



European Network of Councils  
for the Judiciary (ENCJ)

Reseau européen des Conseils  
de la Justice (RECJ)

**Questionnaire indicators independence and accountability of the Judiciary  
2022-2023**

**Country: Germany**

Methodology used for filling out questionnaire <sup>1</sup>	
Who filled out the questionnaire	
Was a national expert group set up to validate the reply?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Who were the members of the national expert group? (names and positions)	

<sup>1</sup> See paragraph 3.3 page 24 of the IA&Q report 2018-2019

## INDEPENDENCE INDICATORS

### *Formal independence of the Judiciary as a whole*

1. Legal basis of the independence of the Judiciary as a whole	
1a. Is the independence of the Judiciary or the judge formally guaranteed <sup>2</sup> ?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1b. If the answer to 1a. is yes, is this done in/by:	<input checked="" type="checkbox"/> Constitution or equivalent text <sup>3</sup> <input type="checkbox"/> Law <sup>4</sup> <input type="checkbox"/> Constitutional court
1c. Are judges formally bound only by law?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1d. If the answer to 1c. is yes, is this done in/by:	<input checked="" type="checkbox"/> Constitution or equivalent text <input type="checkbox"/> Law <input type="checkbox"/> Constitutional court
1e. Are judges appointed permanently until retirement?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1f. If the answer to 1e. is yes, is this guaranteed in/by:	<input checked="" type="checkbox"/> Constitution or equivalent text <input type="checkbox"/> Law <input type="checkbox"/> Constitutional court
1g. Is the mechanism to fix the salary of judges determined by law?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1h. If the answer to 1g is yes, is this guaranteed in:	<input checked="" type="checkbox"/> Constitution or equivalent text <input type="checkbox"/> Law  Remark:  Adequate remuneration is guaranteed by one of the constitutional principles of professional civil service in Germany. The protection of this principle also extends to judges. The state as employer has to provide appropriate remuneration for the assigned office, but also security in case of invalidity and an adequate pension.

<sup>2</sup> See question 1b.

<sup>3</sup> Equivalence means here specifically that the position of the Judiciary cannot be changed by simple majority.

<sup>4</sup> That can be changed by simple majority.

	<p>The remuneration of judges in federal courts and in the courts of the Länder are regulated in detail by statute law (for the federal level and each Land separately). The specific elements of the remuneration and the mechanism to fix the salary of judges is stipulated by law.</p> <p>The constitutionally indispensable criteria for a minimum salary of judges were set out in detail by several judgements of the Federal Constitutional Court (Bundesverfassungsgericht) since 2015.</p>
<b>1i. Is there a formal mechanism to adjust the salaries of judges to keep pace with the average development of salaries in the country and/or with inflation?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>1j. Is the involvement of the Judiciary in law and judicial reform<sup>5</sup> formally guaranteed?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>1k. If the answer to 1j. is yes, is this done in:</b>	<input type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> Law <input type="checkbox"/> Constitutional court
<b>1l. If the answer to 1j. is yes, does the Judiciary have:</b>	<input checked="" type="checkbox"/> The right to put forward a formal proposal to change a law <input checked="" type="checkbox"/> The right to advise on legislative proposals
<b>1m. Is the Judiciary involved in the formation and the implementation of judicial reform?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>1n. Has the Judiciary initiated judicial reform?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## 2. Organizational autonomy of the Judiciary

<sup>5</sup> The objective of a judicial reform process should be to improve the quality of justice and the efficacy of the Judiciary, while strengthening and protecting the independence of the Judiciary, accompanied by measures to make more effective its responsibility and accountability. See the ENCJ Report on Judicial Reform 2011-2012.

<b>2a. Does your country have a Council for the Judiciary<sup>6</sup>?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>2b. Is the position of the Council for the Judiciary formally guaranteed, and if so where?</b>	<input type="checkbox"/> Constitution or equivalent text <input type="checkbox"/> In the Law <input type="checkbox"/> No
<b>2c. Is the Council organized in accordance with ENCJ Guidelines concerning:</b>	
At least 50% of the members of the Council are judges who are (with the exception of ex-officio members) chosen by their peers <sup>7</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No
The judicial members represent the whole judiciary (all tiers of the Judiciary are represented in the Council)	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Former) Members of government are not a member of the Council <sup>8</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Former) Members of parliament are not a member of the Council <sup>9</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No
The Council controls its own finances (including the administrative and human resources) independently of both the legislative and executive branches <sup>10</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No
The Council controls its own activities independently of both the legislative and executive branches	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>2d. Is the Council responsible<sup>11</sup> for the following:</b>	
The appointment and promotion of magistrates	<input type="checkbox"/> Yes <input type="checkbox"/> No
The training of magistrates	<input type="checkbox"/> Yes <input type="checkbox"/> No
Judicial discipline	<input type="checkbox"/> Yes <input type="checkbox"/> No
Judicial ethics	<input type="checkbox"/> Yes <input type="checkbox"/> No
Complaints against the Judiciary	<input type="checkbox"/> Yes <input type="checkbox"/> No
The performance management of the Judiciary	<input type="checkbox"/> Yes <input type="checkbox"/> No

<sup>6</sup> See article 6 ENCJ Statutes. National institute which is independent of the executive and legislature, or which is autonomous and which ensures the final responsibility for the support of the Judiciary in the independent delivery of justice.

<sup>7</sup> Only in case of a Council representing judges and prosecutors, please read magistrates.

<sup>8</sup> ENCJ Standards report on non-judicial members in judicial self-governance 2016

<sup>9</sup> Idem

<sup>10</sup> The finances of the Council for the Judiciary refer to the budget of the Council itself and not to the budget of the Judiciary as a whole.

<sup>11</sup> Responsible implies that the Council executes these tasks. But it can also mean that the Council has delegated these tasks to a separate body.

The administration of courts	<input type="checkbox"/> Yes <input type="checkbox"/> No
The financing of the courts	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposing legislation concerning the courts and the Judiciary <sup>12</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>2e. If the answer to question 2a. is no or if the Council is not responsible in the following areas do judges have decisive influence on decisions in the following areas?</b>	
The appointment and promotion of magistrates	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <p>Remark:</p> <p>Judges both at federal level (1) and at the level of the Länder (2) are appointed by the competent minister, usually the Minister of Justice. However, at the federal level and in roughly half of the Länder, the respective parliament participates in the selection. Though judges do not participate directly in the selection and promotion of judges, they have considerable indirect influence.</p> <p>1.The German Judiciary Act provides that the judiciary must be involved in the process of the selection of Federal Judges via Councils for Judicial Appointments (Präsidialräte). They give an advisory vote on each candidate whether they are competent or not. They consist of the Court President and judges elected by their peers. Councils for Judicial Appointments must be established at the federal level and in the Länder. However, the law provides the Länder with leeway in terms of how these should be structured individually.</p> <p>Federal Judges are appointed upon election by the Committee for the Election of Judges (Richterwahlausschuss). It consists of the respective ministers of the</p>

<sup>12</sup> To the Parliament or the Ministry of Justice.

	<p>16 Länder and a same number of persons assigned by the German Parliament (Bundestag). The Committee decides on the appointment of judges at the Federal Supreme Courts in conjunction with the Federal Minister competent for the respective court. The Committee must take into account the assessment the Council for Judicial Appointments of the respective Federal Court as to whether or not the applicant appears sufficiently competent for the office.</p> <p>2. In respect to the appointment and promotion of judges of the level of the Länder, there are considerable differences between the Länder. The Basic Law stipulates that the Länder may regulate by law that judges are appointed by the Land's Minister of Justice and selection by the Minister in conjunction with a Parliamentary Committee for the Election of Judges.. Such committees consist of parliamentarians, but may also include other members such as judges, lawyers or lay members. Going beyond the wording of this constitutional provision, the participation of a Committee for the Election of Judges can be stipulated not just for the (initial) recruitment of judges but also for their promotion. In half of the 16 Länder, there are such committees which participate at the recruitment stage, and others which are not involved until the stage of appointment for life (until retirement) and promotion. The Councils of Judicial Appointment on the Länder level are involved in the process of promotion of judges by commenting on the competence of every applicant.</p>
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	<p>In Länder where Parliament is not involved in the selection of judges, the competent minister formally selects and appoints judges. Still, judges are involved in the process. The selection of young applicants for a first appointment is in most - but not all - of the Länder in fact made by judges who then propose the selected candidates for appointment.</p> <p>Decisions on the promotion of judges within the Länder are based on the results of a periodic evaluation of judges. This evaluation is conducted by the court presidents based on objective criteria which must be set up in a transparent manner in advance of every evaluation period.</p> <p>Decisions regarding the selection and appointment or promotion of a judge can be challenged in court. Each judge can also challenge the result of her or his evaluation in court.</p> <p>The German Judges Association (DRB) claims a yet more decisive participation of judges in the process of appointment and promotion of judges. Some, but not all the Länder have increased the participation of judges in recent years.</p>
The training of magistrates	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Judicial discipline	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Judicial ethics	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Complaints against the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The performance management of the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The administration of courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

	<p>Remark:</p> <p>While judges work on and decide their cases independently, the administration of courts in Germany falls under the responsibility of the executive i.e. of the competent minister, usually the Minister of Justice of the respective Land or the Federation. Court administration is handled at each court by the court president. The court president is a judge and is supported by other judges in his or her administrative duties. When performing their administrative duties (but only then), judges who work in court administration do not enjoy judicial independence but act within the hierarchy of the executive. While German court administration is therefore handled by judges in close contact with their peers, the executive, not the judiciary is responsible for court administration.</p> <p>Where in the following questions both the boxes "Judiciary and Executive" are ticked, this area belongs to court administration in the sense described above.</p> <p>The question if a decision by the court administration affects or even infringes a judge's independence can be brought to court.</p> <p>It must be pointed out that the assignment of cases in Germany is not part of court administration but based on the roster issued by the Präsidium (see for details 8d) whose members are fully protected by judicial independence in performing their duties.</p>
The financing of the courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Remark:  The Presidents of the Higher Regional Courts (Oberlandesgerichte) are consulted regarding the preparation of the budget. However, the Presidents of the Higher Regional Courts do not represent the judiciary of the Land or their court district, but are, within their administrative tasks, part of the court administration of the Land.
Proposing legislation concerning the courts and the Judiciary <sup>13</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

3. Funding of the Judiciary	
<b>3a. Is the funding of the Judiciary sufficient as to allow the courts: (not part of the formal indicators)</b>	<p>[several answers possible]</p> <input checked="" type="checkbox"/> To handle their caseload  Remark: Yes for the federal courts. Since the situation differs highly between the Länder a general answer to this question cannot be provided. The so-called “pact for the rule of law” mentioned in the questionnaire of 2019-2020 was implemented according to plan.  The German Judges Association still claims that the funding of the judiciary needs to be expanded further in order to handle the caseload adequately all over Germany.

<sup>13</sup> To the Parliament or the Ministry of Justice.

	<input checked="" type="checkbox"/> To engage experts/translators/etc. in cases when necessary if fees paid by court		
	<input checked="" type="checkbox"/> To keep the knowledge and skills of judges up to date		
	<input checked="" type="checkbox"/> To keep the knowledge and skills of court staff up to date		
	<input checked="" type="checkbox"/> To facilitate judges and other personnel in matters of IT-systems, buildings etc.		
<b>3b. Who makes the decisions?</b> Please insert an "x" into the box that corresponds to the situation in your country.	<b>Judiciary</b>	<b>Executive<sup>14</sup></b>	<b>Legislature</b>
a) Involvement in the preparation of the "budget allocated to courts"	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Formal proposal on the budget allocated to courts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c) Adoption of the budget allocated to courts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d) Control of the budget allocated to courts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Evaluation/audit of the budget allocated to courts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3c. In case the government does not allocate sufficient funds, may the Judiciary address the parliament?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>3d. Is the funding of the Judiciary based upon transparent and objective criteria?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>3e. If the answer to 3d is yes, is the funding based on:</b>	<b>[several answers possible]</b> <input checked="" type="checkbox"/> Actual costs <sup>15</sup> (e.g. number of judges and court staff)		
	<input checked="" type="checkbox"/> Workload of courts		
	<input type="checkbox"/> Fixed percentage of government expenditure or GDP		
	<input type="checkbox"/> Other (specify): ...		
<b>3f. Where have these criteria been defined</b>	<input checked="" type="checkbox"/> In well-established practice <input type="checkbox"/> In law <input type="checkbox"/> Other (specify)		

<sup>14</sup> Such as the Minister of Justice

<sup>15</sup> Figure based upon historic or realized costs.

4. Court management <sup>16</sup>			
Which authorities can take the following decisions? Please cross the box that corresponds to the situation in your country.	Judiciary	Executive	Legislature
General management of a court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Appointment of court staff (other than judges)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Redeployment of judges to address temporary workload issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other human resource management decisions on court staff	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decisions regarding the implementation and use of Information and Communication Technology in courts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decisions regarding court buildings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decisions regarding court security	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decisions regarding outreach activities <sup>17</sup>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Formal independence of the judge

5. Human resource decisions about judges			
<b>5a. Selection, appointment and dismissal of <u>judges</u> and <u>court presidents</u></b> <b>Which authorities can take the following decisions?</b> Please cross the box that corresponds to the situation in your country.  <b>Remark: Since the competences for such decisions differ on the level of the Länder (see above question 2. e), the answers given below may not reflect precisely the competences in every Land.</b>  <b>Remark: In Länder where a Parliamentary Committee decides on the appointment of judges and court presidents, judges are members of this Committee.</b>	Judiciary	Executive	Legislature

<sup>16</sup> Court management also refers to non-budgetary decisions with impact on the functioning of the courts.

<sup>17</sup> This includes all communication and promotional activities aimed to inform society about the Judiciary.

Proposal of candidates <sup>18</sup> for the appointment as judges (not supreme court judges)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision <sup>19</sup> on the appointment of a judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposal for the dismissal of a judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal of candidates for the appointment as court presidents	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of a court president	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposal for the dismissal of a court president	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of a court president	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5b. Selection, appointment and dismissal of Supreme Court judges and the President of the Supreme Court</b> <b>Which authorities can take the following decisions?</b>	<b>Judiciary</b>	<b>Executive</b>	<b>Legislature</b>
Proposal of candidates for the appointment as Supreme Court judges	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Decision <sup>20</sup> on the appointment of a Supreme Court judge	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposal for the dismissal of a Supreme Court judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of a Supreme Court judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal of the candidate(s) for the appointment of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of the President of the Supreme Court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5c. Is the appointment of judges in compliance with the ENCJ guidelines?</b>			
Is the appointment process open to public scrutiny	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

<sup>18</sup> The final proposal of candidate(s) which is transmitted to the body that appoints/elects them.

<sup>19</sup> In the context of this question a decision includes a binding proposal addressed to the body which formally makes the relevant decision.

<sup>20</sup> In the context of this question a decision includes a binding proposal addressed to the body which formally makes the relevant decision.

and fully and properly documented?			
Is the appointment process undertaken according to published criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is the appointment of judges solely based on merit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Remark:  The constitution demands that public positions including judicial posts must be filled by the best candidates (Prinzip der Bestenauslese). While this principle binds also the election by the Parliamentary Committee for the Election of Judges, in the election process, additional considerations such as proportional representation may play a role.		
Is there in place a written policy designed to encourage diversity in the range of persons available for appointment?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Does the appointment process provide for an independent complaint procedure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <u>Remark:</u>  Decisions concerning a judge's appointment and promotion can be (and regularly are) challenged in court.		
<b>5d. Evaluation, promotion<sup>21</sup> and training of judges. Which authorities can take the following decisions?</b>	<b>Judiciary</b>	<b>Executive</b>	<b>Legislature</b>
Decision <sup>22</sup> on the evaluation of a judge Remark: see the explanation of court administration at 2e	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Evaluation of the performance management of courts Remark: see the explanation of court administration at 2e	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the promotion of a judge Remark: see the explanation of court administration at 2e	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>21</sup> Promotion of judges in the sense of this sub-question and sub-question 5e also covers applications by judges to a new judicial position within the judicial system.

<sup>22</sup> In the context of this question 5d) a decision includes a binding proposal addressed to the body which formally makes the relevant decision.

Adoption of ethical standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Application of ethical standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the program/content of training for judges	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>5e. Probationary periods after first appointment<sup>23</sup></b>			
Before permanent appointment do judges serve a probationary period?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes, is the refusal to confirm the judge in office made according to objective criteria and with the same procedural safeguards as apply when a judge is to be removed from office?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Does the body that decides include a majority of Judges?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Is this body independent from the executive and legislature?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>5f. Is the promotion<sup>24</sup> of judges in compliance with the ENCJ standards?</b>			
Is the promotion process open to public scrutiny and fully and properly documented?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Is the promotion process undertaken according to published criteria?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Is the promotion of judges solely based on merit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Is there in place a written policy designed to encourage diversity in the range of persons available for promotion?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Does the promotion process provide for an independent complaint procedure?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Remark:</u>  Decisions concerning a judge's appointment and promotion can be – and regularly are – challenged in court.

<b>6. Disciplinary measures</b>	
<b>6a. Are disciplinary measures against judges in accordance with ENCJ standards, namely</b>	
Is there a list of types of judicial conducts/ethics the breach	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<sup>23</sup> Venice Commission 2010 report on the Independence of Judges

<sup>24</sup> Promotion of judges in the sense of this sub-question and sub-question 5d also covers applications by judges to new judicial position within the judicial system.

of which would be unacceptable?			
Is there a time limit for the conducting of the investigation, the making of a decision and the imposition of any sanction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is the name of the judge withheld prior to any sanction being imposed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Remark: The judge concerned is informed about the procedure, but the name of the judge is not mentioned in public.		
Does a judge have the right to be legally represented or assisted by a person of her/his choosing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is there is a right of appeal by way of judicial review or cassation appeal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>6b. Which is the competent body to make the following decisions in the context of disciplinary procedures against judges:</b>	<b>Judiciary</b>	<b>Executive</b>	<b>Legislature</b>
Proposal for the appointment of a member of the disciplinary body for judges  Remark: Such decisions are made by a specialised court (Richterdienstgericht).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of a member of the disciplinary body for judges	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Investigation of a complaint against a judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposal for a disciplinary decision regarding a judge	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disciplinary decision regarding a judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the follow-up to a complaint against the Judiciary/a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6c. Can disciplinary measures be initiated against a judge (except in cases where there has been malice or gross negligence) for the following reasons:</b>			
His/her interpretation of the law	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
His/her assessment of facts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
His/her weighing of evidence in determining a case	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
For exercising his/her freedom of expression in order to address threats to the independence of the judiciary, threats to judicial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

integrity, fundamental aspects of the administration of justice <sup>25</sup> and when fundamental rights and the Rule of Law are in peril <sup>26</sup>	
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7. Non-transferability of judges	
7a. Choose one of the following three options:	<input type="checkbox"/> Judges cannot be transferred to another court or location without their consent <a href="#">[go to Q7b]</a>
	<input checked="" type="checkbox"/> Judges cannot be transferred to another court or location without their consent except for : <ul style="list-style-type: none"> <li>- a disciplinary sanction,</li> <li>- the lawful alteration of the court system and</li> <li>- a temporary assignment to reinforce a neighbouring court, the maximum duration of such assignment being strictly limited by the statute <a href="#">[go to Q7c]</a></li> </ul>
	<input type="checkbox"/> Judges can be transferred to another court or location without their consent also for other reasons <a href="#">[go to Q7c]</a>
7b. If transfer without consent is prohibited, is the prohibition guaranteed in: <a href="#">[go to Q7g]</a>	<input type="checkbox"/> Constitution or equivalent text <input type="checkbox"/> Law <input type="checkbox"/> Jurisprudence
7c. Which authority or body decides on a (temporary or permanent) transfer of a judge without his/her consent? <sup>27</sup>	<input checked="" type="checkbox"/> The Judiciary <input checked="" type="checkbox"/> The executive <input type="checkbox"/> The legislature
7d. In case a judge is transferred (temporarily or permanently) without his/her consent is he/she guaranteed an equivalent post (in terms of a position, salary...)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7e. Can a judge appeal if he/she is transferred (temporarily or permanently) without his/her consent?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7f. If yes, which authority or body decides on such an appeal?	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> The legislature

<sup>25</sup> ICJ - <https://www.icj.org/judgesexpression2019/>

<sup>26</sup> ENCJ report on Judicial Ethics 2010

<sup>27</sup> This relates to the allowed exceptions under 7a and to any other reasons.



<b>7g. Can a judge be taken off a case without his/her consent?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>7h. If no, is the prohibition guaranteed in:</b>	<input checked="" type="checkbox"/> The Constitution or equivalent text <input type="checkbox"/> Law <input type="checkbox"/> Custom

8. Allocation of cases	
<b>8a. Is there a well-defined mechanism for the allocation of cases?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>8b. If yes, where have these criteria been defined?</b>	<input checked="" type="checkbox"/> In well-established practice of the court <input type="checkbox"/> In an act adopted by the court <input type="checkbox"/> In implementing regulations <input checked="" type="checkbox"/> In law <input type="checkbox"/> Other (specify): Click or tap here to enter text.
<b>8c. What are the criteria for the allocation of cases?</b>	<input checked="" type="checkbox"/> Random-based <input checked="" type="checkbox"/> Specialization <input type="checkbox"/> Experience <input checked="" type="checkbox"/> Workload <input type="checkbox"/> Other (specify): Click or tap here to enter text.
<b>8d. Who assigns the cases to judges at the courts?</b>	<input type="checkbox"/> President of the court assigns cases <input type="checkbox"/> A member of the court staff assigns cases (e.g. listing officer) <input type="checkbox"/> A special chamber of the court assigns cases <input type="checkbox"/> The cases are assigned randomly (e.g. through a computerized system) <input checked="" type="checkbox"/> Other (specify): <p>As a constitutional principle, the allocation of cases in Germany is not entrusted to the discretion of</p>

	<p>individual persons but must be based on objective criteria. These criteria are defined by the “Präsidium” of each court.</p> <p>The Präsidium is established at every court and is composed of the court president and up to eight additional judges, depending on the size of the court. It is responsible for the court's internal organisation. Its decisions are protected by judicial independence. The Präsidium is tasked with determining the roster for the allocation of cases based on objective criteria. The roster allocating court business is set for the duration of one year and automatically expires at the end of the year.</p> <p>The Präsidium is authorised to redistribute the allocation of court business (i.e. the distribution of cases and the assignment of judges to different panels) in the course of the business year if there is an objective reason to do so. However, the allocation plan may only be changed under conditions specified by law, namely where such a change becomes necessary due to the excessive or insufficient workload of one judge or panel of judges or as a result of the transfer or prolonged absence of an individual judge.</p> <p>Both prior to the drawing up of the allocation plan and following a change in the original business allocation plan drawn up for a particular year in the course of that business year, all judges affected by the allocation plan or changes thereto must be heard.</p>
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<b>8e. Is the allocation of cases subject to supervision within the Judiciary?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>8f. Is the method of allocation of cases publicly accessible?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>8g. Are the parties entitled to be informed about the allocation of the case prior to the start of the hearing of the case?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>8h. Is the mechanism of allocation being applied uniformly within the country?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>8i. Is the motivation for any derogation recorded?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>9. Internal independence</b>	
<b>9a. In your system, can higher ranked judges change a verdict of a lower ranked judge (outside of an appeal system, the precedent doctrine or a preliminary ruling system)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>9b. What kind of decisions can higher ranked judges deliver on their own initiative to ensure the uniformity or consistency of judicial decisions (outside of an appeal system or the precedent doctrine)?</b>	x <input type="checkbox"/> None <input type="checkbox"/> Non-binding guidelines <input type="checkbox"/> Binding guidelines
<b>9c. Can judges at the same level develop guidelines to ensure uniformity or consistency of judicial decisions?</b>	x <input type="checkbox"/> None <input type="checkbox"/> Non-binding guidelines <input type="checkbox"/> Binding guidelines
<b>9d. Can the management of the court exert pressure in individual cases on the way judges handle their cases with respect to the uniformity/consistency?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>9e. Can the management of the court exert pressure in individual cases on the way judges handle their cases with respect to the timeliness/efficiency of judicial decisions?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## Perceived independence

### 10. Independence as perceived by society

*Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.*

**10a. Perceived independence according to Flash Eurobarometer 461 (2018) 'Perceived independence of the national justice systems in the EU among the general public' and**

**Flash Eurobarometer 462 (2018) 'Perceived independence of the national justice systems in the EU among companies'.**

Percentage of respondents that rate very good or fairly good.

**Score 461::** Click or tap here to enter text.

**Score 462:** Click or tap here to enter text.

**Total Score:** Click or tap here to enter text.

**10b. Perceived independence according to the World Economic Forum Competitiveness Report 2018, item 1.07. Score on 7-point scale.**

**Score1.07:** Click or tap here to enter text.

**10c. Perceived independence according to the World Justice Rule of Law Index 2017/2018, average of Q1.2, Q7.4 and Q8.6.**

**Q1.2 Score:** Click or tap here to enter text.

**Q7.4 Score:** Click or tap here to enter text.

**Q8.6 Score:** Click or tap here to enter text.

**Total:** Click or tap here to enter text.

### 11. Independence as perceived by the clients of the courts

**11a. Are national client satisfaction surveys available of the past three years which contain a question with respect to the perceived independence (impartiality) of the Judiciary?**

☒ Yes

☐ No

Remark:

Since 2013, an annual survey on the public opinion of the German legal system is conducted by

	Allensbach institute (“Roland Rechtsreport”) upon request by insurance company “Roland” in cooperation with the German Judges Association. The survey records both the impressions of the public, and of judges and prosecutors and compares their views and opinions. The survey is published online. However, the survey does not ask specifically about the perceived independence, but people are asked to which degree they trust certain institutions, e. g. courts or the police.
<b>11b. If yes, please state the percentage of respondents that rate the perceived independence (impartiality) very good or fairly good.</b>	<b>Percentage:</b> Click or tap here to enter text.

<b>12. Independence as perceived by lawyers</b> <i>Please don’t answer these questions. The data will be filled in by the secretary of the project group for each member and observer.</i>	
<b>Perceived independence according to the CCBE survey, question 10</b> (figure 48 I,A&Q report 2019-2020)	<b>Score:</b> Click or tap here to enter text.

<b>13. Independence as perceived by judges</b> <i>Please don’t answer these questions. The data will be filled in by the secretary of the project group for each member and observer.</i>	
<b>Perceived independence according to the ENCJ survey, question 16</b>	<b>Score:</b> Click or tap here to enter text.

<b>14. Perceived Judicial corruption</b>
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<i>Please don't answer this question. The data will be filled in by the secretary of the project group for each member and observer.</i>	
<b>Perceived Judicial corruption according to Special Eurobarometer 470 (2017) 'Corruption', QB7.</b> <b>Percentage of respondents that believe corruption is widespread.</b>	<b>Score:</b> Click or tap here to enter text.
<b>Perceived Judicial corruption according to WJP, Q2.2.</b>	<b>Score:</b> Click or tap here to enter text.

<b>15. Trust in Judiciary</b> <i>Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.</i>	
<b>Trust in judiciary, relative to trust in other state powers by citizens, according to EC Public Opinion, eu.europa.eu</b> Percentage that trusts the justice system vs percentages that trust national parliament and national government.	<b>Score:</b> Click or tap here to enter text.

## ACCOUNTABILITY INDICATORS

### *Formal accountability of the Judiciary as a whole* Transparency about the functioning of the Judiciary

1. Periodic reporting on the Judiciary	
1a. Is an annual report published on how the Judiciary has discharged its functions?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1b. If the answer to 1a is yes, who publishes the report?	<input checked="" type="checkbox"/> Judiciary <input checked="" type="checkbox"/> Executive
1c. If the answer on 1a is yes, does this report include data on:	<p>[several answers possible]</p> <input checked="" type="checkbox"/> The number of completed cases? <input checked="" type="checkbox"/> Duration of cases? <input type="checkbox"/> Disciplinary measures <input checked="" type="checkbox"/> (Successful) complaints <input type="checkbox"/> (Successful) requests for recusal
1d. Are the courts periodically and publicly benchmarked with respect to their performance, e.g. timeliness?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2. Relations with the press	
2a. Do officials (communication officers or press judges) of the courts explain judicial decisions to the media?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2b. Has the Judiciary established press guidelines?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2c. Does the Judiciary give authorization to broadcast court cases that draw particular public interest on television?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <u>Remark:</u>  Only the announcement of Supreme Court decisions, but not the whole hearing, may be broadcasted. In cases of public interest, pictures may be taken before and after the hearing.

3. Outreach activities aimed at civil society	
3a. Do Open Door days take place in the Courts	<input checked="" type="checkbox"/> Yes

	<input type="checkbox"/> No
<b>3b. Are educational programmes conducted at schools</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>3c. Have television/radio/social media programme formats been developed with the relevant broadcast companies to provide insight in the work of the judge?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>4. External review</b>	
<b>4a. Is the performance of the courts regularly reviewed or evaluated by external bodies?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>4b. Who can commission an external review of the Judiciary?</b>	[several answers possible] <input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> The legislature

**Formal accountability of the Judiciary as a whole**  
**Involvement of civil society in judicial governance**

<b>5. Participation of civil society in governance bodies of the judiciary</b> Please fill in the table			
<b>Governing body which is responsible for:</b>	<b>Are persons with a non-judicial background members?<sup>28</sup></b>	<b>How many non-judicial persons are member of the governing body?</b>	<b>Are the non-judicial members appointed through a transparent procedure, based on merit?</b>
<b>Selection &amp; Appointment of judges</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> less than half <input type="checkbox"/> half <input type="checkbox"/> more than half	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Disciplinary measures against judges</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> less than half <input type="checkbox"/> half <input type="checkbox"/> more than half	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Complaints about judges and the court(s) in general</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> less than half <input type="checkbox"/> half <input type="checkbox"/> more than half	<input type="checkbox"/> Yes <input type="checkbox"/> No

**Formal accountability of the judge and staff**  
**Mechanisms to promote and maintain ethical standards of the judiciary**

<b>6. Complaints procedure</b>
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<sup>28</sup> Not being ex officio members, Minister of Justice or members of parliament.



6a. Does the Judiciary or do the individual courts have a complaint procedure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6b. Is it admissible to complain about:	<b>[several answers possible]</b> <input checked="" type="checkbox"/> Behaviour of judges <input checked="" type="checkbox"/> Timeliness <input checked="" type="checkbox"/> Administrative mistakes <input type="checkbox"/> Other
6c. Is an appeal against a decision on a complaint possible?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

7. Withdrawal and recusal	
7a. Is a judge obliged to withdraw from adjudicating a case if the judge believes that impartiality is in question or compromised or that there is a reasonable perception of bias?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7b. If yes, what is the source of the obligation to withdraw from adjudicating a case?	<b>[one answer only]</b> <input type="checkbox"/> Well-established practice of judges <input type="checkbox"/> Set in an act adopted by a court <input type="checkbox"/> Set in an act adopted by the Council for the Judiciary <input type="checkbox"/> Set in an act adopted by the Minister of justice <input checked="" type="checkbox"/> Set in law <input type="checkbox"/> Other (specify):
7c. If a judge disrespects the obligation to withdraw from adjudicating a case, which sanctions could the judge be subjected to?	<b>[several answers possible]</b> <input checked="" type="checkbox"/> Oral warning <input checked="" type="checkbox"/> Written warning <input checked="" type="checkbox"/> Suspension <input checked="" type="checkbox"/> Disciplinary dismissal <input type="checkbox"/> None
7d. Which authority or body takes the first decision on a request for recusal by a party who considers that a judge is partial / biased?	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> Other (specify): Click or tap here to enter text.
7e. Is an appeal against a decision on a request for recusal possible?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

7f. If yes, which authority or body decides on such an appeal?	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> Other (specify): Click or tap here to enter text.
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8. Admissibility of accessory functions and disclosure of interests	
8a. Are judges allowed to have other functions?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [if no go directly to Q. 8f]
8b. Is an authorisation for the exercise of accessory functions by judges necessary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8c. If the answer to 8b. is yes, who gives authorisation?	<input checked="" type="checkbox"/> The Judiciary <input checked="" type="checkbox"/> The Executive <input type="checkbox"/> The Legislature
8d. If 8a is yes, is there a register of the other jobs and/or functions judges have?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8e. If the answer to 8d is yes is this register public?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8f. Is there a register which discloses financial interests judges may have?	<input checked="" type="checkbox"/> Yes, please specify the minimum amount which needs to be disclosed:  <p>Depending on the kind of secondary employment it is necessary to inform the court administration or even ask for its formal approval. The duty of disclosure does not depend on a minimum amount. Thus any secondary employment of judges is registered internally.</p> <input type="checkbox"/> No

<b>8g. If the answer to 8f is yes, is this register public?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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9. Code or guidelines of judicial ethics	
<b>9a. Does the Judiciary have a code or guidelines of judicial ethics?</b>	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Remark:  <p>In Germany there is no separate code of judicial ethics, but provisions on ethical standards are contained in a number of different laws. The ethical standards and requirements of German law for the administration of justice and the role of the judiciary, for the conduct of court proceedings, for regulating judicial service, and for assessing secondary activities and employment, are to be found in pinpointed provisions in the respective pieces of legislation governing each of these areas as a whole. This historically established system is purported to offer tailored rules for the individual context.</p> <p>Furthermore, the German Judges Association (DRB) established a brochure on judicial ethics which is available to all German judges (see question 9 c).</p>
<b>9b. If the answer to 9a. is yes, is it available to the public?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>9c. Is judicial training on judicial ethics available?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>9d. Is there a body with responsibility to provide judges with guidance or advice on ethical issues?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Formal accountability of the judge and staff

#### Mechanisms to evaluate performance and promote and maintain ethical standards of the judiciary

<b>10. Evaluation of judges</b>	
<b>10a. Existence of evaluation and its purpose</b>	
Is the performance of judges evaluated on a systematic basis?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No - <b>questions ends</b>
Has the purpose and consequences of evaluation been made explicit in a binding document (primary legislation or court regulation)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>10b. Purposes of evaluation</b>	
<b>A. Personal learning and professional development</b>	
Is the purpose of evaluation personal learning and professional development of a judge? Decisions taken on the basis of the outcome of this type of evaluation are, in principle, only by the judge. Example: personal resolve to improve communication with parties or a request for specific training.	<input type="checkbox"/> Yes: proceed to next question <input checked="" type="checkbox"/> No: Go to B
Who evaluates?	<input type="checkbox"/> Peer(s) <input type="checkbox"/> Other
Is the Report of the evaluation available to only the judge or also management?	<input type="checkbox"/> Only evaluated judge <input type="checkbox"/> Also management
What is the frequency of the evaluation?	<input type="checkbox"/> More frequent <input type="checkbox"/> Every 2-4 years <input type="checkbox"/> Less frequent
<b>B. Performance evaluation by management, not aimed at individual human resource/career decisions.</b>	
Is the purpose of performance evaluation by management, not aimed at individual human resource/career decisions? Examples: (1) Development of the competences and skills of the judges of a court	<input type="checkbox"/> Yes: <b>proceed to next question</b>

or a department of a court, in connection with the distribution of judges across areas of law, including their specialization and training needs. Example of a decision by (knowledge) management: allocation of specialisations. (2) Promoting the quantitative and qualitative performance of the judges of a court in connection with the efficiency and effectiveness of the court. Example of decision by management: determination of individual case load and timeliness.	<input checked="" type="checkbox"/> No: go to C
Is all information on which the evaluation is based documented?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are all documents available to the judge?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the judge the right to respond to any findings on him/her?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What is the frequency of the evaluation?	<input type="checkbox"/> More frequent <input type="checkbox"/> Every 1-2 years <input type="checkbox"/> Less Frequent
<b>C. Performance evaluation by management or other responsible authority, aimed at individual human resource/career decisions.</b>	
Is the purpose of evaluation performance evaluation aimed at taking human resource/career decisions about judges such as promotion and career steps (i.e. switch from a first instance court to an appeal court and vice versa)?	<input checked="" type="checkbox"/> Yes : proceed to next question <input type="checkbox"/> No : questions ends
Can evaluation in itself lead to the dismissal (demotion/transfer) of a judge?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the body that conducts the evaluation consist of a majority of judges?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the executive or legislative powers take part in the evaluation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (0)

What is the frequency of the evaluation, if it is conducted on a regular basis?	<input type="checkbox"/> More frequent <input checked="" type="checkbox"/> Every 2-4 years <input type="checkbox"/> Less frequent
Is all information on which the evaluation is based documented?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are all documents available to the judge?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the judge have the right to respond to any findings on him/her?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is a procedure of appeal in place which allows for an independent review of all materials?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### Perceived accountability of the Judiciary and individual judge

#### 11. Adherence of judges to ethical standards, as perceived by judges

*\* Please don't answer this question. The data will be filled in by the secretary of the project group for each member and observer.*

ENCJ survey, Q19

**Score:** Click or tap here to enter text.

#### 12. Adequacy of actions by judicial authorities to address judicial misconduct and corruption, as perceived by judges

*\* Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.*

ENCJ survey, average of Q20 and Q21.

**Score:** Click or tap here to enter text.

#### 13 Adequacy of actions by judicial authorities to address judicial misconduct and corruption, as perceived by lawyers

*\* Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.*

CCBE survey, average of Q11 and Q12.	<b>Score:</b> Click or tap here to enter text.
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