

***EUROPEAN COMMISSION FOR EFFICIENCY OF JUSTICE
(CEPEJ)***

**Checklist for promoting the quality of justice
and the courts**

**adopted by the CEPEJ at its 11th plenary meeting
(Strasbourg, 2-3 July 2008)**

This Scheme is aimed at policy makers and judicial practitioners responsible for the administration of justice to improve the legislations, policies and practices aimed at raising the quality of the judicial systems, at the national system, court and individual judge levels.

It is a “questionnaire of introspection”, a tool aimed at the internal use of the stakeholders.

Foreword

It is relatively easy to talk about the qualities and failings of justice. Both the public and professionals have views on the subject drawn from their personal experience or based on reactions to shortcomings in the judicial system. The failings repeatedly cited include slowness, cost, remoteness and complexity. Sometimes the system is acknowledged to be independent and effective. However, defining the concept of quality of justice is much trickier and few attempts are made. This is probably because the concept of quality of justice combines a wide range of factors from different areas which cannot all be measured with the same tools.

It is not for the CEPEJ's remit to produce neither a theory of quality of justice nor a definition of quality of justice. However it aims to promote the quality within the justice systems and to give to policy makers and judicial practitioners concrete tools to improve the quality of their own system, taking into account their specificities.

It is the CEPEJ's duty to take into account the specific nature of justice, which cannot be boiled down to the mere delivery of services: as a specific and unique public service, justice produces social links.

Therefore the CEPEJ has chosen to highlight the wide range of constituent factors that contribute to quality of justice, in a practical manner, considering the various audiences of justice systems - parties, witnesses, victims, judicial practitioners or citizens do not always have the same expectations vis-à-vis the quality.

This Checklist was prepared by the CEPEJ's Working Group on quality of justice (CEPEJ-GT-QUAL)¹ and adopted by the CEPEJ at its 11th plenary meeting on 2-3 July 2008.

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This document can be considered as an “introspection tool” enabling policy makers, court managers, court presidents, judges and other judicial practitioners to face, at their own level, their responsibilities vis-à-vis the improvement of the quality of services offered by the judicial system.

The main aim of this tool is to assist the legal systems in collecting appropriate information and to analyse relevant aspects regarding quality.

What makes this document “unique” compared with other general quality models (for instance the “European Foundation on Quality Management” model) or models developed at national level (for example the “Quality model” of the Finnish Court of Appeal of Rovaniemi or the “Rechtspraak model” in the Netherlands) is that it addresses the quality of the judiciary at three levels: at national level, court level and at the level of individual judges. A list of questions can be formulated for each of these three levels. These are not exhaustive and can be further expanded. The general idea of this document is to help policy makers and judicial practitioners in the search to improve the quality of the courts or of the judicial system as a whole.

The reader must be reminded of the fact that the models that are presented in this document are not the *only* or the *best* quality model available. Alternative models exist too. The primary purpose of the models is to make the reader aware of the elements that are at stake when starting a debate on the quality of justice or determining the level of quality in courts.

INTRODUCTION

Quality of the judiciary and courts

The quality model proposed in this checklist is developed around five areas of measurement. Four areas are related to the supply side (judicial infrastructure, ministry of justice, council of the Judiciary) and one is connected with the demand side (the user of the courts).

Supply side

The subject 'strategy and policy' is placed in the centre of the model. It concerns all the activities that are taken at a national level, regional or court level concerning the development of missions, mid-term and long-term programmes, the general direction of the future development of judicial systems as a whole or individual courts and policy choices that are made to strengthen for example to cooperation with other judicial actors (like the public prosecution agencies and private legal professionals). It includes also the drafting or modification of legislation concerning the protection of the independent position and the competences of courts.

Since a proper functioning of the judiciary is strongly dependent on the quality of judges, prosecutors and staff, human resources and the status of the judiciary form a second important area of the quality model. Policy makers and court managers must draw sufficient attention to the development of human resources policies (recruitment, training and education and the career of judges, prosecutors and staff). As courts are organisations where information plays a preeminent role, it is necessary that policies are developed which promote knowledge sharing between judges, prosecutors and staff too.

Human resources are an important asset for judicial systems. However it is not the only factor that determines quality. For an adequate operation of courts, sufficient financial resources are necessary, as well as proper tools which make it for judges, prosecutors and staff possible to handle court cases and to make decisions in an expedient, effective and efficient manner. For that reason, in many European countries, the use of information and communication technology in the courts is stimulated (court management information systems, electronic files, electronic data

exchange, video conferencing, etc). In addition, attention should be paid to issues that are related to the purchase of goods, the security of court buildings and information i.e. court files that is/are stored in databases or specific secured places in the buildings. In the quality model all these topics are summarised in the box “means of justice”.

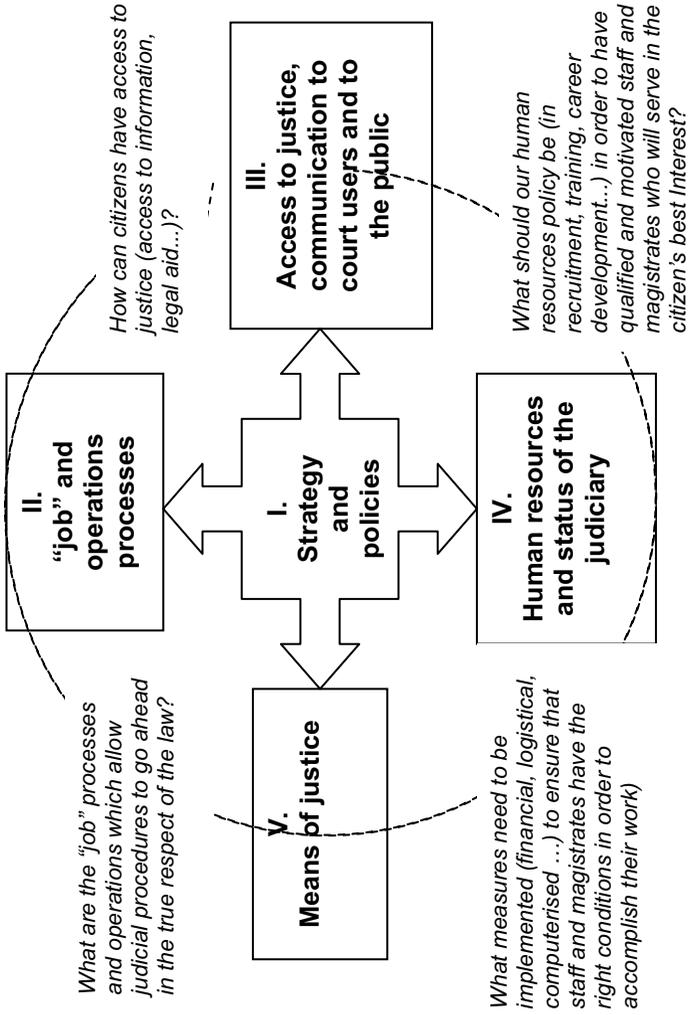
The fourth area of the quality model concerns ‘job’ and operation processes. These are all the activities ranging from preparation of cases to final decision making by a judge and its execution. Quality can be influenced by taking specific measures at a national, regional or local (court) level, for example by introducing an objective policy for the allocation of cases between courts and/or judges, improving the efficiency of court hearings and an effective management of cases policy or policies to enhance legal certainty or the involvement of citizens in the judicial decision-making process.

Demand side

In all general quality models, like the European Foundation of Quality Management (EFQM), Balanced Scorecard, Six Sigma, etc. the importance of a client-oriented perspective is stressed. Of course, for some part, there is a difference between public institutions and private companies. Addressing a public service, the CEPEJ will thus rather consider court users than clients. A high level of quality is connected with satisfied “users” and a management perspective where the needs and wishes of clients are sufficiently taken into account. and that is the fact that a certain part of the work of courts is addressed to “*un-voluntary users*” (in the criminal field), who must be treated while respecting all their legal rights and individual freedoms.

A sufficient level of access to justice is important for maintaining or improving the quality of the judicial system as a whole. Measures might be taken at national (or regional) level to introduce a legal aid scheme, to offer litigants alternative measures to the regular dispute resolution, to provide citizens and court users’ practical information on how courts are operating or to pay particular attention to vulnerable persons, etc. However, a sufficient level of access to justice is not enough. There should also be an acceptable degree of public trust in the judiciary, as well as legitimacy. This is one of the reasons why public trust and legitimacy is included in the model presented. On the whole, a high degree of quality of the judiciary is reflected by a high degree of public trust in the judiciary.

The quality model is summarised in the following graph.



How to use the Checklist?

The Checklist is intended for policy makers (at a national, regional or local level), court managers, judges or other specific staff who is responsible for promoting and improving quality in the judiciary and courts. It is a Checklist for ministries of Justice, high judicial councils, supreme courts, appeal courts, courts of first instances, specialised tribunals, etc.

The Checklist is build around the five areas described above. For each area sub-topics are identified and a list of questions given. The questions are drafted in such a manner that it identifies quickly and easy the availability or non-existence of quality policies, quality measures or other points of attention that are related to the quality of courts and the judiciary.

The users of the Checklist can check - by 'ticking' the relevant boxes - if a certain topic or point of attention is already covered by the organisation or not. If the last situation is the case it can help organisations to develop new policies, to modify current policies and to pay attention to certain quality issues that are related to the work of courts, judges, prosecutors and staff.

After each question, the following columns are given: state (S), court (C) and judge (J). To make this checklist applicable for certain countries where there is also a responsibility for the judiciary and courts at the regional level, a column for the administrative region (R) is added too (for example for the Swiss *Cantons* or the German *Länder*). Not all questions that are described in the checklist may be applicable to your specific situation. If this is the case the 'N.A.' box (not applicable) box must be 'ticked'.

Example

| The main pillars of the functioning of justice | S | R | C | J | n.a |
|--|----------|----------|----------|----------|------------|
| I. STRATEGY AND POLICY | | | | | |
| I.1. Judicial organisation and policy | | | | | |
| 1. Is there a public authority (Ministry of Justice or High Council for the Judiciary) responsible for drafting general policies and strategic documents concerning the judiciary? | x | | | | |
| 2. Is there legislation supporting the courts or court organisation? | | x | | | |
| 3. Is there a guarantee at constitutional level (or at the highest level of the hierarchy of norms) to protect the independence of the judiciary vis-à-vis the executive and legislative powers? | x | | | | |

Evaluation

In the structure of the checklist there is a place reserved for evaluation. The reason for this is that the evaluation of policies, activities and performance is an integral part of a quality policy. Information received from evaluations can be used as a source for improvements and change, directed to more quality for the judiciary and courts.

| I. STRATEGY AND POLITICS | II. "JOB" AND OPERATIONS PROCESS | | III. ACCESS TO JUSTICE, COMMUNICATION TO COURT USERS AND THE PUBLIC | IV. HUMAN RESOURCES AND STATUS OF MAGISTRATES | V. MEANS OF JUSTICE |
|---|----------------------------------|--------------|---|--|---|
| I.1. Judicial organisation and policies | II.1. Legislation | 2.4 | 3.1.1 2.1 | IV.1. Human Resources policies | 2.3 3.1.4 |
| I.2. Mission, strategy, objectives | II.2. Court proceedings | 2.3 3.1.5 | 2.1 3.1.1 | IV.2. Status and competencies of judges | 2.3 3.1.4 |
| I.3. Delegation of powers and distribution of cases | II.3. Legal certainty | | 2.1 3.1.1 | IV.3. Training and development of competencies | 2.3 3.1.4 |
| I.4. Evaluation of the Strategy | II.4. Case management | 3.2.2 | 3.2.1 | IV.4 Knowledge-sharing, quality and mediation groups | V.4. Evaluation of means, information systems, logistics and security |
| | II.5. Hearing management | 3.1.5 | 3.2.4 | IV.5. Evaluation of the Human Resources policies | 3.1.6 3.2.5 |
| | II.6. Delay management | 3.1.5 | 2.2 3.1.2 | | |

| I. STRATEGY AND POLITICS | II. "JOB" AND OPERATIONS PROCESS | III. ACCESS TO JUSTICE, COMMUNICATION TO COURT USERS AND THE PUBLIC | IV. HUMAN RESOURCES AND STATUS OF MAGISTRATES | V. MEANS OF JUSTICE |
|--------------------------------|--|--|--|------------------------|
| | II.7. Execution of judicial decisions 3.1.5 | III.7. Evaluation 3.1.6 3.1.2 | | |
| | II.8. Legal partners 3.1.5 | | | |
| | II.9. File and archiving management 3.1.5 | | | |
| | II.10. Evaluation of the performance 3.1.6 3.2.5 3.1.2 | | | |

(S: State; R: Region; C: Court; J: Judge, n.a: not applicable)

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| I. STRATEGY AND POLICY | | | | | |
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| 1. Is there a public authority (Ministry of Justice or High Council for the Judiciary) responsible for drafting general policies and strategic documents concerning the judiciary? | | | | | |
| 2. Is there legislation supporting the courts or court organisation? | | | | | |
| 3. Is there a guarantee at constitutional level (or at the highest level of the hierarchy of norms) to protect the independence of the judiciary vis-à-vis the executive and legislative powers? | | | | | |
| 4. Is there a policy regarding the specialisation of courts and/or certain categories of judges? | | | | | |
| 5. Are (performance) targets defined for courts? | | | | | |
| 6. Is there a strategy and policy regarding the needs and planning of court resources? | | | | | |
| 7. Is there a policy concerning the structure and competence of courts, including geographical court location policy? | | | | | |
| I.2. Mission, strategy, objectives | | | | | |
| 1. Has the court management defined a mission/vision and a strategy (basic characteristics of the judiciary are to be incorporated in this, such as impartiality, independence, legal certainty and access)? | | | | | |
| 2. Does the court management give wide publicity to the mission/vision and strategy among stakeholders, judges and prosecutors and court staff? | | | | | |
| 3. Does the court management translate the mission/vision into concrete and measurable objectives and priorities? Does it have performance indicators? | | | | | |
| 4. Does the court management determine critical success factors for achieving these objectives? | | | | | |
| 5. Does the court management take the expectations of the legitimate needs and wishes of the internal and external stakeholders into account when drafting a court policy? | | | | | |

| The main pillars of the functioning of justice | S | R | C | J | n.a |
|---|----------|----------|----------|----------|------------|
| 6. Does the court management maintain a systematic contact with the internal and external stakeholders? | | | | | |
| 7. Does the court management ensure a culture that is aimed at stimulating and inspiring improvements in the overall organisation? | | | | | |
| 8. Has the court management determined the priorities on which court policies should be developed? | | | | | |
| 9. Has the court management described how the decision-making process on these priorities should take place? | | | | | |
| I.3. Allocation of cases and delegation of responsibilities from judges to non-judges staff | | | | | |
| 1. Does it exist a system to monitor the workload of each judge continuously? | | | | | |
| 2. Does the court have the possibility to reassign cases or assignments in order to increase efficiency in the court? Is the court able to establish a flexibility among judges that allows such reassignments? | | | | | |
| 3. Has the court management drafted a policy regarding the delegation of responsibilities from judges to non-judge staff? | | | | | |
| 4. Has the court management defined an objective method for allocating cases between judges? | | | | | |
| 5. Is the information on the allocation of cases made available to the whole court organisation? | | | | | |
| 6. Has the court management determined the main tasks, role and standards for the court clerk office? | | | | | |
| I.4. Evaluation of the strategy | | | | | |
| 1. Is there a system for assessing the management of strategic risks? | | | | | |
| 2. Is the implementation of policies concerning changes in the structure of the court organisation regularly evaluated? | | | | | |
| 3. Is the implementation of changes in legislation regularly evaluated? | | | | | |
| 4. Are changes in legislation and their impact on courts and/or judges / prosecutors evaluated? | | | | | |
| 5. Are the effectiveness and efficiency of judicial and ADR-proceedings systematically evaluated? | | | | | |

| The main pillars of the functioning of justice | S | R | C | J | n.a |
|--|----------|----------|----------|----------|------------|
| II. JOB AND OPERATIONAL PROCESS | | | | | |
| II.1.Legislation | | | | | |
| 1. Are quality standards and guidelines used for drafting new legislation or changes in current legislation? | | | | | |
| 2. Is the impact of the introduction of new legislation or changes in current legislation on the workload of courts assessed? If yes, does this lead to changes in the (staff) capacity of courts? | | | | | |
| 3. Are legislative proposals presented by the executive to Parliament reviewed and commented by independent authorities and the judiciary as a part of the legislation process? | | | | | |
| 4. Are procedural laws (civil, criminal, administrative) regularly reviewed and modified to increase effectiveness and efficiency of court proceedings? | | | | | |
| 5. Is there specific legislation (formal and procedural laws) for the use of ADR? | | | | | |
| II.2. Court proceedings | | | | | |
| 1. Are measures taken to ensure a fair and efficient allocation of workload between judges (i.e. follow up of case flows, of the number of cases entrusted to each judge, of the speed of processing a case, stock-taking of external activities, etc.)? | | | | | |
| 2. Are measures taken to ensure adequacy between the judges' functions and the files entrusted to them (training periods, specialisation, regrouping of cases, "test files", etc.)? | | | | | |
| 3. Are measures taken to ensure transparency in the allocation of files to judges (i.e. initial and public objective criteria)? | | | | | |
| 4. Is there an established policy concerning the processing of cases by a single judge or by a panel of judges? | | | | | |
| II.3 Legal certainty | | | | | |
| 1. Is there a policy regarding the promotion of legal certainty? | | | | | |
| 2. Are there specific instruments used to promote legal certainty, for example an internal system for jurisprudence or the organisation of meetings to discuss relevant jurisprudence? | | | | | |

| The main pillars of the functioning of justice | S | R | C | J | n.a |
|---|----------|----------|----------|----------|------------|
| II.4. Management of cases | | | | | |
| 1. Does each judge have specific tools which enable him/her to know - in real time - the state of the pending cases within his/her department? | | | | | |
| 2. Is he/she able to share this information with his/her administrative staff? | | | | | |
| 3. Is this information shared within the court? | | | | | |
| 4. Can judges take alternative, yet non-coercive measures to solve conflicts during a pending proceeding? | | | | | |
| 5. Are court proceedings (in principle) open to the public? | | | | | |
| 6. Are the proceedings organised in an expedient manner to solve the conflict? | | | | | |
| 7. Are the proceedings arranged and carried out in such a manner that the expenses for the parties and others involved in the proceedings are minimalised? | | | | | |
| 8. Are measures taken so that the parties and lawyers have confidence that judges are preparing their cases properly, have sufficient expertise to address the case and that their position has fully been understood? | | | | | |
| 9. Do judges /prosecutors have the competence/authority to hand over certain disputes to mediators? | | | | | |
| 10. Does it exist routines to safeguard that mediation does not delay the case unnecessarily? | | | | | |
| II.5. Management of hearings | | | | | |
| 1. Is there a policy for preparing the hearings? | | | | | |
| 2. Is a court hearing scheduled within some days after having received the case, in cooperation with the counsels of the parties, to decide on the duration of the proceedings and the time needed to prepare for the main court hearing? | | | | | |
| 3. Is there a system for measuring the timely start of hearings? | | | | | |
| 4. Are parties informed when the hearing is adjourned or delayed? | | | | | |
| 5. Is there an information system which is used for determining an efficient schedule of court sessions? | | | | | |

| The main pillars of the functioning of justice | S | R | C | J | n.a |
|---|----------|----------|----------|----------|------------|
| 6. As regards judges : <ul style="list-style-type: none"> ○ do they prepare court files in an appropriate way, bearing in mind oral investigation? ○ do they have the ability to improve the understanding of their role by the various players in the proceeding? ○ do they control the allocation of the parties and witnesses' speaking time? ○ do they control the police of the trial in an appropriate way? ○ do they take into account the parties and witnesses' expectations within the oral phase of the proceeding? ○ do they control the timetable of the proceeding? ○ are they punctual? | | | | | |
| 7. Are summonses for hearings sent at the earliest period possible, to avoid unnecessary waiting time (scheduled appointments, time slot, etc) ? | | | | | |
| 8. Have the parties the opportunity to request priority treatment of the case if there are legitimate reasons given? | | | | | |
| II.6. Management of timeframes | | | | | |
| 1. Is there a policy for setting foreseeable and optimum timeframes? | | | | | |
| 2. Are standards or norms concerning the acceptable length of judicial proceedings defined? | | | | | |
| 3. Is there a policy for managing case flows preventing delays? | | | | | |
| 4. Are measures taken to speed up delayed cases and to reduce the backlog? | | | | | |
| 5. Is there an active role for the judge in the management of the timeliness of the proceedings? | | | | | |
| 6. Can parties negotiate with the court on the timeframes that will be used? ² | | | | | |
| 7. Is there a timeframe set for delivering the decision after the court hearing? | | | | | |

² For more detailed questions, please refer to the CEPEJ's Time management Checklist (CEPEJ (2005) 12 REV): www.coe.int/cepej.

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|---|----------|----------|----------|----------|------------|
| II.7. Execution of judicial decisions | | | | | |
| 1. Is there a policy concerning the execution of judicial decisions? | | | | | |
| 2. Is there a system of notification of judicial decisions ? | | | | | |
| 3. Is there a maximum timeframe defined between the final decision of a judge and the notification of the decision to the parties? | | | | | |
| 4. Is the timeframe between the final decision of a judge and the execution of the judicial decision periodically monitored? | | | | | |
| 5. If the execution of decisions is entrusted to members of a specific profession (bailiffs, etc), are they supervised by the judicial authorities? | | | | | |
| II.8. Partners of justice | | | | | |
| 1. Is there an up-to-date list of court experts, interpreters that can be consulted? | | | | | |
| 2. Does the court collaborate with other institutions (police, lawyers, public prosecutors, social workers, custodians, experts, etc.)? | | | | | |
| 3. Is there an up-to-date list of custodians? | | | | | |
| 4. Is there a system of quality control for experts and court interpreters? | | | | | |
| 5. Are fixed deadlines defined for receiving an expert report? | | | | | |
| 6. Is there a possibility of challenging the result of an expert report? | | | | | |
| 7. Are the experts and court interpreters certificated? | | | | | |
| II.9. Management of files and archiving | | | | | |
| 1. Does a case management information system exist for the recording and monitoring of court files and cases? | | | | | |
| 2. Is there a specific policy concerning archiving of court files and court decisions? | | | | | |
| 3. Does an (electronic) information system for archiving court cases and decisions exist? | | | | | |
| 4. Does a court system of electronic files exist? | | | | | |

| The main pillars of the functioning of justice | S | R | C | J | n.a |
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| 5. Is it possible to submit documents to the court in electronic form? | | | | | |
| II.10 Evaluation of performance³ | | | | | |
| 1. Is there a system for assessing operational risks and the quality of the internal supervision of courts by court managers? | | | | | |
| 2. Is the management of operational risks : <ul style="list-style-type: none"> o risks of loss of public trust in the judiciary (relationship with the media, communication management by judges/prosecutors, etc.)? o risks linked to the reliability of procedures (in particular concerning information systems)? taken into account in the (court) policies? | | | | | |
| 3. Does the court management periodically evaluate court performance? | | | | | |
| 4. Is there a policy on the publication of the evaluation results? | | | | | |
| 5. Are quality regulations and standards periodically evaluated? | | | | | |
| 6. Following the evaluation results, have measures been identified and implemented to improve the situation? are these improvements monitored? | | | | | |
| 7. Is the percentage of cases with a full-bench division (panel of judges) recorded and published? | | | | | |
| 8. Is the number of successful challenges recorded and published? | | | | | |
| 9. Is the percentage of appeals recorded and published? | | | | | |
| 10. Is the productivity of judges and court staff recorded and published? | | | | | |
| 11. Is the percentage of quashes recorded? | | | | | |
| 12. Is the length of proceedings systematically recorded and published? | | | | | |
| 13. Is it possible to determine the total number of incoming, pending and decided cases in a given period? | | | | | |

³ Although it is fully part of the quality of the judicial work, the issue of the quality of judicial decisions has not been addressed here by the CEPEJ, on purpose. It will be addressed by the Consultative Council of European Judges (CCJE) at a later stage.

| The main pillars of the functioning of justice | S | R | C | J | n.a |
|--|----------|----------|----------|----------|------------|
| 14. Is the nature of pending cases systematically analysed? | | | | | |
| 15. Have objectives been determined for reducing the backlog of cases? | | | | | |
| 16. Does a quantitative and qualitative evaluation system regarding the activity of each judge exist? | | | | | |
| 17. Is it possible to present information on the number of pending cases and decided cases by an individual judge at any given time? | | | | | |
| 18. Is each judge granted access to the information regarding his/her own court department, his/her colleagues' department as well as to the data regarding the whole court? | | | | | |
| 19. Are the qualitative aspects of the performance of individual judges also part of the court human resources policy? | | | | | |

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|--|----------|----------|----------|----------|------------|
| III. ACCESS TO JUSTICE, COMMUNICATION TO CITIZENS AND PUBLIC | | | | | |
| III.1. Access to legal and court information | | | | | |
| 1. Are laws published in such a manner that they are easily accessible? | | | | | |
| 2. Are there free (non-fee paying) Internet sites providing access to legal texts? | | | | | |
| 3. Is the reception staff trained to explain the working methods, rules of procedure and other practical information to court visitors and users? | | | | | |
| 4. Are court judgments and decisions accessible on court internet sites? | | | | | |
| 5. Is there a policy regarding the publication of court decisions? | | | | | |
| 6. Do people speaking/reading minority languages have access to an official version of the legal texts in their own language? | | | | | |
| 7. Are persons who do not understand the official language used in judicial proceedings entitled to an interpreter (free of charge)? | | | | | |
| 8. Do the courts have an interpreting service or can interpreters be called upon rapidly? | | | | | |
| 9. Is information on the functioning of courts available and easily accessible to citizens? | | | | | |
| 10. Is information concerning the rights and obligations of citizens (as stated in the law) widely available to them (for example via a general telephone number)? | | | | | |
| 11. Is this information adapted in its content to the wide range of existing situations (children at risk, divorces, criminal proceedings, detention locations, etc.)? | | | | | |
| 12. Does the court have an information desk for court visitors? | | | | | |
| 13. Is there an up-to-date list of lawyers/barristers available at the court reception and/or on its website? | | | | | |
| 14. Are any information leaflets available for the users in the court? | | | | | |
| 15. Can a litigant be present or be represented during all levels of proceedings? | | | | | |

| The main pillars of the functioning of justice | S | R | C | J | n.a |
|--|----------|----------|----------|----------|------------|
| 16. When a litigant is represented by a lawyer, is this representation a monopoly of lawyers? | | | | | |
| 17. When lawyers do not have the monopoly of representation, is there a possibility that associations or trade unions offer legal advice and assistance to litigants (for example in social matters or consumer law)? | | | | | |
| III.2. Financial access | | | | | |
| 1. Are litigants without the necessary financial means entitled to free legal consultations or consultations at a reduced price in order to be informed on their (civil) rights and duties? If yes, is this the case in all areas of the law? | | | | | |
| 2. Are litigants able to receive free legal representation or legal representation at a reduced price (financed by the governments' legal aid budget) of a lawyer? Is this applicable only to criminal matters or does it apply to all the other areas? | | | | | |
| 3. Are the costs/fees for a proceeding transparent? | | | | | |
| 4. Is there a system which guarantees the moderation of the costs/fees for a proceeding? | | | | | |
| 5. Are there general rules concerning the payment of court fees or court taxes in the criminal proceedings? other than criminal proceedings? | | | | | |
| 6. Do members of the bar association hold free legal consultations? | | | | | |
| 7. In an effort to ensure the public is aware of the cost of proceedings: <ul style="list-style-type: none"> o are lawyers/barristers required to publicise the fees they will charge and to establish contracts with their clients? o are there legal procedures for challenging excessive fees charged by lawyers/barristers? o are there legal procedures for challenging excessive fees charged by experts? | | | | | |

| The main pillars of the functioning of justice | S | R | C | J | n.a |
|--|----------|----------|----------|----------|------------|
| 8. Is there a (legal) possibility to challenge the fees charged by lawyers/barristers and experts processed? | | | | | |
| III.3. Physical and virtual access | | | | | |
| 1. Are courts located so that they are effectively accessible? | | | | | |
| 2. Is there a provision to hold hearings in other locations away from the main seat of the court? | | | | | |
| 3. Are reception staff properly trained to take the stress of persons summoned into account? | | | | | |
| 4. Has the court drafted a special charter to improve the reception of visitors? | | | | | |
| 5. Do people with disabilities or elderly people have easy access to: reserved parking spaces? access ramps into buildings? | | | | | |
| 6. If necessary, is there a possibility that someone may accompany them to the courtrooms? | | | | | |
| 7. Are the waiting and hearing rooms properly equipped and of a reasonable standard? | | | | | |
| 8. Are there rooms in the court where the lawyers can meet with their clients? | | | | | |
| 9. Are the waiting rooms organised so that the opposite parties do not have to wait together? | | | | | |
| 10. Are there clear signs for visitors entering court buildings? | | | | | |
| 11. Is there a policy for the use of ADR? | | | | | |
| 12. Are mediators easy accessible to resolve certain disputes? | | | | | |
| III.4. Treatment of parties | | | | | |
| 1. When a litigant appears in person, do judges and other staff have sufficient time and training to provide parties with basic explanations about the disputes to which they are a party? | | | | | |
| 2. Is appropriate advice provided to the participants in the proceedings, while still maintaining the impartiality and fairness of the court? | | | | | |

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| 3. Are the participants in proceedings as well as the public treated so that their dignity is preserved? | | | | | |
| 4. Are judges capable of ensuring the needs of persons summoned understand the legal language of the proceedings? | | | | | |
| 5. Do judges take into account the cost of proceedings for the parties by: <ul style="list-style-type: none"> o limiting the measures to be taken (expert report, payment into court etc)? o giving priority to cases which have a direct impact on the parties' resources (dismissal, alimony etc)? | | | | | |
| 6. Do judges ask those present at the hearing to indicate any reasons why they should be given priority or if they have any special requirements (e.g. people unable to stand)? | | | | | |
| 7. Do judges organise their hearings in such a manner that people can be heard at specific times? | | | | | |
| 8. Are parties allowed to intervene, in particular to ask for explanations? | | | | | |
| 9. Is there a public complaints procedure? | | | | | |
| III.5. Presentation of decisions | | | | | |
| 1. Are the pronouncement and the reasons for the decision made by the judge comprehensible? | | | | | |
| 2. Are the reasons for the decision detailed and systematic? | | | | | |
| 3. Do the reasons for the decisions demonstrate a clear guidance for the parties and legal professionals of the fairness and lawfulness of the decision? | | | | | |
| 4. Are there specific rules and standards used for the presentation of judicial decisions? | | | | | |
| 5. Are the expectations of the parties, the lawyers, the lower or higher courts sufficiently taken into account when drafting judicial decisions? | | | | | |
| 6. Are "standard" decisions and rules used for "bulk" cases? | | | | | |

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| III.6. Legitimacy and public trust | | | | | |
| 1. Is there an annual report presented to citizens on the quality and functioning of the judicial system? | | | | | |
| 2. Is this report debated in parliament? | | | | | |
| 3. Is there a regular evaluation of the public trust in the judiciary? | | | | | |
| 4. Is there a regular public report on the functioning (court performance) and quality of the court? | | | | | |
| 5. Are special enquiry committees established to conduct studies on the difficulties of the functioning of the judiciary? Is the work of these committees public? | | | | | |
| 6. Does a court users' charter presenting their rights and duties exist? | | | | | |
| 7. Do parties have the possibility of receiving, at any given moment, information about the stage their proceedings have reached? <ul style="list-style-type: none"> o directly (through the reception of information or Internet)? o indirectly through their legal counsel (i.e. lawyer or legal representative)? | | | | | |
| 8. Is information on the system of disciplinary measures and sanctions imposed at the judiciary available to the general public and the court users' and are figures made public? | | | | | |
| 9. Do citizens play a consultative role in discussing the priorities of the judicial system (financing, priority given to certain disputes, etc.)? | | | | | |
| 10. Are associations whose social role relates to the judicial system (victims, consumers, etc) able to play a particular role in improving the functioning of justice? | | | | | |
| 11. Are there regular exchanges of views on the functioning and quality of the courts at local level (public debates, meetings with associations), reception of school children, etc.) ? | | | | | |
| 12. Does the court have a special officer trained in dealing with the press? | | | | | |

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| 13. Are any relevant documents of consensus which are the result of consultations between court judges and other legal professionals setting out rules of conduct or organisational arrangements agreed by all published? | | | | | |
| 14. Are there open days organised for citizens to visit the courts? | | | | | |
| III.7. Evaluation | | | | | |
| 1. Is there an assessment/evaluation system for measuring a (potential) loss of public trust in the judiciary? | | | | | |
| 2. Is a potential risk of loss of public trust in the judiciary taken into account in the court policies (relationship with the media, communication management by the judges/prosecutors, etc.)? | | | | | |
| 3. Have the relevant users been identified (users include litigants, lawyers, public prosecutors, probation and after-care service, interpreters, the Child Protection Board, experts, etc). | | | | | |
| 4. Is the court users' satisfaction periodically evaluated? | | | | | |
| 5. Are the evaluation results of the users' satisfaction surveys made public? | | | | | |
| 6. Is progress on this subject monitored on the basis of the results of such assessments (the topics on which the user could be questioned could be for example : treatment by the judge and the latter's behaviour, the court's infrastructure and services, delay before the trial, impression of legal certainty and readability of the decision)? Are these made use of to improve on the functioning of the courts? | | | | | |

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| IV. HUMAN RESSOURCES AND STATUS OF THE JUDICIARY AND STAFF | | | | | |
| IV.1. Human Resources Policy | | | | | |
| 1. Is there a long-term strategy and policy concerning the recruitment, selection, training, evaluation, career development and salary of the judiciary and court staff? | | | | | |
| 2. Is there a short term policy concerning the recruitment, selection, training, evaluation, career development, salary mobility of the judiciary and the staff? | | | | | |
| 3. Does an independent national training institute for judges and prosecutors exist (judicial school)? | | | | | |
| 4. Is there a policy concerning knowledge-sharing between courts and judges? | | | | | |
| 5. Is the remuneration of judges and prosecutors regulated by law? | | | | | |
| 6. Does an evaluation system for judges and prosecutors exist? | | | | | |
| 7. Do judges and prosecutors know the evaluation criteria applicable to them? | | | | | |
| 8. Are the following topics included in the evaluation criteria of judges and prosecutors? <ul style="list-style-type: none"> ○ personal and professional integrity of judges and prosecutors; ○ appropriate behaviour when dealing with the media; ○ appropriate behaviour regarding political and trade union activities; ○ independence vis-à-vis media and politics; ○ treatment of parties; ○ professional competencies. | | | | | |
| 9. Are the evaluation criteria for judges and prosecutors clear enough? | | | | | |
| 10. Are the skills of candidates for the position of a judge or a prosecutor evaluated when entering the judiciary? | | | | | |
| 11. Is the personal ethical behaviour of future judges and prosecutors evaluated before entering the judiciary? | | | | | |

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| 12. Are there objective criteria for selecting future judges and prosecutors? | | | | | |
| 13. Are these criteria known to the candidates? | | | | | |
| 14. Does an evaluation system of non judge / prosecutor staff exist? | | | | | |
| 15. Are the criteria applied in this system known to the staff? | | | | | |
| IV.2 Status and competences of the judiciary | | | | | |
| 1. Is the status and position of judges and prosecutors established in legislation? | | | | | |
| 2. Are the main competences of judges and prosecutors described in general policy documents or laid down in legislation? | | | | | |
| 3. Are judges and prosecutors encouraged to establish best practices and codes of conduct? | | | | | |
| 4. Is the protection of the independent position of judges described in legislation? | | | | | |
| 5. Is there a Council for the judiciary? Does this Council play a role in strengthening the independence of the judiciary? | | | | | |
| IV.3. Training and development of competences | | | | | |
| 1. Does the court management stimulate co-operation between the departments within a court? | | | | | |
| 2. Does the court management keep track of the requirements regarding professional knowledge and skills of judges and prosecutors and court staff? | | | | | |
| 3. Has the court management developed a policy for the expertise and attitude of all the court staff members? | | | | | |
| 4. Is there a court policy to strengthen the culture of co-operation and integrity? | | | | | |
| 5. Does the court management conduct a policy for maintaining and stimulating judicial integrity in all levels of the court? | | | | | |
| 6. Is there a policy regarding the deployment of deputy judges? | | | | | |
| 7. Has the court management developed a policy regarding the specialisation of judges? | | | | | |
| 8. Has the court management described the core competences of the staff? | | | | | |

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| 9. Are organisational skills and the techniques for managing hearings part of an initial training course when entering the judiciary? | | | | | |
| 10. Do judges and prosecutors follow an initial and/or continuous training? | | | | | |
| 11. Is there a standard for initial and/or continuous training? | | | | | |
| 12. Is the personal ethical behaviour of future judges and prosecutors taught before entering the judiciary? | | | | | |
| 13. Are questions of ethics dealt with during continuous training? | | | | | |
| 14. Are ethics specific to particular work – like juvenile courts – dealt with in a particular way? | | | | | |
| 15. Is sufficient importance given to the competencies concerning the treatment of judges and prosecutors and their attitude? | | | | | |
| 16. Are organisational competencies and techniques for dealing with hearings dealt with in continuous training? | | | | | |
| 17. Are drafting techniques the subject of initial training prior to/before entering the judiciary? | | | | | |
| 18. Are drafting techniques included in the continuous training? | | | | | |
| 19. Is the mobility of judges and prosecutors linked to acquiring the necessary knowledge for a new function? | | | | | |
| 20. Are the specific functions – such as the chairmanship of a chamber or of a court – linked to a special training programme? | | | | | |
| 21. Are the specific functions – such as those linked to juvenile or commercial issues – linked to a specific training programme? | | | | | |
| 22. Does the court arrange regular judges' meetings, quality improvement conferences and other occasions in which all judges participate and in which they have the opportunity of discussing - in addition to administrative matters - judicial matters, in particular those proposed by the judges themselves? | | | | | |

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| IV.4. Knowledge sharing, quality and ADR | | | | | |
| 1. Does the court management promote a culture of knowledge-sharing? | | | | | |
| 2. Are sources of legal knowledge available and easily accessible? | | | | | |
| 3. Do judges and prosecutors practice a form of peer review (discussion of cases between colleagues) or of supervision (discussion of cases with a more qualified colleague) ? | | | | | |
| 4. Is in-camera recording acceptable as a source of information during peer reviews ? | | | | | |
| 5. Do judges participate in “quality groups” within their own court to discuss their jurisprudence in the light of the jurisprudence of higher courts? | | | | | |
| 6. Do judges take part in discussion fora on their own rulings: <ul style="list-style-type: none"> o with colleagues from other courts? o with regular players, such as lawyers? o with other third parties? | | | | | |
| 7. Is there a policy for discussing quashed or overruled decisions? | | | | | |
| 8. Is there periodic consultation between lower courts and courts of appeal? | | | | | |
| 9. Is there sufficient opportunity for the self-training of judges and prosecutors? | | | | | |
| 10. Is there sufficient opportunity for reflecting on the decisions taken by the judges? | | | | | |
| 11. Is there sufficient attention paid to the issue of impartiality and integrity of judges? (for instance workshops on moral dilemma or the implementation of an ethics committee). | | | | | |
| 12. Are judges taught ADR techniques (such as mediation)? | | | | | |
| 13. Are personal development discussions (methodical and planned) held annually with judges . prosecutors and members of staff? Are the objectives set out during these discussions achieved and followed up? | | | | | |

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| IV.5. Evaluation of the Human Resources policy | | | | | |
| 1. Are there criteria to monitor the HR policies (for example, the criteria concerning sick leave, the efficiency of studies or training, the respect of the level of required training, and productivity) and is the HR policy regularly evaluated ? | | | | | |
| 2. Is the judge / prosecutor and staff satisfaction periodically evaluated (for example via surveys)? | | | | | |
| 3. Are the results of these evaluations published? | | | | | |
| 4. Is the progress achieved through the human resources evaluation studies, monitored (staff satisfaction regarding, for example, workload, evaluation and performance recognition, training opportunities, career development and the supervision manner)? | | | | | |
| 5. Is there a systematic evaluation of training and competency development policies of the judiciary and staff? | | | | | |

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| V. MEANS OF JUSTICE | | | | | |
| V.1. Finances | | | | | |
| 1. Is there a budgetary process in place to guarantee an adequate funding of the judicial system? | | | | | |
| 2. Are the financial resources available for the judiciary sufficient to protect the independence of the judiciary? | | | | | |
| 3. Are objective quality standards/norms formulated concerning the financial needs of courts, court buildings, offices in courts, technical equipment, and court security? | | | | | |
| 4. Have operation and financial standards been set for the efficiency of the court? | | | | | |
| 5. Is there an objective policy for the distribution of budgetary items (for example staff costs, material costs) in the court? | | | | | |
| 6. Is there a specific budgetary item for the quality system of the court? | | | | | |
| V.2. Information systems | | | | | |
| 1. Is there a policy on the use of information and communication technologies in courts (e-justice, video-conferencing, electronic data exchange, etc.)? | | | | | |
| 2. Are the court information systems regularly reviewed and improved? | | | | | |
| 3. Are the developments of human resources-information systems in line and in conformity with the (technical) specifications of the other operational court systems (i.e. case management information systems, financial information systems, etc.)? | | | | | |
| 4. Does the information recorded in the court management information system give an overall picture of the court's performance? | | | | | |

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| 5. Can the analysis of the data recorded in the court management information system be performed by all the court's staff (or authorised staff) or can only specialised staff (for example IT professionals) exploit these data? | | | | | |
| 6. Have rules been set out concerning the confidentiality of the treatment of information (for example: prohibition to enter data in the system from one's home)? | | | | | |
| 7. Is the security of the information contained in the system assured (against the risk of introducing hackers into the system)? | | | | | |
| 8. Is a rational budgetary process set up to monitor court performance and funding allocation? | | | | | |
| V.3. Logistics and security | | | | | |
| 1. Is there a facility for the procurement of goods and services for courts? | | | | | |
| 2. Is there an outsourcing policy? | | | | | |
| 3. Does the court management apply a standard purchasing procedure? | | | | | |
| 4. Does the court management use a standard control procedure for all incoming goods and services? | | | | | |
| 5. Does the court management periodically evaluate suppliers? | | | | | |
| 6. Does the court management have a long-term office allocation plan? | | | | | |
| 7. Has the court management drafted a policy regarding physical and IT security of the court? | | | | | |
| 8. Has the court management drafted a policy regarding the security of all court stakeholders? | | | | | |
| 9. Has the court management formulated a policy regarding working conditions and (in-house) emergency services? | | | | | |
| 10. Is there a facility for the security of court buildings? | | | | | |
| 11. Is there a facility for the security of parties at hearings? | | | | | |

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| V.4. Evaluation of means, information systems, logistics and security | | | | | |
| 1. Is there a system of control of financial and other risks linked to information systems and support activities? | | | | | |
| 2. Is the quality and integrity of information, in particular financial information, guaranteed? | | | | | |
| 3. Is there a history of incidents involving the security of access, people and data? | | | | | |
| 4. Is the security of information systems guaranteed? | | | | | |
| 5. Is the risk of loss and material damage covered? | | | | | |
| 6. Is the risk of fraud and embezzlement managed? | | | | | |
| 7. Is there an annual assessment of the expenses and the impact of these expenses? | | | | | |
| 8. Does the court management examine annually whether the expected results have been achieved (results may involve production, quality and staff)? | | | | | |
| 9. Does the court management use the results for adapting its policy and/or amending working procedures? | | | | | |