only 2% of a legal document consists of specific legal and technical concepts\(^6\). These few concepts could easily be accompanied by a brief explanation. This would enable lay people having to deal with the justice system to know what they mean, in real terms, when applied to them.

The use of simple language and a concise style requires the author to get to the focal point of the message. Someone with a detailed knowledge of the subject is also likely to be able to word the substance of it simply and accurately.

2. What is “comprehensible”, and for whom?

2.1. Accessible language means communicating in the right way

Too often, “comprehensible language” is only associated with the most disadvantaged people in society subject to the jurisdiction of the courts. Quite clearly, it is necessary to pay even closer attention to clarity of language when dealing with people with a more limited social and cultural capital. It is, however, much more than that.

Language is a cultural issue and is linked to how we behave. While in some cultures the use of a very direct or critical style shows respect, other cultures opt for an indirect approach to avoid confrontation. Consequently, the question of knowing what can be thought of as clear or simple language must be placed in a broader context.

There is only one clear and correct form of language. That involves communicating in an appropriate way with the receiver (individual or collective) by whom you wish to be understood. In some cases, that will mean opting for simple language. In others, over-simplification will be taken for a lack of respect for the receiver.

The question is therefore: “Who am I addressing in the first instance?” and “How can I adapt my way of communicating to this individual?”.

Furthermore, the language used by the justice system faces an additional challenge. The publication of judgements and rulings means that, while a judicial decision is initially intended for the parties to the proceedings, it is also intended, indirectly, for a

\(^6\) See [www.plainlanguage.org](http://www.plainlanguage.org).
wider audience, and even for everyone. This publication will be even more extensive if the project for making final judgements and rulings available on line (free of charge) is successfully completed, as is done in other Member States of the European Union. The judges must therefore engage in a balancing act. In these conditions, the quest for a clear language must go beyond the level of “Don’t say this, say that”.

2.2. Accessible language means communicating with a recipient

2.2.1. A customised project is preferable

What is clear and comprehensible for one person is not necessarily so for another. Communication is a relationship between the giver of a message and the receiver(s). The communicator must therefore determine, as accurately as possible, who will receive the message.

Any communication by those working in the justice system must take account, as far as possible, of the (assumed) language level of the recipient. It is too easy to proceed on the principle that someone else will “translate” the content. Each individual must show the discipline to word the message as clearly and simply as possible for the person it is aimed at.

The message must not/cannot be sent in the form of a continuous “text”. A suitable layout, a schematic presentation or even pictograms can prove useful. Of course, verbal explanations can help to clarify things.

Whenever possible, legal professionals should themselves check that the recipient has correctly understood the message. It can be instructive to ask the recipient to repeat (in their own words) what has been said.

2.2.2. Not everyone has the same language level

It is not always easy to know (in advance) exactly what the recipients understand. Not everyone necessarily speaks/understands Dutch, French or German. A fairly high number of people subject to the jurisdiction of the courts have not lived in Belgium for very long. The development of language among minors or some mentally disabled people is not always very advanced. To understand this situation, the following might serve as a point of reference.
Some scientific studies focus on the general language level within a country (without taking account of the degree of legal knowledge).  

We can start from the principle that most legal professionals practice the highest language level, level C2, which only comprises 5% of the population.  

Someone using language level B1 would reach 80% of the population. People with level B1 can understand documents mainly written in commonly used terms. However, they can also understand more difficult language if this is often used in the course of their work, or a hobby, for example. In many cases they have no prior knowledge of the judicial system, the role played by each of the professionals involved or the correct procedure.

Legal professionals must therefore try to adapt their communication to this extended target group. Broadly speaking, we are talking about the language level of students at the first grade of secondary education. This language level is still too high for some people. That is why a customised project is crucial: legal professionals must make every effort to identify what the person concerned understands or does not understand, and to adapt their method of communicating accordingly.

It goes without saying that legal precision must not be affected by this, something that is generally less of a problem than legal experts might think.

### 2.3. Formal language is unnecessary

Some in the justice system emphasise their particular position within society by using extremely formal and even ceremonial expressions. Some of them use this “elevated” language quite deliberately: is justice not rendered “in the name of the King”, and do the magistrates not constitute one of the three State powers? The court bailiffs receive their official mission of executing judgements in the name of the King. And the lawyers see themselves as an independent counter-power. Surely positions of such importance merit being estimated at their true value? Is using a formal and ceremonial language not simply a matter of showing professional awareness? Does such language not appear “more professional”?

The HCJ is convinced that elevated language, when misused, can create an unnecessary distance from the citizens of our open and diverse society. For example, the use of the majestic plural is not really necessary to have authority.

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8 [https://paktaal.nl/taalniveaus](https): for proof of one’s knowledge of French in order to obtain French nationality, it is necessary to reach level B1 (in spoken French).

9 See no. 1.6, page 4.
On the contrary, ensuring that those subject to the jurisdiction of the courts correctly understand the significance of what is happening by using accessible language is in itself a demonstration of authority and professionalism.

In addition, most legal professionals undoubtedly believe it is better to listen to a clear, logical and structured report or read a simple and accessible document. It is pleasing, motivating and persuasive, and it also saves time.

### 3. How can we improve our language?

#### 3.1. Accessible communication: a shared responsibility

##### 3.1.1. Concerning participants in the justice system

Recognising that the clarity of the language goes to the heart of the rule of law means that we are not rejecting our responsibilities to others.

Every individual working within the justice system has an important role to play in relation to the system as a whole and must therefore shoulder these responsibilities. No single member of the legal profession can leave it to others to face the challenge represented by accessible language. Learning to communicate clearly presupposes communicating with everyone directly concerned; transmitters, receivers and intermediaries.

It would be unthinkable to do nothing to make the administration of justice more comprehensible, on the grounds that the legislature does not always prioritise clarity when drafting legislation.

The court bailiffs are usually in the front line when it comes to giving verbal explanations of the legal system and the procedure, and they do it very well. The fact remains that the written documents they issue must be drawn up in a clear and accessible manner. The lawyers prepare their submissions to persuade the judge, but they must not forget that the content of their reasoning must also be comprehensible to their clients. As for magistrates, they cannot hide behind the lawyers on the basis that they will explain to their clients what has been decided in their case.

Of course, accessible language does not only concern magistrates, lawyers and bailiffs. It concerns all those working within the legal system. Reception staff, registry staff, prosecution office secretaries, IT staff, etc., must be involved in this overall exercise.

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10 In 2004, Marc Lahousse, the first president of the Court of Cassation, wrote that “any form of outdated or esoteric language and unjustified jargon must be eliminated, as it is fundamental that someone subject to the jurisdiction of the courts can understand the significance of the decision so that they can agree with it” (foreword of the 2004 annual report of the Court of Cassation, p. 25). See [https://justice.belgium.be/sites/default/files/downloads/cass2004fr.pdf](https://justice.belgium.be/sites/default/files/downloads/cass2004fr.pdf)
Support for the “comprehensible language” operation will also be greater if everyone is involved in it. However, it would be preferable for magistrates and their staff to take the initiative.

3.1.2. Concerning the population

It is therefore not enough to decree “from above” that clear language is now on the agenda. We must assess the clarity of the language in accordance with the people we are addressing. That is a good start, but it is not enough. As far as possible, we must tackle the empowerment of the target group. We must ensure that the target group becomes familiar with the basic legal concepts.

The clarity of the language is a shared responsibility. This must be a case of all hands on deck. We call on everyone not to restrict themselves to their own responsibilities.

This is a task that can be accomplished, despite the inevitable resistance and obstacles. Think of the story of the hummingbird that tried to put out a forest fire, drop by drop. The bird got on with the job calmly and in doing so it inspired others to do the same.

3.2. Accessible communication: an ongoing task

It is impossible to practice law without ongoing regular training. Everyone is well aware of this. However, we seem to think that ongoing training is unnecessary when it comes to the language we use. For most of us, language classes are something we took at secondary school. In the meantime, language has evolved, as have standards relating to clarity of language.

What appeared to be clear and comprehensible yesterday, may no longer be today. In any case, it helps to be familiar with the language of yesterday and of today, and to monitor the changes. That can only contribute to communication aimed at one or more specific receivers.

Sooner or later, societal changes are reflected in the use of language. There must of course be debates on the issues of gender and diversity, but these must not be allowed to delay work on clearer communication.
3.3. Accessible communication must not be hindered by the argument of independence

The legal world (and it is not alone) attaches great importance to independence, and quite rightly so. In a constitutional State with the rule of law, and in any healthy democracy, it is essential that voices can be raised in opposition to the established order. The effect of this must be to prevent the holders of power from simply thumbing their nose at previously approved principles. The lawyers must be able to express themselves freely. The prosecuting magistrates must be able to conduct prosecutions, whether or not that pleases the established power. And the judges must be able to make conscious decisions in good faith without being subject to outside pressure, using the law as a guiding principle for the resolution of a conflict.

Of course, independence does not mean that everyone can only follow their own mind and that no one is accountable.

Being able to argue freely is not a reason for confused and incomprehensible pleas and submissions. The fact that a judicial decision can and must be developed in complete independence does not prevent magistrates and judges from structuring their presentation and expressing themselves, verbally and in writing, in an accessible manner. The independence of the judge cannot be an excuse for communicating incomprehensibly.

Rejecting the use of standards or models simply because it goes against the independence of the judge cannot be justified.

3.4. Accessible communication can definitely be a criterion for evaluating legal professionals

Nobody is perfect. Self-criticism and feedback (and the ability to be receptive to them) are necessary to be able to improve.

Surely motivated court clerks and prosecution staff could give the magistrate a hand with the drafting of the reasons for judgement, making them more comprehensible and readable?

When it is properly understood, independence is not an obstacle to the evaluation of judges, magistrates, lawyers, bailiffs and other legal professionals. The ability to communicate clearly and intelligibly is one of the elements that must be subject to appraisal\(^\text{11}\). In most European countries, there are quality standards that pay particular attention to the clarity, reasoning or other aspects of the content of a judgement\(^\text{12}\).

\(^{11}\) See the Royal Decree of 17 August 2007 amending the R.D. of 20 July 2000 determining the procedures for the evaluation of magistrates, the evaluation criteria and their weighting.

It goes without saying that the assessor cannot criticise the actual decisions of magistrates or judges: their independence would be affected by this. However, assessors can put together a sample of decisions and examine their structure (logical construction) and clarity, as well as the wording of their reasons for judgement. Wouldn’t it be better for a judgement to be written in plain language? Can’t the sentence construction be improved to make it easier to understand? How do magistrates communicate in an interview or hearing?

Do they take account of the feedback they get? Do they take training courses to improve the language they use?
Part 2

Recommendations for all legal professionals

1. Introduction

In order to have the trust of the citizen, all those working in the justice system must make a special and continuous effort to adapt their language to the member of the public they are dealing with. Accessible and comprehensible legal language is effective.

Below, the HCJ makes a number of recommendations, both for itself and for other institutions, to enable them to set to work on this common objective.

These recommendations are aimed, in their entirety, at all participants in the judicial world and their partners. They prioritise the interests of those subject to the jurisdiction of the courts. The HCJ is, moreover, of the opinion that implementing these recommendations will also benefit all professionals in the justice system and their partners.

2. Methodology

The HCJ working group responsible for the “Accessible and comprehensible judicial language” project decided to carry out an advance exploration to define the existing steps taken in this area, and the risk and success factors of these steps.

The HCJ does not actually want to redo, continue or add to what has already been done, but to act as a catalyst for clarification.

The working group first contacted as many potential participants in the clarification of judicial language as possible. It then selected those it believed had the most advanced projects, were the most active or had the most relevant experience.

The following were selected:

- The French-speaking non-profit organisation “Droits Quotidiens” (www.droitsquotidiens.be) has existed for about twenty years. Its goal is to explain the law in language that everyone can understand. This concerns everyday law (family, housing, etc.). It offers different tools: training courses, publications, a website, consultations, etc. “Droits Quotidiens” has also worked on the development of its Dutch-speaking counterpart “Helder recht” (https://www.helderrecht.be/nl). “Droits Quotidiens”, together with a similar
French association, is part of the Clarity network (http://www.clarity-international.net/francais.html).

- The edition of the two-volume work “Speak the law and be understood”, one volume of which concerns civil procedure and the other criminal procedure. This work was written by the Association Syndicale des Magistrats (http://www.asm-be.be/news.php), with numerous linguist and jurist partners. The project was financed by the King Baudouin Foundation. A revised version was published at the end of 2017.

- The creation of the websites “Justice online” (http://www.justice-en-ligne.be) and “Justice Questions” (http://www.questions-justice.be), which are both aimed at the general public. The first website is intended more for the average citizen; the second, for younger people and teachers. “Justice online” was created on the initiative of the Institut d’Etudes sur la Justice, with the support of the Bernheim Foundation. The original purpose of the website was to comment on judicial developments. The idea then developed into addressing young people, to provide a civic education. “Justice Questions” is a more fully developed website for providing general information: it contains presentation documents on the judicial institution, plans (for example, a plan of the maison de justice) and timelines (for example for criminal procedure), comments on judicial developments (with tool-tips), etc.

- The Council of Public Prosecutors has set up a working group on “Comprehensible communication with members of the public”, headed by Mr Patrick Vits, Public Prosecutor of Louvain. The purpose of this group is to rewrite the letter templates of the Public Ministry and make them more accessible (state of progress of the investigation, closing decisions taken in the file, determination before the deliberating chamber and the court). In this context, the working group collaborates with other partners from the Public Ministry, like the network of expertise “Politique en faveur des victimes” and the national bureau of MaCH models. Further information can be obtained from Mr Vits: patrick.vits@just.fgov.be.

- The Social Legal Expertise Centre (SAM-TES) of the National Chamber of Judicial Officers has created a working group “Clear legal language”, especially for drawing up accessible model legal instruments (summons, notification-writ and second writ) and the preparation of a list of abbreviations intended to explain the abbreviations used in legal instruments. Further information can be obtained from Ms Sylvie Vanmaele: sylvie.vanmaele@sam-tes.be.

The working group also took note of information received in writing about other initiatives relating to the clarification of judicial language. These show a desire to make progress in this area. Each of these approaches is briefly described in Part 3.

In addition, in the Dutch- and French-speaking community authorities, there are advanced tools to help citizens understand the paperwork and to ensure documents are written clearly. The following websites may prove very helpful and inspiring: https://overheid.vlaanderen.be/heerlijk-helder, http://www.languefrancaise.cfwb.be. They offer full publications, advice, on-line help, training courses, etc.

3. Findings and recommendations

On the basis of the meetings referred to below and the documentation collected, the HCJ project group conducted an analysis of the success and risk factors of projects relating to the clarification of judicial language.

Essentially, these terms are to be placed in the broadest possible context of communication (written, spoken, gestural, graphic, etc.).
Finding no. 1

The proposed changes are not always supported by the hierarchy, which sometimes makes the individual efforts related to training and adaptation rather difficult. This leads to a lack of motivation.

Aim

Any change process must not only be supported, but even led by the hierarchy or, at least, by one or more people who have both a mandate from the hierarchy and the necessary authority.

These people will constitute the leader group\(^{14}\), i.e. the group of people (chief judges, magistrates, court clerks, administrative staff, lawyers, court bailiffs, notaries, etc.) who, within each entity (College, tribunal, court, prosecutor’s office, professional body, etc.), will lead and make a success of the process of change.

These are the first ones who will persuade their colleagues of the usefulness of making judicial writing readable, in particular through the arguments referred to above (societal role of the magistrate, efficiency and effectiveness, improving the image of the justice system, increasing the confidence of the public in the system, etc.).

The lead group then must create a network - and at a local level: active units - that will ensure that its initiatives are realised and made successful (raising awareness, creating document templates, organising internal and external consultation meetings, etc.).

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\(^{14}\) Comment: the leader may be the manager, but the two functions should not necessarily be confused. The manager is the person who coordinates and organises the entity. His role is focused on the task. The leader is more of a driving force, the person whose authority is recognised by a large number of people. It is therefore the leader who will take the initiatives and influence the group.
Recommendations

1. For the HCJ

Bring together and involve the Colleges, chief judges, management committees and professional bodies in the project for the clarification of the language used in the justice system and encourage them to appoint a leader group for the project. This lead group will be part of a network\(^\text{15}\) intended to enable a new culture to be established and made durable.

2. For the lead group and the language clarification network

Involve representatives of all concerned with the judicial system, from the legislature to the court bailiffs, as well as professors, magistrates, court staff, lawyers, assistants, the police services, etc.

Bring into your network the organisations and people that are already invested in the issue (see list of concrete initiatives in point 2 above and list in Part 3), as well as linguists.

3. For chief judges and leaders of professional bodies

Encourage all members of your force or professional body to make use of existing instruments to communicate in a more comprehensible manner. Part 3 gives an initial overview of what already exists.

4. For training bodies for the legal professions

Organise training for the leader group in initiating and managing change, and in project management, and provide coaches for the launch and support of the project.

5. For the higher authorities

Make sure the members of the project’s leader group have room to manoeuvre: the management of a priority project has an impact on the schedule. Bear this in mind.

\(^{15}\) The Judicial Training Institute (IFJ) has already taken steps to establish a network, which it wants the CSJ and the Council of Public Prosecutors, as well as academicians, members of the judiciary, and their partners (lawyers, court bailiffs, notaries, etc.) to be part of.
For the lead group, the network and chief judges

At local level (if possible in each entity), create a permanent work unit with the following roles:
- ensuring that the network’s initiatives are realised;
- passing on to the network all of the information, suggestions, questions, etc. that the members of the unit receive from their colleagues;
- ensure that there is a constant discussion and thinking process on judicial language.

For local managers

Make sure the members of the permanent work unit have room to manoeuvre: the management of a priority project has an impact on the schedule. Bear this in mind.
Finding no. 2

Programmes for change come up against resistance from those they are aimed at. This resistance seems to have several causes: fear of change, fear of losing legal precision and accuracy, fear of losing authority, fear of wasting time (since the investment will require great changes), etc.

Aim

All these fears must be overcome in different ways, all of which must encourage the belief that it is imperative and urgent to clarify communication within the justice system.

Recommendations

2.1 For training bodies for the legal professions

Organise awareness-raising activities for legal professionals about the need for accessible communication, such as:

- training courses that include demonstrations of the rewriting of judicial documents;
- reflection days enabling professionals in the judiciary to reflect on their reasons for doing their job and on their role in society;
- work placements in local jurisdictions, such as the small claims courts (justices de paix), and youth and labour courts for face-to-face encounters with members of the public caught up in the system and their possible difficulties in understanding, and raising awareness of the extent of the problem that a poorly written document could represent for them;
- work placements with social workers, who already deal with some legal issues upstream.

2.2 For training bodies for the legal professions

In consultation with the relevant local authorities and the institutions and associations already involved in the clarification of judicial language, prepare a basic training programme and an advanced training programme on judicial language.
2.3 For training bodies for the legal professions

Periodically review these programmes, so that they follow changes in communication and adapt as required to the progress made in terms of the clarification of judicial language.

2.4 For training bodies for the legal professions

Seek the support of specialists (especially as guarantors of legal accuracy).

2.5 For the Orde van Vlaamse Balies, Avocats.be and other professional orders

Organise training on the clarification of language.

2.6 For the Judicial Training Institute, the College of Courts and Tribunals, the College of the Public Ministry, the Court of Cassation, chief judges

Encourage the members of the lead group, training supervisors, senior prosecution staff and the members of the work placement evaluation committees to take part in these courses, so that they can share the same overall view on the subject from the outset.
Finding no. 3

The magistrates and their staff are not always on the same wavelength regarding the drafting of documents. Some people (the magistrates, court clerks, prosecution staff, etc.) are to a greater or lesser degree attached to traditional forms.

Aim

The magistrates and their staff must realise (or be made aware) that they are part of a team; they must therefore work in harmony and pull in the same direction.

Recommendation

3.1 For the Judicial Training Institute, the College of Courts and Tribunals, the College of the Public Ministry, the Court of Cassation, chief judges

Encourage all staff concerned to take the same training courses as the magistrates, preferably so that the training involves people who work together, e.g. the judge and his usual court clerk.
Finding no. 4

4

The desire for clarification sometimes comes up against IT constraints.

Models have been created but have not yet been completely incorporated into the computer system, and sometimes require time-consuming adjustments that could cause errors.

In addition, the transfer of documents between computers does not always save as much time as might be expected from a high-performance computer system.

Aim

IT must become a tool for clarifying judicial writing and creating suitable document models. Access to the modification models created by computer engineers must be limited, so that nobody can create their own models unnecessarily. However, the organisation must be flexible and fast enough to allow modifications in specific cases.

The competent authorities must encourage efficient collaboration between all members of the judicial system, especially by providing suitable logistic resources.

Recommendations

4.1 For the Justice Minister, the FPS Justice, the College of Courts and Tribunals, the College of the Public Ministry, and the Court of Cassation

Ensure that all of the judicial entities have suitable, tested and compatible hardware and software.

4.2 For the lead group

Make sure you have access to computer engineers with the necessary technical skills to anticipate the needs of the organisation regarding the creation of accessible documents.
Finding no. 5

Among the professionals in the justice system already convinced of the need to clarify judicial language, there is a tendency to return to their old ways.

Aim

We must recognise that clarity of language is a key guarantee of the quality of both written and spoken communication. The content and form should be given equal priority.

We must introduce methods to remind everyone constantly of the importance of accessible judicial language. We have to develop tools and organise activities that permit continuous (self-) evaluation of the degree of improvement in communication.

A permanent ‘legibility office’¹⁶ must be created. This office will give opinions, revise texts and provide regular writing recommendations. In this way, the jurists will be able to benefit from constructive criticism and new ideas.

Recommendations

For the HCJ, the Judicial Training Institute, the College of Courts and Tribunals, the College of the Public Ministry, the Court of Cassation, the FPS Justice, the Justice Minister and all other interested parties

Create a permanent readability office and provide it with an adequate operating budget. Plan alternative or additional financing methods for the future (grants, subsidies, membership, etc.).

For the network, permanent office, local units

Arrange regular meetings so that the group stays active.

5.3 For the Judicial Training Institute

Organise activities that enable (future) magistrates to receive feedback on their written and verbal communication, such as:

- work placements in jurisdictions that practise the “échevinage” system (e.g. the commercial court or the labour court), to enable (young/future) magistrates to experience the work of non-professional magistrates;
- “intervision” sessions between professional magistrates (comparative reading of their written work).

5.4 For the Judicial Training Institute

Regularly organise for judges, magistrates and other members of the judiciary “Professional experience exchange” meetings (possibly with foreign stakeholders – Clarity network - EPA, de Nederlandse Taalunie) so that they continue to pay close attention to the accessibility of legal language.

5.5 For the HCJ, the network, the permanent office

Make sure the topic is regularly brought to mind by:

- announcing the major advances in clarification in a newsletter or any other means normally used;
- regularly distributing, by the same means, advice from the permanent readability office or another body active in this area.

5.6 For assessors and bodies responsible for assessing the legal professions

Establish good communication as an assessment criterion.

Assessors of magistrates should apply the criterion “Aptitude for communication and quality of expression”, for clarification of language used when dealing with members of the general public subject to the jurisdiction of the courts17. Feedback can be given based on samples of procedural documentation. Aptitude for verbal communication can be assessed after observation in a courtroom.

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17 See project 11 of the Crocus Plan: “Quality control of the magistrate assessment system”.
Finding no. 6

The desire for clarification sometimes comes up against the complicated nature of legal documents.

As well as the legal technicality of such documents, there is the problem of translation, which sometimes affects readability and accessibility. That also has consequences for the meaning of these documents and can therefore give rise to a variety of interpretations.

Aim

Ensure that new legal documents are as clear and readable as possible, in French, Dutch and German. When a document is written in accessible language, it is also easier to translate.

Recommendation

6.1 For the HCJ, the legislature, the Council of State

When preparing documents, be aware of the importance of consulting linguistic experts familiar with legal issues. The task of the linguistic experts and specialist writers should be to simplify those documents where possible and to ensure that translated documents are completely consistent with the originals.

Continue encouraging the writers of legal documents to pay close attention to the accessibility of the language used.

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Finding no. 7

Law students at universities and colleges are trained in the use of a technical legal language.

Aim

It is clear that law students must learn to master the special technicality and terminology necessary for the legal and judicial professions. A change of culture must nevertheless occur, and they must learn to detach themselves from the use of jargon whenever possible and to adapt their way of expressing themselves to people outside their profession.

When getting to the magistracy, it is essential that the jurists have the maturity needed to make the distinction between what is necessary for legal accuracy and what is unnecessarily technical.

Recommendations

7.1 For universities and colleges

Include programmes in higher education that are based on clear communication without sacrificing legal precision and make this principle part of every course.

7.2 For universities and colleges

Organise activities for law students that bring them into contact with members of the public subject to the jurisdiction of the courts and to possible difficulties of comprehension, such as:
- work placements in local jurisdictions, like the small claims court, and the youth and labour courts;
- work placements with social workers, who already deal with some legal issues upstream.
For the Appointment and Nomination Committee of the HCJ and the appointment and nomination bodies of the other legal professions

Make the ability of candidates to express themselves intelligibly to non-jurists a criterion for passing exams to become legal professionals\(^\text{19}\).

Use this criterion for transfers and promotions as well.

Question candidates for chief judge or senior management posts on how they have approached this subject in the past and how they plan to support it in the future.

Make sure that you take the necessary training to assess this criterion adequately.

\(^{19}\) See project 12 of the Crocus Plan: “Evaluation of selection procedures for magistrates, judicial trainees and chief judges”.
Finding no. 8

The HCJ can improve its use of language.

A large number of HCJ documents, such as its opinions, are almost exclusively aimed at legal professionals and/or people who are familiar with the subject.

Other documents, like letters from the advisory and investigatory committees sent to plaintiffs, can cause comprehension difficulties for the uninitiated. It can be difficult to understand such concepts as “competence” or “admissibility”.

The audit reports are sent to a number of different recipients: chief judges, the Justice Minister, the legislator or public services. However, these documents often contain information that can be useful for other people, who are not all jurists.

The HCJ website should be understandable for all citizens, and that includes the pages of the website and the documents published on it.

As referred to above, the matter of translation can be added to legal technicality, and that can give rise to different interpretations.

Aim

The HCJ must make sure that all the documents it produces are prepared in accordance with the diversity of its potential readers:

- with regard to jurists, HCJ documents must not be unnecessarily technical, but neither should they be overly simplified;
- with regard to the general public, they must be readable without help, and contain a maximum amount of information enabling people to continue purposefully.
Recommendations

8.1 For the HCJ

Make sure that members of the HCJ and its administration are trained in the use of clear and accessible language, both written and verbal (at least in their native language).

8.2 For the HCJ

Create models for each type of commonly used document, in particular to plan for all the necessary clarifications from the outset.20

These documents must be assessed and revised on a regular basis.

8.3 For the HCJ

Make sure that each document, and its translation if appropriate, is proofread.21

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20 For the audit reports, for example, this may refer to a glossary of all the terms specific to the audit, which could be included in all the reports without the need for amendments.

21 If necessary, a number of HCJ members and staff can be clearly identified as potential proof-readers, in accordance with their linguistic role and specialisation.
4. Opinion concerning the implementation of the recommendations

Of course, this matter must not be approached haphazardly. It would be preferable for a project manager to start by creating a “plan of battle”. The first step must therefore be to decide who will act as the driving force and at what level. The lead group must then define its own vision, i.e. the ideal situation it wants to achieve and the means to do so, preferably within a clearly defined time limit. This vision must be expressed in a sufficiently convincing way to take those involved out of their comfort zone and ensure their commitment.

From the starting point of this vision, the objectives (short, medium and long term) must be determined, together with deadlines and priorities. Some “quick wins” must be provided for (for example, the simplification and modelling of a document, in the very short term\(^{22}\)), to keep morale high. These quick wins must be highlighted (award of a prize, publication in the *Journal des Tribunaux*\(^{23}\)/*Rechtskundig Weekblad* of a legal document, etc.).

The lead group must make its vision known and inspire in all those concerned a feeling of urgency to change a situation that is more worrying than it looks (negative signals are coming from all directions). A feeling of urgency is more easily evoked in a company, where savings of time and money take precedence: if the company loses credibility, it will lose clients. While there may appear to be fewer financial issues for a sector like Justice, the autonomy of management will nevertheless oblige jurisdictions and prosecution offices to undergo a profound culture change and to plan the economic aspect (in all senses of the term) of their work. As stated earlier, the clarification of documents, accompanied by an efficient IT system, is a way of achieving savings of time and money, as well as increasing credibility and trust.

To support the results, it will be necessary to clearly demonstrate the positive results of the changes (meetings, conferences, statistics, etc.).

The HCJ strongly believes that the creation of a permanent ‘legibility office’, a clarification network and local units will substantially improve the chances of successfully completing such projects.

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\(^{22}\) Within 6 to 18 months.

\(^{23}\) See the “Chat botté” section, which suggested the rewriting of a memorial of judgement.
Part 3

Overview of initiatives concerning accessible legal language

1. Belgian judicial system

Court of Cassation

- Taking account of the existing regulations, the Court has clarified its judgements by refraining from the preamble provisions “whereas” and the structure “because/as/so that”. It furthermore uses direct language in its judgements and no longer includes the written pleadings.

- Five years ago, the first president drew up a number of formulas and drafting standards that are used in the second chamber of the Court. This document is intended exclusively for internal use.

- The first president has assisted on the drawing up of part II (criminal law) of the book entitled “Dire le droit et être compris - Comment rendre le langage judiciaire plus accessible?”.


College of Courts and Tribunals

The aim of a new working group is to structure the layout of criminal decisions in a uniform manner in the light of processing the data from the operative part of the judgment or ruling. The intention is to computerise the data and avoid paper document flows from the registries to other government agencies, such as the Central Criminal Registers and the Federal Public Service (FPS) for Finance.

More information via: Alexander.allaert@just.fgov.be.
Federal Public Prosecutor’s Office
Particular attention is paid to verbal and written contacts. For example, attempts are made to draft the letters to victims in “plain language” as far as possible.

More information via Eric.Bisschop@just.fgov.be.

Council of Public Prosecutors

The Council of Public Prosecutors has established a working group “Comprehensible communication for those seeking justice” under the direction of Mr. Patrick Vits, Public Prosecutor in Louvain. This group focuses on rewriting and making accessible standard letters from the public prosecutor’s office (status of the investigation, closing decisions in the file, findings before the council and the court). The working group cooperates to this end with other partners in the Public Prosecutor’s Office, such as the Victims Policy expertise network and the national design agency Mach.

More information via patrick.vits@just.fgov.be.

Court of Appeal of Antwerp
Introduction of a model judgement without “whereas” and with attention paid to clear language (2012).

More information via ronny.goethals@just.fgov.be.

Court of Appeal of Liège

- The criminal division pays attention to avoiding the preamble provisions “whereas” and structuring its judgements by working with chapters and subdivisions that make access easier. As copies of judgements are not (yet) automatically sent to the parties, note is usually taken of the judgement text by telephone between the lawyers (or their secretariat) and the clerks, as a result of which the interest is often limited to the operative part of the judgements.

- The civil division has not only done away with the preamble provisions “whereas” but has also drawn up formulas that can be used by all sections, such as formulas for the judgement headers, the statement of the facts, the subject of the appeal and the operative section. Emphasis has also been placed on the importance of clear and accessible legal language without compromising the essential legal terms.
The registry has also taken various measures, such as:

✓ the use of standard forms for sending notices and requests/correspondence;
✓ clearly mentioning the court in all correspondence and on all forms, including extracts and conviction reports in criminal cases;
✓ the use of standardised application of the “to be” procedure for pronounced civil expertise and the use of standard forms for the preparation of decisions;
✓ the registry is currently working on drawing up a guide for registry staff responsible for receiving those seeking justice.


Court of First Instance of Antwerp

- A glossary explaining terms used in criminal law
- A poster explaining the course of a criminal hearing.
  - Letters and decisions of the youth court have been rewritten.
- Several explanatory brochures have been and are being produced. The Mechelen department always adds a brochure to each judgement (2013).
- The layout and readability of the decisions made by the sentence enforcement courts have been adapted accordingly
- New models for the chamber for the protection of society have been drawn up.
- In the family court, an easy-to-read model application/petition for measures has been made available via the website.
- New models are being worked on in the criminal division as part of the rollout of MaCH.
- The Op.Recht.Mechelen project has focused on the clarity of legal language, which prompted a green paper with 15 proposals for better justice. One proposal is aimed at setting up a federal office for clear, understandable legal language.

More information via Bart.Willocx@just.fgov.be.
French-speaking Court of First Instance of Brussels

The court has been working in various areas to standardise judgements and deeds. Judgements in criminal matters are always drawn up according to the same structure, for example. In the family court, efforts have been made to standardise the letters. This is also being constantly considered and adjusted in the youth protection section of the youth court.

More information via president.tpi francophone.bxl@just.fgov.be.

Court of First Instance of Eupen

In order to support the drafting of clear judgements, the court asks new magistrates to attend the courses provided by the Judicial Training Institute for this.

For the standardisation of the legal language in German, the court refers to the technology committee of the German-speaking community, which is chaired by the vice-president of the court. This committee has created a database that is used regularly.


Court of First Instance of Louvain

Model judgements in all divisions.

More information via Margaretha.Verellen@just.fgov.be.
Court of First Instance of West Flanders

- Model judgement of the family law section of the Kortrijk division.
- Model judgement of the criminal law section of the Kortrijk division.
- “Uniform models” working group of the family law section at provincial level.
- As part of the 2018-2021 management plan, the court has operational objectives to standardise all documents used to summon litigants and to provide for more modern use of language. In 2018, an inventory will be made of all documents, tackling the most urgent documents first. From 2019, “more modern” language will be used for the documents selected.

More information via Wim.orbie@just.fgov.be.

Commercial Court of Ghent

- Roadmap for the European Payment Order. An accessible guide for lawyers and for citizens without a lawyer. During the drafting, extra attention was paid to the use of accessible and understandable language. No archaic or formal language usage and no Latin abbreviations or expressions. This guide is clear and concise.
- Brochure RegSol. A brochure for citizens with no knowledge of legal terminology.
- As far as internal communication is concerned, attempts are being made to avoid archaic and formal language usage in written and oral communication as far as possible. Someone has been appointed to streamline communication and make things run more smoothly. A “Communication” working group was set up recently to, among other things, distribute a newsletter with a regular “Plain language and language tips“ section with amusing cartoons.

More information via koophandel.gent.secretariaat@just.fgov.be.
2. Other judicial bodies

Council of State

- Standardised judgement models with a clear layout. Good, clear communication not only requires correct and understandable wording; it also needs an appealing style. This process is continuously monitored and improved. Achieving complete uniformity remains the priority objective. Most judgements are easy to read and are written in a clear and direct style.

- Communication via the website concerning the judgements and opinions from the legislation department. Judgements that generate interest are published on the website via a newsflash, accompanied by a brief interpretation in simple language so that the interested public is informed as well as possible.

More information via abo@raadvst-consetat.be.

Court of Auditors

The Publications Department revises all texts intended for publication (books and reports) ensuring clear and correct communication.

More information info via HendrickxK@ccrek.be.

3. Magistrates’ associations

Association Syndicale des Magistrats (Magistrates Trade Union)

The book entitled Dire le droit et être compris is a work consisting of two volumes. One volume of the book deals more with the civil procedure and the second with the criminal procedure. This work was drawn up by the Association Syndicale des Magistrats (http://www.asm-be.be/news.php), together with a large number of lawyers and linguists. The project was funded by the King Boudouin Foundation. A revised version was published at the end of 201724.

4. Training institute for magistrates and court staff

Judicial Training Institute

- Training course: “Drafting of judgements and rulings: formal and substantive requirements”. This 2 ½ day training course is compulsory for all prospective magistrates and is open to all appointed magistrates and their registrars, legal secretaries and public prosecutors. One day of the training is devoted entirely to clear language usage, with exercises. This part of the course includes a rewriting assignment and the opportunity for each magistrate to have one of their own judgements reread and rewritten.

- Training course: “Communication on the hearing”. This 3-day training course is compulsory for judges who started their career after 1 January 2017 on the basis of passing the examination of professional competence or the oral evaluation examination as well as third-year judicial trainees and is open to all appointed magistrates. During this training, the skill of “communication with society and stakeholders” is developed. At the end of the training, the participants should be able to apply the most important principles of oral communication in their day-to-day practical work as well as apply the principles of active listening and use assertiveness, empathy and give feedback.

More information via info@igo-ifj.be

5. Other justice players

Court bailiffs

The Juridisch Maatschappelijk Kenniscentrum (Legal Social Knowledge Centre) (SAM-TES) of the National Chamber of Court Bailiffs has set up a “Clear Legal Language” working group, especially for drawing up accessible model deeds and documents (summons, service order and repeated order) and compilation of a list of abbreviations (NL/F) to clarify the abbreviations used in deeds and other documents.

More information via sylvie.vanmaele@sam-tes.be.
6. Universities and colleges

University of Antwerp (UAntwerpen)

Since the spring of 2004, a Unit for Innovation and Quality Assurance in Education (CIKO) has been established in each faculty of the University of Antwerp. The CIKO’s have been set up to enhance quality assurance and educational innovation at faculty level and for the educational committees. The activities concern, among other things, supporting, stimulating and coordinating educational innovation projects within the faculty. In the Faculty of Law, for example, attention is paid to clear legal language and all of the students’ written documents are, throughout the entire course of legal studies, graded on the basis of fixed criteria and fixed assessment forms.

Practical seminar on “Legal Language Proficiency”, lectured by Karl Hendrickx. It is a full, mandatory semester course of 30 hours devoted to clear legal language (1st bachelor’s programme). It is followed by the “Legal writing” course, taught by Prof. Dr. B. Weyts, and is likewise a 30-hour semester course in which students are given writing assignments in work seminars that also focus on clear communication (2nd bachelor’s programme).

Karl Hendrickx, lecturer in Legal Language Proficiency at UA and KU, has issued a series of three handbooks for his teaching assignment, two of which he has written himself on legal language proficiency and are published by Acco. “Legal Dutch, Legal Writing in Practice, Jurisprudence Writing”. These handbooks have become reference works in Flanders in the area of legal language proficiency and are used in all Flemish law courses that offer the subject “Legal Language Proficiency” and also at UCL. An online training course has also been developed for the handbooks and is open to all students via the electronic learning platform Sofia run the publisher Acco.

In addition, Karl Hendrickx’ academic services to society include being:
- a member of the monitoring committee of the PWO project “Readability of legal documents. Clear and transparent use of language for everyone seeking justice” (PWO ToegangJUR 16) by Karen Weis and José Tummers, University College Louvain Limburg (2016-2018). He is
- an advisor to the “Understandable communication regarding those seeking justice” working group of the Council of Public Prosecutors (2016-2017);
- member of the Inter-University Commission for Legal References and Abbreviations (2007);
- member of the “Clear legal language” working group of SAM-TES, the legal social knowledge centre for court bailiffs, with the aim of drawing up model writs/summonses in accessible Dutch (2016-2017);
- permanent staff member of the “Juristenkrant” legal publication (1997);
- permanent staff member of the “Tijdschrift voor Notarissen” (Notaries Journal) (2014);
- member of the editorial team and permanent staff member of the “Tijdschrift voor Wetgeving” legal publication (2011);
- co-organiser of the “Understandable legal language” conference organised by the Flemish Lawyers’ Association and the KU Louvain Brussels Campus (2016).

More information via karl.hendrickx@uantwerpen.be.

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**University of Ghent (UGent)**

- Isabelle Bambust has written a thesis entitled “The protection of European legal language. Some equitable recommendations”, Die Keure, 2017. The doctoral dissertation mainly concerns the protection of language rights themselves, rather than understandable language within the one and the same natural language. This latter problem is discussed, however, not least because it often “becomes a hostage” the wider protection of language.


More information via Michel.Tison@UGent.be.

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**University of Louvain (KU Louvain)**

- Practical seminar “Legal Dutch”. This is a Dutch legal language seminar, taught by Prof. Dr. P. Schoukens in Louvain, Prof. Dr. E. Terryn in Kortrijk and Prof. Dr. R. Van Ransbeeck in Brussels. Mr. Karl Hendrickx gives two general introductory lectures. This is followed by tutorials, one of which is given by Ms. Gonnie and the other one by practitioners, such as appeal court judge, a lawyer, etc. It is a full, mandatory semester course of 30 hours dedicated to clear legal language (2nd bachelor’s programme).

- “Understandable legal language” (2016) conference organised by Prof. Dr. R. Van Ransbeeck on legal language proficiency.
University of Namur (UNamur)

- In the first year of the legal studies course, the non-profit organisation Droits Quotidiens gives a 2-hour class on the use of clear legal language in general as part of the “Sources and legal principles” course. It teaches the students, among other things, to draw up contract terms correctly and how to “translate” judgements.
- Professor of Judicial Law Dominique Mougenot, who is also a magistrate, is affiliated to the Association Syndicale des Magistrats (Magistrates Trade Union). This association carries out work for the use of clear legal language.
- In the third year, Professor Xavier Thunis devotes 4 hours to the use of clear legal language in French, Dutch and English.

More information via https://directory.unamur.be/teaching/programmes/100B.

UC Louvain-Limburg College

Two-year research project on understandable legal language initiated by the ‘Law in Practice’ research group (2017-2018). On account of there already being a lot of initiatives in this area on the part of the judiciary and the bar, they hope with this research to be able to contribute towards clarification on the part of those seeking justice. Their contribution is a website and a tool with interactive explanations for the most common legal documents (petitions, writs, summonses, etc.).

European Paralegal Academy (EPA), an association with the aim of bringing together all paralegals in Flanders for the purpose of networking and organising tailor-made courses. A study/networking evening was organised in Louvain in April 2017. https://europeanparalegalacademy.jimdo.com/

More information via claudine.verhoeven@ucll.be.
Study of the customer-friendliness of the courts of Antwerp (2012). Research carried out by Legal Practice students who examined the customer-friendliness of the services in a number of courts. This showed that the waiting times in the Flemish courts, as well as the communication and working hours, could be considerably better. The courts have drawn up action plans to improve the situation.

7. Publishers

Die Keure

Tijdschrift voor Wetgeving (TVW) legal publication, with a regular section entitled ‘Language and legislation’, in which Karl Hendrickx gives specific language tips, and a regular ‘Local authorities’ section in which Wouter De Cock focuses on the drawing up of clear local regulations.

Tijdschrift voor Notarissen (Journal for Notaries) with a regular column by Karl Hendrickx on the use of language in notary deeds and records (2-3 articles per year).

More information via catherine.vandermeersch@diekeure.be.

Wolters-Kluwer

- Juristenkrant (Lawyers’ Journal). In a regular language section by Karl Hendrickx, since 2001 lawyers have been made aware of the importance of clear communication, with instruments and advice also offered to effectively realise this clear communication. In 2009, Kluwer published a collection of all the language columns up to that time.
- Course

More information via klant.BE@wolterskluwer.com.
8. Private initiatives

Droits Quotidiens

The French-speaking non-profit organisation *Droits Quotidiens* ([www.droitsquotidiens.be](http://www.droitsquotidiens.be)) has existed for about twenty years. Its goal is to explain the law in language that everyone can understand. This concerns everyday law (family, housing, etc.).

The organisation offers various tools for this: courses, publications, a website, consultations, etc.

Helder Recht

In addition, *Droits Quotidiens* has also established a Dutch-speaking counterpart: *Helder Recht (Clear Law)* ([https://www.helderrecht.be/nl](https://www.helderrecht.be/nl)).

Together with France, *Droits Quotidiens* forms part of the Clarity network ([http://www.clarityinternational.net/francais.html](http://www.clarityinternational.net/francais.html)).
Bureau Klare Taal (Clear Language Bureau)

A training and consultancy organisation for clear language in legal and other complex texts, established in 2013 by Ms. Gonnie Put.

- Weekly in-house training courses in companies, notary office, lawyers’ chambers, government/administration offices and other organisations.
- Open training courses via training organisations such as Politeia and Kluwer, at the Royal Federation of Belgian Notaries (Fednot) and on request from personnel departments of large companies and organisations.
- Rewriting all sorts of legal information in understandable language (standard letters, brochures, informative web texts, policy conditions, contracts, internal regulations, deontological codes, etc.). Guest speaker.

More information via the website www.bureauklaretaal.be.

9. **International**

Nederlandse Taalunie (Dutch Language Union)

The Language Union devotes special attention to different forms of understandable language and has set up the following page for this purpose on its website http://taalunieversum.org/inhoud/begrijpelijke-taal.

For more information on the organisation of the Network for Understandable Government, please visit the following subpage: http://taalunieversum.org/inhoud/netwerk-begrijpelijke-overheid-nbo.

For more information about understandable legal language in particular, please visit the following subpage: http://taalunieversum.org/inhoud/begrijpelijke-rechtstaal.

In these publications, you will find, among other things, the full results of the “Understandable legal language” colloquium organised in 2016 by the Flemish Lawyers’ Association and the Catholic University of Louvain, as well as a report by the International Lawyers’ Congress of the Low Countries on “Law and Language” organised by the Flemish and Dutch Lawyers’ Associations in 2017.

The Language Union helped to support both events in order to draw attention to the importance of understandable legal language within the active professional field. The programme and a number of presentations from the latest event can be found on the website of the Flemish Lawyers’ Association: http://vlaamsejuristenvereniging.be/1030-2/.
The 2017 EU Justice Scoreboard contains a section on quality that, among other things, provides an overview of existing standards for the comprehensibility of decisions and the use of templates for decisions in the EU Member States.

More information via office@encj.eu.

Netherlands

“Clear Language Trophy”. The “Clear Language Trophy” is a prize that is awarded annually in the Netherlands for the most clearly formulated legal decision. The prize was created to promote the use of clear language in court judgements because clear language prevents a decision from being rejected or misinterpreted. The jury applies three criteria: language use, structure and communicative power.

More information via J.Lie01@rechtspraak.nl.
10. Useful websites

The websites “Justice on line” ([http://www.justice-en-ligne.be](http://www.justice-en-ligne.be)) and “Justice Questions” ([http://www.questions-justice.be](http://www.questions-justice.be)) are both aimed at the general public. The first website is intended more for the average citizen; the second, for younger people and teachers. “Justice on line” was created on the initiative of the Institut d’Etudes sur la Justice, with the support of the Bernheim Foundation. The original purpose of the website was to comment on judicial developments. The idea then developed into addressing young people, to provide a civic education. “Justice Questions” is a more fully developed website for providing general information: it contains presentation documents on the judicial institution, plans (for example, a plan of the *maison de justice* [house of justice]) and timelines (for example for criminal procedure), comments on judicial developments (with tooltips), etc.

The Flemish and French communities have advanced tools to ensure that citizens can better understand texts issued by the administration. The following sites are very useful and inspiring: [https://overheid.vlaanderen.be/heerlijk-helder](https://overheid.vlaanderen.be/heerlijk-helder) and [http://www.languefrancaise.cfwb.be](http://www.languefrancaise.cfwb.be). They offer full publications, advice, online help, training courses and more.
Miscellaneous

- Draft legislation for a simple summons, submitted by Thierry Giet.
- Halle police court adds an explanatory brochure to each judgement (2012).
- Written question no. 1613 dated 15 December 2016 from MP Sabien Lahaye-Battheu to the Minister of Justice on “legal language usage”.
- Oral question no. 22067 dated 29 November 2017 from MP Annick Lambrecht to the Minister of Justice on the “use of language in court documents”.
- The first “potpourri legislation” was a first step towards modernisation by requiring lawyers in civil cases to work on structured conclusions in order to arrive at a simple obligation for the judge to state the reasons. This will enhance the readability of judgements for citizens.
- Specifically in the area of language usage in criminal matters, it is crucial to monitor the use of simple and accessible language in communication with victims, as also recommended in Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.
- The right to information is one of the fundamental rights of victims of a crime and this right is therefore confirmed by several statutory provisions. For example, as a basis for correct and understandable communication to the victims, reference is made to Article 3bis, paragraphs 1 and 2 of the Preliminary Title of the Code of Criminal Procedure.
- COL 5/2009 (November 2014 version) contains the regulations relating to the complaint submission certificates created by the computer system of the police services during the preparation of the official report in which the complaint is recorded and which are then delivered to the victim. This certificate briefly describes the rights of victims and the further steps they can undertake.
- “You are a victim” brochure from the Federal Public Service for Justice.
Annex

Documents consulted

- Circular “Guidelines concerning the provision of information to victims by using uniform documents in the different stages of the proceedings” from the Board of Procurators General.
- Association Syndicale des Magistrats (Magistrates Trade Union), Dire le droit et être compris, Bruylant, 2003.
- Association Syndicale des Magistrats (Magistrates Trade Union), Dire le droit et être compris, Part II (criminal law), Bruylant, 2010.
- Camille de Monge, La simplification du langage judiciaire et le contenu de l’information donnée au justiciable, thesis produced in 2009 under the supervision of Professor Jean-François van Drooghenbroeck.
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