

Strasbourg, 1 August 2011

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

NETWORK OF PILOT COURTS

**6th Plenary Meeting
Strasbourg, Agora building
22 September 2011**

**PREPARATORY QUESTIONNAIRE ABOUT ITEM 5 OF THE AGENDA
"WHICH INDICATORS FOR MEASURING THE QUALITY OF JUSTICE ?"**

Name of the pilot court: **The Third District Court of Vilnius City**

Country: **Lithuania**

I. Is there in your ... a programme or programmes regarding the quality of justice ?

- | | | |
|---|-------------------|----|
| A. Country | <u>yes</u> | no |
| B. Region (for instance for federal states) | yes | no |
| C. Court | <u>yes</u> | no |

**II. If yes, which scopes are concerned by these programmes in the five following fields (to know the content of these fields, please refer to the Checklist for promoting the quality of justice and courts
http://www.coe.int/t/dghl/cooperation/cepej/quality/default_EN.asp) ?**

- | | | |
|--|-------------------|----|
| A. Strategy and policies | <u>yes</u> | no |
| B. Job and operations processes | <u>yes</u> | no |
| C. Access to justice, communication to court users
and the public | <u>yes</u> | no |
| D. Human resources and status of judges and prosecutors | <u>yes</u> | no |
| E. Means of justice | <u>yes</u> | no |

F. Please specify the actions undertaken in these fields :

Court and judge are constitutional institutes. Their activity and guarantees are regulated by laws ("Law on Courts" and other. There are a lot of separate rules of law which regulate the work of courts and judges).

Besides, there are some important institutions in Lithuania, which are taking care about strategy and policies: The National Courts Administration, Ministry of Justice.

Ministry of Justice shapes public policy in the national legal framework for the development of law; systematizes the civil law, civil procedure, criminal law, criminal procedure, detention, punishment and probation enforcement, administrative law, administrative law infringement proceedings, administrative proceedings justice legislation, drafts of the consolidated areas of law sets (of conduct), organizes the authorization; prepares and improves draft legislation and provides legal opinions received on the harmonization of laws; organizes continuous training for judges etc.

The National Courts Administration ensures the close interrelations among courts and institutions of autonomy of courts, secures the fluent formation of the judiciary, forms and implements the strategy of common court information system, aims for the effective functioning of the judicial system; conducts the internal audit in courts etc.

There are two types of administrations of courts: external administration and internal administration. Every year courts must confirm their administrative action plans. Under that plan the chairman of court pursues an internal administration in the court. Higher courts pursue external administration in respect of lower courts. At the present moment Vilnius Regional Court pursues external administration (complex inspection) in The Third District Court of Vilnius City. These inspections include all directions of the work (except justice) organization in the court.

Every document and every action are registered in the courts of Lithuanian Republic information system "LITEKO". This system allows easily to determinate the results of judge work in a sense of statistic, terms of litigation etc.

All cases are heard in public, except statutory exception. Court users can find enough information on web sites of courts, The National Courts Administration. Court users can profit by mediators or translators.

The quality of decisions is performed by higher courts by reviewing cases according to appeal and cassation complaints.

About human resources and status of judges. Candidates for judges meet the requirements of nationality, high moral character, having a university degree in law and a record of at least five years of work in the legal profession, health certificates, having a right to pass the examination for candidates to judges etc. Persons are appointed judges by the President .

Persons, whose started work as judges, work are assessed after three years and then every five years. The assessment of Judges activities are regulated by Law on Courts and description of the Assessment of Judges' Activities.

The Permanent Commission for the Assessment of Activities of Judges analyse the capacities of judges to use in practice theoretical knowledge and skills, to establish the strengths and weaknesses of the activities of judges and use the negative results for the preparation of judicial training and qualification courses as well as promote the improvement of the judge's qualification. The goal of assessing the activities of chairmen, vice chairmen and chairmen of divisions shall be to determine their management, organizational and administrative skills.

The Judicial Ethics and Discipline Commission is an institution of autonomy of courts deciding the issues of instituting disciplinary actions against judges. Judges must compliance with code of ethics of judges.

The Judicial Council is an executive body of the autonomy of courts ensuring the independence of courts and judges. The Judicial Council gives an informed advice to the President of the Republic in respect of the appointment of judges, their promotion, transfer and removal from office or of the appointment and removal from office of Chairmen, Deputy Chairmen, and Chairmen of divisions of courts; forms permanent and ad hoc commissions and approves their regulations; approves the regulations of administration in courts, resolves other issues of administration in courts; approves the regulations of organizing the training of judges, the training programs, the annual plans for improving the qualifications and qualification requirements to the lecturers; hears the reports of the National Courts Administration on its activities etc.

III. Is there in your country a programme for evaluating the quality of justice?

YES NO

A. On which tools are they based ?

- | | | |
|--|-------------------|----|
| 1. Satisfaction surveys? | <u>yes</u> | no |
| Inspection (inspectorate body, High Council of the Judiciary, other) ? | <u>yes</u> | no |
| 2. Peer evaluation ? | <u>yes</u> | no |
| 3. Other tools ? | <u>yes</u> | no |
| Which are they ? | | |

The Third District Court of Vilnius City confirms administrative action plans every year. Work of personal of the court is controlled according to them. The survey results are systemized, analyzed and conclusions are drawn regarding the rise of courts' working efficiency. For example, reasons of long processing terms of cases analyzing.

Here are The Judicial Ethics and Discipline Commission and The Judicial Court of Honour in Lithuania. The Judicial Court of Honour is an institution of autonomy of courts hearing disciplinary cases of judges and petitions of judges against defamation.

IV. Do you have indicators for measuring quality ? **YES** NO

If yes, which ones :

- | | | |
|---|-------------------|----|
| 1. Rate of annulment/challenge of court decisions | | |
| By higher courts ? | <u>yes</u> | no |
| 2. Continuous training ? | <u>yes</u> | no |
| 3. Others ? | yes | no |

If yes, which ones ?

The quality of judge's work also reflects stability of decisions.

Free comments :

Changes in legislation are still going on. In the future they will ensure faster work of courts and more convenient access to the courts to people.