

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

FINAL REPORT ON THE IMPLEMENTATION OF SELECTED CEPEJ TOOLS  
IN PILOT COURTS OF THE REPUBLIC OF AZERBAIJAN



based on the cooperation between CEPEJ experts and 5 national pilot courts

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**Programmatic Cooperation Framework for  
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus**

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# EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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## 1. Introduction

Between July 2015 and March 2017, judicial authorities of the Republic of Azerbaijan and the European Commission for the Efficiency of Justice (CEPEJ) co-operated actively in the framework of the Project “Support to Increased Efficiency of Courts, Improved Training of Judges and Judicial Self-governance in Azerbaijan” (hereinafter “the Project”), which was part of the Council of Europe and European Union Eastern Partnership Programmatic Co-operation Framework 2015-2017 (PCF)<sup>1</sup>. The main objective of this cooperation was to support a better efficiency of courts and improved quality of judicial services in Azerbaijan. The means for attaining this objective were based on optimisation of court management through the implementation of CEPEJ tools in pilot courts, analysis of their results and formulation of proposals for dissemination of the best practices to the national level.

As part of the project, a team of CEPEJ experts visited the 5 pilot courts designated jointly by the Judicial Legal Council and the Ministry of Justice of the Republic of Azerbaijan, and conducted an in-depth evaluation of their efficiency, time and quality management, explaining and applying the specific methodology and tools promoted by the CEPEJ. Subsequently, detailed court coaching reports were presented by the CEPEJ team and discussed with the pilot courts. As a result, an agreement was reached with them on the most relevant recommendations and the corresponding priority measures to be implemented during the second phase of the project. The team of CEPEJ experts developed and submitted to the pilot courts a detailed Guide for the implementation of selected CEPEJ tools in the courts of the Republic of Azerbaijan (please see Appendix I). Throughout 2016 the Project continuously supported the 5 pilot courts by organising roundtable meetings and trainings, study visits (to Estonia or at the Council of Europe in Strasbourg), and by providing other expert support.

The focus of CEPEJ recommendations and successive actions of the pilot courts was on improved use of judicial statistics, application of efficiency indicators such as the clearance rate and disposition time for courts’ evaluation and management purposes, along with an increased transparency and communication with court users and the public. Under the guidance of CEPEJ experts the pilot courts conducted projects and activities to apply the SATURN tools for better time management in their daily work. Following a number of capacity building activities, the pilot courts also introduced satisfaction surveys for the court users, lawyers and staff. The results of these surveys were analysed and action plans to improve the quality of services and user satisfaction were developed.

In parallel to the work conducted with the pilot courts, the Project launched the process of integrating the CEPEJ tools in the training curricula for judges and court staff. A pool of selected trainers of the Justice Academy was coached to deliver courses on efficient court management and quality of justice to their peers. Between October 2016 and March 2017 Justice Academy delivered a series of trainings on this topic. The target groups represented mainly judges, court presidents and the senior court personnel.

***The present report reflects an assessment on the part of the CEPEJ team of the activities conducted by the pilot courts in response to the court coaching programme and their results. It contains a description of the achievements and eventual challenges which the pilot courts had to overcome, the final conclusions of a successful and intense cooperation as well as the recommendations for next steps. As such, this final report should become the basis for taking further actions in view of a comprehensive implementation of CEPEJ tools at national level, in all court of Azerbaijan. CEPEJ aims to further support the partners and justice stakeholders from Azerbaijan in this process, so as to promote a better access to justice for all citizens.***

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<sup>1</sup> <http://pjp-eu.coe.int/en/web/eap-pcf/home>

## 2. Court management.

The aim of the CEPEJ is to improve the quality and efficiency of the functioning of justice systems in the member States. It accumulates knowledge through research and expert reports and develops practical tools and instruments. Courts are the organisational entities to which the daily administration of justice is being entrusted. For this reason, the management of courts is a core interest of CEPEJ. The quality, efficiency and timeliness of the justice system is strongly related to the way courts work. Many of the instruments adopted by the CEPEJ are to be implemented at court level. The 'art' of good court management involves creating a responsive work environment, in which highly educated professionals work according to high professional standards and ethics, well balancing demands for quality, efficiency and timeliness. Or, phrased from a user perspective, the functioning of judicial systems should be *fair, affordable*, and provide solutions in a *reasonable time*.

Good court management is concerned with:

- Making sure the system delivers what is was designed for: the deliverance of 'good' justice in an efficient and timely manner;
- Creating a work environment in which judges and employees do their work in respect of professional and ethical standards, are committed, are respected and develop themselves as professionals and as human beings;
- Seeing and understanding relevant developments inside and outside the organisation, translating them to (new) policies and practices; actively seeking feedback form client groups.

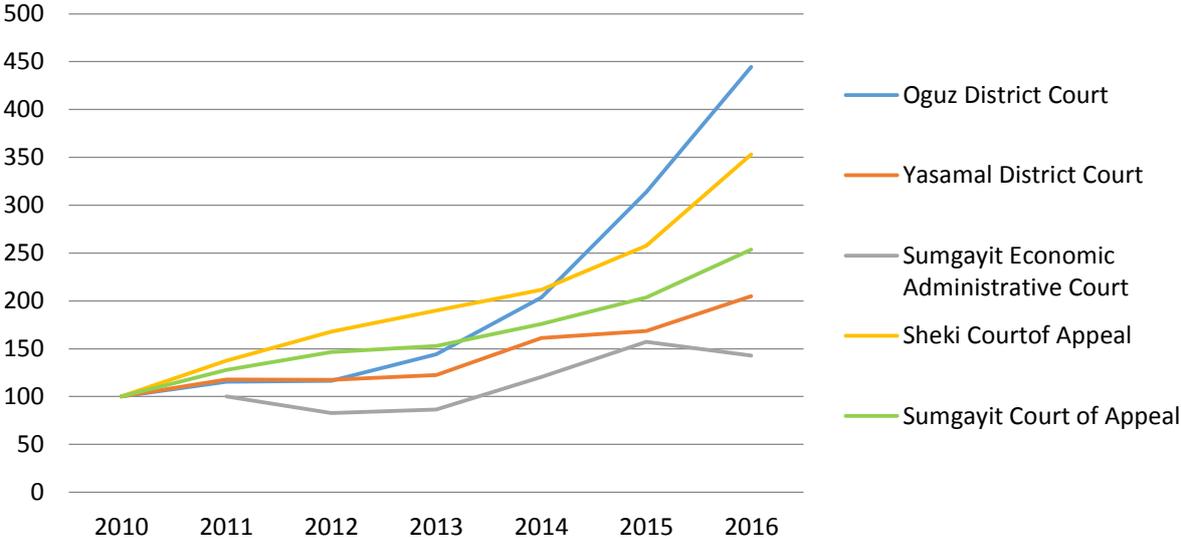
Being 'responsive' means being aware of the relevant environment, the needs of those involved in judicial proceedings, and acting in accordance. Modern court management involves thinking about the role the organisation performs in its wider environment, the values it stands for, taking account of the needs of its 'clients' and how its services are perceived by those clients. In professional organisations, this task is not only for the manager or a strategic unit within the organisation; it concerns all members of the organisation. Sharing and discussing values helps building a strong organisational culture and self-awareness.

During their missions in Azerbaijan, CEPEJ experts have noticed some major developments in the court system of the country. A main challenge for the court system of Azerbaijan seems to be the strong growth of the number of cases brought before the courts. As illustrated by graph 1, some Courts have faced an annual increase in the number of cases by 50% or more in the most recent years. Much effort is spent to cope with this increase – often without growth of the courts' capacity. Regarding the system itself, there is a strong focus on modernisation. The judiciary is open to innovations and eager to acquire knowledge such as the one presented by CEPEJ, and to use that knowledge were appropriate.

On a practical level, CEPEJ has developed a number of tools to measure courts' performance, and various recommendations or methods to improve performance. During the missions of CEPEJ experts, performance indicators and related statistical tools were introduced, and methods of performance evaluation were discussed.

Instruments for self-evaluation, collection of users' feedback, were introduced to the pilot courts. The importance of adopting mission statements and values at court level have also been discussed.

**Graph 1. The number of incoming cases at the 5 Pilot Courts, 2010 – 2016 (index: 2010 = 100, all case types)**



**3. Judicial statistics.**

**3.1. Judicial statistics as a tool to evaluate and improve the performance of courts. Courts’ resources, caseflow and related CEPEJ-recommended indicators.**

The main aim of judicial statistics is to facilitate the efficient functioning of a judicial system and contribute to the steering of public policies of justice. Therefore judicial statistics should enable policy makers and judicial practitioners to get relevant information on court performance and quality of the judicial system, namely the workload of courts and judges, the duration of handling this workload, the quality of courts' outputs and the amount of human and financial resources to be allocated to the system to resolve the incoming workload.

The Project rested on the bottom-up approach which turned the focus to the individual pilot courts. The Project also encouraged the court management to be focused on implementation of improvements in judicial administration which can be performed based on statistical analyses. All pilot courts were fully committed to the implementation of the judicial statistics in line with CEPEJ Guidelines on Judicial Statistics (GOJUST)<sup>2</sup>. During the second half of the Project pilot courts also took several activities in line with Saturn Guidelines for Judicial Time Management<sup>3</sup>. In order to perform the effective implementation of the statistics, the court management had to take (also with the assistance with the Project) certain measures as additional trainings and organisational improvements.

The court management recognised judicial statistics as a standard tool implementable without major additional efforts, as all the required data were mostly available. The challenge the courts management was faced with was how to correctly interpret the efficiency indicators, how to perform

<sup>2</sup> CEPEJ(2008)11 - <https://wcd.coe.int/ViewDoc.jsp?p=&id=1389931&Site=&direct=true>

<sup>3</sup> Please see comments and implementation examples on the Guidelines for Judicial Time Management at: [https://www.coe.int/t/dghl/cooperation/cepej/delais/2\\_2015\\_Saturn\\_Guidelines\\_commentsimplementation.pdf](https://www.coe.int/t/dghl/cooperation/cepej/delais/2_2015_Saturn_Guidelines_commentsimplementation.pdf)

quality analyses and how to identify appropriate measures in line with court coaching reports, in order to improve the performance of the court.

Based on the analyses of 2015 and 2016 data, it is obvious that systemic interventions on a policy level will be needed, as the number in particular of civil cases increases significantly every year. On the other hand, the appeal rates generally decreased in 2016 (e.g. Sumgayit Court of Appeal) which might be a signal of better quality.

The following characteristics could be elaborated based on the implementation of judicial statistics:

- uniform approach throughout all courts;
- paradigm shift in the court administration;
- introducing a chronological perspective or time series;
- daily operations (collecting, processing, analysing, monitoring);
- use of the IT;
- professionalism and skills;
- transparency and public availability;
- scalability and sustainability.

These characteristics can be understood as strategic guiding principles, which have to be considered during the implementation of a new tool.

### **Uniform approach throughout all courts**

In order to enable the comprehensive and sustainable evaluation of the performance of pilot courts, the following tables (statistical reports) were specified and drafted by the CEPEJ team in cooperation with the pilot courts (please see Appendix 1):

- Table 1: General information concerning the court
- Table 2: Workflow information per case type
- Table 3: Structure of the caseload

In addition, the following tables were generated based on data collected through the above mentioned tables:

- Generated Table 1: New, Solved, Pending Cases, Disposition Times, Clearance Rates
- Generated Table 2: Analytical Information and Indicators on the use of resources and efficiency
- Generated Table 3: Appeal Ratios, Quashed or Modified Decisions Ratios

Besides the workflow and the structure of the caseload, the following key performance indicators were calculated based on figures provided by the pilot courts:

- Clearance Rate (CR)
- Disposition Time (DT)
- Age of Pending Cases (APC)
- Case Per Judge (CPJ)
- Case Per Staff (CPS)
- Staff Per Judge (SPJ)
- Cost Per Case (CPC)
- Appeal Ratios (AR and QMD)<sup>4</sup>

All the tables and indicators proposed by the CEPEJ team were recognised as a useful and sustainable tool for reporting, which became obvious during the mission performed on 7- 8 February 2017. All the pilot courts reported in the same manner, in a uniform approach. Although the bottom-up

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<sup>4</sup> All key performance indicators were extensively explained in court coaching reports, based on CEPEJ Guidelines on Judicial Statistics.

approach was used and a limited number of courts were included in the Project, the entire concept emerged could be extended as a standard methodology of reporting to the entire Azerbaijani judiciary. This would improve the quality of the judicial governance, which is one of the main goals of the cooperation CEPEJ proposes to the authorities of Azerbaijan.

### **Paradigm shift in the court administration**

Regarding the introduction of CEPEJ tools, the pilot courts reported on different actions taken in the field of court administration. Implementation covered an entire range of legal, organisational and technical measures – from amendments to internal rules and organisational changes, on the one hand, to introduction of IT statistic systems on the other. The Project provided the necessary training on the CEPEJ-recommended indicators and the use of Excel spreadsheets for their calculation and regular monitoring. In addition, workshops concerning statistical analyses, understanding and interpretation of statistical data were performed during Project’s missions.

Consequently, the introduction of a “standardised” reporting did not mean only implementation of statistics and court performance indicators in line with CEPEJ standards, but also led to changes of habits, work methods, and even of the mentality of judges and other employees. Thus, it was not only about analysing and reporting, but it affected, together with the quality component, the entire court administration and the institutional culture in the pilot courts. A new, creative and proactive approach, with some early warnings and immediate reactions on behalf of the management or even on the part of judges and staff, can be identified in all pilot courts.

All the pilot courts, but especially the Sumgayit and Sheki Courts of Appeal, and the Sumgayit Administrative-Economic Court, performed additional trainings, meetings, and also assigned qualified staff to the activities concerning the field of collecting, processing and analysing statistical data. The Sheki Court of Appeal reported on special internal meetings concerning the results of the analyses. The Sumgayit Administrative-Economic Court published a special report concerning its operation in 2016, including the CEPEJ-recommended efficiency indicators.

### **Chronological perspective of time series**

The time series gave a special value to statistical reports generated during the Project’s lifecycle. Namely, the statistical data that had been collected in the past were used throughout the Project and the pilot courts developed time series. This enabled a comprehensive analysis, facilitated the forecasting and offered some concrete managerial and also strategic interventions.

With the same approach and methodology, statistical data were collected during seven years in a row (for the period 2010-2016), which brought additional quality and perspective to the Pilot court’s administration. Some analyses which had indicated possible early warnings and the need for interventions during the first analyses in 2015, based on 2010-2014 data, could have been further evaluated and upgraded through the following years 2015 and 2016.

The comparative evaluation of the same data on the international level (e.g. European judicial systems. Efficiency and quality of justice, CEPEJ Studies No. 23, Edition of 2016 (2014 data)<sup>5</sup>) also offers further food for thought for possible interventions. During the Project, the Ministry of Justice and the Baku City Yasamal District Court launched a concrete reform concerning the introduction of the “Order Procedure” for some categories of cases, based on recommendations to improve efficiency through changes in the field of civil procedure.

### **Daily operations**

All 5 pilot courts produced at regular intervals reports based on the results of the statistical analysis. The reports included not only statements of facts, but also appropriate analyses. Statistical reports

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<sup>5</sup> <http://www.coe.int/t/dghl/cooperation/cepej/evaluation/>

were regularly analysed among judges and the staff or on the level of the presidium of the courts of appeal.

All the necessary steps to develop statistical reports were implemented in the daily operations of every pilot court, which means that collecting, processing, analysing and monitoring became a part of daily routines. Some courts (e.g. Sheki Court of Appeal, Sumgayit Administrative-Economic Court) amended their internal rules regarding the job descriptions and introduced more detailed instructions, based on the legislation and presidential decrees. The President of the Sheki Court of Appeal passed a special order and introduced a group responsible for statistical analyses and reporting. Yearly results of 2016 were discussed on a special meeting with representatives of first instance courts from its jurisdiction and with participation of judges from the Supreme Court. Additionally, the CEPEJ methodology was presented with the proposal for its dissemination.

### **Use of the IT**

In all pilot courts the statistics were collected through the use of a pre-defined Excel spreadsheet, which simplified the submission and processing of data. In order to calculate additional indicators in a more automated way, the Sumgayit Court of Appeal used special software.

For the purpose of the Project the Baku City Yasamal District Court provided data in the same way as all the other pilot courts (for the sake of uniformity). However this Court uses the newest Integrated Case Management System (ICMS) for generating its statistical reports. In principle, these reports are, from the substantive point of view, similar to the tables and graphs drafted through the Project, but the layout and some indicators are different, which is understandable. On the long run it is envisaged the implementation of the ICMS and the data warehouse approach with business intelligence tools in all courts of Azerbaijan, which will bring the uniform approach nationwide. In this context, it is crucial that the ICMS is updated taking into considerations the lessons learned and good practices demonstrated by the Project's pilot courts, and that the CEPEJ-recommended indicators are fully embedded into this modern IT solution. Only in this way the courts will be able to generate complete and comprehensive reports on their efficiency and quality (with wide possibilities for comparisons among courts and the review of indicators in a chronological perspective) without spending too much time and resources.

### **Professionalism and skills**

The high level of professionalism of the persons entrusted with data processing within the pilot courts guaranteed the accountability of the data and positive results of their analysis. The Project provided numerous trainings and other capacity building activities. This proved that, although the courts of Azerbaijan, based on the observations in the pilot courts, have skilled and highly qualified and committed staff, it is crucial to provide to this staff the necessary opportunities for training and professional enrichment.

It is worth mentioning, in this context, that the Sumgayit Administrative-Economic employed an IT specialist in order to cover the field IT support and assistance. An IT training concerning the usage of Office tools was performed for all staff members in order to assure the appropriate skills of the personnel and also facilitate the adequate level of expertise and accountability.

### **Transparency and public accountability**

Pilot courts mostly followed the principles of transparency and public accountability. The data collection and analysis were undertaken in a transparent way. Public availability of data collected at the level of individual pilot court was ensured through publication of reports on Internet. The Sheki

Court of Appeal, the Sumgayit Court of Appeal and the Sumgayit Administrative Economic Court published annual performance reports on their internet pages.<sup>6</sup>

The Sumgayit Administrative Economic Court decided that all issues happening in the court and related to its efficiency and quality of services should be publicly available. The concept of ensuring the public's access to the information on courts' performance represents a new paradigm in the court administration.

### **Scalability and sustainability**

The approach used in pilot courts can be adjusted and transferred to the national level. The statistical tables and graphs are easy to understand and could be easily implemented into the ICMS (or in the data warehouse, or any business intelligence tool). In addition, through the activities of the pilot courts were implemented some concepts and approaches based on sixteen guidelines for courts (labelled the "SATURN priorities") from the CEPEJ Guidelines for Judicial Time Management.<sup>7</sup> The lessons learned by the pilot courts from the Project would give additional substantiation and would bring added value and facilitate dissemination to the entire judiciary. The main advantage of such system would be the comprehensive overview (based on CEPEJ standards and tools) to the functioning of the entire judicial system.

## **3.2. Conclusions and recommendations.**

### ***Implementing the CEPEJ methodology of statistical data collection and reporting in all courts***

After having been provided with the relevant statistical data, gathered in line with the CEPEJ methodology, and after this data was, according to the previous recommendations from the Court Coaching Reports and the Implementation Guide, incorporated within the annual statistical reports of all of the 5 pilot courts, the general conclusion is that all courts have shown improvement in collection, analysis and reporting of the relevant statistical indicators. This demonstrated good tendencies regarding an improved overall court management and performance.

### ***Publishing of the statistical reports made in line with the CEPEJ methodology on courts' websites***

The CEPEJ experts encourage all pilot courts to continue with this good practice and to publish performance reports on their websites at least on an annual basis.

### ***Dissemination of the Project's results and the CEPEJ methodology at national level***

The Ministry of Justice, Judicial Legal Council, Supreme Court and Justice Academy of Azerbaijan are invited to take over the initiative and responsibility for the mission of disseminating the lessons learned and good practices of the pilot courts. CEPEJ stand ready to support these efforts. The challenges faced by the pilot courts and the answers adopted by them need to be analysed in detail by the decision makers of the judicial system in order to propose definitive solutions, which will be applied consistently and uniformly throughout the national court system.

### ***Improving human resources for the collection, analysis and reporting of statistical data***

The Ministry of Justice and the Judicial Legal Council are encouraged to take measures to further improve courts' capacities, including human resources for collecting, analysing and reporting on

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<sup>6</sup> Please see, for example: [https://www.courts.gov.az/en/shakiappeal/displaynews/Ski-Apellyasiya-Mhkmsinin-2016-ci-il-dair-illik-hesabati\\_110#](https://www.courts.gov.az/en/shakiappeal/displaynews/Ski-Apellyasiya-Mhkmsinin-2016-ci-il-dair-illik-hesabati_110#), [https://courts.gov.az/az/sumgayiteconomic/displaynews/Sumgayit-Inzibati-Iqtisadi-Mhkmsi-trfindn-2016-ci-ilin-illik-hesabatinin-SATURN-sas-tlimatlarinin-icrasi-vasitsil-ld-olunmus-nticlrin-tqdimati\\_121](https://courts.gov.az/az/sumgayiteconomic/displaynews/Sumgayit-Inzibati-Iqtisadi-Mhkmsi-trfindn-2016-ci-ilin-illik-hesabatinin-SATURN-sas-tlimatlarinin-icrasi-vasitsil-ld-olunmus-nticlrin-tqdimati_121)

<sup>7</sup> CEPEJ (2014)16 - [https://www.coe.int/t/dghl/cooperation/cepej/Delais/default\\_en.asp](https://www.coe.int/t/dghl/cooperation/cepej/Delais/default_en.asp)

statistical data. It is recognised that a specialised training of court presidents and leading staff is required in areas of court management, statistical data analysis and court performance evaluation, organisation of satisfaction surveys etc. The Justice Academy of Azerbaijan has started the implementation of such training as part of its curricula for training of judges and courts staff. It should be encouraged and provided with the necessary means to continue these efforts and further fine-tune its training methods and resources.

#### ***Improvements needed to the Integrated Case Management System implemented in Azerbaijan***

The Integrated Case Management System (ICMS) is being developed as part of the programme of modernization of the court system of Azerbaijan. The development and testing takes place on the basis of the Baku city Yasamal District Court. Modules of the ICMS are already in use by several courts, while other parts are still being developed. In the future, the system will follow the caseflow from 1<sup>st</sup> instance through the appeal and cassation. The parties will be able to follow their case on-line.

In order to evaluate and improve the performance of courts, the ICMS provides a solid base for implementing judicial statistics in line with CEPEJ standards. It appears that all the needed data are registered on the level of individual cases, with all necessary metadata providing information regarding the duration of the procedure, case types, types of decisions and legal remedies. The challenge for the national partners will be the implementation of statistics in line with CEPEJ recommendations. Therefore embedding the CEPEJ-recommended efficiency and quality indicators in the business intelligence tools associated with the ICMS, for example, would be the most optimal solution, as the ICMS can be the only source for most of the data but cannot be used as an analytic tool.

## **4. Time management.**

CEPEJ has developed various guidelines, methods and tools in relation to the timeliness of court procedures. During the Project, the situation in the 5 pilot courts was analysed using these tools. The results were discussed with the court's presidents, judges and members of their staff. Various recommendations were given by the experts, and priorities were selected by the courts.

All courts have started using CEPEJ-recommended indicators to monitor and diagnose developments in their caseflow (see chapter 3 above).

### **4.1 Relevant indicators and measures to improve time management in view of ensuring the access to justice within reasonable time.**

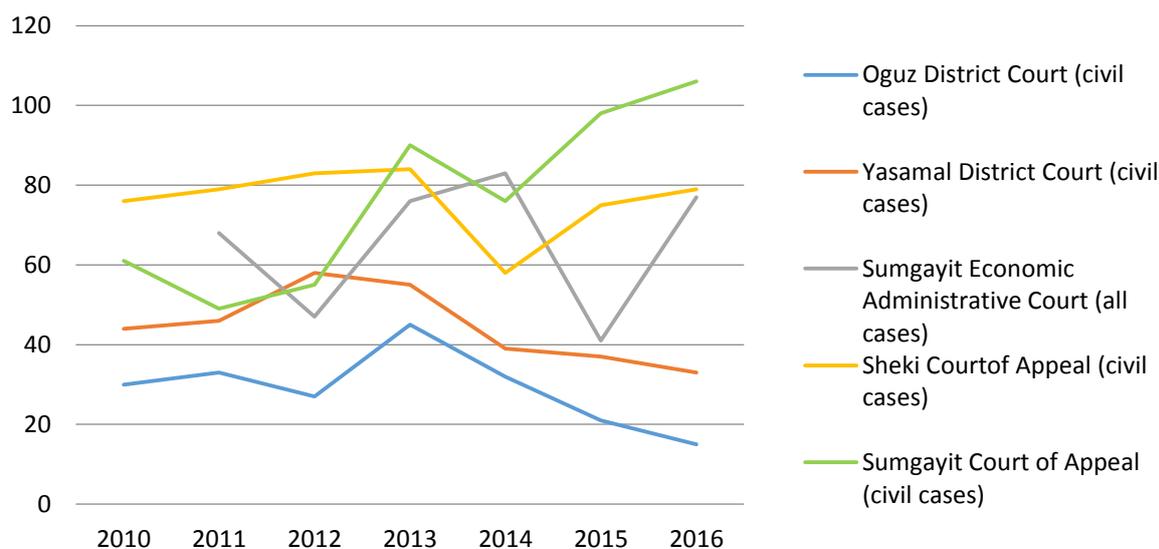
The effective time management in regard to the length of judicial proceedings should support the reasonable time concept, in line with case law of the European Courts of Human Rights.

The following indicators concerning time management could be calculated based on data collected by the pilot courts:

- Disposition Time (DT)
- Age of Pending Cases (APC)

As observed from the analysis of the pilot courts' data, the Disposition Times in Azerbaijani courts are low and stable (please see the graph 2 below).

**Graph 2. Disposition time (in days) of the most common case type in each Court, 2010 - 2016**



It is good to analyse these two indicators, even though they do not provide exhaustive information for an effective time management. At the same time, it would be unrealistic to require manual collection of additional data, which can be only collected based on metadata for every individual case. Therefore, it is important to mention that the Integrated Case Management System should also collect information on the most important steps in the judicial process. It should equally keep records regarding the duration between these steps. Consequently, the following additional indicators are recommended to be monitored, based on data available in the ICMS:

- Age of Resolved Cases (ARC) – duration of the procedure
- Duration of the following steps:
  - o Filing (starting date) – First Hearing,
  - o First Hearing – Last Hearing,
  - o Last Hearing – Final Decision and its notification

The ICMS should pay special attention to the periods of inactivity that can be attributed to the courts and other state authorities.

#### **4.2 Time management in the pilot Courts. Analysis and actions taken in view of ensuring the access to justice within reasonable time.**

Time management is well developed within the court system of Azerbaijan. The CEPEJ team has been impressed with the achievements of the pilot courts. The procedures are quick, and the courts manage keep this trend while being confronted with a rapidly growing workload.

The Azerbaijani court system has an excellent record regarding the timeliness of court procedures. Complaints on the untimely deliverance of justice at the European Court of Human Rights are just as rare. In the period 1959-2015 the ECtHR ruled against Azerbaijan in only 6 cases in which Article 6 (1) (Length of proceedings) was violated. Of those 4 cases were related to infringement of reasonable timeframes. One of them was about lengthy pre-trial investigation (App. No : 16528/05) and three other were about non-enforcement of final judgments (App. No : 56547/10, 36079/06, 38798/07).

For civil cases, the procedural law of Azerbaijan provides a time limit of three months. For criminal and administrative cases, no specific timeframes are specified. Most of the cases (including criminal

and administrative cases) are indeed resolved within three months. Procedures that exceed a handling time of 2 years are very rare and are constantly monitored.

Judges generally consider that three months is enough time to handle a case. However, if cases are complex and need special attention (expert reports, hearing witnesses) a three month timeframe may be too short. This concern is now recognized within the court system and by the Ministry of Justice and the Judicial Legal Council. In the current practice, the concept of 'reasonable time' is gaining ground. It is accepted that some cases may take more than three months to be properly examined.

With this changing attitude towards timeliness in the court system, for civil cases there is a discrepancy between the formal rules (in Law) and everyday practice. It is advised to introduce the concept of reasonable time in the procedural law for most case categories. Instead of the current absolute timeframes (e.g. maximum of 3 months for civil cases), it would be better to define in consultations with the judiciary itself a more 'open' limit through introducing 'targets', such as '90% of the cases have to be handled within 3 months'. Within the courts, it is important to integrate the monitoring of timeliness with IT solutions, in particular the Case Management System.

In everyday practice, the monitoring of timeliness at case level seems to work well. Court presidents and staff are aware of the age of the courts' caseload and pay attention to the (few) cases that are pending for a long time; they often know the most problematic cases by heart.

On a more general level, the courts do not have full control over their caseload. In recent years, the number of incoming cases has grown rapidly. In this context, it is important that capacity can be adjusted quickly. It would be desirable to plan ahead. However decisions regarding enlarging the courts' capacity are not taken at local level. The selection and appointment of judges (when it is decided to enlarge the number of judges in a particular court) or even of candidates for court staff is organised at central level.

The current reality is that enlarging the courts' capacity can only happen after the approval by the Ministry and the Judicial Legal Council. Usually the capacity only grows after the growth of the number of cases (no planning ahead). As a consequence, the courts remain very efficient. At the same time, clearance rates below-100% are to be expected (not to say that it is a conscious choice) if capacity is always short. It also means that judges have to handle a growing number of cases during their working days, limiting the average time spent on each case. This may affect the quality of the work.

During the meetings with courts, the Ministry of Justice and the Judicial Legal Council, the hiring of judges and court staff was discussed. It is obvious that other ways to keep on track with the increased demand for judgments are being sought. The Ministry and the Council pointed to the investments in court infrastructure, training of judges and court staff and increasing their remuneration in recent years.

Looking for alternative ways to cope with the increased number of cases, the subject of delegation was discussed with the pilot courts. Several courts have been thinking and/or taking measures regarding the division of labour, especially increasing the delegation of tasks from overburdened judges to court staff or even among different categories of staff. The Sumgayit Administrative and Economic Court, for example, has introduced a job description for every position in the court. Their vision is one of highly educated personnel, working with high quality standards and increased responsibilities. The small-size Oghuz District Court embraces the vision that, in view of ensuring stability and efficiency, personnel in different positions should be able to support or even replace one another.

Currently in courts there is a fixed ratio between the number of judges and assistants. Normally, every judge has a judicial assistant and a court secretary. Although it is good to have a standard for

the judge/assistant ratio, it might be too rigid in the current situation of continuous growth of the number of incoming cases. It would be worth considering more flexible arrangements, especially for smaller courts, where one judge may be assigned more assistants in view of coping with a larger amount of cases.

All the pilot courts have started using diagnostic tools as recommended by CEPEJ. It is of paramount importance that these tools are inserted in the Integrated Court Management System. This way reports will be produced automatically and on a regular basis.

Two developments are particularly important for preserving the good performance of the courts in the near future. One is the challenge of the rapidly growing workload and the second is the transition from a rigid timeframe system (which included possible sanctions against judges) to the one based on 'reasonable time' concept, allowing that more time be taken, if necessary, for good justice.

Regarding the latter, CEPEJ supports the transition to the 'reasonable time' philosophy, but also believes that the Court system should preserve its excellent performance in time management. Therefore, the CEPEJ experts advised the pilot courts to develop action protocols for monitoring the time spent on solving different case categories. Such protocols include alerts, when cases exceed certain time limits, identification of who has to be alerted, and what action has to be taken. The old 'controls', such as sanctions, being abandoned, it is necessary to develop new effective controls. Courts should develop, for example, targets in the form of limits as to the percentage of cases that they will allow to exceed, for instance, a three month limit. The transition to the reasonable time philosophy will involve changes in procedural law as well.

The problem of the rapidly growing workload, is a reality that individual courts cannot change. In the view of the CEPEJ experts, states should provide the courts with the necessary means to handle the cases that are brought before them, maintaining proper quality standards. It is acknowledged that Azerbaijan has invested a lot in recent years, and understandable that further increases in budgets are not simple to decide. Yet, even in tough times, the judicial system has to be maintained.

#### **4.3 The use of targets by courts and the judiciary (best practice).**

Whenever measurable indicators exist, which can provide for a baseline and support monitoring of the achievement of a certain goal, it is possible to set related targets. The CEPEJ Plenary meeting adopted on 7 December 2016 the Implementation Guide "Towards European Timeframes for Judicial Proceedings"<sup>8</sup>. The timeframes are regarded as a tool for better time management in courts. The Guide proposes indicative timeframes for civil, criminal and administrative cases. At the same time, it stresses that: "Timeframes should be set not only for the three major areas (civil, criminal, administrative), but they should progressively be set for the different "Case categories" dealt with by the court. Timeframes should be tailored to each case category (e.g. family matters, bankruptcy, labour etc.), and local circumstances, depending on procedural issues, resource available, and legal environment". These proposed indicative timeframes are described in Appendix 1: Updated version of the Guide for the implementation of selected CEPEJ tools in the courts of the Republic of Azerbaijan.

The setting of targets at court level is not common practice in the courts of Azerbaijan. During the meetings between the pilot courts and the expert team, the use of targets was discussed. The experts recommended to the pilot courts to start using targets, as measurable indicators for goals they set for themselves. The use of targets has been described in the Implementation Guide (please see Appendix I), to facilitate further dissemination in the court system of Azerbaijan.

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<sup>8</sup> CEPEJ(2016)5 - [http://www.coe.int/t/dghl/cooperation/cepej/Delais/default\\_en.asp](http://www.coe.int/t/dghl/cooperation/cepej/Delais/default_en.asp)

All the pilot courts undertook efforts to set targets and monitor the compliance with them. For example, in the Sheki Appellate Court set for itself two kinds of targets which were approved by the Court President. Firstly, the court's focus is on the Clearance Rate, which dropped in 2016. Respectively a long-term target is set for the court to respect a CR of 100 +/- 2%. Furthermore, the court set the targeted timeframes for a few categories of cases and reflected the results of their monitoring in the annual court's performance report for 2016.

Another example is the Sumgayit Appellate Court, which monitored the age of its pending/solved cases and provisionally set timeframes for the 3 main categories of cases (civil, criminal and administrative). The monitoring of compliance with these targets at the end of 2016 showed that the court is dealing very well with administrative cases (reaching the "A" target for both 75% and 95% of cases), but should undertake further steps to improve the duration of examination of criminal cases (as some 10% of cases were pending for longer than 12(!) months).

The Sumgayit Administrative-Economic Court also set timeframes for the two main categories of cases (economic and administrative). Monitoring the compliance with these timeframes (by the age of pending cases) shows that there is a need to improve the duration of examination of economic cases. Namely, 15.6 % of cases were pending for longer than 12 months. The Oghuz District Court also needs to improve the duration of examination of criminal cases. The monitoring of compliance with the adopted targets at the end of 2016 shows that 10% of criminal cases were pending for longer than 12 months.

**Table 1. Example of timeframes adopted by the pilot courts (timeframes A and B in months, for civil, criminal and administrative cases).**

Cədvəl 13					
BİRİNCİ İNSTANSIYA MƏHKƏMƏLƏRİNDƏ HƏLL OLUNAN İŞLƏRİN FAİZİ					
	MÜLKI		İNZİBATI		CİNAYƏT
	80%	98%	95%	99%	98%
VAXT MÜDDƏTİ A SƏVİYYƏSİ	3 ay	8 ay	12 ay	18 ay	6 ay
			İQTİSADI		
			95%	99%	
VAXT MÜDDƏTİ A SƏVİYYƏSİ			3 ay	4 ay	

#### 4.4 Conclusions and recommendations.

***The court system has reached an excellent record regarding the timeliness of court procedures and should make efforts to maintain it***

As the workload of national courts is constantly rising, it is necessary to take preventive (instead of reactive) measures and anticipate any deficit of capacities within individual courts. To this end, the use of such indicators and Clearance Rate, Disposition Time, Case per Judge, Case per Staff etc. should be of help for the administration of individual courts and the judicial administration as a whole. It was noted that the pilot courts were able to cope with a constantly increasing caseflow without evident negative consequences for the quality of adjudication. However it is advisable not to push indefinitely the limits of courts' and their judges' and employees' capacities.

***Accompany the infrastructure improvements with further modernisation of court management, especially at the level of individual courts***

The evolution of the understanding, enthusiasm and involvement of the representatives from the pilot courts for reaching the objectives promoted by CEPEJ, as well as the results they achieved in a short time, prove the acceptance of the CEPEJ tools and the importance recognised by judges and staff of individual courts to advanced methods in management. It is therefore important that the Ministry of Justice and the Judicial Legal Council encourage and promote the proactive court management, the so-called “new paradigm” in the court administration. This can be achieved by awareness raising, promoting relevant training activities through the Justice Academy, rewarding the courts displaying the best efficiency and quality of services or other innovative practices (by the example of the Council of Europe competition “Crystal Scales of Justice”), promoting the most successful court managers etc.

### ***Introducing some flexibility in organising the courts and support to judges***

It is advisable to introduce procedures allowing the assignment of more support/assistants to judges confronted with larger amount of cases. In addition, the courts should have certain flexibility and use is in view of delegating some tasks (repetitive or of rather technical nature) from judges to properly qualified staff. Adopting general solutions for delegating certain tasks from judges to court staff could also be a good solution. Finally, it is recommended that courts have a more prominent role in the process for selecting and hiring court staff in order to avoid delays in supplementing its operational capacities.

### ***Dissemination of the use of targets and proposing “unified” targets for all courts of Azerbaijan***

The experience of the pilot courts in developing, setting and monitoring targets should be analysed in view of proposing such targets to all courts of Azerbaijan. This will be particularly relevant for further promoting the concept of reasonable time, which is also supported by the CEPEJ expert team. The courts are advised to monitor their compliance with the targets at least once a year. The ICMS should enable an automatic monitoring of the targets set nationally or at the level of courts.

## **5 Quality management.**

### **5.1 Introduction on quality management in courts**

Quality is one of the key components for an effective justice system, as a fundamental right of citizens enshrined in Article 6 of the European Convention on Human Rights. It is also acknowledged that a well-functioning judicial system underpins economic development. Confidence in justice creates a climate of certainty and reliability that enables forward business planning and hence a thriving private sector. Most of the quality elements are contained in the Checklist for Promoting the Quality of Justice, prepared by the CEPEJ-GT-QUAL and reported in full in Appendix 1 of the CEPEJ guide “Measuring the quality of justice” (CEPEJ(2016)12)<sup>9</sup>.

One of the main objectives of the Project was to support the implementation of the CEPE tools in 5 pilot courts of the Republic of Azerbaijan, in view of improving the quality of justice operating as a public service. It was expected that the lessons learned from the implementation of the CEPEJ tools, such as the CEPEJ Checklist for Promoting the Quality of Justice or the Handbook for conducting satisfaction surveys aimed at Court users in the Council of Europe's member States, in the pilot courts, would provide a substantial information to the judicial administration and policy makers, in

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<sup>9</sup> Please see the CEPEJ quality tools especially on the CEPEJ webpage: [http://www.coe.int/t/dghl/cooperation/cepej/quality/default\\_en.asp](http://www.coe.int/t/dghl/cooperation/cepej/quality/default_en.asp)

view of generalising the positive judicial quality management practices and disseminating their implementation at the national level.

In line with the court coaching methodology and the guidance provided by the CEPEJ Secretariat, four experts accompanied the assessment of the level of implementation in the abovementioned 5 pilot courts of the priority guidelines and criteria from CEPEJ guide Checklist for Promoting the Quality of Justice. The implementation of pre-selected guidelines and criteria from this document was within the courts' own autonomy.

The Checklist for Promoting the Quality of Justice is a complex “questionnaire of introspection” and contains around two hundred and fifty questions aimed at policy makers and judicial practitioners responsible for the administration of justice. Answering and reflecting over the questions included in the checklist can help improve the legislation, policies and practices in view of ensuring a higher quality of the judicial systems, at the national, court and individual judge levels.

The use of the quality checklist was demonstrated during the Project meetings to the representatives of the pilot courts. The pilot courts were asked to continue analysing the items from the checklist which are more directed to the courts and judges. It was highlighted that judges and staff – individually and together – shall participate in this discussion.

Given the large number of questions contained in the checklist and the fact that many of them cannot be addressed at court level, the CEPEJ experts selected the points which, from their point of view, concern in particular the functioning of the courts, can be reasonably influenced/improved by the courts individually and bear the highest relevance for the judicial system of Azerbaijan. These selected questions were addressed by the CEPEJ experts in the course of their visits to the pilot courts and some findings became an integral part of the court coaching programme.

After court visits and analysing the answers to a special questionnaire submitted to the pilot courts, it appeared that many aspects covered by the checklist are not viewed as problematic by the judges. Therefore, the CEPEJ experts issued recommendations aimed notably at the development of the management of quality and the conduct of satisfaction surveys, to check these findings through a review of users' perception, and to improve the cooperation between the courts and their users. Therefore, the recommendations of CEPEJ experts focused on the following topics:

**A) Mission, strategy, objectives – development of the court on the organizational culture level [section I.2.1. – I.2.9. of the checklist].** The relevance of this topic was explained to the representatives of the pilot courts during several project meetings, including presentations made by the experts. Additionally, a step-by-step guide with the relevant methodology was provided by the experts to the pilot courts.

**B) Treatment of parties – costs of proceedings [section III.4.5. of the checklist].** The relevance of this topic was explained to the representatives of the pilot courts during several project meetings. The courts were invited to develop the recommendations on the need to discuss the issues influencing the costs of proceedings with the parties.

**C) Evaluation of the view from outside the court on its performance – court users' satisfaction survey [section III.7.3-III.7.6. of the checklist].** The relevance of this topic was explained to the representatives of the pilot courts during several project meetings, including presentations were made by the experts on the experience of several other countries in regard to conducting satisfaction surveys within courts. Additionally, full explanations on the methodology and examples of questionnaires were provided to the pilot courts.

**D) Evaluation of the human resources policy – staff satisfaction surveys [section IV.5.2-IV.5.4. of the checklist].** The relevance of this topic, especially in conditions of a high turnover of staff, was explained to the representatives of the pilot courts during several project meetings. Example methodology and questionnaire was taken from the Estonian good practice, translated and provided to the pilot courts.

Besides the measures to be possibly taken at the level of the pilot courts, the CEPEJ experts and the representatives of the pilot courts discussed such measures which could possibly reduce the court's workload and improve the quality, but which would need to be approved through political decisions and legal interventions, as for example:

- Increasing the court fees. The court fees seem to be totally neglected as the economic factor, when parties estimate their chances of success in applying to a court and initiate costly proceedings in minor cases;
- A simplified procedure should be introduced for small claims;
- Introducing the compulsory mediation outside courts for special categories of cases. This solution may facilitate the work of courts and allow them focus on providing qualitative decisions.

#### **5.2 Review of the 5 pilot courts on appeal indicators (best practice).**

According to the CEPEJ guide "Measuring the quality of justice", the appeal rate indicates the ratio between the number of appeals recorded in a period of time and the number of decisions recorded in the same time interval. The "held appeal rate" is the ratio between the number of appeals that confirm the decision in first instance and the number of appeals recorded in the time reference.

In this respect, the method used in the Project includes a small difference. It refers to and uses the notion of "Ratio of quashed and modified decisions (QMD)", which correlates the number of judgments modified or quashed altogether with the number of judgments delivered. The analysis of the situation in the pilot courts was performed for all important categories of cases these courts handle.

These "quality" indicators must be used with circumspection because they do not reflect, in themselves, quality. However, significant differences may indicate an anomaly requiring an in-depth analysis.

In the case of the Project's pilot courts, it is obvious that the appeal rates against the judgments of the courts of appeal are globally greater than those of the pilot courts of first instance. The same applies to the rates of quashed and modified decisions. This obviously does not give indication about the quality of the work and management of the appeal courts.

More specifically, it should be noted that the Sumgayit Administrative and Economic Court has significant variations in its appeal ratios, which goes from one to three times. These variations must probably be linked to the recent creation of administrative courts, implying the need to establish and stabilise the jurisprudence for the respective categories of cases.

The Oghuz district court has impressive results since its appeal ratio, as well as its quashed and modified decisions ratios, are extremely low, despite the impressive increase of files that the single judge of this court had to face.

In brief, it belongs primarily to the governing bodies of the courts to analyse these quality indicators. For instance, when the appeal ratio is high while the quashed and modified ratio remains low or

stable - and that there are no other reasons explaining this change – it is possible that the litigants did not understand the reasons of judgment or feel that they have not been listened by the judge, etc. The analysis of decisions handed down by the higher court may obviously also give lessons.

### **5.3 Review of the 5 pilot courts on user surveys (best practice).**

#### **5.3.1 Introduction of satisfaction surveys carried out by the pilot courts**

A workshop on conducting court user satisfaction surveys was carried out by the CEPEJ on 17-18 March 2016, at the Council of Europe in Strasbourg, as part of the Project. The participants in the workshop, representing CEPEJ pilot courts and other justice stakeholders, were introduced to the objectives and prerequisites of the dialogue with court users, primarily through satisfaction surveys. Conducting surveys and taking measures to improve the satisfaction of court users as well as court staff was recommended as part of the court coaching programme. The workshop allowed an extended exchange on good practices and lessons learned from implementation of court users' and staff satisfaction surveys in a number of countries represented by CEPEJ experts.

On 21-22 June 2016, a two-day working group meeting on conducting satisfaction surveys in the CEPEJ pilot courts of Azerbaijan was held in Baku. The working group (composed of the CEPEJ pilot courts, representatives of the Ministry of Justice, the Judicial Legal Council, as well as national consultants) discussed in detail different aspects related to the implementation of satisfaction surveys in courts. Together with the CEPEJ experts the participants conducted a thorough examination of both objectives and methodologies in respect of different target groups (i.e. court users, lawyers and court staff). The CEPEJ experts highlighted the challenges of conducting satisfaction surveys at court level, and also provided advice on how to overcome them, based on their experience and on the best practices collected by CEPEJ.

Following these training sessions and working group meetings, the national pilot courts adjusted the questionnaires to their specific objectives and started the implementation of surveys, in cooperation with CEPEJ experts, in the second part of 2016.

On 26-27 October 2016, members of the pilot courts, as well as representatives from the Ministry of Justice, Judicial Legal Council and Justice Academy of Azerbaijan attended a further training in Strasbourg on how to analyse and report the results of court satisfaction surveys.

#### **5.3.2 Satisfaction surveys aimed at court users, lawyers and staff**

Satisfaction surveys aimed at court users, lawyers and staff were conducted in the second half of 2016 in all pilot courts as shown in the table below.

**Table 2. Satisfaction surveys conducted by the pilot courts in the second half of 2016**

<b>Court</b>	<b>Target group</b>	<b>Sample size</b>	<b>Methodology</b>	<b>Fieldwork period</b>
SUMGAYIT Court of Appeal	Users	192	Paper questionnaire self-administered and face-to-face	15.08.2016-23.12.2016
	Staff	40	Paper questionnaire self-administered	06.10.2016
	Lawyers	112	Paper questionnaire self-administered and face-to-face interview	15.08.2016-23.12.2016
SHEKI Court of Appeal	Users	108	Paper questionnaire self-administered	5.08.2016 - 01.10.2016

	Staff	39	Paper questionnaire self-administered	10.10.2016
	Lawyers	17	Paper questionnaire self-administered	5.08.2016 - 01.10.2016
SUMGAYIT Administrative- Economic Court	Users	99	Paper questionnaire self-administered	15.08.16- 01.10.16
	Staff	19	Paper questionnaire self-administered	06.10.2016
	Lawyers	28	Paper questionnaire self-administered	15.08.16- 01.10.16
YASAMAL District Court	Users	100	Paper questionnaire self-administered	01.09.2016- 10.10.2016
	Staff	44	Paper questionnaire self-administered	07.10.2016
	Lawyers	30	Paper questionnaire self-administered	01.09.2016- 10.10.2016
OGHUZ District Court	Users	140	Paper questionnaire self-administered	07.09.2016- 15.10.2016

All the above surveys implemented the same questionnaires (one for each target group) developed with the participation of CEPEJ experts. These surveys were conducted under the same methodology (self-administered paper questionnaire) except for Sumgayit Court of Appeal where they also implemented an interview-based approach in order to get a higher response rate.

The results of the surveys were analysed between December 2016 and March 2017 and the courts are presently preparing reports that illustrate both the survey specifications (goals, methodology, targets, sample size, etc.) and the key findings. Eventually these reports will be presented to the court management in order to develop specific action plans in response to the concerns expressed implicitly by users and staff.

***Satisfaction surveys aimed at court users.***

Satisfaction surveys aimed at court users were conducted in all pilot courts: Sumgayit Court of Appeal (192 respondents), Sheki Court of Appeal (108), Sumgayit Administrative-Economic Court (99), Yasamal District Court (100) and Oghuz District Court (134).

These surveys were conducted with the help of a transparent box where respondents could leave their feedbacks. The paper questionnaires were eventually loaded into an online platform (Google Forms) and the analysis was performed with Microsoft Excel, according to the coaching sessions held in Strasbourg.

In all surveys, the resulting target group was quite heterogeneous. As a matter of fact the sample consisted of: parties, witnesses, relatives, judicial expert, representatives, visitors, etc. On a scale from 1 to 5 (where 1 means “not satisfied at all” and 5 means “very satisfied”) the overall satisfaction is well above the central point of the scale (3.0) in all courts: Sumgayit Court of Appeal (3.82), Sheki Court of Appeal (3.72), Sumgayit Administrative-Economic Court (4.28), Yasamal District Court (4.26) and Oghuz District Court (4.35).

Table 2 below shows the satisfaction level of court users for each indicator and for each court. The indicators are divided into two main groups: “general perception on the judiciary” and “perception of

the functioning of the court". Data show that the indicators of the general perception of the judiciary are -on average- lower than the indicators related to the perception of the functioning of the court.

The satisfaction surveys conducted in 2016 have the only purpose to assess the perception of users at court level; they are not meant as instruments to rank or compare different courts. For this reason, figures in Table 2 should be read vertically (comparing different areas/aspects) rather than horizontally (comparing courts).

According to the results of the survey, the **Sumgayit Court of Appeal** performs remarkably when it comes to the clarity of the summons (4.13) and the attitude and politeness of court staff (4.09). On the other hand, respondents were less pleased (compared to other aspects) with the waiting conditions (3.45), the location of the court (3.53), and the signposting inside the courthouse (3.61).

Conversely, the **Sheki Court of Appeal** performs exceptionally well when it comes to the level of equipment in the courtroom (4.77), the waiting conditions (4.71) and the signposting inside the courthouse (4.65) but respondents were less satisfied (compared to other aspects) with the impartiality of judges when conducting the oral proceedings (3.89) and the location of the court (3.97). It is worth mentioning once again that the above do not represent a real issue for the court as the satisfaction levels are well above the 3.00 (neutral point).

The **Sumgayit administrative-economic** court's strongest points are represented by: the attitude and politeness of judges (4.70), the clarity of notifications and summons (4.66), the level of competence of court staff (4.63) and the attitude and politeness of court staff (4.62). Areas of further improvements are: signposting inside the courthouse (3.83), resources available to the court (4.03), waiting conditions (4.15) and level of equipment in the courtroom (4.21).

In the **Yasamal District Court** respondents seem to appreciate mostly the level of equipment in the courtroom (4.62), the level of competence of judges (4.60) and the clarity of court's decision (4.57). On the other hand, respondents were less enthusiastic about the location of the court (4.13), the time lapse between court's notifications/ summons and court hearing (4.19) and the attitude and politeness of court staff (4.24).

In the **Oghuz District Court** respondents were extremely satisfied with a series of aspects such as: attitude and politeness of the judge (4.57), resources available to the court (4.42), attitude and politeness of court staff (4.41), judge's way of expressing himself/herself (4.41), the punctuality of hearings (4.38). Conversely, further improvements are possible in areas such as: information on one's rights (4.06), signposting inside the courthouse (4.08), time allocated to expose the case (4.18) and the time lapse between court's notifications and court hearing (4.18).

#### ***Satisfaction surveys aimed at lawyers.***

Satisfaction surveys aimed at lawyers represent a powerful tool to identify some hidden issues of the court. Lawyers are considered 'experienced court users' compared to the parties and for this reason their feedback is somehow more significant when it comes to assessing the good functioning of the court. Generally speaking, the lawyers have a deeper understanding of the court functioning compared to their clients who often see only the surface of the iceberg. However, the relatively small sample size in Sheki Court of Appeal (17 respondents), Sumgayit Administrative-Economic Court (28 respondents) and Yasamal District Court (30 respondents) does not allow a proper quantitative analysis. Nevertheless, data can be used for a qualitative interpretation of the overall perception of the lawyers regarding the functioning of the courts. A positive note is that, in all the above

mentioned courts, most of the lawyers stated that over the past 5 years, the functioning of the court has improved.

Despite other pilot courts, in the Sumgayit Court of Appeal 112 lawyers took part to the satisfaction survey. This is due to the fact that after the launch of the initiative the response rate was quite low and so the working group decided to switch from self-administered questionnaires to interview-based ones. This change drastically increased the response rate. As far as the results of the survey, the lawyers seem quite satisfied with the functioning of the court except for one aspect which is the lack of a dedicated meeting room for lawyers and their clients. Other aspects where lawyers revealed a lower level of enthusiasm were: the computerised management of proceedings (3.05 on a scale from 1 to 5), the level of professionalism of judges (3.28), the signposting inside the courthouse (3.30), the punctuality of hearings (3.32) and the impartiality of the judges when conducting the hearings (3.32).

As far as the positive side of the court, the lawyers highly appreciate the quality of the website of the court (4.05), the clarity of the decisions of the judges (3.89), the rapidity of handling the cases (3.88), the furnishing and equipment of courtrooms (3.83), the clarity of court organizational structure and the clarity of the division of work (3.82).

#### ***Satisfaction surveys aimed at court staff.***

The satisfaction surveys aimed at court staff represent an extremely valuable tool aimed at introducing a quality culture in public institutions, analysing the aspects of employees' tasks, workload and other aspect of the efficient administration of the court. The objective of this kind of surveys is to ascertain and analyse the level of satisfaction amongst employees. Another important goal is to collect proposals that can contribute to the improvement of working conditions, overall satisfaction and eventually the quality of services provided by the court.

All pilot courts, except for Oghuz District Court, conducted satisfaction surveys aimed at their employees. The latter court, having in mind its small size, relies more on regular meetings of the court management and staff to discuss all issues of actuality and interest. Unlike the surveys aimed at court users and lawyers, the surveys aimed at court staff were conducted in one single day. Usually with participation of the CEPEJ national expert, the employees were gathered in one room, were explained the objectives and the methodology of the exercise, and were asked to fill in the questionnaire. The paper questionnaires were eventually loaded into an online platform (Google Forms). To encourage honest responses, the questionnaires contained no personal information that might have raised confidentiality issues. Responses were collected to ensure the utmost anonymity of the employees.

Once again the relatively small sample size of the conducted surveys does not allow a proper quantitative analysis. However, a qualitative approach to the data can give useful insight into staff perception of the working conditions. Generally speaking, in all courts employees seem quite satisfied with their work (scores vary between 4 and 5) and they only rarely think about finding a new job. Employees in the Sumgayit Administrative-Economic Court seem extremely satisfied with all aspects of the court (scores are all close to 5 on a scale from 1 to 5) except for those aspects related to salary and remuneration (even though scores are still above 4) which comes with no surprise in this kind of satisfaction survey amongst employees. When considering the other courts, elements of slight discontent are related to the unevenly distributed workload, the extra time needed to complete work assignment and also a lack of information on important (managerial) decisions. However, none of these represents a real concern for the respondents.

These findings are still under investigation of the courts' management and they will eventually be discussed with the employees in order to find satisfactory solutions for better working conditions.

### **5.3.3 Conclusions and recommendations on the satisfaction surveys**

***Satisfaction surveys are important tools in order to evaluate the quality of services and drive positive changes.***

This first experience of the pilot courts of Azerbaijan with satisfaction surveys has proved to be successful. The satisfaction surveys conducted in the second half of 2016 were designed to picture court users' expectations, identify strengths and potential critical aspects of services delivered by the courts. In this respect, the pilot courts all achieved their goals. The pilot courts cognize that these surveys represent a powerful tool in their hands to picture the functioning of the courts from different perspectives: first of all the court users, secondly the lawyers and thirdly the court staff due to the key role that they play in the judicial process. Another positive note is that all pilot courts addressed all the above three targets in what we can call a holistic vision.

***The satisfaction surveys of different target groups and conducted in different courts should be properly adjusted to their objectives.***

A few lessons were learned from these experiences. When it comes to surveys aimed at court users, the face-to-face interview approach is considered more appropriate compared to self-administered paper questionnaire for two main reasons: higher response rate and better quality of the data collected. These two aspects are well illustrated respectively by Sumgayit Court of Appeal and Sheki Court of Appeal. These experiences reinforce once again the recommendations contained in the Guide. In the Sumgayit Court of Appeal they initially implemented a self-administered questionnaire that resulted in a low response rate. As soon as they switched to face-to-face interviews, the response rate improved. The Sheki Court of Appeal has a different story to tell and it has to do with the quality of the data. In Sheki they initially collected 241 questionnaires amongst court users (in the transparent box) and then they found out that a substantial number of respondents gave the same answers to almost all questions. In other words, people with a certain overall experience tend to reiterate their opinion repeatedly across all questions. For this reason and in view of ensuring meaningful results, during the data cleaning process 133 questionnaires were removed from the sample, so that final sample size reached 108 responses. The implementation of an interviewer-administered questionnaire would have avoided the discard of so many questionnaires. It is also worth noticing that the implementation of an interviewer-administered survey is more expensive and requires additional human resources. For this reason self-administered approach still remains a valid option. However, particular attention must be paid to the quality of the data collected. Self-administered questionnaires are more problematic: important questions are skipped (e.g. overall satisfaction, etc.), high number of questions remained unanswered, respondents giving more than one answer to single-response questions, incomprehensible handwriting in the open-ended questions. etc. For this reason self-administered questionnaires need extra attention before being processed. Put differently, the questionnaires need to go through a validation process. Each questionnaire need to pass such a validation process before being entered into the database. Other quality checks may be put in place during the data cleaning process (e.g. check the internal consistency of the responses).

When it comes to court staff surveying, the self-administered approach is probably the most appropriate as it guarantees, to a certain extent, honest responses in an anonymous way. As far as the lawyers' surveying, since they are experienced users the self-administered approach has proved to be a valid methodology (be it through paper questionnaires or web-based).

There is another important lesson regarding the methodology that the pilot courts might want to consider when repeating this exercise in the future. When using transparent boxes, leaving the completion of the questionnaire to the good willingness of the visitors of the court doesn't necessarily lead to a final representative sample. In this kind of survey, it is paramount to get a well-balanced sample, avoiding disproportion such as, for example, a high number of judicial experts compared to the number of litigants. A representative sample must reflect the composition of the average user of the court (parties, witnesses, relatives, judicial expert, representatives, visitors, etc.). If the disproportion between these users is very high, the data need to be corrected through a weighting procedure.

For the time being, pilot courts are encouraged to increase the number of interviews in order to make the sample more reliable. Moreover a sufficiently large sample size would allow more in-depth analysis and the possibility to read the results across different target groups (e.g. parties involved in civil procedures vs criminal procedures). Furthermore, the courts are encouraged to implement add-on questions in the second part of the questionnaire to address specific issue or areas of interest. The questionnaire consists of two different sections: the first section contains the core questions (the same across all courts); the second section contains add-on questions that address specific issues of a particular court. In this respect, courts are invited to use the satisfaction surveys as a tool of investigation. For instance, courts which experienced high appeal rates, might want to investigate such phenomenon asking specific questions to the parties and their lawyers. A few well posed questions can give useful indications regarding the real cause of the problem.

***The satisfaction surveys should facilitate the dialogue with the court users and the public. Therefore their conduct and follow up measures should be transparent.***

The pilot courts have prepared the final reports on satisfaction surveys which have specific action plans as to deal with survey findings. This is a crucial point as it represents the final goal of this kind of activity: improving the quality and the perception of the court for all users. As a matter of fact, the Sumgayit Court of Appeal has already started working on improvements driven by the results of the surveys. They are now considering implementing a dress code for the court, improving the custody conditions for the arrested persons escorted for hearing (as suggested by the lawyers) and providing a special room for consultation between lawyers and their clients. The experience of the Sumgayit Court of Appeal with satisfaction surveys is particularly good in all respects: the appointment of a working group in the initial stage of the initiative, the fieldwork supervision, data cleaning and analysis, the interpretation of the results and the implementation of measures intended to improve the quality of the system. Plenty of good practices that other courts are invited to follow. The pilot courts are also planning to publish the results of the surveys on their websites. Finally, they are committed to improve their overall communication with the public, publishing relevant news on their webpages or releasing printed reports and bulletins.

***It is important to regularly repeat the surveys and to apply a consistent methodology***

The pilot courts expressed their intention to carry out these surveys periodically in order to track the "performance" of the court and also to assess the impact of specific actions taken in response to a particular issue.

**Table 3. Satisfaction surveys conducted by the pilot courts in the second half of 2016**

		Sumgayit Court of Appeal	Sheki Court of Appeal	Sumgayit Admin.- Econom. Court	Yasamal District Court	Oghuz District Court
GENERAL PERCEPTION ON THE JUDICIARY SYSTEM	8. The functioning of courts in general	3.74	3.68	4.20	4.23	4.36
	9. Length of proceedings	3.31	3.48	4.01	4.10	3.68
	10. Cost of justice (without taking into account lawyers' fees)	3.75	3.55	4.09	4.34	3.64
	11. Trust in the justice system	3.84	3.57	4.29	4.32	4.47
PERCEPTION OF THE FUNCTIONING OF THE COURT	<b>12. Overall satisfaction of the court</b>	<b>3.82</b>	<b>3.72</b>	<b>4.28</b>	<b>4.26</b>	<b>4.35</b>
	13. Finding information about your rights	3.82	4.12	4.36	4.33	4.06
	14. Information provided by the court	3.75	4.04	4.41	4.34	4.35
	15. The location of the court	3.53	3.97	4.26	4.13	4.32
	16. Signs inside the courthouse (orientation)	3.61	4.65	3.83	4.41	4.08
	17. Waiting conditions	3.45	4.71	4.15	4.43	4.28
	18. Level of equipment in the courtroom	3.93	4.77	4.21	4.62	4.31
	19. Court's notification/summons	4.13	4.51	4.66	4.25	4.34
	20. Time lapse between court's notifications/ summons and court hearing	3.68	4.21	4.57	4.19	4.18
	21. Punctuality of hearings and conditions under which your case was called in	3.69	4.23	4.52	4.33	4.38
	22. Attitude and politeness of court staff	4.09	4.61	4.62	4.24	4.41
	23. Level of competence of court staff	3.92	4.33	4.63	4.60	4.34
	24. Attitude and politeness of judges	3.89	4.36	4.70	4.41	4.57
	25. Judge's way of expressing himself/herself	3.74	4.28	4.61	4.43	4.41
	26. Judge's impartiality in conducting the oral proceedings	3.58	3.89	4.48	4.47	4.37
	27. Time allocated to you or your lawyer/ representative to make submissions	4.02	4.16	4.38	4.47	4.18
	28. Clarity of court's decision	4.05	4.04	4.49	4.57	4.37
	29. Resources available to the court (material, funding, etc.)	4.01	4.59	4.03	4.50	4.42
	30. Information provided in response to your request	3.94	4.33	4.42	4.43	4.23

### 6.1 General recommendations and best practices

The overarching objective of court communication is to create, strengthen, and preserve support for the court system by demonstrating the court's commitment to its mission, vision and values. This support is achieved through meaningful communication between the courts and its audiences.

People do not trust what they do not understand. Therefore, the judiciary and courts' administration have to educate, inform, and teach the public about courts. They have to organise and present the collected data in forms which are comprehensible for judges, court staff, but also for the partners of the judicial system and the public. Each of these target audiences requires special attention. The goal of a communication plan is to make information accessible and understandable to everyone. The key to effective court communication is to identify and understand each target audience and surround them with effective messages.

The communication directed to judges and court staff should highlight areas of particular importance for their role in the administration of justice, such as the sources of delays, errors that unnecessarily prolong the proceedings or may lead to a judgment being quashed, for example.

The partners of justice must be informed of the general difficulties encountered by a court. In particular, the risks of an overloading due to the increase in the number of procedures, the measures that can be implemented to increase efficiency, if necessary, the problems related to recruitment or premises should be highlighted, with a prospective vision.

For citizens, the information should be structured and presented in a way that allows them to understand the issues, the difficulties, efforts, but also the achievements of the courts. The public must also find in this information the elements that interest it particularly: how much time will the court be considering my case (how long averagely this category of cases are being under examination); why does it take so long to the Court to summon me; if the decision is not in my favour, what are my chances to win an appeal?

How people receive information and communicate with each other changes continuously and rapidly. New media such Facebook, YouTube, and Twitter are transforming the way people seek out information and understand the world. These communication tools provide opportunities for courts to promote openness and accountability, and can encourage conversation between the courts, journalists and citizens. Most importantly, they present opportunities for courts to listen to public concerns. Courts have a responsibility towards citizens and should endeavour to meet the changing expectations of each audience, provide transparency in operations, and install public trust and confidence in court system. Courts rely on public trust and confidence as the source of their effectiveness.

There are six communication fundamentals to support the purposes and responsibilities of courts. These fundamentals are:

- positive message,
- credibility,
- honesty,
- accessibility,
- openness, and
- understandability.

The means of communication must be adapted to the target audiences. Thus, the information that the leadership of a court wishes to transmit to judges and staff may be the subject of a presentation meeting or even sent by email. Justice partners, such as lawyers, local authorities and administrations, may receive information sent to them through a printed report or by mail, which may also be e-mail. It is also possible to organize a more solemn meetings at fixed intervals, for example once a year.

With respect to the public, the use of the courts' website seems the most appropriate. It is necessary to be extremely careful to ensure that information is provided in a form that is understandable for a person with no special skills in statistics. The most relevant charts should be accompanied by explanatory texts to be sure that readers understand the information transmitted to them. The publication of this information can be advantageously accompanied by a press release or press conference. In this case, the media should be able to obtain additional information from the court, in particular to ensure that no mistaken or misinterpreted information is disseminated further.

Several references to the need and the importance of the court's communication can be found in different CEPEJ tools as, for example, the SATURN Guidelines for judicial time management or the Checklist for promoting the quality of justice and the courts (please see Appendix 1 for further details).

As a general recommendation, the courts should, at a minimum:

- adopt a decision on the publication, at least once a year, of a report on the activity of the court (including efficiency and quality indicators).
- appoint a unit or person responsible for the institutional transparency and public relations.
- make presentations and discuss the draft activity report within the court and later with the target audiences.
- use extensively the Internet to inform operatively, efficiently and in a non-discriminatory way the public and stakeholders (parties, lawyers, etc.) on court's activity.

## **6.2 The practices applied by the pilot courts**

Without information, analysis and opinion, citizens are prevented from participating in any form of decision-making process in public administration. Having information about activities and operations of public entities also has a significant influence on public accountability. In this sense, the effective use of structures and processes of communication for accountability can result in better relations between the courts and citizens, and, in the long run, increased public trust on the courts. Within this context, it should be also pointed out that, information technologies can improve communication with court users by providing them with direct access to certain types of information without the need for a professional.<sup>10</sup>

During the Project's implementation, it was observed that courts were eager to use their websites for the purpose of informing the public in regard to the cooperation activities and their results.<sup>11</sup> It should be also noted that the pilot courts used web sites as a main tool to disseminate final reports

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<sup>10</sup> CEPEJ, Thematic Report: Use of Information Technology in European Courts, CEPEJ Studies No: 24, Strasbourg: CoE, 2016, p. 28

<sup>11</sup> For example, see Sheki Appellate Court's press-release on conducting staff satisfaction survey. <https://goo.gl/T2KZBe> (retrieved date: 12 March 2017)

in regard to courts’ performance and satisfaction survey results.<sup>12</sup> Despite the fact that courts’ web sites operate under the administration of the Ministry of Justice, which restrain the courts’ capacities to adapt the structure of the sites for new needs, these sites still are the main IT tool to inform court users and the general public, journalists and other interested groups.

On a positive note, the pilot courts’ final reports on both court performance and satisfaction survey results were prepared in a plain language that created an opportunity for the general public to understand the content without requiring professional help. The final reports also included thorough action plans (with mandatory deadlines, responsible persons etc.) which gives a chance to court users to follow up and observe the implementation of changes important and beneficial to them.

**Table 4. Scheme of the action plan table in final reports**

Objectives	Actions	Incumbent	Deadline	Note
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Regarding the publication of courts’ reports, it should be noted that the Sumgayit Administrative-Economic Court also committed to publish a quarterly bulletin (printed version) to inform the general public on court’s activities. In its first issue, the Court has given a wide coverage to satisfaction survey results and actions taken by the Court as a result of the Project in general. This bulletin has been distributed among court staff, court users, lawyers and other justice partners.

It was also observed that pilot courts used meetings as way to improve communication. In this regard it is worth to note that, apart from internal staff meetings, the Sheki Appellate Court, which has new premises and equipment for videoconferencing, initiated activities to share the experience acquired through the Project with other courts under its jurisdiction.<sup>13</sup> The Yasamal District Court also experienced such kind of meetings, for example with the Kepez District Court.

**7 Final conclusions and recommendations for implementation of CEPEJ tools in the courts of Azerbaijan**

As a result of the court coaching programme and after learning from the experience of the pilot courts in implementing the CEPEJ tools, the expert team highly appreciates the cooperation with the courts and other national partners as part of the Project “Support to Increased Efficiency of Courts, Improved Training of Judges and Judicial Self-governance in Azerbaijan” and would like to summarise its recommendations as follows:

**1. Implementing the CEPEJ methodology of statistical data collection and reporting in all courts of Azerbaijan.**

Collection, analysis and reporting of the relevant statistical indicators in line with the CEPEJ methodology will support the court management, decision-making based on objective data, and the policy of improving the efficiency and quality of courts.

**2. Improving of the human resources for collection, analysis and reporting of statistical data.**

<sup>12</sup> For example see Sumgayit Administrative-Economic Court’s final reports on satisfaction survey results and court statistics. <https://goo.gl/VS1S6d> (retrieved date: 12 March 2017)  
<sup>13</sup> Sheki Appellate Court held distance meeting with courts under its jurisdiction for experience sharing in terms of increasing court efficiency. <https://goo.gl/5hrq69> (retrieved date: 12 March 2017)

The Ministry of Justice and the Judicial Legal Council are encouraged to take measures to further improve the capacities of courts, including the human resources, in view of collecting, analysing and reporting on statistical data. The specialised training on court management, included already in the curricula of the Justice Academy of Azerbaijan, should be made available to all judges and senior court staff. It will be updated in line with the developments and include the new tools and methods introduced in the administration of courts.

**3. *Publishing statistical reports developed in line with the CEPEJ methodology on courts' websites.***

The CEPEJ experts encourage the judicial system of Azerbaijan to continue the good practice of the pilot courts and to ensure the publication of performance reports on the websites of all courts, at least on an annual basis.

**4. *Introducing indicators and functionalities aligned to the CEPEJ tools in the Integrated Case Management System implemented in Azerbaijan.***

The Integrated Case Management System implemented in Azerbaijan provides a solid basis for the implementation of judicial statistics and evaluation of the performance of courts in line with the CEPEJ standards. Therefore, embedding the CEPEJ-recommended efficiency and quality indicators in the business intelligence tools associated with the ICMS would be the most optimal solution for the implementation of CEPEJ tools at the national level.

**5. *The court system of Azerbaijan has reached an excellent record regarding the timeliness of court procedures and should make efforts to maintain it.***

As the workload of national courts is constantly raising, it is necessary to take preventive measures and anticipate any deficit of capacities within individual courts. To this end, the analysis based on the CEPEJ indicators should be of help for the purpose of taking substantiated and sustainable decisions.

**6. *Combine infrastructure improvements with further modernisation of court management, especially at the level of individual courts.***

It is important that the Ministry of Justice and the Judicial Legal Council encourage and promote the proactive court management and the so-called "new paradigm" in the court administration.

**7. *Introducing more flexibility in organising the courts and the support to judges.***

It is advisable to introduce procedures allowing the assignment of more support/assistants to judges confronted with larger amount of cases. In addition, the courts should have certain flexibility for delegating some tasks (repetitive or of rather technical nature) from judges to properly qualified staff. It is also recommended that courts have a more prominent role in the process for selecting and hiring court staff in order to avoid delays in supplementing its operational capacities.

**8. *Dissemination of the use of targets and proposing "unified" targets for all courts of Azerbaijan.***

The experience of the CEPEJ pilot courts in developing, setting and monitoring targets should be analysed in view of proposing such targets to all courts of Azerbaijan. This will be particularly relevant for further promoting the concept of reasonable time, which is also supported by the CEPEJ expert team.

**9. *Conducting court user satisfactions surveys regularly and through a consistent methodology.***

The satisfaction surveys are important tools in order to evaluate the quality of services and drive positive changes in courts. They should be conducted in all courts, at regular and sufficiently long

intervals, in order to track down the “performance” of courts and to assess the impact of actions taken in response to particular issues raised by court users, lawyers or staff. The satisfaction surveys of different target groups and conducted in different courts should follow a common methodology, but should also allow a certain flexibility and adjustment to the objectives and needs defined by the individual courts’ management. The courts may use the satisfaction surveys as a tool of investigation of particular challenges or problems they are confronted with.

***10. The satisfaction surveys should facilitate the dialogue with the court users and the general public.***

Transparency and proper communication are at the heart of conducting and following up on the results of satisfaction surveys. Ensuring openness with regard to this and other aspects of courts’ activity will contribute to higher public trust.

***11. In view of improving the communication policies of courts, they should, at a minimum:***

- adopt decisions on the publication, at least once a year, of a report on the activity of the court (including efficiency and quality indicators);
- appoint a unit or person responsible for the institutional transparency and public relations;
- make presentations and discuss the draft activity reports within the court and, after their approval, with the target audiences;
- use extensively the Internet to inform operatively, efficiently and in a non-discriminatory way the public and stakeholders (parties, lawyers, etc.) on courts’ activity.

***12. Providing guidance on the implementation of CEPEJ methodology and tools at the national level.***

The Ministry of Justice, Judicial Legal Council, Supreme Court and Justice Academy of Azerbaijan are invited to take over the initiative and responsibility for the mission of disseminating the lessons learned and good practices of the pilot courts in view of implementing the CEPEJ methodology and tools. CEPEJ stands ready to further support these efforts.

## **8 Appendixes**

**8.1 Appendix 1: Updated version of the Guide for the implementation of selected CEPEJ tools in the courts of the Republic of Azerbaijan.**

**8.2 Appendix 2: The publication “Selection of CEPEJ tools on time management, efficiency and quality of justice” (in Azerbaijani language only)**

**8.3 Appendix 3: Examples of an Annual Report on Court’s performance and of a Report on the results of court user satisfaction survey**

**8.4 Appendix 4: Examples of data provided through the CEPEJ-STAT database in regard to the Republic of Azerbaijan.**