



Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[60 359 546]

Comments

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

| | Amount |
|--|--|
| State or federal level | 611 597 266 027 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Regional / federal entity level (total for all regions / federal entities) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments

003. Per capita GDP (in €) in current prices for the reference year

[29 071]

Comments

004. Average gross annual salary (in €) for the reference year

[29 343]

NA

Comments

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: ISTAT - Italian National Institute of Statistics

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

| | |
|------------------------|---------------------------|
| Approved budget (in €) | Implemented budget (in €) |
|------------------------|---------------------------|

| | | |
|--|------------------------------------|------------------------------------|
| TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7) | 3 484 242 772 [] NA [] NAP | 3 213 020 250 [] NA [] NAP |
| 1. Annual public budget allocated to (gross) salaries | 2 454 880 751 [] NA [] NAP | 2 378 161 558 [] NA [] NAP |
| 2. Annual public budget allocated to computerisation | 175 550 794 [] NA [] NAP | 118 482 186 [] NA [] NAP |
| 3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.) | 212 231 488 [] NA [] NAP | 208 576 068 [] NA [] NAP |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | 402 245 599 [] NA [] NAP | 349 274 551 [] NA [] NAP |
| 5. Annual public budget allocated to investments in new (court) buildings | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 6. Annual public budget allocated to training | 392 403 [] NA [] NAP | 338 733 [] NA [] NAP |
| 7. Other (please specify) | 238 941 737 [] NA [] NAP | 158 187 154 [] NA [] NAP |

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: Figures at Q.6 include the budget of both Ordinary and Administrative Justice.

The substantial increment of the budget for “computerization” and “court building” is due to a couple of recent pieces of legislation. One is specifically addressed to Building for the justice system in the regions of southern Italy. Moreover the Budget Law has specifically allocated extra funds to both computerization and building. These funds are also allowed the so-called “horizontal flexibility”, i.e. the possibility of moving unused funds (for any reason) in subsequent years. Therefore it is quite likely to expect a similar level of investments for the future.

As far as the training, please consider that starting from 2017 about 1500 court personnel has been employed (the recruitment is still undergo). All this new personnel need specific training, hence the increase in budget.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

| | Approved budget (in €) | Implemented budget (in €) |
|---|------------------------|---------------------------|
| Total annual public budget allocated to all courts and the public prosecution services together | [X] NA [] NAP | [X] NA [] NAP |
| Total annual public budget allocated to all courts and legal aid together | [X] NA [] NAP | [X] NA [] NAP |
| Total annual public budget allocated to all courts, public prosecution services and legal aid together | [X] NA [] NAP | [X] NA [] NAP |

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:

| | Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ? |
|--------------------------------------|---|
| for criminal cases | () Yes (X) No |
| for other than criminal cases | (X) Yes () No |

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

- Courts fees depend on the value of the dispute and they are provided by law.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[98]

[] NA

[] NAP

Comments

009. Annual income of court fees received by the State (in €):

[464 172 751]

[] NA

[] NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

| | TOTAL | Criminal cases | Other than criminal cases |
|---|----------------------------------|----------------------------------|----------------------------------|
| TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2) | 317 861 899 [] NA [] NAP | 182 215 914 [] NA [] NAP | 135 645 985 [] NA [] NAP |
| 12.1 for cases brought to court (court fees and/or legal representation) | 317 861 899 [] NA [] NAP | 182 215 914 [] NA [] NAP | 135 645 985 [] NA [] NAP |
| 12.2 for cases not brought to court (legal advice, ADR and other legal services) | 0 [] NA [] NAP | 0 [] NA [] NAP | 0 [] NA [] NAP |

Comments Please note that when it comes to legal aid in civil and criminal cases, there is not a specifically approved budget destined for legal aid. For this reason legal aid expenses are paid to the parties regardless of the budget. For statistical reasons, the approved budget is considered as equivalent to the implemented budget. Please also note that the budget allocated to legal aid for administrative justice is 2.071.809 €

012-1. Annual implemented public budget allocated to legal aid, in €.

| | TOTAL | Criminal cases | Other than criminal cases |
|---|----------------------------------|----------------------------------|----------------------------------|
| TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2) | 317 861 899 [] NA [] NAP | 182 215 914 [] NA [] NAP | 135 645 985 [] NA [] NAP |
| 12-1.1 for cases brought to court (court fees and/or legal representation) | 317 861 899 [] NA [] NAP | 182 215 914 [] NA [] NAP | 135 645 985 [] NA [] NAP |
| 12-1.2 for cases not brought to court (legal advice, ADR and other legal services) | 0 [] NA [] NAP | 0 [] NA [] NAP | 0 [] NA [] NAP |

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: Other than criminal cases at Q.12.1 include both Civil and Administrative Justice. In Italy, legal aid can be granted for all categories of civil cases: litigious, non-litigious and also ADR. Nevertheless, in respect of the latter, so far the Ministry of Justice hasn't experienced any payment yet.

The implemented public budget allocated to legal aid in 2018 is much higher than in 2016. Generally speaking, legal aid expenses grows at a very high pace. A possible reason for such increase in 2016-2018 might be due to the legal aid granted to migrants. Please also note that such expenses do not exactly reflect the same growth rate of the number of cases for which legal aid has been granted because of a temporal gap between the twos

013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

| | Approved budget (in €) | Implemented budget (in €) |
|---|------------------------------------|------------------------------------|
| Total annual public budget allocated to the public prosecution services, in € (including 13.1) | 1 556 454 804 [] NA [] NAP | 1 488 952 381 [] NA [] NAP |
| 13.1. Annual public budget allocated to training of public prosecution services | [X] NA [] NAP | [X] NA [] NAP |

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

| | Preparation of the total court budget | Adoption/approval of the total court budget | Management and allocation of the budget among the courts | Evaluation of the use of the budget at a national level |
|----------------------------|--|--|---|--|
| Ministry of Justice | (X) Yes () No [] NAP | () Yes (X) No [] NAP | (X) Yes () No [] NAP | (X) Yes () No [] NAP |
| Other ministry | (X) Yes () No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | (X) Yes () No [] NAP |

| | | | | |
|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Parliament | () Yes (X) No [] NAP | (X) Yes () No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Supreme Court | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| High Judicial Council | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Courts | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Inspection body | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Other | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | (X) Yes () No [] NAP |

If any other Ministry and/or inspection body and/or other, please specify: It is to be underlined that the Italian administrative justice is given full budgetary autonomy. The High Council for the Judiciary of the Administrative Justice (Consiglio di Presidenza della Giustizia Amministrativa - CPGA) is entitled to the preparation, adoption and approval of the total administrative court budget and it is the body that manages and allocates the budget among administrative courts.

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

| | Preparation of the budget | Arbitration and allocation of the budget | Day to day management of the budget | Evaluation and control of the use of the budget |
|---------------------------------------|----------------------------------|---|--|--|
| Management Board | () Yes (X) No | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Court President | (X) Yes () No | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Court administrative director | (X) Yes () No | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Head of the court clerk office | () Yes (X) No | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Other | () Yes (X) No | () Yes (X) No | () Yes (X) No | () Yes (X) No |

Comments - If "other", please specify: The answers provided at Q.14.1 describe the management the of the budget of the ordinary justice courts. As far as the Administrative Justice is concerned, the management of the budget at court level is up to the administrative director.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Ministry of Justice – Budget and Accounts Department (Direzione Generale del Bilancio)
 Except for Q.12: Ministry of Justice – (Department of Statistics + Department of Criminal Affairs)

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

| | Approved budget (in €) | Implemented budget (in €) |
|---|------------------------------------|------------------------------------|
| Total annual public budget allocated to the whole justice system in € | 9 175 774 389 [] NA [] NAP | 8 744 055 046 [] NA [] NAP |

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

| | Included | Not included | Does not exist (NAP) |
|--|----------|--------------|----------------------|
| Courts (see question 6 or 7) | (X) | () | () |
| Legal aid (see question 12 or 7) | (X) | () | () |
| Public prosecution services (see question 13 or 7) | (X) | () | () |

In Italy all the above three elements are included.

WARNING: there is a bug in the electronic scheme for this question.

015-3. Other budgetary elements

| | Included | Not included | Does not exist (NAP) |
|--------------------------|----------|--------------|----------------------|
| Prison system | (X) | () | () |
| Probation services | (X) | () | () |
| High Judicial Council | () | (X) | () |
| Constitutional court | () | (X) | () |
| Judicial management body | (X) | () | () |
| State advocacy | () | (X) | () |
| Enforcement services | () | (X) | () |
| Notariat | () | (X) | () |
| Forensic services | () | (X) | () |

| | | | |
|--|-------|-------|-----|
| Judicial protection of juveniles | (X) | () | () |
| Functioning of the Ministry of Justice | (X) | () | () |
| Refugees and asylum seekers services | () | (X) | () |
| Immigration Service | () | (X) | () |
| Some police services (e.g. : transfer, investigation, prisoners' security) | (X) | () | () |
| Other | () | (X) | () |

If "other", please specify:

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Ministry of Justice – Budget and Accounts Department (Direzione Generale del Bilancio)

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

| | Criminal cases | Other than criminal cases |
|--|--|--|
| Representation in court | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |
| Legal advice, ADR and other legal services | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- Italian legislation provides that legal aid can also cover ADR procedures. In Italy, there are a plethora of different forms of ADR procedures and some of them are quite new. This is probably one of the reasons why legal aid for ADR is not widespread. Under Italian law, legal aid is granted to everybody, citizen and non citizen, depending on their income. In the first place, the application is filed to the Bar Association. If this application is refused, the applicant can still file a new application before the court. If admitted, the applicant does not have to pay any sum to the lawyer, who can be chosen by the applicant; legal aid fees are directly paid by the state to the appointed lawyer. The fees for legal aid lawyers are set by Law.

017. Does legal aid include the coverage of or the exemption from court fees?

Yes

No

NAP

If yes, please specify:

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

NAP

If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

| | Criminal cases | Other than criminal cases |
|-----------------------------------|---|---|
| Legal aid granted for other costs | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If yes, please specify:

2.1.2. Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

| | Total | Cases brought to court | Cases not brought to court |
|-------------------------------------|--|--|--|
| TOTAL | 371 993 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 371 993 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| In criminal cases | 171 314 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 171 314 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| In other than criminal cases | 200 679 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 200 679 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Please specify when appropriate: The above figure included number of legal aid granted to administrative proceedings.

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Assisted by a free of charge lawyer

| | |
|----------------------------|---------------------|
| Accused individuals | (X) Yes () No |
| Victims | (X) Yes () No |

Comments - If yes, please specify: In Italy individuals who do not have sufficient financial means can be assisted by a free of charge court-appointed lawyer. The lawyer can be chosen by the party within a list of lawyers (such list/registry is held by the court).

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

| | free selection of lawyer |
|----------------------------|--------------------------------|
| Accused individuals | (X) Yes () No [] NAP |
| Victims | (X) Yes () No [] NAP |

Comments In Italy individuals who do not have sufficient financial means can be assisted by a free of charge court-appointed lawyer. The lawyer can be chosen by the party within a list of lawyers (such list/registry is held by the court).

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

(X) Yes

() No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above:

023. If yes, please specify in the table:

| | Annual income value (for one person), (in €) | Assets value (for one person), (in €) |
|---|--|---------------------------------------|
| Full legal aid to the applicant for criminal cases | 11 494 [] NA [] NAP | [] NA [X] NAP |
| Full legal aid to the applicant for other than criminal cases | 11 494 [] NA [] NAP | [] NA [X] NAP |
| Partial legal aid to the applicant for criminal cases | [] NA [X] NAP | [] NA [X] NAP |
| Partial legal aid to the applicant for other than criminal cases | [] NA [X] NAP | [] NA [X] NAP |

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

(X) Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

025. Is the decision to grant or refuse legal aid taken by:

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments In the first place, the application is filed to the Bar Association. If this application is refused, the applicant can still file a new application before the court.

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

| | Judicial decisions direct how legal costs will be shared |
|------------------------------|--|
| in criminal cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| in other than criminal cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Sources: Q.20:

Ministry of Justice – Department of Statistics and Organizational Analysis (Direzione Generale di Statistica e Analisi Organizzativa)

Ministry of Justice – Department of Criminal Affairs (Direzione Generale Affari Penali)

Q.23:

Ministry of Justice

2.2.Court users and victims

2.2.1.Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:

| | Yes | Internet adresse(s) |
|---|-----|---|
| legal texts (e.g. codes, laws, regulations, etc.) | () | (X) http://www.normattiva.it/ https://www.giustizia.it/giustizia/it/mg_1_2.page ; http://www.senato.it/2867 ; https://www.giustizia-amministrativa.it/ |
| case-law of the higher court/s | () | (X) http://www.italgiure.giustizia.it/sncass/ ; https://www.portaledelmassimario.ipzs.it/ ; https://www.giustizia-amministrativa.it/ |
| other documents (e.g. downloadable forms, online registration) | () | (X) https://www.giustizia.it/giustizia/it/mg_3.page ; http://webstat.giustizia.it http://pst.giustizia.it ; https://www.giustizia-amministrativa.it/ |

Please specify what documents and information are included in “other documents”: Legal texts:

<http://www.normattiva.it/> https://www.giustizia.it/giustizia/it/mg_1_2.page

<http://www.senato.it/2867>

<https://www.giustizia-amministrativa.it/>

Case-law of the higher court/s:

<http://www.italgiure.giustizia.it/sncass/>

<https://www.portaledelmassimario.ipzs.it/>

<https://www.giustizia-amministrativa.it/>

Other documents:

https://www.giustizia.it/giustizia/it/mg_3.page (general information about the Italian judicial system)

<http://webstat.giustizia.it> (Department of Statistics within the Ministry of Justice)

<http://pst.giustizia.it>(Electronic Trial Portal)

<https://www.giustizia-amministrativa.it/> (Administrative Justice Portal)

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

(X) Yes, always

() No

() Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?

(X) Yes

() No

Comments - If yes, please specify:

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

| | Information mechanism | Special arrangements in hearings | Other specific arrangements |
|--|------------------------------|---|------------------------------------|
| Victims of sexual violence/rape | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Victims of terrorism | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Minors (witnesses or victims) | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Victims of domestic violence | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Ethnic minorities | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Disabled persons | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Juvenile offenders | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Other (e.g. victims of human trafficking, forced marriage, sexual mutilation) | () Yes (X) No | () Yes (X) No | () Yes (X) No |

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: The condition of vulnerability is assessed by the judge case by case and it is not limited to the above-listed categories of victims. According to art. 90 quarter of the Italian Code of Criminal Procedure, the condition of vulnerability of the victim depends on a series of elements: age, physical/mental state, type of crime, the modalities and circumstances of the facts/events. The judge takes into consideration: whether the crime was committed with violence, with racial hatred, the nature of the crime (organized crime, terrorism, human trafficking, discrimination) and if the victim is emotionally, psychologically or economically dependent on the offender.

Moreover, there are special laws and a special procedure for trials concerning juvenile offenders.

Other specific arrangements are: psychological assessment and support, interrogation recording, faster procedures, etc.

031-1. Is it possible for minors to be a party to a judicial proceeding:

() Yes

(X) No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.): In general, minors cannot be a party to a judicial proceeding by their own, not even through a lawyer. There must be a parent or another adult who legally represents them. This legal representative can be either a parent or a guardian. This person acts on behalf of the minor and can appoint a lawyer for them. However there are special circumstances where minors can act independently in court (for example 'emancipated minors' who are authorized by the court to contract marriage). Please also consider that in Italy there's a Juvenile justice system in place since 1934.

032. Does your country allocate compensation for victims of offences?

(X) Yes, please specify for which kind of offences: Homicide, sexual violence, serious personal injury, domestic violence, terrorism and human trafficking.

() No

Comments

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body: Although no data is available concerning the recovery rate (as such) of the damages awarded by Courts, detailed reports on the activities of the various special public Funds in favour of victims are published every year. As regards 2018, the sum recognized to the victims of organized crime and intentional violent crimes is 36.004.569 euros.

035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

Yes

No

Comments - If yes, please specify: The public prosecutor (as well as the law enforcement agents) shall follow special procedures when assuming information from persons who have been recognized as vulnerable. For instance, the prosecutor may have the support of psychologists or psychiatrists and, in any case, the prosecutor shall ensure that the vulnerable victim requested to provide information is not exposed to contact with the offender and that she/he will not be requested to provide information more than once, except in case of absolute necessity for the investigations. As regards protection measures, the prosecutor may request to the Judge the application against the offender of a ban from the family home, and/or a prohibition of approaching specified places which are habitually attended by the victim. Moreover, the Public prosecutor has an obligation to inform the Juvenile Court when dealing particularly serious crimes.

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify: The public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed. Therefore the answer is NAP.

However, the answer might be YES according to a slightly different interpretation. As a matter of fact, the public prosecutor may request Preliminary Investigation Judge to discontinue a case. Such request shall be notified to the victim, if the latter has asked to be notified (in case of offences committed with violence, the notification is always due, regardless of the victim's request). Within 20 days from the

notification of the request, the victim may oppose to the public prosecutor's request, by asking for further investigations. If the Preliminary Investigation Judge finds the request inadmissible, he/she discontinues the case. Otherwise, a (non-public) hearing before the Preliminary Investigations Judge is set. During such hearing, the reasons of the party are discussed. The judge will then decide, on the basis of the discussion, whether to discontinue the case, or not.

037. Is there a system for compensating users in the following circumstances:

| | Number of requests for compensation | Number of condemnations | Total amount (in €) |
|---|--|--|---|
| Total | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Excessive length of proceedings | 17 785 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 16 247 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 98 602 155 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Non-execution of court decisions | 7 708 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 4 681 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Wrongful arrest | 1 728 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 895 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 33 373 831 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Wrongful conviction | 17 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 18 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 14 602 226 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Other | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Please note that the last two columns at Q.37 (number of condemnations and total amount in euros) refer to those compensating procedures cleared (actually paid) in 2018. Therefore, not necessary they refer to compensation procedures initiated in 2018 (first column).

PS: Given the wide diversity of such procedures we believe that the total doesn't make much sense, hence NA.

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

| | National level | Court level |
|---|--|--|
| 1. Surveys aimed at judges | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 2. Surveys aimed at court staff | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 3. Surveys aimed at public prosecutors | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |

| | | |
|--|--|--|
| 4. Surveys aimed at lawyers | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 5. Surveys aimed at the parties | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs) | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 7. Surveys aimed at victims | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 8. Other not mentioned | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above:

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

| | Authority responsible for dealing with the complaint | Existence of a time limit to deal with the complaint for this authority |
|---|--|--|
| Court concerned | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Higher court | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Ministry of Justice | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| High Judicial Council | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other external bodies (e.g. Ombudsman) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

041-1. If yes, please specify certain aspects of this procedure:

| | Number of complaints | Compensation amount granted |
|------------------------|--|--|
| Court concerned | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | |
|---|--|--|
| Higher court | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Ministry of Justice | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| High Judicial Council | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Other external bodies (e.g. Ombudsman) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations.

| | Number of courts |
|--|--|
| 42.1 First instance courts of general jurisdiction (legal entities) | 531 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 42.2 First instance specialised courts (legal entities) | 237 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts) | 828 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments In 2012-2013 we went through a major reform of the judicial map. In particular, a great number of justice of peace offices (initially 846) were shut down. However, each Italian municipality had (and still has) the opportunity to preserve the office at their own expenses. For this reason, each year a series of Justice of Peace offices administered by the municipality might be re-opened or closed. 3 justice of peace offices closed between 2017 and 2018.

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

| | Number of courts |
|---|--|
| Total (must be the same as the data given under question 42.2) | 237 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Commercial courts (excluded insolvency courts) | 22 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | |
|--|--|
| Insolvency courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Labour courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Family courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Rent and tenancies courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Enforcement of criminal sanctions courts | 58 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Fight against terrorism, organised crime and corruption | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Internet related disputes | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Administrative courts | 21 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Insurance and / or social welfare courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Military courts | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Other specialised 1st instance courts | 132 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other specialised 1st instance courts", please specify: The category "other" category subsumes 29 Minor (or Juvenile) Courts and 103 Tax Courts.

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

Comments - Please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

| | Number of courts |
|---|--|
| a debt collection for small claims | 391 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| an employment dismissal | 140 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | |
|--------------------|--------------------------|
| a robbery | 140 [] NA [] NAP |
| an insolvency case | 140 [] NA [] NAP |

Comments

045-1. Is your definition for small claims the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition for small claims:

045-2. Please indicate the value in € of a small claim:

[5 000]

Comments

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Ministry of Justice

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)

| | Total | Males | Females |
|---|----------------------------|----------------------------|----------------------------|
| Total number of professional judges (1 + 2 + 3) | 7 015 [] NA [] NAP | 3 192 [] NA [] NAP | 3 823 [] NA [] NAP |
| 1. Number of first instance professional judges | 5 259 [] NA [] NAP | 2 278 [] NA [] NAP | 2 981 [] NA [] NAP |
| 2. Number of second instance (court of appeal) professional judges | 1 230 [] NA [] NAP | 560 [] NA [] NAP | 670 [] NA [] NAP |
| 3. Number of Supreme Court professional judges | 526 [] NA [] NAP | 354 [] NA [] NAP | 172 [] NA [] NAP |

Comment - Please provide any useful comment for interpreting the data above: The above figures include 6634 ordinary judges and 381 administrative judges.

047. Number of court presidents (professional judges).

| | Total | Males | Females |
|--|--------------------------|--------------------------|-------------------------|
| Total number of court presidents (1 + 2 + 3) | 234 [] NA [] NAP | 159 [] NA [] NAP | 75 [] NA [] NAP |
| 1. Number of first instance court presidents | 206 [] NA [] NAP | 142 [] NA [] NAP | 64 [] NA [] NAP |
| 2. Number of second instance (court of appeal) court presidents | 26 [] NA [] NAP | 15 [] NA [] NAP | 11 [] NA [] NAP |
| 3. Number of Supreme Court presidents | 2 [] NA [] NAP | 2 [] NA [] NAP | 0 [] NA [] NAP |

Comments The above figures include court presidents belonging to both Ordinary and Administrative Justice.

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

| | Figure |
|--------------------------------|---------------------|
| Gross figure | [] NA [X] NAP |
| In full-time equivalent | [] NA [X] NAP |

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- () Yes If yes, please give specifications on the types of cases and an estimate in percentage.
 () No
 [X] NAP

Comments

049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):

| | Figure |
|--------------------------------|----------------------------|
| Gross figure | 3 453 [] NA [] NAP |
| In full time equivalent | [X] NA [] NAP |

Comments

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

| | Yes | No | Echevinage |
|--|-------|-------|------------|
| criminal cases (severe) | () | (X) | () |
| criminal cases (misdemeanour and/or minor) | (X) | () | () |
| family law cases | () | (X) | () |
| labour law cases | () | (X) | () |
| social law cases | () | (X) | () |
| commercial law cases | () | (X) | () |
| insolvency cases | () | (X) | () |
| other civil cases | (X) | () | () |

[] NAP

Comments - If "other", please specify: Judges of Peace deal with small claim civil and commercial disputes and misdemeanour criminal cases.

050. Does your judicial system include trial by jury with the participation of citizens?

(X) Yes

() No

Comments

050-1. If yes, for which type of case(s)?

[X] Criminal cases

[] Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

[X] NA

[] NAP

Comments

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

| | Total | Males | Females |
|--|-----------------------------|----------------------------|-----------------------------|
| Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) | 22 401 [] NA [] NAP | 7 472 [] NA [] NAP | 14 929 [] NA [] NAP |
| 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) | 14 279 [] NA [] NAP | 4 011 [] NA [] NAP | 10 268 [] NA [] NAP |
| 3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | 4 631 [] NA [] NAP | 1 297 [] NA [] NAP | 3 334 [] NA [] NAP |
| 4. Technical staff | 376 [] NA [] NAP | 223 [] NA [] NAP | 153 [] NA [] NAP |
| 5. Other non-judge staff | 3 115 [] NA [] NAP | 1 941 [] NA [] NAP | 1 174 [] NA [] NAP |

Comments - If "other non-judge staff", please specify: The above figures include court staff belonging to both Ordinary and Administrative Justice.

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

| | Total | Males | Females |
|--|-----------------------------|----------------------------|-----------------------------|
| Total non-judge staff working in courts (1+2+3) | 22 401 [] NA [] NAP | 7 472 [] NA [] NAP | 14 929 [] NA [] NAP |
| 1. Total non-judge staff working in courts at first instance level | 18 455 [] NA [] NAP | 6 183 [] NA [] NAP | 12 272 [] NA [] NAP |
| 2. Total non-judge staff working in courts at second instance (court of appeal) level | 3 055 [] NA [] NAP | 981 [] NA [] NAP | 2 074 [] NA [] NAP |
| 3. Total non-judge staff working in courts at Supreme Court level | 891 [] NA [] NAP | 308 [] NA [] NAP | 583 [] NA [] NAP |

Comments The above figures include court staff belonging to both Ordinary and Administrative Justice.

053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): wire-tapping machinery rental

Comments As far as the training is concerned, in Italy there are two different public schools that deal with the training of both judges/prosecutors on one hand and civil servants on the other. Both the School for the Judiciary and the National School of Administration are public institutions. Only a limited number of specific subjects are covered by private training companies.

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Sources: Q.46,47,49: High Council of the Judiciary
Q.52 Ministry of Justice – HR Department

3.3. Public prosecution

3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts -



general jurisdiction and specialised courts.

| | Total | Males | Females |
|--|----------------------------|----------------------------|----------------------------|
| Total number of prosecutors (1 + 2 + 3) | 2 230 [] NA [] NAP | 1 226 [] NA [] NAP | 1 004 [] NA [] NAP |
| 1. Number of prosecutors at first instance level | 1 886 [] NA [] NAP | 998 [] NA [] NAP | 888 [] NA [] NAP |
| 2. Number of prosecutors at second instance (court of appeal) level | 277 [] NA [] NAP | 182 [] NA [] NAP | 95 [] NA [] NAP |
| 3. Number of prosecutors at Supreme Court level | 67 [] NA [] NAP | 46 [] NA [] NAP | 21 [] NA [] NAP |

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices.

| | Total | Males | Females |
|---|--------------------------|--------------------------|-------------------------|
| Total number of heads of prosecution offices (1 + 2 + 3) | 188 [] NA [] NAP | 147 [] NA [] NAP | 41 [] NA [] NAP |
| 1. Number of heads of prosecution offices at first instance level | 161 [] NA [] NAP | 124 [] NA [] NAP | 37 [] NA [] NAP |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | 26 [] NA [] NAP | 22 [] NA [] NAP | 4 [] NA [] NAP |
| 3. Number of heads of prosecution offices at Supreme Court level | 1 [] NA [] NAP | 1 [] NA [] NAP | 0 [] NA [] NAP |

Please provide any useful comment for interpreting the data above:

057. Do other persons have similar duties to those of public prosecutors?

Yes

No

Comments - If yes, please specify their title and functions: In Italy this figure is called “Vice Procuratore Aggiunto”. After a period of training, they can assist the public prosecutors. They can be employed in a variety of different tasks: hearings of misdemeanour criminal cases, jurisprudence studies, preparation of the request to discontinue cases, etc.

057-1. Please specify their number (in full-time equivalent):

[1 795]

[] NA

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

Yes

No

NAP

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

Yes

No

Comments

060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

| | Total | Males | Females |
|---|-----------------|-----------------|-----------------|
| Number of staff (non-public prosecutors) attached to the public prosecution service | 8 532 [] NA | 3 045 [] NA | 5 487 [] NA |

Comments

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: High Judicial Council

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

| | Yes, please specify | No |
|-----------------|--------------------------|-------------------------------------|
| judges | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| prosecutors | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| non-judge staff | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| lawyers | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| notaries | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | |
|---------------------------|-----|-------|
| enforcement agents | () | (X) |
|---------------------------|-----|-------|

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: In Italy the recruitment of professionals of the above categories, go through a national exam that is totally open to both genders without any quota system.

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

| | Yes, please specify | No |
|---------------------------|---------------------|-------|
| judges | () | (X) |
| prosecutors | () | (X) |
| non-judge staff | () | (X) |
| lawyers | () | (X) |
| notaries | () | (X) |
| enforcement agents | () | (X) |

[] NA


Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: The appointment of lawyers to certain high positions (e.g. Consiglio Nazionale forense - the National Bar) is subject to quotas for women. However, strictly speaking, this must be considered an appointment rather than a promotion.

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

| | Yes | No |
|---------------------------|-------|-----|
| judges | (X) | () |
| prosecutors | (X) | () |
| non-judge staff | (X) | () |
| lawyers | (X) | () |
| notaries | (X) | () |
| enforcement agents | (X) | () |

Attachments

 Donne in magistratura (aggiorn. marzo 2019).pdf

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? For each category the distribution males/females is monitored by the relevant judicial body. Judges and prosecutors by the High Council of Judiciary (CSM), non-judge staff and enforcement agents by the Ministry of Justice, lawyers by the National Bar, notaries by the National Council of Notaries (Consiglio Nazionale del Notariato).

061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?

Yes

No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? In Italy there is a dedicated office called “Dipartimento per le pari opportunità” (literally Department of Equal Opportunities) within the Presidency of the Council of Ministers which specifically deals with the planning and the implementation of equal opportunities policies. Moreover, the law provides that in each Public Administration there is a special committee called CUG (“Comitato unico di garanzia per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni”) for equal opportunities, valorization of the wellbeing of employees and anti-discrimination. This special committee was set up within the Ministry of Justice in 2013.

References:

<http://www.pariopportunita.gov.it>

<http://www.pariopportunita.gov.it/impres-quote-di-genere-e-pari-oppportunita-nelle-pa/cug-comitati-unici-di-garanzia/>

<https://www.csm.it/web/csm-internet/pari-oppportunita>

https://www.giustizia.it/giustizia/it/mg_1_8_1.page?contentId=SDC909257&previousPage=mg_8_1_3

<http://www.consiglionazionaleforense.it/web/cnf/pari-oppportunita>

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

| | Yes, please specify | No |
|------------------------------------|---|-------------------------------------|
| the recruitment of judges | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| the promotion of judges | <input checked="" type="checkbox"/> CPOM | <input type="checkbox"/> |
| the recruitment of prosecutors | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| the promotion of prosecutors | <input checked="" type="checkbox"/> CPOM | <input type="checkbox"/> |
| the recruitment of non-judge staff | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| the promotion of non-judge staff | <input checked="" type="checkbox"/> CUG Giustizia | <input type="checkbox"/> |

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments CPOM is the equal opportunities committee within the High Judicial Council (<https://www.csm.it/web/csm-internet/pariopportunita>) while "CUG Giustizia" is the equal opportunities committee within the Ministry of justice.

Please consider that both these bodies deal with gender issues but not specifically with recruitment and or promotion. The main task of these committees is the formulation of opinions and proposals aimed at removing the obstacles that prevent the full realization of equal opportunities between men and women in the judiciary.

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) Within the Ministry of Justice, which is the competent body for non-judge staff, there is a Special

Committee which deals specifically with equal opportunities, valorization of the wellbeing of employees and anti-discrimination
This is the link to the ministerial decree (dated 2013) which set up the committee:
https://www.giustizia.it/giustizia/it/mg_1_8_1.wp?facetNode_1=4_111&facetNode_2=3_1_7&previousPage=mg_1_8&contentId=SDC909257

The High Council of the Judiciary (CSM), which is the competent body for both judges and prosecutors, has its own Committee on Equal Opportunities. This is the link to the internal regulation of the High Judicial Council which -among other things- set up the committee (see art. 17): <https://csmapp.csm.it/documents/21768/131570/Regolamento+interno+del+CSM/c8d18823-0176-425f-a87c-1161d8b1d6bd>

[] NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) These committees are independent bodies that fall under the umbrella of the corresponding judicial administration, i.e. the Ministry of Justice and the High Judicial Council.

[] NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. block a decision or allow an appeal) These committees are composed of different judicial figures and labour union representatives. Other than consultative functions, these committees are intended to ensure equal treatment and equal opportunities among all employees (protection and safeguard functions).

[] NAP

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

| | Yes | No |
|--|-------|-----|
| in courts (judges) | (X) | () |
| in public prosecution services (prosecutors) | (X) | () |

| | | |
|-----------------------------|-------|-----|
| for courts' non-judge staff | (X) | () |
|-----------------------------|-------|-----|

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments. Similarly to the Committees at national level, there are also special committees called CUG (“Comitati unici di garanzia per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni”) for equal opportunities, valorization of the wellbeing of employees and anti-discrimination which operate at local/district level.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

| | Yes | No |
|--|-------|-------|
| Assignment in different positions | () | (X) |
| Workload distribution | (X) | () |
| Working hours | (X) | () |
| Modalities of teleworking and presence in the work space | (X) | () |
| Replacement of absent persons | (X) | () |
| Organisation of the hearings | (X) | () |
| Other | () | (X) |

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments. Most actions are addressed to working mothers who can benefit from reduced working hours, teleworking and other special aids.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

| | Yes, please specify | No |
|--|---------------------|-------|
| judges and court staff are more chosen among males or females according to the type of cases | () | (X) |
| the composition of hearings with several judges is always mixed | (X) | () |
| statistics exist concerning males and females who initiate a case/victims, accused persons, etc. | (X) | () |

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments. Honorary components of the Juvenile Courts must follow specific rules in terms of gender balance.

The Department of Statistics and Organizational Analysis within the Ministry of Justice has recently conducted a specific survey on stalking proceedings where the gender of both accused person and victim play a major role in the analysis. Moreover, the Department of Statistics and Organizational Analysis keeps track of femicide proceedings.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

Organisation

| | |
|-----------------------------------|--|
| IT policies and strategies | <input checked="" type="checkbox"/> defined and coordinated at national level by one institution <input type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other |
| IT Governance | <input checked="" type="checkbox"/> governed on national level by one institution <input type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other |

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

| | Implementing new projects | Management of applications |
|--|--|---|
| Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non |
| Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non |
| Other alternatives (external service provider only – specify in a comment) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non |

Comments - please also describe in case of “other alternatives”

065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?

- Yes
- No

Comments (please specify projects that have experienced national developments)

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

Yes

No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

Business processes

Workload

Human resources

Costs

Other, please specify

Comments (please specify examples of the impact) The timing for issuing civil injunctions (orders for payments) decreases considerably, ranging from 40 to 50 percent in the larger courts such as Rome, Milan and Naples

Saving of costs for communications and notifications from courts over 50 million euros per year

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

Yes

No

Comments (please specify in particular if national frameworks of information security exist): The subject is regulated by the ministerial decree regarding IT systems

065-6. Is the protection of personal data managed by courts ensured at legislative level?

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) The Italian Data Protection Supervisor ("Garante per la protezione dei dati personali") is the authority specifically responsible for protection of personal data.

Authorizations and limitations for accessing data are regulated through a specific regulation: strong authentication is always required to access personal data, otherwise data are anonymized.

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

Comments

062-4-1. If yes, please specify the following information:

| For 1st instance decisions | For 2nd instance decisions | For 3rd instance decisions | Link with ECHR case law | Data anonymised | Case-law database available free online | Case-law database available in open data |
|----------------------------|----------------------------|----------------------------|-------------------------|-----------------|---|--|
| | | | | | | |

| | | | | | | | |
|--------------------------------|---|---|---|---------------------|---------------------|---------------------|---------------------|
| Civil and/or commercial | () Yes all judgements () Yes some judgements (X) No | () Yes all judgements () Yes some judgements (X) No | (X) Yes all judgements () Yes some judgements () No | () Yes (X) No | () Yes (X) No | (X) Yes () No | () Yes (X) No |
| Criminal | () Yes all judgements () Yes some judgements (X) No | () Yes all judgements () Yes some judgements (X) No | (X) Yes all judgements () Yes some judgements () No | () Yes (X) No | () Yes (X) No | (X) Yes () No | () Yes (X) No |
| Administrative | (X) Yes all judgements () Yes some judgements () No | (X) Yes all judgements () Yes some judgements () No | (X) Yes all judgements () Yes some judgements () No | () Yes (X) No | () Yes (X) No | (X) Yes () No | (X) Yes () No |

Comments - if it exists in other matters please specify

062-6. Is there a computerised national record centralising all criminal convictions?

(X) Yes

() No

Comments

062-6-1. If yes, please specify the following information:

[X] Linkage with other European records of the same nature

[X] Content directly available through computerised means for judges and/or prosecutors

[X] Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access The Registry is under the supervision of the Justice Affairs Department of the Ministry of Justice, where the Central Criminal Record Office is located.

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

(X) Yes

() No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

| |
|-------------------|
| Availability rate |
|-------------------|

| | |
|--------------------------------|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |
| Criminal | <input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |

062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

| | Availability of simple dictation tools | Availability of multiple speakers recording tools | Voice recognition feature |
|--------------------------------|---|---|---|
| Civil and/or commercial | <input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA |
| Criminal | <input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA |

| | | | |
|-----------------------|---|---|---|
| Administrative | <input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input checked="" type="checkbox"/> NA | <input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input checked="" type="checkbox"/> NA | <input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA |
|-----------------------|---|---|---|

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access
- NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

| | CMS deployment rate | Status of case online | Centralised or interoperable database | Early warning signals (for active case management) | Status of integration/connection of a CMS with a statistical tool |
|--------------------------------|---|--|---|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | | |
|-----------------------|---|--|---|---|---|
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |

063-2. Computerised registries managed by courts

| | Deployment rate | Data consolidated at national level | Service available online | Statistical module integrated or connected |
|--------------------------|---|--|--|--|
| Land registry | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Business registry | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comment – if it exists in other matters please specify

063-6. Budgetary and financial management systems of courts

| Tool deployment rate | Data consolidated at national level | System communicating with other ministries (financial among others) |
|----------------------|-------------------------------------|---|
| | | |

| | | | |
|---|---|--|--|
| Budgetary and financial management of courts | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Justice expenses management | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other (please specify in comments) | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

| | Tools deployment rate | Data used for monitoring at national level | Data used for monitoring at court local level | Tool integrated in the CMS |
|---|---|---|---|---|
| For judges | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| For prosecutors | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| For non-judge/non-prosecutor staff | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

3.5.6 Technologies used for communication between courts, professionals and/or court

users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

| | Availability rate | Simultaneous submission of cases in paper form remains mandatory | Specific legislative framework authorising the submission of a case | An integrated/connect ed tool with the CMS |
|--------------------------------|---|---|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Criminal | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - if it exist in other matters please specify

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments Legal aid can be requested by electronic means only for Administrative Justice.

064-3-1. If yes, please specify the following information:

| |
|-------------------------------------|
| Requesting legal aid electronically |
|-------------------------------------|

| | |
|--|--|
| Availability rate | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |
| Formalisation of the request in paper form remains mandatory | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Specific legislative framework regarding requests for legal aid by electronic means | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Granting legal aid is also electronic | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Information available in CMS | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments Such possibility only applies to Administrative Justice.

064-4-1. If yes, please specify the following information:

| | Summons produced by CMS | Simultaneous summon in paper form remains mandatory | Consent of the user to be notified by electronic means | Modalities (if other please specify in comments) | Specific legislative framework |
|--------------------------------|-------------------------------------|--|---|--|---------------------------------------|
| Civil and/or commercial | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> SMS <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> |
| Criminal | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input type="checkbox"/> |

| | | | | | |
|-----------------------|---|------------------------------|---|--|---|
| Administrative | <input checked="" type="checkbox"/> [X] | <input type="checkbox"/> [] | <input checked="" type="checkbox"/> [X] | <input type="checkbox"/> [] SMS <input checked="" type="checkbox"/> [X] E-mail <input type="checkbox"/> [] Specific computer application <input type="checkbox"/> [] Other | <input checked="" type="checkbox"/> [X] |
|-----------------------|---|------------------------------|---|--|---|

Comments

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

(X) Yes

() No

Communication between court and parties not represented by lawyer

(X) Yes

() No

Comments

064-6-1. If yes, please specify the following information:

| | Tool deployment rate | Trial phases concerned | Modalities (if there are different according to the trial phases or if other, please specify in a comment) | Specific legal framework |
|--------------------------------|--|---|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> [X] 100% <input type="checkbox"/> [] 50-99% <input type="checkbox"/> [] 10-49% <input type="checkbox"/> [] 1-9% <input type="checkbox"/> [] 0% (NAP) - for this matter <input type="checkbox"/> [] NA | <input checked="" type="checkbox"/> [X] Submission of a case to a court <input checked="" type="checkbox"/> [X] Phases preparatory to a hearing <input checked="" type="checkbox"/> [X] Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> [X] Transmission of court decisions | <input checked="" type="checkbox"/> [X] E-mail <input checked="" type="checkbox"/> [X] Specific computer application <input type="checkbox"/> [] Other | <input checked="" type="checkbox"/> [X] Yes |

| | | | | |
|-----------------------|--|---|--|---|
| Criminal | <input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA | <input type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions | <input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions | <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |

Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

| | Tool deployment rate | Modalities (if there are different according to the deeds or if other, please specify in a comment) | Specific legal framework |
|--|---|---|---|
| Enforcement agents (as defined in Q169 and following) | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input type="checkbox"/> Yes |
| Notaries (as defined in Q192 and following) | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| Experts (as defined in Q202 and following) | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |

| | | | |
|---------------------------------|---|--|---|
| Judicial police services | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
|---------------------------------|---|--|---|

Comments

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists.

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

| | Deployment rate (chose one only) | Proceeding phase | Specific legislative framework |
|--------------------------------|---|---|--|
| Civil and/or commercial | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Criminal | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Administrative | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments Please note that recording of hearings is NAP for both "Civil and/or commercial" and "Administrative". Since the electronic scheme is designed so that the data for this section cannot be published unless all questions are answered, we are forced to give an answer to both "Type of recording" and "Specific legislative framework".

064-11-1. If yes, please specify the following information:

| | Tool deployment rate | Type of recording | Specific legislative framework |
|--------------------------------|---|---|---|
| Civil and/or commercial | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Criminal | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Administrative | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

064-12. Is electronic evidence admissible?

| | Admissibility of electronic evidence | Legislative framework |
|--------------------------------|--|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only |
| Criminal | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only |
| Administrative | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only |

Comments

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

| | Yes / No |
|---|--|
| within the courts | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| within the public prosecution services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

3.6.2. Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of judges and court staff

satisfaction of court staff

satisfaction of users (regarding the services delivered by the courts)

costs of the judicial procedures

number of appeals

appeal ratio

clearance rate

disposition time

other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

Yes

No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of prosecutors and prosecution staff

satisfaction of prosecution staff

satisfaction of users (regarding the services delivered by the public prosecutors)

costs of the judicial procedures

clearance rate

disposition time

percentage of convictions and acquittals

other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

Yes

No

Comments

073-0. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Quarterly

073-1. Is this evaluation of the court activity used for the later allocation of resources within this

court?

Yes

No

Comments

073-2. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

Yes

No

Comments

073-4. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Quarterly

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Yes

No

Comments

073-6. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

High Judicial Council

Ministry of Justice

- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):

Comments

3.6.3. Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)

- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

| | Yes (If yes, please specify) | No |
|---|------------------------------|-------|
| within the courts | () | (X) |
| within the public prosecution services | () | (X) |

Comments Waiting time is monitored only for Administrative Justice.

3.6.4. Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

- Yes (please indicate the name and the address of this institution):See general comments
- No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution):See general comments

No

Comments

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

Yes, on internet

No, only internally (in an intranet website)

No

Comments

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify: It is common practice for Courts and Prosecution Offices to sign memorandum of understanding, often also involving lawyers representatives, engaging all parties in the adoption of organizational measures to facilitate the smooth functioning of the system (e.g. case priority, calendar of the hearings, judicial expenses, etc.). In some cases, (e.g. those involving priority rules) the memoranda are aimed to guarantee the effective implementation of rules of law, while in others they only define best-practices.

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify: Memorandum of understanding between lawyers and court representatives are widespread also for the management of civil cases. Such agreements are typically envisaged at court level.

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Yes

No

Comments Quantitative performance targets are set in terms of length and timeframe of proceedings. Judges who fail to meet certain requirements may face disciplinary proceedings.

083-1. Who is responsible for setting the individual targets for each judge?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify):

Comments

114. Is there a system of qualitative individual assessment of the judges' work?

- Yes
- No

Comments

114-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

- Yes
- No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public prosecutorial Council
- Head of the organisational unit or hierarchical superior public prosecutor
- Other (please specify):

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

- Yes
- No

Comments

120-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

C4. Please indicate the sources for answering the questions in this chapter:

Sources: Ministry of Justice - High Judicial Council

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial

084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

[]

[] NA

[X] NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?

(X) Yes

() No

Comments - Please could you briefly specify:

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[]

[X] NA

Comments

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

[] For civil procedures (non-enforcement)

[] For civil procedures (timeframe)

[] For criminal procedures (timeframe)

[] NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

Yes

No

NAP

Comments

D1. Please indicate the sources for answering questions in this chapter.

Sources: Ministry of Justice

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify:

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

(X) Yes

() No

Comments - If yes, please specify:



4.2.2. Case flow management – first instance

091. First instance courts: number of other than criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|--|-----------------------------------|--------------------------------|--------------------------------|------------------------------------|--|
| Total of other than criminal law cases (1+2+3+4) | 3 797 952 [] NA [] NAP | 3 518 409 [] NA [] NAP | 3 618 916 [] NA [] NAP | 3 697 445 [] NA [] NAP | [X] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 2 331 797 [] NA [] NAP | 1 539 174 [] NA [] NAP | 1 583 707 [] NA [] NAP | 2 287 264 [] NA [] NAP | [X] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 1 282 107 [] NA [] NAP | 1 929 267 [] NA [] NAP | 1 967 089 [] NA [] NAP | 1 244 285 [] NA [] NAP | [X] NA [] NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | 1 282 107 [] NA [] NAP | 1 929 267 [] NA [] NAP | 1 967 089 [] NA [] NAP | 1 244 285 [] NA [] NAP | [X] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.1. Non litigious land registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.2 Non-litigious business registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.3. Other registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.3. Other non-litigious cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

| | | | | | |
|------------------------------------|------------------------------|-----------------------------|-----------------------------|------------------------------|-----------------------------|
| 3. Administrative law cases | 184 048 [] NA [] NAP | 49 968 [] NA [] NAP | 68 120 [] NA [] NAP | 165 896 [] NA [] NAP | 84 621 [] NA [] NAP |
| 4. Other cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments Administrative cases. – It should be noted that fast-track simplified proceedings are available for dispute resolution in important areas of administrative law, such as public procurement (“rito appalti”). In 2018, the disposition time for such disputes was 237 days in the first instance and 274 days before the Consiglio di Stato (CDS). Furthermore, requests of interim measures are frequent in administrative law cases (about one third of the cases in first instance and half of the cases before the CDS). They provide fast legal protection of the claimant’s rights, often anticipating the final judgment on the merits.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. Non-litigious cases include -amongst others- divorce and separation by mutual consent, change of divorce/separation conditions, judicial interdiction and incapacitation, hereditament, some family-related procedures, etc.
Under this category also fall the following: order for payment procedures, proceedings for validation of eviction, precautionary proceedings and proprietary measures

093. Please indicate the case categories included in the category "other cases":

. NAP

094. First instance courts: number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|--|-----------------------------------|--------------------------------|--------------------------------|------------------------------------|--|
| Total of criminal law cases (1+2+3) | 1 240 031 [] NA [] NAP | 1 294 888 [] NA [] NAP | 1 274 213 [] NA [] NAP | 1 260 706 [] NA [] NAP | [X] NA [] NAP |
| 1. Severe criminal cases | 1 125 662 [] NA [] NAP | 1 127 325 [] NA [] NAP | 1 100 702 [] NA [] NAP | 1 152 285 [] NA [] NAP | 354 578 [] NA [] NAP |
| 2. Misdemeanour and / or minor criminal cases | 114 369 [] NA [] NAP | 167 563 [] NA [] NAP | 173 511 [] NA [] NAP | 108 421 [] NA [] NAP | [X] NA [] NAP |
| 3. Other cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ

definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: The reduction in the number of resolved first instance criminal cases, and consequently the increase in the Disposition Time, between 2018 and 2016 comes from the decriminalization measures introduced in 2016 that led to a sharp increase in the number of case dismissals in that year. Indeed, the data for 2017 are:

Incoming: 1.311.900

Resolved: 1.293.054

Pending: 1.282.406

Disposition time: 362 days

These figures show a positive trend of the DT between 2014 and 2017, maintained in 2018.

4.2.3. Case flow management – second instance



097. Second instance courts (appeal): Number of “other than criminal law” cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|--|-----------------------------------|------------------------------|------------------------------|------------------------------------|---|
| Total of other than criminal law cases (1+2+3+4) | 363 503 [] NA [] NAP | 126 600 [] NA [] NAP | 150 011 [] NA [] NAP | 340 092 [] NA [] NAP | 150 260 [] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 358 157 [] NA [] NAP | 118 052 [] NA [] NAP | 141 492 [] NA [] NAP | 334 717 [] NA [] NAP | 150 061 [] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 5 346 [] NA [] NAP | 8 548 [] NA [] NAP | 8 519 [] NA [] NAP | 5 375 [] NA [] NAP | 199 [] NA [] NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | 5 346 [] NA [] NAP | 8 548 [] NA [] NAP | 8 519 [] NA [] NAP | 5 375 [] NA [] NAP | 199 [] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.1. Non litigious land registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.2 Non-litigious business registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

| | | | | | |
|---------------------------------------|--|--|--|--|--|
| 2.2.3. Other registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.3. Other non-litigious cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3. Administrative law cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Other cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If "Other cases" please specify -

098. Second instance courts (appeal): Number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|--|---|---|---|---|---|
| Total of criminal law cases (1+2+3) | 277 376 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 115 144 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 117 836 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 274 684 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 113 983 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 1. Severe criminal cases | 272 411 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 110 567 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 113 509 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 269 469 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 113 064 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2. Misdemeanour and / or minor criminal cases | 4 965 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 4 577 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 4 327 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 5 215 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 919 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3. Other cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. -

4.2.4. Case flow management – Supreme Court

099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|---|---|--|--|---|---|
| Total of other than criminal law cases (1+2+3+4) | 135 331 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 48 538 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 45 087 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 138 782 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 67 085 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

| | | | | | |
|--|------------------------------|-----------------------------|-----------------------------|------------------------------|-----------------------------|
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 106 511 [] NA [] NAP | 36 470 [] NA [] NAP | 32 002 [] NA [] NAP | 110 979 [] NA [] NAP | 53 490 [] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.1. Non litigious land registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.2 Non-litigious business registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.3. Other registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.3. Other non-litigious cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 3. Administrative law cases | 28 418 [] NA [] NAP | 11 657 [] NA [] NAP | 12 646 [] NA [] NAP | 27 429 [] NA [] NAP | 13 552 [] NA [] NAP |
| 4. Other cases | 402 [] NA [] NAP | 411 [] NA [] NAP | 439 [] NA [] NAP | 374 [] NA [] NAP | 43 [] NA [] NAP |

Comments - If "Other cases", please specify The increase of the incoming civil litigious cases is ascribed to proceedings related to immigration matters. There is no specific explanation for the increase of resolved administrative cases. Other cases represent residual cases, such as cases regarding the competence or jurisdiction of the courts, correction of material errors.

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

(X) Yes

() No

Comments -

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? [36 881]

cases closed by this procedure? [5 381]

Comments -

100. Highest instance courts (Supreme Court): Number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|--|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|---|
| Total of criminal law cases (1+2+3) | 30 266 [] NA [] NAP | 51 956 [] NA [] NAP | 57 573 [] NA [] NAP | 24 609 [] NA [] NAP | 53 [] NA [] NAP |
| 1. Severe criminal cases | 25 424 [] NA [] NAP | 43 797 [] NA [] NAP | 48 069 [] NA [] NAP | 21 152 [] NA [] NAP | 43 [] NA [] NAP |
| 2. Misdemeanour and / or minor criminal cases | 605 [] NA [] NAP | 1 074 [] NA [] NAP | 1 206 [] NA [] NAP | 473 [] NA [] NAP | 0 [] NA [] NAP |
| 3. Other cases | 4 197 [] NA [] NAP | 7 085 [] NA [] NAP | 8 298 [] NA [] NAP | 2 984 [] NA [] NAP | 10 [] NA [] NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify Following the introduction of the new item "other" at Q100, the Supreme Court has revised and ameliorated their classification of cases. The misdemeanour category now includes not only the proceedings coming from the justice of peace offices but also all those minor offences which are punished with fines. "Other cases" (point 3) can be related to procedures pending in first or second instances (jurisdiction or competence conflicts between other courts), or pending in other countries (rogatory or capture instances); "Other cases" can be also related to decisions regarding the execution of imposed punishments (for example regarding the end or a change (home detection) of the imprisonment), or related to the correction of material errors on Highest Court's sentences.

4.2.5. Case flow management and timeframes – specific cases

101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec ref. year |
|-----------------------------------|-----------------------------------|-----------------------------|-----------------------------|-----------------------------------|
| Litigious divorce cases | 47 638 [] NA [] NAP | 34 968 [] NA [] NAP | 35 701 [] NA [] NAP | 46 905 [] NA [] NAP |
| Employment dismissal cases | 18 661 [] NA [] NAP | 19 323 [] NA [] NAP | 20 716 [] NA [] NAP | 17 268 [] NA [] NAP |
| Insolvency | 11 140 [] NA [] NAP | 30 772 [] NA [] NAP | 31 996 [] NA [] NAP | 9 916 [] NA [] NAP |

| | | | | |
|---|--|--|--|--|
| Robbery case | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Intentional homicide | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention) | 54 857 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 48 891 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 42 101 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 61 647 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Cases relating to the right of entry and stay for aliens | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 2 224 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 846 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments Employment dismissal cases are strongly correlated with the economic trend. The number of employment dismissal cases used to be very high when the economic crisis was at its peak. Now the economy is getting better and therefore the number of these cases is going down.

The strong increase of cases related to asylum seekers was even addressed by the president of the Supreme Court during his speech on the occasion of the inauguration of the judicial year. The reason of such increase depends on the immigration flow. Cases related to the right of entry and stay for aliens are dealt by the administrative justice and for this reason they were not considered in 2016.

101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. The Italian asylum system foresees a single regular procedure, the same for the determination of both refugee status and subsidiary protection status. The asylum claim can be lodged either at the border police office or within the territory at the provincial Police station (Questura).

The police authorities send the registration form and the documents concerning the asylum application to the Territorial Commissions or Sub-commissions for International Protection (Commissioni territoriali per il riconoscimento della protezione internazionale) (CTRPI) located throughout the national territory, the only authorities competent for the substantive asylum interview. Asylum seekers can appeal against a negative decision issued by the Territorial Commissions within 30 days before the competent Civil Tribunal.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

| | % of decisions subject to appeal | Average length in 1st instance (in days) | Average length in 2nd instance (in days) | Average length in 3rd instance (in days) | Average total length of the total procedure (in days) | % of cases pending for more than 3 years for all instances |
|---|--|--|--|--|--|--|
| Civil and commercial litigious cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 1 157 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 221 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | | | |
|----------------------------------|--|--|--|--|--|--|
| Litigious divorce case | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 573 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 389 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 679 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Employment dismissal case | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 395 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 419 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 674 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Insolvency | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 122 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 1 259 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Robbery case | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 199 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Intentional homicide | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 198 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments ---

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. Separation by mutual consent and uncontested divorce are also possible without judicial procedure. In particular through an ADR procedure called "negoziazione assistita" (literally assisted negotiation) or alternatively directly to the public register office without the intervention of the lawyer.

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

. The average length is calculated as the arithmetic mean of the actual lengths of cases resolved in 2018 (the reference year).

4.2.6. Case flow management – public prosecution



105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal

to supervise the enforcement procedure

to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers (please specify):

Comments

106. Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

| | Received during the reference year | Discontinued during the reference year (see Q108 below) | Concluded by a penalty or a measure imposed or negotiated by the public prosecutor | Cases brought to court |
|--|------------------------------------|---|--|------------------------------|
| Total number of first instance cases processed by the public prosecutor | 2 970 518 | 2 214 462 | 9 088 | 554 106 |
| | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA |
| | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP |

Comments

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

| | Number of guilty plea procedures |
|------------------------------|--|
| Total | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Before the court case | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| During the court case | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments

108. Total number of cases which were discontinued by the public prosecutor.

| | Number of cases |
|---|------------------------------|
| Total number of cases which were discontinued by the public prosecutor (1+2+3+4) | 2 214 462 |
| | <input type="checkbox"/> NA |
| | <input type="checkbox"/> NAP |

| | |
|--|--------------------------------|
| 1. Discontinued by the public prosecutor because the offender could not be identified | 1 381 932 [] NA [] NAP |
| 2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | 819 687 [] NA [] NAP |
| 3. Discontinued by the public prosecutor for reasons of opportunity | 12 843 [] NA [] NAP |
| 4. Other | [] NA [X] NAP |

Comments

109. Do the figures include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Ministry of Justice - Department of Statistics and Organizational Analysis Except for Q.99: Supreme Court of Cassation and the Council of State

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. How are judges recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

Comments

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

an authority made up of judges only

an authority made up of non-judges only

an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

112. Is the same authority (Q111) competent for the promotion of judges?

Yes

No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

statutory independent

under the authority of the Minister of Justice or another central authority

other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

Yes

No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

Comments

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

an authority composed of public prosecutors only

an authority composed of non-public prosecutors only

an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

Yes

No, please specify which authority is competent for promoting public prosecutors High Judicial Council

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

119-2. Please indicate the criteria used for the promotion of a prosecutor:

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.3. Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age: 70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

121-1. Can a judge be transferred to another court without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

[]

NA

Comments

126-1. Is it renewable?

() Yes

() No

Comments

E1. Please indicate the sources for answering the questions in this chapter:

Sources: Ministry of Justice – Magistrates Department

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges:

| | Compulsory | Optional | No training proposed |
|--|---------------------|---------------------|----------------------|
| Initial training (e.g. attend a judicial school, traineeship in the court) | (X) Yes () No | () Yes (X) No | () Yes (X) No |
| General in-service training | () Yes (X) No | (X) Yes () No | () Yes (X) No |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | () Yes (X) No | (X) Yes () No | () Yes (X) No |
| In-service training for management functions of the court (e.g. court president) | () Yes (X) No | (X) Yes () No | () Yes (X) No |
| In-service training for the use of computer facilities in courts | () Yes (X) No | (X) Yes () No | () Yes (X) No |
| In-service training on ethics | () Yes (X) No | (X) Yes () No | () Yes (X) No |

Comments

128. Frequency of the in-service training of judges:

| | Frequency of the judges training |
|------------------------------------|--|
| General in-service training | [] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed |

| | |
|--|--|
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for management functions of the court (e.g. court president) | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for the use of computer facilities in courts | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training on ethics | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors:

| | Compulsory | Optional | No training proposed |
|---|--|--|--|
| Initial training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| General in-service training | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for specialised functions (e.g. public prosecutors specialised on organised crime) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for management functions (e.g. Head of prosecution office, manager) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for the use of computer facilities in office | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training on ethics | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

130. Frequency of the in-service training of public prosecutors :

| | Frequency of the in-service training |
|------------------------------------|--|
| General in-service training | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

| | |
|--|--|
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for management functions (e.g. Head of prosecution office, manager) | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for the use of computer facilities in office | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training on ethics | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

131. Do you have public training institutions for judges and / or prosecutors?

| | Initial training only | Continuous training only | Initial and continuous training |
|---|------------------------------|---------------------------------|--|
| One institution for judges | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| One institution for prosecutors | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| One single institution for both judges and prosecutors | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments

131-0. If yes, what is the budget of such institution(s)?

| | Budget of the institution for the reference year, in € |
|---|---|
| One institution for judges | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| One institution for prosecutors | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| One single institution for both judges and prosecutors | 13 123 758 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

| | Number of training courses in days organised, without e-learning | Online training courses available during the reference year (e-learning) |
|---|--|--|
| Total | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Only for judges | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Only for prosecutors | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Only for other non-judge staff | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Only for other non-prosecutor staff | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Other common training | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments:

E2. Please indicate the sources for answering the questions in this chapter:

Sources: Ministry of Justice

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

| | Gross annual salary, in € | Net annual salary, in € | Gross annual salary, in local currency | Net annual salary, in local currency |
|---|--|---|--|--|
| First instance professional judge at the beginning of his/her career | 56 263 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 34 758 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President) | 186 637 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 99 203 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

| | | | | |
|--|------------------------------|-----------------------------|-------------------|-------------------|
| Public prosecutor at the beginning of his/her career | 56 263 [] NA [] NAP | 34 758 [] NA [] NAP | [] NA [X] NAP | [] NA [X] NAP |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General). | 186 637 [] NA [] NAP | 99 203 [] NA [] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments

133. Do judges and public prosecutors have additional benefits?

| | Judges | Public prosecutors |
|--------------------------------|-------------------|--------------------|
| Reduced taxation | () Yes (X) No | () Yes (X) No |
| Special pension | () Yes (X) No | () Yes (X) No |
| Housing | () Yes (X) No | () Yes (X) No |
| Other financial benefit | () Yes (X) No | () Yes (X) No |

Comments

134. If “other financial benefit”, please specify:

[X] NAP

135. Can judges combine their work with any of the following other functions/activities?

| | With remuneration | Without remuneration |
|---------------------------------|-------------------|----------------------|
| Teaching | (X) Yes () No | (X) Yes () No |
| Research and publication | (X) Yes () No | (X) Yes () No |
| Arbitrator | () Yes (X) No | () Yes (X) No |
| Consultant | () Yes (X) No | () Yes (X) No |
| Cultural function | () Yes (X) No | (X) Yes () No |

| | | |
|---------------------------|--|--|
| Political function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Mediator | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

137. Can public prosecutors combine their work with any of the following other functions/activities?

| | With remuneration | Without remuneration |
|---------------------------------|--|--|
| Teaching | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Research and publication | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Arbitrator | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Consultant | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Cultural function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Political function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Mediator | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify:

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments

138-1. If yes, how is this institution / body formed

- only by judges
- by judges and other legal professionals
- other, please specify:

Comments

138-2. Are the opinions of this institution / body publicly available?

- Yes
 - No
- NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

- Yes
- No

Comments

138-4. If yes, how is this institution / body formed

- only by prosecutors
- by prosecutors and other legal professionals
- other, please specify:

Comments

138-5. Are the opinions of this institution / body publicly available?

- Yes
 - No
- NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Court users
- Relevant Court or hierarchical superior

- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): Minister of Justice
- Other (please specify):
- This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): Minister of Justice
- Other (please specify):
- This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor

Public prosecutorial Council (High Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify):

Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Judges | Prosecutors |
|---|--|---|
| Total number (1+2+3+4) | 128 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 64 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | 17 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 13 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Professional inadequacy | 93 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 41 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Criminal offence | 18 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 10 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify: The above figures do not include 2 disciplinary proceedings against administrative judges.

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

| | Judges | Prosecutors |
|-------------------------------------|---|---|
| Total number (total 1 to 10) | 53 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 18 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Reprimand | 33 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 11 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Suspension | 5 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Withdrawal from cases | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | |
|--|------------------------|------------------------|
| 4. Fine | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 5. Temporary reduction of salary | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 6. Position downgrade | 4 [] NA [] NAP | 2 [] NA [] NAP |
| 7. Transfer to another geographical (court) location | 4 [] NA [] NAP | 3 [] NA [] NAP |
| 8. Resignation | 6 [] NA [] NAP | 0 [] NA [] NAP |
| 9. Other | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 10. Dismissal | 1 [] NA [] NAP | 0 [] NA [] NAP |

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. The above figures do not include 3 sanctions to administrative judges.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: High Judicial Council

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

| | Total | Male | Female |
|-------------------|-------------------|-------------------|-------------------|
| Number of lawyers | 234 386 [] NA | 122 556 [] NA | 111 830 [] NA |

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[]

[] NA

[X] NAP

Comments

149. Do lawyers have a monopoly on legal representation in (multiple options are possible):

| | First instance | Second instance | Highest instance court (Supreme Court) |
|----------------------------|----------------|-----------------|---|
| Civil cases | [X] | [X] | [X] |
| Dismissal cases | [X] | [X] | [X] |
| Criminal cases – Defendant | [X] | [X] | [X] |
| Criminal cases – Victim | [X] | [X] | [X] |
| Administrative cases | [X] | [X] | [X] |

[] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly:

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

| | First instance | Second instance | Highest instance court (Supreme Court) |
|----------------------------|---------------------|---------------------|---|
| Civil society organisation | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Family member | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Self-representation | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Trade union | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Other | () Yes (X) No | () Yes (X) No | () Yes (X) No |

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s):

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

[] Notarial activity

[X] Arbitration / mediation

- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

152. Is there a mandatory general in-service professional training system for lawyers?

- Yes
- No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
- No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: National Bar Association (Consiglio Nazionale Forense)

6.1.2. Practicing the profession



154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

a judge

Ministry of Justice

a professional authority

other (please specify):

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Number of disciplinary proceedings |
|---|---|
| Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4) | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Professional inadequacy | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Criminal offence | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

| | Number of sanctions |
|--|---|
| Total number of sanctions (1 + 2 + 3 + 4 + 5) | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Reprimand | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Suspension | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Withdrawal from cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Fine | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Other | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Court related mediation and other alternative Dispute Resolution

7.1 Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: Real rights, condominium disputes, division of assets, wills and inheritance, leasing, family covenants and agreements, loans, business rents, medical malpractice damages, libel, insurance, bank and financial contracts.

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

| | Private mediator | Public authority (other than the court) | Judge | Public prosecutor |
|---|--|--|--|--|
| Civil and commercial cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Family cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Administrative cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Labour cases including employment dismissals | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Criminal cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Consumer cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services

free of charge?

Yes

No

NAP

Comments - If yes, please specify (only one or both options)::

166. Number of accredited or registered mediators for court-related mediation:

| | Total | Males | Females |
|----------------------------|------------------------------|------------------------------|------------------------------|
| Number of mediators | 24 010 | 13 685 | 10 325 |
| | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA |
| | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP |

Comments The above figures refer to public mediators who deal with civil and commercial mediation procedures. Therefore these figures do not include mediators in family matters (818) nor in consumer cases.

167. Number of court-related mediations:

| | Number of cases for which the parties agreed to start mediation | Number of finished court-related mediations | Number of cases in which there is a settlement agreement |
|---|--|--|--|
| Total (1 + 2 + 3 + 4 + 5 + 6) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Civil and commercial cases | 76 569 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 72 815 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 19 878 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Family cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Administrative cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Labour cases including employment dismissal cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Criminal cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 6. Consumer cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Please indicate the source: Figures for this question cannot be compared between 2018 and previous years. The current answer reflects the way the question has been rephrased compared to 2016. In 2016 it read “Number of judicial mediation procedures” whereas in 2018 it was changed into “Number of cases for which the parties agreed to start mediation”.In Italy one party may initiate a mediation procedure and the other party may decide to take part to it or not. To clarify things, please consider that in 2018 in Italy 258.786 mediation proceedings were initiated. Both parties showed up at the first mediation meeting in only 76.569 mediation proceedings. Please also note that these figures refer to private mediation. For some matter subjects the mediation is mandatory and it is managed by private mediation companies. Please note that the above figures refer to mediation procedures monitored by the Ministry of Justice. In Italy, there is a plethora of different forms of ADR procedures and some are not so widespread. Court-related mediations do exist for both family cases and labour cases but such mediation proceedings are not monitored by the Ministry of Justice; this is why they were not considered

in 2016.

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify): Joint Settlement

Comments

G1. Please indicate the source for answering question 166:

Source: Department of Statistics and Organizational Analysis (within the Ministry of Justice)

8. Enforcement of court decisions

8.1. Execution of decisions in civil matters

8.1.1. Functioning

169. Do you have enforcement agents in your judicial system?

- Yes
- No

Comments

170. Number of enforcement agents

| | Total | Male | Female |
|------------------------------|-----------------|-----------------|-----------------|
| Number of enforcement agents | 2 718 [] NA | 1 292 [] NA | 1 426 [] NA |

Comments

171. Are enforcement agents (multiple options are possible):

- judges
- bailiffs practising as private professionals under the authority (control) of public authorities
- bailiffs working in a public institution
- other

Comments - Please specify their status and powers:

171-1. Do enforcement agents have the monopoly in exercising their profession?

- Yes

() No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

| | Option |
|--|--|
| Seizure of movable tangible properties | (X) Yes with monopoly () Yes without monopoly () No [] NAP |
| Seizure of immovable properties | (X) Yes with monopoly () Yes without monopoly () No [] NAP |
| Seizure from a third party of the debtor claims regarding a sum of money | (X) Yes with monopoly () Yes without monopoly () No [] NAP |
| Seizure of remunerations | (X) Yes with monopoly () Yes without monopoly () No [] NAP |
| Seizure of motorised vehicles | (X) Yes with monopoly () Yes without monopoly () No [] NAP |
| Eviction measures | (X) Yes with monopoly () Yes without monopoly () No [] NAP |
| Enforced sale by public tender of seized properties | (X) Yes with monopoly () Yes without monopoly () No [] NAP |
| Other | (X) Yes with monopoly () Yes without monopoly () No [] NAP |

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- [X] Service of judicial and extrajudicial documents
- [] Debt recovery
- [] Voluntary sale of moveable or immoveable property at public auction
- [X] Seizure of goods

- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body
- NAP

Comments

174. Are enforcement fees easily established and transparent for court users?

- Yes
- No

Comments

175. Are enforcement fees freely negotiated?

- Yes
- No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes

() No

Comments

H0. Please indicate the sources for answering question 170

Source: Ministry of justice

8.1.2. Efficiency of enforcement services



177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

(X) Yes

() No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

[] professional body

[] judge

[X] Ministry of Justice

[] public prosecutor

[] other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

() Yes

(X) No

Comments - If yes, what are the quality criteria used?

180. If yes, who is responsible for establishing these quality standards?

[] professional body

[] judge

[] Ministry of Justice

[] other (please specify):

Comments

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

() Yes

(X) No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify:

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?

Yes

No

Comments - If yes, please specify:

185. Is there a system measuring the length of enforcement procedures:

| | Existence of the system |
|--------------------------|--|
| for civil cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| for administrative cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify):

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Number of disciplinary proceedings initiated |
|---|--|
| Total number of initiated disciplinary proceedings (1+2+3+4) | 36 [] NA [] NAP |
| 1. For breach of professional ethics | 12 [] NA [] NAP |
| 2. For professional inadequacy | 12 [] NA [] NAP |
| 3. For criminal offence | 10 [] NA [] NAP |
| 4. Other | 2 [] NA [] NAP |

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

| | Number of sanctions pronounced |
|--|--------------------------------|
| Total number of sanctions (1+2+3+4+5) | 17 [] NA [] NAP |
| 1. Reprimand | 7 [] NA [] NAP |
| 2. Suspension | 6 [] NA [] NAP |
| 3. Withdrawal from cases | 0 [] NA [] NAP |
| 4. Fine | 0 [] NA [] NAP |
| 5. Other | 4 [] NA [] NAP |

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: Dismissal

H1. Please indicate the sources for answering questions 186, 187 and 188:

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

| | Total | Male | Female |
|---|--|--|--|
| TOTAL (1+2+3+4) | 4 970 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 242 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 728 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Private professionals (without control from public authorities) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

| | | | |
|--|----------------------------|----------------------------|----------------------------|
| 2. Professionals appointed by the State | 4 970 [] NA [] NAP | 3 242 [] NA [] NAP | 1 728 [] NA [] NAP |
| 3. Public officials | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 4. Other | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary (multiple options possible):

- diploma
- professional experience/professional training
- exam
- appointment procedure by the State
- other (please specify):

Comments

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement:75
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

194. What kind of activities do notaries perform (multiple options possible):

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):See general comments

Comments

194-1. Do notaries have the exclusive rights when exercising their profession:

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify):

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with: In Italy notaries have monopoly in none of the above activities.

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Other

Comments

194-3. Do notaries use specialised digital systems in their activity?

- In establishing authentic instruments
- In recording authentic instruments (archives)
- Other activity (please specify):

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

- Yes
- No

Comments

11. Please indicate the sources for answering question 192:

Sources: National Council of Notaries (Consiglio Nazionale del Notariato)

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments

199. Number of accredited or registered court interpreters:

[]

NA

NAP

Comments

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam):

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

| |
|------------------------------|
| Sources: Ministry of Justice |
|------------------------------|

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):

- experts who are requested by the parties to bring their expertise to support their argumentation,
- experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify):

Comments

202-1. Are there lists or databases of registered judicial experts?

- Yes
- No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?):

202-2. Who is responsible for registering judicial experts?

- Ministry of justice
- Courts
- Independent body (association of judicial experts)
- Other

Comments

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long
- No

Comments

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the judicial expert have an obligation of training?

| | Obligation of training |
|------------------|--|
| Initial training | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Continuous training

Yes

No

Comments

203-2. If yes, does this training concern:

judicial proceedings

the profession of expert

other

Comments

204. Is the function of judicial experts regulated by legal norms?

Yes

No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial experts:

| | Total | Male | Female |
|-------------------|--|--|--|
| Number of experts | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

205-1. Who sets the expert remuneration?

- The experts' remuneration is set by law.

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

| | Number of cases |
|---|---------------------|
| Total (1+2+3+4) | [X] NA [] NAP |
| 1.Civil and commercial litigious cases | [X] NA [] NAP |
| 2.Administrative cases | [X] NA [] NAP |
| 3.Criminal cases | [X] NA [] NAP |
| 4.Other cases | [X] NA [] NAP |

Comments

207. Are the courts responsible for selecting judicial experts?

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects judicial experts

Comments

207-1. Does the judge control the progress of the expertise?

- Yes
- No

Comments

K1. Please indicate the sources for answering question 205

Sources:

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If

possible, please observe the following categories:

1. (Comprehensive) reform plans Draft enabling law for “the efficiency of the civil and criminal trial, for the overall reform of the judiciary and of the discipline on eligibility and relocation in the role of magistrates as well as provisions on the constitution and functioning of the Superior Council of the Judiciary and on the flexibility of the judiciary staff”. The draft law was sent to the Prime Minister's Office on 12th of July 2019 for approval by the Council of Ministers and the subsequent sending to the Parliament. Following approval by the Parliament, the legislative decrees must be issued. The measures described below are all provided for in the above draft law, with the only exception of those in point 3.1. Access to justice and legal aid

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) Staffing plant. Delegation criteria have been set out for the introduction of a “flexible staffing plant“ at district level, namely a task force of magistrates to be allocated to the various courts in the district to replace temporary absent magistrates, to provide support to courts that are in critical performance conditions or that must face situations of emergency. Appointment to managerial and semi-managerial positions. For appointment to these positions the seniority criterion is to be valued together with parameters and indicators of aptitude (such as experience in managerial and semi-managerial functions, experience of collaboration and direction in the management of courts, experience in the self-governing bodies of the judiciary, the results achieved in carrying out the judicial activity, the interpersonal skills demonstrated).

3.1. Access to justice and legal aid The draft enabling law containing “amendments to the Consolidated Law on the legislative and regulatory provisions on the cost of justice referred to in the Presidential Decree of 30 May 2002, n. 115 ” - approved by Council of Ministers in May 2019 and waiting to be approved by Parliament. – has provided for:

1) introduction of legal aid in assisted negotiation procedures. ; 2) extension of the right to resort to legal aid for victims of a crime making it accessible even beyond the limits of income for specific crimes.

4. High Judicial Council 1) Modification of the number of lay and professional (magistrate) components. 2) Modification of the election method, with the provision of a two stage mechanism (the first aimed at identifying, by drawing lots, the magistrates eligible to the Superior Council of the Judiciary, and the second to elect among them the components of the Superior Council of the Judiciary) 3) Compensation for members of the Superior Council of the Judiciary has been reduced.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. Judges

The system to assess magistrates professionally has been modified allowing the participation of non-judge members in Judicial Councils and the simplification of the procedure recognizing the positive evaluation of professionalism. Principles of delegation have been set out to reorganize the disciplinary offenses system and judges' leave in case of illness. The criteria for accessing the functions of cassation counselor and deputy public prosecutor at the Court of Cassation have been redefined in order to better guide the exercise of discretion by the self-governing body. Access rules have been revised, allowing participation in the public exam to enter the judiciary directly after university degree. The oral exam tests have also been modified. For newly appointed judges, the term for transfer request has been reduced to three years. For all others it has remained unchanged at four years.

Prosecution services.

The proposed modification concerns prosecutor offices, establishing working groups in every office to which to assign the magistrates based on their specialization, according to established organizational rules.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities Reform of the civil and criminal procedure in the first and second instance according to the objectives of trial simplification, expeditiousness and rationalization.

The main envisaged measures are the following: 1) Civil trial: recourse to extrajudicial preliminary investigation; simplification of the first instance trial procedure; further delimitation of the subject of the dispute in the appeal judgment; streamlining of the decision-making phase.

2) Criminal trial: stricter rules to formulate the filing request; shorter terms for the preliminary investigations; cases of recourse to indictment have been limited; revision of the discipline of special proceedings; acceleration of the appeal judgment. The draft bill also contains provisions concerning the functioning of the Judiciary Superior Council; the rules on the eligibility of judges for political and administrative appointments and their possibility to return to judicial functions.

7. Enforcement of court decisions

8. Mediation and other ADR Mandatory mediation Mandatory mediation as a compulsory step before the parties may apply to the courts has been excluded for some types of disputes with traditionally low success rates. Assisted negotiation a) mandatory assisted negotiation as a compulsory step before the parties may apply to the courts has been eliminated for disputes relating to traffic accidents; b) preliminary investigations have been allowed in an extra-judicial phase in order to facilitate the assessment of the facts before the start of the process; c) the procedure has been simplified.

9. Fight against crime

9.1. Prison system

9.2 Child friendly justice

9.3. Violence against partners In July 2019 a new legislation has been approved aimed at tackling domestic and gender-based violence ("Amendments to the penal code, the code of criminal procedure and other provisions concerning the protection of victims of domestic and gender violence", so called "Red Code") The new Law contains important changes concerning the substantive and procedural criminal law and executions of penal sentences, with reference to crimes against the person.

The Law foresees a preferential and urgent process to deal with the proceedings concerning crimes in this matter, all with a view to providing greater protection to the victims.

The Law also introduces new types of offences, adding the following articles to the penal code: "Art. 387 bis. Violation of the removal orders from the family home and the prohibition of approaching the places frequented by the victim "; "Art. 588 bis. Compulsion or induction to marriage "; "Art. 583 quinquies. Major disfiguring of the person's appearance through permanent lesions of the face "; "Art. 612 ter. Illicit distribution of sexually explicit images or videos ".

10. New information and communication technologies Additional resources for the digitalization of civil and criminal justice are provided for by the draft enabling law " containing emendments to the Consolidated Law on the legislative and regulatory provisions on the cost of justice referred to in the Presidential Decree of 30 May 2002, n. 115 ", approved by the Council of Ministry on May 2019.

Within the NOP Governance and Institutional Capacity - 2014 -2020, IT infrastructures are being developed for the implementation of the Digital Civil Trial for the Justice of the Peace, the digitalization of the front offices' activity (Help desk), and the development of the Office for Trial. A national Web Portal for the digitalization of judicial auctions was launched in February 2018.

11. Other