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Transparent Judiciary

# JUDICIAL SYSTEM: PAST REFORMS AND FUTURE PERSPECTIVES

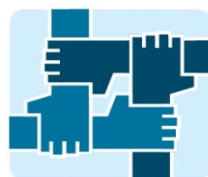
Training of Judges, Selection/Appointment

Defining Judicial Caseload and Necessary Number of Judges



# FUNCTIONS OF TRAINING AND APPOINTMENT OF JUDGES IS CONCENTRATED

- The School of Justice is not independent – 5 out of 6 members of the School Board are appointed by the HCoJ; the statute of the School is adopted by the HCoJ; the competition is announced and listeners are enrolled in the School by the HCoJ; the number of vacancies is announced by the HCoJ;
- Qualification exam is announced and conducted by the HCoJ; Criteria and rules for appointment of exam committee members are not established;
- The HCoJ is not obliged to obtain a recommendation of the School before deciding on the promotion of a judge;

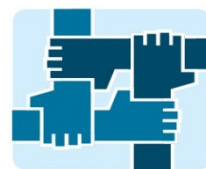


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# NON TRANSPARENT PROCEDURE FOR THE SELECTION OF THE SCHOOL LISTENERS

- Criteria and rules for appointment of qualification exam committee members are not established;
- Existing selection criteria do not comply with the standard of objective criteria – no established sources of information upon which the candidates should be evaluated;
- The interview is not sufficiently formalized; Share of the interview in a total evaluation is not established;
- Points based system of evaluation is not established;
- Possibility of undue influence on the selection process – the most recent qualification exam was held in December 2015; competition for the selection of listeners was terminated for almost one year for unknown reasons.

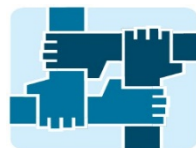


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# SELECTION OF JUDGES DOES NOT COMPLY WITH ESTABLISHED STANDARDS

- Existing rules for the selection of judges does not comply with the established standards of pre-determined objective criteria;
- Non political and transparent process of appointment of judges is not in place – Sources of information not established; share of interview in an evaluation process is not defined; the non objective rule for evaluation of integrity remains; the rule of holding interviews in an open session is not established; after the evaluation the procedure of casting ballots for candidates remains;
- The same criteria apply to the evaluation of judicial candidates for a first instance and appellate courts.

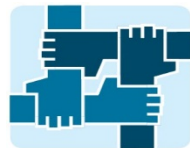


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# DEFICIENCIES OF PROBATIONARY APPOINTMENT

- There is no balance established between the need to evaluate a probationary judge and preserve his/her independence;
- The HCoJ did not adopt pre-established and published rules of evaluation of probationary judges. For almost four years the HCoJ evaluates judges on probation based on very vague law and without adopting detailed rules;
- Criteria for the evaluation does not comply with the established standard of objective criteria;
- There is no effective mechanism for appeal of refusal to be appointed for life after the completion of probationary term.

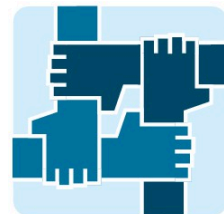


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# INEFFECTIVNES OF THE STUDY ON JUDICIAL WORKLOAD

- The HCoJ does not conduct the periodic study of judicial workload;
- The law does not establish the obligation to periodically measure the judicial workload and define required number of judges;
- The decision of the HCoJ from 2011 regulating evaluation of judicial work does not aim at defining the judicial workload and required number of judges;
- Rules for production, processing and publishing statistical data are not established.

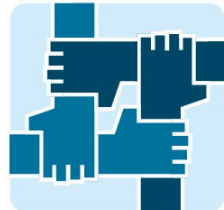


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# RECOMMENDATIONS – SCHOOL OF JUSTICE

- Change the rule of formation of the Board of the School;
- Proper functions shall be transferred to the School;
- Establish objective criteria; transparent procedure and points based evaluation system for the selection of the School listeners;
- Establish the rules of formation and criteria for the selection of the qualification exam committee members.

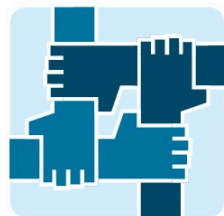


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# RECOMMENDATIONS – SELECTION AND APPOINTMENT OF JUDGES

- Establish the sources of information based on which the HCoJ will evaluate the judicial candidates;
- Points based evaluation system shall apply to both the evaluation by professionalism as well as integrity;
- Abolish the voting system for the appointment of judges;
- The law shall provide for the rule of interviewing candidates in open sessions;
- The law shall define the share of the interview in overall evaluation of a candidate.



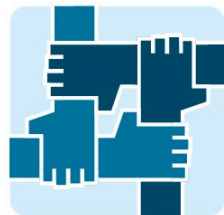
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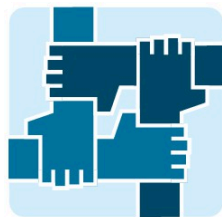
# RECOMMENDATIONS – DEFINING PROPER NUMBER OF JUDGES

- The law shall provide for an obligation of the HCoJ to establish methodology for evaluation of judicial workload and rules for production of the statistical data;
- The HCoJ shall periodically conduct study of judicial workload, reasons for the delay of justice and define proper number of judges;
- The findings of the periodic study shall be used to substantiate number of other HCoJ decisions.



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**THANK YOU FOR YOUR ATTENTION!**