



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Independence and Accountability of the Judiciary and of the Prosecution

Annex I Summary of Replies to the Quality
Questionnaire

ENCJ Report 2015-2016



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PRELIMINARY INFORMATION3

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IRELAND

This questionnaire is addressed to Members and Observers of the ENCJ. Its purpose is to establish your Council's approach to the quality of justice. In using the term "Council", we include all equivalent governance bodies.

Working on the "Quality of Justice" is of great interest for all Councils. It has always been a major concern of CEPEJ and the Council of Europe. It is now of great interest to the European Commission in compiling and extending its Justice Scoreboard.

It is very difficult to define what we mean by the "Quality of Justice". The term has a multitude of meanings. It is obvious, however, to say that "Justice" is a service provided to citizens. Citizens must have confidence in all judicial processes included available means of Alternative Dispute Resolution (ADR). The State must provide the financial, human, and material resources necessary to the proper functioning of a high quality judicial system.

This project aims to look at the "Quality of Justice" from the point of view of the Council for the Judiciary and judges generally.

We have prepared an annex to this questionnaire which lists some of the areas which might be regarded as making up the "Quality of Justice". You may think that this list is incomplete or that it includes aspects that are not of any great importance. We want to hear what your Council thinks.

Your responses will inform the work that the project group will do this year. In essence what we want to know is: How does your Council evaluate the "Quality of Justice" in your country and the quality of your justice system, and what criteria for evaluating the "Quality of Justice" does your Council regard as being the most important? The following questions give you an opportunity to answer these questions. Each question is followed by a brief explanation.

LITHUANIA

Judicial Council of the Republic of Lithuania declares the quality of justice as one of the most important issues related to the proper functioning of the judicial system.

Despite the lack of experience in improving quality of justice in Lithuania, we would like to be a part of the development of this important topic.

Obviously, the term "Quality of Justice" has multitude of meanings and the definition (interpretation) of the

term depends on the legal system of each state, legal regulation differences and other circumstances. Hence it is a complicated issue, however it is possible to discuss and define the term “Quality of Justice”.

REPUBLIC OF SLOVAKIA

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Questions 1 – Does your Council have systems for evaluating the “Quality of Justice” in your country? If so, please explain them to us?

Explanation of question 1:

→ If you have a system for directly evaluating the quality of justice in your country, please tell us about it.

→ If not, please try to think of the ways in which your Council considers quality issues, and tries to improve the quality of your justice system, and tell us about these.

→ CEPEJ and Ministries of Justice often publish statistics about the functioning of the courts and the speed with which cases are decided.

ALBANIA

In Albania, the High Council of Justice doesn't have a specific and direct mechanism to measure or find the "quality of justice" of the judicial system. However, there are several legal instruments or indirect acts, which draw data on the quality, independence and accountability of the judiciary. These instruments are as follows:

1) Professional and ethical evaluation system of judges.

This assessment is an individual process for each judge of first instance and appeal courts, which takes place according to rules, procedures and well-defined criteria. The evaluation system is implemented by the High Council of Justice, and seeks to identify judges' professional values for the purpose of their careers, to identify judges resulting with insufficient professional capabilities and those with high professional capabilities. Also, the evaluation system, through its mechanisms, determines the problems encountered in the court during the verification process of their professional capabilities, and identifies the need for continuous training of judges, in order to increase judges' professionalism in the courts of first instance and the courts of appeal and also for the chairmen of these courts, in accordance to the criteria and procedures as foreseen in it. Therefore, the evaluation system of judges, indirectly, serves as a gauge and a good indicator for measuring

the "quality of justice" in Albania, which ensures the accountability, increases the independence and enables the Council to have a clear picture of the performance of judges which will serve as reference for promotions in their professional career.

The professional and ethical evaluation of judges in the Republic of Albania is foreseen under Article 13 of the Law no. 9877, dated 18.02.2008 "For the organization of the Judicial Power", amended. The Council has the obligation to conduct an evaluation process of the judges, at least every three years, according to the criteria and procedures established in the decisions adopted by the Council. The detailed procedures and measuring criteria for this evaluation process are regulated by decisions of the High Council of Justice. Of course, the process of professional and ethical evaluation of judges not only provides individual data for each judge, but in the case of an analysis at the macro level of these evaluations, estimates data concerning the performance of different courts, in relation to the length of a trial, the quality, identifying problems associated with the organizational charts and number of judges, etc. Law no. 9877/2008 emphasizes that assessing a judge as "incapable", serves as a reason to start the procedures to dismiss him from office, while assessing a judge as "acceptable", forces the High Council of Justice to reevaluate him within 1 year.

The criteria used in the current evaluating system

The evaluation system measures the abilities of a judge to be effective, by assessing his abilities to address the issues encountered during the assigned trials, in terms of quality and quantity, in relation to the measuring criteria for the judicial activities determined by the High Council of Justice, and his ability to be productive in preparing the reasoning of the court decisions and rendering them within the legal deadline.

The evaluation system is composed of three sets of criteria:

1-Group criterion regarding professional and enforcing general skills (including all the standards mentioned above, the methodology used by the judge, the speed and its ability to plan properly and timely the judicial hearings in order to be more effective and to conclude in time the litigations.

2-Group criterion regarding legal professional and technical skills, which evaluates legal and technical aspects of the process of his work, including the clarity in writing of the decision, the ability to lead the judicial process and the ability to create and manage a folder.

3- Group criterion regarding human capacity and professional engagement, including judges' ethics during and after the court process; solemnity and respect of the discipline at work; participation and involvement in professional activities; various articles and publications of legal nature.

To assess the objective data, the High Council of Justice has elaborated and approved minimum standards on quantity, time and quality as follows:

Quantity standard of work, provides the minimum workload criteria for a judge of a specific court, by taking into account the relevant section where he judges, other management duties, etc. This standard is not used to punish or assess worse the judge who within a year has not met the criteria, but is used to conduct a comprehensive analysis of his work also in relations to other criteria.

General time standard, provides the minimal time limit criteria according to the subject matter of the trial. It provides that the number of cases tried beyond the maximum limits should not exceed 40% of the total number of cases tried by the judge during a calendar year. This latest standard is implemented by the method of escalation, according to which the judge that has stalled more than 40% of the total number of cases is considered “incapable”. To assess the overall data, time standard for each trial case is established based upon the nature of the case. Time standard for trial cases, implies the maximum time limit from the moment that a case is assigned to a judge until the final decision is given by him.

Quality standard, implies the quality of court decisions given by a judge within a calendar year in relation to their judicial review carried out by a higher court, where the number of vulnerable decisions should not exceed 30% of appealed decisions.

All these standards are analyzed both individually as well as in relation with each other in order to determine the most accurate way to evaluate the efficiency of a judge at work.

2) Evaluation of performance from chairmen of court.

The chairman is the subject which monitors up closely the work of a judge in the court. Afterwards, the data is continuously analyzed by the Council in order to continuously monitor the courts, so can identify the problems, find a solution and increase the efficiency in terms of independence, accountability and transparency.

The chairman conducts the performance assessment of the court he leads in two ways:

A. Monthly reports

This kind of monitoring began in 2012, when some problems encountered led to the dismissal of two judges,

the deputy chairman of the HCJ asked the chairmen of courts to prepare monthly report on the activities of their respective courts and submit them to the High Council of Justice.

This report includes issues in relation with the following:

- Respecting the deadline for the submission of reasoned decisions in the judicial secretariat, highlighting as unreasonable the delays beyond 30 days from the announcement of the decision
- Problems regarding the discipline at work;
- The compliance with judicial ethics norms in relation to the stakeholders, colleagues and the chairman of the court;
- Implementation of the decision no. 232/8, dated 07.07.2008 of the HCJ "On the solemnity of the trial and the specific garment of a judge";
- Delays in trials;
- Any other problematic ascertained situation also reporting on the installation and operation of audio recording system implemented in the respective courts, thus the functioning of ICMIS.

From the analysis of the data submitted during this period, main problems have been in some courts such as: delays in the reasoning of court decisions after its announcement and submission in the secretariat, high volume of workload in certain courts of the Republic, infrastructure problems in the courts, lack of administrative staff, problems regarding the use of the Audio Recording system during the hearings etc. These reports have served so the Council can have a clear picture of the problems and determine the need for intervention or the need for further regulation. In some cases, this process has not only provided information regarding the above mentioned issues but also has led to disciplinary proceedings against a judge for the violation of rules.

B. Annual reports of Courts

This is a very important instrument which is implemented on each court of first instance and appeal and monitored by the High Council of Justice. The process of developing annual analysis and drafting a specific report, is conducted by chairmen in accordance with the decision of the Council which determines the respective chart and dates when it will take place in each court. In these type of analysis participates the deputy chairman of the High Council of Justice, members of the High Council of Justice, and representatives of district prosecutors' offices and representatives of the respective chambers of advocates according to the judicial district in which the annual analysis is being carried out.

These analysis are also held in the presence of the media as a message of a fairly unique approach to flee

from the standard and monotonous annual analysis practice that doesn't have any benefit or effectiveness.

Primarily the analysis is based on work done by the courts in pursuance of the Constitution, the codes in force, the legislation on the functioning of the judicial power and the decisions of the High Judicial Council (decision "On the measuring criteria for judicial activities; Decision No. 227 / 2, dated 28.03.2008 "On the steering function in the court", the decision nr.234 / 4, dated 08.09.2008 "On the delegations of judges for review of judicial matters", decision No. 238/1 / a, dated 24.12.2008 "On the procedures of allocating the judicial cases by lot.", decision No. 238/1 / b, dated 24.12.2008 "On the solemnity of the trial and the specific garment of a judge ", etc.)

These analysis are developed in the spirit of exchange of ideas and experience between the representatives of HCJ, the chairman of the court, judges and representatives of the prosecutor's offices and the Bar, in order to emphasize the problems and issues or to create the same standards for the administration of justice.

3) The annual statistical data of the Ministry of Justice and the annual statistical bulletin.

This is a very important element in the analysis of the justice system, which has become a working practice of the institution from 2004 onwards. The yearbook is published pursuant to the law nr.8678, dated 14.05.2001 "On the organization and functioning of the Ministry of Justice", amended, where the database includes all the periodical statistics sent by the courts of Republic to the Ministry of Justice and all the periodical statistical evidence sent by the Attorney General to the Ministry of Justice, etc.

The presentation of the annual report serves as an important indicator of quality and volume of work that the judicial system has concluded throughout the year. In details, the statistical yearbook gives information regarding the dynamics of the cases that are adjudicated in various courts, shows how the judicial processes is conducted, reflects the yearly activity of the Court of First Instance, the Court of Appeal, the Administrative Courts, the General Directorate of Prisons, the Probation Service, the High Court, the Prosecutor General, the General Directorate of Enforcement and compares them over the years, gives information: on the types of the judicial disputes; the extent and spread of crime; on the offenders profile, categorized on the basis of age and gender; types of punishment; on the progress of the execution of judgments; and on the volume of work handled by the justice system operators.

4) Thematic Inspections.

The High Council of Justice, pursuant to Articles 143 and 147 of the Constitution, as well as Articles 1 and 16 of Law no. 8811, dated 17.05.2001 "On the organization and functioning of the High Council of Justice", as

amended, checks the legality of the activities of courts and inspects judges, in order to respect the Constitution, laws, the implementation and protection of human rights and fundamental freedoms and to ensure that the activities are carried out in accordance with the judges' duty.

Thematic inspections, unlike the verification of complaints process, aren't permanent or periodical. They are initiated by a decision of the High Council of Justice, based on a cause or particular problem identified by the Council or by the Inspectorate, where as a cause which led to thematic inspections we can mention the following: the arrest of a judge, which serves as a cause to conduct an 1 year inspection on all the judge's judicial activities, or the inspection of all which in many cases has led to initiation of disciplinary proceeding or inspections related to the entrances and exits in the country of judges which in some cases has led to disciplinary proceedings, or the inspection on teaching other academic activities of a judge, etc.

These inspections provide very important data on the functioning of the courts, the administration of justice, as well as relevant issues and their need for improvement.

AUSTRIA

Austria has not established Councils for the Judiciary.

Pursuant to Art. 87 para 2 and 3 of the Austrian Constitution specific questions of court management and court administration (allocation of cases, nomination and assignment of judges, deployment of substitute judges, assessment of judges) are dealt with by judicial staff panels who then act as independent judicial bodies.

Staff panels are judicial bodies that are situated at all higher levels of the court system: there are staff panels at all 20 Regional Courts, at the four Courts of Appeal and at the Supreme Court. They comprise the president and the vice-president of the courts and three to five judges elected by their peers every four years within the judicial constituency.

These judicial staff panels are in charge of assessing judges. Art 54 of the Judges and Public Prosecutors Service Act (Richter- und Staatsanwaltschaftsdienstgesetz =RStDG), Federal Legal Gazette (FLG) No 305/1961 in the version of FLG 65/2015 determines widely verbalized criteria for the assessment: range and current status of professional knowledge, industriousness, perseverance, diligence, reliability, decisiveness, social skills, expressive abilities (both oral and in writing), general conduct in office, in particular towards superiors, co-workers and the public, any conduct outside the office with repercussions to the service as well as the accomplishments of the position and the formal periodical appraisal.

Apart from that there is no specific system for the evaluation of the "Quality of Justice". But we are currently working on a quality framework for judiciary including criteria, indicators and practical tools for quality management within judiciary (finalization of project and start of implementation beginning of 2016).

BELGIUM

The Belgian High Council of Justice exerts 7 **main competencies to directly evaluate** the “Quality of Justice” in relation with the functioning of the justice system (judiciary and prosecution) in all its aspects. The judicial decision in itself is never the subject of these evaluations. These competencies are:

1, Complaint handling : complaints about the functioning, e.g. processing speed, behavior of judges during the hearings, ... A commission of the council evaluates if the complaint is founded.

Reporting about complaints (in the annual report of the council and also over several years): on the basis of the number and type of complaints certain problems can be identified in courts or prosecutor offices.

Complaint handling can lead to starting up an audit or a particular investigation.

2, Audit: audit report with recommendations to improve the functioning of (a part, e.g. section or process, of) a court/prosecutor office;

Examples of topics of evaluation are: evaluation of internal controls, existence and functioning of monitoring system(s) at different levels, Are court management plans updated ?, good implementation of court management plans, internal communication, production process of judicial decisions, processing speed, appointment of experts, study of ratios – e.g. productivity - and their evolution ...

3, Particular investigation: report of the particular investigation with recommendations for solving the particular problems that were identified.

This kind of research starts with a stated or perceived problem/dysfunction and could in case of a dysfunction identify persons responsible for it.

4, Selection for the recruitment of judges and prosecutors (written case study, oral exams, logical reasoning tests, personality test and interview): evaluation of 9 qualities (competences) that judges and prosecutors need to have (e.g. decision strength);

5, Selection for the promotion of judges and prosecutors (higher instance level and leading functions): e.g. a nomination commission evaluates competences of candidates and also the court management plan that candidates for a mandate of court president/chief prosecutor had to prepare.

6, Official advice (on demand, e.g. of the minister of justice, or ex officio) on law proposals concerning the functioning of the justice system.

7, Proposals based on specific or overall evaluations about the functioning of the justice system: e.g. Proposal for a new judicial map, proposal for autonomous management

Other texts can be prepared by the council and made available to judges and prosecutors: e.g. together with the Advisory Council of the Magistracy, the High Council of Justice has published a “Guide for magistrates”. It has no binding force, but contains guidelines for judges confronted with deontological issues. The Guide is available for the public on the website of both councils.

Evaluations from of other perspectives organized by the high council:

The Justice barometer: a survey of the population about their trust in the justice system and their attitude in relation with the functioning of the justice system. It has been carried out every 3 to 4 years since 2002.

Other kinds of evaluative research are of course possible, e.g.

- reviews based on questionnaires, on interviews e.g. of leading judges and prosecutors,
- evaluation reports containing comments on reports drafted by the judiciary/prosecution.

BULGARIA

The Supreme Judicial Council has not adopted system for evaluation of quality of justice.

CROATIA

CEPEJ and Ministries of Justice often publish statistics about the functioning of the courts and the speed with which cases are decided. We do not, however, think that these bare statistics can be regarded as a synonym for the quality of justice.

State Judicial Council of Republic of Croatia does not have a System for directly evaluating the “Quality of justice”.

For evaluating the judges Council issued The Methodology for evaluating judges. The Methodology determines criteria for assessment of the performance of judicial duties of each individual judge.

One of the basic criteria for the evaluation of judges are the results of work on the basis of quantitative data i.e. the number of cases by types that judge needs to resolve during one calendar year, which determines the Framework standards for the workload of judges (brought by the Minister of justice on the proposal of General session of the Supreme Court of Republic of Croatia).

The relevant judicial council assesses the work of a judge applying the Methodology (judges, except the judges of the Supreme Court of the Republic of Croatia are evaluated in the procedure of appointment to a higher court and when they candidate for the president of the court).

The relevant judicial council shall assess the work of a judge in line with the following criteria prescribed by the Article 97 of the Courts Act :

- 1.Number of decisions adopted by a judge compared to the number of decisions prescribed by the framework criteria for the work of the judges
- 2.The results of the work by types of cases both in absolute numbers and percentages
- 3.Respecting the deadlines for the delivery and writing of the decisions

4. Quality of the decisions based on legal remedies (confirmed, annulled or modified in absolute numbers and percentages compared to the total number of delivered decisions, and compared to the number of decisions which have been appealed against and number of decisions that have been annulled on the grounds of major procedural violations)

5. other judge's activities (judge's professional training, membership in working groups for making laws, etc.)

The president of the court in which a judge exercises his or hers judicial office determines by decision for the previous calendar year (also in line with the criteria prescribed in Article 97 of Courts Act) whether a judge has fulfilled his or her judicial duties.

Council also issued Ordinance on evaluation of candidates in the process of appointment of judges. Due to the Ordinance Council at the oral interview with candidates considers and evaluates the skills necessary for decision making, sense of justice, appropriate and responsible performance of duties and motivations of candidates to work in the courts and previous work and activities relevant to the successful performance of duties as judges. Council also issued an Ordinance on evaluation of candidates in the process of appointment of the presidents of the court (Council at the oral interview considers and evaluates organizational skills of candidates, skills necessary for decision making, sense of appropriate and responsible performance of duties, previous work and activities relevant to the successful performance of duties as president of the court.

In the Republic of Croatia we also have the Code of Judicial Ethics (brought by the Council consisting of the presidents of all councils of judges in the Republic of Croatia which establishes ethical principles and rules of conduct of judges to keep the dignity and reputation of the judicial office.

In performing the duties in their spare time judges are obliged to respect the law and compliance with the Code is obligatory for all judges.

DENMARK

The Danish Council does not have a system for evaluating the quality of justice in our country.

The Council had some years ago a project on quality, where a working group of judges set up indicators for quality in court proceeding and judgement writing. The indicators were discussed on a meeting for judges of all instances, and a rapport was made. The rapport did not handle the question of how to measure the fulfilling of the indicators, and this is still a question left open. It is difficult process, as the judges traditionally dislike evaluations. At some courts project has been made with supervision of judges on other judges, but this has been voluntary and confidential between the judges.

We produce and publish a lot of statistics about the functioning of the courts and the speed with which cases are decided but there are no statistics on the direct quality.

ENGLAND AND WALES

The Judges' Council of England and Wales does not have direct responsibility for the evaluation of the quality of justice. However some Council members are also members of other judicial governance bodies, and as a result report to the Council about the activities of those bodies, and take the views of the Council to those bodies. These bodies include the Judicial Appointments Commission ("JAC"), the Judicial Conduct and Investigations Office ("JCIO"), and the Judicial College ("JC").

Before dealing with these bodies, it is necessary to understand that the Judges' Council considers standards of court and judicial conduct in many of areas, and advises the Lord Chief Justice on appropriate standards and practices. In recent years, such areas include judicial health and welfare policies, judicial terms and conditions, judicial ethics, judicial education standards, judicial diversity, judicial complaints, and judicial working conditions and security.

The JAC maintains the quality of the judiciary by recommending for appointment or promotion only those candidates found to be of "outstanding" or "high" quality, whilst the JCIO maintains quality by implementing the Guide to Judicial Conduct 2013 adopted by the Judges' Council (i.e. the Judicial Code of Ethics) and recommending sanction where it is found to have been violated. The JC is responsible for training judges in substantive law and ethics and judge-craft throughout their careers.

It is also possible that the evaluation and publication of the speed with which cases are dealt with and the number of appeals and, in some areas, the number of successful appeals amounts to a method of controlling the quality of justice. These matters are published by the Ministry of Justice quarterly as "Court Statistics". Appeals are not, however, a fool proof guide to the quality of court decisions as cases may be appealed which are without merit, and meritorious cases may not be appealed due to financial and other constraints on the parties.

FRANCE

In France, there is no specific system to assess the quality of Justice. Statistics are regularly published about courts results, such as length of proceedings, ways of handling cases, rate of appeals by court of appeal or Court of cassation.

But there is no assessment of the quality of the service rendered by the Judiciary itself. Furthermore, the French Council has no particular authority in this area.

IRELAND

Ireland does not have a system for evaluating directly the quality of justice. The Irish Courts Service is expressly precluded by its founding statute from exercising its functions so as to interfere with the conduct of that part of the business of the courts transactable by or before a judge or to impugn the independence of a judge in the performance of his or her judicial functions. In the introduction to Question 3 it is suggested that quality of justice is reflected by “both quantitative and qualitative indicators. As to quantitative indicators, the Courts Service publishes detailed annual statistics on caseload, including waiting times for trials and data establishing case clearance rates, and also collects data indicating the average length of proceedings. As to strictly qualitative indicators, the Courts Service - having regard, not least, to the statutory restrictions on it aforementioned - does not comment on or otherwise seek to evaluate the “quality” of judicial decisions.

ITALY

Actually the Italian Council hasn't a global system to evaluate the quality of justice. In the future the Council is being equipped with its own independent statistical system, to check the efficiency of the offices and identify areas in which action is needed to support them. However, Italian Council has a series of checks that allow the verification of the quality of specific aspects that contribute to quality of justice.

First of all, the board regularly assesses the professionalism of all the judges, examining the written report of the head office, the statistics of judicial work and the quality of judgments.

From a different perspective, the Council seeks to implement a policy of mobility of judges able to maintain in the current serious staffing uncovered positions, one as much as possible, adequate efficiency of all judicial offices.

A third line of action concerns the internal organization of the offices. The High Council gives to the chief office directives aiming at maintaining a balance workloads assigned to individual judges and . adopts constant monitoring of compliance with these directives

A fourth line of action concerns the criteria for the selection of chiefs of offices. The High Council has, in this regard, made a recent reform that requires you to use more and more objective criteria for the appointment of chiefs of offices to improve the quality of the managers and consequently of the service offered by the offices.

A fifth topic concerns the training of the judiciary. The High Council of the Judiciary gives specific guidelines to the Academy for the judiciary on the training, in order to maintain a high professional level of every single judge.

LITHUANIA

There is no system for directly evaluating the quality of justice in Lithuania. Additionally, in our opinion, the functioning of the courts and the speed with which cases are resolved can be regarded as a synonym for the quality of justice.

NORWAY

There is no present working system for evaluating the overall quality of justice in Norway.

In 2013 the Norwegian Courts Administration did, however, develop a framework for Quality Management of the Norwegian Judiciary, "KRUT", containing a set of tools for quality work within the Judiciary. An overview of the framework is shown below. The full and rather comprehensive report from a working group appointed by the Courts Administration is unfortunately not yet available in English.

The quality framework includes nine target areas, all with their underlying quality criteria and tools, to be made available in a digital form on the courts internal websites. The target areas represent the areas within the court regarded most relevant for quality management in a systematic fashion, and is based on the core values of the Norwegian judiciary: Independence, confidence and rule of law.

The defined target areas are:

- Decisions
- Reputation and trust
- User-orientation
- Transparency and availability
- Case Management
- Material and financial resources
- Co-workers / employees
- Ability to plan and reach goals
- Leadership/Management

Under each target area specific quality criteria exemplifying the particular area will be found. The criteria are drafted in a short and concise form to illustrate what activities or results regarded to be high quality in that area. The quality criteria are set out below under question 3.

"KRUT" also contains a self-evaluation system to be used by the courts in order to support systematic quality

development.

"KRUT" does not, however, include specific standards of quality, meaning descriptive levels of quality within a certain area.

"KRUT" is not yet implemented in all Norwegian courts. However, a pilot project of implementation started in 4 courts in 2014. In addition several other courts are now working with a limited amount of target areas and criteria based the ideas from the "KRUT".

The criteria connected to the target areas as described above are:

Criteria for decisions

- The decisions are correct,
- Decisions are delivered in a timely manner,
- The court shall use accessible and correct language in their decisions,
- The court shall continuously work to improve the quality of their decisions,
- Decisions are delivered in a safe and respectful manner

Criteria for public trust and confidence

- The court holds a good reputation and enjoys high public confidence,
- The users view the court as the preferred entity to solve civil disputes,
- The court and its staff acts in line with ethical standards and with high levels of integrity,
- The court contributes to increased knowledge in the society on issues of the rule of law and the courts' role,
- The court protects itself against corruption through review and control

Criteria for User-orientation

- Users and the public are met with respect and openness,
- The court cooperates and interacts with professional actors and other partners,
- The court collects information about the users' satisfaction and implements changes to meet the needs and expectations of the users and the public,
- The court defines and provides good service

Criteria for Transparency and Accessibility

- The court makes itself available for users and the public,
- The court will facilitate the working conditions for media and press,

- Decisions are accessible for users and the media in a modern and appropriate manner,
- The court utilizes accessible language in all communication with the users and the public,
- Information about the work and practice of the court, status of processed cases and important decisions, are made public

Criteria for Case management

- The court's case work/management is correct and uniform,
- Case management is efficient,
- The court has routines for oral, written, and technical case work,
- The judges play an active role in case management,
- The court makes use of available technology for digitalization and modernization,
- The case management and the workflow are aligned so as to optimize the available resources

Criteria for support personnel

- The court has a staff that at all times hold the necessary and adequate competencies,
- The court has a clear and effective organizational structure,
- The support personnel are included in important issues relating to their work.

Criteria for goals and planning

- The court's goals and plans are anchored in the values and principles of the judiciary,
- Plans and their underlying measures are implemented,
- Goals and planned activities safeguard shall the needs of the users

Criteria for leadership

- The court leadership shall manage the court's work and practice in line with the values and principles of the judiciary,
- The court leadership works systematically and continuously with quality improvement,
- The court leadership facilitates for good service and internal interaction,
- The court leadership cooperates with other professional court actors and other courts, agencies and businesses,
- The court leadership identifies and acts on the needs for development in relation to societal and material changes

POLAND

It is worth stressing that the crucial question is how to define “the quality of justice”. It is extremely hard (if possible at all) to discuss and establish the measures that will help evaluating the judiciaries when it is not agreed what “the quality” is.

Nevertheless, Polish Council does not evaluates the quality of Justice in our country.

Council adopted the Code of Judicial Ethics and named a commission for judicial ethics. Polish Council also initiates and takes part in disciplinary procedures. Stigmatizing behaviors and attitudes that are not acceptable is considered as a method of improving the quality of Justice.

Procedures related to designation and promotion of judges guarantee that the Council’s choice (of the candidate) is based solely on merit. This also provides a better quality of Justice.

Polish Council gives opinions on the drafts of new legislation. These opinions consider the matter of quality of Justice. Polish Council, however, does not have the right to initiate the legislation procedure.

PORTUGAL

For the time being, the Portuguese Judicial High Council (CSM) does not have a System to directly assess the quality of justice.

Nevertheless, due to the Reform of the Judicial System introduced by Law n.º 62/2013, of 26 August, the Portuguese Judicial High Council (CSM) has a work in progress regarding this matter.

So far, the only way to assess the quality of justice relied on statistical analysis and reports elaborated by the inspection body (divided by 21 territorial areas) containing some detailed information about:

- (i) the state/quality of services at the courts (including several aspect such as organization, resources, workloads, timeliness, etc); and
- (ii) the evaluation of individual judges (including the quality of the decisions, the number of appeals and their result).

→ On September 1, 2014 came into force the law that approved the organization of the judiciary system, which created 23 county courts/district courts (first instance).

→ On the other hand, this Law introduced a new management model for these courts.

In effect, the 200 former first instance courts were replaced by only 23, each with its main court based in the capital of an administrative district, except for Lisbon and Oporto which were divided into three and two court districts respectively.

The judicial reform pursued three main objectives:

- 1) to broaden the territorial base of the judicial districts, which as a rule now coincides with main towns and cities;
- 2) to set up specialized courts nationwide; and
- 3) to implement a new public management model. The procedural codes were also recently amended so as to streamline court procedures and, in particular, to speed up the resolution of standard civil and commercial disputes.

According to the new management model in each of the 23 district courts there is a presiding judge, a Prosecutor who coordinates and a Judiciary Administrator who, within their respective legal powers, carry out the court's management. The three are also part of the management board/council which has the power to decide on some specific matters.

The Judge President has own powers, as well as powers delegated by the CSM and has the important power of guidance on the Judicial Administrator who essentially depends on the Ministry of Justice.

Also according to the new management model, the CSM and the Prosecutor General Office (PGR), together with the Ministry of Justice (MJ), within their respective competencies, must establish strategic objectives for the performance of the 23 district courts for the following three years.

These entities must articulate, until 31 May, the strategic objectives for all courts, for the subsequent judicial year, considering the allocated resources, the adequacy of the established procedural benchmarks and the results obtained in each court in the previous year.

In addition, taking into account the results obtained in the past year and the goals set for the following year, the President of the court and the Prosecutor Coordinator (previously hearing the judicial administrator), must articulate proposals for procedural objectives for the district courts and the courts of enlarged jurisdiction headquartered there, for the following year.

The final decision on the fixing of these procedural objectives rests with the CSM.

Within the setting of strategic objectives, each entity: CSM, PGR and the MJ has already set its own strategic objectives. Thus, respecting the frame of the mission and values of the judiciary, the CSM at its Plenary session of 03.03.2015 defined and approved its own strategic objectives for the period 2015-2018 and for the year 2015-2016. The data has to be monitored and analyzed in order to assess the judicial system.

These strategic objectives are the following:

a. Organizational efficiency

To consolidate the management model and courts organization
Provide the justice system the necessary means to perform its task

b. Resolution within a reasonable time

To improve the case time resolution
To rationalize, standardize and simplify procedures and routines

c. Quality access to justice

To promote access to Law and Justice
Increasing transparency in the administration of justice

Subsequently, on 7 October 2015, together with the Ministry of Justice and the PGR, CSM signed a document in which it was set the strategic objectives for the courts. These strategic objectives are:

a. The quality access to justice

Promote access to Law and Justice
Facilitate people's access to the Courts
Promote equality of citizens before the Law
Promote the accessibility and quality service to the public
Increase transparency in the administration of justice
Improve information on the activity of each Judicial District Court
Strengthen the intervention of the Advisory Board
Improve the external communication

b. Resolution within a reasonable time

Improve the case time resolution
Monitor the procedure of each district court
Rationalize, standardize and simplify procedures and routines
Promote the standardization of procedures and the sharing of best practices
Promote computerization in the pleadings practice
Develop the automation of the computerized system, in collaboration with users

c. Organizational efficiency

Consolidate the management and organization model of the Courts
Develop an organizational culture based on the service and planning of actions to be taken
Promote the training of the management bodies
Provide the justice system the necessary means to perform its task
Provide the courts of adequate human resources to proceed regular operation
Allocate to each court the essential human resources to guarantee the regular procedures
Provide the courts the necessary means and equipment for the performance of its mission
Provide the courts with the necessary infrastructure and conditions for an efficient functioning
Qualify the courts human resources together with each management body and with the setting goals

Furthermore it was also decided that these strategic objectives would be implemented by the individual plans of the CSM, PGR and MJ and by the procedural objectives set for each district court.

On October 2015, the CSM approved the procedural objectives for the 23 district courts, which were presented by each President. The implementation of these objectives is ongoing in each district court.

On September 2015, the CSM has started planning and monitoring the district courts activity in order to compliance of the actions proposed.

In the context of the mission committed by the Constitution and the law to the courts, welcoming the values of independence (external and internal) and impartiality, fairness, procedural justice and equality, access to the law and the right to a judge and a lawyer, reasoned decisions, the prevalence and enforceability of decisions, public hearings, non-retroactivity of criminal law, values which can be put into action by accountability and the pursuit of excellence in service to the community, CSM has set a vision to implement an independent judiciary, effective and fair (as such, recognized by citizens) and within the framework of the strategic objectives, has established the following actions to be undertaken:

In this framework, also according to the new management model, the activity of each court is monitored throughout the judicial year, thus every three months meetings take place between representatives of CSM, PGR and the Ministry of Justice to monitor the progress and results achieved regarding the objectives, based on the elements provided by the supporting information system to the procedure.

The first quarterly evaluation should take place between December 2015 and January 2016, thus for the time being, the CSM based on a working document/draft approved on February 2014 as the basis for future definition of strategic objectives and management indicators on courts activity, is working on the indicators definition to be applied in the future assessments.

The indicators that will be identified in Question 3 are the result of the labor of previous meetings held with the Ministry of Justice and the PGR. The CSM played an active and very important role in its drawing.

Monitoring is carried out: (i) directly by the CSM in the areas of its direct action; (ii) quarterly by the Presidents of the Courts by sending data collected from the computerized system in its various parameters set in the procedural objectives; (iii) by the analysis of semi-annual reports elaborated by the presidents of the courts containing information about the state of services and the court's response quality. The data that should be collected and analyzed was previously parameterized by CSM aiming a uniform procedure, analysis and conclusion, in order to establish the necessary actions to improve court functioning.

REPUBLIC OF SLOVAKIA

No, Judicial Council of Slovak republic does not have any system for evaluating the “Quality of Justice”. As in other countries, Slovak Ministry of Justice collects and evaluate quantitative statistics on the functioning of the courts and the speed with which cases are decided. We do agree, that these bare statistics do not express the term “Quality of Justice”. We must define what does the term “Quality of justice” mean.

SLOVENIA

Slovenian Council for Judiciary does not have a System for directly evaluating the “Quality of Justice”.

Nevertheless, we consider quality issues and we are trying to improve the quality of our justice system.

For evaluating the judges the Council issued “The Criteria on the Quality of Judicial Performance for the Evaluation of Judicial Service”. The English translation is enclosed. The goal of the evaluation is to improve the quality of the trials and to ensure the promotion of the most able judges.

Because it is very difficult to measure the quality, the Criteria is a “work in progress”.

For the selection of the candidates for new judges the Council issued “The Criteria on the Selection of the Candidates to the Judiciary”. The criteria are: the expertise of the candidates, their working capacities, the integral personality of the candidates and their social skills. The procedure is also prescribed in the “Criteria”. The Council adopted “The Code of Judicial Ethics”. The Code contains professional and personal ethical rules for judges in the form of principles. The Council named a Commission for judicial ethics and Integrity. It's task is to express opinions on the activities and conduct of judges in and outside of the Courts and to promote judicial ethics.

SCOTLAND

The Judicial Council for Scotland is an advisory body only, with no power to evaluate the quality of justice in Scotland or to make directions for the improvement of the quality of justice.

SPAIN

We do not have any systemic method for the evaluation of quality of justice in Spain. Nevertheless, since 2010 the Spanish Council for the Judiciary bestows yearly awards on the quality of Justice for the following categories:

- More efficient Justice,
- More transparent Justice,
- More accessible Justice

In each of the categories the award is bestowed to one or more courts of justice and to one or more bodies related to the justice administration (i.e. bar association, prosecutor's office, unit within the Ministry of Justice, etc.). All candidates to each of the categories must present a project related to that category. The jury of the prize is composed by three members of the Council for the Judiciary and five representatives of legal professions, including a prosecutor, an advocate, a solicitor, a court registrar, and a labour adviser.

SWEDEN

The Courts Administration does not have a direct system for evaluating the quality of justice. However issues regarding the quality of justice is of great interest to the Courts Administration. Beside the more obvious interest of managing case loads within a reasonable time treatment of parties, witnesses and other persons is of great importance. One especially important issue concerns how judicial decisions are worked out.

In order to give the courts the best possible terms to manage the case load the funding of each court is based primarily on the number of new cases.

Issues regarding treatment of persons that come into contact with the courts and questions on how decisions are worked out has been on the agenda of the Courts Administration since 2010. The work has involved all the courts and recently an action plan has been adopted. The main focus of the plan is to secure that the work on this matter will continue. The plan underlines the fact that the conduct of every employee adds to the picture of the courts.

When it comes to the future work the plan describes a method based on four steps, planning, action and follow up, evaluation and revised actions. The plan also contains a list of support that can be given by the Courts Administration.

Question 2 – Does another body (and if so which) operate systems for evaluating the “Quality of Justice” in your country? If so, please explain them to us?

Explanation of question 2:

Councils for the Judiciary ought ideally to be involved in the evaluation of the “Quality of Justice”. But in some countries, this is undertaken by Ministries of Justice or external groups. Please tell us who, if not the Council, is involved in this process in your country. Please give us details of what precisely they do.

ALBANIA

Besides the High Council of Justice, which is considered as the main constitutional institution for the organization and functioning of justice in Albania, the Ministry of Justice also has some functions on measuring the quality of justice.

Thus, pursuant to law nr.8678, dated 14.05.2001 "On the organization and functioning of the Ministry of Justice", amended, the Ministry of Justice has the authority to collect and publish statistical data of the whole justice system. At the conclusion of this process, it publishes the Statistical Yearbook (*for more details, please refer to the response given in the first question*).

Also, in the Ministry of Justice functions the Inspectorate of the Ministry of Justice which among other things, has as a main objective to control the functioning of the courts and the verification of various citizens' complaints against judges.

In Albania there are two parallel structures for the judiciary inspection, specifically:

1. The Inspectorate of the High Council of Justice, which is organized and functions under the Council and is composed of judges. The main objectives of its activities are: professional and ethical evaluation of judges; verifying complaints; and conducting different thematic inspections.
2. The Inspectorate of the Ministry of Justice, which operates under an organic law, where the inspectors are from the ranks of well experienced jurists and the main objectives of its activities are: to control the activities of the judicial administration; to conduct inspections and to investigate cases of disciplinary violations from judges of the first instance and appeal court, according to the respective law; to control the prosecutor's office; and to report to the President of the Republic and Parliament etc.

Currently, pursuant to the justice reform process, the main goal will be merging these two Inspectorates into a single structure which will serve as an independent and professional body that will inspect and verify the judicial activities of judges.

AUSTRIA

In 2014 the Ministry of Justice started a broad discussion process about developing standards and indicators in the field of “Quality of Justice”. The Ministry of Justice asked specific stakeholders (e.g. members of parliament, universities, Austrian Bar

association, the Austrian Chamber of Notaries, the Austrian Chamber of Commerce, Amnesty International, Council of Human Rights, Austrian Judges Association.....etc.) to answer a questionnaire aiming at distilling the criteria these

stakeholders see as essential in the field of “Quality of Justice”.

After analysing these results three lists of criteria were drawn up matching with three headings: (1) quality of results, (2) processing quality and (3) structural quality.

These three lists were then presented to an expert group comprising representatives of the Ministry of Justice, of the court administration, the administration of the public prosecution (all situated at the level of the four Courts of Appeal), of the Austrian

Judges Association, the Austrian Association of Public Prosecutors and of the Public Service Union.

These lists then served the expert group to select criteria and define indicators to evaluate “Quality of Justice”. This done, various measures were discussed that could be envisaged to improve the “Quality of Justice”.

Finally, a toolbox for the management of “Quality of Justice” was discussed (eg.

benchmarking, a customer survey, staff survey, quality audits, process analysis, peer review, quality circles, etc.).

After finalization of this project we of course may share our findings with the ENCJ as well.

BELGIUM

The judiciary

A, Self-evaluations done by a court or prosecutor office

1, A total quality management system was developed for the prosecution in association with a university. It is based on the total quality models CAF and EFQM. You can compare it to the “International framework for court excellence” but fully focused on the functioning of prosecutor offices.

A court or prosecution office can also only focus on an element of such a quality management system: e.g. user satisfaction studies were conducted in the courts belonging to the regional district of a court of appeal.

2, Peer evaluation. An internal quality improvement system at the individual level, consisting of two systems:

2,a, periodic evaluation of judges and prosecutors

An evaluation committee is appointed in each court and prosecutor office.

It is composed of 2 judges/prosecutors and the court president/chief prosecutor.

Job competences with their indicators were described by the High Council (The judicial decision in itself is not the subject of these evaluations).

Three kinds of conversations are organized by the evaluation committee:

-Planning conversation (to fix the individual objectives to attain during the evaluation period; for this purpose use is made of the job descriptions and competences)

-Functioning conversation (several are possible during the evaluation period, also the evaluated person can ask for such a discussion)

-Evaluation conversation

Result of the evaluation. The following 4 mentions are possible : very good, good, satisfactory, unsatisfactory.

Immediately following the evaluation conversation the planning conversation for the next evaluation period takes place.

2,b, evaluation of holders of a mandate (other than the one mentioned under point 3 and the evaluation of court presidents during their mandate which does not exist) just before the end of the mandate (investigating judge, ...)

Possible evaluation mentions: good, unsatisfactory

This evaluation is important to renew the mandate.

3, Evaluation of Chief prosecutors during the fulfillment of the mandate is done by an evaluation college (composed of 6 members).

This college has a follow up conversation with the chief prosecutor during the second year of the mandate.

The evaluation college can give recommendations which are inspired by the follow-up conversation.

During the 5th year of the mandate an evaluation takes place by the evaluation college based on different documents (e.g. a functioning report drafted by the chief prosecutor, advices by the general assembly of the prosecutor office and the general director for the justice system of the Ministry of justice).

Possible evaluation mentions: good, unsatisfactory

This evaluation is important to renew the mandate

B. Evaluations done by the two (new) colleges

The college of the judiciary annually evaluates the working of the courts (with the exception of the supreme court).

The college of the prosecution annually evaluates the working of the prosecution offices.

C. Evaluations of the autonomous management model

This is done by a special evaluation commission.

Concerning B and C: these evaluation systems are provided in the law on the introduction of autonomous management in the justice system (Law 18.2.2014). They should be worked out concretely before 2017.

BULGARIA

The Supreme Judicial Council is the only body which manages the activities of the bodies of the judiciary without affecting their independence (Art. 16 of the Judiciary System Act). According to the legal regulations, there is no other authority outside the Supreme Judicial Council, which manages the system for the evaluation of “quality of justice”, respectively the Supreme Judicial Council has a role in all forms for evaluation of the “quality of justice”. The term “quality of justice” covers the procedures for assessing the work performance of judges (appraisals - periodic and acquisition of tenure status), collection of statistics, training of judges and other aspects addressed in the questionnaire.

CROATIA

No other body operates system for evaluating “Quality of Justice” in Croatia.

DENMARK

There are no other bodies involved in evaluation of the quality of Justice in our country.

ENGLAND AND WALES

Approaching the quality of justice in a holistic manner, there are a number of bodies responsible for different aspects of the judicial system. Not all of these are represented on the Judges’ Council. But the quality of justice involves not just the judiciary, but also all aspects of the legal service.

Examples of the bodies that have some responsibilities that impinge upon the quality of justice include the following:

1. The regulatory bodies of the professions, which are the Solicitors Regulatory Authority for solicitors and the Bar Standards Board for barristers. Both these bodies are responsible for setting the standards for professional lawyers practising in the courts for qualification, discipline, continuing education and monitoring quality.
2. The JAC, which is responsible for the appointment of all levels of the Judiciary and has representation on the Judges’ Council.
3. The JCIO which is responsible for the investigation of complaints against judges and reports to the Lord

Chief Justice and Lord Chancellor in respect of this, and has representation from the Judicial Council.

4. The JC is responsible for the continuing education of Judges, and thereby for the continuation of appropriate standards. The JC is represented on the Judges' Council.

None of these bodies is responsible for post-decision evaluation but all are responsible for ensuring the quality of aspects of the judicial system. The JAC, JICO, and JC ensure that judges appointed are suitable at the time of appointment and remain so.

FRANCE

Independently of statistical and thematic studies published by the Ministry of Justice or certain other institutions (for example, the Institute of Superior Studies on Justice), private organisms are able to publish documents referring, either directly or indirectly to the question of quality of justice based on surveys on the public concerning its perception of the utility, reliability or the efficiency of the service given by tribunals.

IRELAND

As mentioned above, Ireland does not have a system for evaluating directly the quality of justice. However, the remedy of Judicial Review – available from the High Court in relation to decisions of the lower courts (Circuit Court and District Court) – serves as a means of evaluating the quality of justice administered in an individual case in the lower courts. Judicial Review may be sought in relation to a decision of a judge of those courts where it is alleged that the decision involved an error of law, exceeded the judge's jurisdiction or did not comply with fairness of procedures. Similar deficiencies in a decision of the High Court are remediable by way of an appeal.

ITALY

The Minister of Justice has available statistical data on flows of cases, the number of cases closed, the number of pending cases. It is a static picture which represents the disposal capacity of the system. This does not correspond , however, to a global system to evaluate the quality of justice.

LITHUANIA

There is no system for evaluating the quality of justice in Lithuania. There are only individual (separate) elements for evaluating the quality of justice, such as evaluation of judges, career of judges and etc.

NORWAY

There is no evaluation of Quality of justice by external bodies in Norway.

POLAND

Polish Minister of Justice supervises the courts in terms of efficiency in delivering justice. It doesn't include any kind of control over the substantive issues. The supervision mentioned above includes collecting the statistics data.

Productivity and professional competence of a judge in the methodology of work and office culture, as well as expertise in recognizing different types of cases and performance of the functions are assessed by senior judges (art. 106a – 106g of The Law on Common Courts). After assessment the individual plan of a judge's career development is prepared and adopted. The assessment mustn't relate to the area of judicial independence, however in some specific cases it could be difficult to distinguish whether some issue is or is not linked with question of independence of the judiciary. For example a judge's decision on setting a hearing date could be considered as a simple methodology issue or can be treated as a part of the area of judicial independence.

PORTUGAL

As mentioned in the previous answer, officially, beyond the CSM, the Ministry of Justice and the PGR together with the High Council for Prosecutors also evaluate the judicial system quality.

As referred before, there is a mandatory quarterly assessment carried out jointly by the CSM, the PGR and the Ministry of Justice.

REPUBLIC OF SLOVAKIA

In Slovak republic, the evaluation of the "quality of justice" goes through the evaluation of the judges. It is regulated by law Act No. 385/2000 Coll. on judges and lay judges. The evaluation is stipulated there as follows:

Evaluation of Judge

Section 27a

(1) Evaluation of Judge is done:

- a) after five years of execution of judicial office; evaluation period in such case is the period of five years preceding the current evaluation,
- b) as regards to selection procedure; the above does not apply if it concerns promotion to a higher instance Court, in which case the selection committee only requires evaluation not older than one year,
- c) on application of person authorised to submit motion to initiate disciplinary proceedings (Section 120 Para

2); evaluation period in such case is the period of five years preceding the current evaluation, or the period of execution of judicial office if Judge has been executing his office for period shorter than five years,
d) if Judge shall request evaluation e) after one year, if the immediate previous evaluation included conclusion “unfit”.

(2) For the purposes of arranging for evaluation of Judge pursuant to Para 1 b) he, who declares selection procedure, shall notify forthwith the person doing the evaluation of Judge that the Judge to be evaluated in relation to selection procedure had registered for the selection procedure.

(3) First evaluation of Judge pursuant Para 1 a) is done after five years of execution of judicial office.

Section 27b

(1) Evaluation of Judge is done by:

a) Chairman of District Court Division or joint Division the evaluated Judge is member of if it concerns District Court Judge; if neither Division nor joint Division are established, evaluation of Judge is done by Judge elected by plenary assembly of the District Court,

b) Chairman of Regional and Supreme Court Division the evaluated Judge is member of if it concerns Regional and Supreme Court Judge,

c) Judge of Specialised Criminal Court elected by plenary assembly of this Court.

(2) If no Chairman of District Court Division or no Chairman of Regional and Supreme Court Division are elected, evaluation of Judge is done by three most senior Judges of the appropriate Court, who are evaluating one another at the same time.

(3) Chairman of District Court Division is evaluated by another District Court Division member designated by the District Court Division. Chairman of Regional and Supreme Court Division is evaluated by another Regional and Supreme Court Division member designated by the Regional and Supreme Court Division.

Section 27c

Evaluation of Judge is based on:

a) research of his decision-making, continuity and dignity of managing Court hearings during the evaluated period,

b) opinions of appellate panels, or extraordinary appeal panels, as appropriate,

c) statement of Court President on performance of evaluated Judge,

d) own knowledge of the person doing the evaluation of Judge (Section 27b) and on the opinion of Chairman

of Panel,

e) status and causes of older pending cases and delays in proceedings and on reports pursuant to Section 27,

f) position of Judicial Board concerning adherence to the principles of judicial ethics.

Section 27d

(1) Research pursuant to Section 27c Para 1 a) is done by three-member commission from amongst Judges designated by Judicial Board of the Court at which the Judge is executing his office. Research of the docket of Judge is based on internal review report conducted at the Court, to which Judge was assigned or reassigned. If the internal review report is not sufficient for the purpose of evaluation of Judge, the commission shall mainly focus on:

a) adherence to regulations on conduct of Court hearing, particulars of hearing records and decisions, observance of legal deadlines for proceedings and decision-making,

b) timeliness of execution and persuasiveness of decisions,

c) level of preparation of Court hearings and the course of Court hearings, utilisation of hearing days and reasons for adjourning hearings; for this purpose the commission members shall attend randomly selected hearings conducted by the evaluated Judge.

(2) If the evaluation of Judge is done in relation to selection procedure to a higher instance Court majority in the commission pursuant to Para 1 is held by Judges of higher instance Court designated by Judicial Board of the higher instance Court; if the higher instance Court is Regional Court it is understood as such Regional Court within whose region the evaluated Judge is executing his office.

(3) When researching the docket of the evaluated Judge the commission is to review a minimum of 10 and not more than 15 case files, but at least two case files for each evaluated year, and five case files selected by the evaluated Judge; these must not be case files on case with identical subject-matter and at the same time majority of case files must pertain to cases where decision was made on the merits of the case. Research of case files may only pertain to closed cases with final verdict; that does not apply in long overdue cases.

(4) Based on conducted research the commission shall award to the evaluated Judge a maximum of 30 points, on which it shall provide written notice to the person conducting the evaluation of Judge (Section 27b).

(5) Based on positions of appellate panels or extraordinary appeal panels, position of the Judicial Board concerning adherence to the principles of judicial ethics and based on own knowledge of the person doing

the evaluation of Judge concerning actions of the evaluated Judge, the person doing the evaluation (Section 27b) shall award to the evaluated Judge a maximum of 35 points.

(6) Based on reports pursuant to Section 27 and based on own knowledge concerning actions of the evaluated Judge, Court President shall award to the evaluated Judge a maximum of 35 points, on which he shall provide written notice to the person conducting the evaluation of Judge (Section 27b).

Section 27e

(1) Result of evaluation of Judge is the following verdict: a) "excellent", if the sum of points awarded pursuant to Section 27d Paras 4 to 6 is 86 to 100, b) "good", if the sum of points awarded pursuant to Section 27d Paras 4 to 6 is 60 to 85, c) "unfit", if the sum of points awarded pursuant to Section 27d Paras 4 to 6 is 59 and less.

(2) Verdict pursuant to Para 1 must be reasoned.

(3) Person conducting the evaluation of Judge shall make out written evaluation of Judge within 15 days from submission of written reports pursuant to Section 27d Paras 4 and 6 and shall notify the Judge with the evaluation no later than within 15 days from making out the written evaluation of Judge.

(4) Judge has the right to request supplementation or clarification of the evaluation within 15 days from its delivery. If the Judge does not request supplementation or clarification of the evaluation within the deadline specified in the previous sentence, the evaluation of the Judge is final.

(5) If the person conducting the evaluation of Judge does not fully sustain his objections, Judicial Board of the Court at which the Judge is executing judicial office, shall present its opinion on the disputed issues at hand, which shall be attached to the evaluation of the Judge. Person conducting the evaluation of Judge may, based on the opinion of the Judicial Board, change the evaluation of the Judge; if the evaluation of Judge has been changed, thus amended evaluation of Judge is final. Evaluation of Judge is not up for judicial review.

SLOVENIA

No other body operates systems for evaluating "Quality of Justice" in Slovenia.

SCOTLAND

There is no formal system for evaluation by any executive, legislative or other body of the “quality of justice” in Scotland in the sense of there being an inspectorate of judges or individual courts. If any deficiencies come to the attention of the presidents of the Scottish courts (ie the Lord President for the Court of Session or the Sheriffs Principal for sheriff courts), they have power to take action. That would tend to relate to individual cases rather than an evaluation of the quality of a judge’s work. Within each sheriffdom and in the Supreme Courts there are relatively sophisticated systems, using Key Performance Indicators, for monitoring the time taken for cases to be resolved.

Recent developments

The Scottish Civil Courts Review chaired by Lord Gill concluded in 2009 that the Scottish civil courts provided a service to the public that was slow, inefficient and expensive. Changes recommended by that review were implemented in the Courts Reform (Scotland) Act 2014, which took effect in September 2015. These included:

- ❑ the renaming of the Scottish Courts Service as the Scottish Courts and Tribunals Service and its taking on the function of providing administrative support to Tribunals in Scotland;
- ❑ the creation of a new Sheriff Appeal Court to hear summary criminal appeals and some civil appeals;
- ❑ the creation of a new Personal Injury Court;
- ❑ an extension to the exclusive competence of all sheriff courts to actions with a value of up to £100,000 (the previous figure was £5,000);
- ❑ amendments to the procedure for judicial review of administrative action;
- ❑ the creation of a new post of summary sheriff to deal with minor criminal and civil business.

Scottish Civil Justice Council

The Scottish Civil Justice Council was established in 2013. It prepares draft rules of procedure for the civil courts and advises the Lord President on the development of the civil justice system in Scotland.

Scottish Sentencing Council

The Scottish Sentencing Council was established in 2015. It is an independent advisory body chaired by the Lord Justice Clerk (the second most senior Scottish judge). The Council’s responsibilities include preparing sentencing guidelines for the Scottish Courts, publishing guideline for judgments issued by the Scottish Courts and publishing information about sentences imposed by the courts. It will also have powers to publish information about and conduct research into sentencing and to provide advice and guidance of a general nature on sentencing matters.

SPAIN

No, although both the Ministry of Justice and the Council for the Judiciary follow the judicial statistics and participate in a National Commission for Judicial Statistics along with other bodies related to the justice administration. The available yearly judicial statistics include data on flow of cases, number of initiated cases, numbers of cases disposed of, and number of pending cases in each court of Spain. This available information allows an assessment of the Spanish judicial system from the quantitative perspective, but does not provide a tool for the qualitative evaluation of the system.

SWEDEN

There is no body outside the Courts Administration that operate systems for evaluation of quality of justice. However it should be mentioned that the National audit office – an independent body under the Parliament – has the general task to evaluate the use of public funds. Within such a work question on the quality of justice could be looked upon.

The Chancellor of Justice – a body under the Government - and The Parliamentary ombudsmen may be seen as having a role here. These bodies supervise the courts, mainly by handling complaints from the parties concerning the more formal aspects of cases in the courts. They have the power to press criminal charges when a civil servant has acted in a way that may constitute a criminal act and to the address The National Disciplinary Offence Board.

Question 3 – What does your Council think are the main indicators of the “Quality of Justice”? Please explain your answers in as much detail as you can?

Explanation of question 3:

This is the most important part of the questionnaire. We need to know what your Council regards as the main indicators of the “Quality of Justice” in your country.

It is obvious that quality is not merely a statistical analysis of how quickly or efficiently cases are processed, though this aspect may be important.

Quality must take into account both quantitative and qualitative indicators.

The annex includes a list of possible criteria. Do you think there are others that are important? Which do you think are the most important (a) to your judges, and (b) to your Council? (c) to your citizens? (d) to your Government? (e) to the prosecution if you have? They may not all think alike.

Some factors to consider include: Access to Justice, Legal Aid and assistance, the status of judges, judicial independence, training of judges, judicial ethics, public and media confidence in the proper functioning of the justice system, timeliness of judgments, the length of the proceedings, the quality of judgments and the decision making process, the intelligibility and availability of the decisions.

One crucial element of this project might involve the evaluation of the quality of judicial decisions. This cannot be done just by calculating the percentage of decisions reversed on appeal. Evaluation might concentrate on the methodology adopted by the judges, rather than on the legal merits of individual decisions.

ALBANIA

Currently in Albania, within the framework of the judicial reform process, it's in process of adoption a new law on the status of judges, which among other things regulates in detail the professional and ethical evaluation of magistrates. At the end of the evaluation process, it is believed that the results will be used to have an overview of the entire judicial system. The goals of the evaluation system are:

- Improve consistently professional and ethical activities of magistrates;
- Establish consistent standard for quality and quantity of the activities of magistrates;
- to inform the Council in the decision making process regarding the promotion and transfer of magistrates in view of their career development based on their merits;
- inform the Council and the School of Magistrates regarding the training needs of magistrates and to facilitate the planning of their training;
- identify magistrates who may have special expertise for the justice system;
- to contribute to the improvement of the organizational structure of the courts, to the working conditions of magistrates and the judicial system.

The drafting of this bill was based upon the findings and recommendations of CCJE Opinion No. 17/2014 "On the evaluation of judges' work, the quality of justice and respect for judicial independence". In summary, the measurement criteria of the evaluation system are:

1. **Judicial Capacity.** By this criterion the professional capacity of the judge is evaluated in terms of legal knowledge and in terms of legal reasoning. The aspect of the legal knowledge will be assessed in regard to the judges' ability to rendering judicial decisions, against indicators like the overall capacity to interpret the law, detect conflicts of law, and use general principles of the legal theory and the capacity to analyze the case law. The aspect of legal reasoning the judges' ability in rendering judicial decisions will be assessed, against indicators like the clearness and comprehensiveness of the decision, a consistent and developed structure of the decision, the quality of the judges' analysis and the logical argumentation.
2. **Organizational Skills.** By this criterion are evaluated the magistrates' ability to handle the workload, to handle judicial or prosecutorial procedures and skills to administer the files by avoiding that circumstances which do not depend on the magistrate have negative effect on the results of the evaluation. The ability of handling the workload is measured by the capacity to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of cases

and the average time to judgment. The skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, of conducting necessary procedural actions for the organization of the judicial process, of avoidance of unproductive court hearings, as well as including the monitoring of sending without delay the necessary acts of notification. The skill to administer the judicial or prosecutorial files is measured by the indicators of the order, completeness and accuracy of documentation of the file.

3. Ethics and commitment to judicial and prosecutorial values. By this criteria the skill of the magistrate for showing work ethics, integrity and impartiality is measured. Work ethics of the magistrate in the sense of commitment and accountability in duty, is measured by indicators extracted from the sources of evaluation like the results of complaints and their verification, opinion of the chairpersons and final disciplinary convictions within the evaluation period in this regards. The integrity of the magistrate in the sense of the magistrate's immunity against any external influence or pressure is measured against indicators like the results of the complaints and their verification, opinions of chairpersons, final disciplinary convictions within the evaluation period in this regard or reports of High Inspectorate for the Declaration and Audit of Assets. The impartiality in the sense of the carefulness of the magistrate towards conflicts of interest and in respecting issues of vulnerable groups, as well as including gender and minority issues. This capacity is measured by the indicators like the use of discriminatory language or of an extraordinarily high number of admitted requests of parties for recusing the magistrate and involving other indicators as extracted by other sources of evaluation.

4. Personal qualities and professional commitment. By this criteria the communication skills, the skill to cooperate with colleagues and the readiness to be engaged in other activities are evaluated.

AUSTRIA

A) Under the heading of "Quality of results":

- The quality of the decision: degree of comprehensibility and of transparency.
- Access to justice; availability of information: degree of satisfaction of customers.
- Trust in the judiciary by the Austrian citizens: degree of trust.
- Legal certainty perceived by the Austrian citizens: degree of it.
- The number of decisions that are reversed on appeal.

B) Under the heading of "Processing Quality":

- Efficiency of the court system: time taken for the conclusion (including appeals) of cases of different kinds: BUT: it certainly is necessary to differentiate between “timeliness” as a criteria of quality and “speed”

which might rather kill quality of justice.

- Adherence to schedules; communication about delays: degree of contentment of stakeholders.
- Management of caseload.
- Quality of processing cases: contentment of the parties involved.
- Respect for Human Rights.
- Respectful treatment of parties: degree of contentment with it.
- Transparency (information about processing of a case).

C) Under the heading of “Structural Quality”

- Quality of Judges: the level of training.
- Quality of staff: the level of training.
- Job satisfaction: eg. surveys.
- Personnel development: eg. performance reviews.
- Fair salary: international ranking.
- Availability of judges and support staff: calculation of personnel requirement.
- Efficient deployment of personnel.
- Reduction of cultural and linguistic barriers.
- Availability of adequate buildings and facilities: contentment of staff and stakeholders, number of service centers.
- Access to buildings: number of handicapped accessible buildings.
- Independence and impartiality perceived: degree of it.
- Structural independence: Justice-Scoreboard.
- Security at workplace: contentment of staff

BELGIUM

The main quality of justice criteria for the 5 different perspectives as ranked by the council are:

Judges perspective

- The objective existence of an independent judiciary.
- The measures that are taken to ensure the appointment of the highest available quality of candidates to the judiciary, and the promotion of the most able judges.
- The availability of sufficient good quality support staff to allow for efficient and speedy decision-making.

- The availability and use of IT systems that allow efficient and speedy decision-making
- The level of training offered to new judges and to judges whilst holding office.
- The quality of the decision-making process. This can include many aspects of the judicial process dealt with under other headings.

Council perspective

- The measures that are taken to ensure the appointment of the highest available quality of candidates to the judiciary, and the promotion of the most able judges.
- The objective existence of an independent judiciary.
- The time taken for the conclusion (including all appeals) of cases of different kinds through the court system.
- The quality of judicial decision-making at first instance and on appeal(s).
- The availability and use of IT systems that allow efficient and speedy decision-making.

Citizens perspective

- The measures that are taken to ensure the appointment of the highest available quality of candidates to the judiciary, and the promotion of the most able judges.
- The quality of judicial decision-making at first instance and on appeal(s).
- The objective existence of an independent judiciary.
- The degree to which it is the perception of citizens, media and outsiders that there is in existence an independent, accountable and efficient judiciary and justice system.
- The time taken for the conclusion (including all appeals) of cases of different kinds through the court system.

Government perspective

- The time taken for the conclusion (including all appeals) of cases of different kinds through the court system.
- The number of decisions that are reversed on appeal.
- The measures that are taken to ensure the appointment of the highest available quality of candidates to the judiciary, and the promotion of the most able judges.
- The availability and use of IT systems that allow efficient and speedy decision-making.
- The transparency of the judicial process generally.
- The objective existence of an independent judiciary.

Prosecution perspective

- The measures that are taken to ensure the appointment of the highest available quality of candidates to the judiciary, and the promotion of the most able judges.
- The availability and use of IT systems that allow efficient and speedy decision-making.
- The level of training offered to new judges and to judges whilst holding office.
- The availability of sufficient good quality support staff to allow for efficient and speedy decision-making.
- The objective existence of an independent judiciary.

BULGARIA

The main indicators to evaluate the „quality of justice” are: independence of the judiciary; judicial ethics; quality of judicial process– timely hearing of a case and delivering a decision on it; publicity of the process, guaranteed and equal procedural rights of the parties; quality of judicial decisions: judicial acts that are motivated and understandable for the parties and the public, and which are publicly available; professional judges training; information technology application; financial security / security of the judiciary; public confidence in the proper functioning of the judicial system.

A. Quality of judges

The measures adopted by law are:

- conducting competitions with written and oral exams for initial appointment of judges and junior judges;
- conducting competitions for promotion and transfer of judges (through interview) for all levels of the judiciary;
- appraisal procedures – periodically and for acquisition of tenure status, where the quality of judicial decisions, the quantity of work assigned and work completed and the judicial ethics as well are subjects of evaluation.
- assessment of professional skills in cases of promotion in a higher rank without changing the position;

The level of training offered to new judges and to judges whilst holding office.

- The junior judges (approved after competition) undergo a mandatory 9-month training course at the National Institute of Justice. The course ends with an exam, as junior judges who have endured above 4.50 shall be appointed in the judiciary.
- Maintaining and increasing the qualification of judges is organized and conducted at the National Institute of Justice under approved in advance and coordinated with the Supreme Judicial Councils training plans.
- The level of training is highly evaluated by magistrates and the Supreme Judicial Council.

The availability of an effective system for the evaluation of judges.

- Judiciary System Act provides a procedure for appraisal of judges - periodically and for acquisition of tenure status, as the Supreme Judicial Council has adopted a methodology for appraisal of judges. The appraisals of judges shall be prepared by subsidiary appraisal committees and the Committee on the proposals and appraisal of the judges, prosecutors and investigators at the Supreme Judicial Council and shall be adopted with decision of the Supreme Judicial Council. The system is satisfactory effective and currently there are amendments in the law under discussion on how the committees on the appraisal shall be selected and the selection of judges who shall participate in them, as well as the appraisal procedures.

The systems available to ensure equal treatment of all person by judges.

- In the Constitution, Judiciary System Act and procedural laws are provided explicit guarantees for equal treatment of parties in the process and instance control for their compliance.

- The individual behavior of judge in the court room shall be evaluated within the appraisal procedures and every participant in the process may refer to competent authorities for violation of judge's ethics.

B. Quality of decisions and decision-making

The quality of judicial decision-making at first instance and on appeal(s).

- The quality of the decision-making process and the quality of court's decisions are examined by the appeal, respectively when an evaluation of professional performance of professional duties of judges in the appraisal procedures is made.

The number of decisions that are reversed on appeal.

- **Appellate civil cases handled by district courts in 2015:** addressed - 28193, Solved - 21713 (77%) of them: 12639 - The decision has been maintained; 3076 – The decision has been partly amended; 2483 – The decision has been entirely amended and new decision has been delivered; 643 – The decision has been invalidated and 2872 - Termination of case.

-**Appellate criminal cases handled by district courts in 2015:** addressed - 5927, solved – 4724 (80%) of them: 2746 – The conviction has been confirmed; 723 – The conviction has been amended; 32 – The conviction has been partly repealed with referral back; 842 – The conviction has been entirely repealed and 381 – Termination of case.

- **Appellate civil and commercial cases handled by courts of appeal for 2015:** addressed – 6094; solved – 4443 (73%) of them: 2340 – The decision has been maintained; 1045 – The decision has been partly amended; 589 – The decision has been entirely amended and new decision has been delivered; 149 – The decision has been invalidated; 12 - The decision has been declared null and the case has been referred back for fresh decision and 308 – Termination of case.

- **Appellate criminal cases handled by courts of appeal for 2015:** addressed – 1262, solved – 957 (76%) of them 425 – The conviction has been confirmed; 300 – The conviction has been amended; 7 – The conviction has been partly amended with referral back for fresh decision

The availability of an appropriate system for the fair allocation of cases to judges with competence in the relevant fields.

- Judiciary System Act expressively provides that the allocation of cases and files in the bodies of the judiciary shall be made of the random selection principle through electronic allocation according to the order of their submission.

- The Supreme Judicial Council has adopted a Uniform methodology on the application of the random case allocation principle in regional, district, administrative, military, appellate and specialized courts.

- The Supreme Judicial Council has introduced uniform electronic system for random allocation of cases in courts and the minutes for selection are sent to the server which is situated in the Supreme Judicial Council.

- The system for random allocation of cases takes into account the workload of judges to prevent unequal allocation of cases among judges.

- The administrative heads of the relevant courts shall determine with orders the initial information that needs to be entered into the program – types of cases (groups could be set out according to the complexity and specificity of cases), rapporteurs, workload of judges, administrative heads and their deputies.

C. The availability of Information Technology

The existing IT systems introduced in the courts provide publicity of the judicial acts. In the appellate districts exist filing systems, respectively portals that allow efficient and rapid decision-making by the courts. Measures are about to be undertaken, including project application for European funding for the construction of unified filing system of courts.

D. The availability of support staff

The ration of number of employees to the number of magistrates on levels is:

For appellate courts – 1.31

For military courts – 2.18

For district courts – 1.99

For regional courts in regional centers – 2.85

For regional courts outside regional centers – 3.84

For administrative courts – 3.84

In total for all courts without supreme courts – 2.62

- The ratio of judges/court clerks indicates good security of courts with court clerks. Court clerks are appointed after a competition procedure, periodically appraisals and professional trainings are held. These measures ensure the existence of good enough judicial staff.

E. The availability of adequate buildings and facilities

Not all bodies of the judiciary have court buildings, which provide the required level of working conditions. By 2016 court buildings were owned by the Ministry of justice, but after the last amendments of the Constitution the Supreme Judicial Council will be responsible for the court buildings and will take care of their overall condition.

F. Mediation structures

The support provided by the court system for the speedy resolution of disputes in various fields by mediation and other consensual alternative dispute resolution methods.

-Mediation is regulated by law as an instrument for dispute resolution, there have been many mediation centres. There is an unified mediator register to the Ministry of Justice, where are listed all the mediators, who have passed a training according to the Ministry requirements. Increasingly, the mediation will become an alternative dispute resolution method and the courts will respectively contribute to its application.

G. Appeals

Any interested party which has not been satisfied with the court decision may appeal it (it this decision can be appealed according to the law) before the higher instance in the order provided for in the law.

The number of available appeals. The more appeals, the more will be the delay in reaching a final decision.

- District courts – 17 599 (first and second instance);
- Appellate courts – 4 561 ;
- Military courts – 62 ;
- Administrative courts – 11 101 .¹

H. Throughput of cases

Completed cases in 3 months for 2015 on levels in percentage are as follows:

For appellate courts – for civil and commercial cases – 88%, for criminal cases – 88%, **for all cases in total – 88%;**

For military courts – 97%;

For district courts – for civil and commercial cases – 73%, for criminal cases – 89%, **for all cases in total – 78%;**

For regional courts outside regional centers – for civil cases – 93%, for criminal cases – 88%, **in total – 91%;**

The data shows high percentage of efficiency and effectiveness of the bodies of the judiciary.

I. Disciplinary and complaints procedures

- In the procedural laws, in case of court case delay, an opportunity for the party to submit a complaint for slowness is envisaged. This complaint shall be examined by the competent court. The party could also signalize the competent authorities for justice delayed – administrative heads, Supreme Judicial Council, Inspectorate at the Supreme Judicial Council. The delay of courts process and preparation of judicial act could be a reason for a disciplinary procedure against the judge.

J. Transparency of judicial decisions

- The Judiciary System Act provides that court acts shall be published immediately after their adjudication on the web page of the relevant court, in compliance with the requirements for personal data protection and classified information and the courts comply strictly with this obligation.

- Court hearings are public, except in cases provided in the law and any interested person may attend on it.

The transparency of the judicial process generally.

¹ The data as at 2015 and the Supreme courts are not included in them.

- There are enough legal guarantees established for transparency of court process.

K. Independence of the judiciary

- The level of trust of citizens, media and outside persons for the existence of an independent, accounting and effective judiciary and judicial system according to different surveys is not high.
- The objective existence of an independent judiciary is set out in the Constitution and law.

CROATIA

We agree with all criteria listed below but we think that only quantitative indicators are not enough to be able to talk about the quality.

DENMARK

The Danish Council can agree that quality is not merely a statistical analysis of how quickly or efficiently cases are processed, though this aspect also may be important and that quality must take into account both quantitative and qualitative indicators.

With regards to the listed indicators of the "Quality of Justice" (annex) the answer most important is

(a) to the judges,

- A. Quality of judges, and specially no. 6 and 7.
- B. Quality of decision and decision-making process, and specially no. 10, 11 and 12.
- C. The availability of Information Technology, no. 14
- D. The availability of support staff, no. 15
- E. The availability of adequate buildings and facilities, no.16
- F. Mediation structures, no. 17
- G. Appeals, in the meaning that it is a quality to have an appeal system, where all decisions in principle can be tried for two instances.
- H. Throughput of cases. No. 20, There must be time limits for verdicts and other decisions.
- I. Disciplinary and complaints procedures, no. 21
- J. Transparency of judicial decisions, and specially no. 23 and 24.
- K. Independence of the judiciary, no. 25 and 26.

(b) to your Council?

- A. Quality of judges, and specially no. 6 , 7 and 9.
- B. Quality of decision and decision-making process, and specially no. 10, 11 and 12.
- C. The availability of Information Technology, no. 14
- D. The availability of support staff, no. 15
- E. The availability of adequate buildings and facilities, no.16
- F. Mediation structures, no. 17
- G. Appeals, no. 18 and 19.
- H. Throughput of cases. No. 20
- I. Disciplinary and complaints procedures, no. 21
- J. Transparency of judicial decisions, and specially no. 23 and 24. As to no. 22, the Council is working on producing a database with free public access to parts of judicial decisions from the Appeal Courts and Supreme Court and on longer terms for all instances.
- K. Independence of the judiciary, no. 25 and 26.

(c) to your citizens?

- A. Quality of judges, and specially no. 6 and 9.
- B. Quality of decision and decision-making process, no. 10- 13.
- C. The availability of Information Technology, no. 14
- D. The availability of support staff, no. 15
- E. The availability of adequate buildings and facilities, no.16
- F. Mediation structures, no. 17
- G. Appeals, in the meaning that it is a quality to have an appeal system, where all decisions in principle can be tried for two instances.
- H. Throughput of cases. no. 20
- I. Disciplinary and complaints procedures, no. 21
- J. Transparency of judicial decisions, no. 22-24
- K. Independence of the judiciary, no. 26.

(d) to your Government?

- A. Quality of judges, and specially no. 6, 7 and 9.
- B. Quality of decision and decision-making process, and specially no. 10, 11 and 12.
- C. The availability of Information Technology, no. 14
- E. The availability of adequate buildings and facilities, no.16
- F. Mediation structures, no. 17

- G. Appeals, in the meaning that it is a quality to have an appeal system, where all decisions in principle can be tried for two instances.
- H. Throughput of cases. No.20
- I. Disciplinary and complaints procedures, no. 21
- J. Transparency of judicial decisions, no. 22, 23 and 24.
- K. Independence of the judiciary, no. 25 and 26.

ENGLAND AND WALES

The list set out in the annex summarises elements which are comprehensive, but will be prioritised differently by different court users or justice providers. Quality of Justice has to be approached holistically. From the moment a member of the public approaches a lawyer for advice or representation that advice or representation needs to be of the highest standard, thereafter the courts must be accessible, access should not be denied as a result of financial constraints, there should be a timely resolution of issues, and decision making should be fair, independent and impartial.

It would therefore be wrong to seek to prioritise which element is the most important, since all have importance to any potential court user. It may therefore be appropriate to itemise them on the basis of the order in which a court user would come across them.

In that order, from a judicial perspective the main indicators of quality of justice are

Freedom of access to justice

This involves the court user being able to access legal advice and the courts both in the practical geographical sense so there are local courts and also availability of suitable facilities and personnel, (legally qualified, court staff and Judges).

Affordability of justice

This includes availability of Courts without excessively high fees, the provision of a system of legal aid, and provision for the recouping of costs incurred by a party either successful in prosecuting or defending litigation.

Competence of lawyers

This includes there being adequate training, continuing education and standards so quality legal advice is widely available to citizens

Independence and fairness of the judiciary

In the sense of a lack of corruption, a lack of 3rd party influence on judges from the executive and the legislature and from senior judges or leadership judges.

Quality of decision-making at all levels

Evidenced by the quality of judicial appointments and promotions, and the confidence that court users have in the decisions made.

Transparency of decision-making

Evidenced by publication of decisions, press access, and the intelligibility of decisions to ordinary citizens.

Timeliness and finality of justice

Evidenced by the time taken to reach a first binding decision, the number of cases in which appeals are brought, the time taken to appeal, and the number of 2nd appeals, and the delays engendered by any subsequent hearings. In other words, are decisions largely final and binding, allowing certainty to the parties?

The facilities available to judges and to citizens in terms of IT and courts

Within these headings come a number of sub issues which are to be found in the attached in the annex.

Whilst different emphasis may be placed on the detail of these indicators we would suggest that the indicators are the same from the perspective of each court user, although it may be that the Government places a higher emphasis on the individual responsibility for the affordability of justice, than citizens. For the citizen justice should be available regardless of cost, for the government justice should be available within the scope of what can be afforded.

FRANCE

The French Council has not yet carried out a global reflection regarding the criteria of quality of justice, in particular the crucial question of the quality of judicial decisions.

All the criteria mentioned in the annex must be taken into consideration in order to appreciate this quality.

In concrete terms is the right of access to justice ensured for citizens ?

Does the use of new technologies facilitate this access ?

Can citizens have confidence in a judicial institution composed of independent, impartial and competent judges ?

Can they hope to obtain an executory judgment within a reasonable time limit.

Are the judgments clearly motivated with respect to the circumstances of each case and the rules of applicable law ?

Are alternative dispute resolution methods put in place in order to facilitate the settlement of disputes susceptible to come under this system ?

One could also add the simplicity of the judicial organisation and the necessary remodelling of the institution (at least in France) around centres of competence permitting judges, surrounded by pluridisciplinary teams, to deal with contentious issues of which the complexity and technicity are frequently becoming greater and greater.

IRELAND

The quality of justice is reflected in the following indicators:

1. the conduct and outcome of individual court proceedings and
2. the institutional capacity, within the justice system as a whole, to ensure that civil disputes and criminal charges are tried fairly, expeditiously and competently in all other respects.

As to 1., quality of justice in individual proceedings will be measurable in particular by

- (a) fairness in the conduct of the proceedings
- (b) the correct application of the law by the court in its conduct of , and decision disposing of the proceedings , ensuring legal certainty
- (c) the determination of the proceedings by a reasoned and comprehensible judgment and
- (d) the expedition with which the proceedings have been brought to trial and the trial conducted
- (e) the cost of litigating a dispute or prosecuting or defending a criminal charge.

As to 2., quality in the justice system as a whole will be measurable in particular by its capacity to ensure that -

- (a) access to justice is facilitated by means of -
 - (i) jurisdictional arrangements which enable disputes to be tried at first instance and, where appropriate, on appeal , at a jurisdictional level which is appropriate to the value of the claim or issue in dispute
 - (ii) court procedures and processes which are as simple as possible consistent with the degree of complexity and extent of the issues comprised in the dispute

- (iii) adequate court venues , infrastructure and facilities (including technology within and outside the courtroom) for judges, lawyers and court users generally, including those with disabilities
 - (iv) arrangements for persons who have language difficulties , including the interpretation of police interviews and criminal proceedings and translation of relevant documents
 - (v) arrangements to ensure the administration of justice in public, subject to appropriate safeguards for cases requiring *in camera* hearings or anonymity
 - (vi) arrangements for public dissemination of court judgments in the interests of transparency and legal certainty;
 - (vii) the availability of adequate legal aid for those whose income is insufficient to enable them to fund the legal costs of accessing justice in civil proceedings or obtaining representation in a criminal investigation or proceedings
 - (viii) arrangements for assignment of cases to judges are objective, transparent and free from interference
 - (ix) a legal costs regime which both fairly remunerates lawyers and ensures that the costs to litigants of bringing or defending court actions are
 - proportionate in their amount to the issues in the dispute and professional work required to prepare and conduct the case
 - transparent to the party liable to pay them and
 - quantifiable according to objective and transparent criteria
 - (x) an effective system for expeditious enforcement of court judgments and orders is in place.
- (b) arrangements for selection and appointment of judges are sufficiently objective and independent as to ensure that the most competent and suitable persons are appointed to judicial office;
- (c) Judges are guaranteed security of tenure and enjoy remuneration and allowance arrangements adequate to ensure that the judiciary operates independently and free from inappropriate pressure or influence;
- (d) the Judiciary as an institution has available to it resources sufficient to provide adequate training both on a judge's induction and during a judge's career;
- (e) judges receive adequate court support staff, library and research resources to ensure that they may effectively discharge their judicial functions;
- (f) the integrity of court proceedings is guaranteed through the existence in particular of laws on criminal and civil contempt of court and laws on offences against the administration of justice (e.g. punishing perjury , suborning of witnesses etc.), and the enforcement of those laws by the Executive, where it has a function in so doing.

Concerning your query as to which of the above indicators would be of greatest importance to the five different bodies/interests mentioned in the introduction to Question 3, it is difficult to anticipate the priorities of other interests, and the following comments are necessarily speculative in that regard:

As to 1 above (indicators as to quality in the conduct and outcome of individual court proceedings), (a) to (e) are likely to be of importance to all five bodies/interests mentioned in the introduction to Question 3. However, (e) (the level of legal costs in a case) will clearly be of direct and immediate importance to the parties to the case .

As to 2 above (indicators of quality in the justice system as a whole), all five bodies/interests mentioned are likely to attach great importance to the indicators (a), (b), (c) and (f). However, judges individually and the judiciary as an institution see particular importance in the indicators (b) to (f) in ensuring the effective functioning of an independent judiciary.

All five criteria enumerated will be a priority for the court user, but (e) will have a significant bearing on a citizen's willingness or ability to access justice where legal aid is not available.

ITALY

(b) to your Council:

1) the status of judges and judicial independence: A system that ensures the independence of the judiciary and the individual judge is the precondition for an adequate quality of justice. The independence of the judiciary must be ensured through a system of rules preferably of a constitutional level that make it truly independent of the executive and the legislative as well as through the transfer to it of powers that make effective and substantial that autonomy. The status of the judge is related to independence of the judiciary and rhiciede the statement of principles such as that dellla immovability and irresponsibility of the assessment of the facts and of the evidences.

1) Appointment of the highest available quality of candidates to the judiciary: the selection of judges must be through selective examinations, that assess adequate technical competence of the judge

2) the promotion of the most able judges: the promotion of judges should take place on the basis of objective and past experiences that allow, through an impartial comparison of the judges, to promote those that are actually the best and most suitable to take on the task

3) The level of training offered to new judges and to judges whilst holding office: it requires a training system that allows judges to access continuously updating and meeting with other colleagues to

compare their experiences. This also implies that the training offer is wide and covers all areas of interest of the judiciary. New judges training should not consist in the repetition of concepts already known, but in the formation of the application of the principles to specific cases, under the guidance of professors and experts magistrates

- 4) The availability of an effective system for the evaluation of judges: the evaluation system of judges to be effective requires a check of a various number of parameters: quality of judgment; diligence and laboriousness of judge (the time of the procedure ; number of cases resolved, parameterized to their difficulty); balance shown in relations with citizens, lawyers, colleagues and administrative staff; professional development through judicial training and individually (through scientific publications, participation in conferences, etc.)
- 4) the adequate distribution of the judges on the territory parameterized to actual workloads; This is not only to distribute the courts in the territory but also to modulate the workforce of individual offices in relation to the demand for justice. Also favor a policy of transfers (on request of the judges) that allows to face the situations of temporary imbalance
- 5) judicial ethics: The judiciary is credible to citizens only if it can ensure compliance with the ethical principles. This objective should be pursued through a specific continuing training and through a disciplinary system, rooted in the High Council, able to prevent outside interference ensuring the independence of the judge, but able to sanction if he fails to observe the principles of ethics
- 6) public and media confidence in the proper functioning of the justice system: the attainment of public and media confidence in the proper functioning of the justice system is one of the most difficult aim of the High Council. It requires the activation of all actions outlined in the previous paragraphs but also the acquisition of adequate communication skills with the media, which allows to make clear to people the paths of proceedings and of the content of judicial decisions

(c) to your citizens

- 1) timeliness of judgments and the length of the proceedings: timing of the decision and length of proceedings currently affects citizens. For this reason all recent reforms on justice tend to address this problem. The solutions adopted consist of the expansion of mediation, in reducing the possibility of appeal, in the increasing expenses for access to justice (in order to discourage low-severity cases), the elimination of certain crimes of lesser importance, replacing them with financial penalties.

2) the intelligibility and availability of the decisions

There is a widespread perception among citizens that the decisions are not understood because of their technical language. They also are not easily accessible to citizens who are not parties to the proceedings. On this point is important, firstly, to ensure that decisions are written in a more comprehensible to the

public, making this a fact of judicial training . A second aspect concerns the comprehensibility of decisions of particular importance. It requires that the courts and the High council provide themselves of an adequate communication team, provided of necessary professionalism.

(d) to your Government

1) timeliness of judgments and length of the proceedings: the timing of the decision and of the proceedings currently affects citizens. For this reason all recent reforms on justice tend to address this problem. The solutions adopted consist of the expansion of mediation, in reducing the possibility of appeal, in the increasing expenses for access to justice, in order to discourage low-severity cases, the elimination of certain crimes, of lesser importance, replacing them with financial penalties

(e) to the prosecution

a) Indipendence of prosecutors offices and external and internal individual independence of prosecutors must be guaranteed at the Highest level (constitutional level)

b) Prosecutors must be involved in reforms about criminal system or criminal policy.

c) Every prosecutor office should have an autonomous organization of prosecutors services

d) All costs about investigative tools should be covered (for example intercepting services).

LITHUANIA

Judicial Council of the Republic of Lithuania agrees that the main indicators of the quality of justice are listed in the Annex to this questionnaire. In principle, these indicators are essential components of the term "Quality of Justice". The concept of these components can be developed in the project group. However, the following aspects are not present in the Annex: one of the most important elements of quality of justice is the stability of judicial decisions; what is more, the Annex must be supplemented with one more important element – an effective enforcement system of judicial decisions. An effective enforcement system of judicial decisions indicates the real effect of judicial decisions at the state level. This component must be developed in this working group.

NORWAY

There is no present working system for evaluating the overall quality of justice in Norway.

In 2013 the Norwegian Courts Administration did, however, develop a framework for Quality Management of the Norwegian Judiciary, "KRUT", containing a set of tools for quality work within the Judiciary. An overview of the framework is shown below. The full and rather comprehensive report from a working group appointed by the Courts Administration is unfortunately not yet available in English.

The quality framework includes nine target areas, all with their underlying quality criteria and tools, to be made available in a digital form on the courts internal websites. The target areas represent the areas within the court regarded most relevant for quality management in a systematic fashion, and is based on the core values of the Norwegian judiciary: Independence, confidence and rule of law.

The defined target areas are:

- Decisions
- Reputation and trust
- User-orientation
- Transparency and availability
- Case Management
- Material and financial resources
- Co-workers / employees
- Ability to plan and reach goals
- Leadership/Management

Under each target area specific quality criteria exemplifying the particular area will be found. The criteria are drafted in a short and concise form to illustrate what activities or results regarded to be high quality in that area. The quality criteria are set out below under question 3.

"KRUT" also contains a self-evaluation system to be used by the courts in order to support systematic quality development.

"KRUT" does not, however, include specific standards of quality, meaning descriptive levels of quality within a certain area.

"KRUT" is not yet implemented in all Norwegian courts. However, a pilot project of implementation started in 4 courts in 2014. In addition several other courts are now working with a limited amount of target areas and criteria based the ideas from the "KRUT".

The criteria connected to the target areas as described above are:

Criteria for decisions

- The decisions are correct
- Decisions are delivered in a timely manner
- The court shall use accessible and correct language in their decisions
- The court shall continuously work to improve the quality of their decisions
- Decisions are delivered in a safe and respectful manner

Criteria for public trust and confidence

- The court holds a good reputation and enjoys high public confidence
- The users view the court as the preferred entity to solve civil disputes
- The court and its staff acts in line with ethical standards and with high levels of integrity
- The court contributes to increased knowledge in the society on issues of the rule of law and the courts' role
- The court protects itself against corruption through review and control

Criteria for User-orientation

- Users and the public are met with respect and openness
- The court cooperates and interacts with professional actors and other partners
- The court collects information about the users' satisfaction and implements changes to meet the needs and expectations of the users and the public
- The court defines and provides good service

Criteria for Transparency and Accessibility

- The court makes itself available for users and the public
- The court will facilitate the working conditions for media and press
- Decisions are accessible for users and the media in a modern and appropriate manner
- The court utilizes accessible language in all communication with the users and the public

- Information about the work and practice of the court, status of processed cases and important decisions, are made public

Criteria for Case management

- The court's case work/management is correct and uniform
- Case management is efficient
- The court has routines for oral, written, and technical case work
- The judges play an active role in case management
- The court makes use of available technology for digitalization and modernization
- The case management and the workflow are aligned so as to optimize the available resources

Criteria for support personnel

- The court has a staff that at all times hold the necessary and adequate competencies
- The court has a clear and effective organizational structure
- The support personnel are included in important issues relating to their work.

Criteria for goals and planning

- The court's goals and plans are anchored in the values and principles of the judiciary
- Plans and their underlying measures are implemented
- Goals and planned activities safeguard shall the needs of the users

Criteria for leadership

- The court leadership shall manage the court's work and practice in line with the values and principles of the judiciary
- The court leadership works systematically and continuously with quality improvement
- The court leadership facilitates for good service and internal interaction
- The court leadership cooperates with other professional court actors and other courts, agencies and businesses.
- The court leadership identifies and acts on the needs for development in relation to societal and material changes

POLAND

Each of the criteria mentioned in the Annex could be useful in assessing the matter of the quality of Justice. However, it needs to be highlighted that the most important is to clarify the meaning of the term “quality” in the context of justice.

The following issues are to be considered as of the key importance:

- the level of satisfaction of society with the service provided by the courts; the most important is to hear opinions of those citizens that participate or participated in court procedures; their opinions are based on real experiences, not only on the information provided by the media, however we cannot exclude opinions based solely on media information, either because they reflect the point of view of a very important part of society; opinions of professional lawyers are also of great importance;
- the intelligibility of judge’s decisions and court’s procedures; the predictability of conclusions; it is impossible to provide decisions that satisfy every participant of the court procedures, but the court should avoid situations, when the procedures are finalized with the conclusion that is incomprehensible for the parts;
- the length of the proceedings and timeliness of judgments; it is not enough however to collect statistics data; the analysis should be in-depth; it is crucial to find out, how long it takes to achieve the final judgment in a given case, omitting all decisions that end the case on statistics basis but do not lead to substantive conclusions;
- the number of appeals and the number of decisions that are reversed on appeal;
- the main role of the criminal courts is – beside administering justice – to restore the order that was violated by the crime; a crime rate then can have a great impact on the perception of justice quality in the eyes of the society – do criminal court’s decisions lead to increasing or decreasing the level of the crime rate, especially the level of recidivism.

PORTUGAL

A: As mentioned before, the first quarterly assessment should take place between December 2015 and January 2016, so for the time being, the CSM based on a working document/draft approved on February 2014 as the basis for the future definition of strategic objectives and court activity management indicators, is working on the definition of indicators to be applied in future evaluations.

In order to achieve the setting strategic and procedural objectives, CSM is working on indicators regarding the courts activity, including the following:

1. Type of indicator: Procedural area

Strategic objective: simplification, speed and quality

Designation of indicator: Percentage of cases pending for more than "x" days

Description of the indicator: the number of cases awaiting final decision, taking into account the date of its beginning at court and the date the reference divided by the total number of pending cases in that court.

Strategic objective: simplification, speed and quality

Designation of indicator: Average length of completed cases

Description of the indicator: the average length is the period of time between the date of the beginning and the date of the conclusion of the proceedings in the same court.

Strategic objective: simplification, speed and quality / reduce backlogs

Designation of indicator: annual disposition time

Description of the indicator: the number of days the unit (court section, judges, officials, etc) would take to eliminate the pending cases, if there were no new cases and if the number of completed cases in the previous year would remain constant.

Strategic objective: simplification, speed and quality / reduce backlogs

Designation of indicator: Clearance rate

Description of the indicator: the procedural resolution indicator corresponds to the ratio of the total number of completed cases over the total number of new cases in the same unit (court section, magistrate, clerk, etc.)

Strategic objective: simplification, speed and quality

Designation of indicator: Percentage of procedural acts performed after the legal deadline

Description of the indicator: ratio between the procedural acts performed after the legal deadline and procedural acts.

Strategic objective: simplification, speed and quality

Designation of indicator: the total of procedural acts performed within the legal time frame

Description of the indicator: number of procedural acts performed within the legal time frame.

Strategic objective: simplification, speed and quality

Designation of indicator: deviation according to the legal time frame for the procedural act performance

Indicator Description: difference between the time taken to carry out a procedural act and the legal time frame for its practice.

Strategic objective: simplification, speed and quality

Designation of indicator: average time delay between the decision and the schedule

Indicator Description: difference between the date on which the final decision is issued and the date of the trial scheduling.

Strategic objective: Simplification of procedures

Designation of indicator: Percentage of cases carried out electronically

Description of the indicator: Percentage of cases with final decision whose procedural acts by judges and court officials are exclusively conducted by electronic means

Strategic objective: Simplification of procedures

Designation of indicator: Percentage of simplified procedural forms

Description of the indicator: the number of cases carried out following simplified procedural forms divided by the total number of cases

Strategic objective: Simplification of procedures

Designation of indicator: percentage of electronic communications

Description of the indicator: the proportion of electronic communications carried out

Strategic objective: Simplification of procedures

Designation of indicator: acts automation

Indicator Description: Number of features (acts enforceable) developed in view of the number of planned features

Strategic objective: Simplification of procedures

Designation of indicator: Percentage of insistence acts

Indicator Description: reminders number of a certain type of act, divided by the total number of such acts

Strategic objective: Simplification of procedures

Designation of indicator: number of acts carried out per case

Indicator Description: Total of acts carried out per case

Strategic objective: Simplification of procedures

Designation of indicator: Elaboration of the judicial account/account exception

Description of the indicator: the percentage of cases whose counting acts (preparation, accounting, settlement, payment processing and destination of court costs, fines and other penalties) was done in the face of cases awaiting the end of that act

Strategic objective: Simplification of procedures

Designation of indicator: average of trial sessions per case

Indicator Description: Average of trial sessions per case

Strategic Objective: Reduce pending cases

Designation of indicator: Pending cases

Indicator Description: Cases that have entered in court, but do not have a final decision yet, regardless the appeal. Cases that await acts to be carried out by the court, by the parties or by other entities, and may, in certain types of proceedings, await the occurrence of certain facts or the expiration of a term

Strategic objective: simplification, speed and quality

Designation of indicator: Percentage of judicial appeals / decision

Indicator Description: Number of judicial appeals divided by the total number of final decisions

Strategic objective: simplification, speed and quality

Designation of indicator: Percentage of decisions that are reversed on appeal/ total of appeals

Indicator Description: Number of decisions that are reversed on appeal divided by the total number of appeals

Strategic objective: simplification, speed and quality

Designation of indicator: Percentage of decisions that are reversed on appeal/ total of decisions

Indicator Description: Number of decisions that are reversed on appeal divided by the total number of decisions

2. Type of indicator: service satisfaction

Strategic Objective: Service Satisfaction

Designation of indicator: Percentage of postponed trial sessions

Description of the indicator: the percentage of postponed trial sessions

Strategic Objective: Service Satisfaction

Designation of indicator: a result of a periodic satisfaction survey

Indicator Description: Measure of how the services provided by the justice system meet or exceed the expectations of the system users. According to CEPEJ, taking into account expectations as a starting point, an approach to the satisfaction reflects a more focused conceptualization on users than in the internal performance of the judicial system.

Built on a set of indicators, using the questionnaire and methodology suggested by CEPEJ in the Handbook for Conducting Surveys document Aimed at Court Users in Council of Europe's Member States, adapted to the Portuguese reality.

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: Percentage of reviews of Good and Very Good on the questionnaire about building facilities and equipment - indoor environment

Description of the indicator: Percentage of satisfaction of services provided by justice, level of infrastructure and equipment. Are only taken into account the evaluations with qualitative definition of Good and Very Good, once the aim is to determine whether there is a high degree of quality (through available online questionnaire filled in by officials and magistrates).

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: Percentage of reviews of "Good" and "Very Good" on the questionnaire about building facilities and the services functioning - external environment

Description of the indicator: Percentage of satisfaction about the services provided by justice, at an infrastructures and services level. Only taken into account the evaluations with qualitative definition of

“Good” and “Very Good”, once the aim is to determine whether there is a high degree of quality (through available online questionnaire filled in by the service users).

3. Type of indicator: Procedural area/financial

Strategic objective: Simplification of procedures

Designation of indicator: number of notifications per case

Description of the indicator: number of notifications carried out in a case until its end.

4. Type of indicator: Financial area / Budgetary resources

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: average cost per case

Indicator Description: Sum of costs divided by the total number of ended cases

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: revenue per case

Indicator Description: Revenue from the justice system

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: percentage of budget execution

Description of the indicator: percentage of budget execution in relation with the approved budget

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: fixed cost and variable cost

Indicator description: Comparison between fixed and variable costs

5. Type of indicator: Technical area

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: Computerized system availability

Indicator Description: Amount of time in which the system is available divided by the total amount of time.

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: equipment per person

Indicator Description: The total number of equipment divided by the total number of human resources

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: equipment per person

Indicator Description: The total number of equipment divided by the total number of human resources

6. Type of indicator: Human Resources Area

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: hours of training per person

Indicator Description: Number of training hours carried out by judges and officials in strategic areas with identity in their functional area

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: Ratio between the planned training and the executed training

Indicator description: It measures the training modules run in view of planned training modules

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: Percentage of human resources with strategic training

Description of the indicator: Percentage of judges and officials who attended training in strategic areas with identity in their functional area

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: Human resource adequacy

Description of the indicator: number of cases (input / pending / ended) over human resources in office after subtraction of absenteeism - magistrates and staff

Strategic Objective: Budgetary resources, technical and human

Designation of indicator: Human resources in view of the legal framework

Indicator Description: Deviation of the human resources in office in view of the defined legal frame for the same resources

7. Type of indicator: Operational area

Strategic Objective: Operating Efficiency

Designation of indicator: Productivity per unit (section, magistrates, staff)

Indicator Description: Number of ended cases divided by the number of units (sections, magistrates, staff) in a certain period.

Strategic Objective: Operating Efficiency

Designation of indicator: workload per unit (unit; judges; officials)

Indicator Description: Number of pending cases plus the number of entered cases divided by the number of units (unity, magistrates, staff) in a certain period.

This evaluation demands the coordination between various entities to supply the necessary data: CSM, the CSMP, the PGR, the Ministry of Justice (its different departments) and the CEJ (Judicial Training Center). Particularly to the CSM, in addition it is important to pursue its strategic objectives, such as the following:

1. Consolidate the new management model and organization of the Judicial Courts

- ✓ Establishment of procedural objectives if necessary with correction of their planning
- ✓ Availability of criteria and selection process of candidates to be Court Presidents
- ✓ Availability of its own program for the court presidents training
- ✓ Definition of the composition, tender and appointment of the elements of the judges support offices
- ✓ Availability of a new regulation of inspections including the definition joint procedure with the court presidents and approval of a standardized inspection report
- ✓ Availability of established rules to obtain statistical data from the computer system (CITIUS) to be used in the district court reports

2. Provide the justice system of the necessary the means to carry out its task

- ✓ Availability of sufficient human resources:
 - officers: the CSM assesses the needs of human resources at every court against the entry and pending issues and to evaluate the situation in each court taking into account the ratio Judge / employee.
 - judges: the CSM assesses the allocation of the necessary number of judges to assure the procedures, keeping the pace with the allocation of prosecutors and staff.

3. To improve the case time resolution

- ✓ Monitoring the procedural activity of each district court, by evaluating all the parameters of the monitoring grid and by establishing internal review procedures.
- ✓ Provision of data relating to the trial postponements, finding out the causes
- ✓ Defining the minimum scheduling values (weekly time devoted to public inquiries)
- ✓ Assess the pending structure according to the seniority criteria in order to promote decisions within a reasonable time

4. To rationalize, standardize and simplify procedures and routines

- ✓ Availability of sharing best practices and standardization of procedures in courts, ex. the preparation of procedural good practice guidelines
- ✓ Availability of computerized system to practice procedural acts, analyzing the useless practices imposed by the computer application

5. Promote access to Law and Justice

- ✓ Facilitate people's access to the courts, monitoring the consequences/impact of the new territorial organization, promoting the functioning of the proximity sections and conducting trials in this sections according to the territorial area of competence.

6. Strengthen transparency in the administration of justice

- ✓ Availability of a web page for each district court, where decisions can be published
- ✓ Strengthen the intervention of the Advisory Council
- ✓ Assessing the implementation of the Communication Plan - external communication

From the CSM point of view, all the indicators included in the annex are important in order to evaluate the quality of the justice system.

REPUBLIC OF SLOVAKIA

Introduction

1. This annex is intended to summarise the elements that could be said to indicate the quality of a justice system and the “Quality of Justice”.
2. It is to be borne in mind that this project is looking at the quality of justice and of the justice system from the judicial point of view, and in the estimation of Councils for the Judiciary or other equivalent judicial governance bodies.
3. It needs also to be understood that the objective of any justice system is to provide a fair, transparent and accountable independent process for criminal prosecution, and for the resolution of administrative and other disputes between citizens and between the citizen and the state. It is, therefore, the perception and confidence of the citizen and the state as to the quality of the justice system that underlies the project.
4. There is an important cultural element to the quality of justice. This needs to be kept in mind when considering the factors that make up a quality justice system.
5. The following paragraphs deal with the headlines that might be regarded as being indicative of the existence of a quality justice system.

A. Quality of judges

6. The measures that are taken to ensure the appointment of the highest available quality of candidates to the judiciary, and the promotion of the most able judges.
7. The level of training offered to new judges and to judges whilst holding office.
8. The availability of an effective system for the evaluation of judges.
9. The systems available to ensure equal treatment of all persons by judges.

B. Quality of decisions and decision-making

10. The quality of the decision-making process. This can include many aspects of the judicial process dealt with under other headings.
11. The quality of judicial decision-making at first instance and on appeal(s).
12. The number of decisions that are reversed on appeal.

13. The availability of an appropriate system for the fair allocation of cases to judges with competence in the relevant fields.

C. The availability of Information Technology

14. The availability and use of IT systems that allow efficient and speedy decision-making.

D. The availability of support staff

15. The availability of sufficient good quality support staff to allow for efficient and speedy decision-making.

E. The availability of adequate buildings and facilities

16. The availability of adequate buildings and facilities to allow for efficient and speedy decision-making.

F. Mediation structures

17. The support provided by the court system for the speedy resolution of disputes in various fields by mediation and other consensual alternative dispute resolution methods, if the result of such mediation is the enforcement order!!!

G. Appeals

18. The requirement for permission to be obtained to bring an appeal, based on the likelihood of success and/or the importance of the decision.
19. The number of available appeals. The more appeals, the more will be the delay in reaching a final decision – this is important for the citizens!!!!

H. Throughput of cases

20. The time taken for the conclusion (including all appeals) of cases of different kinds through the court system.

I. Disciplinary and complaints procedures

21. Whether there are satisfactory procedures to deal with complaints about the conduct of judges to the satisfaction of complainants?

J. Transparency of judicial decisions

- 22. The ready availability to the public and the media of all judicial decisions.
- 23. The ability of members of the public and the media to attend all judicial hearings (save in the most exceptional circumstances).
- 24. The transparency of the judicial process generally.

K. Independence of the judiciary

- 25. The degree to which it is the perception of citizens, media and outsiders that there is in existence an independent, accountable and efficient judiciary and justice system.
- 26. The objective existence of an independent judiciary.
- 27. Edification and the raising of the legal awareness of the citizens!!!!

SLOVENIA

We agree with most of the criteria included in the Annex. We think that statistical data should be used with extreme caution and with appropriate substantive interpretation. There is an important cultural element to the quality of justice that should be taken in consideration.

For the quality of Judges (their expertise, working capacities, ability to resolve legal issues, ability in oral and written communication, etc.) the main indicators should be :

- A. the measures that are taken to ensure the appointment of the highest available quality of candidates to the judiciary, and the promotion of the most able judges (the criteria, procedures, who makes the decisions,..)
- B. the level of training offered to new judges and to judges whilst holding office,
- C. the system of evaluating judges (the criteria used for the evaluation, who evaluates judges, how often are the judges evaluated).
- D. The procedures to deal with complaints about the conduct of the judges (the number of complaints, possible measures, who makes the decisions,
- E. The disciplinary procedures (the number of procedures, the offences, the procedure).

The questionnaire should include the opinions of the judges on the matter.

For the quality of decisions and decision-making the main indicators should be :

- A. the system for the fair allocation of cases to judges (are the cases allocated randomly between judges or are the cases allocated according to the expertise and experience of judges and according to the importance of the case. If so, by whom).
- B. the systems available to ensure the access to Courts and equal treatment of all persons by judges
- C. the number (share) of cases in which disputes are finally resolved in a mediation process,
- D. do the judges resolve matters in their order of arrival. This indicator is important for the perception of fair trial for public.
- E. the share of cases in which the appeal is filed (low number of appeals could mean stronger public confidence in the judiciary)
- F. the number of decisions that are reversed on appeal. This criteria should be interpreted together with requirements for permission to be obtained to bring an appeal (based on the likelihood of success and/or the importance of the decision) and with number of available appeals.
- G. the existence of the established case law (the right to equality before the law demands that like cases should be decided alike. The parties should be able to predict their possibilities in a case to certain extent).
- H. the stability of the law (it is more difficult to obtain the high level of quality, if the laws are constantly changing),
- I. the average time taken for the conclusion (including all appeals) of cases of different kinds through the court system. This indicator should be interpreted in accordance to number of available appeals.
- J. The backlog (the criteria for backlog)
- K. the availability and use of IT systems that allow efficient and speedy decision-making.
- L. the availability of sufficient good quality support staff and their responsibilities (the extent of work that is done by staff). It is important that judges don't have to do the work that could be done by staff.

For the transparency of judicial decisions the indicators should be :

The ready availability to the public and the media of judicial decisions,

The ability of members of the public and the media to attend judicial hearings, the reasons for possible exclusions of members of the public and the media.

For the perception of the independence of the Judiciary :

- A. Objective existence of the independent Judiciary (the independence questionnaire),
- B. The perception of the public, that there is in existence an independent, accountable and efficient judiciary and justice system,
- C. The perception of the judges.

- D. The existence of systematic public relations in Courts. The systematic public relations should influence the perception of the public.

SCOTLAND

A key element of quality of justice is the legitimacy of the judiciary in the eyes of the public; that is to say that citizens regard the courts as providing a “fair, transparent and accountable independent process” in both civil and criminal matters. This is achieved primarily by ensuring that the courts are public and the business transacted before them can, with the occasional exception, be viewed and understood by persons wishing to do so. Citizens require to have confidence in the quality of their judges. They must be selected in a transparent manner and be seen to have the requisite professional skills and personal qualities, making them suitable for the office.

The Annex to Question 3 containing the quality criteria is reasonably comprehensive in so far as it lists the major elements to be considered. We would offer the following comments on the detail:

8. System for evaluation: This indicator assumes that criteria for evaluation of quality of judges can be devised and implemented, which is, of course, what the ENCJ project group has been asked to consider.
9. Equal treatment: there are two separate points within this indicator which require to be separately identified – judicial training in equal treatment and controls within the system to ensure that equal treatment is in practice provided. It should also not be forgotten that there are two separate requirements – fair treatment and equal treatment.
12. Number of decisions reversed on appeal: this should not be listed as a separate indicator. The number of reversals is dependent upon (a) the quality of judicial decision-making at first instance and, if necessary, (b) the quality of judicial decision-making at the appeal stage to identify and reverse erroneous decisions at first instance. These both appear in indicator 11.
20. Throughput of cases should be divided into (a) time taken between the time when a case is brought to court and the time when it is heard; and (b) time taken for a decision to be received from the judge after the case has been heard. These should be separate indicators. As an aspect of (b), it is a contributory factor to the quality of justice that judges be given time and resources to produce judgments expeditiously.

Under Head B (Quality of decisions and decision-making), there should be added the following specific indicator:

- The giving of proper and adequate reasons to the parties to the case for the judge's decision. This is, if anything, more important than the transparency issues listed under Head J.

SPAIN

We have no data except for the Council for the Judiciary. According to our answer to question 1 of the Questionnaire, the most relevant indicators of quality of justice are efficiency, transparency and accessibility.

On the other hand, we would also like to add two additional criteria: a) protection of crime victims in the context of the judicial process; and b) access to Justice by vulnerable persons (such as handicapped persons, members of ethnic minorities and other vulnerable persons in the sense of the Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings (OJ 2013/C 378/02).

In regard to the rest of the proposed criteria or indicators of the quality of justice, we have the following comments:

A. Quality of judges

28. The measures that are taken to ensure the appointment of the highest available quality of candidates to the judiciary, and the promotion of the most able judges.

In the view of the Spanish Council for the Judiciary, this is an important indicator of the quality of justice. Accordingly, the Council has passed an internal regulation on the process of appointment for some judicial positions (such as court presidents or Supreme Court justices), which is open and transparent and includes an interview of the applicants which can be followed by the media and the public through video recording.

29. The level of training offered to new judges and to judges whilst holding office.

This is also a relevant indicator. In the case of the Spanish Council for the Judiciary both initial and continuous training are responsibility of the Council and provided by the Judicial School under the Council for the Judiciary.

30. The availability of an effective system for the evaluation of judges.

Although this indicator can be considered relevant in many ENCJ members and observers, there is no available system for the overall evaluation of judges in Spain. According to the view of the Spanish Council for the Judiciary on this issue, a system of overall evaluation of judges without the proper safeguards could have an undesirable impact on judicial independence. Therefore, the system for the evaluation of judges in Spain is mainly focused in the quantitative aspect of the professional performance of Spanish judges.

31. The systems available to ensure equal treatment of all persons by judges.

B. Quality of decisions and decision-making

32. The quality of the decision-making process. This can include many aspects of the judicial process dealt with under other headings.

The quality of the decision-making process is relevant for the quality of justice and the judicial system. Nevertheless, this aspect can be strongly influenced by the applicable procedural laws that govern the decision-making process.

33. The quality of judicial decision-making at first instance and on appeal(s).

The quality of judicial decisions is difficult to assess. However, there are international documents at a European level (such as the relevant opinions of the Consultative Council of European Judges) that provide criteria in this respect. In the view of the Spanish Council for the Judiciary, a basic aspect of the quality of judicial decisions is connected with the need to provide clear reasons that justify the decision, particularly in the case of final judgments or judicial decisions that have an impact on basic rights of the persons involved in the judicial process.

34. The number of decisions that are reversed on appeal.

This is an indicator that can be taken into account in order to assess the quality of judicial decisions. However, it has to be borne in mind that the reversal of a judicial decision on appeal can be based on a different assessment of facts or construction of the law by the appellate court, which does not necessarily mean that the quality of the overturned decision of the first instance court is poor. The number of decisions reversed on appeal can be particularly relevant in those cases where the reversal of the first instance decision is based on the lack or poorness of the reasons provided by the first instance judge or court in the overturned decision.

35. The availability of an appropriate system for the fair allocation of cases to judges with competence in the relevant fields.

The relevance of this indicator is related to the fact that a fair and transparent system of allocation of cases ensures the impartiality of the judge or judges who adjudicate the cases, in as far as the system of allocation of cases is a guarantee of the right to a predetermined and impartial judge enshrined in the constitutions of some EU member States.

C. The availability of Information Technology

36. The availability and use of IT systems that allow efficient and speedy decision-making.

This indicator of quality of justice is connected with the efficiency of the judicial system and should apply to the IT systems available both for the court staff and for the judges. Judges should have access to IT systems in order to be able to consult the latest developments in legislation and case-law.

D. The availability of support staff

37. The availability of sufficient good quality support staff to allow for efficient and speedy decision-making.

This indicator should refer not only to the adequacy of the court staff from the quantitative perspective (i.e. number of support staff available in each court), but also to the level of training of the support staff. A quality justice system should provide support staff with the proper training in order to allow for the efficiency of the whole system.

E. The availability of adequate buildings and facilities

38. The availability of adequate buildings and facilities to allow for efficient and speedy decision-making. In the view of the Spanish Council for the Judiciary the adequacy of judicial buildings and facilities should also include accessibility for vulnerable and handicapped court users and the necessary measures in order ensure the adequate level of protection for crime victims and other witnesses or participants in criminal proceedings.

F. Mediation structures

39. The support provided by the court system for the speedy resolution of disputes in various fields by mediation and other consensual alternative dispute resolution methods.

The availability of mediation and other ADR mechanisms is a relevant indicator of the quality of the justice system, in as far as the use of ADR impacts positively in the burden of workload in the courts, allowing

for a more speedy disposal of the cases subject to judicial adjudication. On the other hand, ADR mechanisms tend to provide a more satisfactory solution of the cases for the involved parties.

G. Appeals

40. The requirement for permission to be obtained to bring an appeal, based on the likelihood of success and/or the importance of the decision.

Generally speaking, the requirement for permission to bring an appeal does not apply in the Spanish legal system. However, the availability of appeals is normally envisaged in the legislation bearing in mind, among other relevant factors, the importance of the case in terms of the financial interests or parties' rights at stake.

41. The number of available appeals. The more appeals, the more will be the delay in reaching a final decision.

In the view of the Spanish Council for the Judiciary there is a need to set a proper balance between the right to appeal and the speedy and effective disposal of cases. An ordinary appeal and also a cassation appeal should normally be available in the most serious cases (i.e. those affecting the fundamental rights of citizens or where the decision by the Supreme Court appears to be of particular importance for the legal system as such), whereas an ordinary appeal would suffice in minor cases. It has to be borne in mind, nevertheless, that many domestic constitutions and international documents in the field of human rights (such as the ECHR) grant the right to an appeal in the case of a conviction of a criminal offence.

H. Throughput of cases

42. The time taken for the conclusion (including all appeals) of cases of different kinds through the court system.

The time taken for the final disposal of cases through the court system is probably the most relevant indicator of the efficiency of the justice system. This indicator is fully consistent with the principle generally accepted in European countries according to which "Justice delayed is Justice denied". However, in order to set the acceptable timeframe for the final disposal of cases through the court system several factors, such as the complexity of the case, the number of parties or the procedural behaviour of the parties in the context of the proceedings, should be taken into account.

I. Disciplinary and complaints procedures

43. Whether there are satisfactory procedures to deal with complaints about the conduct of judges to the satisfaction of complainants?

In the view of the Spanish Council for the Judiciary this is an important indicator which is clearly related to the accountability of individual judges and of the judicial system as such. However, complaint procedures should be fully respectful with the principle of judicial independence and should not allow for a review of a judicial decision outside the pre-determined appeal system. Accordingly, there is a need to strike a proper balance between disciplinary procedures concerning judges and judicial independence.

J. Transparency of judicial decisions

44. The ready availability to the public and the media of all judicial decisions.

In the view of the Spanish Council for the Judiciary the availability of judicial decisions to the public and the media is a very important ingredient of the transparency of the justice system. This aspect of availability of judicial decisions should be complemented with the indicator reflecting the accessibility of judicial decisions in terms of easy understanding of the contents, connected with the use of plain language in the drafting of those decisions.

45. The ability of members of the public and the media to attend all judicial hearings (save in the most exceptional circumstances).

The principle that trials and judicial proceedings should, in principle, be held in open court is a key ingredient of the transparency of the judicial process and is also enshrined in the Spanish Constitution. Only in very exceptional circumstances and through a reasoned decision of the court taking into account the superior interests of the parties or the protection of public interests is it acceptable to exclude the ability of members of the public and the media to attend judicial hearings.

In the view of the Spanish Council for the Judiciary, this indicator can be complemented with the ability of audio-visual media (such as TV or radio stations) to attend and broadcast live judicial hearings.

46. The transparency of the judicial process generally.

This is a general indicator of the quality of the justice which is defined by other sub-indicators, such as the ones defined in questions 18 and 19. Furthermore, there are other relevant criteria as to the transparency of the judicial process, such as the availability of general information on the operation of the judicial and legal system of a country.

K. Independence of the judiciary

47. The degree to which it is the perception of citizens, media and outsiders that there is in existence an independent, accountable and efficient judiciary and justice system.

No doubt that the general perception of society on the independence, accountability and efficiency of the judicial system is a key ingredient of the quality of justice. However, in the view of the Spanish General Council for the Judiciary, it can be difficult to assess the perception of society in this respect. There is a need to develop accurate and reliable tools in order to adequately measure the perception by citizens, media and social groups about the justice systems.

48. The objective existence of an independent judiciary.

This is one of the most important indicators to define quality of justice in the context of rule-of-law States. Given the practical difficulties to assess the objective existence of an independent judiciary, there appears to be a need to resort to previous ENCJ documents in order to define the basic constituents of the independence of the judiciary. In the view of the Spanish Council for the Judiciary, the framework of independence and accountability of the judiciary adopted by the ENCJ in June 2014 should be taken into account in order to define a proper background in this respect.

SWEDEN

Nearly all of the criteria in the annex to the questionnaire have at least some importance when it comes to quality of justice. However some of them seem more relevant than others. The annex number of the criteria in question is shown within brackets in the following text.

The criteria listed under A concerning the appointment process, level of training and equal treatment (6, 7 and 9) seem very relevant to everyone. The Courts Administration have certain doubt about the criteria regarding evaluation of judges (8). It may sound like a good idea but what is the purpose of it? Who will conduct such a system and what use will be done by the results?

Under B the criteria regarding decision-making (10 and 11) does not seem to make sense. The quality of the decision-making cannot in itself be a criteria of the quality of justice. These criteria need to be more precise. The criteria on reversed decisions (12) is very relevant but should focus on the percentage, either in relation to the number of appeals or the number of judgements delivered by the lower court. However it must be borne in mind that changes in the higher courts may be the result of for example new evidence. If procedural laws on the admittance of e.g. new evidence in the appeal courts differ between countries, it may prove difficult to make comparative analyses of the quality of justice by using a criteria of reversed decisions. Allocation of cases to judges with specific competence (13) adds very

much to the quality of justice but the system needs to be organized in a way that ensures the interests of transparency. It is also very important that the allocation of the case to the specialized judge is done early when the case is registered.

The criteria under C (IT-systems) and E (adequate buildings and facilities) are of course important but on the other hand very basic. Do these criteria really add to quality from a judicial point of view which, according to the introduction, is the scope of the project? When it comes to facilities it should be underlined that competent legal assistance and interpreters are very important. Sufficient technical support makes it easier for judges to concentrate on handling of cases which in the long run will be good for parties.

Good quality support staff (D) is of great importance, especially from the judges point of view.

Mediation structures (F) could make it possible to have disputed solved faster. This is important for the parties.

The criteria under G concerns the appeal system. Leave to appeal system (18) add to the quality of justice since it allows the courts to concentrate on the cases worth a review. But parties – and sometimes lawyers – tend to see such a system as an obstacle for them to have a second chance. However it could be argued that a leave to appeal system is the best way to spend the money since cases not worth a review does not get one. The number of appeals (19) is a difficult criteria. Many appeals may indicate lack of quality in the lower court. However many appeals may create an overload in appellate courts. Therefore you may in the end find it difficult to draw any conclusions from the number of appeals when it comes to the overall quality of justice. In any case it must be stressed that a percentage instead of the number itself of judgements being appealed is a better way measure the quality.

The throughput of cases (H) is one of the most important criteria. It is obvious that the time limits may be different in different types of cases.

Disciplinary procedures (I) are under Swedish law a matter between the judge and the employer. Parties cannot address the National Disciplinary Offence Board. They may however register a complaint with The Parliamentary Ombudsmen, who may address the board. In the view of the Courts Administration the existence of a disciplinary procedure adds very little to the quality of justice in Swedish courts. Very few cases are brought before the above mentioned board.

The criteria regarding transparency (J) and independence (K) are all of great importance. It may also be argued that an important part of transparency is the oral hearing. A delivery of the judgement at the hearing enables judges to explain the outcome to the parties directly which may increase the possibilities of them understanding the judgement.

APPENDIX 1. THE NETHERLANDS

Answers Questionnaire Quality

Netherlands Council for the Judiciary

Introduction

In response to the questionnaire send by the ENCJ to its members and observers, an overview is given of the activities the Dutch Judiciary in general and the Dutch Council for the Judiciary in specific, undertakes to improve and maintain the quality of justice.

The main question from the questionnaire of ENCJ is:

How does your Council evaluate the “Quality of Justice” in your country and the quality of your justice system, and what criteria for evaluating the “Quality of Justice” does your Council regard as being the most important?

This document entails;

- the involvement and role of the Council of the Judiciary regarding the quality of the Judiciary
- the leading principles by which quality is organized within the Judiciary
- the system by which quality is managed and improved.

The Council for the Judiciary

The Council for the Judiciary, which was founded in 2002, is an organ of the judiciary, but is not actually involved in the administration of justice. Its task is to help ensure that the judges can carry out their duties in administering justice effectively. The courts are not accountable to the Council for their judicial decisions, but they do report to the Council on such matters as the use of resources. The Council reports in turn to Parliament through the Minister of Justice, and thus acts as a link between the two. The role of the Council is to coordinate, initiate, facilitate, supervise and manage. One of its duties under its regulations is to promote (legal) quality and the uniform application of the law. This does not involve examining the quality of the individual judgments or that of individual judges. In addition, the Council has no role regarding disciplinary measures to judges. The Council is responsible for establishing, assuring and maintaining the quality system and promotes quality projects in the courts. The courts report on their quality-related activities to the Council.

Leading principles and policy priorities

Reinforcing the core values: independence, impartiality, integrity and professionalism

Meeting the needs of society as much as possible and closely monitoring its problems.

Balance between swiftness, accessibility and competence

Every four years, the Council for the Judiciary sets a number of policy priorities in the Agenda of the Judiciary together with the court boards. The Agenda sets out the Judiciary's strategic goals for the following four years. The specific activities undertaken by the Judiciary are based on this Agenda.

The Agenda of the Judiciary 2015-2018 is based on three basic principles: swiftness, accessibility and competence.

Attached to swift judgment is the aim to reduce the length of court cases by 40% compared with 2013. The Judiciary will accomplish this through the Quality and Innovation programme (KEI). This programme facilitates simplification, standardization and digitization of procedures and expedites the emergence of innovations within procedures that are currently not available to the courts. Attached to accessible justice is the aim that in 2018 at least 70% of parties involved and professionals are satisfied with the intelligibility of procedures and the online accessibility of the judicial system. Attached to a competent administration of justice, is the aim that the Dutch Judiciary undertakes action to be excellent in increasingly complex court cases in an increasingly complex society. Strengthening the expertise of judges will also contribute to fast and accessible justice in 2018. The Judiciary will strengthen the expertise of judges and legal staff and it will guarantee that judges jointly establish professional standards. Judges already apply professional standards, but they are to a large extent not described.

Ownership

The professional, whether the judge or (legal) staff, is responsible for quality and must accept ownership. Feedback is very important, and should primarily take place among peers, for instance, with respect to the quality of judicial decisions and behaviour in the court room. Also, professionals should listen to feedback from the users of the courts. Together, judges need to take responsibility for the uniform application of the law and for continuous improvement of procedures and their work in general. The boards and management of the individual courts as well as the Council should allow the professionals to take these responsibilities by providing, among other, adequate funding, information/data and ICT. They should also challenge the professionals to take responsibility and to be accountable. Bureaucracy needs to be reduced as much as possible. Disciplinary measures against judges are not used, except in rare cases of severe, personal disfunctioning.

Learning organization

The Judiciary is a learning organisation that interacts with its social environment and aims to provide a high level of service, taking into account the specific nature of the case law and the reasonable expectations of litigants and professional partners. In order to ensure the highest possible service levels, professionals on every level work closely together within the court system, and use any external feedback to maximum advantage. This external feedback on services must be communicated to all parties involved and must be disseminated to, and discussed with, all stakeholders.

Quality system

Like any other quality management system our system has a normative framework, plans and policies for improvement and measurement instruments that give feedback on the results.

The activities the Judiciary undertakes to improve quality can be divided into three parts: what is done to improve and take care of the quality of the judicial performance, the quality of the judicial services and the quality of the judiciary as an organization.

Quality of the Judicial Performance

Normative framework

The normative framework on the quality of the judicial performance consists of elements regarding the impartiality, integrity and expertise of the judiciary and elements regarding the unity of law and fairness of proceedings. The norms and indicators are set by the judiciary itself. Examples are the codes of conduct the judges have written on impartiality and integrity and the regulations they have made in order to unify court proceedings. For example on the topic of impartiality: the judges have committed themselves to make their extra curriculum activities public, such as a membership to the board of a local elementary school or a local hospital. On the topic of expertise: all the judges have committed themselves to spend at least 30 hours a year on education (or 90 hours within 3 years). The civil law judges have committed themselves to co-read the decision of a colleague once a month.

Improvement policies

There is a wide variety of plans and policies to improve quality of the judicial performance. For example: a class on moral dilemmas that is followed regularly by judges and staff; peer supervision groups (participants confer with one another by reciprocating key topics of their professional everyday lives, in order to provide solutions for difficult situations); weekly team consultation on judicial matters (squashed verdicts, jurisprudence and such).

Measurement

The most important way to receive feedback on the judicial performance is through a client satisfaction survey. This survey is held every three years. It is a national survey, all the courts in The Netherlands participate. Professionals (lawyers, officers of the prosecution, bailiffs etc.) and litigants, the “clients”, are asked to give their opinion on several quality aspects, for example on the conduct of hearings. The results of these surveys are published.

Additionally, in many courts ‘spiegelbijeenkomsten’ are held. A literal translation would be ‘mirror consultations’. In such a consultation litigants and professional lawyers are asked to tell about their experiences with specific court proceedings. The judges concerned just listen to their story. They are not allowed to interfere, explain or defend themselves. These consultations are often an eye opener for the judges. It is not that they have done things wrong. It is about awareness of the way their actions are perceived by others in the courtroom. Sometimes these actions are perceived in a way that was not intended by the judge.

The last couple of years the Judiciary has been experimenting with peer review as a way to assess what often is called the ‘real quality’, namely the quality of decisions. Last year an experiment was held on national level to assess the quality of commercial law decisions of first instance courts. Mind you, the object of the study was the *quality* of the decision, not the *correctness* of the decision itself. This experiment was done by all four appeal courts by means of case study. An evaluation form and procedure were developed to objectify and standardize the assessment. Examples of the assessment criteria were: is the verdict adequately motivated, is European law adequately applied?

A total number of 630 decisions of the first instance courts were assessed by appeal judges. The outcome was that the quality of more than 80 percent of the decisions were well above average, 19 percent were below average. The way the experiment was conducted and the way such an assessment should be done in the future are still a fierce matter of debate within the Dutch Judiciary. But the experiment shows that judges are willing and able to give each other feedback on the quality of their work. On the condition that management and administration are not involved.

Quality of the judicial services

Normative framework

The normative framework on the quality of the judicial services consists mainly of elements regarding timeliness, access to justice and treatment of litigants and professionals. There are 52 timeframes for different categories of cases. For example 90 percent of all commercial cases should be finished within

two years, 90 percent of family law cases should be finished within a year, 90 percent of child protection cases have to be finished within four months. The criminal law judges have made considerable efforts to improve the comprehensibility of their decisions. They have developed a format by which decisions can be motivated in a way litigants can understand how the judge came to his conclusion. They have committed themselves to construct at least 50 percent of their decisions in accordance to said format.

Improvement policies

A good example of plans and policies to improve the quality of judicial services is the national innovation program called KEI (Program Quality and Innovation). The Program Quality and Innovation has been launched to change the law and the work processes. It will be made possible for litigants and professionals to litigate digitally and follow the progress of their case online. It will be made possible for judges to work with digital files, digital tools and mobile devices. By changing the law the judges will also have more means to direct court proceedings.

The courts undertake several activities to improve the communication with litigants and the general public. Projects with names like 'Clear language' and 'Motivation' aim to make decisions better readable and understandable to litigants and public. Within every court certain judges are trained to become a 'press judge'. This judge explains to the public the decisions made by the court, on television or other media, especially in high profile cases. On the website Rechtspraak.nl most of the decisions of the courts are published. This website is an important source of information (and databank) for lawyers in The Netherlands and for news in general about the judiciary.

Measurement

There are several instruments the Dutch Judiciary uses to collect feedback on the quality of judicial services. For the timeframes statistics are the main source of information. These statistics are continuously available for the courts. The client survey is an important instrument to measure the (perceived) quality of the services provided by the court. Several questions on the survey concern the satisfaction with the accessibility, reception and timeframes of the courts. Even the complaints are considered a source of feedback. To the extent that it has been made far easier to file a complaint online.

Quality of the organization

Normative framework

The Dutch Judiciary has regulations on the quality of the organization, based on the INK model (the Dutch equivalent of the EFQM model). We aspire to be a learning organization. Goals are set, plans are made

and executed, evaluation takes place. Regretfully not always in a systematic manner. Nevertheless there has been mayor progress for example in the field of HRM - in the selection and training of new judges – and in the field of ICT – in digitalization of work processes and digital courtrooms. In addition organizational development often takes place in the slipstream of the introduction of new legislation.

Improvement policies

The reform of the judicial map in 2013 was a mayor incentive to reorganize the Judiciary in terms of quality and efficiency. Especially in terms of securing expertise and specialization within the courts. Most courts have their new structures in place. Understandably the cultural changes take more time.

Another improvement considers the management of knowledge within the Judiciary. A program is initiated to make (digital) knowledge more accessible, reliable and useful for judges and to make sharing knowledge easier and basically more common and fun.

Measurement

The most important instrument we have in the Netherlands to evaluate the quality of the organization of the Judiciary is the Court Review (or court visitation). Once every four years an independent committee visits all the courts and evaluates the care for quality. The purposes of the court visitation are quality improvement and accountability to the public.

The review committee has 15 members, six of them are judges with and without a managing position. The other members are drawn from all sections of society, including former cabinet ministers, mayors, the business community, the academic world (professors), community organizations, lawyers (bar) and the prosecution office.

As preparation for the Court Review, a protocol is prepared by a national committee, supervised by the President of a District Court. The Council for the Judiciary and the Ministry of Justice are also represented on this 'protocol' committee (they are not part of the review committee). The protocol describes the main task of the review committee. Since the review committee is primarily concerned with quality, the nature of these tasks tend not to vary greatly for each review, although specific areas of focus may be indicated. The last review held in 2014 the points of focus were:

- how expertise and specialisation are organised within the courts;
- feedback on the substantive quality of the judges' work and the feedback culture;
- the extent to which the courts are connected to society;

focus on quality and development of the quality system.

The review committee collects information through special employee surveys, self-assessment by the individual courts, existing written policies and yearly reports etc. The committee visits each court for two days and conduct their own interviews throughout the court (from court board to working floor). The report of the review committee is published and very influential within and outside the Judiciary. The outcome is used by the Council and the individual courts to improve their policies and to substantiate their claims towards the Ministry of Justice and the Parliament.

Another instrument is the staff satisfaction survey. Previously every court conducted a survey in its own way. This year for the first time a staff survey was conducted in all courts simultaneously. This gave the courts the opportunity to benchmark the results with other courts.