

Justice Performance Measurement

Klaus Decker

Senior Public Sector Specialist

World Bank

Performance Data

Cross-country data:

- EU Justice Scoreboard
- European Commission for the Efficiency of Justice (CEPEJ)
- Global Competitiveness Report (World Economic Forum)
- Rule of Law Index (World Justice Project)
- And many more

Performance Data

Country specific data:

- Supply side
 - National statistical data
 - Case management data
 - Other judicial statistics
- Demand side
 - Surveys
 - Focus groups
- Data collection and data generation

Performance Data

Quantitative data:

- Numbers, statistics
- Seen as objective and allowing for a technical assessment

Qualitative data:

- Expert assessments, interviews
- Seen as more subjective and requiring value judgments

Performance Standards

Chapter 23:

“EU policies in the area of judiciary and fundamental rights aim to maintain and further develop the Union as an area of freedom, security and justice. The establishment of an **independent and efficient judiciary** is of paramount importance. **Impartiality, integrity** and a **high standard of adjudication** by the courts are essential for safeguarding the rule of law. This requires a firm commitment to **eliminating external influences** over the judiciary and to devoting **adequate financial resources and training**. **Legal guarantees for fair trial procedures** must be in place. Equally, Member States must **fight corruption effectively**, as it represents a threat to the stability of democratic institutions and the rule of law. A **solid legal framework** and **reliable institutions** are required to underpin a **coherent policy of prevention and deterrence of corruption**. Member States must ensure **respect for fundamental rights and EU citizens’ rights**, as guaranteed by the acquis and by the Fundamental Rights Charter.”

Performance Standards

Chapter 23 references:

- Article 6 European Convention on Human Rights (“Right to a fair trial within reasonable time”)
- Opinions and recommendations (CCJE, Council of Europe Committee of Ministers Recommendations, etc.)
- Principles (Bangalore Principles on Judicial Independence, Budapest Guidelines on Ethics and Conduct for Public Prosecutors, etc.)

Performance Framework

How to organize data and standards? Example Serbia:

- Service delivery by courts
 - Efficiency of judicial service delivery
 - Quality of judicial services delivered
 - Access to judicial services
- Management of resources
 - Financial resources
 - Human resources
 - Information and communication technology
 - Infrastructure

Performance Framework

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			
Standard 1.1 Judicial system productivity			
1.1.1 Ratio of number of cases disposed of per judge (aggregated and disaggregated per case type, court, and level of court)	Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities - Chapter V	e.g. per month, per quarter, annual Statistics	MOJPA, courts, HJC, SPC, prosecutor offices/RPPO
1.1.2 Clearance rates (aggregated and disaggregated per case type, court, and level of court)	<p>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> <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>CCJE Opinion No. 6 (2004) on fair trial within a reasonable time B. quality of the justice system and its assessment, quantitative statistical data, monitoring procedures, C. case load and Case management</p> <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 organisation of courts to changes in the caseloads</p> <p>CEPEJ(2006)13 - Compendium of "best practices" on time management of judicial procedure</p>	e.g. per month, per quarter, annual Statistics	MOJPA, courts, HJC, SPC

Performance Assessment

- Comprehensive assessment of current performance
- Baseline for EU accession negotiations under chapter 23
- Allowing for assessment of impact of future reforms
- Objective and data rich

Performance Management

- Performance Framework as reference document
- Comprehensive, but effective management requires selectivity and prioritization
- Menu for justice sector institutions to agree on priorities (“dashboard”) and targets
- Externally vs. internally driven
- Link to Monitoring and Evaluation

Justice Performance Measurement

THANK YOU