

Annex 2: External Performance Matrix

This part of the framework identifies three main areas to measure judicial system performance: efficiency of judicial service delivery, quality of justice services, and access to justice services. These measurement areas are divided into thematic groupings for ease of reference. The framework then identifies the relevant indicators, and links each indicator with the relevant European references. The matrix then shows the primary data collection method, the frequency of data collection and the source of the relevant information and data.

Indicator	Reference to relevant legal documents	Primary data collection method and frequency of data collection	Source of data / information
1. EFFICIENCY OF JUDICIAL SERVICE DELIVERY			
1.1 Production and productivity of courts			
1.1.1 Number of disposed cases	<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>	Official statistics (per quarter, per annum)	SCC, MOJ, courts, HJC, SPC, prosecutor offices/RPPO
1.1.2 Disposed of per judge (aggregated and disaggregated per case type, court type and court location)	"B. Quality of the justice system and its assessment, quantitative statistical data, monitoring procedures." 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	Official statistics (per quarter, per annum)	SCC, MOJ, courts, HJC,
1.1.3 Clearance rates (aggregated and disaggregated per case type, court type and court location)	C. Case load and case management" <u>European Commission for the efficiency of justice (CEPEJ) - Compendium of "best practices" on time management of judicial procedure</u>	Official statistics (per quarter, per annum)	SCC, MOJ, courts, HJC.
1.2 Timeliness in Case Processing			
1.2.1 Number of pending (carry-over) cases	<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 - C. Caseload and case management- Specific procedures</u>	Official statistics (per quarter, per annum)	SCC, MOJ, courts, HJC.
1.2.2 Congestion rates (relative size of pending stock)	"C.13. The key to conducting litigation proportionately is active case management by judges, the core principles of which are stated in Recommendation No. R (84) 5. The most important point is that judges should from the outset and throughout legal proceedings	Official statistics (per quarter, per annum)	SCC, MOJ, courts, HJC.

1.2.3 Age of pending stock (ageing list aggregated and disaggregated per court type, case type and court location)	control the time table and duration of proceedings, setting firm dates and having power to refuse adjournments, even against the parties' wishes."	Official statistics (per quarter, per annum)	SCC, MOJ, courts, HJC.
1.2.4 Time to disposition by the age of resolved cases (ageing list aggregated and disaggregated per court type, case type and court location)	<u>Council of Europe, Recommendation No. R (86) 12 of the committee of Ministers to Member States 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."	Official statistics (per quarter, per annum)	SCC, MOJ, courts, HJC.
1.2.5 Time to disposition using the SATURN method	<u>European Commission for the efficiency of justice (CEPEJ) - Compendium of "best practices" on time management of judicial procedure</u>	Official statistics (per quarter, per annum)	MOJ, courts, HJC.
1.2.6 Timeliness as measured by court users and practitioners		Survey (periodic); stakeholder interviews.	Multi-Stakeholder Justice Survey HJC, SPC, MOJ, court users.
1.3 Effective Enforcement			
1.3.1 Number of pending enforcement cases	<u>Council of Europe, Recommendation Rec (2003) 17 of the Committee of Ministers to member states on enforcement</u> "Enforcement procedures should: a. be clearly defined and easy for enforcement agents to administer IV. Enforcement agents 7. State-employed enforcement agents should have proper working conditions, adequate physical resources and support staff. They should also be adequately remunerated. 8. Enforcement agents should undergo initial and ongoing training according to clearly defined and well-structured aims and objectives."	Official statistics (per quarter, per annum)	SCC, MOJ, courts, HJC.
1.3.2 Effectiveness of enforcement of "IV" cases (predominantly unpaid utility bills).	<u>Consultative Council of European Judges (CCJE) Opinion No. 13 (2010) on the role of Judges in the enforcement of judicial decision – VII. Conclusions</u> "D. There should be no postponement of the enforcement procedure, except on grounds prescribed by law. Any deferral should be subject to the judge's assessment. The enforcement agents should not have the power to challenge or vary the terms of the judgment. F. The CCJE considers that, in a state governed by the rule of law, public entities are above all bound to respect judicial decisions, and to implement them in a rapid way "ex officio". G. Enforcement should be fair, swift, effective and proportionate.	Official statistics (per quarter, per annum); Survey (periodic); qualitative expert assessment.	SCC, MOJ, courts, HJC.
1.3.3 Effectiveness of enforcement of court judgments		Official statistics (per quarter, per annum); Survey (periodic); qualitative expert assessment.	Multi-Stakeholder Justice Survey SCC, HJC, courts, MOJ, court users.

	<p>H. The parties should be able to initiate enforcement proceedings easily. Any obstacle to this, for instance excessive cost, should be avoided.”</p> <p><u>Council of Europe ,Recommendation Rec(2003)16 of the Committee of Ministers to member states on the execution of administrative and judicial decisions in the field of administrative law</u></p>		
1.4 Procedural Efficiency and Efficacy			
1.4.1 Efficiency of service of process (percentage of successful service; relative costs of modes of service)	<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>“A.5. The remuneration of lawyers and court officers should be fixed in such a way as not to encourage needless procedural steps</p> <p>A.6. Provision should be made, pursuant to Recommendation No. R (84) 5 (principle 2-1 in the appendix), for sanctioning abuse of court procedure”</p>	Official statistics (per quarter, per annum); Financial data; stakeholder interviews; qualitative expert assessment.	SCC, MOJ, courts, HJC, SPC
1.4.2 Efficiency in scheduling hearings (average number of months to case filing and first hearing)	<p><u>Council of Europe, Recommendation Rec(2003)17 of the Committee of Ministers to member states on enforcement</u></p> <p>“2. Enforcement procedures should:</p> <p>d. provide for the most effective and appropriate means of serving documents (for example, personal service by enforcement agents, electronic means, post);</p> <p>e. provide for measures to deter or prevent procedural abuses;”</p> <p><u>Council of Europe, Committee of Ministers Recommendation No. R (84) 5 on the principles of civil procedure designed to improve the functioning of justice</u></p> <p>“Principle 1</p>	Survey (periodic); Official statistics (per quarter, per annum)	SCC, Courts, court users.
1.4.3 Average number of hearings per case (aggregated and disaggregated by case type)	<p>Normally, the proceedings should consist of not more than two hearings, the first of which might be a preliminary hearing of a preparatory nature and the second for taking evidence, hearing arguments and, if possible, giving judgment.</p> <p>Sanctions should be imposed when a party, having perhaps received notice to proceed, does not take a procedural step within the time-limits fixed by the law or the court.</p>	Survey (periodic); Official statistics (per quarter, per annum)	Multi-Stakeholder Justice Survey; SCC, HJC, SPC, MOJ, courts, court users.

1.4.4 Average number of cancelled hearings and adjournments and their stated reasons (average number of cancelled hearings as percentage of total hearings)	<p>Depending on the circumstances such sanctions might include declaring the procedural step barred, awarding damages, costs, imposing a fine and striking the case off the list.</p> <p>Principle 3</p> <p>The court should, at least during the preliminary hearing but if possible throughout the proceedings, play an active role in ensuring the rapid progress of the proceedings, while respecting the rights of the parties, including the right to equal treatment. In particular, it should have proprio motu powers to order the parties to provide such clarifications as are necessary; to order the parties to appear in person; to raise questions of law; to call for evidence, at least in those cases where there are interests other than those of the parties at stake; to control the taking of evidence; to exclude witnesses whose possible testimony would be irrelevant to the case; to limit the number of witnesses on a particular fact where such a number would be excessive. These powers should be exercised without going beyond the object of the proceedings.”</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>“37. 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> <p><u>Council of Europe, Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules - Transfer of prisoners</u></p> <p><u>Consultative Council of European Judges (CCJE) Opinion No. (2013) 16 on relations between judges and lawyers – Recommendations</u></p> <p>“I. The CCJE recommends that states establish appropriate procedural provisions, which must define the activities of judges and lawyers and empower judges to implement effectively the principles of a fair trial and to prevent illegitimate delaying tactics of the parties. It also recommends that judges, lawyers and court users be consulted in the drafting of these provisions and that these procedural frameworks are regularly evaluated.</p> <p>II. The CCJE supports the international exchange of experience between judges and lawyers with a view of developing “best practices” in the area of procedural frameworks, taking into account, however, the different social and legal traditions of the countries concerned.</p>	Survey (periodic); stakeholder interviews; qualitative expert assessment.	Multi-Stakeholder Justice Survey, SCC, HJC, SPC, MOJ, courts, court users
1.4.5. Efficiency of prison transfers		Stakeholder interviews; qualitative expert assessment.	Courts, PPOs, MOJ - Prison Administration.
1.4.6. Effectiveness in the use of case management techniques		Stakeholder interviews; qualitative expert assessment.	Courts, PPOs, court users, lawyers.
1.4.7. Efficiency in the substantive conduct of hearings (average percentage of hearings not contributing to resolution of the case; efficiency index mean percentage of hearings contributing to resolution out of total scheduled hearings.)		Survey (periodic); Qualitative expert assessment; stakeholder interviews.	Multi-Stakeholder Justice Survey. Courts, PPOs, lawyers, court users.
1.4.8 Efficiency in joining similar cases		Stakeholder interviews, qualitative expert assessment.	SCC, MOJ, courts, HJC, SPC.
1.4.9. Efficiency in the appeal process (the extent of “recycling”)		Official statistics (per quarter, per annum); stakeholder interviews; qualitative expert assessment.	SCC, HJC, Courts, RPPO, SPC

1.4.10. Efficiency in the delivery of administrative services (time spent to conduct administrative task; number of visits required; number of windows visited)	III. The CCJE recommends that judges organize case management hearings within the framework of the relevant procedural laws, and establish, in consultation with the parties, procedural calendars, e.g. by specifying the procedural stages, setting out reasonable and appropriate timeframes and structuring the manner and timing of the presentation of written and oral submissions and evidence. IV. 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.”	Survey (periodic)	Multi-Stakeholder Justice Survey, SCC, HJC, MOJ, court users, court staff.
2. QUALITY OF JUDICIAL SERVICES DELIVERED			
2.1 Quality of law and law-making			
2.1.1 Perceptions about the quality of existing laws	<u>Consultative Council of European Judges (CCJE) Opinion No. 11 (2008) on the quality of judicial decisions</u> “12. Therefore the CCJE considers it desirable that national parliaments should assess and monitor the impact of legislation in force and legislative proposals on the justice system and introduce appropriate transitional and procedural provisions to ensure that judges can give effect to them by high quality judicial decisions. The legislator should ensure that legislation is clear and simple to operate, as well as in conformity with the ECHR. In order to facilitate interpretation, preparatory works of legislation should be readily accessible and drawn up in an understandable language. Any draft legislation concerning the administration of justice and procedural law should be the subject of an opinion of the Council for the Judiciary or equivalent body before its deliberation by Parliament.” <u>OECD (2014), OECD Framework for Regulatory Policy Evaluation, OECD Publishing</u>	Survey (periodic)	Multi-Stakeholder Justice Survey , SCC, HJC, MOJ, RPPO, SPC
2.1.2 Effectiveness of the Law-making process		Stakeholder interviews; qualitative expert assessment.	MOJ, HJC, SPC, working groups, CSOs.
2.1.3 Effectiveness of the Rollout of new laws		Stakeholder interviews; qualitative expert assessment.	MOJ, working groups, courts, CSOs, JA, Parliament.
2.2 Quality of Administrative Services within the Courts			
2.2.1 Perceptions about the general quality of court services	<u>Council of Europe, Recommendation CM/Rec(2007)7 of the Committee of Ministers to member states on good administration</u> <u>European Ombudsman, The European Code on Good Administrative Behavior</u>	Survey (periodic)	Multi-Stakeholder Justice Survey, HJC, SPC, MOJ, court users, lawyers.
2.2.2 Perceptions about the quality of administrative services at the court		Survey (periodic)	Multi-Stakeholder Justice Survey, HJC, MOJ, court users.
2.3 Quality in Case Processing			

2.3.1. Effectiveness in the use of standardized forms, templates, checklists etc.'	<u>Consultative Council of European Judges (CCJE) Opinion No. 11 (2008) on the quality of judicial decisions</u> "h) Standard models of good practices in case management should be encouraged, as well as consultation meetings between judges.	Stakeholder interviews; qualitative expert assessment.	Courts, SCC, HJC, MOJ.
2.3.2. Perception of the application and implementation of the law	j) A fair conduct of the proceedings, correct application of legal principles and evaluation of the factual background as well as enforceability are the key elements contributing toward a high quality decision. k) The decision must be intelligible and drafted in clear and simple language, with each judge being permitted however to choose his or her own style or to make use of standardized models.	Survey (periodic); stakeholder interviews.	Multi-Stakeholder Justice Survey, HJC, SPC, MOJ, court users, lawyers.
2.3.3 The extent of implementation gap between de jure and de facto justice services	l) The CCJE recommends that judicial authorities compile a compendium of good practices in order to facilitate the drafting of decisions	Process Maps (ad hoc)	SCC, MOJ, HJC, SPC, RPPO, Appeal courts,
2.3.4. Perception of the quality of judicial work	r) The judicial system as a whole has to be examined in order to evaluate the quality of judicial decisions. Attention should be given to the length, transparency and the conduct of the proceedings."	Survey (periodic)	Multi-Stakeholder Justice Survey, SCC, HJC, MOJ.
2.3.5 Avoidance of double jeopardy in criminal charges	<u>Council of Europe, Recommendation No. R (81) 7 of the Committee of Ministers to Member States on measures facilitating access to justice</u> "15. Where there is a dispute about a small amount of money or money's worth, a procedure should be provided that enables the parties to put their case before the court without incurring expense that is out of proportion to the amount at issue. To this end consideration could be given to the provision of simple forms, the avoidance of unnecessary hearings and the limitation of the right of appeal.	Stakeholder interviews; qualitative expert assessment.	Multi-Stakeholder Justice Survey, SCC, RPPO, HJC, SPC, MOJ
2.3.6. Effectiveness in the use of specialized case processing for certain court types	16. States should ensure that the procedures concerning family law are simple, speedy, inexpensive and respect the personal nature of the matters in issue. These matters should, as far as possible, be dealt with in private."	Stakeholder interviews; qualitative expert assessment.	Multi-Stakeholder Justice Survey, SCC, RPPO, HJC, SPC, MOJ
2.3.7. Effectiveness in coordination among stakeholders to promote quality	<u>Consultative Council of European Judges (CCJE) Opinion No. 6 (2004) on fair trial within a reasonable time</u> "C.15. States should introduce (a) effective protective measures, (b) summary, simplified and/or abbreviated procedures and (c) procedures for early determination of preliminary issues (including jurisdictional issues) and for the speedy resolution of any appeal in respect of such preliminary issues."	Stakeholder interviews; qualitative expert assessment.	Multi-Stakeholder Justice Survey, HJC, SPC, MOJ
2.4 Quality of court decision making			

2.4.1. Use of standardized judgment writing tools	<u>Consultative Council of European Judges (CCJE) Opinion No. 11 (2008) on the quality of judicial decisions</u> “f) The professionalism of the judge is the primary guarantee for the quality of a decision and an important part of the internal environment influencing a judicial decision. Professionalism involves a high level legal training of judges, as well as the development of a culture of independence, ethics and deontology. It requires the judge to be aware of not only legal material but also non-legal concepts. l) The CCJE recommends that judicial authorities compile a compendium of good practices in order to facilitate the drafting of decisions” <u>Consultative Council of European Judges (CCJE) Opinion No. 9 (2006) on the role of national judges in ensuring an effective application of international and European law</u> “(c) assuring, specifically, that national law, including national case-law, respects the case-law of the European Court of Human Rights; in particular, by granting, wherever possible, that a case be re-opened after the European Court of Human Rights has found a violation of the ECHR or its protocols in the proceeding, and the violation cannot be reasonably eliminated or compensated in any other way than through a new hearing of the matter.” <u>Council of Europe, Committee of Ministers Recommendation No. R (87) encouraging discretionary prosecution, summary procedures and the simplification of ordinary judicial procedures.</u> <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 (Discretionary prosecution)</u>	Stakeholder interviews; qualitative expert assessment.	HJC, JA
2.4.2 Violations of European Convention on Human Rights (number of submitted complaints, complaint types, outcomes, trends)		ECTHR official statistics (per quarter, per annum)	ECTHR, MOJ
2.4.3 Volume and type of cases likely to violate European time standards for reasonable duration		Official statistics (per quarter, per annum)	SCC, MOJ, courts, HJC, SPC, Calvez report (CEPEJ)
2.4.4. Appropriate use of the principle of opportunity and plea bargaining		Stakeholder interviews; qualitative expert assessment.	SPC, RPPO, MOJ, HJC, lawyers
2.4.5. Appropriateness in sentencing (use of sentencing guidelines; perceptions of consistency in sentencing)		Stakeholder interviews; qualitative expert assessment.	SCC, HJC, SPC, RPPO, MOJ, lawyers
2.5. Appeals and abolishment rates			

2.5.1 Appeal rates and abolishment rates (per court type, case type, and court location)	<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> "C.17. Countries should give consideration to the possibility of introducing into their systems controls on unmeritorious appeals, in order to ensure that the speedy disposition of meritorious appeals is not impaired." <u>Council of Europe, Committee of Ministers Recommendation No. R (84) 5 on the principles of civil procedure designed to improve the functioning of justice</u> "Principle 7 Steps should be taken to deter the abuse of post-judgment legal remedies."	Official statistics (per quarter, per annum)	SCC, MOJ, HJC, Appeal courts.
2.5.2 Perception of appeals (perceptions of court users and practitioners)	<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</u>	Survey (periodic); stakeholder interviews.	Multi-Stakeholder Justice Survey, HJC, MOJ, SPC, RPPO, court users, lawyers.
2.6 Integrity in the Justice Service Delivery			
2.6.1 Perception of integrity and reasons for lack of integrity	<u>Magna Carta of Judges (Fundamental Principles)</u> "Access to justice and transparency Justice shall be transparent and information shall be published on the operation of the judicial system."	Survey (periodic); stakeholder interviews.	Multi-Stakeholder Justice Survey, HJC, MOJ, SPC, RPPO, court users, lawyers.
2.6.2. Perceptions of trust and confidence in the judiciary	<u>Council of Europe, Recommendation CM/Rec(2010)12 on judges: independence, efficiency and responsibilities</u> "Chapter VIII – Ethics of judges 72. Judges should be guided in their activities by ethical principles of professional conduct. These principles not only include duties that may be sanctioned by disciplinary measures, but offer guidance to judges on how to conduct themselves. 73. These principles should be laid down in codes of judicial ethics which should inspire public confidence in judges and the judiciary. Judges should play a leading role in the development of such codes. 74. Judges should be able to seek advice on ethics from a body within the judiciary."	Survey (periodic)	Multi-Stakeholder Justice Survey, HJC, MOJ, SPC, RPPO, court users, lawyers.
2.6.3. Perception of corruption in the judiciary	These principles not only include duties that may be sanctioned by disciplinary measures, but offer guidance to judges on how to conduct themselves. 73. These principles should be laid down in codes of judicial ethics which should inspire public confidence in judges and the judiciary. Judges should play a leading role in the development of such codes. 74. Judges should be able to seek advice on ethics from a body within the judiciary."	Surveys (periodic);	IPSOS, UNODC, Ombudsman, Anti-Corruption Agency, GRECO, TI Index
2.6.4. Extent of reported corruption and use of informal means to influence the process and outcomes	<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>	Surveys (periodic);	Multi-Stakeholder Justice Survey BEEPS Survey; Anti-Corruption Agency Survey
2.6.5. Perceptions of judicial independence	"A. Access to justice A.1. States should provide dissemination of suitable information on the functioning of the judicial system (nature of proceedings available; duration of proceedings on average	Survey (periodic); Stakeholder interviews; qualitative expert assessment.	Multi-Stakeholder Justice Survey, HJC, SPC, MOJ, court users, lawyers.

2.6.6. Perceptions of impartiality and fairness	<p>and in the various courts; costs and risks involved in case of wrongful use of legal channels; alternative means of settling disputes offered to parties; landmark decisions delivered by the courts.”</p> <p><u>Consultative Council of European Judges (CCJE) Opinion No. 7 (2005) on “justice and society”</u> “B.2. The CCJE supports all the steps aiming at strengthening the public perception of impartiality of judges and enabling justice to be carried out C. The relations of the courts with the media (to strengthen understanding of their respective roles; to inform the public of the nature, the scope, the limitations and the complexities of judicial work...)”</p> <p><u>Consultative Council of European Judges (CCJE) Opinion No. 13 (2010) on the role of Judges in the enforcement of judicial decisions</u> “A. The effective enforcement of a binding judicial decision is a fundamental element of the rule of law. It is essential to ensure the trust of the public in the authority of the judiciary. Judicial independence and the right to a fair trial is in vain if the decision is not enforced. <u>Council of Europe, Recommendation CM/Rec 1994/12 of the Committee of Ministers on the independence, efficiency and role of judges</u> “d. In the decision-making process, judges should be independent and be able to act without any restriction, improper influence, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason. The law should provide for sanctions against persons seeking to influence judges in any such manner. Judges should have unfettered freedom to decide cases impartially, in accordance with their conscience and their interpretation of the facts, and in pursuance of the prevailing rules of the law. Judges should not be obliged to report on the merits of their cases to anyone outside the judiciary.”</p>	Survey (periodic)	Multi-Stakeholder Justice Survey, HJC, SPC, MOJ, court users, lawyers.
3. ACCESS TO JUDICIAL SERVICES			
3.1 Affordability of Justice Services (Financial Access to Justice)			
3.1.1 Affordability of court-related costs	<p><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.</p>	Official statistics (per quarter, per annum); Surveys (periodic)	SCC, MOJ, Ministry of Finance, Statistical Office, Access to Justice Survey, Multi-Stakeholder Justice Survey.

3.1.2 Timing of court fees and related expenses	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.	Qualitative expert assessment; Surveys (periodic)	SCC, HJC, court users.
3.1.3 Accessibility and use of court fee waivers	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>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>	Access to Justice Survey; Stakeholder interviews; qualitative expert assessment.	Court users, SCC, MOJ, HJC, lawyers, CSOs
3.1.5 Affordability of attorney costs	“The public should in particular be made aware of the nature of proceedings which may be brought, their possible duration, their cost and the risks involved in case of wrongful use of legal channels. Information should also be provided concerning alternative means of settling disputes which may be offered to parties. A.4. Technology should be developed whereby litigants may, via computer facilities... obtain full information, even before proceedings are instituted, as to the nature and the amount of the costs they will have to bear, and indication of the foreseeable duration of the proceedings up to the judgment.”	Surveys (periodic); stakeholder interviews.	Multi-Stakeholder Survey, SCC, MOJ, HJC, lawyers, CSOs
3.1.6 Use of ex-officio attorneys	<u>Consultative Council of European Judges (CCJE) Opinion No.13 (2010) on the role of Judges in the enforcement of judicial decisions</u> “H. The parties should be able to initiate enforcement proceedings easily. Any obstacle to this, for instance excessive cost, should be avoided.”	Stakeholder interviews; qualitative expert assessment.	SCC, MOJ, HJC, lawyers, CSOs
3.1.7 Accessibility for unrepresented litigants	<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 (per quarter, per annum); Stakeholder interviews; qualitative expert assessment; Access to Justice Survey.	MOJ, RPPO, Courts, HJC, SPC.
3.1.8 Effectiveness of legal aid programs for indigent court users		Stakeholder interviews; Qualitative expert assessment.	SCC, SPC, MOJ, HJC, lawyers, CSOs

	<u>Council of Europe, Recommendation Rec No. R (93) 1 on effective access to the law and to justice for the very poor</u>		
3.3 Access to Alternative Dispute Resolution			
3.3.1 Number of court referrals to a mediator	<u>Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities (part on mediation)</u> <u>Consultative Council of European Judges (CCJE) Opinion No. 6 (2004) on fair trial within a reasonable time (part on mediation)</u>	Annual Court Statistics, statistics mediation authority	MOJ, Mediation Authority
3.3.2 Number of incoming cases for a mediator (per type of dispute)	<u>Council of Europe, Recommendation CM/Rec 1994/12 of the Committee of Ministers on the independence, efficiency and role of judges (part on mediation)</u>	Annual Statistics	Courts, MOJ, Mediation Authority
3.3.3 Number of cases resolved in mediation	<u>Consultative Council of European Judges (CCJE) Opinion No. (2013) 16 on relations between judges and lawyers (part on mediation)</u> <u>European Code of conduct for mediators</u>	Annual Court statistics, statistics mediation authority	Mediation Authority, MOJ
3.3.4 Cost of mediation to users	<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 (part on mediation)</u>	Annual Statistics	Mediation Authority, MOJ
3.3.5 Average number of mediation sessions from start until mediation agreement	<u>Council of Europe, Recommendation Rec (2002)10 on mediation in civil matters</u> <u>Consultative Council of European Judges (CCJE) Opinion No. 6 (2004) on fair trial within a reasonable time</u> "D.2. Legal aid should be available for ADR as it is for standard court proceedings; both legal aid resources as well as any other public expenditures to support ADR should make use of a special budget, so that the corresponding expenses are not charged to the operating budget of the courts."	Annual/For Functional Review Statistics, assessment	Mediation Authority Courts, MOJ.
3.3.6 Average duration (days/months) of mediation procedures		Annual Statistics	Mediation Authority Courts, MOJ.

3.3.7 Success rates of the mediations (no. of mediation agreements compared with unsuccessful mediations)	<u>Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters</u>	Annual Statistics	Mediation Authority Courts, MOJ.
3.3.8 Effectiveness of enforcement of mediated decisions		Annual Statistics	Mediation Authority Courts, MOJ.
3.3.9 Perceptions about mediation		Assessment for Functional Review MSP Survey & Access to Justice Survey (periodic)	Mediation Authority Courts, MOJ. Multi-Stakeholder Justice Survey
3.4 Access to Information			
3.4.1. Perceptions of the users about the access to relevant information	<u>Consultative Council of European Judges (CCJE) Opinion No. 7 (2005) on “justice and society”</u> “D.4. The CCJE recommends that at least all Supreme Court and other important court decisions be accessible through Internet sites at no expense, as well as in print upon reimbursement of the cost of reproduction only; however appropriate measures should be taken in disseminating court decisions, to protect privacy of interested persons, especially parties and witnesses.” <u>Consultative Council of European Judges (CCJE) Opinion No. 6 (2004) on fair trial with a reasonable time - A. Access to Justice</u> “11. Public access to justice presupposes delivery of suitable information on the functioning of the judicial system.”	MSP Survey & Access to Justice Survey (periodic)	Multi-Stakeholder Justice Survey, HJC, SPC, MOJ.
3.4.2. Access to court and case information		Annual (periodic) reports, court website	MOJ, SCC, HJC
3.4.3 Access to Court Decisions		Regular reports	MOJ, SCC, HJC, Ombudsman

3.4.4. Availability of information on allied professional services.	<p><u>Council of Europe, Recommendation Rec No. R (81) 7 on measures facilitating access to justice</u></p> <p>“A. Information to the public</p> <p>1. Appropriate measures should be taken to inform the public of the location and competence of the courts and the way in which proceedings are commenced or defended before those courts.</p> <p>2. General information should be available from the court or a competent body or service on the following items:</p> <ul style="list-style-type: none"> - procedural requirements provided that this information does not involve giving legal advice concerning the substance of the case; - the way in which, and the time within which, a decision can be challenged, the rules of procedure and any required documents to this effect; - Methods by which a decision might be enforced, and if possible, the costs involved.” 	Qualitative expert assessment, stakeholder interviews.	Websites; Bar; translation services; bailiffs; notaries; mediators.
3.5 Geographical & Physical Access to Justice Services			
3.5.1 Perceptions of users about the geographical access to courts and level of comfort of the court buildings)	<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. “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>	Surveys (periodic)	Multi-Stakeholder Justice Survey, Access to Justice Survey, MOJ, CSOs. HJC.

3.5.2 Perceptions of the judges and staff about the court facilities and level of comfort (to be compared with surveys of users).		Surveys (periodic); Stakeholder interviews.	Multi-Stakeholder Justice Survey, MOJ, Courts, HJC.
3.6 Equality of Access for Vulnerable Groups			
3.6.3 Perceptions among certain vulnerable groups about accessibility of judicial services	<p>Council of Europe, Recommendation Rec No. R (99) 4 on principles concerning the legal protection of incapable adults - Part II – Governing principles, Principle 2 – Flexibility in legal response</p> <p>“1. The measures of protection and other legal arrangements available for the protection of the personal and economic interests of incapable adults should be sufficient, in scope or flexibility, to enable a suitable legal response to be made to different degrees of incapacity and various situations.</p> <p>2. Appropriate measures of protection or other legal arrangements should be available in cases of emergency.</p> <p>3. The law should provide for simple and inexpensive measures of protection or other legal arrangements.</p> <p>4. The range of measures of protection should include, in appropriate cases, those which do not restrict the legal capacity of the person concerned.</p> <p>5. The range of measures of protection should include those which are limited to one specific act without requiring the appointment of a representative or a representative with continuing powers.</p> <p>6. Consideration should be given to the inclusion of measures under which the appointed person acts jointly with the adult concerned, and of measures involving the appointment of more than one representative.</p> <p>7. Consideration should be given to the need to provide for, and regulate, legal arrangements, which a person who is still capable can take to provide for any subsequent incapacity.</p> <p>8. Consideration should be given to the need to provide expressly that certain decisions, particularly those of a minor or routine nature relating to health or personal welfare, may be taken for an incapable adult by those deriving their powers from the law rather than from a judicial or administrative measure.”</p>	MSP Survey & Access to Justice Survey (periodic)	MOJ, CSOs, HJC