

Functioning of the judiciary

Strategic documents

Multiple amendments to the legal framework were made, in a hasty manner, with shortened adoption procedures and without proper consultation with the professions affected, including in the areas of misdemeanours, sentencing, notaries and bailiffs or, where relevant, the European Commission and/or the Venice Commission. Political will is needed to move the reforms forward in the right direction.

Management bodies

The Judicial Council made some efforts to improve transparency, particularly through regular updates of its website and by allowing the presence of journalists and Civil Society Organisations at its sessions. The Council of Public Prosecutors still lacks its own budgetary allocations, appropriate IT support and staffing.

Independence and impartiality

The new President of the Association of Judges started to actively engage in promoting judicial independence. However, there are no indications that judges feel confident enough to complain to the competent bodies. The Judicial Council's stated intention of protecting judges from interference has not produced results in practice. The authorities did not initiate reforms on the existing discipline and dismissal system for judges, as recommended by the Venice Commission.

Accountability

The Judicial Council, the Ministry of Justice and the Ombudsman's Office continued to handle the increasing number of complaints about the work of the courts. In 2015 the Supreme Court received 610 compensation claims for unreasonably lengthy court proceedings (compared to 637 in 2014) and awarded EUR 103,165 in compensation and costs. The Judicial Council dismissed one judge in 2015 and the Council for Public Prosecutors dismissed one prosecutor. There was only one request for determining the responsibility of a judge under the new procedure in 2016, which was rejected. The State Commission for the Prevention of Corruption (SCPC) launched misdemeanour proceedings against 3 prosecutors in 2015, for failing to submit asset declarations.

Professionalism and competence

In 2015 the Judicial Council appointed 20 Court Presidents, after some considerable delay. In September 2016 the Council appointed 7 basic Court judges (all graduates of the Academy) as well as 11 appellate court judges, 2 higher administrative court judges and 4 Supreme Court judges (all with judicial experience). The Council of Public Prosecutors appointed 17 prosecutors.

There is still a lack of transparency in the system of appointment and promotion and no steps have been taken to ensure de-politicisation in line with the 'Urgent Reform Priorities'. A new professional evaluation system focusing on appraisal of judges' core competencies has still not been introduced so the system remains heavily focused on quantitative criteria. The

recommendations of the European Commission and the Venice Commission in this area have not been addressed.

Quality of justice

During 2015, the Academy provided 267 in-service training sessions to 5 888 participants. Of the 13 candidate judges and prosecutors from the fifth generation who successfully completed their pre-service training in February 2016, 12 have already been appointed in basic courts and basic public prosecutor's offices. 37 new candidates enrolled for pre-service training at the Academy. The Academy still lacks sufficient support staff.

December 2015 amendments to the law on the academy lowered the criteria for enrolment of candidate public prosecutors and shortened their training cycle from 24 months to only 9 months. This potentially affects not only the quality of training, but also creates an imbalance between future judges and prosecutors' level of and access to training. In August 2016 a call was published for 60 candidate prosecutors who will undergo this shorter training cycle. Ensuring consistency of judgments is still a challenge, although the Supreme Court continued its efforts.

Efficiency

A comprehensive human resources management strategy is needed. In November 2015 the Judicial Council adopted a decision reducing the number of judges from 740 to 636, apparently without any needs- or impact-assessment having been carried out. 130 new support staff were recruited to the Public Prosecutor's Office in 2015, again without a clear strategy in place. The 2016 budgets for the courts and prosecution service are both significantly lower than the per capita European average, while the number of judges and court staff per 100 000 inhabitants are significantly above the European average, raising questions about efficiency and the correct allocation of resources.

Amendments to the laws on judges', prosecutors' and prosecution staff's salaries allowing for bonuses in specific circumstances were not reflected in the law on court administration, which resulted in strikes by administrative staff for several months.

When implemented, the new law on misdemeanours should reduce the number of proceedings before the court, and the new law on sentencing should produce increased judicial consistency. New laws on notaries and on bailiffs (both to apply from January 2017) were adopted despite strong criticism.