

Annex 3: Internal Performance Matrix

This Internal Performance part of the Framework organizes identifies indicators, EU standards and data sources for the different types of resources that are available to the judicial system (financial resources, human resources, infrastructure, ICT). This enables assessment of how each is utilized and managed for justice service delivery.

Indicator	Reference to relevant legal documents	Primary data collection method and frequency of data collection	Source of data/information
1. GOVERNANCE & MANAGEMENT			
1.1 Structures and, Powers of Governance and Management Bodies			
1.1.1. Effectiveness in the distribution of functions	<u>Consultative Council of European Judges (CCJE) Opinion No. 6 (2004) on fair trial within a reasonable time and judge's role in trials taking into account alternative means of dispute settlement</u>	Qualitative expert assessment, EU Progress Reports	EU Council, HJC, SPC, MOJ.
1.1.2. Perceptions about quality of leadership and management of the judiciary	"B.10. In order to reconcile the realization of this need with the guarantees of independence of the judiciary, the independent body mentioned in paragraphs 37 and 45 of the CCJE's Opinion No. 1 (2001) should be competent for the choice and the collection of "quality" data, the design of the data collection procedure, the evaluation of results, its dissemination as feed-back, as well as the monitoring and follow-up procedures.	Periodical Survey	Multi-Stakeholder Justice Survey, HJC, SPC, MOJ, CSOs.
1.1.3. Appropriateness of the composition and powers of the Councils	<u>Consultative Council of European Judges (CCJE) Opinion No. 10 (2007) on the Council for the Judiciary at the service of society</u>	Stakeholder interviews; qualitative expert assessment.	HJC, SPC, MOJ, Courts.
1.1.4. Managerial capacities of the Councils	b) the Council for the Judiciary is to protect the independence of both the judicial system and individual judges and to guarantee at the same time the efficiency and quality of justice as defined in Article 6 of the ECHR in order to reinforce public confidence in the justice system;	Stakeholder interviews; qualitative expert assessment.	HJC, SPC, MOJ, Courts.
1.1.5. Structure and capacities of the MOJ	c) The Council for the Judiciary should be protected from the risk of seeing its autonomy restricted in favor of the legislature or the executive through a mention in a constitutional text or equivalent.	Stakeholder interviews; qualitative expert assessment.	HJC, SPC, MOJ, Courts.
1.1.6. Managerial capacities in the Courts	See also parts: (B. On the composition of the Council for the Judiciary; C. On the functioning of the Council for the Judiciary; D. On the powers of the Council for the Judiciary)." <u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u>	Stakeholder interviews; qualitative expert assessment.	HJC, Courts.

	<p>“27. Not less than half the members of such councils should be judges chosen by their peers from all levels of the judiciary and with respect for pluralism inside the judiciary. 28. Councils for the judiciary should demonstrate the highest degree of transparency towards judges and society by developing pre-established procedures and reasoned decisions. 32. The authorities responsible for the organization and functioning of the judicial system are obliged to provide judges with conditions enabling them to fulfill their mission and should achieve efficiency while protecting and respecting judges’ independence and impartiality.”</p> <p><u>Consultative Council of European Judges (CCJE) Opinion No.10 (2007) of the Consultative Council of European Judges (CCJE) on the Council for the Judiciary at the service of society - Chapter IV – Councils for the judiciary</u></p> <p>“26. Councils for the judiciary are independent bodies, established by law or under the constitution, that seek to safeguard the independence of the judiciary and of individual judges and thereby to promote the efficient functioning of the judicial system. 27. Not less than half the members of such councils should be judges chosen by their peers from all levels of the judiciary and with respect for pluralism inside the judiciary. 28. Councils for the judiciary should demonstrate the highest degree of transparency towards judges and society by developing pre-established procedures and reasoned decisions. 29. In exercising their functions, councils for the judiciary should not interfere with the independence of individual judges.”</p>		
1.2 Effectiveness in Operational Management			
1.2.1. Effectiveness of internal organization within courts	<p><u>Council of Europe, Recommendation CM/Rec 86/12 of the Committee of Minister concerning measures to prevent and reduce the excessive workload in the courts</u> “VI. Reviewing at regular intervals the competence of the various courts as to the amount and nature of the claims, in order to ensure a balanced distribution of the workload.”</p>	Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC, RPPO, SPC.
1.2.2. Effectiveness in Managing Caseloads, Workloads and Backlogs	<p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities - Chapter V</u> “30. The efficiency of judges and of judicial systems is a necessary condition for the protection of every person’s rights, compliance with the requirements of Article 6 of the Convention, legal certainty and public confidence in the rule of law.</p>	Stakeholder interviews; qualitative expert assessment.	SCC, MOJ, courts, HJC.
1.2.3 Efficiency of Work Processes and Process Re-Engineering		Stakeholder interviews; qualitative expert assessment.	SCC, MOJ, courts, HJC, RPPO, SPC.

1.2.4. Existences/Effectiveness of Strategies to involve judges, prosecutors, judges assistants, and staff in innovations	<p>31. Efficiency is the delivery of quality decisions within a reasonable time following fair consideration of the issues. Individual judges are obliged to ensure the efficient management of cases for which they are responsible, including the enforcement of decisions the execution of which falls within their jurisdiction.</p> <p>36. To prevent and reduce excessive workload in the courts, measures consistent with judicial independence should be taken to assign non-judicial tasks to other suitably qualified persons.”</p> <p><u>European Commission for the efficiency of justice (CEPEJ) - Compendium of “best practices” on time management of judicial procedure</u></p>	Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC, RPPO, SPC.
1.3 Effectiveness in Resource Management			
1.3.1. Effectiveness of system for monitoring service delivery and encouraging improvements	<p><u>Consultative Council of European Judges (CCJE) Opinion No. 6 (2004) on fair trial within a reasonable time“</u></p> <p>B. quality of the justice system and its assessment, quantitative statistical data, monitoring procedures</p>	Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC, RPPO, SPC.
1.3.2. Effectiveness of management structure and processes to ensure overall resource management for service delivery	<p>B.9. Data collection and monitoring should be performed on a regular basis, and procedures carried out by the independent body should allow a ready adjustment of the organization of courts to changes in the caseloads.”</p>	Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC, RPPO, SPC.
1.3.3. Ability to program resources jointly and adjust the resource mix		Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC, RPPO, SPC, MOF
1.4 Effectiveness in Strategic Management			
1.4.1. Effectiveness of development, dissemination and analysis of progress against a strategic plan for the judicial system as a whole	<p><u>European Charter on Statute of Judges</u></p> <p>“1.6. The State has the duty of ensuring that judges have the means necessary to accomplish their tasks properly and in particular to deal with cases within a reasonable period.”</p>	Stakeholder interviews; qualitative expert assessment.	Commission for Implementation of the Strategy, MOJ, courts, HJC, SCC, RPPO, SPC

1.4.2. Implementation of plans and measurement of progress	<u>Council of Europe, Recommendation CM/Rec 86/12 of the Committee of Minister concerning measures to prevent and reduce the excessive workload in the courts</u> “VI. Reviewing at regular intervals the competence of the various courts as to the amount and nature of the claims, in order to ensure a balanced distribution of the workload.”	Stakeholder interviews; qualitative expert assessment.	Commission for Implementation of the Strategy MOJ, courts, HJC, PPOs, SPC
1.4.3. Effectiveness in Communicating System Performance	<u>Magna Carta of Judges</u> “Fundamental principles Access to justice and transparency 14. Justice shall be transparent and information shall be published on the operation of the judicial system.” <u>Consultative Council of European Judges (CCJE) Opinion No.2 (2001) on the funding and management of courts with reference to the efficiency of the judiciary and to the article 6 of the European convention on human rights.</u> “The CCJE in particular further draws attention to the need to allocate sufficient resources to courts to enable them to function in accordance with the standards laid down in Article 6 of the European Convention on Human Rights.”	Stakeholder interviews; qualitative expert assessment.	Commission for Implementation of the Strategy MOJ, HJC, SPC.
1.5 Effectiveness of Mechanisms to Govern Integrity and Conflicts of Interest			
1.5.1. Random case assignment	<u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u> “9. A case should not be withdrawn from a particular judge without valid reasons. A decision to withdraw a case from a judge should be taken on the basis of objective, pre-established criteria and following a transparent procedure by an authority within the judiciary.	Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC
1.5.2. Rules on gift giving	10. Only judges themselves should decide on their own competence in individual cases as defined by law.	Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC, SPC, Anticorruption Agency
1.5.3 Development and effective monitoring of National Integrity Plan and up-to-date action plan for improving the integrity and ethical conduct of judges and prosecutors	24. The allocation of cases within a court should follow objective pre-established criteria in order to safeguard the right to an independent and impartial judge. It should not be influenced by the wishes of a party to the case or anyone otherwise interested in the outcome of the case.”	Assessment	HJC, SPC, MOJ, Anticorruption Agency.

1.5.4 Effectiveness of rules specific to the judiciary and the prosecution aimed at controlling conflicts of interest and controlling assets.	<u>European Council Decision of 25 September 2008 on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption (2008/801/EC)</u> "5. Each State Party shall endeavor, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials."	Legal analysis, Stakeholder interviews; qualitative expert assessment., survey	MOJ, courts, HJC, RPPO, SPC, Anticorruption agency, Multi-Stakeholder Justice Survey.
1.5.5. Effectiveness of systems to manage recusals (exemptions and exclusions)	<u>European Charter on the Statute for judges</u> "5.3. Each individual must have the possibility of submitting without specific formality a complaint relating to the miscarriage of justice in a given case to an independent body. This body has the power, if a careful and close examination makes a dereliction on the part of a judge indisputably appear, such as envisaged at paragraph 5.1 hereof, to refer the matter to the disciplinary authority, or at the very least to recommend such referral to an authority normally competent in accordance with the statute, to make such a reference."	Stakeholder interviews; qualitative expert assessment.	SCC, MOJ, courts, HJC.
1.6 Effectiveness of complaints and disciplinary process			
1.6.1. Availability of information on avenues for grievance redress / complaints	<u>Council of Europe, Recommendation CM/Rec (2010) 12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities - Liability and disciplinary proceedings</u> <u>Consultative Council of European Judges (CCJE) Opinion No. 3 on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behavior and impartiality (Conclusions on the standards of conduct and Conclusions on liability)</u>	Official statistics (per quarter, per annum); qualitative expert assessment, stakeholder interviews.	Public information, websites, Ombudsman charts'
1.6.2. Number of officially logged complaints against judges and staff	<u>Council of Europe, Recommendation CM/Rec 1994/12e of the Committee of Ministers on the independence, efficiency and role of judges (Principle VI - Failure to carry out responsibilities and disciplinary offences)</u> <u>European Charter on the statute for judges – (5. Liability)</u>	Official statistics (per quarter, per annum); qualitative expert assessment, stakeholder interviews.	MOJ, courts, HJC, SCC, RPPO, SPC, Anticorruption Agency, Ombudsman's Office

1.6.3. Effectiveness and transparency of disciplinary measures and sanctions	<p><u>Magna Carta of Judges (Ethics and responsibility)</u></p> <p><u>Bangalore Principles of Judicial Conduct</u></p> <p><u>European guidelines on ethics and conduct for public prosecutors (Budapest guidelines)</u></p> <p><u>Guidelines on the Role of Prosecutors, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. - Disciplinary proceedings</u></p>	Legal analysis, assessment of the number of initiated proceedings, filed disciplinary charges, pronounced disciplinary sanctions and enforced disciplinary sanctions, interviews	courts, HJC, RPPO, SPC, Anticorruption Agency
2. FINANCIAL RESOURCE MANAGEMENT			
2.1 Effectiveness in Balancing Judicial Financing and Mandates			
2.1.1. Level of budgetary funding and appropriateness of funding mandates.	<p><u>European Charter on Statute of Judges</u></p> <p>“1.6. The State has the duty of ensuring that judges have the means necessary to accomplish their tasks properly and in particular to deal with cases within a reasonable period.”</p>	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, courts, PPOs, MOF
2.1.2. Predictability of budget execution.	<p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u></p> <p>“33. Each state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently.”</p> <p><u>Council of Europe, Recommendation CM/Rec(2001)2 of the Committee of Ministers to member states concerning the design and re-design of court systems and legal information systems in a cost-effective manner</u></p> <p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u></p> <p>“35. A sufficient number of judges and appropriately qualified support staff should be allocated to the courts.”</p>	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, courts, PPOs.

	<u>Council of Europe, Recommendation CM/Rec(2001)2 of the Committee of Ministers to member states concerning the design and re-design of court systems and legal information systems in a cost-effective manner</u>		
2.2 Arrears			
2.2.1. Extent of accumulation of arrears.	<p><u>European Charter on Statute of Judges</u> "1.6. The State has the duty of ensuring that judges have the means necessary to accomplish their tasks properly and in particular to deal with cases within a reasonable period."</p> <p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u> "33. Each state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently."</p> <p><u>Council of Europe, Recommendation CM/Rec(2001)2 of the Committee of Ministers to member states concerning the design and re-design of court systems and legal information systems in a cost-effective manner</u></p>	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, courts, PPOs.
2.3 Linking resource Allocation to Outputs			
2.3.1. Effectiveness in linking resource allocation to outputs	<p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u> "33. Each state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently."</p>	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, courts, PPOs.
2.4 The Court Budget Structure			
2.4.1. Effectiveness of resource allocation to respond flexibly to changing circumstances and stimulate performance improvement.	<p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u> "33. Each state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently."</p>	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, courts, PPOs.

2.4.2. Effectiveness of monitoring cost-effectiveness and resource productivity		Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, courts, PPOs.
2.5 Allocation of resources in relation to Geography and Income			
2.5.1. Appropriate allocation of resources in relation to geography and income	<u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u> "33. Each state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently."	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	HJC, SPC, MOJ, MOF, Statistical Office
2.6 Operational Effectiveness of Finances			
2.6.1. Capacity of procurement functions.	<u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u> "33. Each state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently."	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, courts, PPOs.
2.6.2. Capacity of accounting systems.	<u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u> "35. A sufficient number of judges and appropriately qualified support staff should be allocated to the courts."	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, courts, PPOs.
2.6.3. Capacity of internal audit function.	<u>Consultative Council of European Judges (CCJE) Opinion No. 3 on the funding and management of the with reference to the efficiency of the judiciary and to Article 6 of the European Convention on Human Rights</u> "13. If judges are given responsibility for the administration of the courts, they should receive appropriate training and have the necessary support in order to carry out the task. In any event, it is important that judges are responsible for all administrative decisions, which directly affect performance of the courts' functions."	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, courts, PPOs.
2.6.4. Effective allocation of financial management functions.		Official statistics; financial records; stakeholder interviews;	MOJ, HJC, SPC, courts, PPOs.

		qualitative expert assessment.	
2.6.5. Level of staffing support		Official statistics; financial and HR records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, courts, PPOs.
2.7 Management of Court Fees			
2.7.1 Effectiveness of court fee collection.	<u>Council of Europe, Recommendation No. R (81) 7 of the Committee of Ministers to Member States on measures facilitating access to justice - D. Cost of justice</u> "11. No sum of money should be required of a party on behalf of the state as a condition of commencing proceedings which would be unreasonable having regard to the matters in issue.	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, courts.
2.7.2. Effectiveness of management and use of court fees.	12. In so far as the court fees constitute a manifest impediment to justice they should be, if possible, reduced or abolished. The system of court fees should be examined in view of its simplification. 13. Particular attention should be given to the question of lawyers' and experts' fees in so far as they constitute an obstacle to access to justice. Some form of control of the amount of these fees should be ensured. 14. Except in special circumstances a winning party should in principle obtain from the losing party recovery of his costs including lawyers' fees, reasonably incurred in the proceedings." <u>Council of Europe, Recommendation Rec(2003)17 of the Committee of Ministers to member states on enforcement</u> "3. Enforcement fees should be reasonable, prescribed by law and made known in advance to the parties. 4. The attempts to carry out the enforcement process should be proportionate to the claim, the anticipated proceeds to be recovered, as well as the interests of the defendant. 5. The necessary costs of enforcement should be generally borne by the defendant, notwithstanding the possibility that costs may be borne by other parties if they abuse the process."	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, courts.
3. HUMAN RESOURCES MANAGEMENT			
3.1 Staffing Levels and Methodology			

3.1.1. Numbers and ratios of judges, prosecutors, assistants and court staff (aggregated and disaggregated by court type)	<p><u>Council of Europe, Recommendation No. R (94) 12 of the Committee of Ministers to the member states on the independence, efficiency and role of judges</u></p> <p>“Principle III - Proper working conditions</p> <p>1. Proper conditions should be provided to enable judges to work efficiently and, in particular, by:</p> <p>a. recruiting a sufficient number of judges and providing for appropriate training such as practical training in the courts and, where possible, with other authorities and bodies, before appointment and during their career. Such training should be free of charge to the judge and should in particular concern recent legislation and case-law. Where appropriate, the training should include study visits to European and foreign authorities as well as courts;”</p>	e.g. annual budget, actual per given quarter in three comparison fiscal years ⁹⁶¹	MOJ, SCC, HJC, SPC, RPPO
3.1.2. Number of temporary and contract staff	<p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u></p> <p>“36. To prevent and reduce excessive workload in the courts, measures consistent with judicial independence should be taken to assign non-judicial tasks to other suitably qualified persons.</p> <p>35. A sufficient number of judges and appropriately qualified support staff should be allocated to the courts.”</p> <p><u>Magna Carta of Judges - fundamental principles</u></p> <p>“Guarantees of independence</p>	e.g. annual budget, actual per given quarter in three comparison fiscal years ⁹⁶²	MOJ, HJC, SPC
3.1.3. Number of lay judges	<p>7. Following consultation with the judiciary, the State shall ensure the human, material and financial resources necessary to the proper operation of the justice system. In order to avoid undue influence, judges shall receive appropriate remuneration and be provided with an adequate pension scheme, to be established by law.”</p>	Official statistics; financial records; stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SCC, courts.
3.2 Recruitment, Evaluation and Promotion of Judges and Prosecutors			
3.2.1. Transparency of recruitment and nomination of judges and prosecutors	<p><u>European Charter on Statute of Judges</u></p> <p>“4.1. When it is not based on seniority, a system of promotion is based exclusively on the qualities and merits observed in the performance of duties entrusted to the judge, by</p>	Legal analysis, assessment, including existence and proper	MOJ, courts, HJC, RPPO, SPC.

⁹⁶¹ Systematizations/Personnel Budget (annual allocation), Payroll records (actual head count)

⁹⁶² Systematizations/Personnel Budget (annual allocation), Payroll records (actual head count)

	<p>means of objective appraisals performed by one or several judges and discussed with the judge concerned. Decisions as to promotion are then pronounced by the authority referred to at paragraph 1.3 hereof or on its proposal, or with its agreement. Judges who are not proposed with a view to promotion must be entitled to lodge a complaint before this authority.”</p>	staffing of function in the HJC and SPC	
3.2.2. Objectiveness of criteria for evaluation and promotion of Judges and prosecutors	<p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities - Chapter VI - Status of the judge</u></p> <p>“44. Decisions concerning the selection and career of judges should be based on objective criteria pre-established by law or by the competent authorities. Such decisions should be based on merit, having regard to the qualifications, skills and capacity required to adjudicate cases by applying the law while respecting human dignity.</p>	Legal analysis, assessment, including existence and proper staffing of function in the HJC and SPC	MOJ, courts, HJC, RPPO, SPC.
3.2.3. Effectiveness of the system to evaluate performance of judges/prosecutors assistants and staff and use of performance evaluations in HR management	<p>55. Systems making judges’ core remuneration dependent on performance should be avoided as they could create difficulties for the independence of judges.”</p> <p><u>Guidelines on the Role of Prosecutors, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc.</u></p> <p>“Qualifications, selection and training</p> <p>1. Persons selected as prosecutors shall be individuals of integrity and ability, with appropriate training and qualifications.</p> <p>Status and conditions of service</p> <p>4. States shall ensure that prosecutors are able to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability.</p> <p>6. Reasonable conditions of service of prosecutors, adequate remuneration and, where applicable, tenure, pension and age of retirement shall be set out by law or published rules or regulations.</p> <p>7. Promotion of prosecutors, wherever such a system exists, shall be based on objective factors, in particular professional qualifications, ability, integrity and experience, and decided upon in accordance with fair and impartial procedures.”</p>	Stakeholder interviews; qualitative expert assessment.	Courts, MOJ, High Court Council, SPC, RPPO.

3.3. Training			
3.3.1. Capacity of the Judicial Academy to meet training needs	<p><u>Council of Europe, Recommendation No. R (94) 12 of the Committee of Ministers to the member states on the independence, efficiency and role of judges - Principle III- Proper working conditions</u></p> <p>“a. recruiting a sufficient number of judges and providing for appropriate training such as practical training in the courts and, where possible, with other authorities and bodies, before appointment and during their career. Such training should be free of charge to the judge and should in particular concern recent legislation and case-law. Where appropriate, the training should include study visits to European and foreign authorities as well as courts.”</p> <p><u>Consultative Council of European Judges (CCJE) Opinion No.10 (2007) on the Council for the Judiciary at the service of society – (Training of Judges)</u></p>	Stakeholder interviews; qualitative expert assessment.	Judicial Academy, courts, HJC, RPPO, SPC.

3.3.2. Effectiveness of a training needs assessment	<p><u>Magna Carta of Judges - fundamental principles</u> “8. Initial and in-service training is a right and a duty for judges. It shall be organized under the supervision of the judiciary. Training is an important element to safeguard the independence of judges as well as the quality and efficiency of the judicial system.”</p> <p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities - Training</u> “56. Judges should be provided with theoretical and practical initial and in-service training, entirely funded by the state. This should include economic, social and cultural issues related to the exercise of judicial functions. The intensity and duration of such training should be determined in the light of previous professional experience. 57. An independent authority should ensure, in full compliance with educational autonomy, that initial and in-service training programs meet the requirements of openness, competence and impartiality inherent in judicial office.”</p>	Stakeholder interviews; qualitative expert assessment.	Judicial Academy, courts, HJC, RPPO, SPC.
3.3.3. Effectiveness of initial training	<p><u>Council of Europe, Recommendation CM/Rec(2000)19 of the Committee of Ministers to member states on the role of public prosecution in the criminal justice system – (Training)</u></p> <p><u>European Charter on Statute of Judges</u> “2.3. The statute ensures by means of appropriate training at the expense of the State, the preparation of the chosen candidates for the effective exercise of judicial duties. The authority referred to at paragraph 1.3 hereof, ensures the appropriateness of training programs and of the organization which implements them, in the light of the requirements of open-mindedness, competence and impartiality which are bound up with the exercise of judicial duties. 4.4. The statute guarantees to judges the maintenance and broadening of their knowledge, technical as well as social and cultural, needed to perform their duties, through regular access to training which the State pays for, and ensures its organization whilst respecting the conditions set out at paragraph 2.3 hereof.”</p> <p><u>Consultative Council of European Judges (CCJE) Opinion No. 4 (2003) on training for judges</u> “42. CCJE recommends: i. that training programs and methods should be subject to frequent assessments by the organs responsible for judicial training;</p>	Stakeholder interviews; qualitative expert assessment.	Judicial Academy, courts, HJC, RPPO, SPC.

3.3.4. Effectiveness of continuing training	<p>ii. that, in principle, participation in judges' training initiatives should not be subject to qualitative assessment; their participation in itself, objectively considered, may however be taken into account for professional evaluation of judges;</p> <p>iii. that quality of performance of trainees should nonetheless be evaluated, if such evaluation is made necessary by the fact that, in some systems, initial training is a phase of the recruitment process."</p>	Stakeholder interviews; qualitative expert assessment.	Judicial Academy, courts, HJC, RPPO, SPC.
3.3.5. Effectiveness of training for assistants and court staff		Stakeholder interviews; qualitative expert assessment.	Judicial Academy, courts, HJC, RPPO, SPC.

3.4 Salary and Benefit Structures for Judges, Prosecutors, and Staff			
3.4.1. Appropriateness of salary structure for judges, prosecutors, judges assistants and staff (grades, court levels)	<p><u>Magna Carta of Judges - fundamental principles</u> “Guarantees of independence 7. Following consultation with the judiciary, the State shall ensure the human, material and financial resources necessary to the proper operation of the justice system. In order to avoid undue influence, judges shall receive appropriate remuneration and be provided with an adequate pension scheme, to be established by law.”</p> <p><u>European Charter on Statute of Judges</u> “6. Remuneration and social welfare 6.1. Judges exercising judicial functions in a professional capacity are entitled to remuneration, the level of which is fixed so as to shield them from pressures aimed at influencing their decisions and more generally their behavior within their jurisdiction, thereby impairing their independence and impartiality. 6.2. Remuneration may vary depending on length of service, the nature of the duties which judges are assigned to discharge in a professional capacity, and the importance of the tasks which are imposed on them, assessed under transparent conditions. 6.3. The statute provides a guarantee for judges acting in a professional capacity against social risks linked with illness, maternity, invalidity, old age and death. 6.4. In particular the statute ensures that judges, who have reached the legal age of judicial retirement, having performed their judicial duties for a fixed period, are paid a retirement pension, the level of which must be as close as possible to the level of their final salary as a judge.”</p>	Assessment, comparison with private sector salaries and comparator countries	MOJ, courts, HJC, RPPO, SPC, MOF.
3.4.2. Appropriateness of benefit structure for judges, prosecutors, judges’ assistants, and staff (e.g. health care, housing, special pension, etc.)	<p>6.2. Remuneration may vary depending on length of service, the nature of the duties which judges are assigned to discharge in a professional capacity, and the importance of the tasks which are imposed on them, assessed under transparent conditions. 6.3. The statute provides a guarantee for judges acting in a professional capacity against social risks linked with illness, maternity, invalidity, old age and death. 6.4. In particular the statute ensures that judges, who have reached the legal age of judicial retirement, having performed their judicial duties for a fixed period, are paid a retirement pension, the level of which must be as close as possible to the level of their final salary as a judge.”</p>	Assessment, comparison with private sector and comparator countries	MOJ, courts, HJC, RPPO, SPC, MOF.
3.4.3. Effectiveness of job security for judges and prosecutors (lifetime and/or term appointment, probation period)	<p><u>Council of Europe, Recommendation No. R (94) 12 of the Committee of Ministers to the member states on the independence, efficiency and role of judges - Principle III- Proper working conditions</u> “b. ensuring that the status and remuneration of judges is commensurate with the dignity of their profession and burden of responsibilities; c. providing a clear career structure in order to recruit and retain able judges.”</p> <p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities - Chapter VI - Status of the judge</u> “55. Systems making judges’ core remuneration dependent on performance should be avoided as they could create difficulties for the independence of judges.”</p>	Legal analysis, assessment	MOJ, courts, HJC, RPPO, SPC.

	<p><u>Guidelines on the Role of Prosecutors, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc.</u></p> <p>“Qualifications, selection and training</p> <p>6. Reasonable conditions of service of prosecutors, adequate remuneration and, where applicable, tenure, pension and age of retirement shall be set out by law or published rules or regulations.</p> <p>7. Promotion of prosecutors, wherever such a system exists, shall be based on objective factors, in particular professional qualifications, ability, integrity and experience, and decided upon in accordance with fair and impartial procedures.”</p> <p><u>European Commission for Democracy through Law (Venice Commission), Report on European Standards as regards the independence of the judicial system (2010): Part II – The Prosecution Service</u></p> <p>“21. Remuneration of prosecutors in line with the importance of the tasks performed is essential for an efficient and just criminal justice system.”</p>		
3.5. Support Staff Planning and Utilization			
3.5.1. Effectiveness of human resources systems for non-judge staff	<p><u>Council of Europe, Recommendation No. R (94) 12 of the Committee of Ministers to the member states on the independence, efficiency and role of judges</u></p> <p>“c. All decisions concerning the professional career of judges should be based on objective criteria, and the selection and career of judges should be based on merit, having regard to qualifications, integrity, ability and efficiency. The authority taking the decision on the selection and career of judges should be independent of the government and the administration. In order to safeguard its independence, rules should ensure that, for instance, its members are selected by the judiciary and that the authority decides itself on its procedural rules.”</p>	Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC, RPPO, SPC.
3.5.2. Flexibility to deploy human resources to enhance service delivery	<p>“c. All decisions concerning the professional career of judges should be based on objective criteria, and the selection and career of judges should be based on merit, having regard to qualifications, integrity, ability and efficiency. The authority taking the decision on the selection and career of judges should be independent of the government and the administration. In order to safeguard its independence, rules should ensure that, for instance, its members are selected by the judiciary and that the authority decides itself on its procedural rules.”</p>	Qualitative expert assessment	MOJ, courts, HJC, RPPO, SPC
3.5.3. Effectiveness in division of labor between the judges and support staff		Qualitative expert assessment	MOJ, courts, HJC.
3.5.4. Effectiveness of deployment and use of court managers	<p><u>Consultative Council of European Judges (CCJE) Opinion No. 6 (2004) on fair trial within a reasonable time and judge’s role in trials taking into account alternative means of dispute settlement</u></p> <p>“C.6. The judges should have one or more personal assistants having good qualifications in the legal field to which they can delegate certain activities</p>	Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC, RPPO, SPC.

3.5.5. Effectiveness of HJC in non-judge HR policy-making and management	(d) Judges' assistance 65. The CCJE noted in its Opinion No. 2 (2001) that in numerous countries the judges have insufficient means at their disposal. However, the CCJE points out the need that a genuine reduction of inappropriate tasks performed by judges can only take place by providing judges with assistants, with substantial qualifications in the legal field ("clerks" or "referendars"), to whom the judge may delegate, under the same judge's supervision and responsibility, the performance of specific activities such as research of legislation and case-law, drafting of easy or standardized documents, and liaising with lawyers and/or the public."	Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC.
3.5.6. Effectiveness of staffing needs assessment mechanisms		Stakeholder interviews; qualitative expert assessment.	MOJ, courts, HJC, RPPO, SPC.
3.6. Planning for the future			
3.6.1. Age distribution among judges, prosecutors, judges assistants, and staff	<u>Consultative Council of European Judges (CCJE) Opinion No. 1 (2001) on standards concerning the independence of the judiciary and the immovability of judges – Conclusions</u> “(3) Seniority should not be the governing principle determining promotion. Adequate professional experience is however relevant, and pre-conditions related to years of experience may assist to support independence.”	Statistics, HR records	MOJ, courts, HJC, RPPO, SPC.
3.7. Gender Equity in Employment in the Serbian Judiciary			
3.7.1. Gender distribution among judges, prosecutors, judges assistants, and staff at different levels	<u>Consolidated version of the Treaty on the Functioning of the European Union</u> “Article 157 4. With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.” <u>European Commission Report - Positive Action Measures to Ensure Full Equality in Practice between Men and Women, including on Company Boards</u>	Statistics, HR records	MOJ, courts, HJC, RPPO, SPC.

4. ICT MANAGEMENT			
4.1. Governance of ICT Planning and Investments			
4.1.1. Effectives of governance structures of ICT in judiciary	<p><u>Council of Europe, Recommendation Rec(2001) 2 of the Committee of Minister to member states concerning the design and redesign of court systems and legal information systems in a cost-effective manner – Appendix</u></p> <p><u>Council of Europe, Recommendation Rec(2001)3 of the Committee of Ministers to member states on the delivery of court and other legal services to the citizen through the use of new technologies - Appendix</u></p> <p><u>Council of Europe, Recommendation Rec(2003)15 of the Committee of Ministers to member states on archiving of electronic documents in the legal sector</u></p> <p>3. Organizational measures 4. Security measures 5. Conservation measures 6. Document formats 7. Electronic signatures</p> <p><u>Consultative Council of European Judges (CCJE) Opinion No. 14 (2011) on “Justice and information technologies (IT)”</u></p> <p>IT plays a central role in the provision of information to judges, lawyers and other stakeholders in the justice system as well as to the public and the media.</p>	Qualitative expert assessment	MOJ, HJC, SPC, courts, PPOs.
4.2. Effectiveness of Case Management and Information Systems			
4.2.1. Effectiveness of case management information systems in the courts and across the civil and criminal chain	<p><u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities</u></p> <p>28. “The use of electronic case management systems and information communication technologies should be promoted by both authorities and judges, and their generalized use in courts should be similarly encouraged.”</p>	MOJ, HJC, SPC, courts, PPOs	MOJ, HJC, SPC, courts, PPOs.
4.2.2. Effectiveness of video conferencing in the courts	<p><u>Council of Europe, Recommendation Rec(2003)15 of the Committee of Ministers to member states on archiving of electronic documents in the legal sector</u></p> <p>3. Organizational measures 4. Security measures 5. Conservation measures 6. Document formats</p>	Qualitative expert assessment	MOJ, courts.

	<p>7. Electronic signatures</p> <p><u>Consultative Council of European Judges (CCJE) Opinion No. 14 (2011) on “Justice and information technologies (IT)”</u> “IT plays a central role in the provision of information to judges, lawyers and other stakeholders in the justice system as well as to the public and the media.”</p>		
4.3. Effectiveness of System for Management Purposes			
4.3.1. Effectiveness of electronic exchange of information between the first instance courts, superior courts and other relevant justice authorities	<p><u>Council of Europe, Recommendation No. R (95) 5 of the Committee of Ministers to member states concerning the introduction and improvement of the functioning of appeal system and procedures in civil and commercial cases -Chapter III - Other measures to improve the functioning of appeal systems and procedures</u> “j. providing adequate technical facilities to the second court, such as telefaxes or computers, and providing similar facilities to the first court to allow preparation of transcripts of hearings and decisions;”</p> <p><u>Council of Europe, Recommendation No. R (94) 12 of the Committee of Ministers to the member states on the independence, efficiency and role of judges - Principle III - Proper working conditions</u> “d. providing adequate support staff and equipment, in particular office automation and data processing facilities, to ensure that judges can act efficiently and without undue delay.”</p>	Qualitative expert assessment	MOJ, HJC, SPC, courts, prosecution
4.4. Effectiveness of Electronic Exchange of Information			
4.4.1. Quality of e-justice for access for court users, including court websites, possibilities for electronic exchange, online monitoring of court cases, electronic payment of fees and fines	<p><u>Council of Europe, Recommendation Rec(2001)3 of the Committee of Ministers to member states on the delivery of court and other legal services to the citizen through the use of new technologies - Appendix</u></p> <p><u>Consultative Council of European Judges (CCJE) Opinion No. 16 (2013) on the relations between judges and lawyers</u> “The CCJE recommends developing lines of communication between courts and lawyers. Judges and lawyers must be in a position to communicate at all stages in proceedings. The CCJE considers that states should introduce systems facilitating computer communication between the courts and lawyers.”</p>	Qualitative expert assessment, Survey (periodic)	MOJ, courts, HJC, SPC, PPOs
4.4.2 User satisfaction with the case management information system (user friendliness,		Qualitative expert assessment; Survey (periodic)	Multi-Stakeholder Justice Survey, MOJ, HJC, SPC

possibilities to generate court performance info)			
5. INFRASTRUCTURE MANAGEMENT			
5.1 Management of Judicial Infrastructure for Service Delivery			
5.1.1. Effectiveness of geographic distribution of judicial infrastructure across Serbia	<u>Council of Europe, Recommendation No. R (86) 12 concerning measures to prevent and reduce the excessive workload in the courts</u> “VI. Reviewing at regular intervals the competence of the various courts as to the amount and nature of the claims, in order to ensure a balanced distribution of the workload.”	Legal analysis, assessment	MOJ, HJC, SPC
5.1.2. Physical conditions of the judicial infrastructure	<u>Consultative Council of European Judges (CCJE) Opinion No. 6 (2004) on fair trial within a reasonable time and judge’s role in trials taking into account alternative means of dispute settlement</u> “B.6. It is also crucial to underline, in the data collection procedures, the interaction between the quality of justice and the presence of adequate infra-structures and support personnel.” <u>Council of Europe, Recommendation No. R (94) 12 of the Committee of Ministers to the member states on the independence, efficiency and role of judges</u> “2. All necessary measures should be taken to ensure the safety of judges, such as ensuring the presence of security guards on court premises or providing police protection for judges who may become or are victims of serious threats.” <u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities- Resources</u> “33. Each state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently.”	Desk review, stakeholder interviews	MOJ, HJC, SPC, courts, PPOs
5.1.3. Effectiveness of design standards for refurbishment of judicial buildings and new court houses		Desk review, stakeholder interviews	MOJ, HJC, SPC, courts, PPOs.
5.1.4. Effectiveness of geographic distribution of the workload (incoming cases) between the courts		Court statistics	MOJ, HJC, SPC.
5.1.5. Level of Court house security and effectiveness of security policies		Desk review, stakeholder interviews	MOJ, HJC, SPC, courts, PPOs.
5.2 Facility Management of Judicial Infrastructure			
5.2.1. Effectiveness of court infrastructure investment plan	No relevant legal documents identified.	Qualitative expert assessment	MOJ, HJC, SPC
5.2.2. Effectiveness and existence of design standards and maintenance protocols.		Qualitative expert assessment	MOJ, HJC, SPC