



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: Italy

Methodology used for filling out questionnaire¹

Who filled out the questionnaire

Was a national expert group set up to validate the reply?

☐ Yes

☒ No

The Questionnaire was completed by the Ninth Commission of the CSM, which is responsible for matters related to international relationships with the judiciaries of other countries, relevant self-governing bodies and relevant networks.

The Ninth Commission is made up of lay members and career members who ensure various professional experiences; in particular, the Commission is made up of a lawyer, a university professor, a public prosecutor and

¹ See paragraph 3.3 page 24 of the IA&Q report 2018-2019

	<p>three judges with competence in civil and criminal matters (first instance and Supreme Court).</p> <p>Therefore, the validation of the replies to the questionnaire by an external working group was not considered necessary by the Commission.</p>
<p>Who were the members of the national expert group? (names and positions)</p>	

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?	<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 ³ <input type="checkbox"/> Law ⁴ <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 type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> Law
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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1j. Is the involvement of the Judiciary in law and judicial reform ⁵ formally guaranteed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

² See question 1b.

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

⁴ That can be changed by simple majority.

⁵ 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.

1k. If the answer to 1j. is yes, is this done in:	<input type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> Law <input type="checkbox"/> Constitutional court
1l. If the answer to 1j. is yes, does the Judiciary have:	<input 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
1m. Is the Judiciary involved in the formation and the implementation of judicial reform?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1n. Has the Judiciary initiated judicial reform?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

2. Organizational autonomy of the Judiciary	
2a. Does your country have a Council for the Judiciary⁶?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2b. Is the position of the Council for the Judiciary formally guaranteed, and if so where?	<input checked="" type="checkbox"/> Constitution or equivalent text <input type="checkbox"/> In the Law <input type="checkbox"/> No
2c. Is the Council organized in accordance with ENCJ Guidelines concerning:	
At least 50% of the members of the Council are judges who are (with the exception of ex-officio members) chosen by their peers ⁷	<input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Former) Members of government are not a member of the Council ⁸	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(Former) Members of parliament are not a member of the Council ⁹	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The Council controls its own finances (including the administrative and human resources) independently of both the legislative and executive branches ¹⁰	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

⁶ 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.

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

⁸ ENCJ Standards report on non-judicial members in judicial self-governance 2016

⁹ Idem

¹⁰ 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.

The Council controls its own activities independently of both the legislative and executive branches	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2d. Is the Council responsible¹¹ for the following:		
The appointment and promotion of magistrates	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
The training of magistrates	<input type="checkbox"/> Yes	<input checked="" 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
The financing of the courts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Proposing legislation concerning the courts and the Judiciary ¹²	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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?		
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
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 ¹³	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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

¹² To the Parliament or the Ministry of Justice.

¹³ To the Parliament or the Ministry of Justice.

3. Funding of the Judiciary			
3a. Is the funding of the Judiciary sufficient as to allow the courts: (not part of the formal indicators)	[several answers possible] <input type="checkbox"/> To handle their caseload		
	<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 type="checkbox"/> To keep the knowledge and skills of court staff up to date		
	<input type="checkbox"/> To facilitate judges and other personnel in matters of IT-systems, buildings etc.		
3b. Who makes the decisions? Please insert an "x" into the box that corresponds to the situation in your country.	Judiciary	Executive¹⁴	Legislature
a) Involvement in the preparation of the "budget allocated to courts"	<input 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 type="checkbox"/>
c) Adoption of the budget allocated to courts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Control of the budget allocated to courts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Evaluation/audit of the budget allocated to courts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3c. In case the government does not allocate sufficient funds, may the Judiciary address the parliament?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3d. Is the funding of the Judiciary based upon transparent and objective criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3e. If the answer to 3d is yes, is the funding based on:	[several answers possible] <input checked="" type="checkbox"/> Actual costs ¹⁵ (e.g. number of judges and court staff)		
	<input type="checkbox"/> Workload of courts		
	<input type="checkbox"/> Fixed percentage of government expenditure or GDP		

¹⁴ Such as the Minister of Justice

¹⁵ Figure based upon historic or realized costs.

	<input type="checkbox"/> Other (specify): ...
3f. Where have these criteria been defined	<input type="checkbox"/> In well-established practice <input checked="" type="checkbox"/> In law <input type="checkbox"/> Other (specify)

4. Court management¹⁶			
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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decisions regarding court buildings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decisions regarding court security	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decisions regarding outreach activities ¹⁷	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Formal independence of the judge

5. Human resource decisions about judges			
5a. Selection, appointment and dismissal of <u>judges</u> and <u>court presidents</u> Which authorities can take the following decisions? Please cross the box that corresponds to the situation in your country.	Judiciary	Executive	Legislature
Proposal of candidates ¹⁸ for the appointment as judges (not supreme court judges)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

Decision ¹⁹ on the appointment of a judge	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of a judge	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of a court president	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of a court president	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of a court president	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5b. Selection, appointment and dismissal of Supreme Court judges and the President of the Supreme Court Which authorities can take the following decisions?	Judiciary	Executive	Legislature
Proposal of candidates for the appointment as Supreme Court judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision ²⁰ on the appointment of a Supreme Court judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of a Supreme Court judge	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input 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"/>
5c. Is the appointment of judges in compliance with the ENCJ guidelines?			
Is the appointment process open to public scrutiny and fully and properly documented?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
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		

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

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

Is there in place a written policy designed to encourage diversity in the range of persons available for appointment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Does the appointment process provide for an independent complaint procedure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
5d. Evaluation, promotion²¹ and training of judges. Which authorities can take the following decisions?	Judiciary	Executive	Legislature
Decision ²² on the evaluation of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evaluation of the performance management of courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the promotion of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adoption of ethical standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>
5e. Probationary periods after first appointment²³			
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		
5f. Is the promotion²⁴ of judges in compliance with the ENCJ standards?			
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		

²¹ 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.

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

²³ Venice Commission 2010 report on the Independence of Judges

²⁴ 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.

Is there in place a written policy designed to encourage diversity in the range of persons available for promotion?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the promotion process provide for an independent complaint procedure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

6. Disciplinary measures			
6a. Are disciplinary measures against judges in accordance with ENCJ standards, namely			
Is there a list of types of judicial conducts/ethics the breach of which would be unacceptable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
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		
6b. Which is the competent body to make the following decisions in the context of disciplinary procedures against judges:	Judiciary	Executive	Legislature
Proposal for the appointment of a member of the disciplinary body for judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of a member of the disciplinary body for judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigation of a complaint against a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for a disciplinary decision regarding a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disciplinary decision regarding a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the follow-up to a complaint against the Judiciary/a judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6c. Can disciplinary measures be initiated against a judge (except in cases where there has been malice or gross negligence) for the following reasons:			
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 integrity, fundamental aspects of the administration of justice ²⁵ and when fundamental rights and the Rule of Law are in peril ²⁶	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

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 [go to Q7b]
	<input checked="" type="checkbox"/> Judges cannot be transferred to another court or location without their consent except for : - a disciplinary sanction, - the lawful alteration of the court system and - a temporary assignment to reinforce a neighbouring court, the maximum duration of such assignment being strictly limited by the statute [go to Q7c]
	<input type="checkbox"/> Judges can be transferred to another court or location without their consent also for other reasons [go to Q7c]
7b. If transfer without consent is prohibited, is the prohibition guaranteed in: [go to Q7g]	<input checked="" 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? ²⁷	<input checked="" type="checkbox"/> The Judiciary <input 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

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

²⁶ ENCJ report on Judicial Ethics 2010

²⁷ This relates to the allowed exceptions under 7a and to any other reasons.

	<input type="checkbox"/> The legislature
7g. Can a judge be taken off a case without his/her consent?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, [except for extraordinary hypothesis indicated by law (e.g. recusal); if the question regards also public prosecutor it's partially different because the preliminary investigations it's always in the exclusive titularity of the Chief Public Prosecutor Office and in certain cases, with an act that must be motivated and it's controlled by the High Council of the Judiciary, it's possible for the Head of the Public Prosecutor office to change the Substitute (i.e. member of his office) which collaborates with him in doing the investigations.]
7h. If no, is the prohibition guaranteed in:	<input type="checkbox"/> The Constitution or equivalent text <input checked="" type="checkbox"/> Law and acts adopted by the President of the Courts and validated by the High Council of the Judiciary <input type="checkbox"/> Custom

8. Allocation of cases	
8a. Is there a well-defined mechanism for the allocation of cases?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8b. If yes, where have these criteria been defined?	<input type="checkbox"/> In well-established practice of the court <input checked="" 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.
8c. What are the criteria for the allocation of cases?	<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.

8d. Who assigns the cases to judges at the courts?	<input checked="" 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 checked="" type="checkbox"/> The cases are assigned randomly (e.g. through a computerized system)
	<input checked="" type="checkbox"/> Other (specify Click or tap here to enter text. The cases are assigned to judges by predetermined criteria indicated in an act adopted by the Court. Usually the cases are assigned by the President of the Court in respect of the criteria indicated in act adopted by the Courts and validated by the High Council of the Judiciary; in some Courts it's experimented a computerized system of assignment which, anyway, is based on the criteria indicated in acts adopted by the Courts and validated by the High Council for the Judiciary
8e. Is the allocation of cases subject to supervision within the Judiciary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8f. Is the method of allocation of cases publicly accessible?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8g. Are the parties entitled to be informed about the allocation of the case prior to the start of the hearing of the case?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8h. Is the mechanism of allocation being applied uniformly within the country?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8i. Is the motivation for any derogation recorded?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

9. Internal independence

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)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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)?	<input checked="" type="checkbox"/> None <input type="checkbox"/> Non-binding guidelines <input type="checkbox"/> Binding guidelines
9c. Can judges at the same level develop guidelines to ensure uniformity or consistency of judicial decisions?	<input checked="" type="checkbox"/> None <input type="checkbox"/> Non-binding guidelines <input type="checkbox"/> Binding guidelines
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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?	<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 <u>World Economic Forum Competitiveness Report 2018</u>, item 1.07. Score on 7-point scale.	Score1.07: Click or tap here to enter text.
10c. Perceived independence according to the <u>World Justice Rule of Law Index 2017/2018</u>, 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11b. If yes, please state the percentage of respondents that rate the perceived independence (impartiality) very good or fairly good.	Percentage: Click or tap here to enter text.

12. Independence as perceived by lawyers <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>	
Perceived independence according to the CCBE survey, question 10 (figure 48 I,A&Q report 2019-2020)	Score: Click or tap here to enter text.

13. Independence as perceived by judges <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>	
--	--

Perceived independence according to the ENCJ survey, question 16	Score: Click or tap here to enter text.
---	--

14. Perceived Judicial corruption <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>	
Perceived Judicial corruption according to Special Eurobarometer 470 (2017) 'Corruption', QB7. Percentage of respondents that believe corruption is widespread.	Score: Click or tap here to enter text.
Perceived Judicial corruption according to WJP, Q2.2.	Score: Click or tap here to enter text.

15. Trust in Judiciary <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>	
Trust in judiciary, relative to trust in other state powers by citizens, according to EC Public Opinion, eu.europa.eu Percentage that trusts the justice system vs percentages that trust national parliament and national government.	Score: 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 type="checkbox"/> Executive
1c. If the answer on 1a is yes, does this report include data on:	[several answers possible] <input checked="" type="checkbox"/> The number of completed cases? <input checked="" type="checkbox"/> Duration of cases? <input checked="" type="checkbox"/> Disciplinary measures <input checked="" type="checkbox"/> (Successful) complaints <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2b. Has the Judiciary established press guidelines?	<input type="checkbox"/> Yes <input checked="" 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

3. Outreach activities aimed at civil society	
3a. Do Open Door days take place in the Courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3b. Are educational programmes conducted at schools	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3c. Have television/radio/social media programme formats been developed with the relevant broadcast companies to provide insight	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

in the work of the judge?	
---------------------------	--

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

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

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

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

6. Complaints procedure	
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:	[several answers possible] <input checked="" type="checkbox"/> Behaviour of judges <input checked="" type="checkbox"/> Timeliness <input checked="" type="checkbox"/> Administrative mistakes

²⁸ Not being ex officio members, Minister of Justice or members of parliament.

	<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?	<p>[one answer only]</p> <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?	<p>[several answers possible]</p> <input 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.

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 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 checked="" type="checkbox"/> Yes <input 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: Click or tap here to enter text. <input type="checkbox"/> No
8g. If the answer to 8f is yes, is this register public?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

9. Code or guidelines of judicial ethics	
9a. Does the Judiciary have a code or guidelines of judicial ethics?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9b. If the answer to 9a. is yes, is it available to the public?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9c. Is judicial training on judicial ethics available?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9d. Is there a body with responsibility to provide judges with guidance or advice on ethical issues?	<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

10. Evaluation of judges	
10a. Existence of evaluation and its purpose	
Is the performance of judges evaluated on a systematic basis?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No - questions ends
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
10b. Purposes of evaluation	
A. Personal learning and professional development	
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. Performance evaluation by management, not aimed at individual human resource/career decisions.	
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: proceed to next question <input checked="" type="checkbox"/> No: go to C

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.	
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
C. Performance evaluation by management or other responsible authority, aimed at individual human resource/career decisions.	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the body that conducts the evaluation consist of a majority of judges?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the executive or legislative powers take part in the evaluation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (0)
What is the frequency of the evaluation, if it is conducted on a	<input type="checkbox"/> More frequent

regular basis?	<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 checked="" type="checkbox"/> Yes <input 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.

Score: Click or tap here to enter text.

