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EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

EXPLANATORY NOTE TO THE SCHEME FOR EVALUATING JUDICIAL SYSTEMS

2020 - 2022 Cycle

EXPLANATORY NOTE

I. Introduction

Background

At their 3rd Summit, organised in Warsaw on 16 and 17 May 2005, the Heads of State and government of the member states of the Council of Europe "[decided] to develop the evaluation and assistance functions of the European Commission for the Efficiency of Justice (CEPEJ)".

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2022, focused on 2020 data.

The methodology developed in the previous CEPEJ cycles will be used to get, with the support of the national correspondents, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as the three States observers wishing to participate to the evaluation exercise, Israel, Morocco and Kazakhstan. The objective of this evaluation is to enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present Scheme was adapted by the CEPEJ Working group on evaluation (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The Scheme's adaptation was restricted to strengthening the corpus of data collected at regular intervals and to making it easier to draw comparisons and assess trends.

The CEPEJ adopted this new version of the Scheme CEPEJ(2020)16 at its 35th plenary meeting (8-9 December 2020).

The aim of this study is to compare the functioning of comparable judicial systems in their various aspects, to have a better knowledge of the trends of the judicial organisation in the different systems to improve the efficiency of justice. The evaluation Scheme and the analysis of the results should become a genuine tool in favour of public policies on justice, for the welfare of the European citizens. All data collected by the CEPEJ will be integrated in the interactive database CEPEJ-STAT (accessible on the CEPEJ website: https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems.

Most probably, all states will not be able to answer every question, because of the diversity of the judicial systems in the member states as well as unavailability of certain data. Therefore, the objective of the Scheme is also to stimulate the collection of data by the states in those fields where such data are still not available.

It must be noted that the Scheme neither aims at including an exhaustive list of indicators nor aims at being an academic or scientific study. It contains indicators which have been considered relevant for states who wish to assess the judicial systems' situation and better understand the functioning of their own systems. At the same time, the data collected will enable to contribute to the on-going work regarding the improvement of the quality and efficiency of justice.

In order to make the data collection and data processing easier, the Scheme has been presented in an electronic form, accessible to national correspondents entrusted with the coordination of the data collection in the member states in a specialised data collection tool, CEPEJ-COLLECT.

II. Comments concerning the questions in the Evaluation Scheme

This explanatory note accompanies the questions in the Evaluation Scheme and aims to assist the national correspondents entrusted with replying to the questions in clarifying the purpose of each question, its idea and definition. In case of more complex questions this document tries to clarify the ambiguities with practical examples of how questions should be interpreted and which replies should be given.

Should you have any question regarding this Scheme and the way to answer it, please send an e-mail to Christel SCHURRER (christel.schurrer@coe.int), Lidija NAUMOVSKA (lidija.naumovska@coe.int) or Milan Nikolic (milan.nikolic@coe.int).

a. General remarks

NA and NAP answers:

When answering questions, it may not always be possible to give a number or to choose between different modalities of answers (Yes or No). In these cases you can use NA or NAP respectively.

NA (information/data is not available) means that the concept/category referred to in the question exists in your system, but that you do not know the answer/data (e.g. administrative law cases exist in your system, but you cannot quantify their number).

NAP (not applicable) means that the question is not relevant in your judicial system (for example, because the category of judicial staff or the type of dispute that constitutes the question does not exist in your system).

The answers NA or NAP are very different from each other, please observe these rules, any mistake will lead to wrong interpretations. The consistency rules (vertical and horizontal) do not apply in the same way in the presence of one or more NA or NAP responses.

Consistency (horizontal and vertical): in a table having different subcategories and a total, the latter must equal the sum of the different sub-categories (see for example, questions 6 and 46).

Subcategories:
If the answers of one or more sub-categories are **NA** (not available), the total cannot be equal to the sum of the other sub-categories for which the answers are quantitative data.
- if only one category is NA, the total must necessarily be NA;
- if several subcategories are NA, the total can be either NA or a quantitative data (which will necessarily be greater than the sum of the available sub-categories);
- on the other hand, if one or more subcategories are **NAP** (not applicable), they do not have an impact on the total which can be equal to the sum of the sub-categories since this/these NAP responses indicate that this/these sub-categories do not exist in the legal system.

Examples:

Example no. 1 - one subcategory is NA:

	Approved budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	NA
1. Annual public budget allocated to (gross) salaries	1000
2. Annual public budget allocated to computerisation	NA
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	1000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	2000
5. Annual public budget allocated to investments in new (court) buildings	5000
6. Annual public budget allocated to training	2000
7. Other (please specify)	1000

Example no. 2 - several subcategories are NA:

	Approved budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	10000
1. Annual public budget allocated to (gross) salaries	1000

2. Annual public budget allocated to computerisation	NA
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	NA
4. Annual public budget allocated to court buildings (maintenance, operating costs)	2000
5. Annual public budget allocated to investments in new (court) buildings	NA
6. Annual public budget allocated to training	1000
7. Other (please specify)	1000

Example no. 3 - one (or several) subcategory(ies) is/are NAP:

	Approved budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	8000
1. Annual public budget allocated to (gross) salaries	1000
2. Annual public budget allocated to computerisation	1000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.),	1000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	2000
5. Annual public budget allocated to investments in new (court) buildings	NAP
6. Annual public budget allocated to training	2000
7. Other (please specify)	1000

This example shows that reply NAP does not have influence on the "Total" since that sub-category does not exist in the legal system and consequently it is treated as 0 (8000 = sum of the existing sub-categories).

Comments*:* CEPEJ allocates a comment for every question. We differentiate two types of comments: General comments (in specific tab of CEPEJ-COLLECT) and specific comments under each question.
In the "specific comments" area, the national correspondent should provide detailed information on the specificities of the national judicial system for ***the on-going cycle*** as well as explain substantial variations of data from previous evaluation rounds.

The ***specific comments under each question*** are different from the ***general comments*** which ***apply to all evaluation cycles*** and are located in a separate tab. Such comments refer to specificities of the national judicial system relevant to all evaluation cycles and will be helpful when analysing the replies and processing data. It is not required to fill in this area systematically but only when specifics in the system exist and the interpretation of data should be aware of it. These comments should be as precise and as concise as possible.

When an answer and/or a comment to a specific question remains unchanged from one evaluation process to the other, it is possible for national correspondents to "cut and paste" from the previous evaluation round. For the General comment this is done automatically and the user should intervene only in case change is needed. In the event of an unchanged answer/comment from one cycle to the next, a simple reference to the answers of the previous cycle is not possible.

Gross figures and full-time equivalent of posts: the posts in gross figures concern the total number of persons working, independently of their working hours. The posts in full-time equivalent, on the other hand, are aimed at quantifying the posts taking the full time as a reference. The indication of the full-time equivalent implies that the number of part time working persons has to be converted: for instance, one half-time worker should count for 0.5 of a full-time equivalent, two people working half the standard number of hours count for one "full-time equivalent".

Check and variations from previous evaluation rounds: please always check the data inserted. Check the figures inserted (for instance the number of zeros!).

Please also compare the data indicated for the year of reference with the ones provided for the previous evaluation rounds and explain significant variations from one cycle to another. This is possible to see within the CEPEJ-COLLECT system in a separate tab “Previous data”. For numerical data, the system will automatically warn you in case of a significant variation and data can only be saved with these variations if a comment is inserted in a specific box that will appear under the concerned data. Indeed, these variations may be explained by, for example, structural reform, legislative change, different methodology or a change in the interpretation of the question by the national correspondent. Please note that this change should be well explained and not only mentioned. For example, if there is a new methodology introduced, the differences with the previous one should be elaborated.

Euros: all financial amounts have to be given in Euros except question 132, where value in local currency is specifically required. This is essential to avoid any misinterpretations or problems of comparability. For countries outside the euro zone, the exchange rate, on 1st January of the reference year +1, has to be indicated in question 5.

Rules and exceptions: Please give answers, if possible, according to the general situation in your country and not according to exceptions. You may indicate exceptions to the rules in the comment area below the question.

Sources: Please indicate the sources of your data, where requested. The “source" concerns the institution which has provided the information to answer the question (e.g. the National Institute of the Statistics or the Ministry of Justice). This will help check the reliability of the data.

Year of reference: the year of reference for this Scheme is **2020**.

Note: the order of questions in some parts of the questionnaire had been changed, however the questions kept their original numbering to preserve the consistency with previous answers. Therefore, the numbering in some of the sections is not consecutive.

b. Comments question by question

1.1. Demographic and economic data

These data will enable to determine ratios allowing comparative analysis.

Question 1

The number of inhabitants should be of 1 January of the reference year +1.

Question 2

The total annual amount of *public expenditure* includes all expenses made by the (federal) state or (federal) public bodies, including public deficits.

For federal states, please indicate separately the total public expenditure at regional or federal level.

Question 3

Please indicate the annual Gross domestic product (GDP) at current prices per capita. Gross domestic product (GDP) at current prices is GDP at prices of the current reporting period (i.e. not readjusted for the effects of price inflation) also known as nominal GDP.

Gross Domestic Product (GDP) is an indicator of economic activity which is the most commonly used and is usually measured on an annual or quarterly basis to determine the economic growth of a country from one period to another. GDP is a measure of total consumption, investment, government spending and the value of exports minus imports.

Question 4

Please indicate the average *gross* annual salary and not the *net* salary in your country for all sectors of the economy (public and private). The gross salary is calculated before any social expenses and taxes have been deducted. This data must be indicated in Euros.

Question 5

The exchange rate at 1 January of the reference year + 1 should be provided for this question. The exchange rate should be expressed as number of units of national currency required to obtain 1 Euro for all countries outside the Euro zone.

The mid exchange rate published by the Central/National Bank for 1 January of the reference year + 1 is the expected value. In case of big fluctuation of exchange rate between cycles an average annual exchange rate for the reference year could be provided instead.

Note: UK-England and Wales, UK-Northern Ireland and UK-Scotland should indicate the same exchange rate.

Question 6

The annual, approved and implemented, public budget allocated to the functioning of all courts has been defined by the CEPEJ (see categories below) and may differ from the member states' definitions. **For comparability reasons, please observe the CEPEJ categories.**

The state budget (approved) should be reported, if possible without other sources (e.g. without operations, co-financed by EU). The latter should be mentioned in comments.

Note: If you cannot separate the budget of the public prosecution services and / or the budget of legal aid from the budget allocated to the functioning of all courts, please indicate "NA" and answer to question 7

This budget includes:

Categories 1 to 7:

1. (Gross) salaries are those of all judicial and non-judicial staff working within courts, excluding, if appropriate, the public prosecution system (and the staff working for the prosecution services). This amount should include the total salary costs for the employer: if, in addition to the gross salary, the employer also pays insurances and/or pensions, these contributions should be included.

2. Computerisation includes all the expenses for equipment, investments, installation, use and maintenance of computer systems (including the expenses for outsourced technical staff).

2.1 Investments in computerisation should include the amount designated only for the equipment, investments, and installation. More precisely, this category should include only purchase of new or upgrade of the existing hardware and software, as well as development costs.

2.2 Maintenance of the IT equipment of courts should include only maintenance costs, such as updates of licences, repairment of software "bugs" etc.

3. Justice expenses borne by the state (or by the justice system) refer to the amounts that the courts should pay out within the framework of judicial proceedings, such as expenses paid for expert opinions or court interpreters. Any expenses to be eventually paid by the parties (e.g. individual costs of experts and interpreters to be reimbursed to the court budget or, court fees and taxes paid to cover justice expenses; see questions 8, 8-1, 8-2 and 9) should be excluded. The amount to be paid for legal aid and/or coverage or exemption of court fees should also not be indicated here (see questions from 12 to 12-3).

4. Court buildings' budget includes all the costs that are related to the maintenance and operation of court buildings (costs for rental, electricity, security, cleaning, maintenance etc.). It does not include investments in new buildings.

5. Investments in new (court) buildings includes all the costs that are connected with **investments in new court** buildings (either building of new structure or purchase of existing buildings).

6. The annual public budget allocated to training includes all training directly covered by the courts for the training of judges (see Q46 and Q47) and non-judicial staff (see Q52), excluding, if appropriate, the public prosecution system (and the staff working for the prosecution services). It does not include the specific budget of a separate public training institution for judges and / or prosecutors (see Q131 and Q131-0).

7. Other includes all figures that you cannot subsume under categories listed above.

This budget must not include in particular (they are reported at different questions):

- the budget of the prosecution system (see question 13);
- the budget for legal aid (see questions 12 and 12-1);
- the budget for the prison and probation systems;
- the budget for the operation of the Ministry of Justice (and/or any other institution (of executive or legislative branch of power) which deals with the administration of justice);
- the budget for the operation of other institutions (other than courts) attached to the Ministry of Justice;
- the budget of the judicial protection of youth (social workers, etc.);
- the budget of the Constitutional courts;
- the budget of the High Judicial Council / State Prosecutorial Council (or similar body (of the judicial branch of power));
- the annual income of court fees or taxes received by the state (see questions 8 and 9),

The **approved** budget is the budget that has been formally approved by the Parliament (or another competent public authority). If the approved budget had been changed (rebalance or amendment) during the year, the latest change should be reported.

The **implemented** budget corresponds to the observed expenditures during the reference year.

Where appropriate, the annual budget allocated to the functioning of all courts must include both the budget at national level and at the level of regional or federal entities.

Question 7

If you have answered to question 6, please fill in with "NA" for this question.

If you answer to this question, please note that the **approved** budget is the budget that has been formally approved by the Parliament (or another competent public authority). The **implemented** budget corresponds to the observed expenditures during the reference year.

Questions 8, 8-1 and, 8-2

All these questions concern the same court fees - they refer only to the court fees required to initiate a court proceeding. The court fees do not concern lawyers' fees.

A possibility for these fees to be covered by legal aid is addressed by Q12, Q12-1, Q12-2 and Q12-3 and should not be listed here.

Court of general jurisdiction is a court which deals with any issues which are not attributed to specialised courts owing to the nature of the case. The courts of general jurisdiction are those courts which in most instances deal with civil and criminal law cases, and therefore Q8 focuses on these two types of proceedings.

Question 8

This question concerns only fees required to initiate court proceedings, as already indicated above. If there are different rules for natural persons and legal entities, this question should be answered from the perspective of a natural person initiating a proceeding at the first instance court of general jurisdiction.

There are two moments at which fees required to initiate court proceedings might be required:

- at the beginning of the procedure - proceedings will not formally start or will stay if court fees are not paid at the beginning of proceedings;
- at a later stage – fees required to initiate court proceedings exist in the system and they are required from the litigants, but they could be paid at some later point during the proceedings or at its end.

The answer “No” should be selected only if these fees are not required at all from the litigants.

If there are exceptions to the general rule, please explain them in the comment.

Questions 8-1 and 8-2

Regarding the method for calculating court fees required to pay (Q8-1), depending on the country this can be e.g. a fixed amount, an amount depending on the nature of the proceedings and/or a percentage of the contested amount. If the answer (Q8-2) depends on such factors, please describe all the relevant parameters in the comment (e.g. type of court, proceedings, etc.).

Question 9

This question refers to the total of all court fees and not only those needed to initiate court proceedings, regardless whether paid at the beginning or later stage of the proceedings.

Questions 12 and 12-1

Legal aid is defined as the aid provided by the state to persons who do not have sufficient financial means to defend or represent themselves in court or to prevent litigation or to offer access to legal advice or information (see information in section *Access to justice and to all courts*).

Two categories have to be distinguished:

Cases brought to court - legal aid allowing litigants to finance fully or partially their court fees when appearing in court (legal representation and all court fees: to initiate court proceedings and other court fees);

Cases not brought to court - to prevent litigation or to offer access to legal advice or information (access to law knowing one's rights and asserting them, but not necessarily through court review), such as legal advice, ADR and some other legal services, or to enforce a judicial decision (for expenses that are not a part of enforcement proceedings in courts).

Total amount should include only the expenses to be covered for those benefiting from legal aid (or their lawyers). Administrative costs resulting from such procedures (e.g. salaries of free legal aid services staff) should be excluded.

The **approved** budget is the budget that has been formally approved by the Parliament (or another competent public authority).

The **implemented** budget corresponds to the actual expenditures during the reference year.

Question 12-2 (old Question 17)

This question refers only to one part of legal aid and that is the coverage or the exemption of court fees (see below) as an aid provided by the state to persons who do not have sufficient financial means to defend or represent themselves in court. For the purposes of this question, coverage or exemption of court fees should be considered whenever it is provided by the state regardless of whether it is in the framework of the legal aid system or another system of derogation (e.g. derogation provided for by the Court fees act). Please explain in the comments if this is not part of the legal aid system in your country.

This question refers to the total of all court fees and not only those needed to initiate court proceedings.

The answer NAP should be selected only by the States/entities that do not require court fees at all.

The question refers to two different possibilities regarding court fees:

- "Coverage of court fees" exists when beneficiary of legal aid or other system of derogation receives full amount of legal aid in advance and pays the court fees from that amount, or when beneficiary pays the court fees and later is reimbursed for that cost through legal aid or other system of derogation;
- "Exemption from court fees" refers to a situation when beneficiary of legal aid or other system of derogation is freed from obligation to pay court fees.

To make distinction between two options clearer, in the first option beneficiary is required to pay the court fees and he/she does pay them, but the expense is at the beginning or at the end born by the legal aid budget (or other public budget), while in second, he/she is not required to pay the court fees at all.

It is possible that both of these options exist parallelly in one system (coverage for one type of cases and exemption for others), and then both options should be answered "Yes".

Question 12-3

In most systems that provide coverage of court fees, these fees are calculated since the amount of fees has to be transferred at some point from a public budget to the beneficiary. On the other hand, in the systems that grant exemptions from court fees these amounts might not be calculated nor presented in financial documents (budgets, reports etc). However, some systems still calculate or estimate monetary value of the exemptions granted. The estimation for example might be based on the number of beneficiaries multiplied by the average amount of court fees for certain types of cases.

If the value of covered/exempted fees are calculated or estimated, it should be specified whether this amount is included in the budget of legal aid provided in Q12 (approved budget) and Q12-1 (implemented budget) or not. The purpose of this information is to better compare different systems.

Question 13

The *Public Prosecutor* should be understood according to the following definition contained in Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe on the role of public prosecution in the criminal justice system: "(…) authorities who, on behalf of society and in the public interest, ensure the application of the law where the breach of the law carries a criminal sanction, taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system".

If you cannot separate the budget of the public prosecution services and / or the budget allocated to the functioning of all courts, please indicate "NA" in Q13 and answer to Q7.

The **approved** budget is the budget that has been formally approved by the Parliament (or another competent public authority).

The **implemented** budget corresponds to the observed expenditures during the reference year.

The annual public budget allocated to **training** of the public prosecution services includes all costs allocated to training of public prosecutors and the staff working for the prosecution services. It does not include the specific budget of a separate public training institution for judges and / or prosecutors (see Q131 and Q131-0).

Question 14

The aim of Q14 is to identify the bodies involved in the various phases of the process regarding the global budget allocated to the courts.

Various answers are possible, because, in certain countries, the management and the allocation of the budget to the courts is, for example, a combined responsibility of the Ministry of Justice and High Judicial Council. Where applicable, please give a brief description on the way responsibilities related to the allocation and use of court budgets are organised.

If you tick the box "other ", please specify in comment to which instance does it refer and describe its competences.

For the purpose of the CEPEJ Evaluation, the term **High Judicial Council** has the same meaning as High councils for the judiciary used by the Consultative Council of European Judges (CCJE) in its Opinion No. 10 and by the European Network of Councils for the Judiciary (ENCJ). This single term reflects the diversity of European systems and evokes the High Council for the Judiciary or another equivalent independent body.

Preparation of the budget typically refers to the phase before the adoption of the budget**.**

Management and allocation of the budget among the courts should be mentioned if this phase can be separated from preparation of court budget.

Evaluation of the use of the budget refers to reporting the actual observed expenditure during the year, as well as evaluation (e.g. reasons for not meeting or exceeding the planned budget).

Question 14-0

When deciding on how to allocate financial resources among courts, different criteria might be used by the competent authorities. In the first column please select all criteria used in your system, and in the second column indicate only the three criteria that are considered the most important.

“Previous years’ budget costs” – the historic data are used as a basis for allocation. Sometimes the allocated amount will be copied from previous year or increased/decreased by certain percentage (such as inflation rate) or adjusted based on other criteria, but as long as the last year amount is used as criterium this option should be selected.

“Special needs assessment” – courts’ needs and special requests (e.g. financing a new project) are assessed and taken into account for allocation. It is not relevant who makes an assessment (it can be a court about its own needs or some other authority).

“Number of judges/non judge staff” – most of the systems always take into account salaries and related other costs when determining budgets and allocating resources. However, this option should be selected if allocation of all resources, not only costs of salaries and other related financial benefits, is dependent on this number.

“Number of incoming cases”, “Number of pending cases”, “Number of resolved cases” – these indicators might have a large effect on the level of other required resources. If the allocation is directly related to these numbers, please select the ones which are used. In this case please specify if allocation is based on the current number of cases (previous year) or on a forecast of the number of incoming/resolved/pending cases for the following year.

“Other” – please select this option if other criteria are used and specify which ones.

Question 14-1

Contrary to question 14, question 14-1 concerns those persons/bodies within the courts who enjoy specific powers as regards the budget of the individual court (legal entity – see Q42). The question should be answered from the perspective of a first instance court of general jurisdiction, and distinction between three possible situations should be taken into account when answering this question:

- if only judges have the responsibilities – the first option should be selected;
- if only non-judges have the responsibilities – the second option should be selected;
- if a mixed body of judges and non-judges have the responsibilities – the third option should be selected.

If you tick the box "other ", please specify in the comment the status and competences of the persons/bodies that have responsibilities regarding individual court budgets.

If the responsibilities are different depending on a type of court, the answer should reflect the situation in first instance courts of general jurisdiction. The differences which exist between different level and type of courts should be explained in the comment.

If only higher instance courts have responsibilities over first instance courts' budgets, answer "No" should be selected and the situation explained in the comment.

If these responsibilities are within competences of authorities other than courts, including High Judicial Council and Ministry of Justice, the answer should be NAP.

Preparation of the budget typically refers to the phase before the adoption of the budget**.**

Arbitration and allocation of the budget should be mentioned if this phase can be separated from preparation of court budget.

Day to day management of the budget refers to the tasks such as the controlling and execution of the orders.

Evaluation and control of the use of the budget refers to reporting the actual observed expenditure during the year, as well as evaluation (e.g. reasons for not meeting or exceeding the planned budget).

Questions 15-1, 15-2 and 15-3

These questions take into account the budget allocated to the whole justice system. It includes the budget of the judicial system (Q6+Q12+Q13) and the other categories as listed in Q15-3 accordingly.

The **approved** budget is the budget that has been formally approved by the Parliament (or another competent public authority).

The **implemented** budget corresponds to the observed expenditures during the reference year.

The annual public budget allocated to the whole justice system should include, in particular the budget of the judicial system (in accordance with the CEPEJ definition, i.e. Q15-2):

- the budget for courts
- the budget for legal aid;
- the budget for the public prosecution services;

And possibly other elements (Q15-3):

- the budget for prison system
- the budget for probation services
- the budget for High Judicial Council
- the budget for High Prosecutorial Council
- the budget for the Constitutional Court
- the budget for the judicial management body
- the budget for Advocacy State (i.e. the budget referring to a lawyer representing the State's interests)
- the budget for enforcement services
- the budget for notariat
- the budget for forensic services
- the budget for the judicial protection of juveniles
- the budget for the functioning of the Ministry of Justice
- the budget for refugees and asylum seekers services
- the budget for immigration service
- the budget for some police services
- other

Note: for these questions, the answers "No" and "NAP" are equivalent.

The budget for the "judicial protection of juveniles" includes the budget referring to the youth protection, mainly the budget allocated to social workers and not the budget for juvenile courts (this should be included at Q6).

The budget of “some police services” includes the budget of the judicial police, prisoners’ transfer, security in courts, etc.

And for category “other” please specify elements as for example budget allocated to training, if there is no training institution (as mentioned in question 131) and if this training is not financed by the courts or prosecution services (questions 6.6 and 13.1).

1.2. Organisation and management of courts and public prosecution services

Question 15-4

In this question, it should be specified in the first place who has management responsibilities in an individual court. These responsibilities are usually in the hands of a court president, but some other members of court staff could also be entrusted with the management of a court, such as Rechtspfleger, non-judge staff (judicial advisor, court manager, head of services) etc. Those persons could perform management functions solely, or together with the court president (shared competences). If these persons have separate responsibilities from the court president and make independently certain management decisions (they are not under direct authority of the court president), please include them in the answer and elaborate what is their relation to the court president.

The answer should also specify what exact roles the court president and/or other indicated staff members have in managing different services, such as organization of work, financial responsibilities etc.

Please note that a very important part of the answer should be an explanation of the status of those in charge for managing an individual court. It should be explained how these persons are appointed, what are the requirements for the appointment (e.g. are there specific educational or training requirements), what is their position in the organizational hierarchy, to whom they report, and what is their level of independence in relation to other institutions and branches of government.

Question 15-5.

In this question, it should be specified in the first place who has management responsibilities in an individual public prosecution office. These responsibilities are usually in the hands of a head of public prosecution office (as defined in explanatory note for Q56), but some other members of staff in the public prosecution office could also be entrusted with the management of the office, such as manager, head of services etc. Those persons could perform management functions solely or together with the head of public prosecution office (shared competences). If these persons have separate responsibilities from the head of public prosecution office and make independently certain management decisions (they are not under direct authority of the head of public prosecution office), please include them in the answer and elaborate what is their relation to the head of public prosecution office.

The answer should also specify what exact roles the head of public prosecution office and/or other indicated staff members have in managing different services, such as organization of work, financial responsibilities etc.

Please note that a very important part of the answer should be an explanation of the status of those in charge for managing an individual public prosecution office. It should be explained how these persons are appointed, what are the requirements for the appointment (e.g. are there specific educational or training requirements), what is their position in the organizational hierarchy, to whom they report, and what is their level of independence in relation to other institutions and branches of government.

2. Access to justice and to all courts

As the European Convention on Human Rights (ECHR) guarantees legal aid in criminal matters, the scheme distinguishes legal aid in criminal matters from legal aid in other than criminal matters.

According to article 6 of the ECHR (fair trial) any accused individual who does not have sufficient financial means has the right to be assisted by a free of charge (or financed by public budget) lawyer in criminal cases.

For the purposes of this Scheme, *legal aid* is defined as the aid provided by the state to persons who do not have sufficient financial means to defend themselves before a court. For more information on the characteristics of legal aid, please refer to Resolution Res(78)8 of the Committee of Ministers of the Council of Europe on Legal Aid and Advice.

Questions 16 to 19

The below questions refer to different modalities/forms of legal aid. Please indicate if a person can, within the scope of legal aid, benefit from: representation in court, legal advice, ADR and other legal services (Q16), exemption from fees that are related to the enforcement of judicial decisions (Q18) and other costs (Q19) as a part of legal aid system.

Question 16

The legal aid can consist of full or partial exemption or reimbursement of the cost, as well as other measures (e.g. delay of payment).

Representation in court includes all forms of representation before all regular and specialized courts (legal aid allowing litigants to finance fully or partially their court fees when appearing before courts).

Legal advice, ADR and other legal services: This category includes access to legal services outside the courts, to offer access to legal advice or information or to prevent litigation (access to law knowing one's rights and asserting them, but not necessarily through court review).

Question 16-1

In this question, a particular reference should be given to procedure, eligibility rules, as well as authorities and subjects involved in providing and delivering legal aid. Furthermore, it should be specified in the comment if only persons requiring legal aid have the right to submit a request, or lawyers can also do that on their behalf.

Question 18

This category includes expenses for enforcing a judicial decision, when enforcement is not a part of enforcement proceedings in courts (e.g. costs of enforcement agents). Court fees to start enforcement proceedings in courts are not included here.

Question 19

This question refers to costs not included in any of the previous questions (Q16 - Q18), when appropriate.

Question 20

This question which concerns the number of cases should be linked to questions 12 and 12-1 regarding the budget allocated to legal aid. For **court cases**, this question requires counting the number of court cases in which legal aid has been granted and not the number of decisions to grant legal aid - it does not matter whether legal aid has been granted once or more in the frame of one case. For **cases outside court**, all decisions on granting legal aid in specific situation (e.g. legal advice, costs of ADR etc.) should be considered as one case. If this is not possible, the answer should be NA, and the number of individual decisions should be put in the comment. When the same decision can concern several (court and outside court) cases, the answer for total should be NA.

Question 20-1.

This question concerns timeframes for approving legal aid requests. It should be noted that duration of time should be measured in days from the initial request to the final approval. The answer should address two different aspects:

- **"Maximum duration prescribed in law/regulation"** – the duration should reflect timeframes envisaged in the relevant laws and regulations. If there are timeframes prescribed for each different stage of the procedure for granting legal aid, the answer should represent the sum of timeframes needed for different stages. If the rules set the minimum and maximum duration, only maximum envisaged values should be taken into account. In addition, the comment should specify in which legal instruments these timeframes are envisaged and explain if there are different timeframes set for different types of cases.

- **"Actual average duration"** – the answer in this part should reflect the actual state of play and not the legal requirements, meaning that the average time should be calculated based on the actual duration of time passed between initial requests and final approvals for all procedures for granting legal aid completed in the reference year.

Question 21

This question refers to the possibility, under certain conditions, to be assisted by free of charge lawyer for the accused individuals (as stated by article 6 of the ECHR (fair trial)) and/or the victims.

The answer should be regardless whether this possibility is provided within the legal aid system or separately.

Question 22

Regarding legal aid, according to the different systems, lawyers can be appointed *ex officio*, proposed on a list or freely chosen by the parties.

Questions 23-0 and 23

It is possible that legal aid is limited according to the economic situation of the applicant. The threshold below which the granting of the legal aid is possible may be different for partial or full legal aid.

If the threshold is the same for full and partial legal aid, and the decision depends on other criteria, the same figures should be entered under “full legal aid” and “partial legal aid” and the situation should be explained in the comments.

Please note that indicated figures should represent values per one person.

Please elaborate in the comment if any other eligibility criteria are taken into account for granting legal aid and provide any other clarification that could explain the data communicated. For example, it could be specified if the answer refers to a value per one person or conversely, to a couple / family level, and if the same or different criteria apply in cases where legal aid is requested for family law cases.

Question 24

The examples of the lack of merit of the case can be frivolous action, no chance of success, lack of public interest etc.

Question 25

This question aims at finding out which institution takes decision to grant or refuse legal aid.

This decision could be taken solely by a court and in that case two options have to be differentiated. If the decision is taken by a judge or more judges (panel of judges) who is/are dealing with the applicant’s main case, the first option should be selected. If another judge(s) or official(s) in the same or different court (such as court employee or service specifically entrusted to deal with legal aid applications) makes the decision, the second option should be selected.

Some systems have special authorities other than the courts that deal with legal aid (such as legal aid centres) that are external to the courts’ system. If this is the case, please select the third option.

“Several authorities (court and external bodies)” should be selected for all systems that require both courts and external bodies involvement in deciding on granting or refusing legal aid. This option should be selected also if both court and external body have a power to grant or refuse legal aid, but only one or the other decides on a specific case (shared competence).

Question 26

The private insurance system might concern for instance bearing court taxes or fees, lawyers' fees and other services related to the settlement of the dispute.

Question 27

Legal (judicial) costs include all costs of legal proceedings and other services related to the case paid by the parties during the proceedings (e.g. court fees, legal advice, legal representation, travel expenses). In some systems, courts in their decisions distribute the legal costs amongst the parties at the end of the proceedings. If this is the case, please specify if such solution exists for criminal cases, other than criminal cases, or both.

If the legal costs are not distributed by the judicial decision, the answer “No” should be selected and the method of determining each party’s legal costs should be explained in the comment.

Question 28

The aim of this question is to know of existence of official information, published online and freely available to public.

“Information about the judicial system (organisation of courts, court proceedings, etc)” should be understood in a broader sense to include all information about legal rights and how to access dispute resolution procedures, as well as links to other related government services that may be of help to users with a legal problem (e.g. social welfare internet sites related to employment or health services, police stations). Websites and online portals for e-filing and other forms of direct electronic exchanges within court proceedings should not be considered under this question.

“Other documents” could be downloadable documents or documents and forms to be filled online.

Question 29

This question can apply to all types of cases.

A mandatory provision of information to individuals on the foreseeable timeline of the case to which they are parties is a concept to be developed to improve judicial efficiency. It can be a simple information transmitted to the parties. This information may consist of an agreement on a jointly determined time-limit, to which both sides would commit themselves through various provisions. Where appropriate, please give details on the specific situations and existing specific procedures.

Question 30

The question aims to specify if the state has established structures which are known to the public, easily accessible and free of charge, for helping citizens in general to access justice, as well as victims of criminal offences and minors as specifically vulnerable groups of court users. This may be organised in different ways (through online information, telephone, interactive chat, in-person physical access on site and other means). Please select all appropriate answers. In-person (physical access on site) should be understood as offices where persons can ask for assistance in a direct interaction and with physical presence. For example, offices for victims of domestic violence who require urgent legal assistance.

Question 31

This question aims to learn how states protect the groups of people who are particularly vulnerable in judicial proceedings.

It does not concern the police investigation phase of the procedure nor compensation mechanisms for the victims of criminal offences, which are addressed under questions 32 to 34.

Definitions of different categories of offences (sexual violence/rape, terrorism, domestic violence etc.), should be in accordance with national legislation of each State.

Ethnic minorities must be addressed in line with the Council of Europe’s framework convention for the protection of national minorities (CETS N° 157). It does not concern foreigners involved in a judicial procedure. Special measures for these groups can be, for instance: language assistance during court proceedings or special measures to protect the right to a fair trial and to avoid discrimination.

Persons with disabilities must be addressed in line with the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/RES/61/106) which was adopted on 13 December 2006.

Information mechanisms might include, for instance:

- a public, free of charge and personalised information mechanism, operated by the police or the justice system, which enables the victims of criminal offences to get information on the follow-up to the complaints they have launched;
- the obligation to inform beforehand the victim of sexual violence/rape, in case of the release of the offender;
- the obligation of the judge to inform the victims of all his/her rights.

Special arrangements in court hearings might include, for instance,

- the possibility for a minor to have his/her first declaration recorded so that he/she does not have to repeat it in further steps of the proceedings;

- live audio or videoconferencing of the hearing of a vulnerable person so he/she is not obliged to appear before the accused;
- in camera hearing, excluding the public, of a victim of sexual violence/rape;
- the obligation (or the right to request) that statements of a vulnerable person (e.g. minor) are made in the presence of a probation counsellor;
- the testimony of minors under 16 cannot be received under oath.

The *other specific modalities* can consist in, for instance,

- the possibility of an *in camera* proceeding, excluding the public;
- the language assistance during a court proceeding for ethnic minorities or disables persons;
- the obligation to hear the opinion of an association protecting the interest of a minor accused of a crime;
- the right for a woman who is a victim of family violence to enjoy the use of the common house;
- the physical protection during the time of the judicial proceeding;
- the right of an association protecting and defending the interest of a group of vulnerable person to exercise the civil rights granted to the plaintiff;
- the prohibition on publishing personal details and photographs of minor defendants and witnesses.

Question 31-0

Many countries set specific conditions to facilitate participation of minors in judicial proceedings. This question lists some of the common settings, tools, facilities and practices that are encountered in different systems. Please select those that are used in your system (multiple replies are possible). If, however, some other special arrangements are introduced in your judicial proceedings, please select “Other” and specify them.

“Children’s Houses” or “Barnahus” are structures designated to coordinate parallel criminal and child welfare investigations and provide support services for child victims and witnesses of sexual and other forms of violence in a child-friendly and safe environment. Its unique interagency approach brings together all relevant services at the same place to avoid secondary victimisation of the child and provide every child with a coordinated and effective response that has a legal standing.

Question 31-1

The aim of this question is to ascertain if and under which conditions minors (as defined in the national legislation) can have capacity to participate in civil and criminal court proceedings. There are two situations that should be distinguished under this question:

- “Capacity to initiate a proceeding and take other procedural actions in his/her own name” – this means that a minor has the right to sue or represent/defend him/herself, and take other procedural actions (examine witnesses, give statements, file motions etc.) in his/her own name **without any legal obligation** to be represented by some other person (parents, legal guardian, social care institutions, lawyer etc.) or to seek anyone’s prior or subsequent approval for these actions. This does not exclude a possibility to be represented on minor’s own will (for example he/she hires a lawyer), but the most important aspect is that the minor is not required by law to be represented. The answer should refer to the full litigation capacity and if there is a difference between full and limited capacity, this should be elaborated in the comment section. One should also explain what the basis for this distinction is, and in particular which type of actions and cases are concerned.

- “To be a witness” – is the right to make a testimony before a court and/or be heard directly in the course of a procedure.

If minors have these rights in your system, please select criteria which have to be met, separately for civil and criminal matters. First, indicate minimum age for obtaining these rights if such threshold is prescribed in your legislation. Furthermore, if exceptions from this general rule exist in your system, such as for example emancipation of minors in case of employment before the age of majority, please select “Exceptions from the threshold”. “Capacity for discernment” should be selected if courts and/or other institutions in your system evaluate the capacity of a minor to understand the difference between right and wrong and the consequences of his/her acts. If any other criteria are prescribed, please select “Other”. If answers “Exception from the threshold” and “Other” are selected, please provide more details in the comment. “NAP” should be selected if minors do not have the capacity / rights indicated in this question.

Question 31-2

The purpose of this question is to find out who represents minors only in cases they are not allowed by law to represent themselves.

Parent/legal guardian

The first part of the question requires to indicate in what situations parents or legal guardians represent a minor in court proceedings. For the purposes of this question, legal guardian should be understood as a person other than parent who has the legal authority granted by a court and/or other competent institution to care for the personal and property interests of a minor. The question distinguishes civil and criminal proceedings and indicates three possible situations for each of these two types of proceedings. "Yes, always" should be selected if there are no exceptions to the general rule that a minor should be represented by parents or legal guardians. "Yes, except in some specific situations" should be selected if the general rule prescribes representation by parents or legal guardian, but the law envisages situations in which a minor can/must be represented by some other individuals or institutions. "No" means that parents or legal guardians do not represent minors.

If options "Yes, except in some specific situations" or "No" were selected, please indicate who represents minors instead of parents or legal guardians in the second part of the question.

Other representative (instead of parent/legal guardian)

This representation means that an individual or institution takes valid procedural actions on behalf of a minor. The situations in which a minor is only assisted by individuals/institutions (such as team of psychologists or social workers) who do not have a right to conduct proceedings on his/her behalf should be excluded from the answer to this question.

"Social care services or other public institution" refers to all public institutions that are in charge for protecting rights and interests of minors.

"Legal professional" is a lawyer (or another legal professional; procurator in some systems) appointed to protect rights and interests of a minor in general or in a specific case. This option refers to situations when such representation of a minor is specifically required by the law and should be differentiated from situations in which a minor or parents/legal guardians hire a lawyer although they are not obliged by law to do so. Furthermore, situations in which representation by a lawyer is required for all individuals irrespective of age (for example in proceedings before the Supreme Court) should be excluded from the answer to this question.

"Associations for protection of minors" refers to all organizations and associations that are not public but can represent minors in proceedings.

"Other" should be selected if your system provides some other possibilities for representation.

More details should be provided in the comment. In particular, please specify what concrete institutions/legal professionals/associations/individuals can represent minors, in what situations and case types they represent minors, and if there are additional requirements for their representation (such as specific training, certification or similar) etc.

Question 31-3

Criminal liability of minors means that they can be held responsible for a criminal act. Depending on the legal system, different criteria might be required for such liability.

"Age threshold" is set as a requirement in most of the systems by envisaging minimum age for criminal liability. This option should be also selected if there are different age limits set in law depending on the type of criminal offence and/or other circumstances.

"Capacity for discernment" should be selected if courts and/or other institutions evaluate the capacity of a minor to understand the difference between right and wrong and the consequences of his/her acts. Taking into account this capacity means that the evaluation of the competent body is:

- taken into account in addition to the age requirement (for example, a minor has to be older than 14 and capable of understanding consequences of his/her acts), and/or
- constitutes an exception to the age requirement (for example, a minor between 10 and 14 years of age cannot be held liable except if it is assessed that he/she is capable of understanding consequences of his/her acts), and/or

- constitutes the only requirement for establishing criminal liability of a minor. The way this criterion is set in your system should be explained in the comment.

If your system prescribes other criteria, please select “Other criteria” and explain them in the comment.

Question 31-3-1

Depending on a possible sanction, legal systems might prescribe different age thresholds for the criminal liability of minors. Please indicate the thresholds for criminal liability that can result in sentence without privation of liberty (such as educational measures) and sentence with possible privation of liberty. It is possible that some systems prescribe the same age thresholds for both situations and in that case please indicate the same answer in both fields and explain the situation in the comment.

Furthermore, additional details should be provided in the comment regarding age limits and possible sanctions, as well as any specifics of the system. The possibility for mitigation of the sentence should be particularly explained, namely when this possibility can be used and how it is applied.

Questions 32, 32-0 and 32-1

The aim of these questions is to know whether a compensation (i.e. damages) can be paid to the victims of offences and in what situations. Different options are envisaged in Q32.

If compensation is possible, please specify in Q32-0 if it is limited to some types of offences (e.g. only for victims of violent crimes) or it can be allocated for all types of offences.

The general comment can also contain any other information on any other requirements/conditions for eligibility to compensation.

The aim of Q32-1 is to know whether a court decision on compensation (irrespective if this decision is a part of the decision establishing an offence or a separate court decision) is required in this procedure. If the decision is not taken by the court (but rather by other authority e.g. public prosecution, executive body, etc.) the answer should be “No”.

Questions 35 and 35-1

The purpose of this question is to identify the role of the prosecutor in relation to victims and minor victims. In some countries the role of the prosecutor is focused on the prosecution of perpetrators and his/her role is non-existent or of little importance in relation to victims of an offence. On the contrary, in certain countries, the public prosecutor can play a role in the assistance to victims of crime (for example, by providing them with information or assisting them during judicial proceedings, etc.). Furthermore, they might have specific additional duties regarding protection and assistance of minor victims. If this is the case, please specify it.

Question 36

This question is related to situations where public prosecutors can discontinue a case, for example due to the lack of evidence, when a criminal offender could not be identified or, in some legal systems, for discretionary reasons. It aims to know whether victims of crime may have the possibility to dispute such a decision – i.e. to appeal or to initiate a recourse to a higher authority, in order to ‘force’ the public prosecution services to carry on with a criminal case.

This question does not concern countries where the public prosecutors cannot decide alone whether to discontinue the case without needing a decision by a judge. The correct answer for such countries is NAP (“not applicable”).

Please verify the consistency of your answer with that of question 105 regarding the possibility (or impossibility) for a public prosecutor "to discontinue a case without needing a decision by a judge".

Question 37

Non-execution of court decisions can refer for example to:

- a situation where the execution is delayed for very long and it is no longer of significance for the party or the substantial damages were taken due to delay,
- cases when execution is denied (for any reason) by the competent authority.

Question 38

These questions concern the surveys aimed at persons who were in direct contact with a court and who were directly involved in proceedings, as well as general opinion surveys.

This question concerns general existence of regular surveys and not necessarily in the respective reference year. For example, a biannual survey that is implemented every second year but not in the reference year should be counted.

For each user category, please specify the frequency of these surveys both at the national and court levels.

Your answers can refer to different specific surveys, but also to a comprehensive survey including several categories, if the answers for this group of respondents can be differentiated (e.g. if the survey was carried out amongst all court visitors, not asking them about their role, this cannot be interpreted as surveys aimed at the parties, victims, lawyers and public prosecutors).

“Surveys for judges” means that judges were asked about their satisfaction with judicial services etc.

“Surveys for other professionals” should be selected if any other category of legal professionals was involved, such as enforcement agents and notaries.

“Surveys for minors” refers to situations in which minors appear as respondents to the surveys (which might be the case for some specifically adjusted surveys, i.e. addressing people under 18 on their trust in justice).

“Surveys for the general public” should be selected for all surveys not specifically targeting the respondents but collecting replies from a random sample of persons irrespective of whether they have been involved in court proceedings or not.

Please indicate in the comment any useful information (e.g. the framework for surveys, persons responsible, is feedback required).

Questions 39

Please indicate if your system collects data on gender of persons who have been involved in any court proceedings or required some court services. This includes data on number of male/female court users, plaintiffs, accused persons, victims, defendants etc. If your answer is positive, please provide more details in the comments, and particularly explain what exact data are collected, how they are collected (from case management systems, surveys or in some other way) and provide the relevant statistics if available for the reference year.

Questions 40, 41 and 41-1

These questions refer to the existence of a procedure enabling every user of the justice system to complain about a fact that he/she thinks is contrary to the good functioning of the judicial system such as for example the excessive length of proceedings or the lack of impartiality of a judge or prosecutor or even the corruption of a judge, a public prosecutor or the court staff and public prosecution offices. If there are such situations known in your country (underlined in particular in the reports published by the Group of States against Corruption – GRECO), please specify.

Questions 41 and 41-1 allow you to mention some aspects of this procedure: authority responsible for dealing with the complaint, the existence or not of a time limit for dealing with the complaint and finally the compensations amounts granted (in euros).

The comment can include information on the efficiency of this complaint procedure (e.g. percentage of successful complaints) and other information e.g. other possible outcomes of the complaints, the procedure for compensation etc.

Please verify the consistency of your answer with that of question 37.

3. Organisation of the court system

For the purposes of this Scheme, a *court* means a body established by law appointed to adjudicate on specific type(s) of judicial disputes within a specified administrative structure where one or several judge(s) is/are sitting, on a temporary or permanent basis.

Questions 42, 43 and 44

A court can be regarded as a legal entity or a geographical location. Therefore, it is required to quantify the courts according to both concepts, which allows in particular to give information on the accessibility of courts for the citizens.

For the number of *legal entities*, the possible different divisions of a court shall not be counted individually (for instance it is not correct to indicate “3” for the same court which includes one civil division, one criminal division and one administrative division. The correct answer is “1”). The different sites/locations of the courts are not counted in this case (contrary to the question regarding the number of courts on a geographic location point of view, see below).

For the purpose of this question, a court of general jurisdiction is a court which deals with **any** issues which are not attributed to specialised courts owing to the nature of the case.

Please provide the total number of courts of general jurisdiction (legal entities) but also separately the number of first, second and third instance courts of general jurisdiction. If there are only two levels of courts, and consequently the second instance are also the highest courts, please count them under “42.2 Second instance courts of general jurisdiction” and explain this situation in the general comment.

If a level of courts has mixed competences (for example, the first instance for some cases and second for others), please categorise courts based on their prevailing competences or qualification from the national legislation. Similar logic should be applied if there are four levels of courts. For example, if some courts in the system serve at the same time as first instance courts for certain categories of cases and second instance for other categories, count these courts as first or second instance courts based on their prevailing competences or qualification from the national legislation. In case of a doubt, use the number of incoming cases as a decisive indicator (for example if a larger part of their incoming cases consists of first instance cases, count them as first instance courts). In any case, they should not be counted under both categories and the situation should be explained in the general comment.

The total number of courts of general jurisdiction (legal entities) should equal to the sum of the three respective sub-categories.

The total number of specialized courts (legal entities) should include specialized courts of all types and instances.

Please count as *specialised courts* only the courts which are indeed considered as such in your system. It should not be **considered as specialised courts**, for instance:

- chambers responsible for "family cases" or "administrative law cases" that are under the authority of the same court of general jurisdiction,
- a Supreme Court or a High Court dealing with all types of cases; they belong to the ordinary organisation of the judiciary.

In some countries, other bodies can be referred to as courts. When they are not part of the regular judiciary system, they should not be considered here (e.g. courts of audits, constitutional courts when not dealing with individual cases but rather with questions of compliance with constitution and international law etc.).

In principle, the number indicated in question 42. point 2. (“Total number of specialised courts - legal entities”) should correspond to the sum of all (first instance and higher instance) specialized courts in question 43.

Question 43

This question concerns the number of specialised courts as legal entities. It divides the courts on first and higher instances. The later should include the number of second and third instance specialised courts if they exist in the system.

Courts should be included only if they are actually specialised courts. For example, if family law cases are dealt with by ordinary courts, the answer to the 4th row of the table should be: "NAP" (not applicable).

In principle, the number indicated in question 42 point 2. (“Total number of specialised courts - legal entities”) should correspond to the sum of all (first instance and higher instances) specialized courts in question 43.

If one specialised court covers more law fields (e.g. labour court and social welfare court), this should be counted separately in the corresponding categories but once in the total (in this case, vertical consistency is not required).

Question 44

The purpose of this question is to evaluate the citizens' access to justice. Please indicate the number of first instance **courts geographic locations** (this includes 1st instance courts of general jurisdiction and first instance specialised courts) and total number of all courts geographical locations (geographic sites) where judicial hearings are taking place counting all the courts (courts of first instance of general jurisdiction, the specialised courts of first instance, second instance and appeal courts of general and specialized jurisdictions, as well as the Supreme Court or High Courts).

Please count the different sites/locations (which could be several buildings together), including dispersed courtrooms, of the same court. For example, if the same court operates in two buildings in separate sites/locations, indicate "2" and in case there are two buildings in the same site/location indicate "1".

If different instance courts operate on the same site, they should be counted separately (e.g. fist instance and second instance court operate in the same building/site).

Questions 45, 45-1 and 45-2

Question 45 aims to compare the number of courts for some specific categories of cases (geographic locations). It should enable a comparison of member states despite the differences regarding judicial organisation.

Definition of a ***small claim procedure:*** A simplified procedure designed for the resolution of claims of limited value as defined by law.

However, this notion of "small claim" does not prevent from taking into account the differences in the living conditions in European states. For this reason, please specify on the one hand, if the definition used in your country is different from the definition mentioned above (Q45-1) and on the other hand, the maximum amount included, in your country, within the definition of a "small claim" (Q45-2), which is generally used as criteria for procedural jurisdiction.

For definition of employment dismissal, robbery and insolvency, see Q101.

Questions 46 to 52-1

These questions aim at numbering all persons entrusted with the task of delivering or participating in a judicial decision. Please make sure that public prosecutors and their staff are excluded from these figures (if it is not possible, please indicate this clearly).

Please indicate the number of posts that are actually filled (at 31 December of the reference year) and not the theoretical budgetary posts.

Please provide the answer in full-time equivalent which indicates the number of persons working the standard number of hours (whereas the gross figure of posts includes the total number of persons working independently of their working hours). The indication of the full-time equivalent implies that the number of part time working persons has to be converted: for instance, one half-time worker should count for 0.5 of a full-time equivalent, two people that work half the standard number of hours count for one full-time equivalent.

For the purposes of this Scheme, a *judge* must be understood according to the case law of the European Court of Human Rights. In particular, the judge decides, according to the law and following an organised procedure, on any issue within his/her jurisdiction. He/she is independent from the executive power.

Therefore, **judges deciding in administrative or financial matters (for instance) must be counted** if they are included in the above mentioned definition.

Professional judges (see Q46 – 48) are those who have been recruited, trained and who are paid as such.

Non-professional judges (see Q49 – 49-1) are those who sit in courts and whose decisions are binding but who do not belong to the professional judges, arbitrators or sit in a jury. This category includes namely lay judges and the (French) "*juges consulaires*"".

Echevinage/mixed bench (see Q49 – -49-1) refers to a system of judicial organisation in which cases are heard and decided by a panel, composed of both, professional judge/s (who preside the panel), and persons who do not belong to the rank of professional judges (non-professional members of echevinage). They are usually chosen amongst a group of pre-selected persons, eligible to participate in panels, for one case or permanently for a period of time (more cases).

Jury (see Q50) – not to be confused with echevinage (Q49-1), this category concerns for instance the citizens who have been drawn/selected to take part in a jury entrusted with the task of judging serious criminal offences (guilty or not guilty) or other cases. They are selected randomly and usually for one case only.

Question 46

For the purposes of these questions, *professional judges* are those who have been recruited, trained and who are paid as such. The information should be given for posts that are actually filled (not the theoretical number included in the budget) and in full-time equivalent.

Please give answer in full-time equivalent (see general remarks).

The data concerns all general jurisdictions and specialised courts.

In order to better understand gender issues in the judiciary, please specify the number of women and men who practice in the different court levels and specify the number of women and men who practice as court presidents.

When judges sit at different levels of jurisdiction, they must be assigned according to their main activity. On this basis, first instance judges are those who decide in a case for the first time; second instance judges can be defined as those who control the first decision that has been made.

If it is not possible for you to distinguish the main activity of a judge, please provide the data in full time equivalent (FTE) for each instance to which the judge is attending.

When there are differences between the judges on the same level of jurisdiction (e.g. different judges for courts of different competences at the first instance), the situation should be explained in the comment section.

Judges seconded or temporary assigned to other functions (e.g. to Ministry of Justice) (if applicable), should not be included in the reported figure.

Question 46-1-1

Part-time work should be understood as having fewer working hours than what is prescribed for full-time work of judges. Additionally, the remuneration of judges working part-time should be reduced proportionally to the remuneration envisaged for full-time work.

Question 46-1-2

The reasons for which systems grant this possibility might be very different. Please indicate options that are closest to the situations envisaged in your regulations. “Child-care” refers to a situation in which a judge is a parent or legal guardian of a child under certain age (e.g. part-time is granted to parents of a child under three years of age). The option “elderly care” should be selected if there is a specific provision that grants part-time work when the judge has to take care of an older member of his/her family or household. Some systems set specific requirements for an early retirement, and part-time work might be one of them. If that is the case, please select “for the purposes of early retirement”. If none of the offered options matches your system, please select the option “other reason” and specify situations in which part-time work can be granted. If no specific situations are prescribed in regulations and any judge can be granted part-time work, please select “without reason”.

Question 46-1-3

If the system allows part-time work, the actual percentage of judges who use this possibility should be provided. If the actual percentage is not available, please provide an estimate and make a note in the comment that the answer represents an estimation.

Question 46-1-4

Different systems prescribe different number of working hours required for a part-time judge. Usually, the number of working hours is determined as a percentage of the full-time number of hours. Please indicate the percentages envisaged in your system (multiple replies possible) or explain in the comment if the share of work for judges working part-time is determined in a different manner.

Question 46-2

If there are judges specifically designated to decide only in certain types of cases, please provide a breakdown of the number of judges deciding in civil/commercial, criminal, administrative and other cases. When one judge decides in different types of cases, he/she must be categorised according to a percentage of FTE spent on different case types (for example, if a judge works 50% of full-time and spends half of the working time on civil/commercial cases and the other half on criminal cases, it should be counted 0,25 for civil and/or commercial cases and 0,25 for criminal cases). If allocation of judges per case type changes during the reference year, the answer should reflect the situation on 31 December of the reference year.

If percentage of FTE spent on different case types is not envisaged (prescribed in regulations or courts' internal documents) nor it can be calculated/estimated, the answer should be NA. If all judges decide in all types of cases and calculation/estimation of time spent on different case types cannot be made, the answer should be NA.

"Criminal" should include judges working on severe, misdemeanour / minor criminal cases, but also judges working on criminal cases involving minors, investigation and/or other ancillary procedures in criminal cases.

"Other" should include judges that cannot be categorised as working on civil/commercial, criminal or administrative cases, such as judges of military courts if they exist in the system. This option should also include judges seconded to other institutions (e.g. High Judicial Council, Ministry of Justice etc.) if they are counted in Q46.

The totals should equal total numbers provided in Q46.

Question 47

The ***court president*** must be understood as a judge (or non-judge) who is in charge of the organisation and the management of a court (legal entity). Regarding the countries such as Spain and Turkey where one judge is considered as one legal entity, this definition could be interpreted as a person which receives the title of "President" for the entire court (and not the president of a chamber or a section of a chamber) and who is, for example, responsible for coordinating the work of all the judges of his/her court.

Please note that court presidents (Q47) are also accounted under Q46 if they practise as judges.

Questions 48 and 48-1

These questions concern *occasional professional judges* who do not perform their duty on a permanent basis but who are paid for their function as a judge.

At first, the *gross data* could be indicated. Secondly, in order to compare the situation between member states, the same indication could be given, if possible, in *full-time equivalent*.

Question 48-1 allows measuring to what extent part-time judges participate in the judicial system.

Questions 49 and 49-1

For the purposes of these questions, ***non-professional judges*** are those who sit in courts (as defined in Q46) and whose decisions are binding but who do not belong to the categories mentioned in Q46 and Q48 above. This category includes namely lay judges and the (French) "*juges consulaires".* Neither the arbitrators, nor the persons who have been sitting in a jury (see Q50) are subject to this question.

The answer "Yes" applies to the situation where a non-professional judge is independent, or panel of judges is composed of non-professional judges.

The "echevinage/mixed bench" is a system of judicial organisation in which cases are heard and decided by a panel, composed of both, professional judge/s (who preside the panel), and persons who do not belong to the professional judges. They can be either chosen randomly or amongst a group of pre-selected persons, eligible to participate in panels.

Question 50

This category concerns for instance the citizens who have been drawn/selected to take part in a jury entrusted with the task of judging serious criminal offences or other cases. It may be a jury composed for one case or several cases.

Question 51

If you select "other cases", please specify in the comment to which types of cases does it refer.

Question 52

All non-judge staff, working in all courts, must be counted here in full-time equivalent for posts actually filled. In order to better understand gender issues in the judiciary, please specify the total number as well as each category by gender. Please make sure that the figures presented exclude staff working for the public prosecution services (otherwise mention the situation in the comment).

Please give answer in full-time equivalent (see general remarks).

The different categories are:

1. "The ***Rechtspfleger"*** is defined as an independent judicial body according to the tasks that were delegated to him/her by law. Such tasks can be connected to: family and guardianship law, law of succession, law on land register, commercial registers, decisions about granting a nationality, criminal law cases, enforcement of sentences, reduced sentencing by way of community service, prosecution in district courts, decisions concerning legal aid, etc. The Rechtspfleger has a quasi-judicial function.

*2. "****Non-judge (judicial) staff whose task is to assist the judges such as registrars"*** directly assist a judge with judicial support (assistance during hearings, (judicial) preparation of a case, judicial assistance in the drafting of the decision of the judge, legal counselling - for example court registrars). If data has been given under the previous category (Rechtspfleger), please do not add this figure again under the present category.

3. ***"Staff in charge of different administrative tasks and of the management of the courts"*** are not directly involved in the judicial assistance of a judge, but are responsible for administrative tasks (such as the registration of cases in a computer system, the supervision of the payment of court fees, administrative preparation of case files, archiving) and/or the organisation of some of the court services (for example a head of the court secretary, head of the computer department of the court, financial director of a court, human resources manager, etc.).

4. ***Technical staff*** includes staff in charge of execution tasks or any technical and other maintenance related duties such as cleaning staff, security staff, staff working at the courts' computer departments or electricians.

5. ***Other non-judge staff*** includes all non-judge staff that are not included under the categories 1-4.

This question should be filled respecting the horizontal and vertical consistency as described in "General remarks" of the explanatory note.

Question 53

For definition of the *Rechtspfleger* see Q52. His/her tasks can be connected to: family and guardianship law, law of succession, law on land register, commercial registers, decisions about granting a nationality, criminal law cases, enforcement of sentences, reduced sentencing by way of community service, prosecution in district courts, decisions concerning legal aid, etc. He/she can also have management (administrative, organizational) tasks within courts or public prosecution offices. The Rechtspfleger has a quasi-judicial function.

Questions 54 and 54-1

The aim of these questions is to know if courts outsource certain services (tasks) to enable their normal operation, to private or other providers and comparing this issue with the number of court staff.

Question 54-1 gives a list of examples for services that can be outsourced.

Questions 55

The *Public Prosecutor* should be understood according to the following definition contained in Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe on the role of public prosecution in the criminal justice system: "(…) authorities who, on behalf of society and in the public interest, ensure the application of the law where the breach of the law carries a criminal sanction, taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system".

The information should be given in full-time equivalent for posts that are actually filled (not the theoretic number which appears in the budget) (see note on Q46 and Q47).

In order to better understand gender issues in the judiciary, please specify the number of female and male staff working at different levels of jurisdiction as well as the number of female and male staff who are heads of public prosecution offices.

All prosecutors must be accounted, including those having specialised functions (e.g. public prosecutor specialised on organised crime, terrorism, economic crime, etc.)

In the case where prosecutors serve at several levels of jurisdiction, they should be assigned according to their main activity. In this respect, first instance prosecutors are those who process a case for the first time. Second instance prosecutors are those performing prosecution functions in cases for which a first decision has been made.

If it is not possible for you to distinguish the main activity of a prosecutor, please provide the data in full time equivalent (FTE) for each instance to which the prosecutor is attending.

Question 55-1-1

Part-time work should be understood as having fewer working hours than what is prescribed for full-time work of public prosecutors. Additionally, the remuneration of public prosecutors working part-time should be reduced proportionally to the remuneration envisaged for full-time work.

Question 55-1-2

The reasons for which systems grant this possibility might be very different. Please indicate options that are closest to the situations envisaged in your regulations. “Child-care” refers to a situation in which a public prosecutor is a parent or legal guardian of a child under certain age (e.g. part-time is granted to parents of a child under three years of age). The option “elderly care” should be selected if there is a specific provision that grants part-time work when the public prosecutor has to take care of an older member of his/her family or household. Some systems set specific requirements for an early retirement, and part-time work might be one of them. If that is the case, please select “for the purposes of early retirement”. If none of the offered options matches your system, please select the option “other reasons” and specify situations in which part-time work can be granted. If no specific situations are prescribed in regulations and any public prosecutor can be granted part-time work, please select “without reason”.

Question 55-1-3

If the system allows part-time work, the actual percentage of public prosecutors who use this possibility should be provided. If the actual percentage is not available, please provide an estimate and make a note in the comment that the answer represents an estimation.

Question 55-1-4

Different systems prescribe different number of working hours required for a part-time public prosecutor. Usually, the number of working hours is determined as a percentage of the full-time number of hours. Please indicate the percentages envisaged in your system (multiple replies possible) or explain in the comment if the share of work for public prosecutors working part-time is determined in a different manner.

Questions 56

For the purposes of this question, a ***head of public prosecution office*** should be understood as a prosecutor (or non-prosecutor) who is in charge of the organisation and management of a prosecution office (legal entity).

For the countries such as Serbia where in one prosecution office, there is one prosecutor and all others are deputy prosecutors, for the purposes of this questionnaire the “prosecutor” is considered as a head of prosecution office and the deputy prosecutors should be considered as prosecutors (whose number should be reported in Q55).

Please note that the heads of prosecution office (Q56) are also counted under Q55 if they practise as prosecutors.

Questions 57 and 59

In some countries, there are *persons who are specifically entrusted with duties similar to those exercised by public prosecutors*, for instance police officers that are able to bring a case before court or to negotiate sentences. This excludes lawyers that bring charges to a criminal hearing and victims who can go directly to the judge without having the public prosecution services intervene.

Please specify if in your country exist persons having similar duties to public prosecutors. If the answer is positive, please provide more information in the comment of Q57.

Please give answer in full-time equivalent (see general remarks).

Please also specify whether these persons are included in the data concerning the number of public prosecutors (question 55).

Question 59-1

In this question, please select the reply "Yes" if general trainings (initial or continuous) for prosecutors are available to address crimes relating to domestic violence on one side, and sexual violence on the other. Furthermore, if such trainings exist in your system and, they are specifically designed for minor victims, please select "Yes, specifically for minor victims". If both general trainings and specific ones for minors exist, please select both affirmative answers ("Yes" and "Yes, specifically for minor victims"). These answers will help evaluate how different judicial systems take these issues into account.

Question 60

For the purposes of this question, please number the non-prosecutor staff working for the prosecution system, even when this staff appears in the budget of the court. This figure should not include the number of staff working for judges. The information should be given in full time equivalent for posts which are actually filled (not the theoretic number included in the budget).

Please give answer in full-time equivalent.

3.4 Gender equality

This section focuses on gender equality in the justice system. It aims to identify if there are steps to improve balance between males and females, as well as to discover concrete measures, regulation and competent institutions that should facilitate gender equality on both national and individual court/prosecution office level.

When answering different questions in this section, please indicate and explain measures, regulation and institutions that are specifically designed for facilitating gender equality in the justice system. Exceptionally, if only general measures, regulation and institutions exist in the system, you may explain them in the general or specific comment if they have achieved particularly significant impact in the area of justice.

Question 61-2

A very significant aspect of gender equality is ensuring balanced number of male and female professionals through the procedures of recruitment. Please answer "Yes" only in the situation when legislation provides provisions that are specifically designed for facilitating gender equality within procedures for recruiting of different listed categories (judges, prosecutors, non-judge staff, lawyers, notaries and enforcement agents), such as a system of quotas and/or similar systems of positive discrimination. If such provisions exist, please explain them in the side comment. If there have been recent developments in this area, such as adoption of new or changes of existing regulations, please describe them in the comment. Also, you may add any other relevant information in the comment.

Question 61-3

For gender equality it is not only important how many professionals of different gender take positions, but also which positions they take within the system. Sometimes, in spite of equal number of professionals, there might be an unacknowledged barrier to advancement in a profession for one of the genders, so-called "glass ceiling". In order to tackle this issue, some systems introduce specific provisions for facilitating gender equality within procedures for promoting. Please answer "Yes" only in the situation when the legislation provides provisions that are specifically designed for facilitating gender equality within the framework of the promotion procedure for the different listed categories (judges, prosecutors, non-judge staff, lawyers, notaries and enforcement agents). The promotion in this question should be understood as an advancement in a career to a position that is higher in organizational hierarchy and/or brings more managerial responsibilities. If such provisions exist, please explain them in the side comment. If there have been recent developments in this area, such as adoption of new or changes of existing regulations, please describe them in the comment. Also, you may add any other relevant information in the comment.

Question 61-3-1

A court president and head of prosecution services are considered particularly important positions of responsibility,

and therefore this type of appointment should be specifically analysed. Please answer “Yes” only in the situation when the legislation provides provisions that are specifically designed for facilitating gender equality within the framework of appointing only the two concerned categories: court presidents and head of prosecution services. If such provisions exist, please explain them in the comment.

Question 61-5

Please answer “Yes”, only if there is an overarching document that applies specifically to the judiciary. Exceptionally, the question can be answered “Yes” if there is a broader document that includes other sectors too, but only if there is a special part of the document targeting exclusively judiciary in more details. An overarching document should be understood as any strategic document such as policy, strategy, action plan, program and similar.

If such document exists, please provide more details in the comment and particularly specify the objectives, time frame, budget for implementation, as well as mandate and roles of the competent authorities etc.

Questions 61-6, 61-6-1, 61-6-2 and 61-6-3

This set of questions is designed to collect information on existence and important characteristics of a person/institution specifically established to deal with gender issues in the justice system. It only concerns with authorities that have competences on a national level. In Q61-6 there are several sub-questions concerning procedures for recruitment and promotion of the three categories: judges, public prosecutors and non-judge staff. There might be a person/institution that does not deal with recruitment and promotion procedures, but, has competences over other relevant gender issues in the justice system. In that case, please answer “No” on the sub-questions and provide an explanation in the comment.

In the comment, please specify which issues are within the competences of this person/institution, what is the duration of its mandate, is the mandate renewable etc. Furthermore, if there have been recent developments in this area, such as adoption of new or changes of existing regulations, please describe them in the comment. Also, you may add any other relevant information in the comment.

Question 61-7

This question requires information on existence of a person/institution specifically established to deal with gender issues in the organisation of judicial work. It only concerns with the authorities that have competences on a court or public prosecution services level.

In the comment, please specify which titles, competences and tasks this person/institution has, as well as what is the duration of its mandate, is the mandate renewable etc. Furthermore, if there have been recent developments in this area, such as adoption of new or changes of existing regulations, please describe them in the comment. Also, you may add any other relevant information in the comment.

Question 61-8

The purpose of this question is to determine if there are some concrete changes in the organisation and/or specific arrangements that should make the functions within courts and public prosecution services more attractive for women and facilitate their work without barriers.

The term “feminisation” in this question should be understood as having increased or prevailing number of females on certain functions within courts or public prosecution services.

Question 61-9

This question concerns the measures that should improve gender equality when gender imbalance had already been identified in access to different positions and functions of responsibility, as well as in promotion procedures. Such measures include for example work life balance measures, subsidies for childcare, social infrastructure etc.
The two offered answers refer to the following:

- “have been already implemented” - the measures have been implemented or the implementation has started although it has not been fully finalized during year of reference +1;

- “are planned” – measures are just at the stage of a proposal, public discussion, drafting a concrete official document (strategy, law etc) or similar.

Once you select the appropriate answer, please explain the measures and provide relevant details in the answer box.

Question 61-10

This question refers to any official document (study, official report etc.) that identifies the main causes of possible inequalities in the areas of recruitment and promotion, as well as appointment to the positions of court presidents and heads of prosecution services. It should be noted that this is an open-ended question, and therefore, any other study that deals with causes of inequalities should be reported under “Other studies”. The main causes of possible inequalities might include for example limited pool of qualified candidates of one gender, limited availability of judgeships (at different levels), limited access to professional development opportunities, stringent requirements for judicial appointments, challenges in balancing work and life, appointment process (e.g. discriminatory practices, gender bias, lack of transparency), method of selection, gender-based stereotypes, lack of quotas/targets/positive discrimination etc. Please provide any further relevant information regarding the answer. If answer “Yes” is selected, the main identified causes should be specified as well as the reference documents.

3.5 Use of technologies in courts

Questions 62 to 65

Deployment/availability rate(*): this rate indicates the functional presence in courts of the **devices /tools/services** described in the questions**.**

In case of specific situations, the deployment/availability rate can also be communicated in the comment part of the question.

Question 62-1

This question focuses on the organization of the IT in respect of policy and strategy as well as on their governance. The information to be collected should allow distinguishing between different models existing in different countries - from fully centralized models of both policy and governance to models of distributed responsibilities. In case there is for example one committee or similar single structure, composed of representatives of relevant institutions on national level, the first option should be selected. In case the responsibilities are within several relevant national institutions without a joined structure, the second option is considered adequate.

By IT governance we understand managing IT projects, defining and setting priorities, defining and distributing budget for IT; maintenance and evolution of systems etc.

Unit/stakeholders could mean court level but also could be specialized bodies of enforcement agents, notaries, prisons etc.

Question 65-1

The strategic governance is defined for this question as a set of functions (management, monitoring) practiced by a non-specialised structure in information systems, in charge of identifying the modernisation issues of the judicial system for the whole country, to set up priorities to the objectives defined and to initiate reforms attached to these objectives relying in particular on information technologies.

This question focuses on the composition of this strategic single structure in case it exists in order to understand the different options chosen by the countries. It is important to understand if these teams are composed purely of IT and administrative experts or if they are mixed teams of subject matter specialists (judges, prosecutors other judicial personnel) and also administration specialists, technical and IT experts. In case of other combinations the third option should be chosen.

It can be specified in comment if other approaches of modernisation or contextualisation of IT with the purpose of modernisation have been employed.

Question 65-2

This question focuses on the organisational model for both implementing new IT projects as well as management of existing applications. The complexity of judicial IT systems resulted in different functional organisational models and identification of trends in that respect is important.

Different columns for implementation of new projects and for management of IT applications will allow to identify the different set up of the existing organisational structure when a new system is being designed and introduced and other when an IT system is already in place and it needs only to be maintained and updated.

The distinction between first and second models can be in the project leadership and if this leadership is in the hands of IT specialists only with help of judicial specialists the first model is applicable. In case the leadership is in the hands of judicial specialists (judges, prosecutors and other professionals) with help of internal or external IT specialists, then the second model is chosen.

If "external service provider only", please describe in the comment and put special attention on the information who is responsible for defining the technical specification of the contract.

Question 65-4 and 65-4-1

The purpose of this question is to see if after implementing a new IT project, there has been an impact (positive or negative) on the work of the courts. The answer should be "Yes" both, in case if this evaluation is done directly by the courts, or outsourced to external contractor.

If the impact had been measured (in an evaluation, studies or official reports), please chose the most appropriate answers and give concrete examples in comments.

The second part of the question 65-4-1 focuses on different elements that could be measured.

- **Business processes** means measuring an impact of the new system on certain services in the courts. For example, in case we introduce electronic submission of documents we could measure the impact on documents delivery time. We could also measure other positive or negative impact on number of copies to be produced and submitted to different parties.
- **Workload** – in this case, for the same example, we could measure the impact on the workload of different court employees (judges, non-judge judicial staff).
- **Human resources** – in case the new system has an impact on the number of court staff required to deliver the same service.
- **Costs** – in case the new system increases/decreases the costs related to the same services before and after the implementation.

Security of courts information system and personal data protection

Question 65-5

The question focuses on independently organised analysis on the security systems in the judiciary done by outside audit specialists on IT security issues.

Question 65-6

Is there a legislation that regulates the use of personal data managed by the courts? If yes, please specify among others:

- if there are authorities specifically responsible for protection of personal data;
- the extent of the rights granted to citizens in the specific framework of software used by courts;
- if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

Centralised databases for decision support

Question 62-4 and 62-4-1

The question requires a reply in case there is a centralised national database of court decisions so called case-law database and the reply should be "Yes" in case it exists in any electronic form for certain cases only or at some instances etc. The second part of the question deals with the details of this database.

Separate column is included for each instance for the deployment availability of the database of court decisions. This is to understand if this database includes all decisions rendered at all instances or only some decisions that are selected as relevant to be published in the case-law database.

Link to ECHR case law: if the decisions registered in the case-law database have hyperlinks which reference to the ECHR judgements in HUDOC database.

If the database of decided cases (case-law, etc.) is available in open data: According to the "CEPEJ European Ethical Charter on the use of artificial intelligence in judicial systems and their environment "*The term open data refers to making structured databases available for public download. These data can be inexpensively re-used subject to the terms of a specific licence, which can, in particular, stipulate or prohibit certain purposes of re-use. Open data should not be confused with unitary public information available on websites, where the entire database cannot be downloaded (for example, a database of court decisions). Open data do not replace the mandatory publication of specific administrative or judicial decisions or measures already laid down by certain laws or regulations. Lastly, there is sometimes confusion between data (strictly speaking open data) and their processing methods (machine learning, data science) for different purposes (search engines, assistance in drafting documents, analysis of trends of decisions, predicting court decisions, etc.)*" (*https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c*).

You could also mention in comment of this question:

- if the publication of these decisions is preceded (or not) by an anonymization of the name of the parties, of witnesses and/or professionals (judges, prosecutors, lawyers, etc.);
- if the data published are processed by public or private operators (initiative);
- if the data published are processed with expert systems or artificial intelligence (for predictive justice for example);
- if "yes for some judgments", what are the criteria for publication, if possible.

Question 62-6

This question focuses only on the existence of databases/records for criminal convictions and if the content of these records is available to judicial professionals.

The details required are to see the level of connection of this database and its accessibility to judicial professionals.

Please specify in comments the authority delivering the access to these records.

Writing assistance tools

Question 62-7 and 62-7-1

Writing assistance tools for which the content is coordinated at national level: to identify models and templates, which have been produced for example, by a national working group of practitioners, and not from isolated local or individual initiatives of one court (e.g.: creation by a magistrate of paragraphs models in a word processor for court decisions; hearing minutes; summons and other standard documents).

The availability rate % could be interpreted as:

○ 100% all templates are available for all courts of this matter
○ 50-99% most of the templates are available for all courts or all templates for most of the courts
○ 10-49% some of the templates are available for most of the courts or most of the templates for some of the courts
○ 1-9% just starting to become available or in testing phase
○ 0% (NAP) does not exist at all for this matter
○ NA (information is not available)

Question 62-8 and 62-8-1

Voice recording tools are those used in hearings or by judges as part of the judicial proceedings with or without computer voice recognition feature.

They can be simple dictation tools used by judges to dictate the decisions to be typed later by court staff, such as (portable) recorders.

On the other hand, they can be also sophisticated multiple channels audio recording systems in courtrooms that allow recording by multiple microphones, judges, parties and all other participants during hearings.

Voice recognition feature is a tool that uses recorded voice, automatically identifies the words and transforms it in a text document. This document can later be edited by court staff.

Example: In case there is a simple voice dictation tool used by all judges in all first instance courts, without voice recognition feature, the reply could respectively be:

- “available in most of the courts”
- “not available for this matter”
- “No”

Question 62-9

The question refers to the access of judges and all other personnel of courts to internal site where national or local information is available to them. For example all new laws, new procedures, manuals or other instructions necessary when some regulation changes and/or similar information distribution.

Use of information technologies for improving the efficiency of the judicial system functioning

Question 63-1 and 63-1-1

Case management system: this question relates to business-management software or a suite of integrated applications, Enterprise resource planning (ERP) system, the workflow used by courts to register and manage their cases. Case management system (CMS) is essential and this question deals with its deployment rate as well different connectivity and accessibility features of the system.

The deployment rate % could be interpreted as:

○ 100% the system is deployed in all courts
○ 50-99% the system is deployed in most of the courts (in all except some specialized courts for example)
○ 10-49% the system is deployed in some courts (only appeal for example)
○ 1-9% just starting to be deployed or in testing phase
○ 0% (NAP) does not exist at all for this matter
○ NA (information is not available)

Some precisions on the terms used:

Status of case online - this column requires to specify if the part of the CMS shows the status of the case online for the parties (e.g. dates of hearings) or the content of the case (documents of parties, decisions) etc.

Accessible to parties means that parties in case can access online and see the status of their case, scheduled hearings, documents etc.

Publication of decision refers to accessibility online of the decision directly from CMS.

Both (in case the both first options exist).

Not accessible at all - when the parties can not follow the status of their cases online at all, however it does not preclude the possibility for judges and court staff to access and work on the case in a CMS.

Centralised or interoperable database – on the assumption of cases storage in a database consolidated at national level (or if interoperable databases exist) for all courts, the answer to give will have to be “Yes”. If there is not a centralisation of data (for example, if the data are stored on a court server without any possibility of consolidation), the answer will then be “No”.

Early warning signals – it is a question of whether the software has a possibility of implementing warning signals in order to have a dynamic and proactive management of cases. For example, it can refer to warnings of times elapsed (estimated or current) in order to prevent inventories or the exceeding of predefined threshold (detection for example of cases for which the age exceeds certain relevant period (two years for example)), or automated reports, containing data on critical cases (e.g. warnings on oldest cases or cases without activity/ idle cases). You may indicate in comment if this is based entirely or partly on the guidelines of the CEPEJ SATURN Centre.

Status of integration/connection of a statistical tool with CMS: CMS is the main source of statistical data for analysis of the work of the courts. This column refers to the integration of the statistical module within CMS and its level of development.

Business intelligence refers to means, tools and methods allowing collecting, consolidating, modelling and presenting the data of an organisation. It aims at offering to the manager of this organisation an overview of the activity processed to help him/her take his/her decisions.

In that respect the categories foreseen include:

- **Fully integrated including BI –** fully integrated as a statistical module of CMS with sophisticated modelling and reporting including Business Intelligence module;
- **Integrated** - included as a module of the CMS with pre-defined reporting and ad hoc reporting possibilities but no BI;
- **Not integrated but connected** - separate statistical module but connected with CMS or statistical reporting importing data from CMS;
- **Not connected at all**.

Question 63-2

Registry here refers to the business, land and other administrative registration systems and not the case registration system as such.

The deployment rate % could be interpreted as:

○ 100% all registry events are in the system
○ 50-99% almost all registry events are in the system except some cases
○ 10-49% the system is deployed in some courts (new application for example and only new cases are in while old data is still not migrated or entered)
○ 1-9% just starting to be deployed or in testing phase
○ 0% (NAP) does not exist
○ NA (information is not available)

The computerised registry service can be considered as available online if professionals or users can, *a minima*, consult its content or obtain extracts of its content via an internet service.

The only presence of descriptive information on the functioning of the registry concerned or on the terms and conditions of consultation does not enable to consider the registry as available online.

Statistical module integrated or connected: this column refers to the integration of the statistical module within the system - if statistical reports can be made directly from the system or indirectly by connecting to the system.

Budgetary and financial monitoring

Question 63-6

Budgetary and financial management of courts: it relates to IT tools informing the heads of courts of the budget allocated and the expenditures monitoring (for example, the functioning, payroll, building management, etc.).

Justice expenses management: it relates to IT tools informing the heads of courts of the expenditures linked only to justice expenses (cf. supra definition of question 27 – taxes, legal advice, legal representation, transportation fees, etc.)

System communicating with other ministries (financial among others): the aim is to identify if the information technologies are used - essentially between courts and the ministry in charge of finances - in order to facilitate the expenditures monitoring.

The deployment rate % could be interpreted as:

○ 100% the tool is deployed in every court and all information is available in categories sufficient for the heads of courts to monitor the situation
○ 50-99% the tool is deployed in all courts and most of the information is available
○ 10-49% the tool is deployed in some courts or exists but the information available is limited
○ 1-9% just starting to be deployed or in testing phase
○ 0% (NAP) does not exist
○ NA (information is not available)

Data consolidated at national level: the information for all courts can be consolidated directly because it is within one system or it is composed of more compatible systems that allow easy consolidation of all categories on national level. If this does not exist, than the reply should be “No”.

Other tools of courts management

Question 63-7 and 63-7-1

The question refers to tools for quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – (for example for judges the number of cases received, resolved, transferred etc.). This tool could be within CMS or be linked with it.

The tool deployment rate % could be interpreted as:

○ 100% the tool is deployed in every court and all information is available
○ 50-99% the tool is deployed in all courts and most of the information is available
○ 10-49% the tool is deployed in some courts or exists but the information available is limited
○ 1-9% just starting to be deployed or in testing phase
○ 0% (NAP) does not exist
○ NA (information is not available)

Data used for monitoring at national level: the information for all courts can be monitored directly by a central authority because it is within one system or it is composed of more compatible systems that allow monitoring the workload at national level.

Data used for monitoring at court level meaning if the information is available and monitored by the responsible in the court.

Tool integrated in CMS meaning if the tool for measuring the workload is part of CMS (Q63-1, 63-2); the answer is "No" if the data is available from other tools/sources and not existing CMS.

Technologies used for communication between courts, professionals and/or court users

Questions 64-2, 64-3, 64-4, 64-6, 64-7 and 64-10

Specific legal/legislative framework refers to the existing laws authorising in a specific way the recourse to means of electronic communication, in addition or as a substitute of the paper procedure, in order to submit a case to a court (64-2), to request the granting of legal aid (64-3) or to receive opinions/summons (64-4).

It can be answered "Yes" when a legislative text organises at least one of the trial phases (64-6) or documents (64-7).

It must be answered "No" even though there exist practices of electronic exchanges between courts, professionals and/or court users based on, for example, extensive interpretations of legal texts organising preliminarily paper exchanges.

Similarly, regarding the videoconference (64-10), it must be answered "Yes" when a specific legislative text exists for one of the procedure phases mentioned in the previous column.

The column "Modalities" is to be filled in order to specify the communication technologies used. The "specific computer applications" can for example be related to dedicated websites for which court users have access with identifiers preliminarily communicated and on which opinions or summons can be uploaded securely.

Question 64-2 and 64-2-1

The availability rate % should be interpreted as:

○ 100% in all courts
○ 50-99% in most of the courts
○ 10-49% in some courts
○ 0-9% in pilot courts only
○ 0% (NAP) does not exist for this matter
○ NA (information is not available)

Specific legal/legislative framework refers to the existing laws authorising in a specific way the recourse to means of electronic communication, in addition or as a substitute of the paper procedure, in order to submit a case to a court.

An integrated/connected tool with the CMS – can be answered "Yes", if the data or metadata from electronically submitted case can be imported to the CMS directly (even if it is in fact manually verified before import).

Question 64-3 and 64-3-1

The availability rate % should be interpreted as:

○ 100% for all types of legal aid
○ 50-99% for the majority of cases
○ 10-49% for some types of cases only
○ 1-9% in testing phase
○ 0% (NAP) does not exist
○ NA (information is not available)

Information available in CMS: if the information that the party receives legal aid is available in CMS (e.g. to the judge resolving the case) than the answer is "Yes" and if this information is not included in CMS the reply is "No". NAP should be selected only in case if there is no CMS for example.

Granting legal aid is also electronic can be answered "Yes" if the decision can be issued in the IT system (it is not required for the decision to be automatic).

Question 64-4 and 64-4-1

The "**consent of the user to be notified by electronic means"** allows specifying if electronic summons/convocations are triggered only with a clearly expressed agreement of the user. The user is therefore accepting this notification mode which is fully applicable during the whole duration of the procedure. It will be answered "No" if the consent of the user is optional or not requested.

The "**specific computer applications**" in the column "Modalities" can for example be related to dedicated websites/internet applications for which court users have user access with identifiers preliminarily communicated and on which opinions or summons can be uploaded/downloaded securely.

Use of information technologies for improving the relationship quality between courts and professionals

Question 64-6

This question relates to the transmission by electronic means of data/files contained in a judicial proceeding with or without scanned documents, essentially for the purpose of developing paperless communication.

The column "Tool deployment rate" relates to the estimate on the number of courts where the tool is available and the number of trial phases included.

Different tool deployment rate % could be interpreted as:

○ 100% for all types of trial phases in this matter and in all courts
○ 50-99% for the majority of trial phases in this matter and in all courts or for all trial phases in majority of courts
○ 10-49% for some trial phases in this matter and in some courts
○ 1-9% in testing phase
○ 0% (NAP) does not exist
○ NA (information is not available)

The column "Modalities" is to be filled in addition to the column "trial phase concerned" in order to specify the communication tools used.

In case of different modalities of communication in the different trial phases (e-mail only for the preparatory phase and/or computer application dedicated only to the transmission of decisions), both options must be ticked (e-mail and Specific computer application), specifying in the comment the details.

Emails without electronic signature do not count as an electronic communication for the purpose of this question.

Considering that electronic communication with the court might be limited exclusively to lawyers, it is required to indicate if electronic communication is granted solely to lawyers who represent parties, or this option also exists for parties not represented by lawyers.

Question 64-7

This question relates to the transmission by electronic means of data/files contained in a judicial proceeding with or without scanned documents, essentially for the purpose of developing paperless communication. It is worth noting that this question addresses only electronic communication between courts and professionals other than lawyers, such as enforcement agents, notaries, judicial experts and others.

The column “Tool deployment rate” requires you to provide an estimate on the number of courts where the tool is available and the number of different types of documents communicated electronically. Different types of deeds/acts/documents that are communicated electronically could be grouped under the following categories:

- Summons to a court
- Evidences
- Decisions
- Legal remedies
- Other deeds

Please note that some of the options offered might be applicable to all legal professionals and their judicial proceedings (such as “Summon to a court”), On the other hand, some of the options might refer only to one type of legal professionals and respective judicial proceedings. Please bear in mind that the list is not exhaustive.

It should be added that emails without electronic signature do not count as an electronic communication for the purpose of this question.

Different tool deployment rate % could be interpreted as:

○ 100% for all types of deeds in this matter and in all courts
○ 50-99% for the majority of deeds in this matter and in all courts or for all deeds in the majority of courts
○ 10-49% for some deeds in this matter and in some courts
○ 1-9% in testing phase
○ 0% (NAP) does not exist
○ NA (information is not available)

Question 64-9

This question aims to identify some systems that are completely machine driven for example some for low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. In case you answered “Yes”, please describe the system in the comment.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

Question 64-10 and 64-10-1

This concerns the use of videoconferencing in the framework of judicial proceedings between two locations in real time and could be recorded or not for later use.

The proceeding phases concerned by the videoconference between courts, professionals and/or users are described as follow:

- **Prior to the hearing** relates to all preliminary phases of the submission of a case to a court or to a hearing. In civil matter, it refers essentially to alternative dispute resolutions; in criminal matter, it refers to the investigation phase (for the management of measures involving deprivation of liberty by the public prosecutor for example).

- **During the hearing** refers to auditions using videoconference during the trial. In criminal matter, it can refer to videoconference with both, the defendants or the witnesses that are in another location in real time.

- After the hearing refers for example in criminal matter, to subsequent phases to the conviction decision such as the enforcement of sentences.

The deployment rate % could be interpreted as:

○ 100% deployed in all courts
○ 50-99% deployed in most of the courts
○ 10-49% deployed in some courts

○ 0-9% deployed in pilot courts only
○ 0% (NAP) does not exist for this matter
○ NA (information is not available)

Question 64-11 and 64-11-1

This question concerns only audio or both, audio and video recording, during different phases of investigation and/or trial.

The deployment rate could be interpreted as:

○ 100% deployed in all courts
○ 50-99% deployed in most of the courts
○ 10-49% deployed in some courts
○ 0-9% deployed in pilot courts only
○ 0% (NAP) does not exist for this matter
○ NA (information is not available)

Question 64-12

The question aims to evaluate if judicial systems admit electronic evidences (numerical documents, electronically signed or not, technical computerised files like data recorded in the cache of internet navigators, digital photos and videos, security cameras recordings etc.) or an evidence, presented in electronic form (e.g. scanned documents, digitalised paper photos or similar) and, in that case, if they have been integrated in their legal framework specific legislative provision adapted to the different mode of electronic proof.

If the electronic evidence are admitted in the usual legislative framework without any specific provision (for example, admission of any document, whatever is its nature), the option “General law only” should be selected.

The implementation and/or the admission of “blockchain” (information storage and transmission technology, transparent, secure, and operating without a central control body) as evidence and/or transaction should be mentioned in comments.

3.6 Performance and evaluation

Questions 66 to 83, 114 and 120

Note: for this cycle, the order of questions in this section had been changed, however the questions kept their original numbering to keep consistency with answers. Therefore, the numbering in this section is not consecutive.

Various court activities (including work of individual judges and court staff) are nowadays subject, in numerous countries, to monitoring and evaluation systems.

The *monitoring system* aims to assess the day-to-day activity of the courts and public prosecution services, and namely what the courts produce, thanks in particular to data collections and statistical analysis.

The *evaluation system* refers to the performance of the court systems with prospective concerns, using indicators and targets. This evaluation can have a more qualitative nature.

In this section, the questions relating to both national policies in courts and public prosecutors (Q66 and 67), court and public prosecution services performance and evaluation (Q77, 78, 77-1, 78-1, 73 to 73-6, 79, 79-1, 70 to 72, 80 to 82-2), and performance and evaluation of judges and public prosecutors (Q83 to 83-1, 114, 120 and 120-1).

Questions 66 and 67

It is important to identify the countries who have implemented at a national level a quality systems in courts (for example in the Netherlands (rechtspraaQ) and in Finland (Court of appeal of Rovaniemi) and to see if specialised staff working in the courts are also specifically responsible for the quality policy within courts (whether or not it is solely responsible).

When a system/policy exists, but it is not set up on national level, or there are several different systems/policies (e.g. at different courts) the answer should be “No” and the situation should be explained in the comment.

General quality standards/policies (e.g. quality of public services, archiving of documents etc.) should be considered only when applying directly to the work of courts.

For the purpose of this question, a system based exclusively on monitoring the efficiency of work of courts (e.g. monitoring the number of cases, duration of cases etc.) should not be considered as a quality management system.

See also the reference material on the CEPEJ website concerning court quality such as for example the Checklist for promoting the quality of justice and the courts (CEPEJ(2008)2) or the document Measuring the quality of justice (CEPEJ(2016)12).

Question 66
If yes, please add for example who is responsible for setting the standards and what are the details (content, scope) of the standards (e.g. standards for reasoning of decisions).

Question 67
In context of this question "personnel" should be understood as either judges or court staff, responsible for implementing and/or monitoring the national level quality standards.

In the comment, please explain briefly their tasks and responsibilities.

Questions 77 to 78-1

The question here is whether there are any performance and quality indicators set/agreed upon for the courts to be measured.

For question 78, several answers are possible. If "other", please specify in comment.

For explanation on **Number of incoming, resolved and pending cases** please see Explanatory note to questions 91 to 109.

Length of proceedings (timeframes) means either monitoring the duration of proceeding from start (e.g. average duration of resolved cases or average age of pending cases), or according to set timeframes (e.g. number or percentage of cases older than X months).

Backlogs – are pending cases which have not been resolved within an established timeframe. For example, if the timeframe has been set at 24 months for all the civil proceedings, the backlog is the number of pending cases that are older than 24 months.

Productivity of judges and court staff refers to monitoring the extent of work done (e.g. number of resolved cases per judge or per department).

Satisfaction of court staff and satisfaction of users refers to evaluation of level of satisfaction among those groups. This can be measured for example by surveys (see question 38).

Costs of the judicial procedures refers to monitoring the overall budget (or some aspects of the budget) regarding judicial procedures (e.g. costs of justice expenses per case).

Number of appeals refers to number of all cases, where the appeal against a court decision had been lodged within the reference year.

Appeal ratio can be calculated for example by dividing the number of all resolved cases, with the number of all cases where appeal was filed, or by dividing the number of all resolved cases where the appeal was filed, with the number of cases where appeal was successful or unsuccessful (in some systems the information on successful appeal can be unreliable due to the different reasons for which the decision can be changed at the higher instance or remanded/reversed/quashed to the first instance).

Clearance rate (CR) - ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage:

$$Clearance\ Rate\ (\%) = \frac{Resolved\ cases\ in\ a\ period}{Incoming\ cases\ in\ \ a\ period} \times 100$$

A Clearance Rate equal to 100 % indicates the ability of the court or of a judicial system to resolve as many cases as the number of incoming cases within the given time period. A Clearance Rate above 100 % indicates the ability of the system to resolve more cases than those received. Finally, a Clearance Rate below 100 % appears when the number of incoming cases is higher than the number of resolved cases. In this case the number of pending cases will increase.

Essentially, the Clearance Rate shows how the court or judicial system is coping with the in-flow of cases.

Disposition time - ratio between pending cases and resolved cases (in days). It shows the theoretical duration for a court to solve all the pending cases.

$$Calculated\ Disposition\ Time = \frac{Number\ of\ pending\ cases\ at\ the\ end\ of\ a\ period}{Number\ of\ resolved\ cases\ in\ \ a\ period} \times 365$$

Percentage of convictions and acquittals – can be calculated from the number of the cases, ending with the conviction and number of cases, ending with the acquittal of the defendant.

Question 73 to 73-6

The evaluation refers to monitoring and review of defined performance indicators (see Q78 and Q78.1) at the level of individual courts/public prosecution office.

Question 79

The purpose here is to indicate the persons responsible for evaluation of the performance. Several answers are possible for this question. If "other", please specify in the comment.

If more than one answer is given, please explain the procedure of evaluation.

Questions 70 to 82-1

The aim of questions 70 to 82-1 is to be able to reflect the situation in your country regarding the implementation of performance measurement tools and evaluation of all court and public prosecution services. Therefore, if such tools are implemented, for example, in one or more (pilot) courts, please answer “No”. You can explain the situation in your country and the projects that are carried out in the comment.

Questions 70 and 70-1

For explanation on indicators, see explanatory note to Q78 and Q78-1.

Question 71

The scope of this question is to see whether the number of pending cases and number of backlogs is monitored.

Pending cases are cases which remain to be resolved by the court concerned at a given point in time (e.g. 1st January). Backlogs are pending cases which have not been resolved within an established timeframe.

To monitor the number of backlogs, monitoring the age of pending cases is required. Please give details concerning your system to measure the number of pending cases and backlogs.

Question 72

The scope of this question is to see whether additional information on timeline of the proceedings is monitored. This information is important to promote active management of work of courts/public prosecution services, as well as to prevent unnecessary delays in proceedings.

Waiting time means time during which nothing happens in a procedure (for instance because the judge is waiting for an expert’s report). It is not the general length of the procedure.

Questions 80, 80-1, 81, 81-1 and 81-2

The questions 80 to 81-2 aim to establish if the final statistics and annual reports of activities concerning each court are available to the public via the internet and at which frequency. This gives an idea of the degree of transparency of each court.

Questions 80 to 80-3

If this centralised institution is the same for both courts and prosecution, the answer should be YES at both questions 80 and question 80-2.

These questions do not regard the monitoring of data on performance of courts for purposes of court management.

Questions 82 and 82-1

The aim of these questions is to know whether dialogue regarding procedures for communication between the courts and prosecution (Q 82) or with lawyers (Q 82-1) is possible (e.g. organisation, number and planning of hearings, on-call service for urgent cases) in general, and not in individual cases.

The questions concern the preliminary phase of setting up (*mise en état*) the file (e.g. communication and arrangements regarding the dealing with urgent cases, concentration of hearings, notification of attendance at hearings and administrative questions).

The comment should include information on this process or structure (e.g. does it concern formal and/or informal ways, is this communication nation-wide, local or ad hoc).

Questions 83, 83-1, 83-2, 83-3

These questions address only the quantitative targets to measure the individual work of each judge/prosecutor, participating in the work of the whole court/public prosecution services, e.g. a defined number of cases to be resolved per month or per year. The answer should be YES also in cases, where a more general assessment of the judge/prosecutor is possible, which includes elements such as qualitative indicators and/or other factors (e.g. conduct of the judge/prosecutor, other activities, specialisation and knowledge). If different targets are defined for judges/prosecutor (i.e. the assessment does not include performance targets), the answer here should be NO and the situation should be explained in question 114/120.

Questions 114 and 120

Contrary to question 83, individual assessments of the professional activities of judges and public prosecutors may involve qualitative aspects. They might have an influence on judges' and public prosecutors' careers and may have an impact on disciplinary issues. The answer to this question is interesting to make a relevant analysis of the answers to questions 144 and 145.

Such an evaluation does not seem to be in accordance with systems where judges or public prosecutors are elected.

4. Fair trial

Question 84

Question 84 refers to situations in which a judgment is given without effective defence. This may occur – in some judicial systems – when a suspect has absconded or does not show up for trial and is not represented by lawyer during the court session. The aim of this question is to find out if the right to an adversarial trial is respected, in particular in criminal cases at first instance.

The right to an adversarial trial means the opportunity for the parties to have knowledge of and comment on the observations filed or evidence adduced by the other party (see amongst others Ruiz-Mateos vs. Spain, judgment of the European Court of Human Rights of 23 June 1993, Series A no. 262, p.25, para. 63).

Question 85

This Question aims to provide information on procedures which allow guaranteeing for the court users that the principle of judges' impartiality is respected, in accordance with Article 6 of the European Convention on Human Rights.

Question 85-1

Please indicate the ratio between the total number of initiated recusal procedures and total number of recusals pronounced within the year of reference.

Questions 86 and 86-1

This question 86 concerns the monitoring system implemented in a State after the European Court of Human Rights has recognised a violation by the State related to Article 6 of the European Convention on Human Rights, specifying civil (including commercial and administrative law cases) and criminal cases.

European Convention on Human Rights – Article 6 – Right to a fair trial

> *In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice*

This monitoring system can consist of actions such as: recognising violations at state and/or court levels (for example the implementation of a condemnations dashboard), actively informing on violations on national or court level, implementation of an internal system to remedy the established violation (for example the setting up of a review procedure – Q 86-1-), the implementation of internal systems to prevent other violations that are similar (for example the establishment of an effective remedy), measuring the evolution of the established violations etc.

For observers countries, the answer is NAP.

Question 87

Such a *procedure for urgent cases* (accelerated) can be used in order for the judge to take a provisional decision (e.g. decision on the right to control and care for a child) or when it is necessary to preserve evidence or when there is a risk of imminent or hardly repairable damage (for instance emergency interim proceedings). Its main aim is to accelerate the procedure (e.g. simplified steps of the procedure, priority case is moved up in the line of waiting cases) due to the importance of the matter in question. Simplified procedures regarding non-urgent issues should not be regarded here (see Q88).

Questions 88 and 88-1

Small disputes in civil cases can refer to small claims (a simplified procedure designed for the resolution of claims of limited value as defined by law) or issue of lower complexity (facts, legal questions). Such a *simplified procedure* can be used for instance when it concerns the enforcement of a simple obligation (e.g. payment order).

For criminal matters, the question aims to know whether petty offences (for instance minor traffic offences or shoplifting) can be processed through administrative or simplified procedures. These offences are considered as subject to sanctions of criminal nature by the European Court of Human Rights and shall therefore be processed in respect of the subsequent procedural rights.

Question 88-1 aims to establish how the requirement to reason the judgements is put into practice when a simplified procedure is used (see article 6-1 European Convention on Human Rights).

Question 89

This question refers to agreements between parties, their representatives (lawyers) and the courts in order to facilitate the dialogue between the main actors of the proceeding and, in particular, to improve lengths of proceedings such as an agreement on direct or electronic exchange of documents, reduced time-limits, reduced size or complexity of documents (conversely to Q82-1 which concerns the general dialogue between institutions, this question concerns a specific case).

Questions 91 to 109

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and length of judicial proceedings. The CEPEJ agreed that

these data would be processed and published only when answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling thus a useful comparison between the systems.

The member states are asked to provide information on the **caseload of the courts** (from first instance courts to the highest instance courts).

A court case is a request (issue or problem), submitted to court, to be resolved by the court within its competence (i.e. jurisdiction). A court case is usually registered separately in the court case register according to the state rules. Court cases typically end with a decision on rights and obligations of parties (e.g. in civil matters) or with a decision on guilt of the defendants (e.g. in criminal matters). Other acts in court jurisdiction as provided by state rules (e.g. registering in land and business registry) should also be counted as court cases. **On the other hand,** administrative tasks in courts such as issuing criminal records certificates, document certification etc. should not be considered as incoming/resolved court cases for the purpose of these questions.

In principle, when one actual and legal situation is regarded in the national system as more than one court case because stages (phases) of proceedings are registered as separate court cases, this should be reported as one case only.

Note: Other procedures related to court cases are within the jurisdiction of courts in some systems, while in others they are not (e.g. criminal investigation can be a procedure at the office of the public prosecutor or in court, civil enforcement can be executed by enforcement agents or by courts). Such procedures can be reported as separate cases when they: 1) are in the jurisdiction of courts; 2) can be distinguished from the main trial phase by different actual or legal questions to be resolved: and 3) represent more than just an administrative task to complement the main trial phase. For example, if another procedure in court is required for civil enforcement, after the “main” civil case has already been adjudicated, and the court deals with different questions (e.g. should the enforcement be allowed or not), these two procedures can be reported as two separate cases. If you have situations like this in your system, please give details in the comments.

Incoming cases in the reference year are all cases submitted to court (first instance, second instance or Supreme Court) for the first time. Cases which have already been submitted to a court at the same instance level (after an appeal for example) should be counted again.

Pending cases are cases which have not been completed at the end of the reference year. Please provide both the number of pending cases on 1 January of the reference year and the pending cases on 31 December of the reference year.

Resolved cases include all the procedures which have come to an end at the instance level (first instance, appeal or Supreme Court as applicable) during the year of reference, either through a judgment or through any other decision which ended the procedure (provisional decisions or procedural decisions not ending the case (e.g. on parties, perfection of the claims, allowing or disallowing the evidence, expenses etc.) should not be counted here).

Pending cases older than 2 years are pending cases (on 31st December of the reference year) that had first arrived at the court more than 2 years ago (i.e. before 1st January of Ref. year -1).This answer regards only the current instance (e.g. for pending cases at second instance from arrival to second instance only).

Questions 91, 97 and 99

Litigious cases are cases for which the judge decides on disputed case whereas ***non-litigious (non-contentious) cases*** are other issues in competence of courts (typically, there is no direct dispute between parties). The latter can be for example registration cases (e.g. land registry), where a decision can be taken either by a judge or by another person (e.g. Rechtspfleger).

As referred to in question 99, Supreme Courts belong to 3rd instance courts.

Categories included in "other than criminal law cases"

1. ***Litigious civil (and commercial) cases*** are for instance litigious divorce cases or disputes regarding contracts. In some countries *commercial cases* are addressed by special commercial courts, whilst in other countries these cases are handled by ordinary (civil) courts. Bankruptcy proceedings must be understood as litigious proceedings. Despite the organisational differences between countries in this respect, all the information concerning civil and commercial cases should be included in the same category. If appropriate, litigious civil (and commercial) cases do

not include administrative law cases (see category 3). Any other type of litigious cases (e.g. judicial appeal against deeds processed by an enforcement agent) is included in this category.

2.1 ***General non-litigious civil (and commercial) cases*** concern court cases that are decided in a specific procedure that does not require two or more opposing parties to prove their rights and claims (there is no dispute between parties). For example, this includes uncontested payment orders, request for a change of name, cases related to enforcement (when non categorised as litigious – see above), divorce cases with mutual consent (for some legal systems), etc. A type of cases should be considered non-litigious even when the court is required to conduct a substantive examination of evidence, as long as there is no examination of claims and evidence from two or more opposing parties within the same procedure. **If courts deal with such cases, please indicate the different case types included.** Non-contentious register cases (2.2) and/or other non-litigious cases (2.3) are excluded from this category.

2.2 (including 2.2.1, 2.2.2 and 2.2.3) In certain member states, *registration tasks (business registers and land registers)* are dealt with by special units or entities of the courts. These are to be considered as non-litigious civil cases. Activities related to business registers could be the registration of new businesses or companies in the business register of the court or the modification of the legal status of a company. Changes in the ownership of immovable goods (like land or houses) may be a part of court activities which are related to the land register.

3. ***Administrative law cases*** (litigious or non-litigious) concern disputes between citizens and (local, regional or national) authorities, for instance: asylum refusals or refusals of construction permit applications. Administrative cases are considered only if processed in court and not when it is only an issue under any administrative body. Administrative law cases are in some countries addressed by special administrative courts or tribunals, whilst in other countries they are handled by the ordinary civil courts. **If countries have special administrative courts/tribunals or separate administrative law procedures or are anyway able to distinguish between administrative law cases and civil law cases, these figures should be indicated separately under "administrative law cases"**.

4. The category "***other****"* can be related to other types of cases (not corresponding to the categories above) They can include for example legal aid cases, simplified procedures that can continue as civil etc. Administrative tasks in courts such as issuing criminal records certificates; document certification etc. should not be reported.

Please check that your figures are *vertically* consistent (see general remarks).

With regard to questions 91, 94, 97, 98, 99, 100, 101, 101-0 and 101-2 a special formula for horizontal consistency applies:

(Pending cases on 1 January + Incoming cases) - Resolved cases = Pending cases on 31 December

Questions 94, 98 and 100

Criminal law cases: Are considered here as ***criminal cases*****, all cases for which a sanction may be imposed by a judge**, even if this sanction is foreseen, in some national systems, in an administrative code (e.g. fines or community service). These can include, for example, some anti-social behaviour, nuisance or some traffic offenses.

<u>Warning</u>: if these cases are included in the responses to questions 94, 98 and 100, then they should not be counted a second time as "administrative cases" in the responses to questions 91, 97 and 99.

The offenses sanctioned directly by the police or by an administrative authority, and not by a judge, should not be counted (e.g. penalty for parking in a closed area not contested before a judge, or failure to comply with an administrative formality not contested before a judge).

To differentiate between ***misdemeanour / minor offenses*** and ***severe offenses*** and ensure the consistency of the responses between different systems, the CEPEJ invites you to classify as *misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty*. Conversely, should be classified as *severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment)*. If you cannot make such a distinction, please indicate the categories of cases reported in the category "severe offenses" and cases reported in the category "minor offenses".

Other criminal cases are an exception to the general definition of criminal cases, as this category of cases usually includes procedures in which sanction may not be imposed (such as criminal investigation, enforcement of criminal sanctions etc.). It should be noted that depending on a national legislation, these procedures might be within the jurisdiction of courts in some systems, while in others they are conducted by other bodies (e.g. the criminal

investigation can be a procedure conducted by public prosecutor offices or courts). When such procedures are in the jurisdiction of courts they can be reported as “Other criminal cases”, regardless of the fact that the main case is already reported as a severe or misdemeanour case.

This category could also include other procedures related to criminal cases, such as some cases of enforcement of criminal sanctions (e.g. fines, the change of monetary sanction to imprisonment). Please give details in the comments.

Note: The administrative tasks related to the “main” trial phase should not be reported as separate case in “other cases” or in any other category (as they are only a phase of the main criminal proceeding).

Please check that your figures are *horizontally* and *vertically* consistent *(*the total of the criminal cases includes the cases of categories 1, 2 and 3) (see general remarks). If appropriate, please don’t forget to comment on the specific situation in your country (including answers NA and the calculation of the total of criminal law cases).

Question 99.1

A manifestly inadmissible case is a case where the facts have not yet been examined and which is refused immediately following a simplified procedure, generally presided by a single judge, because the claimant has not respected a mandatory rule of procedure and therefore loses his/her right to bring an action before the judge (for example if s/he has not paid a fee or if s/he has not provided all the documents necessary in due time or if the same legal question has already been resolved by this court).

This question regards the check of the application (appeal/review) to be processed at the highest court. The meeting of the mandatory rules can be checked either at the highest court or any other body (e.g. when filing an application through the first instance court).

Questions 101, 101-0, 101-1, 101-2 and 102

Please check that your figures are *vertically* consistent (see general remarks).

With regard to questions 91, 94, 97, 98, 99, 100, 101, 101-0 and 101-2 a special formula for horizontal consistency applies:

(Pending cases on 1 January + Incoming cases) - Resolved cases = Pending cases on 31 December

The **five case categories**, which are (mostly) common in Europe, can be defined as follows:

1. ***Litigious divorce case*****:** i.e. the dissolution of a marriage contract between two persons, following a judgment of a competent court. The data should not include: divorce ruled by an agreement between the parties concerning the separation of the spouses and all its consequences (procedure of mutual consent, even if they are processed by the competent court) or ruled through an administrative procedure. If your country has a totally non-judicial procedure as regards divorce or if you cannot isolate data concerning adversarial divorces, please specify it and give the subsequent explanations. Furthermore, as regards divorce, if there are in your country compulsory mediation procedures or fixed timeframes for reflection or if the conciliation phase is excluded from the judicial proceeding, please specify it and give the subsequent explanations.

2. ***Employment dismissal case***: cases concerning the termination of an employment (contract) at the initiative of the employer (working in the private sector). It does not include dismissals of public officials, following a disciplinary procedure for instance.

3. ***Insolvency*****:** Legal status of a person or an organisation that cannot repay the debts owed to creditors. Data should encompass bankruptcy declaration by a court, as well as all procedures connected with bankruptcy (recovery of credits, liquidation of assets, payment of creditors, etc.).

4. ***Robbery*** concerns stealing from a person with force or threat of force. If possible these figures should *include* muggings (bag-snatching, armed theft, etc.) and *exclude* pick pocketing, extortion and blackmail (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts. The case should be counted here when the robbery is either the only offence

concerned or the main offence concerned in the case. If courts are competent for both pretrial (e.g. investigation) and trial stages, only trial stages should be counted for the purposes of this question.

5. ***Intentional homicide*** is defined as the intentional killing of a person. Where possible the figures should *include* assaults leading to death, euthanasia, infanticide and *exclude* suicide assistance (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts. The case should be counted here when the intentional homicide is either the only offence concerned or the main offence concerned in the case. If courts are competent for both pretrial (e.g. investigation) and trial stages, only trial stages should be counted for the purposes of this question.

Question 101-0

Two categories of cases have been included in a separate question so that they can be quantified at different stages of their processing:

1. ***Cases relating to asylum seekers*** *(refugee status under the 1951 Geneva Convention and the protocol of 1967[1])*

2. ***Cases relating to the right of entry and stay for aliens***

Having in mind that in a large number of systems, cases relating to asylum seekers and cases relating to the right of entry and stay are first decided before administrative authorities (for example ministry of interior, migration offices, special committees etc.), this question tries to capture the number of administrative procedures ("non court procedures") and the number of court cases to provide the full picture in this area. If court cases can be further appealed to higher instance courts, only first instance court cases should be counted as court cases.

Question 101-2

Article 18 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the "Lanzarote Convention") defines "child sexual abuse" for the purposes of criminalisation as follows:

- engaging "in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities" (article 18 (1));
- engaging "in sexual activities with a child where use is made of coercion, force or threats; or – abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or – abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence" (article 18 (2)).

Article 20(2) of the Lanzarote Convention defines "child pornography" as "any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs for primarily sexual purposes". Article 20(1) states that the following offences concerning child pornography should be criminalised:

A: producing child pornography;
B: offering or making available child pornography;
C: distributing or transmitting child pornography;
D: procuring child pornography for oneself or for another person;
E: possessing child pornography;
F: knowingly obtaining access, through information and communication technologies, to child pornography (please refer to Article 20 of the Lanzarote Convention and the Explanatory Report which further develop this provision).

[1] *1951 Convention and 1967 protocol relating to the status of refugees: Article 1* - definition of the term "refugee" A. For the purposes of the present Convention, the term "refugee" shall apply to any person who: (1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization; Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;
(2) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

As such, the terms “child sexual abuse” and “child pornography” cover a variety of offences, which may differ from State to State. If the definition of “child sexual abuse” and/or “child pornography” is different in your country, or if another term is used to cover similar offences, please clarify the legal definitions of these categories of offences provided for in your national legislations.

Question 102

The average length of cases corresponds to the average length of resolved cases at an instance within the reference year.

If the *average length of proceedings* is not calculated from the lodging of court proceedings, please specify the starting point for the calculation. The average length of proceedings has to be presented in days. If you only have information on the length of proceedings in months (or years), please recalculate the length of proceedings in days.

Question 103

The information requested will enable to explain and to take into account the differences between the member states as regards divorce procedures, and in particular the mandatory timeframes prescribed by the legislation of some countries. Only data on litigious divorce cases should be included in Q101 and 102.

Question 104

The description should contain the following information:

- starting point
- ending point
- is some time between the starting and ending point excluded (if so, in which circumstances)
- all the types of cases taken into account**.**

Question 105

Please verify the consistency of the answer with that of a question 36 regarding the possibility for a public prosecutor to discontinue a case without needing a decision by a judge.

Question 106

In civil matters, the public prosecutor can, in some member states, be entrusted for instance with the responsibility of safeguarding the interest of children or persons under guardianship. In administrative matters, he/she can, for instance, represent the interests of children against the state or one of its bodies.

For example the public prosecutor can give his/her opinion regarding a proposal to buy a business that has been declared bankrupt, as well as the guaranties given to the buyer and even oversee the procedure to ensure that the law is respected, to avoid any conflict of interest and to prevent any abuse of power.

This issue is addressed by the Consultative Council of European Prosecutors (CCPE) in its Opinion N° 3 (2008) on the "Role of prosecution services outside the Criminal Law Field" (www.coe.int/ccpe).

Questions 107
The number of cases in this question refers only to the first instance criminal cases processed by public prosecutors. The data should be presented per case files which means that an event or series of events that give rise to the criminal prosecution should be counted as one case irrespective of the number of alleged offenders or offences (one case file can involve one or several perpetrators and/or can imply one or more criminal offences). However, if data cannot be presented in that manner because cases are counted differently in your system (for example per perpetrators, per criminal offences or per some other criteria), please provide the answer in accordance with your methodology but specify in the comment the criteria used for counting cases.

1. “Pending cases on 1 Jan. ref. year” are cases which have not been completed at the end of the previous year (reference year-1).

2. “Incoming/Received cases” should include cases submitted to public prosecutors by the police and other bodies as well as victims (if applicable) within the reference year.

3. “Processed cases” include all cases that were closed or brought to court between 1 January and 31 of December. They should sum up the following 4 categories (3.1+3.2+3.3+3.4).

3.1. Discontinued criminal cases are cases received and processed by the public prosecutor, which have not been brought before the court and for which no sanction or any other measure has been taken. They should sum up the following 4 categories (3.1.1+3.1.2+3.1.3+3.1.4).

(3.1.1) Number of cases discontinued because the case could not be processed since no alleged offender was identified (it should be noted that some systems might require a lapse of time for this type of discontinuation);

(3.1.2) due to the lack or absence of an established offence or due to a specific legal situation (e.g. amnesty, statute of limitation, prescription etc.); or

(3.1.3) for reasons of opportunity, where the legal system allows it;

3.1.4. discontinued for other reasons.

3.2. Cases “Concluded by a penalty or a measure imposed or negotiated by the public prosecutor” refer to proceedings which have not been brought before a judge (for example all transactions not approved by a judge).

3.3. “Cases closed by the public prosecutor for other reasons” - different systems offer various procedures and reasons for closing cases in public prosecution. All the cases that cannot be categorized under any other offered option could be counted under this category.

3.4. “Cases brought to court” are all those situations in which the public prosecution is presenting a case to a court. The procedures (including guilty pleas, see Q107-1) in which a judge takes the final decision (including if the decision is simply an approval of a previous agreement concluded between the prosecutor and the accused) must also be included in this category.

4. The cases which are still open in the public prosecution at the end of the reference year should be counted in the “Pending cases on 31 Dec. ref. year”.

Question 107-1

Regarding guilty plea procedures, there are two options that should be differentiated based on the moment in which a case has been concluded by this procedure. The option “Before the main trial” should be selected always when a guilty plea agreement has been concluded before the official start of the main trial. This option should be selected even if the agreement must be subsequently validated by a judge and/or court as long as this procedure did not involve opening of the main trial. Contrary to that, whenever a guilty plea agreement has been concluded after the official start of the main trial, it should be counted under “During the court case”.

Question 109

If traffic cases represent a large volume of cases, please specify whether the data indicated in the frame of Q107 includes or not such cases. Relevant analyses based on a comparison of states or entities can be done only by considering clusters of states or entities which have or have not included traffic offences.

5. Career of judges and public prosecutors

Questions 110 to 113-1 and 116 to 119-2

Questions in this section should be understood as per definitions and explanations in the standard setting documents of the European Committee on Legal Co-operation (CDCJ), the Consultative Council of European Judges (CCJE), the Consultative Council of European Prosecutors (CCPE) and the Venice Commission, such as the CCJE Opinion No. 1(2001) on standards concerning the independence of the judiciary and the irremovability of judges, paras 19-23 and the Report of the Venice Commission on Judicial Appointments, 2007, paras 9-17. Please refer to the Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities[2].

Question 110

Competitive exam is a potential condition for entering into the judiciary which consists of a predefined, open competition. It could be a way of recruiting judges, either as an exclusive way, in combination or in parallel with

[2] https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805afb78

other procedures which enable the recruiting of legal professionals with long term experience. This competition is different from the bar exam, which might be a prerequisite to apply for the competitive exam.

Experience and seniority may either be interpreted broadly (ex. jurists, lawyers, notaries, legal consultants, clerks and other occupations in the field of law) or narrowly (ex. positions in courts or public prosecution offices). The years of practice or holding a certain position might be relevant.

If different, parallel systems for recruitment exist, please briefly describe each as well as whether any system is prevailing.

Question 111

This question strictly concerns the authority entrusted with the recruitment and nomination, i.e. proposing. It is not to be understood as the authority responsible for formal appointment, if different from the former.

Some states distinguish between the formal authority, which may be the one that appoints (for instance the President of the Republic or the Minister of Justice) and the authority actually in charge of the recruitment process, which must enjoy independence from the executive.

In several States and entities, a Judicial Council or a special committee of selection/evaluation/appointment of judges have a central role in this process.

Sometimes, the specific competitive examination that gives access to the profession of judge takes place before a jury composed specially for this purpose. The latter is composed so as to provide guarantees of independence and objectivity similar to those relating to the composition of Judicial Councils and selection committees.

If recruitment of judges is conducted in a different manner so there is no identifiable authority in charge for recruitment (for example judges are elected by the citizens), please select answer “Other”.

Question 111-1

To better understand the process of recruitment of judges, it is important to analyse the composition and status of the authority entrusted with the recruitment and nomination. In the first place, it should be indicated how many members this authority has. Secondly, it should be specified how many male and female members take seats in the current composition.

Furthermore, it is very important to describe in the comment what is the status of this body, in particular to what extent it is independent from the executive and legislative powers. In that regard, it should be specified who proposes the members, how many members are proposed by different institutions, who has the decisive vote etc.

Question 111-2

If candidates for judges who are not selected may appeal the relevant decision, please specify in the comment who can decide on appeal and at which stage of the procedure.

Question 112

If the answer is negative (if the authority competent for the promotion of judges differs from the authority(ies) responsible for recruitment and nomination, please indicate the name of the authority(ies) involved in the procedure of promotion. If there are several authorities, please describe their respective roles.

Questions 113 and 113-1

Regarding the promotion criteria for judges, it is necessary to refer to Opinion No. 17 (2014) of the Consultative Council of European Judges (CCJE)[3] on the evaluation of judges’ work, the quality of justice and respect for the judicial independence.

Question 115

This question should provide information on the status of public prosecution, which may vary fundamentally from one Member state to another.

[3] https://rm.coe.int/16807481ea

Please select one of the offered answers which reflects the status of public prosecution services in your system:

“Has an independent status as a separate entity among state institutions” – public prosecution could not be considered a part of any of the three branches of power but represents a separate entity with full independence.

“Is part of the executive power but enjoys functional independence” – public prosecution is within the executive power but has some guarantees that ensure certain level of functional independence; please describe in the comment the extent and guarantees of this independence.

“Is part of the executive power (without functional independence)” – public prosecution is within the executive power without any guarantees of its functional independence.

“Is part of the judicial power but enjoys functional independence” - public prosecution is within the judicial power but has some guarantees that ensure a certain level of functional independence; please describe in the comment the extent and guarantees of this independence.

“Is part of the judicial power (without functional independence)” - public prosecution is a part of the judicial power without any guarantees of its functional independence.

“Is a mixed model” – all the systems that combine elements of at least two models mentioned above should select this option and explain its characteristics in the comment.

“Has other status” – if public prosecution has a status that cannot be described by any of the offered answers, please select this option and explain the system in the comment box.

In addition, if public prosecution enjoys certain level of independence, please provide more details in the comment and specify in particular objective guarantees of this independence. Furthermore, please explain if these guarantees are provided for by the Constitution, laws, or some other regulation.

For definitions, principles and terminology please refer to the CCPE Opinion No.9 (2014) on European norms and principles concerning prosecutors.[4]

Question 115-1

This question aims to explore how public prosecutors are independent from influence in prosecuting individual cases. The question asks specifically if there is legislation or regulation to prevent these specific instructions.

Public prosecutors can be subject to instructions of general nature, to specific instructions on given cases or are not subject to any instructions.

If the government or other institution can issue general regulations but must not give directions in specific cases please specify “yes” and explain in more detail the status.

Question 115-2
Irrespective of the general norm that prevents specific instructions, some systems provide exceptions in the laws and regulations that envisage the possibility of their issuance. If this is the case, the answer “Yes” should be selected and the exceptions should be listed and explained in the comment.

Question 115-3

Under this question, it should be indicated which authorities can issue specific instructions and multiple replies are possible. “Executive power” includes all individuals, institutions and bodies that belong to this branch of power, such as government, public administration, ministries, president of the state, other bodies and committees composed of executive power members etc.

Question 115-4

Some systems specifically require that instructions when they exist, take the written form exclusively. Other systems allow oral instructions with or without written confirmation. Depending on the required form in the laws/regulations, the adequate reply should be selected. If no specific form is required, please select “Other” and explain in the comment.

[4] https://rm.coe.int/168074738b

Question 115-5

In order to understand better the nature and characteristics of the specific instructions, please select one or more different replies. “Issued seeking prior advice from the competent public prosecutor” should be selected if the instructions can be issued by an authority only after obtaining a written advice on the matter from a competent public prosecutor. “Mandatory” means that a prosecutor is not allowed to depart from the instruction or might be held responsible if he/she does. “Reasoned” refers to a situation where the authority has to explain its written instructions, especially when they deviate from the competent public prosecutor’s advices and to transmit them through the hierarchical channels. “Recorded in the case file” is an option that should be selected when the advice and the instructions become part of the file so that the other parties may take cognisance of it and make comments.

Question 115-6

The frequency of the specific instructions might provide relevant information on their use in practice which might indicate the level of prosecutors’ independence in their work. “Exceptional” means that specific instructions generally do not exist in the system but are allowed and can be issued in rare situations. “Occasional” means that specific instructions exist in the system and are issued from time to time. “Frequent” means that specific instructions exist in the system and are issued often. “Systematic” means that specific instructions exist in the system and are issued regularly as part of the everyday work in processing cases.

Question 115-7

If prosecutors are allowed to oppose a specific instruction and report it to an independent body, please provide more details in the comment by specifying what is the body in charge for such reports and what are its competences. Furthermore, it should be described what are the conditions that have to be fulfilled for a prosecutor to oppose/report specific instruction.

Question 116

Competitive exam is a potential condition for becoming a public prosecutor which consists of a predefined, open competition. It could be a way of recruiting public prosecutors, either as an exclusive way, in combination or in parallel with other procedures which enable the recruiting of legal professionals with long term experience. This competition is different from the bar exam which might be a prerequisite to apply for the competitive exam in some systems.

Experience and seniority may either be interpreted broadly (e. g. jurists, lawyers, notaries, legal consultants, clerks and other occupations in the field of law) or narrowly (e. g. positions in courts or public prosecution offices). The years of practice or holding a certain position might be relevant.

If different, parallel systems for recruitment exist, please briefly describe each as well as whether any system is prevailing.

Question 117

This question strictly concerns the authority entrusted with the recruitment and nomination, i.e. proposing. It is not to be understood as the authority responsible for formal appointment, if different from the former.

Some states distinguish between the formal authority, which may be the one that appoints (for instance the President of the Republic or the Minister of Justice) and the authority actually in charge of the recruitment process.

In several States and entities, a Judicial or Prosecutorial Council or a special committee of selection/evaluation/appointment of public prosecutors have a central role in this process.

Sometimes, the specific competitive examination that gives access to the profession of public prosecutors takes place before a jury composed specially for this purpose. The latter is composed so as to provide guarantees of independence and objectivity similar to those relating to the composition of Judicial and Prosecutorial Councils and selection committees.

If recruitment of prosecutors is conducted in a different manner so there is no identifiable authority in charge for recruitment (e.g. prosecutors are elected by the citizens), please select answer “Other”.

Question 117-1

To better understand the process of recruitment of public prosecutors, it is important to analyse the composition and status of the authority entrusted with the recruitment and nomination. In the first place, it should be indicated how many members this authority has. Secondly, it should be specified how many male and female members take seats in the current composition.

Furthermore, it is very important to describe in the comment what is the status of this body, in particular to what extent it is independent from executive and legislative powers. In that regard, it should be specified who proposes the members, how many members are proposed by different institutions, who has the decisive vote etc.

Question 117-2

If candidates for public prosecutors that are not selected may appeal the relevant decision, please specify in the comment who can decide on appeal and at which stage of the procedure.

Question 118

If the answer is negative (if the authority competent for the promotion of public prosecutors differs from the authority(ies) responsible for recruitment, please indicate the name of the authority(ies) involved in the procedure of promotion. If there are several authorities, please describe their respective roles.

Questions 121, 122, 123 and 124

A *mandate for an undetermined period* means that judges and public prosecutors are appointed for 'life' (until their official age of retirement) and cannot be removed from office (unless severe disciplinary proceedings/sanctions against a judge or a public prosecutor are ordered, knowing that the most severe sanction is a dismissal). It is possible for judges/public prosecutors to be appointed for life after a "probation period". If there is a probation period, after which judges/public prosecutors are appointed for life, please answer "yes".

Question 121-1

This question aims to better understand the status of judges in different member states by identifying the reasons for transferring a judge without their consent as well as the procedural guarantees in place.

Question 125

Please select "NAP" if your answer to Question 121 is "yes".

Question 125-1

Please select "NAP" if your answer to Question 121 is "yes".

If renewable, please explain how many times, under what conditions, etc.

Question 126

Please select "NAP" if your answer to Question 123 is "yes".

Question 126-1

Please select "NAP" if your answer to Question 123 is "yes".

If renewable, please explain how many times, under what conditions, etc.

Questions 127, 129

These questions aim to better understand the types of training offered to judges and public prosecutors. For example, initial training might be compulsory, or it may be optional. On the other hand, it is possible that training in certain categories is not at all organised within the judiciary of a country, in which case please choose the option "no training proposed".

"Compulsory" training shall be understood as training set as a precondition/condition to perform certain judicial tasks. If a dual system exists (i.e. training is compulsory for certain categories of judges and not for others), please select the option which most accurately describes the system and give an explanation and/or exceptions within the general comments section.

In-service training for specialised judicial functions refers to training organised for judges for commercial or administrative matters, intellectual property law training for work in specialised departments for intellectual property matters, or training for public prosecutors for working on cases of organised crime etc.

“In-service training on ethics” should address standards and norms that prescribe how judges/prosecutors should behave in order to maintain independence and impartiality, as well as to avoid impropriety.

“In-service training on child-friendly justice” relates to all trainings aimed at raising judges’ and public prosecutors’ competences and knowledge to handle cases involving minors, including training on children’s rights and children’s access to justice, as well as on how to convey child-friendly information to and communicate with children participating in proceedings, adapted to the age and maturity of the child.

Questions 131, 131-0

These questions only concern member states that have public bodies specifically entrusted with the training of judges and/or public prosecutors (schools, academies). The professions can be trained together (in a single institution) or separately. Training can be only initial, only continuous or both initial and continuous. Several institutions can therefore co-exist or one may offer all types of training.

The budgets to be indicated should only correspond to the single budget of those bodies, and not to the total public budget for the training of judges and prosecutors (in particular, if part of the training is provided by a University or private institutes or financed by the court/public prosecution services, for example). If the budget of the public training institution includes both public state budget and substantial donor support (ex. for Member States in the process of EU integration), please indicate a total budget with the donor support and specify in the comment.

The total budget of these institutions allocated for training must not be indicated under questions 6 or 13 and should only be reported here.

Question 131-1

If your country does not have public schools or institutions specifically responsible for training of judges and prosecutors and consequently you have not completed the table in Q131, please answer Q131-1 and describe how judges and/or prosecutors are trained within your system.

Question 131-2

This question aims to gather information on the quantity of trainings provided by all public institution(s) responsible for trainings within the reference year, counting both the number of training courses available (in-person and online) and the number of days of in-person training courses delivered.

The available courses should reflect different training programs that are offered by the institution(s).

“In person” training must be understood as with physical presence of both trainers and participants in the same room.

“Online” training courses must include all trainings that take place over the internet, .irrespective of the format of the e-learning (it includes trainings via specifically designed platforms, downloadable lectures, courses where a trainer gives lecture via video-conference in real time etc).

Training courses which are designed to be in-person but which were delivered online (for example, via videoconference because of the pandemic) should be counted under the third column (*Online training courses available (e-learning)*). Trainings which are designed to be in-person but which were delivered sometimes in-person and sometimes online (for example due to the changing measures for fighting pandemic during the reference year) should be counted both under the first column (*Number of in-person training courses available*) and the third one (*Online training courses available (e-learning)*). If possible, please provide in the comment the number of those available trainings which are counted under both columns.

More generally, please provide as much information as possible in the comments to explain how the trainings were impacted by the pandemic (such as the number of trainings cancelled, if and how training courses designed originally to be in person were modified to be delivered online, etc).

In the second column (Number of delivered in-person training courses in days) only training days in person, as defined above, should be counted. Regarding the number of online training courses in days, if you have these data available, please provide them in the comment.
A training day shall be understood as one working day. Please include also half-day trainings as half-days in your calculation. Therefore, if a training lasts for two half-days, please calculate as one.

If an in-person training course is organised more than once within the reference year on a particular subject, each course repetition should be counted. For example, situation where one training course which lasts 3 days was delivered 10 times during the reference year, should be reported as one training course in the first column and 30 days in the second.

If a training is organised for more than one category of participants (for example a joint training for judges and prosecutors), it should be counted under each concerned category of participants (as one training for judges and one training for prosecutors), but will still be counted as one training in the total. Consequently, in this question the total does not necessarily have to equal the sum of the sub-categories of participants (vertical consistency will not be required).

If other professionals in the field of justice are included in the training courses for judges and/or prosecutors, details of such trainings should be specified in the comments. In particular, please provide the topics and frequency of such trainings.

Question 131-3

Please apply the same interpretation as in Q131-2 and count in the first column (Number of participants in in-person training courses) only participants to trainings organised with physical presence whereas you should count in the second column (Number of participants in online training courses (e-learning)) participants whom followed the trainings online.

In case the same person participated in several courses, please count each time he/she participated as one.

Question 132

Two different indicators are analysed: the salary at the beginning of the career (at a first instance court for a judge/public prosecutor; starting salary at his/her salary scale) and the salary at the end of the career (at the Supreme Court or the Highest Appellate Court). Please indicate the average salary of a judge/prosecutor at the highest level and not the salary of the Court President/the Attorney General).

These indicators represent the salary for full-time work. If a bonus given to judges significantly increases their income, please specify it and, if possible, indicate the annual amount of such bonus or the proportion that the bonus takes in the judge's income. This bonus does not include the bonus mentioned under Q139.

The *gross* salary is calculated before any welfare costs and taxes have been paid (see Q4).

The *net* salary is calculated *after* the deduction of welfare costs (such as pension schemes) and taxes (for those countries where they are deducted beforehand and automatically from the sources of income; when this is not the case, please indicate that a judge/public prosecutor has to pay further income taxes on this "net" salary, so that it can be taken into account in the comparison).

If it is not possible to indicate a determined amount, please indicate the minimum and maximum annual gross and net salary.

Question 133

Please indicate any additional benefits judges and public prosecutors may enjoy in your system. For example, judges and public prosecutors might receive free or subsidised housing, especially if assigned to courts outside of their place of residence.

Questions 135 and 137

Teaching includes for instance practising as a University professor, participating in conferences, participating in educational activities in schools, etc.

Research and publication include, for instance, publishing articles in newspapers, scientific and legal journals, on-line blogs, etc. Participating in working groups for drafting of legal norms should also be understood within this category.

Cultural function includes, for instance, performing in concerts and theatre plays, selling his/her own paintings, etc.

Question 139

Please indicate if there is a possibility for judges' additional remuneration to be in relation to the number of decisions, quality of their work or any other productivity criteria.

Questions 138 to 138-5

These questions related to institutions / bodies giving opinions on ethical questions of the conduct of judges / public prosecutors aim to explore in more detail the institutional capacities of member states to deal with issues of ethics within the judiciary.

Such a body might be, for example, a separate institution, a commission within a High Judicial Council or may take some other form. Such a body may be addressed regarding contentious ethical issues, and it might render opinions of various strengths.

The opinions of these bodies may be considered publicly available if they are published on a website, circulated among judges and public prosecutors, published in the "official gazette" or journal, etc.

Questions 140 and 141

The body "authorised to initiate disciplinary proceedings" is the one that formally starts disciplinary proceedings by submitting an act to the authority in charge to decide on a disciplinary case. The act starting a proceeding could be a disciplinary lawsuit, disciplinary indictment or similar act. In some systems this can be a separate, autonomous body such as disciplinary prosecutor (not to be confused with public prosecutors in criminal proceedings), disciplinary office, disciplinary inspector and similar.

An "ombudsman" (also known as "ombudsperson", "ombud", or "public advocate") is an official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights. The ombudsman is usually appointed by the government or by parliament, but with a significant degree of independence. In some countries an "inspector general", "citizen advocate" or other official may have duties similar to those of a national ombudsman and may also be appointed by the parliament.

Questions 142 to 143

"Disciplinary power" in these questions should be understood as a power to sanction judges/prosecutors for violating disciplinary rules.

In case "Disciplinary court or body" is within the "High Judicial Council"/"Public prosecutorial Council", and therefore it is not clear which reply should be given, please select "High Judicial Council"/"Public prosecutorial Council" if the disciplinary court or body is composed exclusively from all or some members of the Council. If the disciplinary court or body is composed from members of the "High Judicial Council"/"Public prosecutorial Council" and other members, please select "Disciplinary court or body".

Questions 144 and 145

These questions, which appear as tables, specify the number of disciplinary proceedings against judges or public prosecutors and the sanctions actually decided against judges or public prosecutors. If a significant difference between those two figures exists in your country and if you are aware of the reasons, please specify.

Initiated case is a case received by an authority competent for conducting proceedings and pronouncing a sanction (e.g. High Judicial Council, disciplinary court, disciplinary committee for judges or similar body). Only first instance cases submitted for the first time should be counted. A case is considered initiated at the moment of submitting a case to the first instance competent authority (a preliminary or investigative procedure where another authority receives notices, gathers evidence and/or decides to submit the case to the competent authority or not), should not be counted.

Breach of professional ethics (e.g. rude behaviours against a lawyer or another judge), *professional inadequacy* (e.g. systematic slowness in delivering decisions), *criminal offence* (offence committed in the private or professional framework and open to sanction) refer to some mistakes made by judges or public prosecutors which might justify disciplinary proceedings against them. Please complete the list where appropriate. The same applies to the type of possible sanctions (e.g. *reprimand, suspension, fine, withdrawal of a case, transfer of the file to another court or department, temporary reduction of salary, position downgrade, resignation, dismissal etc.)*.

If the disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.

Specific comments could in particular be developed, where appropriate, as regards the procedures initiated and the sanctions pronounced in the case of corruption of judges and public prosecutors, namely by taking into account the reports by the Group of States against Corruption (GRECO) and possibly by *Transparency International*.

6. Lawyers

Question 146

For the purposes of this section, *lawyers* refer to the definition of the Recommendation Rec(2000)21 of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyer, as follows: a person qualified and authorised according to national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters.

Questions 147 and 148

*Legal advisors (*for instance, some solicitors) are legal professionals who give legal advice and prepare legal documents but have no competence to represent users in courts.

Questions 149 and 149-0

These questions aim to measure the scope of the extent of exclusivity in legal representation and/or to get information concerning other persons entitled, according to the type of cases, to represent clients before courts and to obtain details on their status. In some countries a legal representation by a lawyer is mandatory for criminal cases, whilst in other countries this might not be the case (a representation, by for example, a family member is possible, by a relevant association, or a law school graduate employed with the represented company). A similar principle can be found in civil law cases. In certain countries for civil cases with a small financial value there may not be the obligation to hire a lawyer to represent parties in such cases before the court.

The answer to these questions might vary whether first, second or third instances are considered (ex. lawyers have exclusive rights to represent parties with respect to certain extra-ordinary legal remedies before the Supreme Court).

Dismissal cases should be understood as employment dismissal cases. Criminal cases are divided into two categories – where lawyers are representing the defendant (criminal defence) and where lawyers are representing the victim.

Question 149-1

Please indicate other activities which lawyers may practice in your system, even if they are not practiced by lawyers as an exclusive right.

Property management should be understood as professional property management. “Other law activities” should be understood as other law-related activities, in addition to legal representation and offering of legal advice.

Question 149-2

The given options in Question 149-2, “what are the statuses for exercising the legal profession of lawyer” should be understood as follows:

Self-employed lawyer: a lawyer practicing in a private practice (associate lawyer for example).
Staff lawyer: a lawyer employed by a law firm (e.g. a collaborator).
In-house lawyer: he/she has the lawyer status but practises within a company, exclusively on behalf of a company.

Question 150

Please choose the option(s) which best describes the organisation of the lawyer profession in your system. Choosing more than one option is possible (i.e. it is possible that a lawyer may or must be a member of both a local and a national bar association). Please give any additional useful comments on the way the lawyer profession is

organised in your system. For example, if lawyers are organised through a regional bar, please indicate how the region is defined, and how many bar associations there are.

Question 151

Specific initial training and/or examination should be understood as any training and/or examination which is particular to the lawyer profession, aimed at raising and assessing the competences of lawyers, before entering the profession. If specific initial training and/or exam exists but is not the only way to access the profession, please choose “yes” and describe the system, indicating the different possibilities in the comment section.

For example, a lawyer candidate might have to undergo exclusively traineeship within the profession, or a traineeship might be necessary but it does not need to be within the lawyer profession.

If your system does not require specific initial training and/or examination, but initial training and/or examination requirements exist, please specify them (ex. they may be common for all legal professions).

Question 152

Mandatory general in-service professional training system means a requirement for lawyer to undergo continuous training. There are usually organised by the bar association.

Question 153

Specialisation in some legal fields refers to the possibility for a lawyer to use officially and publicly this specificity, such as "lawyer specialised in real estate law" or “lawyer specialised in representing/defending minors”.

Question 154

The transparency on the foreseeable amount of fees is an available information to clients in order for them to estimate their future costs.

Question 156

Regulation on lawyers’ fees may be obligatory or recommendations. Please specify in the comment.

Questions 157 and 158

Similar to courts/public prosecution services, lawyers might use quality standards, as developed by (national, regional or local) bar associations. If this is the case, please specify which quality standards and criteria are used.

Question 159

A complaint about the performance of lawyers: it might be introduced by clients who are not satisfied with the performance of the lawyer responsible for their case. The complaint can concern for instance delays in the proceedings, the omission of a deadline, the violation of professional secrecy. Where appropriate, please specify.

Please specify also, where appropriate, which body is entrusted with receiving and addressing the complaint.

Questions 160 to 162

The question refers to *disciplinary proceedings* which are generally filed by other lawyers or judges. Disciplinary proceedings can be within the competence of bar associations, a special chamber at a court, the ministry of justice or a combination of some of them.

The terms: *breach of ethical standards, professional inadequacy and criminal offence* refer to acts susceptible to lead to disciplinary proceedings being brought against the lawyer. Please complete the list if appropriate. Idem regarding the different types of sanctions possible (for example *reprimand, suspension, withdrawal from cases, fine*).

If the disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.

If “other” is selected, please complete the list of reasons for disciplinary proceedings and the types of sanctions mentioned in the comment.

If there is a significant difference between the number of disciplinary proceedings and the number of sanctions, please specify the reasons.

7. Court Related Mediation and other Alternative Dispute Resolution

Question 163

"Court-related mediation": Mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

Questions 163-1 and 163-2

For certain types of disputes or certain legal areas, it is possible that the procedure codes require that a mandatory first mediation meeting, or mandatory informative session with mediator, or mandatory full mediation are conducted beforehand in order to be able to go to court. Furthermore, certain procedures give the possibility to the judge to whom a case is addressed to order a mediation procedure at the beginning of judicial proceeding or during this proceeding. If this is the case, please specify in which situations such rules apply.

For example, in Italy and Turkey, for certain types of disputes attending of a mediation information session is a procedural requirement (prerequisite) in order to initiate court proceedings.

Question 164

Private mediators: locally recognised professionals with a mediation specialisation.

For the purposes of this specific question, "civil cases" exclude family cases, consumer cases and employment dismissal cases, to be separately addressed in the specific rows further in the table.

Question 165

Please indicate whether a party may benefit from court-related mediation services through a legal aid scheme (as understood in Section 2.1 "Legal Aid") or whether court-related mediation is offered free of charge to the parties, through other means. For example, in certain countries, mediators might participate in pro-bono mediation programs within the court, in which they offer their services free of charge, or might be compensated by some other means.

Please explain the various possibilities which exist in your system.

Question 166

Please indicate the number of accredited or registered mediators, either by the court or by another national authority or an NGO. The aim of this request is to have an objective basis for counting the number of mediators.

Question 167

The interest of this question is to understand in which field court-related mediation is more used and considered as a successful process.

For the purposes of this specific question, "civil cases" exclude family cases, consumer cases and employment dismissal cases, to be separately addressed in the specific rows further in the table.

In the category "Number of cases for which the parties agreed to start mediation" please indicate the number of cases in which an agreement to mediate has been concluded in the reference year.

In the category “Number of finished court-related mediations” please indicate the number of cases which terminated in the reference year (whether by a settlement agreement, a party or both parties deciding to stop mediation, a mediator deciding to terminate the mediation, or any other reason).

In the category “Number of cases in which there is a settlement agreement” please indicate the number of mediation cases conducted within the reference year, in which the parties have reached a settlement agreement.

Question 168

Court Related Mediation should be differentiated from other Alternative Dispute Resolution procedures, in particular:

Mediation (other than court related mediation): Structured and confidential process in which an impartial third person, known as a mediator, assists the parties by facilitating the communication between them for the purpose of resolving issues in dispute.

Conciliation: Confidential process by which an impartial third person, known as a conciliator, makes a non-binding proposal to the parties for the settlement of a dispute between them.

Arbitration: Procedure by which the parties select an impartial third person, known as an arbitrator, to determine a dispute between them, and whose decision is binding.

“*Other ADR*”: may refer to, for example, negotiated agreement, collaborative law, collaborative practice, hybrid processes, assistance of an ombudsman, early neutral evaluation, etc. Processes in different countries may vary in both design and terminology.

8. Enforcement of court decisions

Question 169

In accordance with the definition contained in Recommendation Rec(2003)17 of the Committee of Ministers of the Council of Europe on enforcement of court decisions: the *enforcement agent* is a person authorised by the state to carry out the enforcement process irrespective of whether that person is employed by the state or not.

For further guidance, please also refer to the Guidelines of the European Commission for the Efficiency of Justice (CEPEJ) (2009)11 REV2 and CEPEJ Good practice guide on enforcement of judicial decisions (CEPEJ(2015)10).

Please note that questions 169 to 183 only concern the enforcement of decisions in *civil matters* (which include commercial matters and family law issues for the purpose of this Scheme).

Question 170

Please answer by selecting all the options applicable to your system (multiple replies possible):

- “diploma” should be selected if graduation from university (law school) is an access condition;
- “professional experience” should be understood as any previous work in the legal area, such as working in an enforcement agent’s office, law office, working as a lawyer or in a court or similar;
- “specific exam” should be understood as any exam particular to the enforcement agents, aimed at assessing their competences before entering the profession;
- “appointment procedure by the State” should be selected if your system requires an appointment procedure which involves participation of state bodies at some stage (ex. divided competences of the Chamber of Enforcement Agents and the Ministry of Justice);
- “Initial training” should be understood as a specific professional training aimed at raising enforcement agents’ competences and mandatory required for every enforcement agent to complete.

If you selected option “Other”, please provide more details in the comment.

Question 171

An appointment for an undetermined period means that enforcement agents are appointed for ‘life’ (until their official age of retirement) and cannot be removed from office (unless severe disciplinary proceedings/sanctions

against an enforcement agent are ordered, knowing that the most severe sanction is a dismissal or cancelation of their licence).

Questions 171-1

The access to the debtor's information is an important prerequisite of the enforcement procedure. The aim of this question is not only to know what information the enforcement agents have access to, but also how they can access it, and especially if they have direct electronic access to information as opposed to access by "paper" request.

Question 171-2

Concerning the activities which may be carried out by enforcement agents, reference should be made to the "Guidelines for a better implementation of the existing Council of Europe's recommendation on enforcement" adopted by the CEPEJ at its 14th plenary meeting and especially articles 33 and 34.

The purpose of this question is twofold. Firstly, it should measure the scope of the activities carried out by the enforcement agents, and secondly, it should indicate the extent of exclusive rights in exercising certain functions and activities within the enforcement proceedings.

Question 171-3

Enforcement agents may also be authorized to perform secondary activities compatible with their role. In some systems, these activities are usually performed by other professions. Please indicate which activities the enforcement agents may perform in your system.

Question 172-1

Mandatory general continuous or in-service training is a requirement for enforcement agents to undergo continuous professional training, usually organised within a chamber, association, or judicial training institution.

Question 172-2

Given the evolution of the society and new technologies, this question aims to find out if the training modalities for enforcement agents have evolved in the same direction by allowing distance "e-learning" courses.

Question 172-3

It is not only important to know how continuous training is provided, but also if the new technologies are part of this continuous training considering the need for the enforcement agents to modernize their work in line with the digitalization of the society.

Question 172-4

In this question, please indicate whether your country allows the official submission of legal documents or notifications via electronic means by enforcement agents who exercise their competences as private professionals or civil servants.

Question 172-5

If your system had adapted enforcement procedures to the evolution of ICT, please indicate whether new technologies have affected different stages of the process or not (for example digitalization of the procedure for the seizure of bank accounts in some countries). In the comment, please provide more details about what concrete effects were detected and at what stages of the procedure.

Questions 174, 175-1, 175-2 and 176

These questions aim to provide information on the way enforcement fees are determined and on the possibility for users to have easy access to prior information on the foreseeable amount of fees requested by an enforcement agent to execute the judicial decision.

The transparency on the foreseeable amount of fees is an available information to clients in order for them to estimate their future costs.

Question 175-1

Some countries, in establishing the applicable rate for enforcement agents, allow them to charge fees in the event of the successful enforcement proceedings. The question raised is whether these fees are freely negotiated between the parties (creditor and debtor) or whether they are determined by a legal norm. If latter, please reply "No", and explain in the comment.

Question 175-2

This is the continuation of the previous question and the aim is to find out who has to pay these "success" fees. The reply should specify if they are at the expense of the creditor, debtor, or someone else (for example a third party). If "Other", please specify who are the other persons who may be charged with these fees.

Question 176

Rules on fees may be provided in laws and bylaws, or in standards of professional associations. Please indicate in the comments section the nature of the rules and, if they do not exist, how fees are calculated.

Questions 177 and 178

Enforcement agents are entrusted with public duties. It is therefore important to know who supervises them, even if their status can be very different.

Question 181

Please describe the systems for enforcement of domestic court decisions rendered against public authorities, if specific mechanisms and their supervision are established in your system. For example, a party might have to address a certain authority in these cases, prior to initiating the regular enforcement proceeding, or an entirely specific enforcement proceeding might be set up.

Question 182

Taking into account the amount of cases brought before the European Court of Human Rights regarding, in particular, the non-execution of court decisions rendered against public (national, regional of local) authorities, it might be interesting, in order to better assess the situation in the member states, to comment specifically on this situation, if you consider it as a major issue in your country.

Question 183

The previous evaluation rounds have proven that all the countries have in their legislation a possibility for complaints which can be filed by users against enforcement agents. The answers should provide more information on the reasons of such complaints and if a quality policy has been defined for the enforcement agents.

Question 185

This question refers to the implementation of a statistical system enabling to indicate, in number of days for example, the length of the enforcement procedure as such, from the time the parties receive the decision. Please explain in the comment your system for measuring length of this procedure or reasons for not tracking these statistics (for example one of the reasons for the difficulty to keep a statistical data base in this field can be that, in civil matters, the execution of the decision depends on the will of the winning party).

Question 186

The aim of this question is to compare the situation between countries concerning the notification of the judicial decision enabling the enforcement procedure to begin.

Questions 187 and 188

The terms: *breach of ethical standards, professional inadequacy and criminal offence* refer to acts susceptible to lead to disciplinary proceedings being brought against the enforcement agent. Please complete the list if appropriate. Idem regarding the different types of sanctions possible (for example *reprimand, suspension, withdrawal from case, fine*).

Questions 189

Depending on the system, different authorities can be in charge for execution of judgments in criminal matters. Please select one or more replies from the list of authorities and specify in the comment what exact functions and duties they have. If the competent institution from your system is not listed, please select “Other authority” and provide details in the comment.

Questions 190 and 191

These questions are related to fines and not to criminal asset recovery. They should be understood as how many imposed fines are in fact enforced in criminal proceedings, in the reference year, and studies thereto related.

9. Notaries

Please note that there are two different categories of “notaries”. An important distinction must be made between “*civil law* notaries” in continental civil law States and “notaries *public*” in common law States, who do not have neither the same competences and functions nor the same level of legal training.

Questions 192 – 196-2 aim to gain insight into the status of the notarial function within various systems. However, these questions are developed on the basis of a concept of ”civil law notaries”. If some of them are not applicable to your system, please fill out the questionnaire by selecting appropriate answers (e.g. NAP or “Other”) and explaining your specific situation in the comments.

A civil law notary is a legal professional who has been entrusted by the State with public functions such as the safeguarding of the freedom of consent and the protection of the rightful interests of individuals, including consumers. The specific intervention of the civil law notary uplifts legal acts to the rank of authentic instruments.
As a guarantor of legal certainty, the civil law notary has an important role to play in limiting litigation between parties. Thereby, he/she is a major actor in the civil law system of preventive administration of justice.

Question 192

This question aims to gain insight into the status of the notarial function within various systems. It differentiates systems:

- where the notary practices a fully private *function*, offers purely *private* services without any public authority and no public supervision (first choice; might be applicable to “notaries public”),
- those where the notary is the holder of a public office who exercises a public function and is appointed by the State. Thus, he/she is subject to supervision by public authorities (for instance the Ministry of Justice) and exercises his/her functions in a regulated environment even though precisely speaking he/she is not a civil servant (second choice),
- and systems where the notary executes their duties as a civil servant, being employed by the State (third choice).

If none of the above options describes your system, please indicate “other” and specify the status.

This question also aims to gain insight into the gender balance within the profession.

Question 192-1

Please answer by selecting all the options applicable to your system (multiple replies possible):

“diploma” should be selected if graduation from university (law school) is an access condition;
“professional experience” should be understood as any previous work in the legal area, such as working in a notary office, law office, working as a lawyer or in a court or similar;
“specific exam” should be understood as any exam particular to the notaries, aimed at assessing their competences before entering the profession;
“appointment procedure by the State” should be selected if your system requires an appointment procedure which involves participation of state bodies at some stage (ex. divided competences of the professional association and the Ministry of Justice);
“Initial training” should be understood as a specific professional training aimed at raising notaries’ competences and mandatory required for every notary to complete.

If you selected option “Other”, please provide more details in the comment.

Question 192-2

An appointment for an undetermined period means that notaries are appointed for 'life' (until their official age of retirement) and cannot be removed from office (unless severe disciplinary proceedings/sanctions against a notary are ordered, knowing that the most severe sanction is a dismissal or cancelation of their licence).

Question 194

The activities notaries perform vary considerably from one State (or local area) to another. Please find below explanations about the various activities notaries perform. Please note that most notaries, in particular civil law notaries, perform multiple activities.

Please note that other public authorities or professionals, such as judges or administrative authorities may have competences in the same fields, too. This may go for both authentication and certification procedures. Since a notarial instrument is, as a rule, considered to be a *public document*, it is common that other *public authorities* are authorised to draw up such public documents as well.

- ***Authentication*** is the formal drawing up or receiving and recording of a legal act by a civil law notary. Through authentication, the act becomes an *authentic instrument*. Authenticating acts is one of the main competences of civil law notaries.

  By authenticating an act, the civil law notary guarantees (i) the identity of the parties involved, (ii) their legal and mental capacity and (iii) the genuineness of their signatures.
  However, his/her contribution is not limited to these aspects since the civil law notary as an independent, objective and impartial adviser to all parties involved also ensures that the parties are (iv) comprehensively informed about the content and the consequences of the authentic instrument, a task in particular important with regard to consumer protection. In addition, the civil law notary (v) examines the intentions of the parties also in full respect of anti-money laundering regulations, (vi) drafts the contracts or other instruments necessary to carry out the intended transaction and (vii) ensures the lawfulness of the content (*legality control*) for which he/she can be held responsible by the parties.
  Therefore, by authenticating an act, the civil law notary takes full responsibility for the validity of the legal act as a whole and not only for the parties' signatures.

- ***Certification of signatures*** is the confirmation of the genuineness of the signature of a person appearing in front of the notary.
  The certification itself consists of an *attestation* that the signature subscribed to an act or a document of any kind is indeed that of the person purporting to have signed it. Certified documents are not to be confused with *authentic instruments*, since the "*authenticity*" is limited to the genuineness of the signature and the signatory's identity and does, at least in general, not comprise the content or other aspects of the document.
  In order to certify the signature, the notary signs the document or an attached document confirming the genuineness of the signature and the signatory's identity.

  The procedural law of many States, in particular of those with a civil law notary system, requires that applications to public registers shall be in certified form in order to ensure the applicant's identity and thus improve the register's accuracy. In this case, the notary is not only obliged to certify the applicant's signature but also to perform a legality control of the submitted document in order to unburden the register from such legality check.

  Additionally, it should be noted that when civil law notaries certify signatures, the certification might also entail the check of legal capacity of the parties involved and, at least insofar as to prevent abuse, the examination of the content of the document submitted for certification.

- ***Legalisation of signatures / Apostille***

  In view of abolishing the requirement of legalisation for foreign public documents, the Hague Convention of 5 October 1961 was concluded. In applying the Convention, each Contracting State shall exempt from legalisation documents to which the Convention applies and which have to be produced in its territory. Among these official documents that enjoy this exemption are notarial instruments, issued by civil law notaries. Between Contracting States, the Apostille is the only formality required to certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears. As a procedure, placing the Apostille is a formality that comes only after the valid conclusion of the deed, its purpose being described above and it doesn't refer neither to the content of the deed nor to the procedure used by the notary in the instrumentation of the

deed. In certain States, placing the Apostille on official deeds instrumented by notaries falls within their capacity, competence being exercised by the notarial professional organisations.

- ***Mediation*** is a structured dispute resolution process in which the notary as a neutral and independent third party assists the parties in facilitating the communication between them in order to help them resolve their difficulties and reach an agreement.

  In some States, notaries are designated as mediators because they are competent to work out a legally binding agreement with the parties which can be put in writing, even in the form of an enforcement title and thus help ending the conflict in a timely manner.

- ***Taking of oaths*** is the receiving and recording of an oath sworn by a person in the presence of an authority.

  In some States, notaries are designated as authorities competent for the taking of oaths. Among other areas, this can concern oaths about the non-existence of public documents (e.g. loss of driver's licence) or the non-existence of descendants or the marital status.

- ***Non-contentious judicial procedures*** are procedures for which the competence may be transferred from the judiciary to notaries. This mostly includes procedures in areas of law where notaries already have certain competences, e.g. succession law or family law.

  In some States, applications for specific judicial procedures can be filed both at a notary or at the competent court. This includes, for instance, applications for inheritance certificates or applications for child adoptions. In these scenarios, the civil law notary informs the applicants about the legal requirements of the procedure, checks these requirements and submits accurate documents to the courts where the proceedings take place.

  In some States, civil law notaries are not only competent for specific measures at the beginning of a judicial procedure but they are entitled to conduct the judicial procedure themselves.

  Additionally, in some States, civil law notaries perform divorce in non-contentious cases and/or are competent for proceedings aiming at the division of an estate among the heirs.

- ***Act as civil servants;*** in some States, civil law notaries perform activities which are also performed, or which were originally performed by civil servants outside the field of the judiciary. For example, in some States, notaries are competent for performing marriages or registered partnerships. In these cases, notaries help to unburden the public administration.

- ***Other judicial functions*** are for example payment orders sent to the debtor by application of the creditor via a judicial authority. In many States, payment orders are a first procedural step in order for the creditor to obtain an enforcement title. Whereas in some States, the courts are competent for issuing payment orders, other States have charged the notaries with this task. Please note that if civil law notaries are charged with this task, the claim that justifies the payment order does not need to be based on an authentic instrument but can be of any nature.

- ***Public auctions*** mostly concern auctions of real estate property. The public auction is a structured procedure lead by the auctioneer in which the bidders submit their offers for the property to the auctioneer who accepts the highest bid.
  In some States, civil law notaries are designated as auctioneers.

- ***Others*** Please check "Others" if you are aware of other tasks notaries perform in your State. In some States, notaries play a major role in collecting taxes for the State unburdening the tax and financial administration. In other States, the notarial professional organisations run registers, e.g. for last wills or powers of attorney.

  Please check the box if one of the abovementioned or a comparable procedure applies for your State and give a short explanation.

Question 194-2

Notaries have a broad field of activities not being limited to one certain area of law. Please state the main areas of law in which notaries perform their activities within your system.

Question 194-3

ICT should be understood as comprising specific tools (mostly online) of a higher technical level with regard to safety and data protection (*not* telephone and regular e-mail).

When it comes to “relations with the State”, the focus is on the connectivity between the notarial function and State authorities via online tools.

When it comes to “relations with clients” and “relations with other notaries”, communication is in most cases conducted through online communication platforms with secure access for the user and different access points for notaries on the one hand and clients on the other.

Question 194-4

In some States, notaries can consult certain registries in order to use the available information in his/her notarial practice.
Information which is made available/sent to or received from the registers can be of different kinds: e.g. facts (e.g. ownership), documents (e.g. transaction contract) in various form (electronic or paper based, certified or simple copies).

Question 194-5

The notion of “running a register” can involve responsibility, financial aspects or technical operation.

Question 194-6

In some States, the notary can make entries in the relevant registers him/herself, but there are also States where the notary does not make entries in the register him/herself but asks the competent authority to do so. In both cases the notary is at the origin of the request for modification and bears the responsibility for it but two situations (in two columns) should be differentiated on the basis of notaries’ access rights

Question 194-7

Videoconferencing:
Many notariats provide videoconferencing solutions to their clients in order to offer consultations. While some notariats developed their own technical solutions, others refer to videoconferencing systems available on the market. In both cases, professional secrecy and the confidentiality of the exchanges are guaranteed. Please tick this box if one of the aforementioned solutions exists in your State.

Digital act:
The notion of “digital act” refers to the form of the original notarial document. The question focuses on the original instrument in electronic form with the same value as a paper instrument and whether this possibility exists in the different States. This does not necessarily mean that the procedure has to take place remotely.

Digital identification:
Digital identification signifies a person’s identification by electronic means through the notary. In order to ensure the highest level of legal security of the transaction, in most States videoconferencing procedures are combined with electronic identification (“eID”) procedures.

Digital archiving:
Digital archiving can refer to both paper archives kept in electronic form (scan of documents) at the notary’s office and forwarded to a central archive/a court and original/genuine electronic notarial instruments that are automatically registered in a central archive.

Question 194-8

The notion of “running an archive” can involve responsibility, financial aspects or technical operation.

Question 195 and 196

In particular, in those States where notaries exercise public functions, supervision is an essential element for the effective functioning of the notarial system.

Depending on the status of notaries, various supervising and monitoring bodies and authorities may exist. In some States the competence to supervise notaries is shared among the professional bodies and other authorities. If another or no authority is entrusted with supervising and monitoring, please specify in the comment.

Question 196-2

This question relates to the content of notarial training courses, in particular assessing if they cover European law or comparative law elements. Both, courses fully or partly dedicated to European law or comparative law may be considered, be it mandatory or optional.

10. Court interpreters

Questions 197 to 201

Court interpreters play a major role in guaranteeing access to the judge for the court users who do not have the ability to understand and/or speak the official language of the court. For some countries, quality criteria were defined and interpreters are certified.

To get a better understanding of the role of court interpreters in court proceedings four general questions have been asked. Some questions are derived from the report Hertog e. and van Gucht J. (2008), Status Quaestionis: questionnaire on the provision of legal interpreting and translation in the EU, Intersentia (Antwerp, Oxford, Portland).

Question 197

"Protected title" means that a person cannot claim the title of interpreter of his/her own, without the benefit of an agreement or another form of official recognition, which may be given by the court or by an administrative body, for example on the basis of diploma or tests, and sometimes of an oath.

Question 198

Please indicate “yes” if the status, role, fees, or any activity of interpreters are regulated by laws or bylaws in your system. Please describe in the comments.

Question 199

Please indicate the number of registered interpreters, either by the court or by another authority. The objective of this request is to have an objective basis for counting the number of interpreters.

Question 200

It should be noted that for this question, the criteria mentioned concern the quality of the interpretation that is given and not the quality of the interpreters.

Question 201

The interpreters can be recruited and/or appointed by the court, either for a long term of office (for instance, they can be registered on a list on which the judge can choose the interpreter for given proceedings) or on a case by case basis, according to the specific needs in a given proceeding.

11. Judicial experts

Question 202

The role and function of experts are very different depending on their position within the procedure, which varies especially between continental and common law systems.

There is a need to differentiate several types of experts:

- “Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court” - these "**experts**" are mainly used in adversarial systems (in particular in common law countries), and are requested by the parties to bring their expertise to support the parties' argumentation. These experts are not to be confused with party experts who only have an obligation to their client;
- “Experts appointed by the court or other authority independent of the parties” – they put at the judge's disposal their scientific and technical knowledge on issues of facts (for instance in forensic medicine, psychiatry, criminal sciences, biology, architecture, arts);

If your system cannot be described by any of the above categories, please choose “Other system of judicial expertise” and explain in the comment.

For more reference, please see: CEPEJ Guidelines on the role of court-appointed experts in judicial proceedings of Council of Europe’s Member States (CEPEJ(2014)14 available at https://rm.coe.int/168074827a).

Questions 202-1 to 202-3

Questions 202-1 to 202-3 have been added to analyse in more detail and compare the systems of registration of experts, such as registration on a list or any other equivalent system (e.g. licencing) which exists in various jurisdictions.

Question 202-4

To capture the differences between systems, it is important to know whether an unregistered expert can be appointed in a case or not.

Question 203

"Protected title" means that a person cannot claim the title of expert of his/her own, without the benefit of an agreement or another form of official recognition, which may be given by the court or by an administrative body, for example on the basis of diploma or tests, and sometimes of an oath.

Question 204

Please indicate “yes” if the status, role, fees, or any activity of the experts are regulated by laws or bylaws in your system. Please describe in the comments.

Question 204-1

This question relates to the duty to report potential conflicts of interests by the judicial expert. You should answer positively if the expert needs to report, for example, that s/he is or was related to or affiliated with any of the parties in the dispute.

Question 205

Please indicate the number of accredited or registered experts, either by the court or by another authority. The objective of this request is to have an objective basis for counting the number of judicial experts. Please specify your data sources for evaluating these figures and the methodology used, especially for estimating a figure on a local level (e.g. in a federal state, a court of appeal etc.), as well as on national level.

Question 206-1

When indicating the number of cases where expert opinion was ordered by a judge or requested by the parties, please count only the number of court cases regardless of the number of expertise requested in each case (for example, if three expert opinions were provided within one civil proceeding, please count this as one court case). Please indicate the method used to estimate this number and, if appropriate, differences between methodology of estimating this figure on a local and national level.

Question 205-1

Please select replies which explain the best your system regarding expert remunerations, separately for civil/administrative cases on the one side, and criminal cases on the other. For example, fees may be defined or recommended by law/bylaw or special regulation, set by the court/judge, defined by a ministry, determined based on a public official’s salary, may be freely agreed with the parties, or there may be a combination of different

elements. If some other options are applicable to your system, please select “Other“ and provide detalis in the comment.

Question 206

Experts may be, for example, obliged to deliver their written or oral expert opinion within a time specified by the court or a regulation.

Question 207-1

The question aims to gain insight into the role of the judge or another body in controlling of the progress of conducting of the expertise i.e. the judicial control of the progress of the work of experts. Please indicate in the general comments how judges or another body control the work of experts in terms of timeframes, accuracy and precision of expertise, etc.

Question 207-2

The judicial experts’ associations can be entrusted with different competences. This question focuses on three very important segments: selection process, initial or continuous training, and disciplinary procedure. Please answer affirmatively even if the association is involved only in one of the stages of these activities (for example only conducts specific exams of potential candidates in the selections process, although other authority makes the final selection) or shares competences with other authorities (for example organizes trainings jointly with the judicial training academy).

12. Foreseen reforms

Question 208

As a conclusion, this question offers the possibility to indicate general or more specific information on the on-going and planned reforms to be undertaken to improve the quality and the efficiency of justice. Please try to classify the presented reforms in the proposed categories.

The question is structured in such way that for each category, four answers are possible:

1. Yes (planned) – reforms are just at the stage of a proposal, public discussion, drafting a concrete official document (strategy, law etc) or similar;
2. Yes (adopted) – reforms are at the stage in which an official document (strategy, law etc) has been adopted but is still not implemented;
3. Yes (implemented during year of reference +1) **–** the reform has been implemented on the basis of adopted official document; this option could be selected even if implementation has just started and has not been fully finalized during year of reference +1
4. No – there is still no official plans of reforms.

If any of the three “Yes” answers have been selected, please provide more details in the comment box. If strategies on the judiciary are adopted or implemented, please provide links to the texts of the official documents, if available.