



European Network of Councils
for the Judiciary (ENCJ)

Reseau européen des Conseils
de la Justice (RECJ)

Independence, Accountability and Quality of the Judiciary

Improving indicators and surveys

ENCJ Report 2020-2021



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Executive Summary and Recommendations:

In 2020-2021 the work of the project consisted of several activities in the area of Independence and Accountability and Quality of the Judiciary. The activities followed the cycle of improvement introduced in the previous period of the project. This report presents the outcomes of the 3 work streams identified at the beginning of a new period of the project and recommendations to the ENCJ.

Independence and Accountability

The pandemic has slightly hampered work in this area, and some of the activities were delayed.

- (1) The dialogue meetings to discuss the outcomes of the indicators (measured in 2019-2020) took place from January till the beginning of March 2021 in a format adjusted to online meetings.
- (2) The survey among judges has been prepared and on track for the first quarter of 2022. The survey among lawyers has to be discussed further with the CCBE.
- (3) Formulation of an opinion with regard to formal and ceremonial roles of government has not yet been undertaken.
- (4) Development of improvement plans to address weaknesses and/or to build on strengths, has been delayed, as the dialogue meetings happened later.

Activities to be planned next year:

National improvement plans with regard to independence and accountability will be developed or, when these already exist, reviewed on the basis of the outcomes of the I&A indicators 2020 and the dialogue meetings. Previously an improvement plan template was produced for the Members and Observers, and this template is still valid (ENCJ 2018-2019).

As to the I&A indicators, four issues will be examined in the next year:

- the feasibility of an indicator on the evaluation of judges,
- the role of inspection services in relation to the current indicator on external review,
- formulation of an ENCJ opinion with regard to formal and ceremonial roles of government that in principle can reduce the independence of the judiciary and
- integration of the work on the image of justice and public confidence in the I&A framework and indicators.

The next survey among judges on the independence of the judiciary will be held in the first quarter of 2022. The current methodology of the survey will be maintained. Preparation will start in September 2021. This will include the following:

- To better ensure that in each judiciary all judges are invited to participate in the same way, each council or, in the absence of a council, alternative governing body draws up an implementation plan for the survey and shares it with the coordinators of the project team of the ENCJ.
- Using the test links provided by the ENCJ Office, each Council/governing body will test whether judges can access the ENCJ website and fill in the survey from their work place, taking into account that

conditions may differ from court to court, and, if there are problems, take measures to resolve these problems.

- Councils/governing bodies will secure the active support of the court presidents and other key figures for the survey. The office of the ENCJ will provide the means to increase the awareness of the ENCJ among court presidents and judges.
- The general motivation to participate can be improved by having authoritative members of the judiciary promote participation, whether in leadership positions, judges' associations or other.

The CCBE (Council of Bars and Law Societies of Europe) will be consulted on the survey among lawyers about independence and accountability of the judiciary.

Court Users Survey

It is the experience from the work in this group that many ENCJ member and observer countries still are reluctant to perform court user surveys, and if court user surveys are conducted, they normally focus on case processing, service etc. and seldom on the court users experience of independence. In some studies, however, users are asked about the impartiality of the court / judge, which is also a way to inquire about independence and often easier to understand for the common court user.

It is recommended that ENCJ member and observer countries to conduct national user surveys. It is also recommended that the surveys not only deal with physical conditions, case processing times and service etc., but also include important questions about court users' experience with the courts on actual independence.

A uniform court user study on independence at the same time in all member and observer countries would provide a very valuable insight into the state of court users' experience of perceived judicial independence and it would be an important and necessary addition to the further work to strengthen independence and accountability. In the further work, it will therefore be relevant to look at how a joint user survey can best be organized including whether it should be carried out by the individual countries from the same questionnaire or if it should be managed centrally. It will also be necessary to consider the methodology in order to use the type of distribution that gives the most representative outcome. Also, the cost must be calculated, and an application made.

Quality of the Judiciary

The subgroup's primary aim was to refine and improve the questionnaire. It proved difficult to arrange meetings of the subgroup due to the severe impact of Covid-19 across the jurisdictions towards the end of 2020. In January 2021, the subgroup increased the frequency of its meetings in an effort to overcome these limitations. Over the course of five virtual meetings, taking place over a number of weeks between January-May 2021, the subgroup meticulously discussed and analysed the various indicators. It was decided to consider the questionnaire by reference to the outcomes in each country, with each participating country within the subgroup being asked to analyse whether the questionnaire was adequately capturing quality in a judicial system in respect of each of the indicators.

Due to the length of the working process, it was proposed to postpone the work on the scoring to the next year to properly focus time and effort on the revision of the indicators.

Next steps:

For the indicators and the scoring: The scoring is to be reviewed by the Project Group in light of the results of the Questionnaire and further observations from Members and Observers. Some indicators need to be revisited and revised. The revised questionnaire should be sent out.

On the roles of the Councils: The roles and competences of each of the Councils in guaranteeing and promoting Quality of Justice must be identified and Councils should adopt definite plans, having regard to their county profiles and general recommendations, to improve the Quality of Justice in their jurisdiction.

A vision on the Quality of the Judiciary: The ENCJ continues to make progress towards developing a vision of Quality of Justice. In light of the outcome of the Questionnaire, it will be up to individual councils to identify the areas in which there is potential to improve quality and to take appropriate steps to achieve such improvement.

Introduction:

Central to the mission of the ENCJ is the reinforcement of independent, yet accountable judiciaries in the European Union to guarantee access to fair, independent and impartial courts. This fundamental right is laid down in the article 47 of the EU Charter of Fundamental Rights. The ENCJ works systematically to develop standards and guidelines for the governance of the judiciary and the conduct of essential functions such as the appointment, promotion and dismissal of judges. It is the view of the ENCJ that it is not sufficient to set standards and guidelines: the extent to which these are realized in practice needs to be systematically assessed. This is particularly important, when all the European Institutions are challenged to find the more effective ways to better protect and promote the Rule of Law. The ENCJ and the other judicial networks are best placed to help understand the situation on the ground and provide a judicial perspective on relevant developments.

The overall objective of the project is to increased awareness on the state of independence, accountability and quality in the judiciaries in Europe and promote positive change within judicial systems in Europe.

A set of indicators on independence, accountability and quality has been developed, improved and implemented. These indicators focus on the one hand on the formal safeguards and mechanisms that are essential for judicial independence and on the other hand on the perceptions of independence by stakeholders. The outcomes provide Councils and other governing bodies with insights that they can use to improve their judicial systems to enable judges to fulfil their essential function in society better, and, where necessary, engage with the other state powers on matters of independence.

Constant review of the systems of standards and indicators is necessary due to the continuing challenges. Therefore, refinement of some aspects of the indicators and their measurement means accordingly (e.g. adaption of the questions and the scoring in the questionnaire) have also to be reviewed. The public and stakeholders emphasize the need to strengthen the quality of justice. And its complex content requires more in depth analysis of the measurement. In this period the following activities were undertaken:

Independence & Accountability

- (1) Discussing the outcomes of indicators in dialogue groups of members and observers with a view to analysing the outcomes together and to set priorities for improvement plans
- (2) Preparation of the next edition of the surveys among judges and among lawyers in 2020-2021

Court user surveys

- (1) Evaluating the results of the pilot surveys
- (2) Reviewing the questionnaire and identifying ways of performing the survey and collecting data

Quality of justice

- (1) Revising Quality indicators
- (2) Improving the questionnaire

The project team worked in three subgroups. The coordinators of the project are National Judicial Council of Hungary (OBT), The Courts Service of Ireland, The Danish Court Administration (Domstolsstyrelsen) and the High Council of Portugal (CSM). Each of the members is responsible for a specific part of the project. The first subgroup was chaired by Frans van Dijk and Jose Manuel Monteiro Correia, member of the High Council of Portugal (CSM) and supported by the ENCJ Office and worked on the improvement plans and independence surveys. The second subgroup was chaired by Susanne Skotte Wied, member of the Danish Court Administration and worked on court user surveys. The third subgroup was led by Caroline Costello, member of the Courts Service of Ireland and worked on quality indicators and survey. All documents that were produced by the subgroups were discussed in the project team as a whole, the project was coordinated and report was finalized by Viktor Vadász, member of the National Judicial Council of Hungary (OBT). The ENCJ Office facilitated the project, organised and hosted the meetings and was in charge of reporting of the meetings.

The pandemic caused travel restrictions since the first half of 2020 that affect negatively the cooperation between the participants of the project team. It was planned to overcome these difficulties by organizing smaller break out group meetings, and increase the effectiveness of the discussions, however it was not possible at all to organize any meetings in 2020/2021, therefor all subgroup meetings, dialogue group meetings and project group meetings were held via videoconference. Some of the planned activities have been delayed however, the virtual meetings were effective enough to discuss several issues in the working groups.

Part 1 of the report presents the outcomes of the activities on independence and accountability (dialogue groups and improving survey among judges). Part 2 summarizes the improvement on the court user survey. Part 3 covers the development of indicators on quality of justice. All surveys and list of indicators are presented in the Annex.

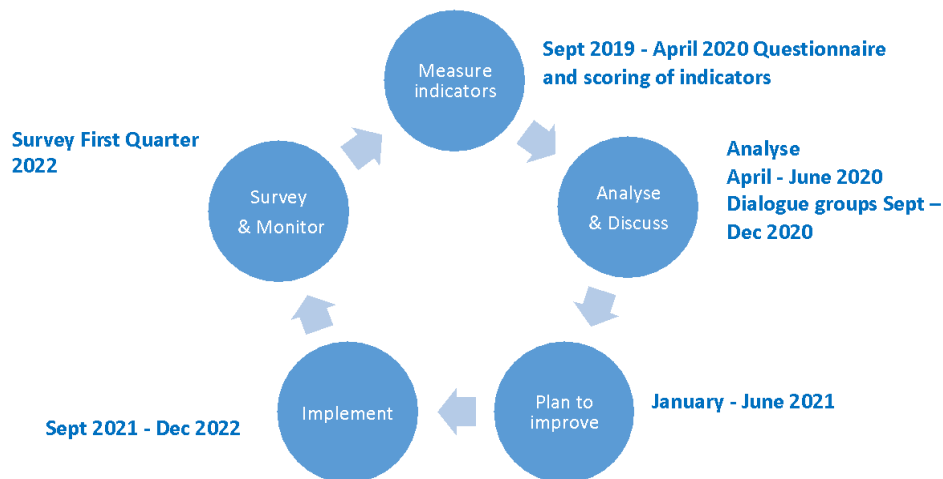
Plenary meetings of the project team took place on 1 October 2020, 10 December 2020, 18 March 2021, 23 April 2021 and 18 May 2021.

Part 1. – Independence and Accountability

1.1. Background

Access to fair, independent and impartial courts is a fundamental right, as laid down in article 47 of the EU Charter of Fundamental rights. One of the ways in which ENCJ strives to protect this right is by providing support for the independence and accountability of judiciaries in Europe and by promoting understanding and respect for judicial independence. As a network of Councils for the Judiciary, the ENCJ has therefore developed standards for the areas of responsibilities of Councils for the Judiciary that are important to the independence and accountability of the judiciary. The standards range from the appointment of judges, to disciplinary proceedings and the funding of the judiciary. Many of them are applicable as well by other governance structures than Councils. Setting standards is relevant for judiciaries to be able to compare and improve their practices.

Deriving from the standards, the ENCJ has developed a set of indicators to measure the state of independence and accountability of the judiciaries of the European Union including candidate members and EEA. The indicators concern the formal arrangements with respect to all major aspects of independence and accountability of the judiciary on the one hand, and the actual realisation of independence and accountability as perceived by society on the other hand. The indicators and their measurement are part of the improvement cycle that the General Assembly of the ENCJ decided upon in 2019. The current improvement cycle started in September 2019, and is as follows.



1. Figure: Improvement cycle Independence and accountability

The first phase of the cycle is the measurement of the indicators took place last year (2019/2020). This year (2020/2021) the focus is on discussion of the outcomes in dialogue groups, and making a start with planning of improvements.

To be more precise, at the 2020 General Assembly the following steps were agreed for 2020-2021.

- (1) The discussion of the outcomes of indicators in dialogue groups of members and observers in the period from September until December 2020 with a view to analysing the outcomes together and to set priorities for improvement plans.
- (2) Formulation of an ENCJ opinion with regard to formal and ceremonial roles of government that in principle can reduce the independence of the judiciary.
- (3) Development of improvement plans to address weaknesses and/or to build on strengths in the period from January until June 2021.
- (4) Preparation of the next edition of the surveys among judges and among lawyers in 2020-2021. The surveys are to be held in the first quarter of 2022.
- (5) Follow-up with regard to the court user surveys.

The pandemic has hampered work on these subjects, and some of the activities were delayed. The state of affairs on the above activities is as follows.

- (5) The dialogue meetings to discuss the outcomes of the indicators took place from January till the beginning of March 2021 in a format adjusted to online meetings.
- (6) Formulation of an opinion with regard to formal and ceremonial roles of government has not yet been undertaken.
- (7) Development of improvement plans to address weaknesses and/or to build on strengths, has been delayed, as the dialogue meetings happened later.
- (8) The survey among judges has been prepared and on track for the first quarter of 2022. The survey among lawyers has to be discussed further with the CCBE.
- (9) Follow-up with regard to the court user surveys.

1.2. Improvement cycle: dialogue meetings

1.2.1. Dialogue meetings during the pandemic

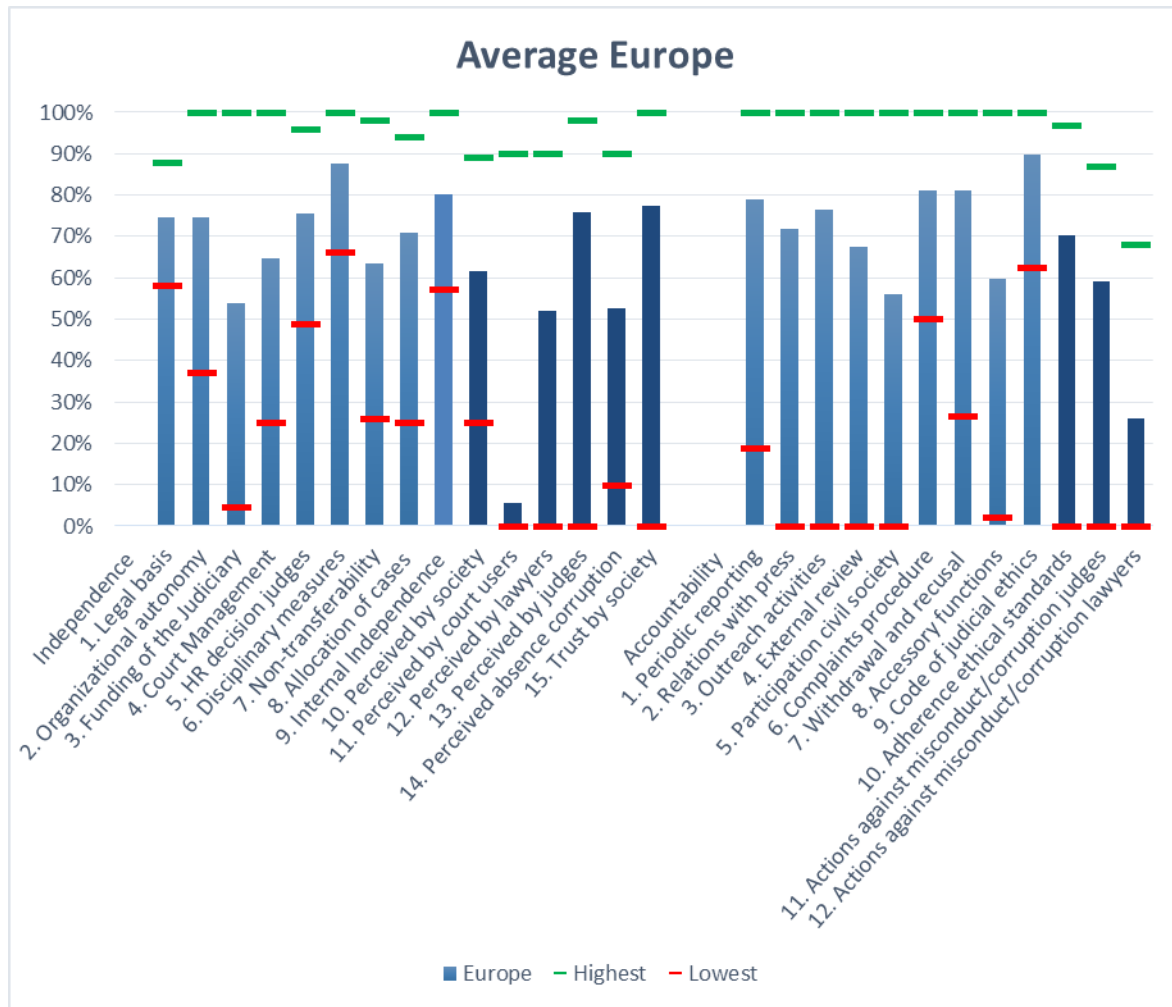
This is the third time dialogue meetings were to take place to discuss the challenges in the area of independence and accountability and strategies to address these challenges. The format that was developed in the first two cycles was based on face-to-face discussions for a whole day, divided into a part on problems and a part on solutions. As there are limitations on the duration of effective online meetings, the dialogue meetings took place in two online sessions with approximately two weeks in between. One session was devoted to the discussion of the challenges arising from the indicators of independence and accountability and other sources and the other session to solutions. While this digital format did work sufficiently, it did not fully allow for the confidential discussions that took place in the first two cycles. Still, the discussions provided valuable insights into the issues judiciaries are facing, individually and collectively.

While the indicators (see Figure 2. for an example) were central to the discussion, other information such as the rule of law report of the European Commission and specific experiences of the participants were

taken into account as well. The primary objective of the dialogue meetings is to provide input for national improvement plans. Still, the dialogue meetings showed that judiciaries face common challenges, that in addition to national interventions may require activities at the ENCJ level. These common challenges are discussed below.

The following dialogue meetings were held (participants and dates):

- Councils from Finland, Greece, Norway and Romania on 15 December 2020 and 11 January 2021
- Councils or similar bodies from Bulgaria, Denmark, Slovenia, Sweden on 21 January 2021 and 15 February 2021
- Councils (and Ministries) of Austria, Hungary, the Netherlands, Slovakia, UK-England and Wales on 7 and 29 January 2021
- Councils from Latvia, Lithuania, Portugal, Spain on 12 February on 2021 and 2 March 2021
- Councils or similar bodies from France, Ireland, Italy and Scotland on 2 February 2021 and 25 February 2021



2. Figure: Indicators of independence and accountability of the judiciary 2020

Note: the indicator trust by society measures whether the trust in the judiciary is higher than in the other branches of the state within a country. As this is the case in most countries, the score on average and for most countries are very high, and for many judiciaries much higher than the scores on the other perception indicators. Source: [ENCJ \(2020\)](#).

1.2.2. Outcomes of dialogue meetings

The general impression is that the dialogue groups meetings were very interesting and fruitful. Although each judiciary faces specific challenges, many of the issues are shared.

The **funding** of the judiciary remains the most general and persistent problem. Since Councils are very often neither responsible for funding nor involved in budgetary consultations, the issue of funding is very difficult to resolve. Still, Councils need to insist that they are involved in budgetary and financial processes.

An issue that has increased in weight is the **digitalisation** of the judiciary. The design and implementation of digital procedures including digital hearings and digital case filing has a huge impact on access to justice and fair trial. In most countries, IT services are under the government's supervision, and judges, let alone Councils, are not systematically involved in the digitalisation processes. This severely undermines the independence of the judiciary.

Another related problem is **court management** which is still often the direct responsibility and task of the government, and this regularly results in the lack of well-balanced human resources – judges, clerks, courts' staff – and the lack of control of the judiciary about the human and other resources it has to work with. For courts to be effective organizations that are fit for their task, providing justice for all, they need to be managed integrally by the judiciary. Self-government is not a luxury but it is a necessity. This concerns the courts but also the Councils. As the mandate of many Councils is limited and often solely focused on selection, appointment, promotion and discipline of judges, realizing self-government is a long term endeavour.

Many councils are very aware of the need to increase the **transparency of the judiciary**. For instance, in several judiciaries the transparency of case allocation remains an issue, as random allocation is overruled by other considerations in an unclear manner. Proactive and systematic communication with society, including the other state powers, the media and civil society organizations, remains a common issue. Efforts are often hampered by lack of funding and, as a direct consequence, professionalism. Lack of capacity and capabilities to actively explain (controversial) judgments or, more in general, the role of the judiciary in society makes the judiciary vulnerable for disinformation and undermines the public perception of independence of the judiciary and its trust in the judiciary. This reduces the support of the judiciary in society when it under pressure from the other state powers. Despite Councils' efforts, relations with the press are still a weak point in particular, and require professionalisation.

Specific concerns of councils are generally related to the core task of many councils to make human resource decisions concerning judges (**promotion, discipline**). While issues vary, the common denominator seems to be that procedures do not convince (all) judges that decisions are solely based on ability and experience.

It should be noted that some of the members, observers are under severe **pressure from political leaders**. The developments in the countries concerned were discussed.

As to the indicator system itself, possibilities for improvement were discussed. The evaluation of judges came up as an important and complicated topic that is now not represented in the indicator system and would be a candidate for inclusion. Another complicated topic is the role of inspection services. Inspectorates are in some countries a part of the judiciary, Council, and in others a part of the Government. Also, their tasks differ. A suggestion is to link these phenomena to the indicator concerning external review.

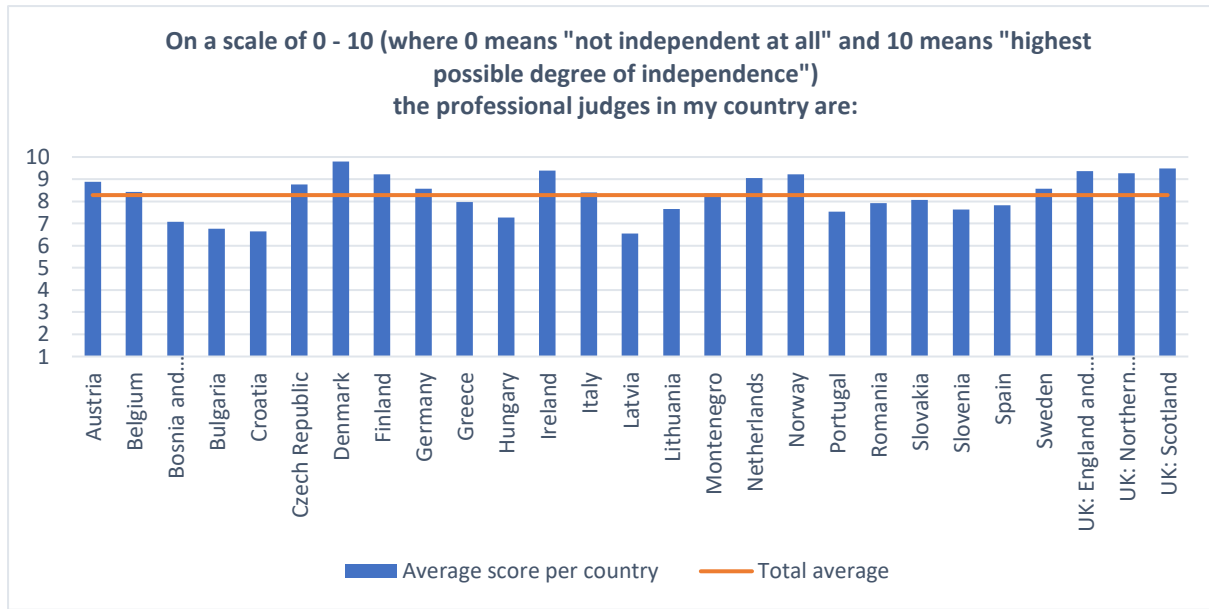
1.2.3. Follow up

The main issues discussed during the dialogue groups meeting have been incorporated in the new ENCJ Strategic Plan for 2022-2025. In addition, the lack of involvement in digitalisation has been addressed in the ENCJ contribution to the European Commission's Rule of Law report 2021.

It is up to the individual Councils to make the remedies identified during the dialogue groups meetings concrete by developing specific objectives to be reached and activities to be undertaken to reach those objectives. As noted before, dialogues meetings are a step in the improvement cycle about independence and accountability (figure 1), and the next step is the development of national improvement plans. Previously an improvement plan template was produced for the Members and Observers, and this template is still valid.

1.3. Survey among judges

The previous edition of the survey among judges about independence took place in the first quarter of 2019. See Figure 1.3 on the main outcome. The next edition is foreseen for the first quarter of 2022. To prepare for the next edition the methodology of the survey was reviewed. Also, the questions of the survey were critically evaluated. These topics are discussed in the next sections.



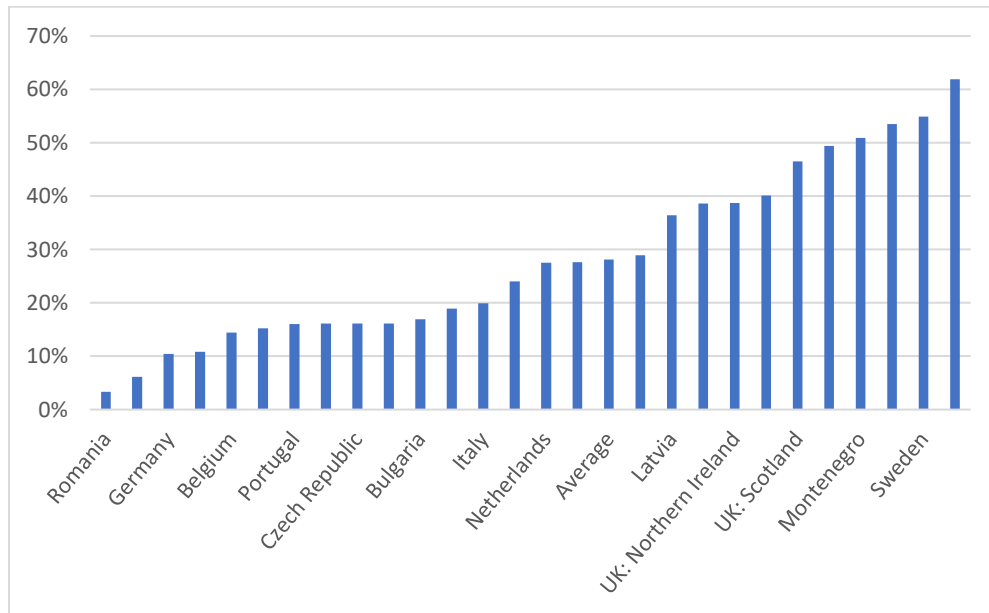
3. Figure: Independence of judges in general, survey of judges 2019

1.3.1. Methodology of the survey

The survey among judges has been conducted three times now. At this stage it is useful to review the methodology of the survey, and look for improvements. The methodology used so far is very much dictated by the way judges can be reached in all countries, the need for anonymity under (potentially) adverse circumstances, and the objective to make the conduct of the survey as simple as possible for the ENCJ members and observers. This has led to a design in which all judges are invited to participate in the survey with a link to the ENCJ website where the survey could be filled in. The invitation to participate is from the president of the ENCJ, but it is sent out by the national council (or, in the absence of a council, an alternative governance institution such as a Ministry of Justice) or in the absence of national mailing lists of judges, by the presidents of the individual courts. It is further assumed that judges can be trusted to fill in the survey only once, and more complicated mechanisms to guarantee a single response while safeguarding anonymity are not used.

There are disadvantages to this method. We focus on three issues.

- First, response rates differ among judiciaries (see Figure 1.4 regarding the last survey), and it is not clear whether all judges of all courts are actually invited, and, if so, whether this happens with the same intensity. This is actually a preliminary question.
- Second, in particular by the Spanish Council concern has been expressed that the response represents the opinion of those who volunteer to answer, and that this does not express the general opinion of the judges. While participation is always without formal obligation, moral obligation to take part in the survey may be weak if everybody is asked to participate, soliciting free rider behaviour, and judges may respond who have a specific incentive to make their views known.
- Third, the current method does not guarantee that the characteristics of the respondents are the same as that of all judges. For instance, the percentage of respondents that work at first instance courts may differ from the percentage of judges that actually work at these courts.



4. Figure: Response rate of survey of judges 2019

1.3.1.1. Empirical findings:

The practical relevance of these three issues cannot be fully established by an analysis of the outcomes of the survey. A low response rate can have many reasons, but the very low response rate in some countries indicates that the survey did not reach all judges. It also can not be ruled out that access to internet plays a role. As to the second issue, the data does not show indications of selectivity, for instance by answers that diverge very much from other surveys. Surveys among judges, lawyers, citizens and firms that measure judicial independence, show a very high correlation, but differ in their means. *See Van Dijk (2020)*

The third issue can be readily checked by statistical tests of the 2019-survey. We checked at country level whether the response rates differ between first instance, appeal courts and supreme courts. It was found that there are no statistically significant differences between any two of the three instances. This means that overall this issue does not play a role. If it had played role, the next question would have been if the opinions of judges from the three instances differed. If their opinions do not differ, differences in response rates would not affect the outcomes. We checked this for the score on independence of all judges in one's country (score between 0 and 10 with 0 no independence at all and 10 maximal independence). Again, we did not find statistically significant differences between the three instances. Together these results mean that overall response rates do not differ and opinions about independence do not either. This does not mean that there can be no significant differences in the scores for individual judiciaries. When examining data per judge, this is the case for Germany, Spain, Sweden and Lithuania. For other characteristics the differences are even smaller. A general observation is that judges are a homogeneous group, at least with respect to the aspects relating to the core of their profession.

Practically, there are no great concerns about the reliability of the judges survey. Still, what can be done to improve the survey should be considered. In the next section three options for the methodology of the survey are discussed.

1.3.1.2. Options for the methodology

Three options are considered here.

- (1) Retain the current methodology (all judges are invited) and implement some improvements:
 - Take measures to make sure that in each judiciary all judges are invited to participate in the same way. One measure would be to ask councils to draw up a national implementation plan for the survey and share it with the board of the ENCJ.
 - Introduce post-processing of the answers: re-weight the outcomes to control for characteristics of respondents that differ from population characteristics. For instance, if the participation rate of first-instance judges in the survey is lower than the percentage of first-instance judges in the total number of judges, this can be controlled for. The same can be done for other characteristics such as experience and gender.
 - Allow only single response by technical means.

- (2) A representative random sample of judges is invited:
 - For each judiciary draw a stratified random sample from a list of judges that allows stratification with respect to type of court (first instance, appeal), years of experience, gender and area of law. This must be done anonymously.
 - Take measures to make sure that in each judiciary judges are invited to participate in the same way.
 - Allow only single response by technical means.

- (3) Option 3 – All judges of 2-6 courts are invited:
 - Select 2-6 courts, depending on the size of the judiciary with spread across first instance and appeal courts and city/countryside.
 - Take measures to make sure that in each selected court all judges are invited to participate in the same way (as above).
 - Allow only single response by technical means.

The logic behind the first two options follows from the previous sections. The first option continues the current practice. The second option reflects a common practice when detailed information is available about the target group. The idea behind option 3 is that by reducing the number of courts the moral obligation to participate is stronger: “the judges of your court are answering the survey on behalf of all courts”. It also reduces the effort of the national councils to reach the judges. And it is easier for the ENCJ to maintain an overview.

1.3.1.3. Evaluation of options

Scope for manipulation: A primary concern is that the methodology of the survey must be resistant to adverse conditions. The subject of the survey, the independence of the judiciary, brings with it the

necessity that the survey cannot be manipulated by councils or other governing bodies or at the court level, and that anonymity is guaranteed. Also, judges must be convinced thereof. The first question to answer is therefore whether in all three options this can be achieved.

Options 1 and 3 do not require the selection of judges and the need to keep the lists of these judges confidential. As to option 2, there is obviously no list of the judges of Europe available, from which a selection can be made at the European level by the office of the ENCJ. This means that the random selection has to be done at the national level or even at the court level, when there is no list of judges available at the national council. The ENCJ has no instruments to closely monitor the selection process, and guarantee anonymity. The implication is that random selection and confidentiality of the selected names cannot be guaranteed by the ENCJ. As a consequence, it cannot be ruled out that the selected judges will get, for instance, instructions about desirable answers. Thus, if judicial independence is not in place in a country, this lack of independence opens possibilities to manipulate the participation in the survey to show the opposite. The technical anonymity of the answers is less of an issue, as this can be addressed by the ENCJ at the European level. It should also be noted that option 2 requires an investment of time and budget in judiciaries that do not have lists of judges readily available, including their characteristics necessary to make a stratified selection sample. To conclude, while option 2 is the preferred option from a scientific point of view if conditions are met, the conditions are not met when judicial independence is compromised, and this option is not feasible.

Conclusion #1: option 2 cannot be implemented without risks of selectivity and breach of confidentiality. As noted, options 1 and 3 do not require selection, but the risk still exists that not all courts and not all judges are informed about the survey for practical but also for political reasons. Both options comprise measures to make sure that all courts and judges are invited.

Evaluation of options 1 and 3: As both options are feasible, a full comparison is needed. Table 1 lists relevant aspects and attempts to evaluate both options.

Aspects	Option 1 (all judges of all courts)	Option 3 (all judges of 2/6 courts)
100% invitation of judges	Complex to implement and monitor	Relatively simple to implement and monitor
Internet availability, if an issue	Reduces coverage	Select courts with internet (if available)
Prevent pressure/influence on judges to answer in a specific way	Issue is minimal, as distribution of response is diffuse	Issue is relatively large, as distribution of response is concentrated, allowing pressure by management and peers
Response rate (now and in the future)	Relatively low, due to oversampling / weak moral obligation	Relatively high, no oversampling / strong moral obligation
Representativeness	Guaranteed in principle	Selection of the courts is arbitrary, especially in large countries
Comparability with other surveys	Guaranteed	Problematic, as f.i. surveys among citizens are at national level
Awareness of importance of independence among judges	Broad audience (all judges)	Small audience (only part of the judges)

Time costs to organize and participate	Relatively high	Relatively low
Continuity over time	Guaranteed	Guaranteed, if the same courts participate every three years. Otherwise not.
Comparability with previous surveys	Yes	Weak

It follows from the table that both options have advantages and disadvantages. Experts from the Netherlands Council were consulted as well as the expert who earlier commented at the General Assembly on the survey. These experts prefer option 1, and the outside expert made a particular strong case for post-processing of the data as discussed above. In the project team concerns were raised about the selection of the courts in option 3 for two reasons. First, the representativeness of the survey is seriously compromised by having to select a sample of courts, and this reduces the relevance of the survey in the eyes of the judges at the other courts. Second, the selection can easily lead to bias, as the authority that makes the selection (council of, critically, another governing body) will be tempted to avoid courts that are not functioning well in favour of courts that function well. Also, the person of the president may play role in the selection.

Conclusion #2: the preferred option is to retain the current method of the survey.

1.3.2. Improvement of current methodology of the survey

Having decided to maintain the current method, it is important to consider the possibilities to improve the application of this method. In the next sections three specific issues are discussed.

1.3.2.1. Improvement of the participation rate

The invitation to take part in the survey is from the President of the ENCJ, but it is sent out by the national council (or, in the absence of a council, an alternative governance institution such as a Ministry of Justice) or, in the absence of national mailing lists of judges, by the presidents of the individual courts. This decentralized process makes it difficult to ensure in all judiciaries that the invitation to participate reaches all judges and, if so, with the same tone and intensity. Conscious or unconscious selectivity in invitations is detrimental to the representativeness of the survey.

Proposal #2: To better ensure that in each judiciary all judges are invited to participate in the same way, each council or, in the absence of a council, alternative governing body draws up an implementation plan for the survey and shares it with the coordinators of the project team of the ENCJ.

The aim is that each council is urged to think ahead and plan the survey systematically and that the project team (with the backing of the Board of the ENCJ) can promote a uniform approach, where possible. This proposal is also important for other aspects of the quality of the survey. For instance, the survey needs to be translated in the national language. Suggestions have been made by several councils over the years that judges may have misunderstood some survey questions due to incorrect or imprecise translation. Such risks can be reduced by paying enough attention and time to the translation of the survey.

Returning to the participation rate, judges may differ in their drive to participate in the survey for a wide range of reasons: from specific experience to work pressure and to disbelief in the anonymity of the survey. Some may have specific reasons to express their views on independence or on aspects of independence. The international, comparative approach may also have a different appeal for judges. So far, there are no indications that these differences affect outcomes. Still, it is an important issue.

A basic requirement is that it is easy for judges to access the ENCJ website and to fill in the survey. In the past problems have occurred due to the security settings of the IT-systems of the judiciaries. While test links were provided in advance, in some judiciaries problems came to light only after the start of the survey.

Proposal #2: Using the test links provided by the ENCJ Office, each Council, governing body will test whether judges can access the ENCJ website and fill in the survey from their work place, taking into account that conditions may differ from court to court, and, if there are problems, take measures to resolve these problems.

At the national level, a personal approach by the Council, governing body to the court presidents who are in a crucial position as they have to disseminate the survey among the judges of their courts has proven to be effective in securing their cooperation and in getting a high response rate (experiences in Italy and Spain in particular).

Not many judges including court presidents are aware of the ENCJ and what it is doing. This lack of knowledge is likely to reduce the motivation to participate. At the start of the survey, information should be provided about the ENCJ, for instance by means of a video message of the president of the ENCJ. Also, an online kick-off meeting could be organized for the court presidents and even the judges of Europe.

Proposal #3: Councils, governing bodies will secure the active support of the court presidents and other key figures for the survey. The office of the ENCJ will provide the means to increase the awareness of the ENCJ among court presidents and judges.

Proposal #4: The general motivation to participate can be improved by having authoritative members of the judiciary promote participation, whether in leadership positions, judges associations or other.

1.3.2.2. Proportional representation

Even when the first proposal is implemented, the current – or any – method does not guarantee that the characteristics of the respondents are the same as that of all judges. For instance, the percentage of respondents that work at first instance courts may differ from the percentage of judges that actually work at these courts. Statistical analysis shows that overall this was not an issue in the last survey. However, this does not guarantee that in the future no differences will occur.

Proposal #5: Post-processing of the answers will be introduced by re-weighting the outcomes to control for characteristics of respondents that differ from population characteristics. For instance, if the

participation rate of first-instance judges in the survey is lower than the percentage of first-instance judges in the total number of judges, this would give too much weight to the views of the judges of the appeal courts. This can be corrected for. The same can be done for other characteristics such as experience and gender.

1.3.2.3. Single response

In the previous survey it was assumed that judges can be trusted to fill in the survey only once, and more complicated mechanisms to guarantee a single response while safeguarding anonymity were not used. Also, it was assumed that the links to the survey do not fall in the hands of other people than judges. Since anonymous unique identification of judges is impossible, recourse has to be taken to less far reaching measures, if we want to reduce the possibilities for improper response.

Proposal #6: Work with SurveyMonkey (ENCJ to take out a subscription) which allows for a single reply per IP-address. By default, Multiple Responses is turned off, meaning the survey allows only one response per browser or email address. When Multiple Responses is off and someone tries to take the survey again using the same browser, they'll see a message that they already took the survey.

If the survey-taker's browser is set to clear cookies each time it is closed or they access the survey on a different browser or device, they'll be able to take the survey multiple times. It therefore does not provide a 100% guarantee against multiple responses, but it does limit the risk.

1.3.3. Improvement of survey questions

The questions posed in the survey were critically reviewed. While it is desirable to keep the survey the same for reasons of comparability over time, new issues may emerge and some of the issues covered may not be relevant anymore. Also, questions may not draw meaningful answers. Apart from small changes in the phraseology of questions and in the answer categories as well as the sequence and numbering of the questions, the proposed changes are the following.

The question concerning the transfer of judges to another court against their will was dropped, due to confusion about what constitutes a situation in which “against their will” would apply, and the very low frequency of affirmative answers.

The categories of changes in working conditions that may influence independence negatively was extended with “digitalisation” and “conduct at work ” including sexual harassment and discrimination. Digitalization has become a major issue, largely due to the pandemic that have speeded up the use of digital applications to keep adjudication going (i.a. digital hearings). This came also out of the dialogue groups, as discussed above. In many country judges are not or hardly involved in the design and application of IT-systems. Conduct at work was added to fill gaps with regard to general issues that may occur at workplaces.

The categories of inappropriate pressure that management of the courts may bring to bear on judges and may affect their independence was extended by pressure to reach production targets (in terms of, for

instance, number of adjudicated cases). Production targets seem on the rise due to budgetary pressures but also due to the application of general “managerial thinking”.

A whole new question was added on the positioning of national judges within the European Union: has the independence of the national judiciaries been strengthened by being part of the European Union (with an extension to the EEA in view of the position of Norway) or the prospect of becoming part of the European Union? While the EU has brought about multiple relations between national judges of different countries and between national judges and EU judges, this question explores at an abstract level the impact of the EU on independence as perceived by judges.

Finally, a question was added about the perceived independence of Councils for the judiciary, which was inadequately covered by the existing question on Councils which focused on their instruments to protect the independence of the judiciary.

Annex I to this part of the report gives the complete questionnaire of the survey.

1.4. Next steps on the independence and accountability

- (1) **National improvement plans** with regard to independence and accountability will be developed or, when these already exist, reviewed on the basis of the outcomes of the I&A indicators 2020 and the dialogue meetings. Previously an improvement plan template was produced for the Members and Observers, and this template is still valid (ENCJ 2018/2019).
- (2) As to the **I&A indicators**, four issues will be examined in the next year:
 - the feasibility of an indicator on the evaluation of judges,
 - the role of inspection services in relation to the current indicator on external review,
 - formulation of an ENCJ opinion with regard to formal and ceremonial roles of government that in principle can reduce the independence of the judiciary and
 - integration of the work on the image of justice and public confidence in the I&A framework and indicators.
- (3) The **next survey among judges** on the independence of the judiciary will be held in the first quarter of 2022. The current methodology of the survey will be maintained. Preparation will start in September 2021. This will include the following:
 - To better ensure that in each judiciary all judges are invited to participate in the same way, each council or, in the absence of a council, alternative governing body draws up an implementation plan for the survey and shares it with the coordinators of the project team of the ENCJ.
 - Using the test links provided by the ENCJ Office, each Council/governing body will test whether judges can access the ENCJ website and fill in the survey from their work place, taking into account that conditions may differ from court to court, and, if there are problems, take measures to resolve these problems.

- Councils/governing bodies will secure the active support of the court presidents and other key figures for the survey. The office of the ENCJ will provide the means to increase the awareness of the ENCJ among court presidents and judges.
 - The general motivation to participate can be improved by having authoritative members of the judiciary promote participation, whether in leadership positions, judges' associations or other.
- (4) The CCBE (Council of Bars and Law Societies of Europe) will be consulted on the **survey among lawyers** about independence and accountability of the judiciary.

Part 2. – Court user surveys

2.1. Background

During the last years, ENCJ has been working on a format for a court user survey that could be used across the judiciaries of Europe on the perception of the court users on independence (I&A report 2018/2019 p 68 and I&A report 2019/2020 p 72-95). The work has been driven by a desire to help fill in the gap in relation to information about court users' perception and experience of independence based on their visit in court.

Perceptions about judicial independence are of particular importance in the indicator system. The indicator system contains available data about perceptions of citizens in general, in business, and amongst lawyers and judges. However, the perception of court users – based on actual experience – is missing from the available data. The EU Justice Scoreboard and the ENCJ quality project show, that court user surveys are not usual in the ENCJ Member and Observer countries, and that surveys when conducted do not necessarily include the court users' perception and experience of the independence.

2.2. Development of the court user questionnaire

In 2018/2019 the ENCJ group drew up some preliminary questions and in 2019/2020 the preliminary questions were reviewed and refined, and a pilot was conducted in four countries. Based on the results and experiences from the 2019/2020 pilot, it was decided that the work to develop and test a questionnaire for court users should be continued. It was concluded that the 2019/2020 questionnaire was useful, but that the experiences gained from the pilot suggested that it would be relevant to reexamine the questions and refine them further linguistically.

During the former work two challenges were identified: a necessity to systematically implement court user surveys and that these surveys should include the key issue of perceived independence of the judges.

As to the first challenge, Councils for the Judiciary can, depending on their mandate, play a prominent role in organizing such surveys. Regarding the second challenge, attention was given to formulate questions that could help to make independence less abstract, while still retaining the connection with the indicators. The questions in the questionnaire were therefore designed to interrogate the experience at a court hearing. Some inspiration on the topic was found in the CEPEJ handbook for conducting satisfaction surveys (CEPEJ (2016) aimed at court users in Council of Europe Member States. This is in many respects an excellent handbook, that provides relevant information and guidance, but the questionnaire included in the handbook does not focus on aspects of independence.

When designing the questionnaire, it was specifically intended that it should be capable of being answered quickly and that the questions were formulated in a simple way in order that all types of court users would be able to understand and answer the questions. It is still the intention, that the questionnaire should be short and focus only on major issues. The questionnaire contains some initial demographic questions

about the court user. These are intended to be used in interpreting and analyzing the results. For the same purpose, users are also asked about the outcome of their case.

2.3. Work this year

Last year the group, based on the results achieved, proposed to continue the work to develop and test the questionnaire for court users. It was concluded that the questionnaire basically could be used in its current form, but, based on the experience gained during the pilot, it would be relevant to reexamine the questions and possibly refine them further linguistically. It was considered especially useful to reexamine whether there were questions that users may have misunderstood or which they have had difficulties answering.

It was also suggested that we look at again at the respondents and to consider whether the questionnaire should differentiate between professional and non-professional respondents, and whether there could be designed a questionnaire specifically for professional users and another for non-professional users.

This year the questionnaire was discussed in three virtual meetings. Suggestions were made on linguistic refinement, on combining or excluding questions and on adding questions on other topics to the questionnaire. Changes has been made in the introduction and in question 1D, 2, 5, 6, 7, 9, 10 and 11. It was also considered whether it was appropriate to use the same questionnaire for professional users and non-professional users of the court. The group concluded that most questions in the revised questionnaire are relevant to both professional and non-professional users, and that an appropriate solution would be for all users to receive the same questionnaire, with the only exception that question 2, which deals with the perception and understanding of the legal action, should not be answered by the professional users. This is highlighted in the introduction and in the text for question 2.

The project group also discussed whether it would be relevant to include questions about other issues, such as duration, attitude of court staff, service and digital access, access to information etc. Although these are interesting questions that will undoubtedly have a national interest, the group weighed up the aim of the questionnaire to fill in the gap in information on court users' experience of independence, and the consideration that the questionnaire should be short and easily accessible. The group therefore chose, for the moment, not to extend the questionnaire with questions on other issues. We are aware that it may be perceived an advantage nationally, and thus may increase the interest of the national administrations in initiating a survey if other issues of more national interest could be added to the core survey. It is currently left to the national judicial administrations themselves to formulate questions on other matters of interest. It may be that in the future the project group might consider preparing a supplementary list of questions on issues related to quality not included in the survey which could be adopted by Councils if thought useful in their national surveys

The result of the work this year is a consolidated questionnaire, represented in Annex II.

2.4. Lessons from the pilot 2019-2020

The questionnaire from 2019-2020 was last year tested in a pilot in 4 countries: Bulgaria, France, Lithuania and Romania. In the pilot study court users in the four countries were for the first time – and in the same time period – asked about their perception of independence based on their actual experience. The pilot showed that it is possible to conduct a court user survey on the perception of independence, and that the survey prepared by the project team was suitable for this purpose. The preliminary results were positive and interesting, and it was on this basis decided that the work should be continued.

It was the intention that an extended pilot would be carried out this year. Due to the situation with covid-19 and the consequent restrictions it has unfortunately not been possible to conduct a new extended pilot. The pilot last year showed that the 2019/2020 questionnaire could be used to conduct a survey among court users. The changes that have been made to the questionnaire as a result of this year's considerations will not impact the questionnaire's applicability and are expected to have improved this.

In the pilot last year each participating country had the opportunity to translate the survey in his/her own language, and the respondents could fill out the survey on paper or digital in any language into which the survey had been translated. It was the experience that some councils distributed the survey directly to the court users, other Councils sent the letter to the court president for distributing the letter among the court users. The survey was last year addressed to all types of court users, both professional and non-professional court users.

Last year the overall results from the court user survey regarding independence were compared with the results of the surveys among lawyers, lay judges and judges' own perception. The results showed that the court users' perception of independence based on concrete court cases is more positive than the perception of the lawyers in the survey conducted in 2018/19, but not as high as the lay judges' perception of the judges' independence and the professional judges' own perception. These results are only indicative as only the means of outcomes of the court user survey for four countries are compared with the means for the countries that participated in the other surveys. It is not possible to draw solid conclusions based on the pilot, as only a small number of respondents participated, but the results of the pilot do indicate that the level of trust in the judicial system and the perception of independence among court users can be meaningfully surveyed in this way, and that the outcomes are consistent with those of the other surveys mentioned.

The pilot showed that, among other things, it is necessary to consider whether the questionnaire should be digital, which would allow for a direct data processing of the answers, or whether it is necessary to also include the possibility of answering the questionnaire on paper to allow the widest possible number of court users to answer and not to exclude court users who do not have digital access and experience. It was the intention this year to expand the pilot to more members and observer countries of the ENCJ, and to expand the number of respondents in each country including per country several courts and instances to give a more representative overview. In the longer term, consideration should also be given to how the study could be further expanded so that it can be included in the ENCJ improvement circle. Due to the Covid-19 situation in Europe it was however concluded that for the time being it was not possible to do an

extended pilot. Instead, it was decided to gather information and experience with different ways of conducting court user surveys among the ENCJ member and observer countries.

2.5. Experiences from national court user surveys

In the absence of the possibility of testing the revised questionnaire in a new extended pilot, the project team has found it useful to gather experience on the use of national court user surveys, even if they have not focused on independence and accountability. This has allowed the group to obtain information on the experience on methods and gained results. It is the intention that the group benefits from these experiences in the further work on promoting the use of court user surveys.

Information has been obtained about experiences regarding the methodology, results and the general use of court user surveys in Sweden, Finland, Spain, Denmark, Romania and the Netherlands. Based on the information obtained different ways of performing a court user survey are described in chapter 2.6.

2.5.1. Court user survey in Sweden

In Sweden the courts have access to use a digital court user survey platform. The tool is flexible and can be used by the individual courts within a selected timeframe. The court user gets access to the survey via a QR code that he/she can scan on a mobile phone. One of the goals set out in the Swedish Court's strategy is to ensure that anyone who encounters the Courts shall receive a treatment that strengthens their confidence in the legal process. To fulfill this goal the courts of Sweden have developed a digital court user survey platform for individual courts to use. The purpose of the court user survey is to be able to examine how parties and witnesses experience the contact with the courts in relation to their case. This makes it possible to follow the development of the trust of the parties and witnesses. The study provides the Courts with knowledge of how parties and witnesses assess their individual treatment, service and information, as well as how they perceive their trust in the authority they have been in contact with throughout the process.

Methodology: The court user survey is made accessible through a QR code or link, which leads the user to an online questionnaire regarding background information on the user's case and experience with the court. The survey can also be submitted through mail or email. The aim in using this methodology is to make the court user survey user-friendly. To reach the critical mass for drawing any conclusion (100 participants), each court must ensure that the survey is accessible. When collecting the gathered data, the court must look at the different background variables of those who responded and examine whether the survey is representative.

Results: As the result of the User Survey is for each Courts' own use, the results will not be published. Nevertheless, the individual Courts will through their own analysis of the collected data be able to apply the information into improvements that has a benefit for the Swedish court system.

2.5.2. Court user survey in Finland

In Finland the Quality Project in the Jurisdiction of the Court of Appeal of Rovaniemi has arranged the assessment of the Quality in the District Courts of the area in 2007, 2013 and 2020.

Methodology: The assessment includes separate surveys for the Court users (clients, witnesses), stakeholders (lawyers, prosecutors), lay judges, representatives of the media and judges themselves (self-evaluation) in the District Courts. Also 30 randomly chosen decisions where the name of the judge is withheld are analyzed by a group of experts (representatives of chief judges, judges, lawyers, prosecutors, media and possibly professors). The statistics are also analyzed, and the chief judges of the District Courts are asked to answer certain questions as a statement of the court.

In 2006 the Quality Project published the benchmarks of the evaluation of Quality of Justice. It has been used as a tool to assess the Quality in the District Courts. The participants in the assessment have evaluated how the Quality criteria in relation to the benchmarks are applied in practice. The period of the assessment has been two months. In that period there has been approximately a couple of hundred of sessions in these District Courts and the potential number of people surveyed was around 1.000-2.000. The total responses to all the surveys was less than 100.

The assessment includes both the Quality of the proceedings and the Quality of the decisions. It also includes the assessment of the treatment of the parties and the public, promptness of the proceedings, professional skill and the competence of the judge and organization and management of the adjudication. There are over 30 criteria of the Quality mentioned in the benchmarks. The scale of evaluation is from 0 (the criterion is not met at all) to 5 (the criterion is met in an exemplary manner).

For the Client survey 2020 the questions were modified and combined so that they include 7 questions of the Quality of the process and the proceedings (the arrangement, security and information of the proceedings, the Judges impartiality, preparation and role in reaching a settlement in civil cases, timeliness) and 4 questions on the decision (fairness, grounds, language used, timeliness of the decision). The evaluation scale was from bad, satisfactory to good. For the first time this Client survey was not only for the parties but also for the witnesses. Parties and witnesses were given a link to the digital survey and a paper form of the survey. Most answers were given in paper form. They were digitalized by the District Court clerks. One District Court tried to use client interviews in the courthouse, but only a few clients were interested in participating.

In 2020 the survey for the stakeholders (lawyers, prosecutors) and Judges was arranged exclusively digitally. There was a greater level of participation by the stakeholders than their clients, despite the fact the survey of stakeholders was far longer (and thus potentially would mitigate against extensive participation). In this group the number of potential respondents is around 200 and usually the number of responses was around 50. In the 2020 survey the possibility to give open answers in addition to the points scale was increased.

Results: The intention of the assessment is to have an all-round and as comprehensive picture as possible of the quality of justice. It serves as a tool for continuous improvement and for judicial training. It is not a tool for supervision or control of judges. All evaluations are carried out anonymously and they deal with the entire court. The assessment also provides a common framework for discussions on quality and opens the concept of adjudication and the debate to the wider public. The reports of the assessment of Quality in 2007 and 2013 have been published and are on the website of the Court of Appeal of Rovaniemi. The report of the assessment 2020 will be published in 2021. Rovaniemi Court of Appeal has also developed a method of evaluating the Quality in their court based on CAF (Common Assessment Framework, a common European quality management instrument for the public sector). It has started in 2014 and is an ongoing process in a cycle of three years. The first year is for the self-evaluation of the court personnel, the next year the surveys for the clients and stakeholders are carried out and the last year is for the expert evaluation. In spring 2021 a survey is ongoing for the clients, witnesses and the audience on the website of the Court of Appeal of Rovaniemi.

The newly established Finnish National Courts Administration is looking into the possibility to conduct a court user survey.

2.5.3. Court user survey in Spain

A court user survey will be conducted throughout Spain in 2021. The survey is about “the image of justice in the Spanish society”.

Methodology: The survey is carried out by an analysis agency that has previously performed similar surveys on behalf of the Spanish Council, including in connection with the questionnaire for the judges. The survey is based on interviews conducted through a random selection of telephone numbers. The questionnaire contains questions on the respondents’ general impression of how the administration of justice in Spain currently functions and how the courts functions in different types of cases etc. The respondents are also asked about their general perception of the judges' independence in the decisions and whether there is pressure on the judges in relation to their decisions and from whom. Questions relating specifically to respondents with experience of a court case are included. These respondents are asked, among other things, if they have felt comfortable, the treatment they received from the court staff and whether they spoke personally with the judge, and if so if they had the impression that the judge was approachable. The questionnaire includes socio-demographic classification data on the respondent including material status and level of education.

Results: The survey was distributed among 1.000 randomly selected people that have been interviewed over the phone and have also been asked questions about their possible experiences of appearing in court. The undertaking in charge of the survey has worked for years for the Council and it is led by a very prestigious professor in sociology. According to the Spanish council the results of the survey shows that image of Justice in Spain society is notably better than is usually assumed. The results show that 47% of the participants in the survey have had personal contact with the Administration of Justice. Regarding independence the survey shows that 44% of the respondents think that judges in Spain generally act with absolute independence, and among non-court users 42%.

In a report on the survey the results are summarised among other: The Administration of justice is perceived as an institution that is fully reliable in the performance of the fundamental functions. The information usually provided by the media, despite being considered by a large majority of citizens as incomplete and biased, contributes to maintaining a basic framework of stereotypes, sometimes with distant roots in time. However, it is experienced that by half of the citizens who have had contact with the justice system the contact seems to be a decisive corrective factor in these perceptions. The justice system is by of the respondents perceived as unaffordable to corruption, and are considered to be seriously, and chronically, neglected in the resources it needs to function properly; consequently, it is seriously affected in its functional efficiency. It is also the impression among the respondents that the judiciary is under permanent pressure from a wide variety of sectors and institutions. This feeling gives rise to a substantial degree of unease and suspicion among citizens: can the courts really manage, in these circumstances, to be fully independent? A closer look at the answers to this question reveals that, in the end, only a small part (24%) believe that the judiciary can sometimes give in to the pressures that weigh on it.

2.5.4. Court user survey in Denmark

In the period 2019-2022 the Courts of Denmark have set out a strategic goal of user focus. As a result, the Danish Court Administration has, in collaboration with external consultants, conducted a national court user survey, to be carried out in the beginning and in the end of the strategic period. The purpose of the survey is to study and identify the court users' needs and expectations and observe how the courts meet these, provide a baseline for the strategic work and identify and formulate important improvements and changes, to ensure that more value is created in the meeting between the users and the court system. The first court user survey was carried out in the autumn 2020.

Methodology: The User Survey was conducted among the primary users of the Courts, including the parties to the case and their representatives and applies to all types of cases in all courts. This is to ensure the representativeness of the survey. The User Survey consists of two steps. 1) A quantitative questionnaire sent digitally to professional and non-professional users. 2) Qualitative interviews with several professional and non-professional users. The questionnaire includes background questions and 14 survey topics. The 14 themes of the study concern topics stretching from uniformity in the various courts to handling of Covid-19. It also contains questions on the users' experience whether they have been treated fairly, whether they understood what the judge said and whether they understood the decision.

Results: Out of a score of 5, the overall average for all results is 4.4. Court users were asked if they felt that they have been treated with respect by the court, and here the score is 4,7. They were not asked directly on their experience of independence or impartiality. Asked if they understood what the judge said the score is 4,8. Although this overall score indicates that the court users are satisfied, there are, however, three specific focus areas that have scored low in relation to the average response.

Uniformity is the theme which, with its 3.6 points out of 5, scores the lowest in the user survey. Frequent users emphasize that the courts solve their tasks inconsistently and that they have different requirements and offer a diverse service level for example differences in court times and facilities. Case processing time is another area where there has been less satisfaction amongst the users, especially in criminal cases, civil cases and family law cases, that are often urgent cases, where a quick case processing time is especially

appreciated. Case processing time still has a general satisfaction rate of 4.1 out of 5. The Land Registration procedure is the last theme that gives rise to improvement with a score of 4.2.

In addition to these observations, the court user survey shows several interesting connections for the courts to reflect on. It can be observed that older users generally show more satisfaction regarding the courts work than the younger users. It is also seen that there is a connection with the level of satisfaction and the outcome of the case. Parties who have won are in general more satisfied than parties who have lost a case, but the most satisfied users are those who have agreed on a settlement.

As a follow-up to the court user survey, the Danish Court Administration will continue to review and analyze the results of the collected data. The goal is to find areas and procedures for further work on improvement. The results of this work will be tested when the survey is repeated at the end of the strategic period.

2.5.5. Court user survey in Romania

At the Timișoara Court of Appeal and the courts within its jurisdiction a survey concerning the perception of the participants to the act of justice on the activities of the courts has been applied since 2008.

Methodology: In its initial form, the questionnaire was distributed in paper form, at the entrance of the court and at the Bar, the notarial cabinet judicial executors etc. The completed questionnaires were placed in a box at the entrance of the building. The data from the completed questionnaires were then entered manually in tables by category of responses and the conclusions were also included in the Court's annual review. In 2015 a consolidated form of the questionnaire was set up in Timișoara Court of Appeal and the other courts of appeal in Romania. The questionnaire can be filled in by accessing the websites of the courts. The questionnaire thus became more accessible because of the way it was completed and due to the type and manner in which the questions were formulated, and because it was addressed to court users and legal representatives and based on their experience in court. In the last 5 years, the paper format has been dropped, and the questionnaire being available only online.

The **results** are also made public online.

2.5.6. Court user survey in the Netherlands

As part of the quality system of the Judiciary of the Netherlands is the measurement of quality. Measurement consists of regular court user surveys, surveys of the employees and external review of the courts. Court user surveys were held in 2011, 2014 and 2017. The next survey is being planned, but its planning is affected by the pandemic. The most recent survey concerned litigants, victims of crime, professional court users (lawyers, prosecutors), and - as a specific group, - curators (court appointed liquidators in bankruptcies). The survey provides results for all courts in total and individually, and it differentiates according to area of law. The surveys concern a variety of topics with judicial behaviour as an important category. The survey does not ask directly about the independence of the judge, but it asks

about his/her impartiality and related subjects such as whether the judge was well prepared, listened carefully, took the respondent seriously, etc.

Methodology: Litigants and victims fill in a questionnaire face-to-face after hearings with the possibility to do this afterwards online (response 3.406 litigants and 217 victims). Professional court users including curators get a questionnaire online (response 2.894 professional users and 190 curators). The number of observations was large enough to allow disaggregated results for litigants and professional court users (cut-off point 30 observations). Numbers for victims and curators allow only conclusions at the national level. The survey was tendered publicly among companies specialized in market research and administered and reported on by the selected company.

Results: The report is published on the website of the judiciary. The survey allows for a wide range of comparisons, among courts and among areas of law. At the national level, in 2017 82% of the litigants was (very) satisfied about the impartiality of the judges, 78% of victims and 84% of professionals.

2.6. Ways of performing a survey and collecting data

In the user surveys described above various methods have been used to collect data on the court users experience. The differences are due to the fact, that the opportunities for collecting data is not the same across Europe, as there are differences in, for instance, the level of education and the digital level of the population. There are also practical differences in, for instance, the level and form of contact information that the courts have about court users in different countries. Apart from these practical considerations, avoiding selective response may currently require a combination of digital and non-digital methods of approaching court users.

In some member states digital data collection is difficult to implement, and here a different approach is needed to perform a digital survey. Where users of the courts do not necessarily have digital access, it is necessary to carry out the court user survey in a paper form or through post or by telephone.

The primary goal to receive useful data must be for each member state to seek the citizens where they are accessible. Through a sharing of knowledge with the countries that participated in the pilot or have conducted a court user survey of their own, it has been demonstrated that the following platforms may be used to get in touch with the users.

- Digital post
- QR-code
- Online questionnaire
- E-mail
- Post
- Telephone (interview)
- Paper form

The list is not exhaustive, and one method does not exclude the other. In many cases, it is necessary to use different methods to get in touch with different target groups. It is of crucial importance that the courts reach its users for the court user survey to have validity.

It would be interesting in the future to investigate this closer to find out which methods are most optimal for countries to use to secure a high response rate in a court user survey. This could also be interesting if the ENCJ would consider conducting an ENCJ survey of users' perceptions of independence in all member and observer countries.

It is the experience that the questionnaire must be translated into the languages spoken in each member and observer country to achieve a greater number of answers and a more secure understanding of the questions. This, on the other hand, means that differences may arise in understanding the translated text.

2.7. Recommendation on the work forward

It is the experience from the work in this group that many ENCJ member and observer countries still are reluctant to perform court user surveys, and if court user surveys are conducted, they normally focus on case processing, service etc. and seldom on the court users experience of independence. In some studies, however, users are asked about the impartiality of the court / judge, which is also a way to inquire about independence and often easier to understand for the common court user.

The group again recommends and urges the ENCJ member and observer countries to conduct national user surveys. It also recommends that the surveys not only deal with physical conditions, case processing times and service etc. but also include important questions about court users 'experience with the courts on actual independence. The group has now presented a questionnaire which can be used immediately by all countries in this important work. We hope the questionnaire can facilitate the work of preparing more court user studies. Inspiration for methodology and implementation can be found in the descriptions above about the studies that have recently been carried out or are being carried out in ENCJ member and observer countries. The ENCJ questionnaire focuses on independence, but it would also be possible and in many countries probably considered an advantage to combine the ENCJ's questionnaire for court users with a broader national survey that also include questions on service from staff, digital access, quality of decisions and other issues.

To promote the important work of court user surveys with a focus on independence, as part of next year's work, the group could consider preparing an inspirational list of relevant questions, based on the experience gained from the countries that have conducted user surveys. It is not the intention for the ENCJ to prepare a general handbook for the preparation of court user surveys, as this work has already been done by CEPEJ in its handbook for conducting satisfaction surveys (CEPEJ 2016). The work by the ENCJ will still be focused on aspects of perceived independence.

In the further work, it has also to be considered that the legal systems of the individual Member and observer countries are different, and that local adjustments or modifications to the questions may be necessary to improve the validity and the representativeness. It could be relevant to consider also the characteristics of each national court or jurisdiction for example as to predominance of the court hearing or of written procedures, time of rendering a judgment etc.

The group has considered also the possibility of conducting a uniform court user study on independence at the same time in all member and observer countries. This would provide a very valuable insight into the state of court users' experience of perceived judicial independence and it would be an important and necessary addition to the further work to strengthen independence and accountability. It is for this reason the primary proposal of the group to continue the work that in the coming years a full-scale court user survey should be conducted among court users in all ENCJ member and observer countries. It must in this work also be taken into account that such a broad survey will presumably need to be carried out in cooperation with a professional company specialized in market research, which will require the ENCJ to obtain the necessary funding for conducting such a survey. In this connection, consideration should also be given to involve academics to assist with the revision of the questionnaire and not least in relation to the interpretation of the results that emerge from the study.

In the further work, it will therefore be relevant to look at how a joint user survey can best be organized including whether it should be carried out by the individual countries from the same questionnaire or if it should be managed centrally. It will also be necessary to consider the methodology in order to use the type of distribution that gives the most representative outcome. Also, the cost must be calculated, and an application made.

The work regarding a joint survey will need to be approved and, once approved, followed-up by the project group. The subgroup that has carried out the work this year therefore suggests that further work on court user surveys is included in the main independence, accountability and quality project, and that conducting court user surveys is included in the improvement cycle.

Part 3 – Quality of the judiciary

3.1. Background

Since 2015, work has been ongoing in the extension and development of the indicators to quality of justice. The principles and visions of quality incorporated into the questionnaire on quality have been comprehensively set out in past reports ([ENCJ 2020](#), pp. 47-59). As discussed in previous reports, initially a set of indicators were developed and applied on a pilot basis for three judiciaries. The indicators were refined and a questionnaire, based on the refined indicators, was circulated to all Members and Observers to be completed. As stated in the report for 2018, some complications were encountered.

Accordingly, it was decided that the following activities would be undertaken by the group:

- (1) All Councils should adopt a framework that defines their involvement in guaranteeing and promoting quality of justice and their approach to it, and to improve quality of justice by examining their country profiles, taking the general recommendations into account.
- (2) Improvement of the quality indicators by a thorough analysis and reflection on the outcomes so far and the issues encountered.
- (3) Incorporation of quality in the development of the format for a Court User Survey.
- (4) Analysis of existing, external data about quality of justice for their use in the indicator system.

The priority was the work described at number (2) and the subgroup dealing with quality focused upon revising and refining the questionnaire and producing a draft of the report. The report on Independence, Accountability and Quality of the Judiciary 2018/2019 was adopted by the General Assembly in June 2019. It was decided at the General Assembly to send the revised questionnaire based on the refined indicators to all Members and Observers to be completed by the end of 2019.

3.2. Developments

The work of the subgroup on quality was greatly impacted by the Covid-19 pandemic. The revised questionnaire was sent out at the end of 2019 and responses were received and analysed in early 2020. Sufficient progress was made before the impact of the Covid-19 pandemic across Europe to allow the subgroup to produce a report based upon the work produced before the planned meeting in Paris in March 2020 was cancelled. In lieu of in-person meetings which had been scheduled to take place on two occasions in March and April, it was decided that a draft report would be prepared and furnished to the Members of the project group for their observations and comments at two virtual meetings to be held on 28 and 30 April 2020. At the virtual meetings, the results of the revised questionnaire were discussed.

The results had revealed some difficulties and weaknesses with the methodology adopted in the revised questionnaire ([ENCJ 2020](#), pp. 63-70). The ENCJ decided to publish the data notwithstanding the fact the results were to be treated as provisional, or qualified, due to the inherent limitations of the questionnaire. The report represented the results of a “work in progress”. It was agreed that further analysis of the questionnaire was required and that some of the indicators and scoring needed to be refined to reduce, if not eliminate, anomalies or uninformative outcomes, and to produce more nuanced and representative data.

3.3. Work this year

Following a meeting of the coordinators of the subgroups in late September 2020, meetings of the subgroup on quality were organised. The subgroup’s primary aim was to refine and improve the questionnaire. It proved difficult to arrange meetings of the subgroup due to the severe impact of Covid-19 across the jurisdictions towards the end of 2020. Progress discussing and redrafting the questions was particularly difficult in a remote setting. The problems were exacerbated by the fact the meetings were much shorter than previous meetings where participants attended in person. In January 2021, it was recognised that the task to be undertaken was greater than originally envisaged and more time would be needed for the work at hand. The subgroup increased the frequency of its meetings in an effort to overcome these limitations. Over the course of five virtual meetings, taking place over a number of weeks between January-May 2021, the subgroup meticulously discussed and analysed the various indicators. It was decided to consider the questionnaire by reference to the outcomes in each country, with each participating country within the subgroup being asked to analyse whether the questionnaire was adequately capturing quality in a judicial system in respect of each of the indicators.

The key amendments made to the indicators focused on clarity of language and the refinement of the questions within each indicator to ensure they were clearly understandable. The resulting discussions concentrated on revisions/rephrasing, exclusion of ambiguous (and/or overly objective/subjective worded) questions and the expansion of questions by incorporating additional aspects to ensure the aspect of quality identified in the underlying indicator was more effectively captured.

This was a lengthy and intricate exercise which was hindered by time allowances and commitments, the exchange and review of numerous drafts and proposals and the various obstacles inherent in the nature of virtual meetings. As a result, due to the length of the working process, it was proposed to postpone the work on the scoring to the next year to properly focus time and effort on the revision of the indicators.

The revised list of quality indicators, and questions therein, are set out in Annex III.

The revised questionnaire is to be found in Annex IV.

It must be noted that it is intended to revisit Indicators A1 and A2. Following in-depth discussions during the meetings on these indicators, it was ultimately decided to postpone the finalisation of the review of these indicators to next year, along with the work on the scoring of all of the questions. The proposed amendments to Indicators A1 and A2 under review can be found at Annex V.

3.4. Next steps

We recommend that in the next year the Project Group should undertake the following steps:

- (1) Scoring to be reviewed by the Project Group in light of the results of the Questionnaire and further observations from Members and Observers.
- (2) Indicators A1 and A2 to be revisited and revised.
- (3) Revised questionnaire to be sent out.
- (4) The roles and competences of each of the Councils in guaranteeing and promoting Quality of Justice must be identified and Councils should adopt definite plans, having regard to their county profiles and general recommendations, to improve the Quality of Justice in their jurisdiction.
- (5) The ENCJ continues to make progress towards developing a vision of Quality of Justice. In light of the outcome of the Questionnaire, it will be up to individual councils to identify the areas in which there is potential to improve quality and to take appropriate steps to achieve such improvement.

Annex I – Survey among judges about their independence

FINAL DRAFT Survey among professional judges about their independence

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

- I. The reference period for answering all questions is the last three years (i.e. since January 2019), unless indicated otherwise.
- II. Unless stated otherwise, questions are to be answered:
 - Strongly disagree
 - Disagree
 - Not sure
 - Agree
 - Strongly agree
- III. Please be assured that your identity and personal data will not be collected, you will stay anonymous.
- IV. Please let us know the name of the country in which you sit as a judge. The survey data will be published on a country-by-country basis.
- V. Please note that the questionnaire is addressed to and is about the full-time and part-time professional judges in your country. All questions should therefore be answered only with the professional judges in mind.

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

The country in which I sit as a judge is

My gender is: Male Female I identify otherwise I do not wish to answer the question

My judicial experience (years of service as a judge) is:

- 0-5 years
- 6-10 year
- 11-15 years
- 16-20 years
- 21-25 years
- Over 25 years

I work primarily at (one reply only):

- Court of first instance
- Appeal court
- Supreme Court/ Court of Cassation

I adjudicate primarily (one reply only):

- criminal cases
- administrative cases
- civil (including family) cases
- civil and criminal cases in equal measure
- civil, administrative and criminal cases in equal measure

I am member of a judges association:

- Yes
- No

1a. During the last three years I have been under inappropriate pressure to take a decision in a case or part of a case in a specific way.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

1b. If you have been subject to inappropriate pressure, which was the frequency of such pressure? (1b only when 1a agree/strongly agree)

- Very rarely
- Occasionally
- Regularly

1c. By whom? (Multiple answers are possible)

- Constitutional Court
- Council for the Judiciary
- Court Management
- Government
- Media
- Other judges (including an association of judges)
- Parliament
- Parties and their lawyers
- Prosecution
- Social Media
- Supreme Court

2a. In my country I believe that during the last three years individual judges have accepted bribes (receiving money) or have engaged in other forms of corruption (accepted non-monetary gifts or favours) as an inducement to decide case(s) in a specific way.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

2b. If you agree or strongly agree with **2a**, did this occur:

- Very rarely
- Occasionally
- Regularly

3a. During the last three years I have been affected by a threat of, or actual, disciplinary or other official action because of how I have decided a case.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

3b. If you have been subject to such threat or action, by whom? (Multiple answers are possible)

- Council for the Judiciary
- Court Management
- Government
- Other judges (including an association of judges)
- Parliament
- Parties and their lawyers
- Prosecution
- Supreme Court

4. During the last three years my decisions or actions have been directly affected by a claim, or a threat of a claim, for personal liability.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

5. I believe during the last three years cases have been allocated to judges other than in accordance with established rules or procedures in order to influence the outcome of the particular case.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

6a. I believe judges in my country have entered the judiciary on first appointment other than solely on the basis of ability and experience during the last three years.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

6b. I believe judges in my country have been appointed to the Supreme Court/Cassation other than solely on the basis of ability and experience during the last three years.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

6c. I believe judges in my country in first instance and appeal courts have been promoted /appointed to another position other than on the basis of ability and experience during the last three years. (Note experience may include seniority)

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

7a. I believe that in my country decisions or actions of individual judges have, during the last three years, been inappropriately influenced by the actual, or anticipated, actions of the media (i. e. press, television or radio).

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

7b. I believe that in my country decisions or actions of individual judges have, during the last three years, been inappropriately influenced by actual, or anticipated, social media postings (for example, Facebook, Twitter or LinkedIn).

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

8. During the last three years I believe that my independence as a judge has been respected by :

	1. Strongly Disagree	2. Disagree	3. Not sure	4. Agree	5. Strongly Agree	6. Does not exist
Association of Judges						
Constitutional Court						
Council for the Judiciary						
Court Management incl. Court President						
Government						
Lawyers						

Media (i.e. press, television or radio)						
Parliament						
Parties						
Prosecution						
Social Media (for example Facebook, Twitter or LinkedIn)						
Supreme Court						

9. During the last three years changes occurred in my working conditions that negatively influenced my independence. Please indicate per category:

	1.Strongly Disagree	2.Disagree	3.Not sure	4.Agree	5.Strongly Agree	6.Not applicable
Pay, pension, retirement age						
Working hours						
Caseload						
Court Resources						
Digitalization						
Conduct at work¹						

¹ Including sexual harassment and discrimination.

10. During the last three years I have had to take decisions in accordance with guidelines developed by judges contrary to my professional opinion (optional - guidelines do not include the obligation to follow precedent).

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

11a During the last three years the management of my court has exerted pressure on me to decide individual cases in a particular way.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

11b During the last three years the management of my court has exerted inappropriate pressure on me to decide individual cases within a particular time.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

11c. During the last three years the management of my court has exerted inappropriate pressure on me to reach production targets (number of adjudicated cases).

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

12. In the last three years, I believe judgements that went against the interests of the government were usually implemented/enforced in my country

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

13. I believe that the independence of the judiciary in my country is strengthened by being part of the European Union, the prospect of becoming part of the European Union or being part of the EEA¹.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

¹ Only for Norway.

14. On a scale of 0 - 10 (where 0 means "not independent at all" and 10 means "the highest possible degree of independence).

The professional judges in my country are:

0 1 2 3 4 5 6 7 8 9 10

not independent at all

completely independent

15. On a scale of 0 - 10 (where 0 means "not independent at all" and 10 means "the highest possible degree of independence).

As a judge I

0 1 2 3 4 5 6 7 8 9 10

do not feel independent at all

feel completely independent

16. Only answer if there exists a Council for the judiciary in your country: On a scale of 0 - 10 (where 0 means "not independent at all" and 10 means "the highest possible degree of independence).

The Council for the judiciary in my country is

0 1 2 3 4 5 6 7 8 9 10

not independent at all

completely independent

17. Only answer if there exists a Council for the Judiciary in your country: I believe that in my country the Council for the Judiciary has the appropriate mechanisms and procedures in order to defend judicial independence effectively.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree
6. Not applicable (no Council)

18. Since I started to serve as a judge my independence has:

- Improved much
- Improved a little
- Stayed the same
- Deteriorated a little
- Deteriorated much

19. In my country, I believe that judges adhere to high ethical standards.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

20. In my country, I believe that judicial misconduct is effectively addressed by the judicial authorities.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

21. In my country judicial corruption is effectively addressed by the judicial authorities.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

Annex II – Consolidated questionnaire for court users

Dear Sir/Madam

This questionnaire is a part of an assessment of the quality of the justice system focusing on the quality, independence and impartiality of the judiciary. The questionnaire is part of a European effort to secure and enhance the independence and quality of judiciaries.

Your opinion and suggestions are important to us and we would be grateful if you would take a little time to reply to the questions below. The questionnaire is anonymous, and we guarantee that your replies will be dealt with in the strictest confidence.

Question 2 is only to be answered by a party, a witness and a victim in a criminal case.

About you. Please tick the relevant box(es):

A. In what capacity are you at the court today?

- As a party
- Witness
- Victim in a criminal case
- Lawyer/ representative for a party
- Other

B. Gender?

- Male
- Female
- I identify otherwise
- Prefer not to answer

C. Age?

- Under 18
- 18 – 30
- 31 – 50
- 51 – 65
- 65 and over
- Prefer not to answer

1. About your experience in court today? Please tick the relevant box(es):

A. If you are a party to a case - what was the outcome of your case?

- Successful
- Partly successful
- Unsuccessful
- Adjourned
- Not yet known

B. The hearing started on time

- Yes
- No
- Not applicable

C. The hearing was postponed until another day:

- Yes
- No
- Not applicable

D. All relevant documents were available in due time before the hearing:

- Yes
- No
- Not applicable

2. I understood clearly:

(Question 2 is only to be answered by a party, witness or a victim in a criminal case)

A. The issues in the case

- Yes
- No
- Not applicable

B. The procedure

- Yes
- No
- Not applicable

C. My duty to the Court

- Yes
- No
- Not applicable

D. My rights during the hearing

- Yes
- No
- Not applicable

3. The judge listened carefully to my side of the case:

- Yes
- No
- Not applicable

4. The judge treated all parties and their representatives respectfully:

- Yes
 No
 Not applicable

5. The judge treated all parties and their representatives fairly:

- Yes
 No
 Not applicable

6. I am confident that the case has been (or will be) resolved fairly:

- Yes
 No
 Not applicable

7. If you are not confident that the case will be (or has been) resolved fairly, why not? (more than one box may be ticked):

- I do not feel that the judge was adequately prepared for the hearing
 I do not feel that the judge acted in a competent and professional manner
 I find the judge to lack communication skills
 I do not feel that the proceedings were open and transparent
 I do not find that the judge explained the reasoning properly
 I find that a party/ representative may have had an inappropriate impact on the decision
 Other (please say why here):

8. Do you feel that the judge(s) was independent in the conduct of the case? (On a scale of 0 - 10 where 0 means "not independent at all" and 10 means "the highest possible degree of independence) Please tick the relevant box.

- | | | | |
|----------------------------|----------------------------|----------------------------|-----------------------------|
| <input type="checkbox"/> 0 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 9 |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 7 | <input type="checkbox"/> 10 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 8 | |

Note: An independent judiciary is essential in a democratic society. An independent judge is free from political or other inappropriate pressure. An independent judge is impartial and treats all parties fairly.

9. Overall, I am satisfied with the conduct of the hearing by the judge(s) (On a scale of 0 - 10 (where 0 means "not satisfied at all" and 10 means "the highest possible degree of satisfaction) Please tick the relevant box:

- | | | | |
|----------------------------|----------------------------|----------------------------|-----------------------------|
| <input type="checkbox"/> 0 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 9 |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 7 | <input type="checkbox"/> 10 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 8 | |

10. Before coming to Court today, did you expect to be treated fairly? (On a scale of 0 - 10 (where 0 means "I did not at all expected to be treated fairly" and 10 means "I absolutely expected to be treated fairly") Please tick the relevant box:

- | | | | |
|----------------------------|----------------------------|----------------------------|-----------------------------|
| <input type="checkbox"/> 0 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 9 |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 7 | <input type="checkbox"/> 10 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 8 | |

11. Before coming to Court today, did you trust the judicial system? (On a scale of 0 - 10 (where 0 means "no trust at all" and 10 means "the highest possible degree of trust") Please tick the relevant box:

- | | | | |
|----------------------------|----------------------------|----------------------------|-----------------------------|
| <input type="checkbox"/> 0 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 9 |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 7 | <input type="checkbox"/> 10 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 8 | |

12. Since coming to court today, has your trust in the judicial system increased or decreased?

- Increased (your experience was better than expected)
- Decreased (you were disappointed)
- Remained unchanged

Do you have any suggestions or comments?

Thank you!

Annex III – Revised list of indicators for measuring quality of justice

A. INDICATORS OF TIMELINESS AND EFFICIENCY OF PROCEDURES

A1. Standards for judges about the duration of cases:

- Existence of time standards in first instance and in appeal courts;
- Scope of the standards (total procedure or particular phases of the procedure);
- Realisation of standards in practice at first instance and appeal courts;
- Public access to information on the realisation of standards.

A2. Standards for parties about the duration of cases:

- Existence of time standards for parties in first instance and in appeal courts, e.g. to present documents;
- Power of the court to impose sanctions on parties who fail to comply with time standards
- Authority of judges to issue case management directions (to fit the procedure to the case) in first instance and appeal courts;
- Authority of judges to enforce the determined procedure if a party does not conform.

A3. Summary procedures:

- Existence of summary procedures in appropriate cases in first instance and appeal courts.

A4. Digital case filing and digital procedures:

- Possibility of digital case filing;
- Possibility of digital procedures, in the sense that all communications are digital except for the hearing;
- Possibility of hearings being conducted remotely
- Possibility for litigants to inform themselves digitally about the progress of their cases;
- Availability and development of online dispute resolution mechanisms;
- Availability of track and trace systems for parties using online dispute resolution mechanisms.

A5. Specialisation of judges:

- Existence of a sufficient number of specialised judges in first instance and appeal courts.

B. INDICATORS OF DUE PROCESS FROM THE PERSPECTIVE OF ACCESSIBILITY

B6. Equality of arms (funding and costs):

- Existence of a system under which public funding is provided to litigants without means to fight litigation themselves;
- Whether system provides for adequate representation for such litigants at public expense
- Existence of a system to shift the costs of litigation of the successful litigant to the unsuccessful litigant.

B7. Commensurate effort of judges:

- Existence of powers to direct the amount of time set aside for hearing a case, depending on its complexity, in first instance and appeal courts
- Existence of powers to reduce complexity before the hearing at first instance and appeal

B8. Dealing with abusive conduct:

- Authority of the judge to take action to prevent abuse by parties and/or their lawyers
- Instruments available to the judge to intervene:
 - o Stop or stay the proceedings
 - o Order expedition of the proceedings
 - o Impose fines
 - o Shifting of litigation costs
 - o Report to a disciplinary body.

B9. Availability of appeal:

- Existence of right of appeal for an unsuccessful litigant;
- Existence of filtering system to prevent appeals which are without merit from proceeding to a full hearing;
- Impact of appeal on the execution of the order appealed against.

B10. Communication:

- Existence of procedures in all official languages of the country;
- Existence of facilities at the court to provide translation when necessary.
- Existence of system to ensure standard of translation is adequate

B11. Access for people with disabilities:

- Existence of special procedural and physical arrangements for people with disabilities.

B12. Arrangements for vulnerable people:

- Existence of special procedural and physical arrangements for vulnerable people.

C. INDICATORS OF QUALITY OF JUDICIAL DECISIONS

C13. Format of judgments:

- Existence of templates for judgments in standardised types of case.

C14. Reasoning of judicial decisions:

- Existence of the requirement to reason judgments dealing with substantive issues in civil cases and verdicts in criminal cases;
- Possibility for judges to give only summary reasons where appropriate (e.g. to speed up procedures);
- Requirement for oral judgments (if permitted) to be recorded and made available to parties;
- Requirement of transcription of oral judgments in civil cases and oral verdicts in criminal cases.

C15. Clarity of judicial decisions:

- Primary recipients for whom judicial decisions are to be understood by:
 - o The parties
 - o Public in general
 - o Other judges (such as appeal courts or Supreme Court)
 - o Academia
 - o Evaluation authorities.
- Existence of an obligation to use language which is clearly understandable
- Existence of system (outside appeal) for ensuring judicial decisions are clearly understandable

C16. Assessment of Quality of judicial decisions:

- Existence of an instrument to assess the quality of judicial decisions on a regular basis
- Body in charge of the assessment.

C17. Performance evaluation of judges:

- Existence of system for the performance evaluation of judges
- Body in charge of evaluation
- Link with Court User Satisfaction Survey.

C18. Education of judges:

- Existence of initial training of judges on writing judicial decisions
- Existence of training courses designed to assist judges in carrying out their duties
- Existence of the requirement for judges to participate in training courses regularly.

D. INDICATORS OF PUBLIC ACCESS TO THE LAW TO GUIDE SOCIETY

D19. Access to case law:

- Degree to which judicial decisions in civil, criminal and family law are published at first instance and appeal courts;
- Efforts of the court to point out decisions that have high impact and/or set precedent to the public;
- Efforts of the court to make statistical information available about the outcome of cases.

D20. Opening up to the public:

- Degree to which the courts provide information to the public through official sources (e.g. publications, websites) about core judicial values such as independence, impartiality and application of the law;
- Degree to which the public has the opportunity to visit the courts and see judges at work.

Annex IV – Revised questionnaire on the quality of justice

Please fill in your country of origin and name of institution:

General remark: The advice of the project team is to have the questionnaire filled in by a working group consisting of about 3 judges with relevant knowledge on the topic of quality, and (some members of) the Council for the Judiciary/equivalent body.

Instructions before filling in the questionnaire:

The questions can be answered digitally by ticking the boxes in this document. Unless specifically made clear, please give only one answer for Criminal and Civil each.

Differences among courts:

In your country arrangements may differ among the courts. Where relevant, first instance courts and appeal courts are distinguished. Among first instance courts and among appeal courts differences may occur as well. Unless the question specifically asks you to indicate differences (see 1.1), please answer the question, keeping in mind the normal situation of the courts in your country.

What is meant by “standards”:

In this questionnaire, please treat “standards” as meaning targets or guidelines intended to achieve timeliness and efficiency, and against which actual timescales achieved can be assessed which can be implemented in diverse ways ranging from law to custom.

What is meant by “summary/simplified procedures”:

As indicated by Opinion no 6 of the CCJE, there are major differences in terminology in this area. Not all states understand the concept of summary, simplified and accelerated procedures in the same sense. Please answer this question according to your system, with a short-cut or fast-track procedure in mind.

A. Timeliness and efficiency of procedures

Indicator A1: standards for courts about the duration of cases

1.1 Are standards - either formal or informal - in place for the duration of cases at first instance courts?

Criminal cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Civil cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

1.2 If standards are in place, do these standards apply to the overall procedure (from beginning to end), to specific phases of procedures such as the time between hearing and decision? (More than one option may be selected).

	Criminal cases	Civil Cases
The overall procedure	<input type="checkbox"/>	<input type="checkbox"/>
Specific phases of procedures	<input type="checkbox"/>	<input type="checkbox"/>

1.3 Are standards - either formal or informal - in place for the duration of cases at appeal courts?

Criminal cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Civil cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

1.4 If standards are in place, do these standards generally apply to the overall procedure (from beginning to end), to specific phases of procedures such as for the time between hearing and decision? (More than one option may be selected).

	Criminal cases	Civil Cases
The overall procedure	<input type="checkbox"/>	<input type="checkbox"/>
Specific phases of procedures	<input type="checkbox"/>	<input type="checkbox"/>

1.5 Are standards realised in practice in the cases to which they apply, in first instance courts?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

1.6 Are standards realised in practice in the cases to which they apply, in appeal courts?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

1.7 Is information about the realisation of these standards accessible to the public?

	Criminal cases	Civil Cases
Available on website	<input type="checkbox"/>	<input type="checkbox"/>
Available upon request	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

Indicator A2: Standards for parties about the duration of cases

2.1 Are there rules (whether laws, codes/rules of civil procedure or otherwise) specifying time limits for parties in first instance courts, e.g. to present documents?

Criminal cases (applicable either to the prosecution or the defendant or both)

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Civil cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

2.2 Can the first instance court impose sanctions on parties who fail to comply with the applicable time limits referred to in 2.1 above?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

2.3 Are there standards for parties in appeal courts, e.g. to present documents?

Criminal cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Civil cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

2.4 Can the appeal court impose sanctions on parties who fail to comply with the applicable time limits referred to in 2.3 above?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

2.5 Do judges at first instance courts have power to issue directions regarding case management in a case?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

2.6 Do judges at first instance courts have power to enforce such case management directions if a party does not conform?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

2.7 Do judges at appeal courts have power to issue directions regarding case management in an appeal?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

2.8 Do judges at the appeal courts have power to enforce such case management directions if a party does not conform?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Indicator A3: summary / simplified procedures

3.1 Are summary or simplified procedures available in appropriate cases in first instance courts?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

3.2 Are summary or simplified procedures available in appropriate cases in appeal courts?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Indicator A4: Digital case filing and digital procedures

4.1 Can cases be commenced digitally in first instance courts?

Criminal cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Civil cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

4.2 Can cases be commenced digitally in appeal courts?

Criminal cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Civil cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

4.3.A Can procedures (whether at first instance or on appeal) be conducted digitally in the sense that all communications are digital up to the hearing?

Criminal cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Civil cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

4.3.B Can hearings be conducted either:

	Criminal cases	Civil cases
Fully remotely	<input type="checkbox"/>	<input type="checkbox"/>
Partially remotely	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

4.4 Can litigants inform themselves digitally about the progression of their cases?

Criminal cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Civil cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

4.5 Are on-line dispute resolution mechanisms available or being developed at the courts? (To be clear, this question is directed at the handling and determination of disputes including hearings - not the commencement of proceedings or the more limited matters which are covered by 4.1 to 4.4 above).

- Fully available
 Partially available
 Being developed
 No

4.6 Are track and trace systems for parties using such on-line dispute resolution mechanisms to follow the progress of their cases available or being developed at the courts?

- Fully available
 Partially available
 Being developed
 No

Indicator A5: Specialisation of judges

5.1 Are there sufficient specialist judges to try cases that require and/or would benefit from being tried by specialist judges at first instance?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

5.2 Are there sufficient specialist judges to try cases that require and/or would benefit from being tried by specialist judges at appeal level?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

B. Due process from the perspective of accessibility

Indicator B6: Equality of arms (funding and costs)

6.1 Is there a system for providing public funding to litigants without means to pay for litigation themselves?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

6.2 Does the system provide for adequate representation for such litigants at public expense?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

6.3 Is there sufficient public funding for such litigants who qualify under the system?

	Criminal cases	Civil Cases
All litigants	<input type="checkbox"/>	<input type="checkbox"/>
Some litigants	<input type="checkbox"/>	<input type="checkbox"/>

6.4 Does an unsuccessful litigant in a civil case generally have to pay the costs of the successful party?

- In full
- Partly
- No

Indicator B7: Commensurate effort of judges (do complex cases get appropriate attention?)

7.1 Does the court have power to direct the amount of time set aside for hearing a case, depending on its complexity, in first instance courts?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

7.2 Does the court have power to reduce complexity (for example, by requiring parties to reach agreement on certain issues/aspects) before the hearing at first instance?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

7.3 Does the court have power to direct the amount of time set aside for hearing a case, depending on its complexity, in appeal courts?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

7.4 Does the court have power to reduce complexity (for example, by requiring parties to reach agreement on certain issues/aspects) before the hearing of the appeal?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

Indicator B8: Dealing with abusive conduct

8.1 Is the judge able to take action to prevent abusive conduct by parties and/or their lawyers?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

8.2 If the answer to 8.1 is yes, can the judge do any of the following (please indicate as many as are applicable):

	Criminal cases	Civil Cases
Stop or stay the proceedings	<input type="checkbox"/>	<input type="checkbox"/>
Speed up the proceedings	<input type="checkbox"/>	<input type="checkbox"/>
Make adverse costs orders	<input type="checkbox"/>	<input type="checkbox"/>
Impose fines	<input type="checkbox"/>	<input type="checkbox"/>
Report to a disciplinary body	<input type="checkbox"/>	<input type="checkbox"/>

Indicator B9: Availability of appeal

9.1 Can an unsuccessful litigant bring an appeal?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

9.2 Is there a filtering system to prevent appeals which are without merit from proceeding to a full hearing?

	Criminal cases	Civil Cases
All types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

9.3 If an appeal is brought, can the court suspend/order a stay of the first instance decision?

Yes

No

Indicator B10: Communication

10.1 Are procedures available in all official languages?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

10.2 Does the court provide translation facilities when necessary?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

10.3 Is there a system to ensure the standard of translation is adequate (for example, through vetting and/or licensing)?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

Indicator B11: Access for people with disabilities

11.1 Are special procedural arrangements available for people with disabilities?

	Most courts	Some courts	No courts
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11.2 If the answer to 11.1 is yes, please indicate which disabilities are catered for:

	Most courts	Some courts	No courts
Mobility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intellectual impairment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health impairment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11.3 Are special physical arrangements available for people with disabilities?

	Most courts	Some courts	No courts
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11.4 If the answer to 11.3 is yes, please indicate which disabilities are catered for:

	Most courts	Some courts	No courts
Mobility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intellectual impairment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health impairment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Indicator B12: Access for vulnerable people

12.1 Are special procedural arrangements available for vulnerable people?

	Most courts	Some courts	No courts
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12.2 If the answer to 12.1 is yes, please indicate who is catered for:

	Most courts	Some courts	No courts
Children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elderly people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other vulnerable adults	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12.3 Are special physical arrangements available for vulnerable people?

	Most courts	Some courts	No courts
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12.4 If the answer to 12.3 is yes, please indicate who is catered for:

	Most courts	Some courts	No courts
Children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elderly people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other vulnerable adults	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C. Quality of judicial decisions and its improvement

C13. Format of judgments

13. Are non-binding templates for judgments and other judicial decisions available for standardised types of cases?

Criminal cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Civil cases

	All courts	Some courts
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

Indicator C14: Reasoning of judicial decisions

14.1 Must judicial decisions dealing with substantive issues be reasoned either orally or in written form?

	Criminal cases	Civil Cases
All types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

14.2 Is it open to a judge to give only summary reasons either orally or in writing where appropriate (e.g. to speed up procedures)?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

14.3 Are the reasons for judicial decisions in civil and criminal cases that are given only orally (i.e. not in writing) recorded and made available to the parties?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>
Not applicable (because oral reasons are not permitted)	<input type="checkbox"/>	<input type="checkbox"/>

Indicator C15: Clarity of judicial decisions

15.1 Is the judiciary expected to ensure that judicial decisions be understood by¹:

	Criminal cases	Civil Cases
The parties	<input type="checkbox"/>	<input type="checkbox"/>
Public in general	<input type="checkbox"/>	<input type="checkbox"/>
Other judges (such as appeal courts, Supreme Court)	<input type="checkbox"/>	<input type="checkbox"/>
Academia	<input type="checkbox"/>	<input type="checkbox"/>
Evaluation authorities	<input type="checkbox"/>	<input type="checkbox"/>

¹: (more than one answer is possible)

15.2 Is there an express obligation (e.g. by law, regulations or practice) to use language in judicial decisions which is clearly understandable?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

15.3 Is there a system outside of appeal for ensuring that judicial decisions are clearly understandable?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

Indicator C16: Assessment of quality of judicial decisions

16.1 Are samples of judgments reviewed in order to assess the quality of judicial decisions on a regular basis (outside the appeal process)?

- Yes
 No

16.2 If the answer to 16.1 is yes, who is responsible for this assessment of the quality of judicial decisions?

- Peer review by judges.
- More senior judges with responsibility for the judge concerned (e.g. the president of the relevant court)
- Council for the judiciary.
- Other body of judges not part of the council for the judiciary.
- Inspection authorities.

Indicator C17: Performance evaluation of judges

17.1 Is there overall performance evaluation of individual judges on a regular basis?

- Yes
- No

17.2 If the answer to 17.1 is yes, who is responsible for this performance evaluation?

- Peer review by judges.
- More senior judges with responsibility for the judge concerned (e.g. the president of the relevant court)
- Council for the judiciary.
- Other body of judges not part of the council for the judiciary.
- Inspection authorities.

17.3 Is evaluation of the judge or judges part of court user satisfaction surveys, if any?

- Yes
- No

Indicator C18: Education of judges

18.1 Is writing of judicial decisions part of the initial training of judges?

- Yes
- No

18.2 Are training courses available to a useful and high standard which are designed to assist judges in carrying out their duties effectively?

- Yes
- No

18.3 If the answer to 18.2 is yes, are judges required to attend such training courses regularly?

- Yes
- No

D. Providing public access to the law to guide society

Indicator D19: Access to case law

19.1 In first instance courts, are judicial decisions published on an external website?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

19.2 If judicial decisions are published, are these accessible for free or for a nominal fee or do you have to pay to get access?

	Criminal cases	Civil Cases
Free	<input type="checkbox"/>	<input type="checkbox"/>
Nominal fee	<input type="checkbox"/>	<input type="checkbox"/>
Paid	<input type="checkbox"/>	<input type="checkbox"/>

19.3 Are summaries of judicial decisions published by the court authorities?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

19.4 Are important decisions highlighted: are decisions that have high impact/ set precedent pointed out to the public?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

19.5 Is statistical information about the outcomes of cases made available for the public?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

19.6 In appeal courts, are judicial decisions published on an external website?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

19.7 If (some of these) judicial decisions are published, are these accessible for free or for a nominal fee or do you have to pay to get access?

	Criminal cases	Civil Cases
Free	<input type="checkbox"/>	<input type="checkbox"/>
Nominal fee	<input type="checkbox"/>	<input type="checkbox"/>
Paid	<input type="checkbox"/>	<input type="checkbox"/>

19.8 Are summaries of judicial decisions of appeal courts published?

	Criminal cases	Civil Cases
Most types of cases	<input type="checkbox"/>	<input type="checkbox"/>
Some types of cases	<input type="checkbox"/>	<input type="checkbox"/>
No types of cases	<input type="checkbox"/>	<input type="checkbox"/>

19.9 Are important decisions highlighted: are decisions that have high impact/ set precedent pointed out to the public?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

19.10 Is statistical information about the outcomes of cases made available for the public?

	Criminal cases	Civil Cases
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

Indicator D20: Opening up to the public

20.1 Is the public informed through official sources (e.g. publications, websites, etc.) about core judicial values such as independence, impartiality, application of the law?

- Yes
 No

20.2 Is the public actively encouraged to visit the courts to see judges at work?

- Yes

No

Thank you for filling in the questionnaire.

Annex V – Proposed revisions of indicators A1 and A2

A. Timeliness and efficiency of procedures

Indicator A1: standards for courts about the duration of cases

1.5 Are standards - either formal or informal - in place for the duration of cases at first instance courts?

Criminal cases

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

Civil cases

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

1.6 If standards are in place, do these standards apply to the overall procedure (from beginning to end), to specific phases of procedures such as the time between hearing and decision? (More than one option may be selected).

	Criminal cases	Civil Cases
The overall procedure		
Specific phases of procedures		

1.7 Are standards - either formal or informal - in place for the duration of cases at appeal courts?

Criminal cases

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

Civil cases

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

1.8 If standards are in place, do these standards generally apply to the overall procedure (from beginning to end), to specific phases of procedures such as for the time between hearing and decision? (More than one option may be selected).

	Criminal cases	Civil Cases
The overall procedure		
Specific phases of procedures		

1.4.A If standards are in place, are they monitored?

Formally	<input type="checkbox"/>
Informally	<input type="checkbox"/>

1.4.B Is it possible to enforce the standards?

	Criminal cases	Civil Cases
Most types of cases		
Some types of cases		
No types of cases		

1.5 Are standards realised in practice in the cases to which they apply, in first instance courts?

Criminal

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

Civil

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

1.6 Are standards realised in practice in the cases to which they apply, in appeal courts?

Criminal

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

Civil

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

1.7 Is information about the realisation of these standards accessible to the public?

	Criminal cases	Civil Cases
Available on official website (or equivalent)		
Other		
Not available		

Indicator A2: Standards for parties about the duration of cases

2.1 Are there rules (whether laws, codes/rules of civil procedure or otherwise) specifying time limits for parties in first instance courts, e.g. to present documents?

Criminal cases (applicable either to the prosecution or the defendant or both)

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

Civil cases

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

2.2 Can the first instance court impose sanctions on parties who fail to comply with the applicable time limits referred to in 2.1 above?

	Criminal cases	Civil Cases
Most types of cases		
Some types of cases		
No types of cases		

2.3 Are there standards for parties in appeal courts, e.g. to present documents?

Criminal cases

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

Civil cases

	All courts	Some courts
All types of cases		
99-75% of cases		
74-50%		
49-25%		
1-24%		
No types of cases		

2.9 Can the appeal court impose sanctions on parties who fail to comply with the applicable time limits referred to in 2.3 above?

	Criminal cases	Civil Cases
Most types of cases		
Some types of cases		
No types of cases		

2.10 Do judges at first instance courts have power to issue directions regarding case management in a case?

	Criminal cases	Civil Cases
Most types of cases		
Some types of cases		
No types of cases		

2.11 Do judges at first instance courts have power to enforce such case management directions if a party does not conform?

	Criminal cases	Civil Cases
Most types of cases		
Some types of cases		
No types of cases		

2.12 Do judges at appeal courts have power to issue directions regarding case management in an appeal?

	Criminal cases	Civil Cases
Most types of cases		
Some types of cases		
No types of cases		

2.13 Do judges at the appeal courts have power to enforce such case management directions if a party does not conform?

	Criminal cases	Civil Cases
Most types of cases		
Some types of cases		
No types of cases		