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The Yearbook on the Rule of Law and European Values is a publication seeking to increase discussion in the field of Rule of Law and European Values in the EU and beyond. In particular, the Yearbook investigates important and timely questions about the state of the rule of law, democracy, and other European values across the EU. The Yearbook is published within the framework of the Jean Monnet Centre of Excellence for the Rule of Law and European Values (CRoLEV) (2022-2025). For more information on CRoLEV, visit https://crolev.eu/

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We currently invite contributions for the third issue of the Yeabook from researchers working in different disciplines that study themes of relevance. In particular, we invite submissions related to such themes as:

- Civic engagement, the relationship between rule of law protections and grassroots political participation, structures of democracy, political participation, and/or citizen empowerment, both from empirical and theoretical perspectives;

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Submissions should take the form of original research in a scientific article (8000-10000 words). The deadline for the submission of a complete manuscript is the 30th of September 2025. Selected submissions will be notified by November 2025. All submissions will then undergo double blind review.

July 2025

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Yearbook RoLEV, Issue 2, 2025

Judicial Backlogs in the Republic of Cyprus: Causes, Consequences and Prospects for Reform

Stéphanie Laulhé Shaelou and Andrea Manoli*

Table of Contents

Introduction ... 67
PART A – Judicial Backlog and the Rule of Law ... 69
I. Setting the Background ... 69
II. The fundamental importance of the Rule of Law and its connection with inordinately lengthy court proceedings ... 75
Part B – Reasonable Time and the European quora ... 83
Reasonable time in ECtHR and CJEU case-law ... 84
The ECtHR ... 84
Criminal Matters ... 88
Civil matters ... 93
Recent ECtHR Jurisprudence on Cyprus ... 93
The CJEU case-law ... 96
Part C – The Judicial Backlog in the Republic of Cyprus: A Cautionary Tale ... 100
I. The Pre-Reform Structure and Organization of the Cyprus Judicial System ... 100
II. The History of the Backlog in the Republic of Cyprus ... 104
III. Administrative challenges, Human Rights and the Impact on the Administration of Justice in 2025 116
IV. Civil Procedure Rules and Backlog ... 118
V. Concluding remarks ... 119

Introduction

The maxim "justice delayed is justice denied" was first used by the English philosopher and jurist Sir Edward Coke in the early 1600s, and his words could not be more relevant today.[1] Historically, the trial threshold within a reasonable time can be traced back to the Magna Carta Liberatum.[2] In 1642, Sir Edward Coke termed "delay" as a form of Denial. The 20th century came with adopting several legal supranational instruments constituting today's cornerstones, most of which protect fair trial, including within a reasonable time. More illustrative, Article 6 of the European Convention on Human Rights (ECHR),[3] Article 47 of the European Union Charter of Fundamental Rights (the EU Charter),[4] Article 14 of the International Covenant on Civil and Political Rights (ICCPR)[5] and Article 10 of the Universal Declaration of Human Rights (UNDHR)[6] provide that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, to the determination of their rights and obligations and of the handling of any criminal charge against them without undue delay. Consequently, the international legal order upholds that adjudication within a reasonable time is a standard set in the judiciary, often determining its efficiency. Any delayed proceedings and decisions constitute a flagrant violation of a person's rights.[7] Nonetheless, there seems to be a worldwide failure to deal promptly with cases, generating very human consequences. European and other countries alike are experiencing an increasing trend

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[1] Krishnan, Jayanth K., and C. Raj Kumar. "Delay in process, denial of justice: the jurisprudence and empirics of speedy trials in comparative perspective." *Georgetown Journal of International Law* 42, no. 3 (2011): 746-784; Dyson, Lord. "Delay too often defeats justice." In *The Judicial Review: Selected Conference Papers: Journal of the Judicial Commission of New South Wales*, vol. 12, no. 3, pp. 285-299. Sydney: Judicial Commission of NSW, 2015.

[2] Magna Carta 1297.

[3] The Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR, as amended), Article 6.

[4] Charter of Fundamental Rights of the European Union [2012] OJ C326/391, Article 47.

[5] International Convention on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Article 14.

[6] United Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)), Article 10.

[7] The Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR, as amended), Article 6.

towards litigation but seem unable to sustain such a trend.[8] To put it simply, this growing propensity to litigate often exceeds the capacity to handle it due to various aspects in the administration of justice, including budget constraints, the limited number of judges, the lack of alternative dispute resolution methods and of judicial time.[9] The alarming court backlogs erode individual and property rights and freedoms, obstructing economic progress and fundamental human rights.[10] The term "Backlog" refers to cases that have not been resolved within a reasonable timeframe. Insufficient legal frameworks, inadequate resources, and poor case management practices often cause these delays. They result in high legal costs, uncertainty, and diminished public confidence in judicial systems.

Challenges in the administration of justice and delays in courts worldwide constitute an ongoing, persistent, and pressing issue at the heart of every modern democracy.[11] Despite the globality of the phenomenon, this paper has a jurisdictional scope, that is, analysing the judicial backlog in a member state of the European Union, namely, the Republic of Cyprus with references at the European level. According to Fjelstul, Gabel and Carruba, even the Court of Justice of the European Union (CJEU) faces the growing backlog challenge.[12]

Considering the issue identified, this paper will discuss the backlog and efforts to reduce the delays in the courts within the Republic of Cyprus. In doing so, the paper will be divided into three parts.

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[8] Samantha Bielen et al. "Backlogs and litigation rates: Testing congestion equilibrium across European judiciaries." *International Review of Law and Economics* 53 (2018): 9-22; Magalhães, Pedro C., and Nuno Garoupa. "Judicial Performance and Trust in Legal Systems: Findings from a Decade of Surveys in over 20 European Countries." *Social Science Quarterly (Wiley-Blackwell)* 101, no. 5 (2020).

[9] Ibid.

[10] Samantha Bielen et al. "Backlogs and litigation rates: Testing congestion equilibrium across European judiciaries." *International Review of Law and Economics* 53 (2018): 9-11

[11] Ibid.

[12] Fjelstul, Joshua, Gabel, Matthew and Carrubba, Clifford (2022) *How the Court of Justice of the European Union can be reformed to improve the timely administration of justice. LSE European Politics and Policy (EUROPP) blog* (07 Oct 2022). This is also apparent from the CJEU Annual Reports and from ongoing structural reforms to address the growing number of cases and legal issues arising at the two levels of jurisdiction at the CJEU. https://curia.europa.eu/jcms/jcms/Jo2_7000/en/

Part A provides the backdrop to the court backlog and the jurisprudence of reasonable time. Furthermore, it discusses the importance of the Rule of Law and its connection with inordinately lengthy court proceedings. It will discuss the fundamental importance of the Rule of Law, how it is affected by delays in courts, and thus the pertinence of the current analysis. Part B will explain the European legal order on the subject matter and then analyse reasonable time according to the ECtHR and the CJEU case law. Part C has a deep jurisdictional scope and examines the reasons behind the arguable failure to resolve and/or durably reduce backlogs in Cyprus by providing the history of the court backlog in Cyprus and the reforms in light of it. Finally, this paper also intends to draw lessons from European tools and best practices available to ensure the effective implementation of recommendations and reform in the field, transferable to Cyprus.

This analysis will present qualitative and quantitative data concerning the backlog in Cyprus. This paper argues and discusses how backlogs affect the rule of law and how they need to be explicitly identified, documented, and addressed to resolve backlogs effectively and strengthen the rule of law on the island of Cyprus. Finally, conclusions and recommendations will be drawn using the European tools and best practices to propose an alternative mechanism adapted to Cyprus's legal and socio-legal specificities.

PART A – Judicial Backlog and the Rule of Law

I. Setting the Background

All in all, European states such as the Republic of Cyprus continue to experience a rise in cases before the courts, leading to significant court backlogs. In the case of the Republic of Cyprus, this has been attributed to several factors. One prominent cause is the aftermath of the financial crisis,

after which individuals raced to litigation after the much-discussed 2013 bail-in,[13] which prompted a surge of litigation, particularly in the financial and commercial sectors.

Another persistent problem is the structural inefficiencies within the Cypriot judiciary, as evidenced by repeated delays and inaction. The Court has highlighted these issues in cases such as ECtHR, *Irodotou v Cyprus*, where the Court found violations of Article 6 and 13 ECHR due to excessive length of private criminal proceedings and the lack of an effective remedy following the Attorney General's decision to discontinue a prosecution.[14] Despite legislative amendments including Law 23(I)/2015 amended by Law 173(I)/2024, challenges remain regarding the finality of prosecutions and the constitutional discretion of the A-G (*nolle prosequi*), which escapes judicial scrutiny.

Like other EU states, Cyprus is also struggling with a growing number of applications for international protection.[15] The judgment of the ECtHR in *M.A. and Z.R. v Cyprus* in 2024,[16] underscored persisting systemic deficiencies in asylum procedures and legal remedies for asylum seekers. The Court found multiple violations of Article 3 and 4, Protocol 4, and 14 ECHR, notably concerning collective expulsion and lack of access to an effective remedy with automatic

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[13] Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021 < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024; Stephanie Laulhe Shaelou, and Anastasia Karatzia. "Some preliminary thoughts on the Cyprus bail-in litigation: a commentary on Mallis and Ledra." *European Law Review* 43, no. 1 (2018): 248-267.

[14] Irodotou v Cyprus, App no 16783/20 (ECtHR, 23 August 2023) https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-224776%22]} accessed 21 November 2024

[15] European Asylum Support Office, Operating Plan 2022–2024 Agreed by the European Asylum Support Office and the Republic of Cyprus (December 2021) https://euaa.europa.eu/sites/default/files/OP_CY_2022-2024.FINAL_.pdf accessed 21 November 2024

[16] *M.A and Z.R v Cyprus*, Application no. 39090/20 (ECtHR, 8 October 2024) https://hudoc.echr.coe.int/#{%22fulltext%22:[%221.\tM.A%20and%20Z.R%20v%20Cyprus%20(2024)%22],%22itemid%22:[%22001-236141%22]} accessed 21 March 2025.

suspensive effect.[17] It could be argued that this is a call for legislative and procedural reforms, including amendments to Section 12(2) of the Aliens and immigration Law and ensuring that asylum seekers can access immediate and effective remedies to challenge removal decisions, without fear of prosecution for ill-founded complaints as now allowed under Law 73(I)/2024.

Furthermore, in *Altius Insurance Ltd v. Cyprus*, the Court held that Cyprus's system of addressing excessive judicial delays through The Effective Remedies for the violation of the Right to a Determination of Civil Rights and Obligations within a Reasonable Time Law of 2010, Law 2(I)/2010 (as amended by Law 53(I)/2023) was incompatible with the ECHR because it fragmented delay complaints by level of jurisdiction rather than addressing the overall duration of proceedings.[18] This structural flaw prevents an effective remedy within the meaning of Article 13, contributing further to case backlog and legal uncertainty. These judgments collectively expose how delays and ineffective remedies exacerbate court backlogs and erode access to justice.

Further recent cases of the ECtHR, such as *Krashias and others v. Cyprus*,[19] *Souroullas, Kay and Zannettos v. Cyprus*,[20] and *X v. Cyprus*,[21] reveal similar patterns in both civil and criminal justice sectors. While in *Souroullas, Kay and Zannettos v. Cyprus* the ECtHR found no violation of fair trial Rights, in a notable dissenting opinion, two judges emphasised the persistent systemic backlog in Cypriot courts expressing concern that chronic delays risk undermining justice.[22] In particular, the Court in *Krashias* required Cypriot first instance courts to explicitly recognise delays in

[17] Ibid.
[18] The Effective Remedies for the violation of the Right to a Determination of Civil Rights and Obligations within a Reasonable Time Law of 2010, Law 2(I)/2010 < https://www.cylaw.org/nomoi/enop/non-ind/2010_1_2/full.html > last accessed on 25 June 2025
[19] Application no 225319/22 (ECtHR, Chamber judgment, 27 February 2025) https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-225319%22]} accessed 22 May 2025
[20] Application no 1618/18 (ECtHR, Chamber judgment, 26 November 2024)
[21] Application no 40733/22 (ECtHR, Chamber judgment, 27 February 2025)
[22] Application no 1618/18 (ECtHR, Chamber judgment, 26 November 2024)

sentencing decisions and quantify sentence reductions attributable to procedural delays, thus emphasising the need to internalise delay considerations at every stage of proceedings to mitigate backlog effects and human rights violations.

As Part B will discuss extensively, the Republic of Cyprus has gone through institutional reforms, including the establishment of an Administrative Court of International Protection and automatic suspensive effects in asylum-related decisions, in line with earlier ECtHR judgments like *M.A. v. Cyprus*.[23] However, as noted by the ECtHR and the Committee of Ministers, the effectiveness of these reforms in practice remains questionable, particularly in light of the recent judgments of the ECtHR, which exposed ongoing failures in processing asylum applications and preventing collective expulsions at sea.

In summary, Cyprus's backlog crisis is not merely a numerical issue of case volume, but a symptom of deeper systemic shortcomings in remedy effectiveness, procedural safeguards, and access to justice. ECtHR jurisprudence provides both a diagnosis of these failings and a roadmap for urgent reforms to tackle delays and enhance the practical operation of legal remedies in Cyprus.

Nonetheless, the court backlogs are by far not a new phenomenon. Internationally, in 1999, Buscaglia and Dakolias reported a concerning level of court backlogs, which resulted in violations of personal, social, and economic rights.[24] The multifaceted nature of violations arising from backlogs threatens the Rule of Law, democracy and thus people's daily human rights. Consequently, the confrontation of the issue becomes all the more pressing. Addressing the issue of court backlogs has been a challenge for policymakers and the judiciary alike. On the one hand, policymakers have been drafting reforms to improve timelines, enhance the fairness of procedures,

[23] M.A. v Cyprus (App no 41872/10) (ECtHR, 23 July 2013).
[24] Buscaglia, Edgardo, and Maria Dakolias. *Comparative international study of court performance indicators: a descriptive and analytical account*. No. 20177. The World Bank, 1999.

and even find ways to reduce the demand for litigation through alternative means.[25] On the other hand, the judiciary faces a significant challenge in managing its backlog. Reports indicate that the primary solution of appointing additional judges, which was also proposed for Cyprus, may threaten judicial independence.[26]

Effective and timely application of justice remains a pressing issue that needs to be resolved if systems are meant to uphold the Rule of Law, protect fundamental rights and freedoms, and maintain democracy. From an international legal standpoint, Article 6 ECHR[27] and Article 47 EU Charter equally and explicitly provide that "everyone is entitled to a fair and public hearing within a reasonable time."[28] However, the full enjoyment of these rights can be hindered by obstacles or inefficiencies stemming from an inadequate legal framework, an inappropriate court system, the increasing complexity of cases, or insufficient court resources to handle incoming cases.[29]

While multiple judicial systems continue to struggle with backlogs,[30] the necessity for prompt action based on scientifically robust mechanisms in the field is ever-growing. For this reason, this

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[25] Samantha Bielen et al. "Backlogs and litigation rates: Testing congestion equilibrium across European judiciaries." *International Review of Law and Economics* 53 (2018): 9-22.

[26] Ibid; Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021 < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024.

[27] The European Convention on Human Rights, Article 6.

[28] Charter of Fundamental Rights of the European Union, Article 47.

[29] Samantha Bielen et al. "Backlogs and litigation rates: Testing congestion equilibrium across European judiciaries." *International Review of Law and Economics* 53 (2018): 9-22; Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021 < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024.

[30] Samantha Bielen et al. "Backlogs and litigation rates: Testing congestion equilibrium across European judiciaries." *International Review of Law and Economics* 53 (2018): 9-22.

paper will focus on the Republic of Cyprus, as one of the state member of the EU and of the Council of Europe most affected by the phenomenon of delays in courts, as the country stands out in almost every monitoring or reporting mechanism of the European Commission, the Council of Europe's Venice Commission, the Council of Europe, and other indexes at the international level.[31] While the issue of backlogs in the administration of justice has been examined extensively through reports and academic literature in many jurisdictions and at the European and international level,[32] the study of the administration of justice in Cyprus, with a focus on the backlog, remains scientifically underdeveloped. Despite progress made through amendments[33] including to the Civil Procedure Rules, the reorganisation of the courts through the creation of new tiers, specialised courts, the appointment of new judges and recommendations by nationally set Independent Inquiries on the delays at courts in the Republic of Cyprus,[34] the issue arguably remains ever more prominent and pressing. Cyprus is regularly pointed at in reports and/or found in violation of Articles 6 and 13 ECHR respectively.[35] This working paper, therefore, proposes to

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[31] Centre for the Rule of Law and European Values (CRoLEV), *CRoLEV Dashboard* (UCLan Cyprus, April 2025) < https://crolev.eu/dashboard/> last accessed 25 June 2025.

[32] Madhana, B., and S. Subhashree. "A Study on Backlog of Cases." *Issue 5 Int'l JL Mgmt. & Human.* 5 (2022): 942; Mcalister, Merritt, Adalberto Jordan, and Kimberly J. Mueller. "What can be done about backlogs?." *Judicature* 107, no. 2 (2023): 50-59; Kerwin, Donald, and Brendan Kerwin. "What Will It Take to Eliminate the Immigration Court Backlog? Assessing "Judge Team" Hiring Needs Based on Changed Conditions and the Need for Broader Reform." *Journal on Migration and Human Security* (2024): 23315024241226645; Hassan, Rana Saifullah, Naeem Ahmed, and Fahim Ahmed Siddiqui. "Judicial System and Public Policy: Strategy for Expeditious Disposal of Backlog." *JISR management and social sciences & economics* 19, no. 2 (2021): 193-205.

[33] Centre for the Rule of Law and European Values (CRoLEV), *CRoLEV Dashboard* (UCLan Cyprus, April 2025) < https://crolev.eu/dashboard/> last accessed 25 June 2025.

[34] See for example, Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021 < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024.

[35] See for example, Irodotou v Cyprus, App no 16783/20 (ECtHR, 23 August 2023) https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-224776%22]} accessed 21 November 2024

delve into the matter of the administration of justice in the Republic of Cyprus, with a particular focus on the backlog of cases and its implication on upholding the Rule of Law and Justice on the island of Cyprus. The Republic of Cyprus was chosen as a unique case study. The island, located at the edge of Europe, divided because of its internal conflict within an even more challenging crossroad of continents, has been reportedly under siege, including due to the court backlog posing particular threats to the Rule of Law.

II. The fundamental importance of the Rule of Law and its connection with inordinately lengthy court proceedings

Respecting the Rule of Law is not simply a political slogan in times of populism; it is not a mere phrase for social scientists and theorists to explore. It is not just one of the European values enshrined in Article 2 of the Treaty of the European Union (TEU). It constitutes a way of working, improving democracies, legal systems and thus the lives of millions of European citizens. It provides the fundamental way to distinguish between legitimate and illegitimate, legal and arbitrary decisions in favour and/or against socio-legal challenges at the heart of Europe and elsewhere.[36] Article 2 TEU demands "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities". All these core values are interconnected; they are indispensable as they provide the backbone of the values of the Union. As a matter of accuracy, though, it should be mentioned that, often, it is assumed that the institutional and structural values (i.e., the protection of democracy

[36] Brian Tamanaha, On the Rule of Law: History, Politics, Theory (Cambridge: Cambridge University Press, 2004) 3; Brian Tamanaha 'The history and elements of the rule of law' (2012) Singapore Journal of Legal Studies 237; Martin Krygier, 'The Rule of Law and State Legitimacy', in Wojciech Sadurski, Michael Sevel, and Kevin Walton (eds), Legitimacy: The State and Beyond (Oxford, 2019); Michel Rosenfeld, 'The Rule of Law and the Legitimacy of Constitutional Democracy' (2001) 74 S. Cal. L. Rev. 1307; Laurent Pech, '"A Union Founded on the Rule of Law": Meaning and Reality of the Rule of Law as a Constitutional Principle of EU Law' (2010) 6 European Constitutional Law Review 359.

and the Rule of Law) are fundamental rights and can be found in the EU Charter.[37] While provisions such as Article 47 EU Charter and Article 2 TEU enshrine the fundamental significance of the Rule of Law,[38] they have also faced significant criticism. For instance, Article 2 has been criticised for its vagueness, with some academics arguing that it was never intended to impose, concrete, enforceable values on member states.[39] Moreover, even if, these provisions are drafted in a more sophisticated and flexible manner, allowing EU principles to evolve over time, as some scholars suggest, the core values of the EU, particularly the Rule of Law, remain essential. They form the very backbone, the 'skeleton', not only of the EU but of any democracy. This central role is evident not just in the EU Treaties and the ECHR, but also through the case law of the Court of Justice of the European Union and the European Court of Human Rights, as well as in the opinions and Communications issued by EU institutions themselves.[40]

Democracy and with it the Rule of Law, forms an integral part of the constitutional framework of the EU, is enshrined in the constitutions of every EU member state, and also in those of non-member states through broader European frameworks such as the Council of Europe, precisely because of democratic values. Yet, the concept of the Rule of Law can remain theoretical.[41] The concept might not have yet been defined completely, but its normative strength and implications

[37] Ibid.

[38] LD Spieker, 'Breathing Life into the Union's Common Values: On the Judicial Application of Article 2 TEU in the EU Value Crisis' (2018) 20 German Law Journal 1182, 1187.

[39] Ibid.

[40] Case 26/62 NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration, ECLI:EU:C:1963:1; Case 6/64 Flaminio Costa v ENEL, ECLI:EU:C:1964:66; Case C-284/16 Slowakische Republik v Achmea BV, ECLI:EU:C:2018:158. See furthermore Opinion 2/13 on the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms, ECLI:EU:C:2014:2454. See for an in-depth analysis e.g. P Eeckhout, 'Opinion 2/13 on EU Accession to the ECHR and Judicial Dialogue – Autonomy or Autarky?' (2015) 38 Fordham International Law Journal 955; E Spaventa, 'A Very Fearful Court?: The Protection of Fundamental Rights in the European Union after Opinion 2/13' (2015) 22 Maastricht Journal of European and Comparative Law 35; J Wouters, 'Revisiting Art. 2 TEU: A True Union of Values?' (2020) 5 European Papers 255, 262.

[41] L Solum, 'Legal theory Lexicon: Rules, Standards and Principles' (Legal Theory Blog, 29 September 2019); F Schauer, 'The Convergence of Rules and Standards' [2003] New Zealand Law Review 303, 306.

in practice are not to be taken lightly.[42] Ontologically, the Rule of Law nourishes and maintains democratic constitutional systems. Nevertheless, the lack of a concrete definition or the meaning and nature of European values enshrined in Article 2 may be misinterpreted and/or allow for a wider margin of appreciation.[43]

While this paper has no intention to discuss the inability to reach a consensus about the terms and wide-ranging implications, it does not extend either to the history of the Rule of Law or the thin or thick conceptions of the term. The problem with the definition of the Rule of Law has always been that its conceptions, especially thin conceptions, can be framed in obscure terms.[44] Throughout the 20th century, the Rule of Law attracted much attention from academics, the judiciary, the legislature, and the executive branch of many governments.[45] While theorists and philosophers from Aristotle to Dicey tried to build components explaining the Rule of Law, it remains an elusive concept that still attracts much attention and debate.[46]

Drawing from the CJEU's and the ECtHR case-law, one cannot help but understand the importance placed in the concept of the Rule of Law. In *Golder v the UK*, it was expressly stated that the Rule of Law belongs to the Council of Europe's common spiritual heritage.[47] Martin Loughhlin argues that although a coherent formulation of the concept can be devised, it will be unworkable in

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[42] N. Kornioti, A. Marcou, K. Kalaitzaki 'The Rule of Law as a Unifying Principle of Research Governance' (CRoLEV JMCEWP 3/2025) https://crolev.eu/wp-content/uploads/2025/06/CRoLEv-Working-Paper-The-Rule-of-Law-as-a-Unifying-Principle-of-Research-Governance-final.pdf last accessed on 26 June 2025.
[43] Ibid.
[44] Ibid.
[45] A Marcou and K Kalaitzaki, 'Rule of Law and European Values: Beyond the state of the art analysis' (CRoLEV WP 31 August 2022) < https://crolev.eu/wp-content/uploads/2022/10/CRoLEV-Deliverable-D.3.1-31-August-2022-FINAL.docx.pdf > last accessed on 22 November 2024.
[46] Ibid.
[47] Golder v the United Kingdom, App no 4451/70 (ECtHR, 21 February 1975) https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57496%22]} accessed 22 November 2024

practice.[48] The Rule of Law constitutes a foundational principle, the oversight of which remains primarily a political responsibility.[49]

On the one hand, thin conceptions of the Rule of Law maintain that the ideal should be understood exclusively in terms of its formal/procedural attributes, with no demand being placed on the specific content of the law. On the other hand, thick conceptions of the Rule of Law integrate requirements proposed by thin conceptions and insist on the substantive values that place restrictions/demands on the content of specific laws.[50]

Considering the relationship between the Rule of Law and human rights, there has been an emerging inherent connection between the two as a substitute to thin approaches, and as a method used by international bodies and agencies that purpose to measure and assess the state of the rule of law in several countries.[51] Legal positivists insist that the law's existence is a matter of social facts. American philosopher Ronald Dworkin argues that it is improbable to think that the operation of legal rules is the only factor determining judicial outcomes.[52] According to Dworkin, even if the legal rule provides a clear answer in simple cases, in hard cases, judges apply legal principles that represent the moral values of a political community, often found in past judgments.[53] In essence, the philosopher supports 'rule by an accurate public conception of

[48] Loughlin, M. The Rule of Law: A Slogan in Search of a Concept. *Hague J Rule Law* 16, 509–523 (2024); Stephanie Laulhe Shaelou et al, Impact Assessment, Recommendations and Synopsis (Deliverable D.5.3, CRoLEV-Centre for the Rule of Law and European Values, UCLan Cyprus, March 2025) < https://crolev.eu/wp-content/uploads/2025/03/D.5.3-Impact-assessment-and-Recommendations.pdf > last accessed on 25 June 2025
[49] Ibid.
[50] A Marcou and K Kalaitzaki, 'Rule of Law and European Values: Beyond the state of the art analysis' (CRoLEV WP 31 August 2022) < https://crolev.eu/wp-content/uploads/2022/10/CRoLEV-Deliverable-D.3.1-31-August-2022-FINAL.docx.pdf > last accessed on 22 November 2024.
[51] See for example, Venice Commission, Report on the Rule of Law < https://rm.coe.int/1680700a61 > last accessed 22 November 2024.
[52] Ronald Dworkin, 'The Model of Rules' (1967) 35 University of Chicago Law Review 22-29; Ronald Dworkin, 'Hard Cases' (1975) 88 Harvard Law Review 1057.
[53] Ibid.

individual rights'.[54] In that sense, the ability of the courts to ensure protection of rights by reviewing public decisions becomes significant to the Rule of Law.[55] Furthermore, Lord Bingham also famously conceptualised the Rule of Law. According to Lord Bingham, all individuals and all organisations within the state, whether public or private, are bound by and entitled to the benefit of laws prospectively promulgated and publicly administered in the courts.[56] The famous eight mutually reinforcing sub-rules, which describe Bingham's broad model of the rule of law, rely heavily on the widespread perception that fundamental rights are indeed a prerequisite to a democratic society that functions based on the rule of law.[57]

Nevertheless, we must acknowledge that while the goal of the EU is to ensure that all citizens within the EU and beyond live under a system that respects the rule of law and individual rights, we should also recognise that the inherent connections between human rights and the rule of law does not mean that the latter encompasses protections for fundamental human rights. While there are noticeable links between the two, there is no way to guarantee that there is an ipso facto violation of the rule of law when there is a violation of human rights in a state and vice versa.

For the purposes of this paper, the Rule of Law will be defined as a substantive term with a direct linkage to the fundamental democratic values enshrined in the establishing Treaties of the European Union and of the Council of Europe. The definition reassures democracy, thus it ought to assume a processual and substantive delimitation of what a democratic decision should look like. Under the Rule of Law, all public powers must always act within the constraints set out by

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[54] Ronald Dworkin, *A Matter of Principle,* (Oxford: Clarendon Press, 1985) 11-16.
[55] A Marcou and K Kalaitzaki, 'Rule of Law and European Values: Beyond the state of the art analysis' (CRoLEV WP 31 August 2022) < https://crolev.eu/wp-content/uploads/2022/10/CRoLEV-Deliverable-D.3.1-31-August-2022-FINAL.docx.pdf > last accessed on 22 November 2024.
[56] Thomas Bingham, *The Rule of Law* (Penguin, 2010) 11-12.
[57] Ibid, 69.

law, which respect democracy and are controlled by independent and impartial courts.[58] When the fundamental values of the EU are undermined, especially values and procedures which violate the proper functioning of the judicial system, despite not explicitly violating judicial independence or formal characteristics of the law, then the Rule of Law is in danger.[59] One such backlash of the Rule of Law relates to the fairness of the trial and the "reasonable time" requirement of Article 6 ECHR and Article 47 EU Charter, respectively. The argument put forth in this paper is that the Rule of Law faces serious challenges due to inefficient court procedures and limited capacity, which lead to significant delays in processing court cases. This is so in the Republic of Cyprus as well as other jurisdictions.

Court procedures in Europe are not all perfect, with one of the most visible challenges being the excessively lengthy proceedings. The vast number of complaints before the ECtHR on the issue of unduly delayed court procedures is the undeniable evidence of this problem.[60] Inordinately long proceedings undermine the credibility of the justice system in its entirety and consequently the fairness of judicial procedures.[61] In several resolutions, the Council of Europe's Committee of Ministers emphasised that excessive delays in the administration of justice constitute an important danger, particularly for the Rule of Law.[62]

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[58] A Marcou and K Kalaitzaki, 'Rule of Law and European Values: Beyond the state of the art analysis' (CRoLEV WP 31 August 2022) < https://crolev.eu/wp-content/uploads/2022/10/CRoLEV-Deliverable-D.3.1-31-August-2022-FINAL.docx.pdf > last accessed on 22 November 2024.
[59] Ibid.
[60] See for example, ECtHR Analysis of statistics 2022 < https://www.echr.coe.int/documents/d/echr/stats_analysis_2022_eng > last accessed 22 November 2024.
[61] Bowers, Josh, and Paul H. Robinson. "Perceptions of fairness and justice: The shared aims & occasional conflicts of legitimacy and moral credibility." *Wake Forest Law Review* 47 (2012): 11-13; Stancil, Paul. "Substantive equality and procedural justice." *Iowa L. Rev.* 102 (2016): 1633; Rhode, Deborah L. *Access to justice*. Oxford University Press, 2004; A Marcou and K Kalaitzaki, 'Rule of Law and European Values: Beyond the state of the art analysis' (CRoLEV WP 31 August 2022) < https://crolev.eu/wp-content/uploads/2022/10/CRoLEV-Deliverable-D.3.1-31-August-2022-FINAL.docx.pdf > last accessed on 22 November 2024.
[62] Thomas Hammarberg, 'Long Delays in ocurt proceedings threaten the Rule of law' (Strasbourg 15/10/2007) < https://www.coe.int/en/web/commissioner/blog/2007/-/asset_publisher/xZ32OPEoxOkq/content/long-delays-in-court-proceedings-threaten-the-rule-of-law> last accessed on 22 November 2024; European Commission, '2024 Rule of Law Report: Country Chapter on the rule of law situation in Cyprus' (Brussels 24/7/2024) <

There is a consensus that delayed proceedings tend to undermine the public's opinion about justice, creating an extensive and elusive danger. As legal certainty becomes illusory, frustration and unfortunate feelings of powerlessness might lead to anarchy, in the sense that citizens may take matters into their own hands.[63] As time passes, financial difficulties may arise, and the credibility of witnesses may be jeopardised due to the passing of time.[64] All in all, the credibility of the justice system and thus the Rule of Law is endangered due to the backlog, as delayed justice can lead to frustration, anger, and even violence.[65] The ECtHR, *in Scordino v Italy (no1)*, emphasised the importance of administering justice without delays that might otherwise jeopardise its effectiveness and credibility.[66] Where the Court finds that in a particular state there is a practice incompatible with the Convention resulting from an accumulation of breaches of the "reasonable time" requirement, this constitutes an "aggravating circumstance of the violation of Article 6 § 1".[67] In the last two decades the legal maxim "justice delayed is justice denied" has been at the centre of domestic and international agendas. The judiciary, as an integral part of every democracy, bears the responsibility to deliver justice in a timely and fair manner. Improving judicial performance has been a policy goal for governments in the past decades. Delayed cases are a sign of danger for national judiciaries. A judgment is only effective when completed in a fair interval of time but not rushed. Today, there are countless and innumerable arrears in national courts and

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https://commission.europa.eu/document/download/a3e5a6f3-2dc4-403a-94ea-af42177813e9_en?filename=31_1_58067_coun_chap_cyprus_en.pdf > last accessed on 22 November 2024.

[63] Bowers, Josh, and Paul H. Robinson. "Perceptions of fairness and justice: The shared aims & occasional conflicts of legitimacy and moral credibility." *Wake Forest Law Review* 47 (2012): 11-13; Stancil, Paul. "Substantive equality and procedural justice." *Iowa L. Rev.* 102 (2016): 1633; Rhode, Deborah L. *Access to justice*. Oxford University Press, 2004; A Marcou and K Kalaitzaki, 'Rule of Law and European Values: Beyond the state of the art analysis' (CRoLEV WP 31 August 2022) < https://crolev.eu/wp-content/uploads/2022/10/CRoLEV-Deliverable-D.3.1-31-August-2022-FINAL.docx.pdf > last accessed on 22 November 2024. Also cite the impact assessment

[64] Ibid.

[65] Ibid.

[66] Scordino v Italy (no 1) [GC], App no 36813/97 (ECtHR, 29 March 2006) § 224

[67] Bottazzi v Italy [GC], App no 34884/97 (ECtHR, 28 July 1999) § 22; Scordino v Italy (no 1) [GC], App no 36813/97 (ECtHR, 29 March 2006) § 225

more so in the administrative courts in the Republic of Cyprus. In Cyprus, the International Protection Administrative Court (IPAC) started to formally operate in June 2019, and since then has been overwhelmed by a surge in asylum appeals. By early 2023, it was reported that the court faced a backlog of approximately 20,000 cases, with around 10,000 new claims being filed each year.[68] This influx is largely attributed to a significant increase in asylum applications, leading the court and contributing to prolonged delays.[69] Moreover, the administrative courts have been hampered by systemic issues, including staffing shortages and inadequate infrastructure. All the above, alongside the lack of a digital tool and an electronic case management system, and the delayed implementation of reforms, have exacerbated the problem.[70]

In his 2016 State of the Union Speech, the then European Commission President Jean-Claude Junker emphasised the need and the role of effective justice systems in supporting economic growth and defending fundamental rights: “That is why Europe promotes and defends the rule of law”. A glimpse of the EU Justice Scoreboard is all one needs to realise that improving the effectiveness of national justice systems remains a priority for the EU. Independence, quality, and efficiency are key elements fundamental Treaties of the EU and EU law mechanisms facilitate. For example, Article 81 of the Treaty on the Functioning of the European Union (TFEU) forms part of the Union’s competence in the area of judicial cooperation in civil matters having cross-border implications. This competence is exercised under Article 81(1) TFEU, which provides that

[68] Cyprus Mail, 'Cyprus justice faces “serious efficiency challenges” says EU' (30 September 2020) https://archive.cyprus-mail.com/2020/09/30/cyprus-justice-faces-serious-efficiency-challenges-says-eu/; FastForward, 'Justice Reform Remains Incomplete as District Court Changes Stall' (5 March 2025) https://fastforward.com.cy/policy/justice-reform-remains-incomplete; Cyprus Mail, 'More legal staff to deal with asylum cases' (16 January 2023) https://cyprus-mail.com/2023/01/16/more-legal-staff-to-deal-with-asylum-cases/ > last accessed on 28 June 2025.

[69] Ibid.

[70] Ibid.

the Union shall develop judicial cooperation in civil matters based on the principle of mutual recognition of judgments and decisions in civil and commercial matters.

The provisions under Article 81(2) list specific areas where measures may be adopted to improve civil justice within the Union. For instance Article 81(2)(e) ensures effective access to justice, while Article 81(2)(f) promotes the compatibility of procedural rules among member states when necessary to facilitate cross-border cooperation. Furthermore, Article 81(2)(7) addresses the elimination of obstacles to the proper functioning of civil proceedings, contributing to the objective of establishing an area of freedom, security, and justice, in line with the principle of subsidiarity.

The CJEU has also interpreted aspects of Article 81 TFEU in its case law, particularly in relation to the principle of reasonable time in judicial proceedings as part of effective access to justice. In case *Gambazzi*, the CJEU considered the balance between the procedural autonomy of member states and the Union's commitment to ensuring effective remedies and fair trial standards.[71] Furthermore, in Case *Diageo Brands BV* highlighted how mutual recognition and procedural safeguards should be interpreted in line with fundamental rights, ensuring proceedings do not result in undue delays or procedural disadvantages in cross-border disputes.[72]

Part B – Reasonable Time and the European quora

Before addressing the case law of the European courts on delays in judicial proceedings, it is essential to clarify why the determination of what constitutes a "reasonable time" cannot be reduced to a fixed, uniform timeframe applicable to all cases. Legal systems and procedural realities vary greatly across jurisdictions, case types and factual circumstances. Moreover, setting

[71] Case C-394 Gambazzi [2009] ECR I-2563
[72] Case C-681/13 Diageo Brands BV v. Simiramida [2015] ECR I-0000; See Veraldi, Jacquelyn, and Stephanie Laulhe Shaelou. "The substantive requirements of judicial independence in the EU: lessons from times of crisis." (2021) https://eupopulism.eu/working-paper-series/ and https://cadmus.eui.eu//handle/1814/72058 last accessed on 26 June 2025.

a strict universal limit would risk undermining the fair administration of justice by disregarding the complexity, importance, and sensitivity of individual cases. Instead, both the ECtHR and the CJEU adopt a case-by-case assessment, guided by the principle of proportionality. This principle requires that any delays in proceedings be balanced against legitimate justifications, such as the complexity of the case, the conduct of the parties and authorities involved, and what is at stake for the applicant. Proportionality ensures a nuanced, context-sensitive evaluation, preserving the integrity of the justice system while upholding individuals' fundamental rights. It is therefore indispensable to examine the evolving interpretation of "reasonable time" as developed through the jurisprudence of the Courts. This judicial approach both safeguards procedural fairness and maintains a balance between the efficiency of judicial systems and the quality of justice delivered

Reasonable time in ECtHR and CJEU case-law

The ECtHR

The concept of "reasonable time" as defined in Article 6(1) ECHR is of paramount importance and applies universally, regardless of the parties' status, the nature of the dispute, or the jurisdictional authority involved.[73] The fundamental principle guiding the application of Article 6 is fairness.[74] However, the notion of a fair trial is complex and varies depending on the specific circumstances of each case.[75] The ECHR is considered a living instrument that evolves in line with societal and contextual changes. On a state-by-state basis, the success of the ECHR is contingent on the interaction between the national system and the ECtHR. According to the data available on HUDOC, the Court has found more violations of Article 6 than of any other Convention article.[76]

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[73] Bochan v Ukraine (no 2) [GC], App no 22251/08 (ECtHR, 5 February 2015) § 43; Naït-Liman v Switzerland [GC], App no 51357/07 (ECtHR, 15 March 2018) § 106; Georgiadis v Greece, App no 21522/93 (ECtHR, 29 May 1997) § 34.
[74] Gregačević v Croatia, App no 58331/00 (ECtHR, 10 July 2012) § 49
[75] Ibrahim and Others v the United Kingdom [GC], App nos 50541/08 et al (ECtHR, 13 September 2016) § 250
[76] ECtHR, 'Statistical Reports' < https://www.echr.coe.int/statistical-reports > last accessed on 22 November 2024.

Until before *Kudla v. Poland*,[77] the position of the ECtHR was that Article 6 was a *lex specialis* in relation to Article 13 of the Convention. However, after the case of *Kudla*, there was a shift in the Court's position in that complaints related to the length of the proceeding should, in the first place, be addressed within the national legal system.

The assessment of what constitutes a reasonable time is a well-established procedure by the Court, but the reasonableness of the duration is determined based on the specific facts of each case through an overall evaluation.[78] Article 6 mandates that judicial proceedings be expeditious without being rushed, striking a fair balance that ensures the proper administration of justice. The civil and criminal aspects of Article 6 are not necessarily mutually exclusive, and the Court may assess the applicability of both aspects even if not explicitly raised. However, the jurisprudence indicates that the requirements of a fair hearing under Article 6 are stricter in criminal law, although they may not apply with full stringency in all criminal cases, particularly those involving tax surcharges, minor road traffic offences, or administrative fines for providing premises for prostitution.[79]

In cases where a procedural defect is identified, it is the responsibility of domestic courts to determine whether the shortcoming has been remedied during subsequent proceedings. Failure to conduct such an assessment is prima facie incompatible with the requirements of a fair trial under Article 6 of the Convention.[80] Article 6 encompasses various guarantees, including fairness, protection from adversarial proceedings, equality of arms, public hearings, and the determination

[77] Application no 30210/96 (ECtHR, Grand Chamber, 26 October 2000) https://hudoc.echr.coe.int/eng?i=001-58920 accessed 22 May 2025
[78] Boddaert v Belgium, App no 12919/87 (ECtHR, 12 October 1992) § 36
[79] Moreira Ferreira v Portugal (no 2) [GC], App no 19867/12 (ECtHR, 11 July 2017) § 67; Carmel Saliba v Malta, App no 24221/13 (ECtHR, 29 November 2016) § 67; Marčan v Croatia, App no 40820/12 (ECtHR, 10 July 2014) § 37; Sancaklı v Turkey, App no 13878/07 (ECtHR, 18 December 2018) §§ 43–52.
[80] Mehmet Zeki Çelebi v Turkey, App no 27582/07 (ECtHR, 24 March 2020) § 51

of cases within a reasonable time. Concerning the institutional requirements, these includes the autonomous concept of a "tribunal", which is established by law, the level of jurisdiction of the tribunal, the execution of judgments, the independence and impartiality of a tribunal vis a vis the executive, Parliament, the parties' specific case of judges' independence and the extra-territorial effect of Article 6. Nonetheless, as noted in the introduction, this section will analyse only the issue of reasonable time, which directly relates to the court delays. In doing so, the current section will be divided into two parts. The first part will provide an overview of the general guarantee of the procedural requirement of a reasonable time in criminal matters, and the second part will provide the same overview vis-à-vis civil matters. Relevant case-law directly concerning the Republic of Cyprus will be analysed in the first part of the section

The Court has established some general criteria for assessing the reasonableness of the length of proceedings, namely, the case's complexity, the conduct of the applicant and of the national authorities, and what is at issue for the applicant. Regarding the complexity of the case and the applicant's conduct, these may release the state of its responsibility provided that the reasons for the delays are sufficiently objective not to be attributed to the state and that the domestic authorities have shown sufficient diligence. The European Commission's report states that "The Court examines the reasonable nature of proceedings, with reference (i) to actual verifiable facts and the particular circumstances of each case and (ii) the entire proceedings, which means that timescales which would not be unreasonable when taken separately, become so in combination. However, the Court is also perfectly prepared to find that a specific phase of the proceedings has lasted an excessive length of time."[81] The criteria established by the jurisprudence of the Court are that the commencement of the calculation varies depending on whether the case is civil, criminal, or

[81] ECtHR, 'Guide on Article 6 of the European Convention on Human Rights – Right to a fair trial (civil limb)' < https://rm.coe.int/1680700aaf > last accessed on 22 November 2024.

administrative in nature. In civil cases, the calculation typically begins on the date the case is referred to the court.[82] For criminal cases, the starting point is when the applicant is first accused, which could be the date of arrest, formal charges, or the initiation of a police investigation.[83] In administrative cases, the calculation starts from the date the applicant first brings the matter to the attention of the administrative authorities, including preliminary administrative appeals or internal review appeals.[84] In criminal cases, the court assesses the duration until the final judgment on the substantive charge or the decision by the prosecution or court to terminate proceedings.[85] For civil or administrative matters, the duration is measured until the decision becomes final.[86] Additionally, the Court considers the length of the enforcement procedure, which may lead to a separate finding of a violation in certain cases.

An examination of the jurisprudence of the ECtHR reveals the following principles about the duration of legal proceedings: The typical duration of up to two years per level of jurisdiction in regular (non-complex) cases has generally been considered reasonable. When proceedings have extended beyond two years, the Court scrutinises the case to ascertain whether there are any legitimate grounds, such as the complexity of the case, and whether the national authorities have demonstrated due diligence in the process. In complex cases, the Court may permit a longer duration, but closely monitors periods of inactivity that are excessive. However, the extended

[82] Ibid.
[83] ECtHR, 'Guide on Article 6 – Right to a Fair Trial (criminal limb)' < https://rm.coe.int/1680304c4e > last accessed on 22 November 2024.
[84] Lasha Lursmanashvili, "Reasonable Time Requirement: ECtHR Approach: It is said that:"Justice delayed is justice denied."." *Caucasus Journal of Social Sciences* 11, no. 1 (2018): 141-177; ECtHR, 'Guide on Article 6 of the European Convention on Human Rights – Right to a fair trial (civil limb)' < https://rm.coe.int/1680700aaf > last accessed on 22 November 2024.
[85] Osuna, 'Reasonable Time in the Administration of Justice: A requirement of the European Convention of Human Rights' (Europe of Rights: A compendium on the European convention of human rights Brill Nijhoff, 2012) 177-196.
[86] Ibid; Lursmanashvili, Lasha. "Reasonable Time Requirement: ECtHR Approach: It is said that:"Justice delayed is justice denied."." *Caucasus Journal of Social Sciences* 11, no. 1 (2018): 141-177; ECtHR, 'Guide on Article 6 of the European Convention on Human Rights – Right to a fair trial (civil limb)' < https://rm.coe.int/1680700aaf > last accessed on 22 November 2024.

duration is seldom more than five years and rarely exceeds eight years in total. In priority cases, where a specific issue is at stake, the court may deviate from the general approach and find a violation even if the case lasted less than two years per level of jurisdiction. This may occur, for instance, when the applicant's health is a critical concern or when the delay could have irreversible consequences for the applicant. The only instances in which the Court did not find a violation despite an obviously excessive duration of proceedings were cases in which the applicant's conduct had been a significant factor.

It should be emphasized that the case law of the ECtHR is, in principle, relevant to the application of Article 47 EU Charter, with the CJEU to often cite the ECtHR's jurisprudence.[87] Nevertheless, it does not mean that the ECHR is a legal instrument of the Union (pending EU accession to the Convention). However, corresponding rights by virtue of Article 52(3) of EU Charter, have equivalent meaning and scope.

Criminal Matters

In criminal matters, Article 6 ECHR ensures that individuals have the right to a hearing within a reasonable time. Following *Wemhoff v Germany*[88] and *Kart v Turkey*,[89] the "reasonable time" requirement guarantees that an accused person cannot lie under a charge for too long and that the charge is determined and duly executed.[90] The general rule is that the reasonable time requirement commences when the accused becomes aware of the alleged charge or is substantially affected by

[87] See for example C-562/12 Centre public d'action sociale d'Ottignies-Louvain-La-Neuve v Moussa Abdida (CG), paras 47 and 51.
[88] Wemhoff v. Germany App. No 2125/64 (ECtHR, 27 June 1986) para 18.
[89] Kart v. Turkey App No. 8917/05 (ECtHR, 3 July 2007) para 68
[90] Ramos Nunes de Carvalho e Sá v. Portugal [Application nos 55391/13, 57728/13 and 74041/13 (ECtHR, Grand Chamber, 6 November 2018) < https://hudoc.echr.coe.int/eng?i=001-187861 > accessed 22 May 2025, and Application no 76639/11 (ECtHR, Grand Chamber, 25 September 2018) § 43 < https://hudoc.echr.coe.int/eng?i=001-186350 > accessed 22 May 2025; Selmani and Others v the former Yugoslav Republic of Macedonia, App no 67259/14 (ECtHR, 9 February 2017) § 27

measures taken during criminal investigation proceedings.[91] For example, it can begin from the time of the arrest,[92] the time a person is charged,[93] the time an institution is under investigation[94] or the questioning of an applicant as a witness suspected of the commission of an offence.[95] The concept of a "charge" and the criminal nature of the charge are autonomous notions that must be interpreted within the framework of Article 6. The severity and nature of the penalty, as well as the classification of the action in domestic law, are crucial factors in determining the criminal nature of an offense.

The meaning behind 'charge' is substantive, and it has been previously defined in *Deweer v Belgium*[96] as "the official notification given to an individual by the competent authority of an allegation that he has committed a criminal offence", a definition that also corresponds to the test whether "the situation of the [suspect] has been substantially affected".[97] In practice the definition means that a person arrested on suspicion of having committed a criminal offence, a suspect questioned about their involvement in acts constituting a criminal offence and a person who has been questioned in respect of their suspected involvement in an offence, irrespective of the fact that they were formally treated as a witness as well as a person who has been formally charged with a criminal offence under procedure set out in domestic law, could fall into the definition of 'charged with a criminal offence'. Similarly, a person who was sent a letter from a public prosecutor regarding a settlement or a letter by the public prosecutor containing a settlement advice

[91] Mamič v Slovenia (no 2), App no 75778/01 (ECtHR, 27 July 2006) §§ 23–24; Liblik and Others v Estonia, App nos 173/15 et al (ECtHR, 28 May 2019) § 94
[92] Wemhoff v Germany, App no 2122/64 (ECtHR, 27 June 1968) § 19
[93] Neumeister v Austria, App no 1936/63 (ECtHR, 27 June 1968) § 18
[94] Ringeisen v Austria, App no 2614/65 (ECtHR, 16 July 1971) § 110; Subinsku v Slovenia, App no 19666/04 (ECtHR, 18 January 2007) §§ 65–68
[95] Kleja v Latvia, App no 70939/10 (ECtHR, 5 October 2017) § 40
[96] Ibid
[97] Ibid §§ 42 and 46; Eckle v Germany, App no 8130/78 (ECtHR, 15 July 1982) § 73, and also Ibrahim and Others v the United Kingdom [GC], App nos 50541/08 et al (ECtHR, 13 September 2016) § 110

or the gathering of forensic samples on the crime scene and from the applicant, suggested that the authorities had treated the applicant as a suspect and implicitly and substantially affected the notion of ‘charges with a criminal offence’. Nonetheless, a person who is questioned in the context of a border control and in the absence of any need to determine the existence of a reasonable suspicion of the commission of an offence or in the context of administrative missions, was not considered to fall into the definition of ‘charged with a criminal offence’.[98]

As a general rule, an offence should, by its nature, be regarded as “criminal” from the point of view of the Convention, or that the offence renders the person in question liable to a sanction whose severity and nature belong in general to the “criminal” sphere.[99] According to *Nicoleta Gheorghe v. Romania*,[100] the mere fact that an offence carries the punishment of imprisonment is not in itself a decisive factor, sine the relative lack of seriousness of the penalty at stake cannot divest an offence of its inherently criminal character. Nevertheless, the Court created three criteria which are outlined in *Engel and Others v. the Netherlands*.[101] The starting point is the classification of the action in domestic law. It is a decisive fact whenever domestic law classifies the act as a criminal offence, otherwise the ECtHR will need to examine the substantive reality of the national procedure in question.[102] The following evaluating criterion concerns the nature of the offence. The nature of the offence has many factors that should be taken into consideration:

[98] Beghal v the United Kingdom, App no 4755/16 (ECtHR, 28 February 2019) § 121; Sassi and Benchellali v France, App nos 10917/15 and 10941/15 (ECtHR, 25 November 2021) §§ 70–78.
[99] Lutz v Germany, App no 9912/82 (ECtHR, 25 August 1987) § 55; Öztürk v Germany, App no 8544/79 (ECtHR, 21 February 1984) §§ 53–54
[100] Application no 23470/05 (ECtHR, 3 April 2012) < https://hudoc.echr.coe.int/eng?i=001-110176 > accessed 22 May 2025
[101] Application nos 5100/71, 5101/71, 5102/71, 5354/72 and 5370/72 (ECtHR, Plenary, 8 June 1976) paras 82-83 < https://hudoc.echr.coe.int/eng?i=001-57479 > accessed 22 May 2025
[102] Gestur Jónsson and Ragnar Halldór Hall v Iceland [GC], App nos 68273/14 and 68271/14 (ECtHR, 30 July 2020) §§ 85, 77–78

- whether the legal rule in question is directed solely at a specific group or is of a generally binding character (*Bendenoun v. France*, 1994, § 47);[103]
- whether the proceedings are instituted by a public body with statutory powers of enforcement (*Benham v. the United Kingdom*, 1996, § 56);[104]
- whether the legal rule has a punitive or deterrent purpose (Öztürk v. Germany, 1984, § 53; *Bendenoun v. France*, 1994, § 47);[105]
- whether the legal rule seeks to protect the general interests of society usually protected by criminal law (*Produkcija Plus Storitveno podjetje d.o.o. v. Slovenia*, 2018, § 42);[106]
- whether the imposition of any penalty is dependent upon a finding of guilt (*Benham v. the United Kingdom*, 1996, § 56);[107]
- how comparable procedures are classified in other Council of Europe member states (*Öztürk v. Germany*, 1984, § 53).[108]

The third and final criterion concerns the severity of the penalty that the person risks incurring and it is determined by reference to the maximum potential penalty for which the relevant law provides.**[109]** In *Bendenoum v. France*,[110] the Court held that a cumulative approach may be adopted in cases where separate analysis of each criterion does not make it possible to reach a clear conclusion as to the existence of criminal charges.

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[103] Bendenoun v France, App no 12547/86 (ECtHR, 24 February 1994) § 47
[104] Benham v the United Kingdom, App no 19380/92 (ECtHR, 10 June 1996) § 56
[105] Öztürk v Germany, App no 8544/79 (ECtHR, 21 February 1984) §§ 53–54; Bendenoun v France, App no 12547/86 (ECtHR, 24 February 1994) § 47
[106] Produkcija Plus Storitveno podjetje d.o.o. v Slovenia, App no 47072/15 (ECtHR, 23 October 2018) § 42
[107] Benham v the United Kingdom, App no 19380/92 (ECtHR, 10 June 1996) § 56
[108] Öztürk v Germany, App no 8544/79 (ECtHR, 21 February 1984) §§ 53–54
[109]Campbell and Fell v the United Kingdom, App nos 7819/77 and 7878/77 (ECtHR, 28 June 1984) § 72; Demicoli v Malta, App no 13057/87 (ECtHR, 27 August 1991) § 34
[110] Bendenoun v France, App no 12547/86 (ECtHR, 24 February 1994) § 47

In criminal proceedings Article 6 covers the entire process, including any subsequent appeals.**[111]** Yet, as with all legal rules though there is an exception. For example, in *Nechay v Ukraine*,[112] the applicant's psychiatric internment was decided to be an intervening period that relates to the procedure and was thus discounted from the overall period of the criminal proceedings against the applicant. The ending period lasts at least until acquittal or conviction, even if that decision is reached on appeal and the execution of a judgment given by a competent court must be regarded as an integral part of the trial for the purposes of Article 6.

When determining the reasonable length of criminal proceedings, a set rule is not applicable since every case is different. For that reason, the complexity of a case, the conduct of the applicant and relevant authorities, and the international dimension of the offense are factors considered when determining the reasonable length of criminal proceedings.[113] For example in *Neumeister v Austria*,[114] the offence in question had an international dimension, which meant that the assistance of Interpol and various persons residing abroad was necessary, complicating the process of the case. Usually this category includes white-collar crimes, and international money laundering.[115] Although the complexity of a case may justify some delay or certain lapse of time, a lengthy unexplained inactivity can be unjustified depending on the facts of each case.[116] In *Eckle v. Germany*,[117] the Court specified that while an applicant is not actively required to cooperate with

[111] Delcourt v Belgium, App no 2689/65 (ECtHR, 17 January 1970) §§ 25–26; König v Germany, App no 6232/73 (ECtHR, 28 June 1978) § 98; V v the United Kingdom [GC], App no 24888/94 (ECtHR, 16 December 1999) § 109
[112] Nechay v. Ukraine App. no. 15360/20 (ECtHR, 1 July 2021)
[113] König v Germany, App no 6232/73 (ECtHR, 28 June 1978) § 99; Neumeister v Austria, App no 1936/63 (ECtHR, 27 June 1968) § 21; Ringeisen v Austria, App no 2614/65 (ECtHR, 16 July 1971) § 110; Pélissier and Sassi v France [GC], App no 25444/94 (ECtHR, 25 March 1999) § 67; Pedersen and Baadsgaard v Denmark, App no 49017/99 (ECtHR, 17 December 2004) § 45; Chiarello v Germany, App no 497/17 (ECtHR, 8 October 2019) § 45; Liblik and Others v Estonia, App nos 173/15 et al (ECtHR, 28 May 2019) § 91
[114] Ibid.
[115] C.P. and Others v France, App no 36009/97 (ECtHR, 5 April 2000) § 30; Arewa v Lithuania, App no 42202/14 (ECtHR, 22 July 2021) § 52
[116] Rutkowski and Others v Poland, App nos 72287/10 et al (ECtHR, 7 July 2015) § 137; Adiletta and Others v Italy, App no 15966/89 (ECtHR, 9 February 1991) § 17.
[117] Eckle v Germany, App no 8130/78 (ECtHR, 15 July 1982) § 73

the judicial authorities, their conduct which is an objective fact in each case cannot be attributed to the respondent state in the context of Article 6. In *Eckle* and in the *Ringeisen v. Austria*,[118] the systemic challenge of judges by the applicant held to be a deliberate obstruction. Similarly, an applicant's state of health cannot be attributed to a substantial delay.[119] Concerning the conduct of the relevant authorities, the general rule is that each state has the obligation to organise their judicial systems in a way that their courts can meet each requirement and obligation.

Civil matters

In 2022, the Grand Chamber of the ECtHR summarised the applicability of Article 6(1).[120] Firstly, in civil matters, the applicability of Article 6(1) depends on the existence of a genuine and serious dispute relating to a recognized right under national law. Secondly, the dispute must relate to the actual existence of a right, its scope and the matter of its exercise. Thirdly, the result of the proceedings must be directly decisive for the "civil" right in question, mere tenuous connections or remote consequences not being sufficient to bring Article 6 § 1 into play.[121]

Recent ECtHR Jurisprudence on Cyprus

In recent years, the ECtHR has intensified its scrutiny of the Republic of Cyprus's judicial system, particularly in procedural delays, ineffective legal remedies, and entrenched structural deficiencies. The following section provides a doctrinal analysis of the most recent and significant judgments against Cyprus, offering a detailed exploration of their legal significance and their implications for the Rule of Law within the Cypriot legal order.

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[118] Ringeisen v Austria**,** App no 2614/65 (ECtHR, 16 July 1971) § 110
[119] Yaikov v Russia**,** App no 39317/05 (ECtHR, 18 June 2015) § 76
[120] Grzęda v Poland [GC], App no 43572/18 (ECtHR, 15 March 2022) §§ 257–259
[121] Károly Nagy v Hungary [GC], App no 56665/09 (ECtHR, 14 September 2017) § 60; Regner v the Czech Republic [GC], App no 35289/11 (ECtHR, 19 September 2017) § 99; Naït-Liman v Switzerland [GC], App no 51357/07 (ECtHR, 15 March 2018) § 106; Denisov v Ukraine [GC], App no 76639/11 (ECtHR, 25 September 2018) § 44.

The judgment in Altius Insurance Ltd v Cyprus (2024)[122] further exposed systemic delays within the Cypriot judicial system. The Court identified violations of Article 6 for excessive delays and Article 13 for the absence of an effective remedy capable of addressing the overall length of proceedings. Of particular significance was the Court's rejection of Cyprus's procedural fragmentation in addressing delay claims under Law 2(I)/2010,[123] which it deemed incompatible with the Convention's requirements. The ECtHR clarified that an effective remedy must account for the total duration of proceedings across all judicial instances, in line with Article 13 and the Court's jurisprudence in Scordino v Italy.[124] The implications for the Rule of Law in Cyprus are substantial, as this decision highlights the failure of existing mechanisms to uphold legal certainty, procedural predictability, and timely justice, necessitating urgent legislative reform to consolidate fragmented remedies into a single, effective framework.

In Irodotou v Cyprus (2023),[125] the Court identified serious flaws in the handling of private criminal proceedings, finding violations of Article 6 for excessive delays and of Article 13 for the lack of a remedy against the discontinuation of prosecutions by the Attorney General through *nolle prosequi* decisions. Doctrinally, the Court condemned the absolute immunity of the Attorney General's discretion, ruling it incompatible with the principles of legal certainty and the right to a fair trial. The ECtHR stressed that while prosecutorial discretion is a legitimate feature of criminal justice systems, it cannot be exercised in a manner entirely shielded from judicial oversight, particularly when it directly affects the rights of private complainants seeking access to justice.

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[122] Application no 41151/20 (ECtHR, Third Section, 24 October 2023) <
https://hudoc.echr.coe.int/eng?i=001-144151 > accessed 22 May 2025

[123] The Law Providing for an Effective Remedy in Cases of Excessive Length of Court Proceedings of 2010, Law 2(I)/2010

[124] Scordino v Italy (no 1) [GC], App no 36813/97 (ECtHR, 29 March 2006)

[125] Irodotou v Cyprus**,** App no 16783/20 (ECtHR, 23 August 2023)
<https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-224776%22]} > accessed 21 November 2024

This absolute, unreviewable discretion was found to create a structural imbalance, denying individuals an effective remedy against potentially arbitrary or disproportionate decisions, thereby breaching Article 13 ECHR as well.

The broader implications for the Rule of Law are significant because the case exposes a constitutional anomaly in the Cypriot legal system. Unlike most European jurisdictions, where prosecutorial decisions can be subject to judicial review, Cyprus maintains an entrenched system of absolute prosecutorial immunity, stemming from its colonial-era Constitution. This entrenched constitutional anomaly undermines both procedural fairness and public accountability in criminal justice, by enabling a single executive official to unilaterally terminate proceedings without justification or the possibility of legal change. It risks fostering legal uncertainty and eroding public trust in the impartiality and transparency of the justice system. The Court's ruling thus illustrates the urgent need to introduce judicial review mechanisms over prosecutorial decisions, particularly in contexts involving private criminal proceedings, to ensure alignment with European human rights standards and the foundational tenets of the Rule of Law.

Furthermore, the Court's decision in Krashias and Others v Cyprus (2023)[126] revisited the excessive duration of criminal proceedings, further violating Article 6. Notably, the Court reaffirmed that, under its jurisprudence, national courts must explicitly quantify and reason any sentence reductions attributed to procedural delays. This is a necessary procedural precondition for the ECtHR to deny victim status under Article 34 ECHR. The judgment demonstrated ongoing deficiencies in sentencing transparency and accountability within the Cypriot courts. From a Rule of Law standpoint, the absence of clear criteria and consistent procedural safeguards for addressing

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[126] Application no 225319/22 (ECtHR, Chamber judgment, 27 February 2025) <https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-225319%22]} > accessed 22 May 2025

delays in sentencing continues to erode public trust and undermine the principle of equality before the law.

Finally, Souroullas Kay and Zannettos v Cyprus (2024)[127] concerned evidentiary issues in a corruption trial. While the Court upheld the admissibility of accomplice testimony, dissenting opinions (most notably that of Judge Serghides) raised critical concerns about selective evidentiary acceptance practices and their implications for procedural fairness. Although the case did not result in a finding of a violation, its pending Grand Chamber referral underscores ongoing judicial controversies surrounding fair trial standards in Cyprus. It also illustrates how procedural uncertainties and selective evidentiary practices can undermine the Rule of Law and public confidence in judicial impartiality, particularly in politically sensitive cases.

The cumulative effect of these judgments illustrates a consistent pattern of structural weaknesses in Cyprus's judicial system. Taken together, they reveal a systemic failure to deliver justice within a reasonable time, to guarantee fair trial standards, and to provide effective domestic remedies, as required under the Convention and general principles of the Rule of Law. This paper offers some recommendations to mitigate the challenges (see next sections).

The CJEU case-law

Ever since the adoption of the Charter of Fundamental Rights of the European Union, it has become even more apparent that the Union, through its institutions, and laws, prioritise the protection of human rights. As mentioned in the introduction, the Charter provides for the right to a fair trial within a reasonable time. While the extensive jurisprudence of the ECtHR has provided for many years the key guidance to the interpretation of reasonable time and the right to a fair trial

[127] Application no 1618/18 (ECtHR, Chamber judgment, 26 November 2024)

within the Council of Europe and the EU, respectively, the CJEU have also started to build its jurisprudential analysis.[128] As one of the general principles of EU law enshrined in Article 47 EU Charter, the right to a fair trial is interpreted and implemented with significance. While the CJEU draws inspiration from the ECtHR, and as the ECHR does not bind it, it has also developed such jurisprudence, especially in competition law. In *Europese Gemeenschap v Otis NV and others*,[129] the CJEU stated that Article 47 EU Charter secures in the EU law the protection afforded by Article 6(1) ECHR and that was therefore necessary to refer only to Article 47. In *Baustahlgewebe,*[130] the CJEU recognised the violation of the right by the Court of First Instance (now General Court) by declaring that the reasonableness of the time of the trial must be appraised in the light of the unique circumstances of each case, the complexity of the case, and the conduct of the applicant and competent authorities. It should be emphasised that EU law is not confined to disputes relating to civil law rights and obligations since it is a community based on the rule of law.[131] Still, other than their scope, the guarantees afforded by the two instruments are deemed equivalent.

In *Der Grüne Punkt - Duales System Deutschland v Commission*,[132] the Court decided that there had been an infringement of the right to trial within a reasonable time. The case arose from a prolonged procedure before the EU courts, where the applicants argued that the excessive delay violated their rights under Article 47 EU Charter and Article 5 ECHR. However, it also required a separate action for damages to be lodged before the General Court. In addressing this procedural issue, by analysing the principles of effective judicial protection, the CJEU asserted that an

[128] C-199/11 Europese Gemeenschap v Otis NV and Others [GC] Judgment of 6 November 2012.
[129] Case C-199/11 Europees Gemeenschap v Otis NV and Others [GC] ECLI:EU:C:2012:684
[130] Baustahlgewebe GmbH v Commission of the European Communities Case C-185/95 P, Judgment of 17 December 1998, ECLI:EU:C:1998:608, [1998] ECR I-8417 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61995CJ0185 accessed 22 May 2025
[131] Case 294/83 'Les Verts' v European Parliament [1986] ECR 1339; Laulhé Shaelou,*The EU and Cyprus: principles and strategies of full integration* (vol. 3, Studies in EU External Relations, Brill/Martinus Nijhoff Publishers, Leiden, 2010) (ISBN 978-90-04-17619-5) I-400
[132] Der Grüne Punkt - Duales System Deutschland v Commission, Case C-385/07 P ECLI:EU:C:2009:456.

effective remedy had to be available. The remedy requested by the applicants was to set aside the appeal's judgment. Yet, the Court found that it would not remedy the infringement because setting aside the judgment would neither erase the delay not compensate from the harm caused by it and decided that a claim for damages brought against the EU under Articles 268 and 340(2) TFEU did constitute an effective remedy that should have been made directly to the General Court.

This doctrinal approach was subsequently confirmed and elaborated in the landmark cases of *P. Kendrion v Commission, P. Groupe Gascogne v Commission and P. Gascogne Sack Deutschland v Commission*.[133] In these cases, the applicants similarly claimed violations of their right to a hearing within a reasonable time and sought remedies for the procedural delay. The Court reiterated its position that the appropriate remedy would be a separate action for damages under Articles 268 and 340(2) TFEU, rather than the annulment of prior judgments or other forms of procedural correction.

Nevertheless, this remedy also means that if the General Court has violated a party's right to a hearing within a reasonable time, that party will have to seek judicial protection and just compensation before that same court, creating a sense of lack of impartiality as there is no guarantee that a different composition of the General Court will decide in the action on damages. This situation raises concerns about institutional impartiality, as it forces the injured party to rely on the same judicial body to assess the harm caused by its own procedural shortcomings. The Court has thus been criticised for not providing for an alternative, external or higher judicial review mechanism in such instances, which might better satisfy the requirements of impartiality and effective judicial protection under EU law.

[133] P Kendrion v Commission**,** P Groupe Gascogne v Commission**, and** P Gascogne Sack Deutschland v Commission**,** Cases C-50/12 P, C-58/12 P, C-63/12 P ECLI:EU:C:2013:771

Nevertheless, the CJEU has continued to face challenges in managing its caseload in recent years, leading to persistent backlog. In 2023, the General Court received 1,271 new cases, including a series of 404 essentially identical cases related to the supplementary pension scheme for members of the EU Parliament. Excluding these, the net number of new cases stood at 868.[134] The Court managed to close 904 cases, resulting in a slight reduction in pending cases to 1,438 by the end of the year. The average duration of proceedings seemed to have sightly increased to 18.2 months, up from 16.2 months in 2022. Notably, the duration varied significantly depending on the case type.

The judicial procedure of the Court of Justice involves several steps where institutional features can potentially cause delay. These include the workload of judges and Advocates General, the Court's investment in case management systems to help Judge-Rapporteurs, the size of the panel hearing the case, the translation requirements, and whether there is an AG opinion. In 2023, 13.6% of cases were closed by extended five-judge formations, indicating an upward trend in referrals to extended formations, which can contribute to longer proceedings.

Consequently, unsurprisingly, scholars, EU officials, and the CJEU have proposed reforms designed to expedite the review of cases and reduce the backlog. Reform proposals have focused on expanding resources, dividing the work among the judges through the system of chambers, and procedural adjustments, such as reducing the use of AG opinions. Additionally, the full implementation of the General Court's reform, which doubled the number of its judges, also in the light of the 2024 reform on preliminary rulings, aim to enhance its capacity to handle the increasing caseload efficiently. As a member state of the EU and of the Council of Europe, the Republic of

[134] Court of Justice of the European Union, Annual Report 2023 – Judicial Activity (CJEU 2024) <https://curia.europa.eu/jcms/jcms/P_97330/en/ > accessed 21 May 2025.

Cyprus is bound to follow these rules and uphold higher standards for the Rule of Law, democratic values and human rights protection

Part C – The Judicial Backlog in the Republic of Cyprus: A Cautionary Tale

I. The Pre-Reform Structure and Organization of the Cyprus Judicial System

Historically, under English law, the island was part of the British Empire's protectorate (1878-1914).[135] It was then annexed to the Crown in 1914, becoming a colony (1914-1925).[136] Eventually, it was awarded the title of a Crown Colony (1925-1960) until it gained independence.[137] The island was subject to English rule throughout that period while retaining certain aspects of its previous rulers' legal systems. The justice system in the Republic of Cyprus is primarily based on English common law.[138] However, it is considered a uniquely mixed legal system due to the influence of civil law in certain areas, such as contract law.[139] The Constitution of the Republic of Cyprus has a bi-communal nature, with Greek-Cypriot and Turkish-Cypriot communities. The law of necessity has disrupted the constitutional legal order since the 1963 constitutional crisis and the 1974 Turkish invasion and occupation of territories of the Republic.[140] After the withdrawal of the Turkish Cypriot community from various posts in 1963, the Supreme Court of Cyprus provided a margin of manoeuvre for the continuation of a functional state under

[135] Hook, Gail Ruth. "Britons in Cyprus, 1878-1914." (2009); Heacock, 'The Framing of Empire: Cyprus and Cypriots through British Eyes, 1878-1960' (Cyprus Review 23(2)), 21-37; Hatzimihail, Nikitas E. "Cyprus as a mixed legal system." *J. Civ. L. Stud.* 6 (2013): 37.
[136] Ibid
[137] Ibid
[138] Κρίτωνος Γ Τορναρίτη, Ιδιορρυθμίες του Κυπριακού Συντάγματος και Επιπτώσεις στην Ομαλή Λειτουργία του Κράτους (Λευκωσία 1980) (in Greek).
[139] Hatzimihail, Nikitas E. "Cyprus as a mixed legal system." *J. Civ. L. Stud.* 6 (2013): 37.
[140] Κρίτωνος Γ Τορναρίτη, Ιδιορρυθμίες του Κυπριακού Συντάγματος και Επιπτώσεις στην Ομαλή Λειτουργία του Κράτους (Λευκωσία 1980) (in Greek)

the doctrine of necessity in the *Mustafa Ibrahim* case in 1964, allowing for a "restored" order within the country.[141]

Since then and prior to the recent reforms, Cyprus had a two-tier system. The Supreme Court succeeded the Supreme Constitutional Court and the High Court. It served as the final court of appeal and had jurisdiction over constitutional matters. The other organs of justice include the District Court, which has jurisdiction to hear and determine first-instance civil disputes, excluding disputes falling under the jurisdictions of specialised courts such as the Family Court, Rent Control Tribunal, and Industrial Dispute Tribunal. Nevertheless, as will be seen later, in the light of reforms, new specialised courts were created, and the Supreme Constitutional Court was reinstated. Criminal cases that involve severe penalties and are of the most serious nature, such as sexual violence and murder, are heard by the Assize Court. The District Court and specialised courts operate under the control and supervision of the Supreme Court. They have jurisdiction to hear, at first instance, civil cases where the cause of action has arisen wholly or in part within the limits of the district where the court is established or where the defendant resides or carries on business within that District. On the one hand, the District Courts have jurisdiction to try, at first instance, all offences punishable with imprisonment for a term not exceeding five years or with a fine not exceeding 85,000, or both, summarily. On the other hand, the Assize Courts have unlimited jurisdiction to try, at first instance, all criminal offences punishable by the Criminal Code (Cap. 154) or any other law, and they have the power to impose the maximum sentence provided by the relevant law. According to 2021 data, there are 12 courts of general jurisdiction (including 5 assize courts) and 19 specialised courts (legal entities). The total number of courts as geographic

[141] Papastylianos, Christos. "The Cypriot doctrine of necessity within the context of emergency discourse: How a unique emergency shaped a peculiar type of emergency law." *Cyprus Review* 30, no. 1 (2018): 113-143.

locations is 31.[142] All the above are the pre-reform numbers, as no information was available post-legal reforms. Thus, the figures might differ post legal reform.

The management of the courts is administered by the Supreme Court, which has the overall responsibility and is accountable for using public funds assigned to the courts. There is an Administrative President in each District Court (the most senior judge in the District). The Supreme Court has a Chief Registrar, the head of the judicial and administrative staff. The Chief Registrar is responsible for the daily administration of courts. Until today, large parts of the filing and the management of the courts are paper-based, and ICTs were only recently utilised, making the management process weak and demanding.

Despite the *de facto* division of the island due to the 1974 invasion and occupation, the Republic of Cyprus acceded to the EU in May 2004 as one island, and a unique legal regime was designed for Cyprus within the EU.[143] More specifically, the Union *acquis* was suspended in territories not under the effective control of the government of the Republic of Cyprus due to the ongoing occupation of the territory of the Republic of Cyprus by Turkey on the island of Cyprus. Simultaneously, EU law became selectively applicable in the Sovereign Base Areas (SBAs) located on the island of Cyprus. This was done to ensure equal treatment of Cypriots living and working in the SBAs and other Cypriots in the Republic.[144]

Within this background, several EU reports highlight serious deficiencies within the Cypriot judicial system's operation, including the European Council Recommendation of 11 July 2017. The report noted that "Cyprus has been taking measures to reinforce its judicial system but

[142] 'Judiciary at a glance in Cyprus' (2021 data) <https://rm.coe.int/cyprus-2021-data-/1680ab89b2> last accessed on 22 November 2024.
[143] Laulhé Shaelou,*The EU and Cyprus: principles and strategies of full integration* (vol. 3, Studies in EU External Relations, Brill/Martinus Nijhoff Publishers, Leiden, 2010) (ISBN 978-90-04-17619-5) I-400
[144] Ibid.

continues to face serious challenges regarding its efficiency. Inefficient court procedures and limited capacity lead to significant delays in processing court cases." In the same way, Opinion 1060/2021 of the European Commission for Democracy through Law (Venice Commission)[145] noted that "the main problem is the enormous backlog of cases pending before the courts and the average time it takes to get a final judicial decision in any given case."

Significant delays of up to 4 years in courts of first instance and a further delay of up to 5 years on appeals led to a situation where the State was required by the ECtHR to pay damages to citizens impacted by those delays in *Mavronichis v Cyprus* in 1997.[146] This requirement was also reiterated more recently in *Irodotou v Cyprus*.[147] Yet, the issue remains even more prominent. The distribution between first-instance general jurisdiction courts and first-instance specialised courts is 36,7% - 63,3%, which is different from the distribution tendency in the EU, which is 72,8% - 27,2%.[148] In 2021, the Children in Conflict with the Law, Law of 2021 (Law 55/21) was enacted, providing for establishing a juvenile court in each district of the Republic. Family, Labour and rent control courts have been established in one more district.[149]

[145] Venice Commission, Opinion No. 1060/2021 CDL-AD(2021)043, Opinion on the Draft Law on the Reform of the Judicial System of the Republic of Cyprus, adopted at the 129th Plenary Session (10–11 December 2021) https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)043-e accessed 22 May 2025
[146] Case of Mavronichis v. Cyprus Application no 28054/95 (ECtHR, Chamber judgment, 24 April 1998) https://hudoc.echr.coe.int/eng?i=001-58102 accessed 22 May 2025
[147] Irodotou v Cyprus, App no 16783/20 (ECtHR, 23 August 2023) <https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-224776%22]} > accessed 21 November 2024
[148] Judiciary at a glance in Cyprus' (2021 data) 4 <https://rm.coe.int/cyprus-2021-data-/1680ab89b2> last accessed on 22 November 2024.
[149] The Children in Conflict with the Law, Law (Law 55(I)/2021)

II. The History of the Backlog in the Republic of Cyprus

Delays in the Republic of Cyprus courts have been a recurring issue. The number of pending cases increases by a few hundred each year, leading to a significant increase in the overall volume of delayed cases.

Reports explained that the possible causes of the backlog vary from the disproportionate number of justices compared to the judicial demand, the administrative inability of the courts, the obsolete Civil Procedure Institutions and their ineffective implementation, the gradual decrease in the productivity of judges, due to the complexity of the cases, the introduction of European Law, improper time management and improper case management.[150] Further reasons include the lack of adequate supervision of each Judge's productivity, the lack of training, and the delay in acknowledging all the above deficiencies. Lawyers similarly cause unreasonable delays through their frequent and pressing requests for adjournment of hearings and the slack manner of granting such adjournments by many first-instance Judges, resulting in a procrastination culture. In addition, the lack of publicity of statistics, analysis of such statistical data and the suspension of the Annual Report of the Supreme Court publication led to the delayed identification of the problem[151]

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[150] Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021, 10 < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024; Functional Review of the Court System of Cyprus (Technical Assistance Project 2017/2018 IPA Ireland, March 2018) < https://www.cyprusbarassociation.org/files/publications/Functional_Review_of_Courts_System_of_Cyprus_IPA_Ireland_-_Final_Report.pdf > last accessed on 22 November 2024.

[151] Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021, 10 < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%C

A disproportionate increase in delays was observed between 2010 and 2013, a period which marked the peak of the financial crisis in Cyprus, which resulted in the submission of numerous cases in District courts. Unprepared as it was to receive and deal with the increased workload, the judicial system was overwhelmed. Tremendous pressure was created by the extensive cases in the judicial pipelines, raising concerns among Europeans.[152] For this reason, in 2016, the Supreme Court presented a reform Report to the then-President of the Republic of Cyprus. The government publicly expressed its political commitment to support the reform of the Cypriot courts. In summary, the Supreme Court report attempted to identify the ongoing challenges faced by the judiciary and request technical support from the European Commission.[153] The application for technical support was submitted and accepted at the end of 2016. Nevertheless, 4 years after the received request, Erotokritou's report on the backlog noted that "several funded projects were completed, and several measures for the implementation of more have been decided but not yet implemented, despite the significant efforts being made by the Supreme Court and the Ministries of Finance and Justice, respectively."[154] The report indicated that despite the reasonably high level

E%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024.

[152] Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021 < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024.

[153] Έκθεση καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου Επαρχιακών Δικαστηρίων < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 23 November 2024.

[154] Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021, 10 <

of justice delivery, the system remains in collapse, mainly due to the large backlog. Similar to previous reports, the Supreme Court Report 2016 identified backlog as the biggest problem faced by the Courts.[155] The findings showed that the excessive workload of Judges, the lack of a sufficient number of judges, and the non-modernization of the judicial system, especially concerning the Civil Procedure Rules, were among the most important causes of the issue.[156] For these reasons, in 2017, the EU Justice Scoreboard indicated that while judicial independence was perceived as high, achieving greater efficiency in the judicial system remained a severe challenge due to the backlog.[157] It was further denoted that the length of court proceedings in Cyprus remained amongst the longest in the EU, with the longest being in litigious civil and commercial cases.[158] Similarly to the 2016 Supreme Court Report, the 2017 Scoreboard emphasised that there were serious deficiencies concerning the availability and use of information communication technologies, ADR and that standards on timing for case management or other performance measures were lacking.[159]

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http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024.

[155] Έκθεση καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου Επαρχιακών Δικαστηρίων < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 23 November 2024.

[156] Ibid.

[157] The 2017 EU Justice Scoreboard < https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en > last accessed on 22 November 2024.

[158] Ibid.

[159] The 2017 EU Justice Scoreboard < https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en > last accessed on 22 November 2024.

Thus, it was necessary to bring in external experts who prepared a Functional Review Report in 2018. The "Functional Review of the Courts System of Cyprus" was prepared by the Irish Institute of Public Administration (IPA) Technical Assistance Project 2017/2018 and was supported by the Structural Reform Support Service (SRSS) of the European Commission.[160] The IPA Report acknowledged the deficiencies as mentioned in internal and external reports and explicitly noted that the efforts of the Cypriot government to resolve the issue through the implementation of several measures, which included **t**he establishment of an Administrative Court; the **a**mendment of Order 25 and Order 30 of the Rules of Civil Procedure to provide the judiciary with a more active role while introducing simplified and more expeditious procedures for claims under €3,000. New legislation limiting the right to appeal against interlocutory orders was also introduced alongside the increased court fees as a preventive measure.

Further measures planned, or which were already in progress by the end of 2018, not directly part of the functional review, included the establishment of a Commercial Court, the introduction of the E-Justice system, **t**he establishment of the Administrative Court of International Protection, the revised Civil Procedure Rules and the development of a Judicial Training School".[161]

The Administrative Court was established by the Establishment and Operation of the Administrative Court Law 2015 (Law 131(I)/2015). Furthermore, the legislation that limits the right to appeal against interlocutory orders was introduced through amendment 109(I)/2017 of the Court Law 14/60 on July 21, 2017. The IPA's report identified the delay in the appeals hearing as

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[160] Functional Review of the Court System of Cyprus (Technical Assistance Project 2017/2018 IPA Ireland, March 2018) < https://www.cyprusbarassociation.org/files/publications/Functional_Review_of_Courts_System_of_Cyprus_IPA_Ireland_-_Final_Report.pdf > last accessed on 22 November 2024.

[161] Functional Review of the Court System of Cyprus (Technical Assistance Project 2017/2018 IPA Ireland, March 2018) < https://www.cyprusbarassociation.org/files/publications/Functional_Review_of_Courts_System_of_Cyprus_IPA_Ireland_-_Final_Report.pdf > last accessed on 22 November 2024.

a significant challenge in the Supreme Court. According to the report, establishing the Administrative Court in 2017 has helped alleviate the phenomenon. Following the transfer of the Supreme Court's original jurisdiction under Article 146 of the Republic of Cyprus to the Administrative Court, one week a month was released from the workload of the Supreme Court. However, "the problem of delay remains chronic," and "the data presented in this report shows that the problem has been getting worse yearly".[162] The average waiting time for an appeal was 5.8 years at the beginning of 2016 and increased to 6.3 years by the end of the year. The increase was attributed to the inflated workload caused by the financial crisis and the complexity of the caseload. In its executive summary, the report noted limited or no structured management processes for various areas, including business planning, production and analysis of management information, development of training or staffing plans, and opportunities for structured engagement with ICT development or building plans.[163] The lack of a formal management process undoubtedly contributed to developing the current critical problem of delays. The system, as it stood, could not systematically analyse trends, identify problems before they become critical, and generate and implement solutions once problems are identified. Additionally, the IPA report emphasised the importance of considering the effective and efficient utilisation of judicial time to enable judges to address high-priority issues. Simultaneously, the IPA report highlighted that the registry accommodation and storage space at the Supreme Court needed urgent improvement, as the problems regarding the delays in receiving court proceeding transcripts promptly also need to

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[162] Functional Review of the Court System of Cyprus (Technical Assistance Project 2017/2018 IPA Ireland, March 2018) < https://www.cyprusbarassociation.org/files/publications/Functional_Review_of_Courts_System_of_Cyprus_IPA_Ireland_-_Final_Report.pdf > last accessed on 22 November 2024.

[163] Functional Review of the Court System of Cyprus (Technical Assistance Project 2017/2018 IPA Ireland, March 2018) < https://www.cyprusbarassociation.org/files/publications/Functional_Review_of_Courts_System_of_Cyprus_IPA_Ireland_-_Final_Report.pdf > last accessed on 22 November 2024.

be addressed.[164] Similarly, a significant challenge faced by the Courts of First Instance and specialised courts was identified and related to the delay in hearing cases that proceed to trial. This issue, however, was most prominent in civil disputes and not as much in criminal cases since the latter are generally prioritised. The extent of delays varied across districts, ranging from 1 to 7 years.[165] The delays were substantial between 2010 and 2016, with an increase of 83% especially in appellate and administrative courts. The increase was again attributed to the financial crisis and the complexity of the cases. These cases involved significant levels of discovery and lengthy dispositions. In the specialised courts, the backlog was not as critical, except for the Industrial Disputes Court. Similarly to its predecessor, the IPA report found an urgent need to revise Civil Procedure Rules and provide recommendations for ICT support and IT-based filing and tracking while attributing the lack of statistical and management information to the lack of filing, making monitoring compliance with directions impossible. Following all the above reports and recommendations, and programs and the implemented measure, the 2021 Scoreboard on the usage of ICT tools of courts in Cyprus revealed that by that time, there were still no available tools and data while quality standards were determined for the judicial system at national level (e.g. quality systems for the judiciary and judicial quality policies) in the midst of the pandemic.[166] However, no specialised personnel within the courts or the public prosecution services are entrusted with implementing these national-level quality standards.[167]

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[164] Functional Review of the Court System of Cyprus (Technical Assistance Project 2017/2018 IPA Ireland, March 2018) < https://www.cyprusbarassociation.org/files/publications/Functional_Review_of_Courts_System_of_Cyprus_IPA_Ireland_-_Final_Report.pdf > last accessed on 22 November 2024.
[165] Ibid.
[166] The 2021 EU Justice Scoreboard < https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en > last accessed on 23 November 2024.
[167] Judiciary at a glance in Cyprus <https://rm.coe.int/cyprus-2021-data-/1680ab89b2.> last accessed on 23 November 2024.

Due to the backlog, parties do not expect the case to proceed on the set date. Thus, the dates set for trials are not considered credible, creating a situation where, regularly, neither party is fully prepared to proceed, and the cases are adjourned. The shortage of appropriately skilled staff (e.g., stenographers, legal support/research) created even more challenges. Concerning the ADR methods, the Certain Aspect of Mediation in Civil Matters Law of 2012 (Law 159(I) of 2012) provides the framework for using ADR in civil disputes. Nonetheless, it is rarely used as the decision to use ADR is voluntary, and legal practitioners and litigants are reluctant to try amicable settlements. The 2021 Scoreboard stresses that information about the number of registered court-related mediators and court-related mediation procedures is unavailable.[168] This lack of transparency can be attributed to the limited use of IT and ICT tools,[169] and possibly to a lack of coordination.

Since there is little use of IT-based filing and tracking to help with the cultivation of up-to-date information, a widespread lack of transparency and data information is evident throughout the reports of the European Commission regarding court delays, which prevents us from accurately demonstrating and understanding the actual situation and magnitude of the problem. Basic information on the role and functions of the courts, or the daily court list, is not available to the public, and the use of ICT between courts and lawyers is one of the lowest in the EU according to the 2017 EU Justice Scoreboard European Commission.[170] The most recent available statistics regarding the District Courts pertain to the registered, processed, and pending cases from 2002 until December 31, 2020, and are analysed in Erotocritou's report. This specific report divides the analysis into three categories: cases registered, cases processed, and productivity of judges.

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[168] Ibid.
[169] Ibid.
[170] The 2017 EU Justice Scoreboard < https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en > last accessed on 23 November 2024.

Regarding the registered cases, the report notes that since 2002, the number of cases in the District Courts has steadily decreased. While in 2002, 32.852 cases were submitted, in 2020, only 11.689 were submitted (i.e., a 64.5% reduction of the registered cases in 20 years).[171] Concerning the cases being processed, the report noted that there was expected to be a corresponding reduction in their number. Indeed, there was a decrease amounting to 69.7%. While there was a decrease of approximately ⅓ in the registered and processed cases, there was no increase in the performance or the productivity of the judiciary "[…] on the contrary, there is a significant decrease in the number of cases heard by the Courts, resulting in a parallel increase in the cases pending before the Courts".[172] This finding arguably does not reflect on the conscientious work of the judiciary but on the fact that despite the efforts, the results are not as expected because the judiciary does not have the required tools to be productive and efficient. For example, the Civil Procedure Rules may not help them, they may not adequately manage their time, or more training may be needed. To apprehend what plagues the courts, it should be clarified that each year, on average, a large percentage of cases are withdrawn either because of a compromise between the parties or with issuing a decision in the absence of the defendant approximately 1-2 years after they are submitted. Consequently, there is an approximation between 95-97% of cases which are withdrawn. Yet, the remaining 3-5% of cases that require hearings, testimonies, and the issuance of the decision are the ones that burden the courts, creating a backlog.[173] Therefore, when discussing delayed cases,

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[171] Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021 < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024.

[172] Ibid.

[173] Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021, 26 <

we discuss this tiny percentage of cases the courts do not find it possible to process each year. This small number of cases are not heard readily, while new cases are added each year to the existing volume, increasing them substantially. Consequently, the pace of cases heard is a significant factor which affects the backlog. Concerning the Supreme Court, despite the observed annual increase in pending appeals, measures to contain the backlog were not taken regularly; thus, the volume of the backlog is unsurprising.[174]

In the above graph, the yellow line represents the pending caseload, the blue line represents the processed cases, and the red line represents the registered cases. The graph, which the Supreme Court Reform Division prepared, shows that by 2008, all the categories of cases were on a downward trend. Since 2009, the line depicting pending cases has stood out, causing it to widen the gap between processed and pending cases, which meant a gradual increase in the number of delayed cases and the "swelling" of the Backlog. Likewise, Table 2 shows that the Supreme Court backlog is because fewer cases are heard each year than submitted.

Therefore, the first recommendation of the IPA's Report was on the backlog. It recommended the establishment of a task force, supported by a dedicated project team leader and project team, to address the backlog in the Supreme Court, the District Court, and the Industrial Disputes Court. What is particularly interesting yet worrisome is the fact that according to the Erotokritou Report, the then Director of Strategy, Coordination and Communication of the Ministry of Finance and a representative of the Ministry prepared a draft action plan by the recommendations of the IPA

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http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024.

[174] Ibid, 60-61.

experts which was never approved and therefore never implemented.[175] Following the recommendations of the IPA, a task force was established, and the dedicated team leader submitted a Summary Report on the Establishment of the task force to handle the Backlog on 25 May 2018.[176] As Erotokritou's Report puts it, the overall Report of the task force was described as a "mission impossible" due to the many parameters and the urgent need for action.[177]

The Summary Report of the Taskforce recommended the appointment of 26 new Judges who will deal with the Backlog.[178] Even though this recommendation was immediately approved, the appointment of the new judges was delayed mainly for two reasons. Firstly, there were no building facilities to accommodate such many additional judges. Secondly, establishing criteria for the appointment and promotion of judges was pending. The task force's initial report was followed by three more minor reports addressing individual issues concerning the accommodation of the judiciary. The Pancyprian Bar Association did not accept the suggestion for evening hearings. Following the IPA's report, the Supreme Court appointed judges to manage the backlog in District Courts and the Supreme Court. The Supreme Court was further strengthened by appointing the

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[175] Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021, 24 < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024.

[176] Functional Review of the Court System of Cyprus – Technical Assistance Project 2017/2018 IPA, Ireland < https://www.cyprusbarassociation.org/files/publications/Functional_Review_of_Courts_System_of_Cyprus_IPA_Ireland_-_Final_Report.pdf > last accessed on 23 November 2024.

[177] Έκθεση Καθυστερημένες υποθέσεις (Backlog) Ανώτατου Δικαστηρίου, Επαρχιακών Δικαστηρίων, 28 Ιουνίου 2021, 24 < http://www.supremecourt.gov.cy/judicial/sc.nsf/All/0759C496EB6BC10DC2258764003BB541/$file/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%9A%CE%91%CE%98%CE%A5%CE%A3%CE%A4%CE%95%CE%A1%CE%97%CE%9C%CE%95%CE%9D%CE%95%CE%A3%20%CE%A5%CE%A0%CE%9F%CE%98%CE%95%CE%A3%CE%95%CE%99%CE%A3%20(BACKLOG)%20-%20%CE%93.%20%CE%95%CE%A1%CE%A9%CE%A4%CE%9F%CE%9A%CE%A1%CE%99%CE%A4%CE%9F%CE%A5.pdf > last accessed on 21 November 2024.

[178] Ibid.

Director of Reform and a Head Registrar. Despite the best efforts, a series of unfortunate events occurred after the Registrar's appointment, resulting in the vacancy of the Registrar post. Since then, the Department has remained understaffed, with only the Director and one Assistant Secretarial Officer.

All the above factors contributed to the failure to implement the recommendations. The latest report from the Director of Reform was submitted on February 10, 2020.[179] In this report, a final motion was made to begin adjudicating the delayed cases on May 1, 2020. The task force's working hours were proposed to be between 12:00 and 17:00, as the Minister of Justice suggested. Finally, the Supreme Court appointed new judges and established a judicial task force consisting of seven newly appointed judges. They commenced hearing backlogged cases in September 2020 in the Paphos District, where suitable accommodations were provided for the judges. For the other districts, this came later as arrangements were made to find new premises to accommodate the remaining force members, just as the new judges were appointed.

By 2021, professional judges were at a total of 129, which per 100.000 inhabitants amounts to 14,3, contrary to the EU Median, which is 24,1. Prosecutors were at 146, which amounts to 16,1 per 100.000 inhabitants, whereby the EU Median is 10,8. This increase in judges and prosecutors is understandable, as they were deemed necessary by the recommendations above. Finally, the number of lawyers reached 4377, which amounts to 483,8 per 100.000 inhabitants, much higher than the 122,4 of the EU Median.[180] The latest Scoreboard also shows the efficiency indicators of the Cypriot courts compared to the EU Median. Nevertheless, the lack of available information

[179] Functional Review of the Court System of Cyprus (Technical Assistance Project 2017/2018 IPA Ireland, March 2018) < https://www.cyprusbarassociation.org/files/publications/Functional_Review_of_Courts_System_of_Cyprus_IPA_Ireland_-_Final_Report.pdf > last accessed on 22 November 2024.
[180] 2024 EU Justice Scoreboard < https://commission.europa.eu/document/84aa3726-82d7-4401-98c1-fee04a7d2dd6_en > last accessed on 22 November 2024.

again shows Cyprus faces to provide up-to-date information due to the heavy reliance of the overall judicial system on paper-based filing and reporting.

Compared with previous years, in 2021, criminal law cases were resolved the fastest. Simultaneously, first-instance administrative law cases seem to take the longest.[181] However, their disposition times are significantly above the EU median; in all matters, the total length of proceedings in Cyprus is above the EU median. The Clearance Rate of the Scoreboard shows the capacity of a judicial system to deal with incoming cases. A Clearance Rate of 100% and higher does not generate a backlog. At first instance, courts in Cyprus seem efficient in criminal law cases, with a clearance rate above the 100% threshold, while for administrative law cases, the clearance rate is well below the 100% threshold. The Disposition time is also higher than the EU median for all cases. The Disposition Time of the Scoreboard determines the estimated days necessary for a pending case to be solved in court. The disposition time of final instance cases is indicated above the 100% threshold. Yet, it remains above the EU median for all cases but is significantly higher for civil law and administrative law cases. While the data of incoming, resolved, and pending cases for first-instance civil and commercial litigious cases are unavailable due to the lack of an electronic filing system, the data of first-instance administrative law cases show a clearance rate of 45,9% in 2021, emphasising the difficulties of the system in dealing with first instance administrative law cases. Nevertheless, it should be noted that the clearance rate decreased by approximately -37,8 points between 2020 and 2021, revealing that the efforts to deal with the backlog might finally be fruitful. The backlog in administrative cases could also be attributed to the increasing number of applications for international protection in 2021. From 1 January 2021, the Review authority for refugees was abolished. Similarly, the clearance rate of

[181] 2024 EU Justice Scoreboard < https://commission.europa.eu/document/84aa3726-82d7-4401-98c1-fee04a7d2dd6_en > last accessed on 22 November 2024.

first-instance cases (excluding criminal cases) is calculated at 81,3% in 2021, indicating the difficulties of the judicial system in dealing with first-instance cases. The clearance rate has decreased by -7,9 points, which is hopeful for the years to come.

In summary, many member states, following country-specific recommendations, pursue efforts to improve the effectiveness of their national justice system. Cyprus has taken several reform projects and tried to adopt and promote procedural reforms, such as ADR, which develops ICT in the courts' administration. Nevertheless, the latest scoreboard indicates Cyprus has the longest time resolving administrative cases in second-instance courts. The overall promotion effort for ADR methods in consumer disputes remained among Europe's lowest. The above can also be confirmed by the data collected and analyzed from the CRoLEV team on civic engagement, democratic governance, functionality of justice and democratic values.[182]

III. Administrative challenges, Human Rights and the Impact on the Administration of Justice in 2025

As this paper discussed, the efficient administration of justice is a cornerstone of the Rule of Law in any democratic society. In the Republic of Cyprus, however, successive reports from independent oversight institutions have identified persistent systemic weaknesses affecting both the functioning of the judiciary and the broader human rights environment on the island. More illustrative, the Audit Office's annual financial and compliance audit for 2023 uncovered a range of administrative inefficiencies within the judiciary.[183] The report emphasises the inadequate record-keeping regarding judges' leave entitlements and related financial settlements, as well as

[182] Centre for the Rule of Law and European Values (CRoLEV), *Dashboard* < https://crolev.eu/dashboard/> last accessed on 26 June 2025.
[183] Audit Office of the Republic of Cyprus, Annual Report 2023 < https://www.audit.gov.cy/audit/audit.nsf/reports_en/reports_en?Opendocument > accessed 22 May 2025

the non-compliance with public service regulations in the administration of sick leave for judges.[184] Moreover, it outlined the prolonged delays in adjudicating civil rights and obligations contributed to Cyprus's exposure to litigation before the ECtHR.[185] The report also identifies a significant administrative backlog in maintenance orders, custody decisions, and the execution of arrest warrants, alongside persistent operational inefficiencies, including the failure to properly track movable assets, legal library inventories, and the execution of guardianship orders.[186]

Similarly, the European Network of National Human Rights Institutions (ENNHRI) Rule of Law Report, as submitted by the Commissioner for Administration and the Protection of Human Rights of Cyprus, identifies corroborated systemic challenges affecting access to justice in Cyprus.[187] On court backlogs the ENNHRI report identified delays in court proceedings, weak specialisation and professionalism among judges, and difficulties in the timely execution of judicial decisions. Furthermore, it identified persistent gaps in the implementation of ECtHR judgments, despite recent efforts to adopt action plans in cooperation with national authorities.[188]

Collectively, the above reports show direct and indirect consequence for the administration of justice stemming from administrative inefficiencies, procedural delays, inequities in legal aid provisions, insufficient human rights trainings which result in biased rulings, procedural errors and the need for retrials or appeals to delayed ECtHR judgment execution.[189] Consequently, these challenges extend beyond the judiciary to the broader Rule of Law environment in Cyprus with

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[184] Ibid.
[185] Ibid.
[186] Ibid.
[187] European Network of National Human Rights Institutions (ENNHRI), Cyprus: Rule of Law Report 2024**,** submitted by the Commissioner for Administration and the Protection of Human Rights (Ombudsman) < https://ennhri.org/wp-content/uploads/2024/04/Cyprus_Country-Report_Rule-of-Law-2024.pdf >accessed 22 May 2025
[188] Ibid.
[189] Council of Europe, 'Supervision of Execution of Judgments – Cyprus' (Council of Europe) <https://rm.coe.int/mi-cyprus-eng/1680a23c84 > accessed 19 May 2025.

implications in the public confidence in the justice system due to administrative shortcomings and unequal access to justice. Cyprus is under increased international scrutiny from European institutions and human rights bodies concerning delays in ECtHR judgment execution and court backlogs as well as stagnation of essential justice reforms, including slow implementation of e-justice systems.

IV. Civil Procedure Rules and Backlog

All in all, the reports above collectively indicated that the Civil Procedure Rules needed to be revised. For that reason, the designated Department of Reform and Education announced, on 12 February 2020, the Inaugural Meeting for the Review of Civil Procedure Rules. The meeting marked the beginning of the seventh project financed by the European Commission in the context of reforming the courts.[190] On 26 November 2020, the official handover ceremony of the proposed revised Civil Procedure Rules was held online amidst the COVID-19 pandemic. The proposed Rules were prepared by experts under the chairmanship of Lord Dyson and were thoroughly processed by the Institution Committee appointed by the Supreme Court. According to the announcement issued by the Department of Reform and Education, practitioners were constantly involved in the whole process and during the drafting of the rules. There was also a public consultation, and the results were sent to lawyers and citizens alike.[191]

On 24 November 2020, the proposed Civil Procedure Rules were published.

[190] Εναρκτήρια Συνάντηση για την Αναθεώρηση των Θεσμών Πολιτικής Δικονομίας (Ανώτατο Δικαστήριο Κυπριακής Δημοκρατίας) <http://www.supremecourt.gov.cy/Judicial/sc.nsf/All/1595D4C0AC7996A4C225851A002CA619?OpenDocument> last accessed on 22 November 2024.

[191] Επίσημη Τελετή Παράδοσης των Προτεινόμενων Κανονισμών, Πολιτικής Δικονομίας στο Ανώτατο Δικαστήριο (Ανώτατο Δικαστήριο Κυπριακής Δημοκρατίας) <http://www.supremecourt.gov.cy/judicial/sc.nsf/All/54C4E15446C85912C225863000249277?OpenDocument> last accessed on 22 November 2024.

The fundamental changes of the new CPR promote new conduct, active management by the courts, and collaboration between the parties. The parties exchange information at an early stage, while ADR is encouraged. In cases where the grievance is brought to court, the protocols aim to smooth the judicial process by limiting the issues in disputes. The court may consider compliance or non-compliance with a preliminary ruling protocol when issuing case management instructions and when issuing orders as to costs, thus offering a strong incentive for the parties to engage in pre-trial communications. The new procedures claim to limit expenses and promote the identification of issues at an early stage. Finally, CPR is a utilisation of technological means. Essentially, the revised CPR rules introduced pre-trial protocols, enhanced case management responsibilities for judges, and formalised the use of preliminary hearings to identify and narrow issues. Despite these improvements, their practical implementation remains uneven, hampered by entrenched institutional cultures and ongoing deficiencies in court administration. Moreover, the Rule changes do not yet address the backlog of existing cases, which continues to strain judicial resources

V. Concluding remarks

The structures and functioning of the justice system in Cyprus have consistently been at the centre of public interest. Naturally, one could say that the administration of justice constitutes one of the fundamental pillars upon which every well-governed state is built. In reality, though, the Republic of Cyprus's operational practices were held back in the colonial era for many years. The acknowledgement of the situation brought many reforms. However, further improvement is required, especially regarding the functioning of courts. Although Cyprus showed a reduction in the estimated time required to resolve civil, commercial, administrative and other cases in 2022 compared to the two previous years, it still records the longest duration in Europe for the resolution

of court cases in both primary and secondary tiers according to the 2024 EU Justice Scoreboard.[192] Addressing the challenges in the justice field requires transparency, increased spending and investments in judicial infrastructure by the state and the utilisation of digital technologies. In light of the failure of the e-justice and i-justice platforms, the state should find alternative solutions promptly and transparently, as ICT might play a big part in improving the justice system. This is because, through digital technologies and the broader modernisation of the justice system, cases could be initiated remotely, and case files/applications would be built and submitted online. The cases could be grouped and assigned to specialised judges. The court should hire legal assistants and clerks, and the existing personnel should be further trained. The establishment of a Small Claims Court is essential in addressing the backlog. An important reformative step is also the promotion of ADR methods. The CBA, the judiciary, and the state should collaborate to build a culture focused on ADR. To achieve this goal, it is deemed necessary to encourage both lawyers and the involved parties, with the active support of judges. Incorporating out-of-court dispute resolution for many cases will relieve the courts, boost economic growth, and positively contribute to attracting investments.

Similar to the academic research on the CJEU backlog case, judging specific factors is essential to the duration of a case. Given the realities of the Cypriot justice system, as explained in the working paper, the courts often do not have docket control. The Court's internal procedure plays a substantial role in case duration. Although e-justice and i-justice could resolve some problems arising from the lack of digitalisation, the reform was unsuccessful and raised significant concerns about the project's assignment and procurement procedure. Increasing funding for case management systems would have significantly reduced the average case duration and the backlog

[192] The 2024 EU Justice Scoreboard < https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en > last accessed on 24 November 2024.

size. Case management systems will impact the quality and consistency of judicial decision-making for the better.

Additionally, through case management systems, transparency will advance; thus, the general public's trust in justice will increase. Proper and effective ICTs can help legal professionals draft judgments and conduct legal research. The judicial system has a critical challenge: the need for streamlined, efficient and transparent case management that ensures data security and fairness. ICTs used and built correctly have the potential to leverage advanced technologies to harmonise legal processes while fostering collaboration. The justice system is overwhelmed by complex case management, high workloads, and fragmented data. This inefficiency often hinders fairness and access to justice. Accordingly, case management solutions and ICT can tackle this problem by automating the categorisation and analysis of legal cases. Multilingual and open-source capabilities could ensure accessibility, scalability, and transparency. By integrating innovation, security and accessibility, legal professionals, researchers, and the general public will be empowered while fairness and openness are advanced.

Part of the solution is also to engage with international initiatives such as the CEPEJ Backlog Reduction Tool. During its 40th plenary meeting in June 2023, the European Commission for the Efficiency of Justice (CEPEJ) introduced a Backlog Reduction Tool to address delays in court systems.[193] The tool was developed in response to state requests and aims to identify and resolve structural judicial inefficiencies.[194]

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[193] Philipp Schroeder, Seizing opportunities: the determinants of the CJEU's deference to national courts. (2024) *Journal of European Public Policy* 31:9, pages 2986-3009; Fjelstul, J. C., Gabel, M., & C.J. Carrubba, The timely administration of justice: using computational simulations to evaluate institutional reforms at the CJEU (2022) *Journal of European Public Policy*, *30*(12), 2643–2664.

[194] Ibid; 'European Commission for the Efficiency of Justice (CEPEJ) Backlog Reduction Tool- Document adopted at the 40th plenary meeting of the CEPEJ' (Strasbourg, on 15 and 16 June 2023) < https://rm.coe.int/cepej-2023-9final-backlog-reduction-tool-en-adopted/1680acf8ee > last accessed on 24 November 2024.

The CEPEJ's tool provides a step-by-step framework to reduce backlogs. It is a four-phase methodology that first identifies the causes by using quantitative and qualitative analysis of court data, such as case age, duration, and resource allocation, alongside efficiency indicators like Clearance Rate and Disposition Time—secondly, developing a strategy establishing specific goals at various levels (judges, courts, judiciary) and implementing measures tailored to the identified causes. These include legislative reforms, digitalisation, resource allocation, and improved case and court management.[195] The third phase is monitoring progress by creating regular monitoring mechanisms to evaluate the effectiveness of the implemented measures, focusing on timeliness and quality.[196] The fourth phase ensures sustainability by instituting long-term strategies to prevent backlogs from recurring, including analysing trends and building on lessons learned.[197]

Summarily, the tool adapts to the unique circumstances of each judicial system, offering practical guidance while encouraging collaboration among stakeholders, including judges and legal experts. Sustainability is a core focus to maintain momentum beyond initial results. The CEPEJ's tool is designed to enhance judicial efficiency, reduce costs, and improve public confidence in courts.[198] The comprehensive report also includes templates, checklists, and data analysis guidelines for practical use. Other resources, such as the International Framework for Court Excellence and NACM's cashflow management guides, complement this initiative. The CEPEJ Backlog

[195] Ibid; 'Got the case backlog blues? A new backlog reduction tool is here to help!' (Court Leader, 2/8/2023) < https://courtleader.net/2023/08/02/got-the-case-backlog-blues-a-new-backlog-reduction-tool-is-here-to-help/#:~:text=In%20June%20the%20European%20Commission,int)%5D%20that%20can%20benefit%20every > last accessed on 24 November 2024.
[196] Ibid.
[197] Ibid.
[198] Ibid.

Reduction Tool is a dynamic resource that helps courts worldwide address delays, streamline processes, and ensure timely justice.[199]

[199] Philipp Schroeder, Seizing opportunities: the determinants of the CJEU's deference to national courts (2024) *Journal of European Public Policy* 31:9, pages 2986-3009; Fjelstul, J. C., Gabel, M., & C.J. Carrubba, C. J., The timely administration of justice: using computational simulations to evaluate institutional reforms at the CJEU (2022) *Journal of European Public Policy*, *30*(12), 2643–2664; European Commission for the Efficiency of Justice (CEPEJ) Backlog Reduction Tool- Document adopted at the 40th plenary meeting of the CEPEJ' (Strasbourg, on 15 and 16 June 2023) < https://rm.coe.int/cepej-2023-9final-backlog-reduction-tool-en-adopted/1680acf8ee > last accessed on 24 November 2024; Got the case backlog blues? A new backlog reduction tool is here to help!' (Court Leader, 2/8/2023) < https://courtleader.net/2023/08/02/got-the-case-backlog-blues-a-new-backlog-reduction-tool-is-here-to-help/#:~:text=In%20June%20the%20European%20Commission,int)%5D%20that%20can%20benefit%20every > last accessed on 24 November 2024.