

---

Funded  
by the European Union



EUROPEAN UNION



COUNCIL  
OF EUROPE    CONSEIL  
DE L'EUROPE

Implemented  
by the Council of Europe

# **Eastern Partnership Enhancing Judicial Reform in the Eastern Partnership Countries**

## **Efficient Judicial Systems Report 2014**

Directorate General of Human Rights and Rule of Law

---

Strasbourg, December 2014

---

The Efficient Judicial Systems 2014 report has been prepared by:

Mr Adiz Hodzic, Member of the Working Group on Evaluation of Judicial systems of the European Commission for the Efficiency of Justice (CEPEJ)

Mr Frans van der Doelen, Programme Manager of the Department of the Justice System, Ministry of Security and Justice, The Netherlands, Member of the Working Group on Evaluation of Judicial systems of the CEPEJ

Mr Georg Stawa, Head of the Department for Projects, Strategy and Innovation, Federal Ministry of Justice, Austria, Chair of the CEPEJ

## **Table of content**

Conclusions and recommendations	3
Part I: Comparing Judicial Systems: Performance, Budget and Management	
Chapter 1: Introduction	11
Chapter 2: Disposition time and quality	17
Chapter 3: Public budget	26
Chapter 4: Management	35
Chapter 5: Efficiency: comparing resources, workload and performance (28 indicators)	44
Armenia	46
Azerbaijan	49
Georgia	51
Republic of Moldova	55
Ukraine	58
Chapter 6: Effectiveness: scoring on international indexes on the rule of law	64
Part II: Comparing Courts: Caseflow, Productivity and Efficiency	68
Armenia	74
Azerbaijan	90
Georgia	119
Republic of Moldova	139
Ukraine	158
Part III: Policy Making Capacities	178
Annexes	185

### 1. Introduction

This report focuses on efficiency of courts and the judicial systems of Azerbaijan, Armenia, Georgia, the Republic of Moldova and Ukraine, commonly referred the Eastern Partnership Countries (EPCs) after the Eastern Partnership Programme of the European Union. The aim of the report is to give a comprehensive analysis of the judicial systems and review more systematically the input, workload and performances of both the national judicial system and the courts and the way this is managed in EPC. The report is a follow up and update of an earlier report published in English and Russian in March 2013 at the website of the European Commission for the Efficiency of Justice (CEPEJ).<sup>1</sup>

This report, besides presenting recent figures, contains three new elements added to this update:

- Indicating the effect of measures;
- Exploring quality indicators and rule of law indexes;
- Rating courts based on the use of resources and performance.

The report consists of three parts. Part I analyses the budgets, management and overall performance of the judicial system of the EPCs. The analysis at large is based on the data of the report 2014 (data 2012) of the CEPEJ concerning European Judicial Systems. Part II contains an elaborate comparative analysis of the budgets and performance of courts within each of the EPCs. This analysis is based on court data that the countries provided at request to the Working Group on Efficient Judicial Systems.<sup>2</sup> Part III concerns a revisit of the normative framework on the institutional and policy making capacities that allow the EPCs to make strategic choices concerning the functioning of the judiciary. This framework was applied in a seminar that was organised for the EPC representatives in Strasbourg, in November 2014.

### 2. Part I: Comparing judicial systems: performance, budget and management

Part I of the report is an extract from European Judicial Systems 2014 (data 2012) report focussing on budgets, management and backlogs of the judicial systems in the EPCs. In order to compare the situation in the EPCs with European trends – the report uses as a reference European minimums, maximums and averages/medians. The relative wealth and size of the EPCs of course are taken into account. The scores on the EPCs on international indexes on the rule of law are explored in order to better understand the indications on the effectiveness of the judicial systems. The following conclusions and recommendations have been drawn up:

#### *Performance: disposition time and quality*

In general the **disposition time of civil cases** are the shortest of all court sectors in EPC. Developments since 2010 show a mixed picture. Disposition time of **litigious commercial cases** is getting longer in Armenia, Azerbaijan and Ukraine, and getting shorter in Georgia and the Republic of Moldova. Keeping in mind this mixed picture (in some case types disposition time increased, in others it decreased), a closer monitoring and evaluation of the civil sectors of courts is needed (see Part II of this report). Insolvency cases appear to last about six times longer than a general litigious case in EPCs and need a special attention.

**Disposition time of administrative cases** is longer than of the civil ones in 2012: in Armenia, Azerbaijan, Georgia it is about twice long. In almost all the EPCs (except Ukraine) the disposition time increased substantially since 2010. The limited functioning of the administrative sector of the judiciary seems to be a structural matter in all the EPCs. It is recommended to review the current laws and

---

<sup>1</sup>[http://www.coe.int/t/DGHL/cooperation/cepej/cooperation/Eastern\\_partnership/FINAL%20efficient%20judicial%20systems%20EN%20March%202013.pdf](http://www.coe.int/t/DGHL/cooperation/cepej/cooperation/Eastern_partnership/FINAL%20efficient%20judicial%20systems%20EN%20March%202013.pdf)

<sup>2</sup> The working group has been created within the framework of the joint project “Enhancing Judicial Reform in the Eastern Partnership Countries” funded by the European Union and implemented by the Council of Europe.

practices concerning the administrative judicial sector and redesign it if necessary (see also Part II of this report for more details at the national courts level).

**Disposition time of criminal cases** is also increasing in almost all of the EPCs, except Ukraine, with 10-50%. The increase in more specific crime cases, like robbery and intentional homicide, is even more dramatic. The doubling of disposition time in almost all of the EPCs (except Azerbaijan for robbery) for these two case types, should be of great concern for all the EPCs, as these criminal cases have a big impact on public trust in general. The adaptation and implementation of new criminal laws by the criminal sector of courts should be facilitated well and monitored intensively (see Part II of this report for more details at the national courts level).

In order to achieve practical improvement of disposition time it is recommended to implement at the **CEPEJ-Time Management Checklist (Checklist of indicators for the analysis of lengths of proceedings in the justice system)**<sup>3</sup>. It is a tool available for internal use of courts whose purpose is to help justice systems to collect appropriate information and analyse relevant aspects of the duration of judicial proceedings, in order to reduce undue delays, ensure effectiveness of the proceedings and provide necessary transparency to the users of the justice systems.

The report presents a preliminary and exploratory exercise on **quality indicators** of the EPCs based on the CEPEJ data of 2012. The results suggest that Georgia has gathered several good practices in this respect, for example concerning aspects like appeal ratios, disciplinary proceedings, sanctions and challenges against judge, the probation period for judges, the combination of functions of judges, user surveys and quality standards. Also Azerbaijan has valuable practices in stimulating the quality of the judiciary considering setting time limits for various complaint proceedings, the remuneration of judges at the beginning of the career, the relative high level of the budget for education and training and also survey users and quality standards. It is exchange of these practices within the EPCs is recommended. In order to improve the quality of the judiciary also the implementation of **CEPEJ-Handbook for conducting satisfaction surveys for court users** is recommended.

#### *Budget*

Between 2010-2012 in all of the EPCs there an increase of the relative budget for **courts**, as it was also the case between 2008-2010. But the increase is still smaller than the European median, so the courts in almost all of the EPCs (except the Republic of Moldova) are underfunded. In order to meet the European benchmarks the budgets for the courts should be increased more in the near future.

The (budgetary) balance between judiciary and **public prosecution** in the EPCs should be a point for consideration, as to some extent it is also reflected in the increasing disposition time in criminal cases since 2010. In some of the EPCs large-scale judicial reforms and rebalancing the role of judges took place within the legal system, specifically in relation to the traditionally powerful Soviet *Prokuratura*. In Armenia and Georgia the budgetary level of prosecution services is slightly less than the European benchmark. In Azerbaijan and the Republic of Moldova this level is slightly higher. In Ukraine the relative large budgets for public prosecuting remain to be high and even are increasing.

In the European context of comparatively small number of court cases per capita. In this respect the development of **legal aid** in the EPCs is important for the issue of access to justice. While Georgia and the Republic of Moldova are achieving almost the level of the European benchmark, a system of legal aid is improving in Armenia and Georgia (data for Azerbaijan, Republic of Moldova and Ukraine are not available). Effort for improvement of legal aid should be intensified and continued in the next years.

In 2012 the **total public budget for judiciary, prosecution and legal aid** in the Republic of Moldova is in line with the European benchmark, while Ukraine even exceeds it. Concerning Georgia and Azerbaijan there appears to be relative underfunding of the judicial system (data for Armenia is not

---

<sup>3</sup> <https://wcd.coe.int/ViewDoc.jsp?id=1031259&Site=COE>

available). Since 2010 budgets in the EPC increased more than the European median. Continuation of this policy - with special attention to budget for legal aid - may result in meeting European standards in the near future.

#### *Management*

**Scaling up the size of and merging courts** can, when properly managed, raise opportunities for improving the efficiency and quality of judicial services, as for example reforms in Georgia have demonstrated. It is recommended to introduce more **specific and simplified proceedings**, so courts can cope with the increasing disposition time for robbery and insolvency cases (see chapter 2).

Several EPCs (Ukraine, Armenia, Republic of Moldova and Georgia) decreased the relative budget for **training and education** in 2012 substantially. But the budget is relatively still bigger than the European benchmark. The Republic of Moldova, which still increased the budget between 2008-2010, is in 2012 the only EPC, which does not meet the European benchmark. To get an insight of the impact on education and training of judges, it is recommended to update the report of the working group on training of judges published in 2011.

**Salaries of judges** in the EPCs are decreasing since 2010, while in Europe they remain the same. In Azerbaijan and Ukraine judges salaries are higher than the European benchmark. Salaries of judges in Armenia and the Republic of Moldova are relatively low and should be increased. In all the EPCs (except the Republic of Moldova) salaries for prosecutors at the beginning of the career are below European benchmark and should be increased.

The formal **responsibilities in the budgetary process** between government, parliament and judiciary concerning preparation, adaptation, allocation and evaluation of the budget for courts are in almost all the EPCs in line with the common European standards on the division of power. Azerbaijan has proposed a law for involvement of the judiciary in the process of preparation of budget, while the ministry of justice stayed responsible for the management and allocation of funds to the courts. To make a proper judgement about how the reformed budgetary process in practice operates the study of the working group on Independent Judicial Systems, published in 2011 *inter alia* also addressing this issue should be updated.

The position of the EPCs concerning **the operational management** in 2012 is almost the same as in 2010. Georgia and especially Azerbaijan are still ahead of other countries in introducing modern courts management in terms of using monitoring systems, modern ICT, videoconferencing, user surveys and quality standards. Armenia, Republic of Moldova and Ukraine still have a long way to go.

#### *Efficiency*

**Based on 2012 CEPEJ data** provided by Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine, standardised indicators were presented on a graph below enabling a comparison of available resources, workload, ability to handle incoming cases and disposition time among the five EPCs which lead to the next conclusions concerning the **strength and weaknesses** of efficiency of the EPCs:

With the exception of Ukraine which operates with average **resources**, the remaining four EPCs operate with less than average resources available for the judicial systems among the CoE Member States. Relatively high judicial salaries in Georgia and Azerbaijan expressed through indicator gross salary of a judge in relation to average gross annual salary are exceptions to this.

Again, with the exception of Ukraine, **annual inflow of cases (or workload)** in the four EPCs is below the average when compared to inflow of cases per 100.000 inhabitants among the judicial systems of the Council of Europe Member States.

In general, Ukraine and Republic of Moldova perform better than average concerning **ability to handle annual inflow** of cases; Azerbaijan and Georgia demonstrate average ability to handle annual

inflow of cases with exception of administrative law cases, with clearance rate of 96% and 94% respectively.

In general, all the five EPCs demonstrate better than average **case disposition time** than the European average, however we should remember that a negative trend in protracting case disposition time is observed in Armenia, in particular in administrative law cases with clearance rate of 94%.

#### *Effectiveness*

Data of the functioning of the judiciary concerning international **rule of law indexes** indicate that Georgia and Azerbaijan score above European average. This result is in line with the results of review of quality of justice with indicators and data of the CEPEJ 2014 report, which suggests specific good practices in Georgia and also in Azerbaijan. It is recommended to exchange good practices in these countries at a regional level.

### 3. Part II: Comparing courts: caseload, productivity and efficiency

Part II contains a comprehensive and systematic comparison of the functioning of the courts in the EPCs, as far as countries have managed to deliver the requested data. The report analysed the case flow in years 2010-2013, in six major case categories of the first instance courts. The results for individual courts in the EPCs concerning the clearance rate, caseload, backlog changes, disposition time, case turn over ration, efficiency (cost per case) and productivity (cases per judge) are presented in the report. The report represents the beginning of a journey of establishing quantitative diagnostics and management capacities that will ensure that society gets efficient, timely and first-class judicial service. Based on quantitative comparison of the courts the following conclusions and recommendations are made concerning separate EPC:

#### **Armenia**

##### Caseflow (Clearance rate-Caseload-Backlog Change)

- Check what makes the difference in Clearance Rate in Arabkir and Kanaker-Zeytun between 2012 and 2013.
- Give a spot to the best practice in Ajapnyak and Davtashen as well as Gegharkunik District;
- The special situation at Administration Court has to be evaluated separately.

##### Productivity

- Ensure further improving balance of workload per judge and controlling of judicial performance among courts, indicated to some extent by productivity.

#### **Azerbaijan**

##### Caseflow (Clearance Rate-Caseload-Backlog Change)

- Monitor caseflow at Administrative-Economic Courts on time, especially of the Court of Nakhchivan Autonomous Republic.
- Check special reason of drop of clearance rate at Sadarak District Court in 2013.

##### Disposition Time

- Look for the special structural reason why Baku Administrative-Economic Court No 2 (100 days) needs 15 days longer to process the same cases than Baku Administrative-Economic Court No 1 (85 days).
- Learn about the reason behind different disposition time frames in Baku (99 days) and Ganja (93 days) on one hand and Lankaran (only 51 days) and Sheki (68 days) on the other.
- Siyazan District Court needs almost twice than the average of time (67 days). This should be rechecked.

## Efficiency

- Check reason and background for “overbudgeting” of courts in the autonomous region of Nakhchivan.

## Productivity

- Explore the reason of variety of productivity within the same type of courts.
- Take measures to ensure workload-balance including monitoring of equal productivity.
- Check reason and background for low productivity (or possible overstaffing) of courts in the autonomous region of Nakhchivan.
- Azerbaijan judiciary is in a very sensitive situation due to heavy capital expenditures into buildings and information-communication technology (ICT) systems. If ICT systems are introduced without setting quantitative performance framework using scientific approach, most of benefits of the ICT system could be lost and the ICT system itself could become burden for judiciary.

## Georgia

### Caseflow (Clearance rate-Caseload-Backlog Change)

- Be aware of risk of overstaffing of courts.
- Monitor balance of workload and personnel, having efficiency in mind (this is normal while merging courts: potential of efficiency becomes visible afterwards!).

### Disposition Time

- Explore the reason of variety of disposition time within the same type of courts.

### Productivity

- Explore the reason of variety of productivity within the same type of courts.
- Handle the balance between cases, their complexity and the used personnel actively.
- If applicable, consider “booking-out” cases that were marked “solved” and only transferred to a new court and produce new statistical models using consolidated data.

## Republic of Moldova

### Caseflow (Clearance Rate-Caseload-Backlog Change)

- Look if there is a special reason for drop of clearance rate of Rishkan Court, municipality of Chisinau, Criuleni, Glodeni and Leova in comparison to last period.
- Check, if increased caseload at Rishkan Court, municipality of Chisinau (37%), Cahul (29%) and especially District Commercial court (53%) follows a trend and find measures to manage.

### Disposition Time

- Take care of the increasing disposition time at District Commercial court

### Efficiency

- Elaborate the difference of costs per case especially at (“cost intensive”) Bender Court, Dubasari, Glodeni and Vulcanesti.

### Productivity

- Explore the reason of variety of productivity within the same type of courts.



- Handle the balance between cases, their complexity and the used personnel actively.
- Having in mind differences in court budgets between 2013 and 2011, consider applying combination of budgeting techniques (zero based budgeting and performance budgeting) to determine adequate budget levels each court individually.

## **Ukraine**

### Case flow (Clearance Rate-Caseload-Backlog Change)

- Look if there is a special reason for drop of clearance rate of Ananyiv district court, Biliavka district court and Savran district court (all of Odessa region) in comparison to last period.

### Disposition Time

- Look if there is a special reason for huge deviation from average Disposition Time at Kominternivske district court.

### Productivity

- Try to find out the reason for deviation of productivity.
- Rebalance in- and output factors per court according the workload.
- Having in mind differences in court budgets between 2013 and 2011, consider applying combination of budgeting techniques (zero based budgeting and performance budgeting) to determine adequate budget levels for each court individually.

Concerning the Court Rating methodology - as applied in the report - it should be stressed that it can be used in the strategic management and as guidance in developing Quantitative Performance Management System, which is an important foundation of any efficient judiciary. Since Court Rating is calculated based on the performance of all first instance courts, implementation of this methodology would lead to constant struggle for improvement in every court trying to achieve best AA Court Rating, thus encouraging innovation and positive competitive spirit among the courts. As every court improves/ trying to improve their Court Rating, the average values for the entire group of the first instance court improves too, making it harder to maintain the best AA Court Rating, so the courts with the AA Court Rating need to perform even better. This improvement process through quantitative management will lead to better performing and more efficient judicial system. Courts with AA court rating could provide training for other courts presenting best practices and problem solutions they consider effective. It could be beneficial to produce Pareto analysis and Ishikawa diagrams in the courts that have BB court rating, in order to discover root of the problem.

## 4. Part III: Policy making capacities

As it was discussed in the previous report on Efficient Judicial Systems (2013), the five stages in the development of a judicial monitoring and evaluation system are 1) bureaucratic data collection, 2) normative framework, 3) institution building, 4) monitoring and evaluation, and 5) accountability and action.

### *Position in 2012*

During a Working Group meeting held in October 2012 the countries made a self-assessment of their position concerning these five stages mentioned above. It appeared that Azerbaijan and Georgia implemented all five stages. Republic of Moldova and Ukraine implemented the first three stages and Armenia - the first two.

### *Discussion on position in 2014*

In November 2014 the project team organised a seminar on monitoring and evaluation in Strasbourg. Civil servants of the Ministries of Justice and judges from EPC participated. During this seminar three elements of the report were further elaborated and discussed: the general principles and use of the

developed court rating system, the practices of court budgeting (as developed in Austria) and the strategy and principles building up a system of quality indicators and management (as developed in the Netherlands).

**PART I: COMPARING JUDICIAL SYSTEMS:  
PERFORMANCE, BUDGET AND MANAGEMENT**

---

### 1.1 Introduction

This chapter addresses the origins of the Eastern Partnership Program that was carried out between 2010-2013, the objective of this follow up by the Working Group (WG) on the Efficient Judicial Systems in 2014, the new elements that have been introduced in the approach of the Working Group and explain the structure of the report.

### 1.2. Enhancing judicial reform in the Eastern Partnership Countries

The overall objective of the Joint Project of the European Union (EU) and the Council of Europe (CoE) “Enhancing Judicial Reform in the Eastern Partnership Countries” (the Project) is to support and enhance through intensive information exchange and sharing of good practices on the on-going process of reform of the judiciary in six beneficiary countries, namely Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus (Eastern Partnership countries - EPCs), with a view to increasing independence, efficiency and professionalism of the judicial systems of the countries concerned, in the light of the applicable European standards.

The Project is designed to provide a flexible multilateral forum for discussing challenges as regards independence, professionalism and efficiency of the judicial systems within the EPCs and legal or practical obstacles to the implementation of the applicable European standards. It intends to mobilise expertise and experience from all participating beneficiary and contributing countries and to make it available to the widest possible audience.

As a result of the project, the following outcomes were expected:

1. Legal and practical obstacles to the implementation of the relevant European standards as regards judicial reform in the beneficiary countries are identified.
2. Project’s recommendations and good practices are disseminated among key national authorities and stakeholders at the national level.

The implementation of the Project started in March 2011 and was carried out by the Division for the Independence and Efficiency of Justice within the Directorate General of Human Rights and Rule of Law (DG-I). Three expert Working Groups (WGs) including representatives from the EPCs have been set up under the project, focusing respectively on: an independent judiciary; a professional judiciary; and an efficient judiciary. It is envisaged that working groups can split into sub-groups to deal more specifically with the issues within their remit. The first two working groups started operating in 2011 and produced the following reports: “Judicial Self-governing Bodies and Judges’ Career”, “Training of Judges” and “The Profession of Lawyer”. The Working Group on Efficient Judicial Systems started in 2012 and produced a report on "Efficient Judicial Systems" in 2013.

### 1.3 Follow up working group on efficiency: update report 2013

It has been decided to arrange an update of the report 2013 of the Working Group on the Efficient Judicial Systems. This WG reviewed the situation in the beneficiary countries against European standards and good practices as regards the following issues: financing of the judiciary (including the management of courts’ funding) and backlogs and disposition times (case flow and judicial time management).

#### *1: Financing of the judiciary*

Each state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the ECHR and to enable judges to work efficiently. The authorities responsible for the organisation and functioning of the judicial system are obliged to provide adequate conditions enabling all actors in the area of the judiciary to

fulfil their respective missions and to achieve efficiency while protecting and respecting principles of independence and impartiality.

The states that have more recently turned to a democratic system and implemented major structural reforms of their judicial systems are often those that provide a consistent budgetary effort and allocate for the operation of the systems a significant public budget compared to the country's level of wealth. For many of them, including the majority of the participating beneficiary countries, the funds from international organisations (including the World Bank, the IMF) or European institutions (mainly the EU) contribute to these efforts. Nevertheless, the beneficiary EPCs judiciary remains seriously underfunded and lack of resources needed for court buildings, equipment, or appropriate remuneration of staff. This problem has been identified as one of the most pressing and sensitive in all the participating countries.

## *2: Backlogs and disposition time*

All beneficiary countries are struggling with an increasing workload of their courts and, as a result, more and more of them often are confronted with court backlogs and breaches of the fundamental principle of fair trial within a reasonable time (Article 6 of the European Convention on Human Rights). The latest CEPEJ evaluation report particularly stresses that backlogs remain a serious problem and that fighting them is seen as a part of the good administration of justice and is viewed as one of crucial tools supposed to restore the public's confidence in the judicial system.

Possible solutions to court backlogs vary from reducing legal proceedings as much as possible while maintaining the necessary standard of quality, increasing significantly the judicial machinery or the use of IT through additional funding, to revision of physical allocations and organisation of case work within courts. In many countries the problem might be limited to the need to remove minor claims from the courts, a step that requires legislative changes.

Having in mind the above mentioned prerequisites, the WG on Efficient Judicial Systems will assess the situation of the judiciary in five participating beneficiary countries, namely Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine.

### 1.4 Relevant European standards concerning independence, budgets and efficiency

The independence of the judiciary does not come without certain requirements concerning the budget for the judiciary. With regard to the relation between independence, financial resources and efficiency the following relevant European framework and standards should be kept in mind.

#### *Independence*

The Magna Carta<sup>4</sup> sees judicial independence in the following terms:

- Judicial independence and impartiality are essential prerequisites for the operation of justice.
- Judicial independence shall be statutory, functional and financial. It shall be guaranteed with regard to the other powers of the State, to those seeking justice, other judges and society in general, by means of national rules at the highest level. The State and each judge are responsible for promoting and protecting judicial independence.
- Judicial independence shall be guaranteed in respect of judicial activities and in particular in respect of recruitment, nomination until the age of retirement, promotions, irremovability, training, judicial immunity, discipline, remuneration and financing of the judiciary.

---

<sup>4</sup> Adopted by the Consultative Council of European Judges (CCCJE) on 17 November 2010.

### *Independence and budgets*

With regard to the relation between independence and budgets the Recommendation CM/Rec(2010)12 of the Committee of Ministers (to member states on judges: independence, efficiency and responsibilities) provides specific standards:

- Each state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently (paragraph 33);
- Further, the power of a judge to make a decision in a particular case should not be limited by a need to make the most efficient use of resources (paragraph 34);
- And the proper financing of the judiciary will be always linked to ensuring that a sufficient number of judges and appropriately qualified support staff are allocated to the courts. (paragraph 35).

The CCJE in its Opinion No 2 on the funding and management of courts with reference to the efficiency of the judiciary and to article 6 of the ECHR also recognised the close link between the funding of courts and the independence of judges and it has established that funding determined the conditions in which courts were able to perform (paragraph 2). The Opinion underlines that decisions on the allocation of funds to the courts must be taken with the strictest respect for judicial independence (paragraph 5).

#### 1.5 The efficiency of judicial systems

The crux is what are the "adequate resources" in a more operational sense? This question concerns the efficiency of the judiciary: it is connected with the relationship between the budgetary input and the output in terms of performance and quality.

### *Managing courts and judicial systems*

First, it is important to point that there are differences among European countries in how the courts and the judiciary operate. However especially in the last decade, there have been many common, positive developments and trends in Europe:

- Judicial budgets increased,
- In most of these countries judges and prosecutors themselves are directly involved in the selection, appointment and promotion of their peers,
- The salaries of judges and prosecutors have risen significantly,
- Judicial backlogs have been reduced, and cases are disposed more quickly.

It should be noted that the current financial and economic crisis is having a serious impact on many countries. So the courts' budgets and performance, once more, require our full attention. How can we administer justice with less money and also strengthen the rule of law?

Although it is not for the CEPEJ at this stage to define the proper level of financial resources to be allocated to the justice system, in general a correlation can be noted between the lack of performances and efficiency of some judicial systems and the weakness of their financial resources. However, the opposite is not always true: high financial resources do not always guarantee good performance and efficiency of judicial systems. It is not only a question of more money; it is also a matter of spending the money more efficiently. In order to realise this, the elements to be considered are:

- efficient organisation of judicial system,
- relevance of the procedures,
- professional management of the human and financial resources,
- responsible stakeholders of the judicial system,
- quality training, etc.

The current reforms of the judicial systems in the EPCs have a broad scope. In this updated report the focus remains directed specifically on the funding, management and efficiency of courts and the judicial system. The experts understand quite well that efficiency is not an aim in itself, but a mean to deliver better justice and to improve the rule of law. A transparent and efficient way of organising the public service in general - and more specifically the judiciary - contributes to less corruption and more public trust. The efficiency and the quality of the courts and the judiciary should be analysed simultaneously. If this is not the case, one makes the same mistake as is often made by legal professionals: by focussing only on quality, in the long run the access and public trust is threatened because of ever increasing costs and delays. Quality and productivity of the judiciary should be in balance.

#### 1.6. An update with new elements: effectiveness, quality and rating

This report is an update of the 2013 one and it analyses the most recent data available. For the judicial systems (part I of the report) the data we worked with are of 2012. At a court level (part II of the report) data for the year 2013 are added and analysed. Besides this data update, some new elements are added to this report. We have explored the effect of measures taken by countries, and indicated the quality of judicial systems and rated the use of resources and performance of individual courts.

##### *Indicating the effect of measures*

In the former report on efficiency, an important disclaimer was that the international comparison concerned data of the year 2010. The reported figures were derived from the report on European Judicial Systems 2012 (data 2010). These were verified, consolidated and reported data in this official publication of the Council of Europe/CEPEJ in 2012. For this update, countries have been asked to comment about the policy measures taken for improving the efficiency of their judicial systems and courts, especially related to the recommendations that were made in the report of 2013. In part I of this report the reported measures are compared with the results in 2012.

##### *Exploring the quality of judicial systems*

This report focuses on the efficiency and productivity of the courts and judiciary. However, the results of the analysis should be put in a broader context of justice and the rule of law. In the 2012 report it was explicitly stated that the conclusions regarding efficiency should not be read in isolation, but put in the context of the conclusions of the other WGs of this project in particular the ones concerning judicial independence, and judges' career and the position of lawyers. These two reports are missing in this follow up. In order to give a broader perspective, some new elements are introduced in the first part of the report. Part I still contains of course a comprehensive analysis and overall evaluation of the efficiency of the judicial systems in the EPCs by analysing the budgets, management and timeliness of the judicial system. However, two new elements are added compared to the 2013 report. The first difference is that some indicators which are related the quality of the judicial system are explored. Second additional introduced and discussed in this report is as a review of the EPC countries regarding several international comparative index concerning national judicial systems. Both elements put conclusions concerning efficiency into the broader perspective of quality and the rule of law.

##### *Rating courts on resources and performance*

Part II introduces four indicators to improve strategic quantitative management capacities and policy making by providing an insight in the performance of courts and use of available resources. The combined indicators Clearance Rate and Disposition Time will provide information on court performance (in terms of meeting needs and demands of general public in handling workload and disposing cases on time), while combined indicators Cost Efficiency and Productivity will provide information on use of court's financial and human resources.

Court's:	Indicators	Rating if above average	Rating if below average
Performance	Clearance Rate (CR) Disposition Time (DT)	A	B
Use of resources	Cost Efficiency (CE) Productivity (P)	A	B

Using this approach, if a court performance, measured by combined Clearance Rate and Disposition time indicators, is above average, the court would get mark A and if it is below average, it would be given mark B. In the same contexts, if court's use of combined financial and human resources is above average, it would get mark A, and if it is below average, it would be given B.

Using the method above, it is possible to arrange courts in four groups and calculate precisely position (or court rating) of every court in one of the four groups, based on marks given, according to the following:

- AA Court Rating: Good performance and use of resources
- AB Court Rating: Good performance, better use of resources needed
- BA Court Rating: Support in terms of additional resources needed to improve performance
- BB Court Rating: Need to improve performance and use of resources

Finally, the described methodology can be used in the strategic management and as guidance in developing Quantitative Performance Management System (QPMS) which is important foundation of any efficient judiciary. This system should be designed to transform data into actionable knowledge, developing capacities to:

- enable stakeholders to monitor the performance of the justice sector,
- monitor the impact of legal and judicial reform aimed at improving performance,
- provide government with performance data for policy and managerial decision,
- enable evidence-based decision-making,
- allocate financial and human resources among the courts fairly.

## 1.7 The structure of the report

The report consists of three parts.

### *Part I: Comparing budgets, management and performance of judicial systems*

Part I contains an extract from the figures that were collected in the report European Judicial Systems 2014 (data 2012) focussing on budgets, management and backlogs of the judicial systems in the EPCs. The budgets, management and performance of the EPCs were compared to the recent European benchmarks in 2012, taking into account the relative wealth and size of the EPCs. In the analysis you will find the country position and recommendations in 2010 as reported in the previous report, the measures that the EPC has taken, the new position in 2012 concerning the benchmarks and the recommendations for the EPCs in 2012. Besides an update with 2012 figures, it was also added new chapters which explore the quality of the judicial systems and the rule of law.

### *Part II: comparing the case flow, productivity and efficiency of courts*

Part II contains analysis of the functioning of the courts in the EPCs, as far as countries managed to deliver the requested figures. The case flow in 2010 - 2013 in six major case categories in first instance courts is analysed. The report presents the results for individual courts in the EPCs concerning the clearance rate, caseload, backlog changes, disposition time, case turn over ration, efficiency (cost per case) and productivity (cases per judge) and the recommendations. In addition, as



it was mentioned above, this section of the report also contains a new system of rating on use of the resources and performance of courts.

*Part III: Policy making capacities*

In essence, developing monitoring and evaluation system and strengthening policy making capacities is like building Rome. It is a process that will take more than one day. It is not simply a matter of setting up units and tasking them with the job of monitoring and evaluating courts. It is a matter of training personnel, having a strong normative basis and corresponding judicial performance indicators have to be supplemented with standards, since by necessity any evaluation requires comparison. Such standards can come from the past performance, from performance of other courts, from professional standards, expectations from public, European/internationally agreed/recognised standards, etc.

The five stages in the development of a monitoring and evaluation system in judiciary are 1) bureaucratic data collection, 2) normative framework, 3) institution building, 4) monitoring and evaluation, and 5) accountability and action. During the meeting of the Working Group 3 on “Efficient Judicial Systems” held in Strasbourg on 11 and 12 October 2012, information regarding completed (or in process of completion) stages in development of monitoring and evaluation system were provided by the national delegations. Azerbaijan and Georgia implemented all five stages, the Republic of Moldova and Armenia implemented first three and Ukraine first two stages.

In November 2014 the project organised a seminar on monitoring and evaluation in Strasbourg. Civil servants of the Ministries of Justice and judges from EPC participated. During this seminar three elements of the report were further elaborated and discussed: the general principles and use of the developed court rating system, the practices of court budgeting (as developed in Austria) and the strategy and principles building up a system of quality indicators and management (as developed in the Netherlands).

### 2.1 Introduction

The statement "Justice delayed, is justice denied" is often used by users of courts and indicate that timeliness is an important aspect of the quality of Justice. On the other hand, there is also a saying "Justice rushed, is justice ruined", which is often quoted by judges in order to express that the workload is too heavy and that they are not able to deal with the legal aspects of a case in a proper way given the time frames set. In what way are the EPCs dealing with this general, timeliness, and such kind of dilemmas? In this chapter, first we have analysed the development of the disposition time for several kinds of cases in EPC between 2010-2012. Secondly, the quality of the judicial system has been taken into account and explored by collecting related indicators for EPC in the year 2012 in the following sections.

### 2.2 Analysing disposition time indicators

In general, case processing times of courts are related to a number of incoming cases and to a number of resolved ones. The increase in processing times during the recent years in several European countries partly might be due to the lack of sufficient personnel in courts. Without an increase in the number of staff, the processing times will probably continue to rise - because, for example of the backlogs from previous years, the expected increase in case load and the increasing complexity of cases. In particular civil proceedings need several days of action time, due to their complexity. However, the problems encountered cannot be explained only by the lack of staff. The factors behind delays are more complex. The number of cases that are decided depends on the resources of the court, but it also depends on the efficiency and organisation of the court and judicial time management. Problems also arise because the values and objectives of the regulations are not all followed in practice.

In this paragraph we analyse the length of proceeding by analysing the calculated disposition time. The disposition time is the average time that is needed to process the cases, measured in days. The disposition time in EPC is compared to European standards very short. To give an idea: the European median of the disposition time for litigious cases in 2008 is 206 days and for non-litigious it is 84 days (CEPEJ, 2010, p 149). The median value for these case types in the EPCs is about half of this disposition time. So compared to other European countries justice in the EPCs is delivered fast.

#### *CEPEJ-tool: Checklist of indicators for the analysis of lengths of proceedings*

The Taskforce on Timeframes of Proceedings (CEPEJ-TF-DEL) has developed the Time Management Checklist "(Checklist of indicators for the analysis of lengths of proceedings in the justice system) since 2005. It has been prepared as a tool for internal use of its stakeholders, the purpose of which is to help justice systems to collect appropriate information and analyse relevant aspects of the duration of judicial proceedings with a view to reduce unreasonable delays, ensure effectiveness of the proceedings and provide necessary transparency to the users of the justice systems. The checklist contains a list of more than 80 concrete measures that have been applied by courts throughout Europe. The concrete measures come from large range of suggestions that are tested and documented in practice by policymakers, court managers and judges. Obviously not all of these more than 80 measures should be selected and implemented by a court. Choices have to be made. It depends on the situation in a court at hand which measures are the most appropriate. The Saturn Guidelines for judicial time management, on the other hand, are a systematic normative framework for every court that wants to approach judicial time management in an effective way. Using this approach will lead to choosing the right measures in the right order, in a way that they solve problems and can be implemented in practice. The guidelines are tested by several courts: Queen's Bench Division of the High Court of Justice (QBD) and Central London Civil Justice Centre (CLCJC) – England (UK), District court of Prague -Czech Republic, Tbilisi Appeal Court - Georgia, First instance court of Turin -

Italy, First instance court of Nedre Romerike - Norway and the Judicial district Dorneck-Thierstein - Switzerland. The test program of the SATURN guidelines has uncovered a concrete potential for better implementation of several guidelines and have shown the method's effectiveness as an instrument for detecting insufficient time management practices and produced insights in the factors that hamper their implementation. Findings are useful for giving general recommendations to courts, national court administrations and ministries of justice on how to improve their time management systems.

#### *Position and recommendations of 2010*

Using the EPC-median as a benchmark, the general evaluation concerning the performance of the judicial system in 2010 (in terms of clearance rate and disposition time) was that:

- the situation in Armenia and the Republic of Moldova was worrisome;
- Georgian reforms were becoming very rewarding;
- Azerbaijan was taking off;
- the situation in Ukraine was more ambiguous (because of missing data).

#### *Measures*

Azerbaijan: From 2012 Azerbaijan started to use "Electronic Court" system in the pilot courts. Experts foresee that the use of this system will reduce the time for consideration of cases and improve efficiency and performance of courts. In 2014 this program was presented for the competition for the award of "Crystal Scales of Justice".

Republic of Moldova: It should be noted that permanent changes in legislation and emergence of new legislative norms leave the courts flooded with more and more cases. Implementation of computer-aided case management and audio-recording systems are among other factors increasing the workload and disposition time. Software supporting computer-aided court case management is being improved constantly and its implementation slows down the process and increases the existing backlogs. In the Republic of Moldova, in 2013 the percentage of *cleared cases* grew by 0.86% from 2012. The share of *pending cases* in 2013 increased by 5.5% from 2012. The increased percentage is related also to a raise in number of cases received in 2013 as compared to 2012. It is not possible to determine the share of cases cleared within reasonable timeframes, as such data are currently not collected. In general, cases should be disposed of within reasonable timeframes. There are the mandatory deadlines for the consideration of some types of cases, namely, public law cases – 30 days, administrative offenses – 30 days, labour disputes – 30 days, special cases – 10 days, etc.

Effects

In table 2.1 the disposition time of some general case types are presented for 2010-2012.

**Table 2.1. Disposition time of general case types 2010 and 2012 (in days)**

	ARM		AZ		GEO		MDA		UKR	
	2010	2012	2010	2012	2010	2012	2010	2012	2010	2012
<b>Litigious civil (commercial cases)</b>	163	168	43	52	94	62	110	106	47	70
<b>Non-litigious civil (commercial cases)</b>	58	57	2	3	25	13		2		128
<b>Administrative law cases</b>	163	294	35	103	58	213	114	126	55	33
<b>Criminal cases (severe criminal offences)</b>	365	167	79	-		58		-		-
<b>Misdemeanour cases (minor offences)</b>	77	101	46	-		36		-		-
<b>Total criminal cases</b>	78	103	50	56	36	46	103	156	95	79

In 2012 in Armenia there was an increase of disposition time in litigious civil cases, in administrative cases and misdemeanour cases. There is improvement in severe criminal cases and the non-litigious cases the disposition time is a little less. Armenia appears the only country to deliver data on severe crime cases and misdemeanour crime cases in 2012. Clarification of these CEPEJ definitions for the EPCs statistics is obviously needed.

The disposition time of Azerbaijan is decreasing in 2012 for all types of general cases. The judiciary is performing clearly less than in 2010 in Azerbaijan, despite the intensive modernisation program.

Georgia is improving in 2012 the performance of the civil sector of courts by decreasing the disposition time even further and delivering the shortest disposition time in all the EPCs. In the administrative and criminal cases there is an increase, among which the increase in administrative cases is quite significant (from 45 to 213 days).

The Republic Moldova is improving the performance in the civil sector, but disposition time in administrative and criminal sectors is increasing. The Republic of Moldova has improved data delivered; more information on cases types was provided and thus data collection improved since 2010. Realised disposition time is higher than the time limits mentioned in the normative framework of the law, so monitoring and evaluation of this issue should be improved.

Unlike all the EPCs, Ukraine is improving disposition time in administrative cases and in criminal cases. Ukraine is also able to deliver more data now than in 2012.

**Table 2.3. Disposition time of specific case types 2010 and 2012 (in days)**

	ARM		AZ		GEO		MDA		UKR	
	2010	2012	2010	2012	2010	2012	2010	2012	2010	2012
<b>Litigious divorce case</b>	98	91	76	80	76	40	60	70	46	162
<b>Employment dismissal</b>	114	114	29	30	77	55	169	160	125	214
<b>Insolvency (since 2012)</b>		989				235		101 6		286
<b>Robbery</b>	114	290	128	119	65	119	142	243	80	188
<b>Intentional homicide</b>	117	243	86	124	104	183	135	154	175	183

The results for specific cases show also a mixed picture of development of disposition time: for dismissal - it is shortening and it is getting longer in divorce cases. The specific case type, insolvency, is a new addition in the CEPEJ-questionnaire. It appears that it takes courts about six times (!) longer to handle this category of cases than the general category of litigious civil cases. The development of disposition time concerning specific crime cases like robbery and intentional homicide in all the EPCs is dramatic. The doubling of this indicator in all of the EPCs would have an impact on the public trust and these crucial case types should be a major priority in all the EPCs. Concerning the adoption of new criminal laws, it is crucial that the criminal sector of courts is well facilitated and monitored intensively (see Part II of this report).

*Recommendations, position in 2012*

In general the disposition time of civil cases are the shortest of all court sectors in the EPCs. Developments since 2010 show a mixed picture. Disposition time of litigious commercial cases is longer in Armenia, Azerbaijan and Ukraine, and getting shorter in Georgia and the Republic of Moldova. Given this mixed picture (in some case types disposition time increased, in others - it decreased) a closer monitoring and evaluation of the civil sectors of courts is needed (see Part II of this report). Insolvency cases appear to last about six times longer than a general litigious case in the EPCs and need a special attention.

In the administrative cases the disposition time in EPC in 2012 is much longer than in civil cases ; in Armenia, Azerbaijan, Georgia it is about twice long. In almost all of the EPCs (except Ukraine) the disposition time increased substantially since 2010. The limited functioning of the administrative sector of the judiciary seems to be structural issue in all the EPCs. It is recommended to review the current laws and practices concerning the administrative judicial sector and if necessary to redesign it (see also Part II of this report for more details at a court level).

Disposition time concerning criminal cases also is increasing in almost all the EPCs (except Ukraine) with 10-50%. The increase in more specific crime cases like robbery and intentional homicide is even more dramatic. The doubling of disposition time in almost all of the EPCs (except Azerbaijan for robbery) for these two case types, should be an issue of great concern for all the EPCs, as these criminal cases have a significant impact on the public trust in general. The adaption and implementation of new criminal laws by the criminal sector of courts should be facilitated well and monitored intensively (see Part II of this report for more details at a court level).

It is recommended to implement the CEPEJ Time Management Checklist (Checklist of indicators for the analysis of lengths of proceedings in the justice system) in order to achieve practical improvement of disposition time. It is a tool for internal use of stakeholders, aiming to help justice systems to collect appropriate information and analyse relevant aspects of the duration of judicial proceedings with a view of reducing undue delays, ensuring effectiveness of the proceedings and providing the necessary transparency to the users of the justice systems.

## 2.3 Exploring quality indicators

The judiciary regulate the quality of the work in several ways. The well-known methods are the classical ones such as multi judge panels, appeal and jurisprudence; selection; training and remuneration. These acknowledged quality-improving measures mainly focus on individual cases and individual judges. In the last decades new forms of court quality systems have been developed in a number of European countries. They also take the quality of the court organisation into account. There are more focusing on the structural causes stimulating this development. As the number of cases and the courts are growing and getting more complex, the organisation of courts is becoming more and more important factor of its own, influencing the quality of the judiciary and courts.

European best practices of court quality management (Finland, The Netherlands) show that these systems in Europe are closely related to Article 6 of the ECHR and can be made more or less operational by focussing, for example like The Netherlands, on the following dimensions: independence and integrity; timeliness of proceedings; unity of law; expertise; treatment of the parties. The CEPEJ report on the European Judicial System 2012 shows that the EPCs go along with the mainstream of the European countries concerning court quality management: specific quality standards are defined, but there is no specialised court staff to deal with these standards.

### *CEPEJ tool: Handbook for conducting satisfaction surveys concerning court users*

Surveys among court users and professionals are important tools within the court quality management. Due to the increasing attention given to the needs and expectations of the court users, there is a growing trend in Europe for the introduction and use of specific tools, such as surveys, to evaluate court users' level of satisfaction or public confidence in courts. In a number of European countries, it is a common practice to conduct a survey at a national level or court level on a regular basis. The model survey and the methodological guide provided by the CEPEJ handbook facilitate future implementation of the surveys conducted among court users and professionals to improve the quality of the public service of justice, as is shown by the experiences of Angoulême Tribunal de Grande Instance (France), the tribunal of Turin and Court of appeal Catania (Italy) and the six first instances courts (Georgia).

### *Position in 2012*

The CEPEJ-working group on Quality is working on Guidelines for quality measurement, making an inventory of useful indicators for measuring the quality of the judiciary. In measuring the quality, preference should be given to the bottom-up approach, whereby judges would take ownership of the tools proposed to them and use them in their daily practice. The proposed indicators should provide for comparison either with standards or benchmarks of performance identified for all judicial systems, or with the indicators of past performance of the judicial system in question, its part or a single court. This is still an on-going work. To find and monitor quality criteria in the field of justice is a sensitive issue as it is strongly connected with the independence of judges. It is commonly accepted that the definitive or objective quality of the work of a judge is difficult to measure and a variety of proposals is on the table.

Quality is very difficult to measure in a quantitative way. In our view what can be rather well measured quantitatively, are the activities that judges and courts actually undertake to improve the quality of their work and the instruments they apply. The approach is explored in this paragraph by collecting answers of the available questions in the CEPEJ questionnaire on judicial systems. The fact that these questions appear in the CEPEJ questionnaire, indicate that they make sense and are worth to be collected. They are presented here as a good starting point for comparing quality indicators for European countries. The selection of the presented indicators is explorative and pragmatic. Some questions which are related to quality of the judiciary (e.g. Q121, concerning legitimate grounds for a transfer of a judge to another court) do not vary enough in the EPCs and are therefore excluded. Taking into account the list of the CEPEJ questions, the next indicators are used to explore the quality of justice in EPC.

**Appeal ratios** give a clear picture on the quality of justice. Registration/collection of information and analysis of these differences is essential to improve the quality. In the CEPEJ questionnaire appeal ratios are asked for divorce, unemployment, robbery and homicide cases. Georgia delivers figures for three types of cases and Azerbaijan for two. Data from Armenia, the Republic of Moldova and Ukraine are missing.

Despite of being independent during the exercise of their functions, judges have a series of responsibilities which may lead to disciplinary proceedings in case of non-fulfilment. The number of initiated disciplinary proceedings per 100 judges in a country indicates the practice of this principle. The European average is 5.6, while the median value is 1.2. All the EPCs have more initiated disciplinary proceedings than these European benchmarks.

**The number of pronounced sanctions** is important to guard the integrity of the judges. On the other hand, authorities should not apply them easily in order to safeguard independence. The CEPEJ questionnaire contains 9 forms of sanctions. The reprimand and "other sanction" are dominant in the EPCs, while suspension, withdrawal of a case, fine, temporary reduction of salary, position downgrade, dismissal or transfer to another court appear are not be applicable. The average score in Europe is 1.7 delivered sanctions per 100 judges, while the median score is 0.4 per 100 judges. Of the EPCs, Georgia meets the European median score concerning pronounced sanctions.

**Challenges of a judge** are part of the principles of fair trial. Successful challenges indicate that parties were proven right in their concerns about the impartiality of a judge. All the EPCs have such a procedure. Georgia registers 1 successful case in 2012. In 2010 number of judges challenged was 20.

**Complaint proceedings** exist in all the EPCs. They differ from concerning the time limits that are set for the different types of proceedings and involved authorities (e.g. courts, supreme court, other bodies; first instance, second instance). The maximum score on basis of CEPEJ questionnaire is 10, as it is shown in the table 2.4.

**The average salaries of judges** in Europe in 2012 varied between 2.1 (beginning of career) and 3.9 (end of career) times the average salary in a country. Salaries of judges in the EPCs are decreasing since 2010, while in Europe they remain the same. In Azerbaijan salaries are higher than the European benchmark in the beginning of the career and in Ukraine - they are higher at the end of the career.

**The probation period** of a starting judge is important to test capabilities. If the probation period is too long, the independence of a judge can be under pressure of the authorities appointing the judge. Ukraine has no probation period, in Georgia the probation period is 3 years, while in Azerbaijan and the Republic of Moldova it lasts 5 years.

**Combination of functions of a judge** with remunerated teaching is allowed in all the countries, while political activities are forbidden in all the EPCs. Differences appear in allowing (remunerated) cultural functions. Maximum CEPEJ score is 14. In Georgia the regulation is the strictest with a score of 3, while Ukraine 6 types of side jobs for judges are allowed.

**Education of judges** is important to maintain the professionalism of judges on a high level and their knowledge up to date. The budget available for education as a percentage of the total budget is an indication of the priority that is given to this quality dimension. All the EPCs, except the Republic of Moldova, spend more the European median of 0.5%. Azerbaijan spends the European maximum of 5%.

**User surveys** can be targeted at lawyers, prosecutors, victims, parties, judges and court staff (maximum score 7). They can be held regularly at court level (score 4), regularly at a national level (score 3), occasionally at a court level (score 2) or occasionally at a national level (score 3). Maximum CEPEJ score is 11.

**Quality standards** for the judicial system (Q78) improve norms for guiding the existing practice, while **specialised staff for a quality system** (Q79) is necessary to analyse the figures on quality, compare them with the standards and propose action. Maximum score is 2. Georgia and Azerbaijan have standards; none of the EPCs have staff available.

Table 2.4 shows indicators (between brackets the question number) related to a national quality policy concerning the judiciary and the scores of the EPCs in 2012. The best score is considered as a good practice and is coloured in green.

**Table 2.4: Exploring quality indicators in EPC in 2012**

	ARM	AZE	GEO	MDA	UKR
1. % appeal litigious divorce case (Q101, Q202)		2	1		
2. % appeal employment dismissal (Q101, Q202)		33			
3. % appeal ratio insolvency (Q101, Q202)			17		
4. % appeal ratio robbery (Q101, Q202)			23		
5. % appeal ratio intentional homicide (Q101, Q202)			64		
6. Disciplinary proceedings (Q144) per 100 judges		1.7	1.6	11.7	4.4
7. Disciplinary sanctions (Q 145) per 100 judges	12.7	1.5	0.8	8.6	2.1
8. Challenges of a judge (Q85)			1		
9. Number of time limits on complaint proceedings (Q41)	0	10	2	4	5
10. Probation period in years (Q 122)	na	5	3	5	nap
11. Combination of functions (Q135)	5	5	3	4	6
12. Salary judge beginning career (Q 132)	0.4	2.4	na	1.2	2.3
13. Salary judge end of career (Q 132)	0.7	4.4	na	1.9	6.7
14. % education budget of court budget (Q6)	2.6	5	2.7	0.3	
15. Types and frequency of user surveys (Q38, Q39)	0	9 (6+3)	9 (5+4)	0	1
16. Quality standards (Q78) en specialised staff (Q79)	0	1	1	0	0

This list of indicators illustrates what kind of indicators systematically have to be gathered to account for the quality of the judges and courts more transparently and systematically. The table gives a comprehensive and summarised overview. That is the strength of the overview. Any attempt of a comparative analysis of the quality of a judicial system will certainly raise questions as to which quality aspects should be measured and how. This comprehensive table explores the dimensions and scores in a country in relation to the other EPC judicial systems. It enables to raise instructive questions and leads to improved insight and understanding of empirical (and not only purely normative) judicial system operations, its relative advantages (or disadvantages), as well as challenges and obstacles.



The indicators and scores in the table should not be used to give simplified answers, but they should be regarded as a starting point for a more rational discussion on the quality of justice, as can be demonstrated by the interpretation of the first four indicator on the appeal ratio, which is, by most judges and legal scholars, often presented as the most important indicator for the quality of the judicial decisions and system.

For a correct interpretation of appeal ratios, one has to realise that that several aspects influence them. Parties in a lawsuit want a reassessment of the case by another judge. In that respect the appeal has an important function in the development, monitoring and promotion of the legal uniformity. In this sense, the appeal percentage indicates the acceptance of judgments by the parties. It should not be concluded that it automatically does automatic reflect the quality of administering justice in the first instance or the not adequate functioning of the judiciary. There are three reasons for monitoring the possible different modalities after the appeal.

In the first place, a part of the appeal cases is later withdrawn. A formal appeal is used for example to study the sentence well and to decide afterwards definitively whether the formal appeal will be withdrawn. The proportion of abrogation differs by cases type. Because the number of abrogation (still) is not clear, the appeal percentages by court presented include later abrogation. The second reason is that the major part of the judgments in appeal keeps score and by the higher court is confirmed. The third is that annulment of a sentence in an appeal does not automatically mean that a wrong judgment has been given. It can imply that the higher court has reached another answer to a question concerning which *ex ante* clarity has not existed yet in the case law. This is inherent to the development of the law and legal uniformity function of the appeal (and cassation).

The conclusion is that the appeal indicator is only a starting point for further discussion and further investigation. If and to what extent appeal coincides with possibly less adequately functions of the jurisdiction, such as dissatisfaction concerning the treatment by the judge or doubt to the expert appraisal by the judge, this can only be detected by closer research.

In the coming years for the judiciary in the EPCs it will be necessary to make the quality of the work more visible. The budgets for the judiciary have to compete with other political priorities like investments in defence or education. The discussions with the Ministry of Finance put a pressure on the efficiency of the judiciary. Financial and economic context indicators like clearance rate, disposition time, backlog, turn over ratios, efficiency and productivity are relatively easy to measure and will therefore automatically become dominant. So, in order to avoid undue emphasis on only efficiency and productivity, the judiciary will need to develop a more transparent quality system.

From the CEPEJ study of the actual development of court quality systems in several European countries, two strategic lessons can be drawn. Lesson 1: In order to develop a successful and working quality system, the judges in the courts have to take the lead. Lesson 2: Individual judges and courts cannot introduce quality management systems that last. Central government or Councils of the Judiciary should stimulate and facilitate local court improvement projects by adapting financing, regulations and agreements on who owns the information. These are lessons relevant for the impact assessment of introducing a well-functioning appeal system in judicial organisation of the EPCs. The general picture is that the studies by the CEPEJ clearly show that there are a lot of new initiatives and tools in European courts and countries. In the near future more experiences of European courts will be available. Then it will be possible to review systematically the implementation and follow up of the development of quality systems and the handbook and guidelines for user surveys. A training program by the CEPEJ is available for the courts, at their request to the Secretariat ([www.coe.int/cepej](http://www.coe.int/cepej)).

#### *Recommendations, position in 2012*

A preliminary and explorative exercise on the quality indicators of the EPCs, based on CEPEJ data 2012, is presented in this report. Results suggest that Georgia has gathered several good practices in this respect, for example concerning dealing with aspects like appeal ratios, disciplinary proceedings, sanctions and challenges against judge, the probation period for judges, the combination of functions

of judges, user surveys and quality standards. Also Azerbaijan has valuable practices in stimulating the quality of the judiciary considering setting time limits for various complaint proceedings, the remuneration of judges at the beginning of the career, the relative level of the budget for education and training, and also survey users and quality standards. Exchange of these practices within the EPCs is recommended. In order to improve quality of the judiciary, the implementation of CEPEJ tools like the handbook for conducting satisfaction surveys aimed at court users is recommended also.

3.1 Introduction

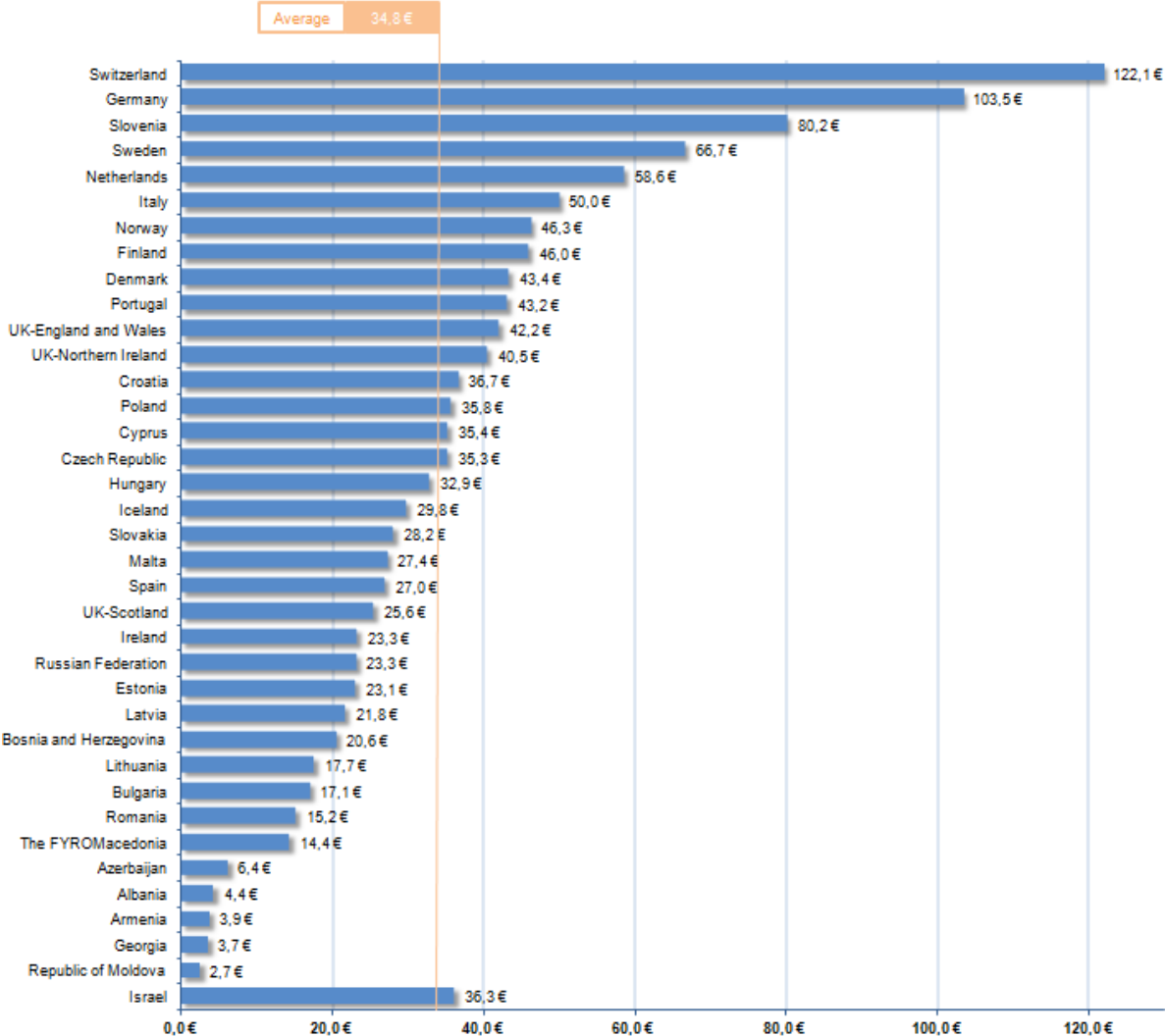
In this chapter we deal with the public budget for the judicial system and the main elements of it: judiciary, public prosecution and legal aid.

For each component the report reminds us the recommendations given in the previous report dealing with the data of year 2010, the measures the EPCs have taken since, the effects of these measures on the figures of 2012 and recommendations concerning the position in 2012.

3.2 Budget for courts per inhabitant 2012

In Europe, we can observe significantly large disparities in the per capita GDP and this must always be kept in mind when comparing the subsequent results. For instance, we can point out two extremes examples: on the one hand, the countries with a per capita GDP below €2.500 (Armenia, Georgia, Republic of Moldova and Ukraine) and on the other hand, Luxembourg with a reported per capita GDP more than 30 times higher. This has consequences for the absolute amount of money a country spends for courts per inhabitant as is shown in the figure below.

**Figure 3.1. Annual public budget allocated to all courts per inhabitant in 2012 (Q 1, Q6).**



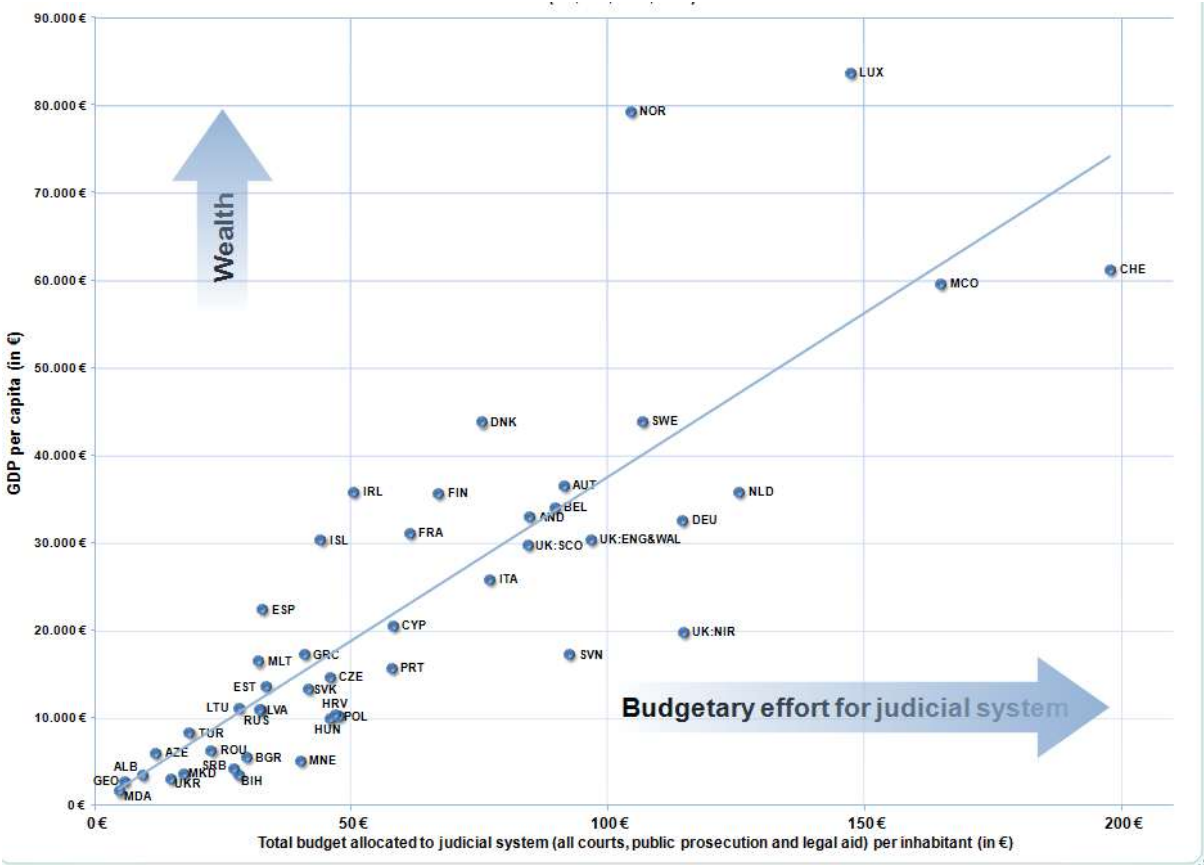
The budgetary efforts dedicated per inhabitant to the functioning of courts differ significantly among the member states. It varies between amounts exceeding 100€ per inhabitant in richer states such as

Switzerland to small amounts of less than 10€ per inhabitants in Eastern European states as the EPCs: Republic of Moldova (€2.4), Armenia (€3.5), Georgia (€3.6), Azerbaijan (€4.5) and Ukraine (€5.8). By correcting the budget for the wealth and size of the countries, the budgets become more comparable. The median of the European countries is regarded as the benchmark for the budget of the judicial systems.

*Relation wealth and budget judicial system per capita*

In fact, there is a very strong correlation between the wealth of a country and the budget per inhabitant as is shown in figure above. There is an almost perfect diagonal correlation, which shows that for every €10.000 the national income per capita increase, the public budget for the judicial system should expand with €50 (and for every €1000 with €5).

**Figure 3.2. Correlation between the GDP per capita and the total budget for courts, legal aid and public prosecution in 2012**



The figure shows that **Georgia** and **the Republic of Moldova** are near the diagonal line, which implies that their total budget matches with their relative wealth. **Azerbaijan** is spending relatively little budget on the justice system (above the line), while Ukraine's budgetary effort is more than to be expected. **Armenia** is not on the graph.

*Disclaimer data on budgets*

Unless specifically mentioned otherwise, the budgets indicated in principle correspond to the amounts as adopted and not as effectively spent. This might have an impact on the results provided by several member states, which, due to the effects of the financial and economic crisis, did not execute in 2012 the budget, adopted at the end of 2011.

In addition, it must be stressed that the financial and economic crisis may have had a serious impact on the situation of the public budgets since 2012, the reference year: budgets may have been

reduced since then, or, on the contrary, some states may have decided to dedicate further efforts to the justice system to face the challenges of the crisis.

All the amounts are given in Euros. For the countries, which are not part of the Euro zone, the CEPEJ paid attention to the variations in exchange rates between the national currency and the Euro (unless stated otherwise, the value is taken on 1 January 2013). Inflation may also explain a few significant budgetary evolutions. This context must be taken into account when interpreting variations in states or entities outside the Euro zone, which is the case for the EPCs.

For a more in-depth analysis of the specificities in the budgets of the various member states or entities, the reader is invited to examine the detailed answers given by each state or entity available on the CEPEJ's website.<sup>5</sup>

### 3.3 Public budget allocated to courts

#### *Recommendation position in 2010*

In general, the EPCs budget for courts between 2008-2010 was increasing more than the European benchmark. In a comparative perspective, court budgets in Armenia and Azerbaijan were lower than the European benchmark. Of these two states, Azerbaijan was increasing the budgets between 2008 – 2010; while in Armenia, it was recommended to give a priority to increase of the court budgets.

#### *Measures*

Armenia: Courts maintenance costs made: 2008 - 0.48 per cent, in 2009 - 0.5 per cent, 2010 - 0.5 per cent, in 2011 - 0.5 per cent, 2012 - 0.6 per cent, 2013 - 0.6 per cent of the state budget of Armenia. So there is an increasing budget for courts during the years.

Azerbaijan: 2011 - € 28,623,612, an increase by 7.3%; 2012 - € 35,085,346, an increase by 22.6%; 2013 - € 52,027,511, an increase by 48.3%. 2014 - € 43,065,231 Azerbaijan: 2011 - € 28,623,612, an increase by 7.3%; 2012 - € 35,085,346, an increase by 22.6%; 2013 - € 52,027,511, an increase by 48.3%. 2014 - € 43,065,231.

#### *Effects*

Between 2010-2012 eight European countries decreased the budget for courts (Portugal, Ireland, Italy). The median European country increased the budgets for courts still with 6%. Table below describes the level and trend of the relative expenditures on courts as part (in %) of the Gross Domestic Product (GDP) per capita between 2008 - 2012.

**Table 3.3: Annual public budget allocated to courts per inhabitant as part (in %) of the GDP per capita in 2008-2012**

	ARM	AZE	GEO	MDA	UKR	Median Europe
<b><u>Level 2010</u></b>	0.10%	0.16%	0.18%	0.19%	0.26%	0.20%
<b><u>Change 2008-2010</u></b>	7%	33.9%	8.6%	12.6%	na	5.0%
<b><u>Level 2012</u></b>	0.15%	0.11%	0.14%	0.17%	na	17%
<b><u>Change 2010-2012</u></b>	3%	46%	3%	13%	na	6%

In all of the EPCs there is a positive trend concerning the relative budget for courts in 2010-2012, as it was the case in the period before. The figures in table above show that the Republic of Moldova and Azerbaijan invested relative more than the median European country in the court system, as a result

<sup>5</sup> [www.coe.int/cepej](http://www.coe.int/cepej)

the Republic of Moldova meets in 2012 the European benchmark. Azerbaijan is investing forcefully, but the level is still below the European median. Armenia and Georgia invested more and are making progress keeping up with the European median concerning court budgets. But the increase in these two countries are still less than the European median and courts remain therefore relatively underfunded. The Republic of Moldova (partly due to EU-monetary assistance), invested more than the most European countries and in 2012.

#### *Recommendations, position in 2012*

In all of the EPCs there is a positive trend concerning the relative budget for courts between 2010-2012, as it was the case between 2008-2010. But the increase is still smaller than the European median, so the courts in almost all the EPCs (except the Republic of Moldova) are underfunded. In order to meet the European benchmarks, the budgets for the courts should be increased more in the near future.

### 3.4 Public budget allocated to public prosecution

#### *Recommendations, position in 2010*

The European average and median amount allocated to the prosecution per capita has remained stable in 2010. Six states or entities (Italy, UK-Northern Ireland, UK-Scotland, Netherlands, Monaco<sup>6</sup> and Switzerland) spent more than €20 per inhabitant on prosecution services. Ten states (among which there are the Republic of Moldova, Armenia, Georgia) spent less than 5€ per capita.

Concerning the data of 2008-2010, it was concluded that although it was possible to explain the downward evolution for the public prosecution budgets in some ECPCs by the variation in exchange rates, in some of the EPCs it was equally interesting to highlight the fact that some of these countries are currently undergoing large-scale judicial reforms and rebalancing the role of judges, within the legal system, in relation to a traditionally powerful Prosecution. This specifically accounts for the situation in the Republic of Moldova, Georgia and Armenia. In Azerbaijan and Ukraine already relatively big budgets of the public prosecutors increased even further. The balance between judiciary and prosecution should be a point of consideration.

#### *Measures*

Azerbaijan: In the analysed period the prosecution's budget has increased on average approximately 18.8% annually, and this increase is associated with the modernisation of prosecutors' education and training. However, the annual increase of allocations for judicial system was 35.5% during the same period. Public funding of prosecution: 2011 - € 40,925,558/ 2012 - € 43,686,756, 2013 - € 57,189,273; 2014 - € 43,065,231.

#### *Effects*

Table below describes the level and trend of the relative expenditures on public prosecution services.

---

<sup>6</sup> The data needs to be put into perspective by considering the small number of inhabitants.

**Table 3.4. Annual public budget allocated to prosecution services per inhabitant as part (in %) of the GDP per capita in 2010**

	ARM	AZE	GEO	MDA	UKR	Median Europe
<b><u>Level 2010</u></b>	0.06%	0.10%	0.08%	0.10%	0.11%	0.08%
<b><u>Change 2008-2010</u></b>	-21%	33%	-16.8%	-16.6%	11%	1.7%
<b><u>Level 2012</u></b>	0.07%	0.09%	0.07%	0.10%	0.19%	0.08%
<b><u>Change 2010-2012</u></b>	19%	20%	7%	33%	144%	7.1%

Between 2010-2012 in almost all the EPCs (except Georgia) relative budget for public prosecution increased, between 2010-2012 increased considerably more than in the rest of Europe, while in Armenia, Georgia and the Republic of Moldova the trend was still negative. The positions as were noted in 2010 are still the same as in 2010. In Azerbaijan, the Republic of Moldova and Ukraine the relative budget for public prosecution is still relatively higher than the European median, while it is less in Georgia and Armenia.

*Recommendations, position in 2012*

The balance between judiciary and the traditionally powerful Prosecution should be a point for consideration. In some of the EPCs large-scale judicial reforms and rebalancing the role of judges, within the legal system and in relation to prosecution takes place. In Armenia and Georgia the budgetary level is slightly less than the European benchmark. In Azerbaijan and the Republic of Moldova the level is slightly higher. In Ukraine the relative large budgets for public prosecuting is relative high and even increasing.

3.5 Public budget allocated to legal aid

*Recommendation position in 2010*

In Europe the public authorities on average spend €6.8€ per inhabitant by the public authorities for promoting access to justice through the legal aid system. However, it seems more relevant to consider the median value in Europe - €2.1 per inhabitant. Table 3.5 describes the level and trend of the relative expenditures on legal aid.<sup>7</sup> Concerning the situation with the legal aid in 2010 it was concluded concerning 2010 that there was a positive European trend regarding access to justice, and such a trend was consistent with the requirements and spirit of the European Convention on Human Rights. In the EPCs, the Republic of Moldova and Georgia kept up with the European benchmark. Azerbaijan was advised to continue its recent increase of the budget. In Armenia the increase of the budget for legal aid had to be given a priority (figures Ukraine were not available).

*Measures*

Azerbaijan: In the framework of the World Bank project "Modernisation of Justice" the Ministry of Justice plans to analyse the legal aid framework in this sphere, study international experience and take appropriate steps for further improvement of the institute of legal assistance. Work is being done to study the situation in the country regarding the fees for legal assistance. In the regions of Azerbaijan the Ministry of Justice has established the legal advice centres to educate low income population on their civil rights, as well as to enhance services of free legal advice. In addition, under the World Bank project "Progressive Legal Services" free legal assistance to low income population was provided to low-income population in Baku and Guba from 2010 to 2013.

<sup>7</sup> Report on Efficient Justice Systems 2013.

*Effects*

The table below presents the relative budget for legal aid in the EPCs in 2008-2012.



**Table 3.5. Annual public budget allocated to legal aid per inhabitant as part (in %) of the GDP per capita in 2008-2012**

	ARM	AZE	GEO	MDA	UKR	Median Europe
<b>Level 2010</b>	0.004%	0.001%	0.01%	0.01%	NA	0.01%
<b>Change 2008-2010</b>	-16%	+38,2%	-9.4%	25.1%	NA	+10.8%
<b>Level 2012</b>	0.008%	na	0.012%	0.02%	na	0.014%
<b>Change 2010-2012</b>	32%	na	32%	na	na	13%

Figures for Ukraine and Azerbaijan are not available. The budget of Georgia stays at the European level, while the Republic of Moldova seems to have accelerated even above the European level. In Armenia the level for legal aid is far less than the European median despite the increase of 32% and still a point of concern therefore, the situation is as it was in 2010.

*Recommendations, position in 2012*

Considering this issue in the European context of relative little court cases per capita, the development of legal aid in the EPCs is important for access to justice.

While Georgia and the Republic of Moldova are achieving almost the level of the European benchmark, a system of legal aid is improving in Armenia and Georgia (data for Azerbaijan, Republic of Moldova and Ukraine are not available). Effort for improvement of legal aid should be intensified and continued in the next years.

### 3.6 Public budget allocated to all courts, public prosecution services and legal aid

*Recommendation position in 2010*

€7.4 per capita was the average amount of resources spent on the judicial system in Europe in 2012. Eastern European states report the lowest budgets; Central European States, many of which have recently joined the European Union, stood at an intermediate level, North and West of Europe were spending the largest budgets per capita in accordance with the state of their economy. The EPCs spent less than 10€ per capita on the judicial system: Republic of Moldova (€3.7), Armenia (€4.9), Georgia (€5.5) and, Azerbaijan (€9.0).

Based on the European benchmarks concerning budgets, two conclusions and recommendations were formulated concerning the position in 2010:

- 1) the budgets for the judicial system had to be increased to a level that is in line with the size and wealth of the EPCs considering the European benchmarks. This implies that:
  - the budget in the Republic of Moldova was adequate (with a positive trend);
  - a little limited in Georgia (with a negative trend);
  - substantially limited in Azerbaijan (with a positive trend);
  - substantially limited in Armenia (with a negative trend).

It was recommended to increase the budget to the relevant European standard in order to get the financial resources of the judicial system on an adequate level.

2) Besides the level of the EPCs budget, the distribution between courts, prosecution and legal aid within the judicial system is relevant. This implied that:

- In Armenia there was a relative underfunding of all of the parts of the judicial system;
- In Azerbaijan, the Republic of Moldova and Ukraine there was a relative overfunding of the public prosecution services;
- In Azerbaijan and (probably) also in Ukraine there was relative underfunding of legal aid.

It was recommended to redistribute budgets of the overfunded parts to the underfunded parts matching the relevant European benchmark in order to get the judicial system and the rule of law in balance.

#### *Measures*

Armenia: The funding of judicial system is realised from the state budget of the Republic of Armenia, provided for each body. To ensure normal functioning of courts for financing contingency expenses, courts' contingency fund is provided that appears as a separate line in the budget. The Council of Courts Chairmen makes allocation from the reserve fund. To ensure normal operation of the courts in the event of failure, of the contingency fund court's decision of the Government of RA funds are allocated from the reserve fund of the Government of the Republic of Armenia. Concerning the distribution between courts, legal aid and prosecution it is necessary to proceed from the fact that Armenia has relatively insufficient funding of all sectors of judicial system.

Azerbaijan: Growth of budget for the prosecution is related to their education and training. It should be noted that under the project "Support to the Reform of Justice" (funded by the European Commission from 2013), legal clinic at the Academy of Justice was established to provide free legal assistance to low income groups of the population. The clinic provides free legal assistance to low income groups of the population, disabled people, refugees, forced migrants, students and other vulnerable groups. The authorities plan to maintain this trend and as a result, meet the European benchmarks in this field in the course of time.

Republic of Moldova: Court budgets are increased annually. The public budget allocations to courts are at 1.01% of total public expenditure, an increase by 0.15% from 2013 (0.86%). The 2014 National Budget Act increased the share of budgets allocated going to courts by 7%.

#### *Effects*

In table below, there are presented more specific developments of the total budget for courts, prosecution and legal aid in the EPCs between 2008-2012.

**Table 3.6. Annual public budget allocated to courts, prosecution services and legal aid per inhabitant as part (in %) of the GDP per capita in 2008-2012**

	ARM	AZE	GEO	MDA	UKR	Median Europe
<b>Level 2010</b>	0.23%	0.20%	0.28%	0.30%	NA	0.30%
<b>Change 2008-2010</b>	-3.1%	+33.2%	-1.2%	+1.3%	NA	16.8%
<b>Level 2012</b>	na	0.20	0.22	0.30	0.49	0.29
<b>Change 2010-2012</b>	na	32	6	26	na	5.4

#### *Recommendations, position in 2012*

In 2012 the total public budget for judiciary, prosecution and legal aid in the Republic of Moldova is in line with the European benchmark, while Ukraine even exceeds it. Concerning Georgia and Azerbaijan there appears to be relative underfunding of the judicial system (data for Armenia was not available). Since 2010 the budgets in the EPCs have increased more than the European countries.

Continuation of this policy, with special attention given to the legal aid budget, may result in meeting European standards in the near future.

### 3.7 The financial revenues of the judicial system

#### *Recommendations, position in 2010*

In Azerbaijan (1.9%) and Ukraine (3.5%) the share of court fees in the court budget was very small compared to the European median of 29% (data 2012 for Armenia, Georgia and the Republic of Moldova were not available). The relative rise in court fees as part of the court budget was also increasing in Azerbaijan (39%) and Ukraine (110%); it was significantly more than the median increase in Europe (15%). It was not clear whether this was due to a changing currency rate, increasing number of cases or higher court fees. The level of court fees was important for the access to justice. For the EPCs, it was important to have figures available on this key issue. The major increase of court fees in Azerbaijan and Ukraine should not have hindered citizens' access to Justice.

#### *Measures*

Azerbaijan: Sources of revenue for justice are state budget and loans. At the same time, analysis of the level of court fees and the price level of lawsuits is being done and this will result in the proposals for appropriate legislation.

#### *Effects*

The share of court fees in % the court budget 2010-2012 is presented in the table below.

**Table 3.7. Share of court fees in % of the court budget 2010-2012**

	ARM	AZ	GEO	MDA	UKR	Median Europe
<b>Level 2010</b>		1,9			4	24,5
<b>Level 2012</b>	24.4	2.1		24.4		24.5
<b>Change 2010-2012</b>		0.12				-0.5

The share of court fees in % for Armenia and the Republic of Moldova in 2012 are in 2012 in line with the European average. The figures of Azerbaijan and Ukraine are extremely and worryingly low. Many data are missing, thus it is impossible to draw any further conclusion on level or development in the EPCs.

#### *Recommendations, position in 2012*

The level of court fees is important for the access to justice. Rise of court fees should not hinder access to Justice. For the EPCs it is important to have figures available on this key issue in order to have appropriate legislation.

### 4.1. Introduction

In Europe, there is a tendency to decrease the number of courts as growing mobility of the population increases and the development of modern information and communication technology have a positive impact on the access to justice, the tendency is to decrease the number of courts and make it possible to deliver justice with lesser court locations.

The result of these mergers is bigger courts and more specialised judges. As the founder of modern economic science Adam Smith made clear centuries ago, in times of more and increasingly complex cases this kind of division of labour of judges within the courts can - as the founder of modern economic science Adam Smith made clear centuries ago - improve both the efficiency and quality.

In order to achieve these positive effects, these bigger courts with modern technology also need to be more professionally managed. In this chapter we deal with the number of courts, judges and staff, the composition of court budgets (in terms of their salaries and buildings), the budgetary and operational management of courts.

### 4.2 Courts, judges and staff

#### *Recommendations, position in 2010*

Armenia, Azerbaijan and Georgia had less than 1 court per 100.000 inhabitants, that was less than the European median. Republic of Moldova and Ukraine had between 1 and 2 courts per 100.000 inhabitants, what was in line with the European median. The number of locations was comparatively bigger, but not very much and often a location is a legal entity. The EPCs courts in general are not specialised and there are no special courts for small cases, dismissal or robberies. No specific recommendations were made.

#### *Recommendations, position in 2012*

Scaling up the size of courts can, when properly managed, raise opportunities for improving the efficiency and quality of judicial services as reforms in Georgia show. It is recommended to introduce more specific and simplified proceedings, so courts can cope with the increasing disposition time for robberies and insolvency cases (see chapter 2).

### 4.3 Composition of budgets allocated to courts

#### *Recommendations, position in 2010*

The composition of court budgets regarding salaries, computerisation, justice expenses, court buildings, investment in new court buildings and training and education significantly varied between the countries. In 2010 Armenia spent relatively more on salaries (84%), Azerbaijan on new buildings (22.8%) and in Georgia the justice expenses (24.2%) were a relatively large part of the budget. We have to note that there were significant changes in the budget for training and education of judges between 2008 and 2010. In the previous report it was recommended that the EPCs have completed investment in physical infrastructure (new buildings, IT) but should not forget about the “soft” infrastructure of justice. It was essential to stop the relative decline in the share of judicial budget allocated to judges' training and education. This objective should have had become a priority, similar to the priorities defined by the Republic of Moldova in 2008-2010.

#### *Measures*

Azerbaijan: Currently, this issue of training is a priority and the World Bank project “Modernisation of the justice system” seeks to analyse similar institutions with subsequent amendments to relevant legislation in order to improve the performance of the Academy of Justice. It is also planned to include in the list of these recommendations proposals on increasing public funding of the Justice Academy.

Other priorities for Azerbaijan include creating new courts, judicial complexes and providing the infrastructure for extensive use of information and communication technologies.

#### Effects

Table below shows the composition of the court budgets in 2012.

**Table 4.1. Distribution of the main budgetary posts of the courts in EPC countries in 2012 in % (Q6)**

States/entities	Total annual approved public budget allocated to all courts* (Q6)	Annual public budget allocated to (gross) salaries	Annual public budget allocated to computerisation**	Annual public budget allocated to justice expenses	Annual public budget allocated to court buildings***	Annual public budget allocated to investments in new buildings	Annual public budget allocated to training & education	Other
Armenia	11.717.879 €	77,5%	NA	0,3%	0,1%	NA	2,6%	19,5%
Azerbaijan	68.719.829 €	40%	12,0%	NA	5,3%	34,1%	5,0%	3,6%
Georgia	16.714.717 €	57%	1,6%	13,5%	7,1%	12,9%	2,7%	5,6%
Republic of Moldova	9.581.963 €	64%	1,7%	NA	19,0%	0,0%	0,3%	15,4%
Ukraine****	NA	NC	NC	NC	NC	NC	NC	NC
Average	747.281.941 €	70,0%	3,1%	6,0%	9,0%	4,8%	0,9%	11,7%
Median	160.830.757 €	73,3%	2,2%	4,8%	7,1%	1,9%	0,5%	10,0%
Minimum	6.663.168 €	35,9%	0,2%	0,0%	0,1%	0,0%	0,0%	1,7%
Maximum	8.302.304.848 €	97,5%	12,0%	21,4%	29,9%	34,1%	5,0%	27,1%

In 2012 Armenia a large part of budget – 77.5% is still spend on salaries, which is in fact at the level of the European median (73%). The relative share of salaries is relatively less in Azerbaijan (40%), Georgia (57%) and the Republic of Moldova (64%). In the Republic of Moldova, relatively more money is spent on existing buildings, while the budget for computerisation, new buildings and training and education is relatively less. In Azerbaijan, a large part of the budget is for computerisation and new buildings and training, which is reflecting the investments of the modernisation program of the judiciary. In Georgia, the budget on justice expenses was and stays relative high (13.5%). So, in general, the picture in 2012 concerning the composition of the court budgets is generally the same as in 2010.

It appears that in 2012 Ukraine (-87%), Armenia (-47%) and Georgia (-4%) decreased the budget for training more than the European median. In the Republic of Moldova training particularly was the higher priority where the budget has been increased by 122%. But in the end, in EPCs the relative budget for training and education in 2012 is in general larger than the European benchmark (0.5%). The Republic of Moldova, which increased the budget between 2008-2010 with 133%, now it is the only EPC which does not meet the European benchmark in 2012.

#### Recommendations, position in 2012

Education and training of judges is important if we want them to deal with efficiently and with a good quality with cases in a qualitative good way. Several EPCs (Ukraine, Armenia, Republic of Moldova and Georgia) substantially decreased the relative budget for training and education in 2012 substantially. But in general the level is still higher than the European benchmark is. The Republic of Moldova, which still increased the budget between 2008-2010, is the only EPC, which does not meet the European benchmark in 2012. To gain deeper insight in the effects on education and training, it is recommended an update of the report on the Training of Judges that the working group on education has published in 2011.

#### 4.4 Salaries of judges

Major part of the budget of courts is salaries. The salaries of judges are specific matter and a subject of national legislation and policy. Even though states cannot be given specific guidelines by the CEPEJ as to the actual salaries judges should be paid, it is important to set up such a system, which on the one hand makes judicial positions attractive and at the same time, in general, it ensures the

efficiency of the judiciary. At the European level, judges and prosecutors at the beginning of their career earn more than the average national gross salary. A median factor of 2,1 for judges and of 1,8 for prosecutors appear in 2010 to be the European benchmarks according to the CEPEJ data for 2010.

#### *Recommendation position in 2010*

Due to the financial and economic crisis, the relative salaries of the judges (except Georgia) and prosecutors (except Ukraine and Armenia) were significantly decreased since 2008. This effect was in the EPCs even stronger than in the rest of Europe. Three conclusions and recommendations were formulated:

a) With the exception of the Republic of Moldova, the level of remuneration of judges in the EPCs was generally in line with the available European benchmarks (2.1 - 3.9 x the average gross national salary). Data for Armenia was not available.

b) For public prosecutors this European benchmark was smaller (1.8 - 3.6 x the average gross national salary) than for judges. This has been a result of a political will to support judicial power in countries which had experienced strong prosecution services in the former regime. In Azerbaijan and the Republic of Moldova salary of a prosecutor was beneath this European benchmark (in Ukraine only at the end of the career). It was recommended to raise the salaries to the level of the European benchmark.

c) Concerning remuneration we restated the conclusion of the working group on the independent judicial systems concerning remuneration: "*The European standards do not advocate remuneration systems based on judicial performance. Therefore, all five countries under consideration are compliant in this respect.*"

#### *Measures*

Armenia: a-c: As a result of doubling salaries from 2009, the official salary of judge of general jurisdiction court is €879.3, the official salary of judge of administrative court - €1,006.5. In addition, the judge is provided with additional fee for seniority: for the first 5 years - 2 per cent per year (total 10 per cent), and for the sixth and each subsequent year - 5 per cent. Bonuses for judges in the budget are not provided.

Republic of Moldova: a. The remuneration of Judges Act 328 (23.12.2013) passed by the Parliament determines the process, terms and size of judges' remuneration, including their salaries; it establishes uniform rates based on the notion of average national salary which is set annually by the government; sets a common framework for uniform wage-setting standards and procedures and provides: a salary grid for different categories of judges, depending on the court level; transparent and easily applicable rules. Art. 4 (Act 328), in force since January 1, 2014, determines judge's salaries according to the court level and seniority of the judge. In 2014, judges' salaries stood at 2.1 - 3.9 x the average gross national salary. c. Judges' salaries were raised to 2.4 - 4 x average gross national salary. d. In the Republic of Moldova, judges' remuneration does not depend on productivity. Main criteria are length of service and court level.

#### *Effect*

Development of the relative salaries of judges and prosecutors at the beginning and end of the career in 2012 is presented in the table below.

**Table 4.2. Salaries of judges and prosecutors at the beginning and end of the career in relation to the average national salary in 2010 and 2012 (Q 132)**

	ARM		AZE		GEO		MDA		UKR		Median Europe	
	2010	2012	2010	2012	2010	2012	2010	2012	2010	2012	2010	2012
<b>Judge beginning of career</b>		0.44	3.0	2.4	3.8		1.5	1.2	2.6	2.3	2.1	2.1
<b>Judge end of career</b>		0.7	5.5	4.4	7.4		2.2	1.9	8.6	6.7	3.9	3.9
<b>Prosecutor beginning of career</b>	2.2		1.4	1.1	3.0		1.2	1.1	2.2	1.2	1.8	1.7
<b>Prosecutor end of the career</b>	4.3		3.5	3.7	5.1		1.6	1.4	2.3	1.8	3.6	3.1

The salaries of judges in Europe remain at the same level as two years before, both at the beginning as at the end of the career. In all the EPCs for the judges there was a substantial decrease of the salaries. In Armenia and the Republic of Moldova the salaries are lower than the European benchmark. In Azerbaijan and in Ukraine a judge earns relatively more than his/her European colleague (figures from Georgia are missing). The salaries of prosecution decreased slightly in all of Europe, especially at the end of the careers. A prosecutor in Azerbaijan, the Republic of Moldova earns relatively less than the benchmark of his European colleague at the beginning of his/her career (data Armenia and Georgia are missing).

*Recommendation position in 2012*

Salaries of judges in the EPCs are decreasing since 2010, while in Europe they remain the same. In Azerbaijan and Ukraine judges salaries are higher than the European benchmark. Salaries of judges in Armenia and the Republic of Moldova are relatively too low and should be increased. Salaries for prosecutors at the beginning of the career are below European benchmark and should be increased.

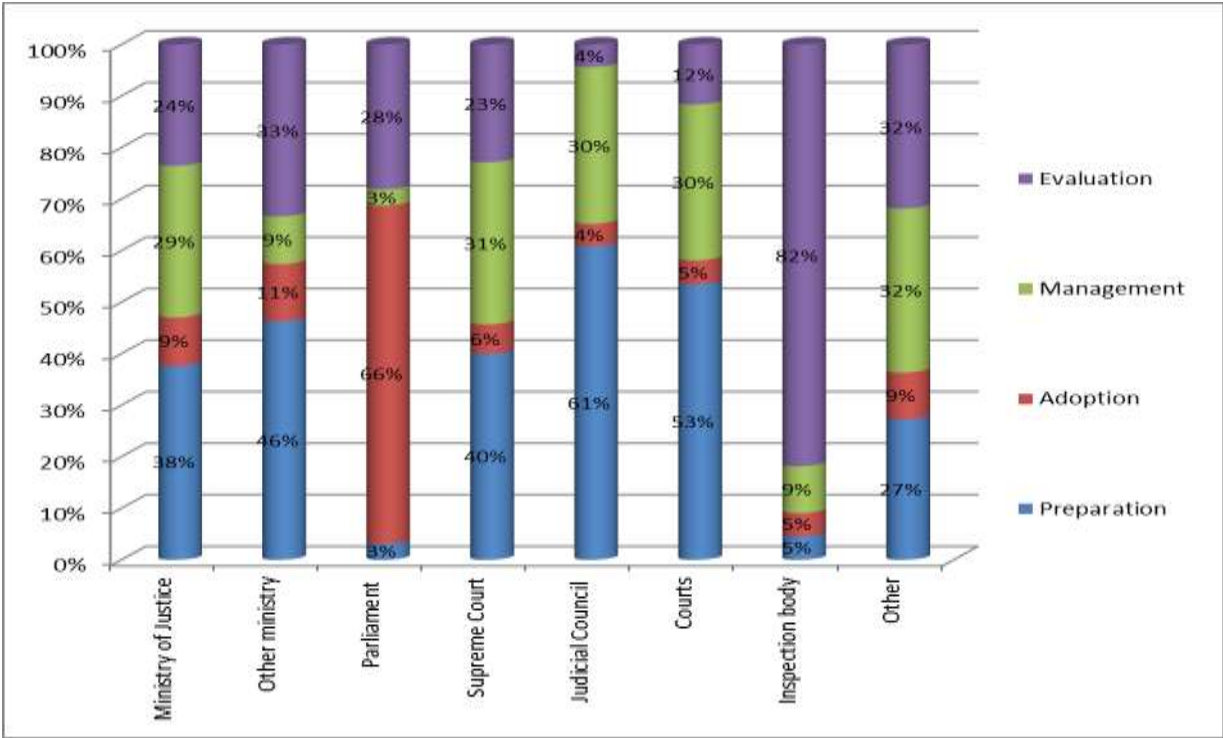
4.5 Responsibilities in the budgetary process

*Recommendations, position in 2010*

The budgetary process is often handled in a similar way in Europe, as is shown in figure below. It gives a picture of the involvement of authorities concerning different stages related to the budget of courts and illustrates that there is a dominant pattern in Europe.



**Figure 4.3. Involvement of authorities in different stages related to the budget of the courts in 2010 (Q14)**



In 66 percent of the countries, the responsibility of adopting budget proposals lies with Parliament allowing sometimes for other bodies to be involved. The overall budget of the judicial systems is more diverse and managed by either judicial bodies (courts and/or supreme courts and/or councils of justice), the executive power (Ministry of Justice and/or Ministry of Finances) of national court administrations (Lithuania, Norway, Sweden, Ukraine, UK-Scotland), allowing for frequent participation of several actors combining the executive power and judicial entities. In 80 percent of the countries in Europe the evaluation of the proper implementation of the budget is operated by the executive power, divided between the Ministry of Justice and other Ministries (mostly Finances).

In 2010 concerning the EPCs, the involvement of authorities in the different stages of the budgetary process concerning the judiciary was scrutinised by the working group on judicial independence. The following conclusions and recommendation were formulated:

Armenia: The Justice Council of Justice exercised rather limited influence on the budget-drafting process. Direct negotiations were only envisaged at an early stage of that process. During the later stages, the interests of the judiciary were represented by the Judicial Department. In the early stages the judiciary was represented only by the Council of Courts' Chairmen, with the Council of Justice not involved at all. This situation was not in line with European best practice.

Azerbaijan: The Court and Judges Act did not envisage any interplay between the executive and the judiciary when it came to the planning, drafting and processing of the budget of the judiciary. No negotiation between these two arms of the state could be found in the regulations cited. The Judicial-Legal Council Act provided only that the Council could submit proposals on the issue of supplying the courts with equipment and funds. In summary, given the very limited scope for the influence of judicial self-governance in the courts' budget drafting process, the current system was not in line with European best practice. The regulations did not indicate the extent to which the JLC exercised powers in relation to its own budget. However, the situation appeared quite similar to that which prevails with regard to the financing of the courts.



Georgia: The legislative involvement of the High Council of Justice (HCJ) in budgetary issues in Georgia appeared rather declaratory in nature as a result of its very early participation in the process and due to the requirement to present the judicial budgetary needs to the executive.

The Republic of Moldova: The lack of proper institutional cooperation, partly caused by the ambiguities that existed within the relevant legislation, excludes the SCM from the negotiating process surrounding the judicial budget at the Parliamentary level. The legislature should have reconsidered its approach in this respect.

Ukraine: The Ukrainian practice was based on a legal framework that failed to facilitate full representation by judicial self-governing bodies in negotiations relating to the budget of the judiciary. Furthermore, the demands of the judiciary expressed through its self-governing bodies should have been taken into serious consideration.

#### *General conclusions on the role of the Justice Council in the process of negotiation of budgets for the judiciary*

The general conclusion of the working group on Independent Judicial Systems was that in all five countries, the judicial self-governing bodies were rather limited in terms of their capacity to present the budgetary needs of the judiciary to their governments and parliaments. There existed negotiation mechanisms with regard to establishing the budgets of the judicial systems. However, these mechanisms had to be reformed in order to further strengthen the influence of judicial self-governance institutions and to ensure that parliamentary adoption of budgets requires parliament to obtain the views of the judiciary. Such mechanisms should have been provided for in legislation and be strictly adhered to in practice. Moreover, the role of judicial self-governing bodies in relation to the management of allocated funds had to be enhanced.

#### *Measures*

Armenia: preparation of the draft budget request from separate divisions (courts' staff) of Judicial Department is done by appropriate separate division, and the draft budget request of the central body of Judicial Department - by relevant structural division of the central body. Based on the requests submitted by the central body of Judicial Department and separate structural divisions, a medium-term expenditure program for courts and budget request is prepared, and then head of judicial department submits it to the Budget and Finance Commission of the Council of Courts' Chairmen, and after that - for the approval of the Council of Courts' Chairmen. Council of Courts' Chairmen is free to make needed changes in the budget request. By the decision to start the process of the coming fiscal year, the approved program of medium-term expenditure and budget request are submitted in due time to the government to be included in the draft state budget. Government approves courts' budget request and includes it in the draft state budget, in the case of objections together with the draft state budget it is submitted to the National Assembly. Government presents to the National Assembly and the Council of Courts' Chairmen detailed justification of objections on the budget request. Head of the Judicial Department presents to the Commission of the National Assembly position of the Council of Courts' Chairmen relative to the budget request and medium-term expenditure program, and after that the budget is approved by the National Assembly.

Azerbaijan: to provide for active involvement of the Judicial-legal Council in preparing proposals for the financing of courts discussing them in Parliament, amendments to the Courts and Judges Act have been prepared, which are currently under discussion in the Milli Majlis of Azerbaijan. Under the changes, approval from Judicial-legal Council should be received prior to the submission of proposals to the relevant executive body for the planned expenditures for financial support of the first line courts. According to the Law of Azerbaijan Republic "On Judicial-legal Council" one of the functions of Judicial-legal Council (JLC) is to submit proposals to the relevant executive body on equipping and financing of courts.

Republic of Moldova: according to Act 153 on Amendments and Additions to Legislative Acts (05.07.2012) the Ministry of Justice (Department of Judicial Administration) of the Republic of Moldova has delegated its powers to administer court budgets to the Superior Council of Magistrates. Close cooperation has been established between the Superior Council of Magistrates and the Ministry of Finance Ministry on budgeting for the judiciary.

#### *Effects*

The table below presents the authorities that are formally responsible for budgets allocated to courts in 2012.

**Table 4.5. Authorities formally responsible for budgets allocated to courts in 2012 (question 14)**

	ARM	AZE	GEO	MDA	UKR	Common in Europe
<b><u>Preparation</u></b>	Court staff, court presidents, council, Judicial department	Courts and Judicial-Legal Council, ministry of Justice, Ministry of Finance	Supreme court, judicial council, courts	High Judicial Council, courts	State Court Administration, Ministry of Finance	Judicial council, courts
<b><u>Adoption</u></b>	Government, Assembly Hall	Parliament	Parliament	Parliament	Parliament	Parliament
<b><u>Management and allocation budget</u></b>	Judicial department, court presidents, council	Ministry of Justice	Supreme Court and High Judicial Council,	Supreme Court	State Court Administration	Supreme court, courts
<b><u>Evaluation</u></b>	Government	Ministry of Justice	State Audit Office	Ministry of Finance	State Court Administration	Inspection body

It appears that the division of power concerning the budgetary process in the EPCs is in line with the common European standard. In the EPCs there is a collaboration between government and judiciary during the preparation of the budget, which is formally adopted by parliament. The management of the budget allocation to courts is a responsibility of the judiciary (except Azerbaijan, where a law is under consideration) and evaluation is carried out by bodies outside the judiciary. Data of the CEPEJ questionnaire only gives an indication of the formal responsibilities. It takes time to implement new laws and establish new practices concerning a relation between the government, parliament and the judiciary. To make a proper judgement about how the system practically operates, a study of the working group on Independent Judicial Systems should be updated.

#### *Recommendations, position in 2012*

In almost all the EPCs the formal responsibilities between government, parliament and judiciary concerning preparation, adaptation, allocation and evaluation of the budget for courts are in line with the common European standards on the division of power. Azerbaijan proposes law for involvement judiciary, while the ministry of justice stays responsible for the management and allocation of courts. To make a proper judgement about how the reformed budgetary process in practice operates, a study of the working group on Independent Judicial Systems, which was first published in 2011, should be repeated.

#### 4.6 The operational management

##### *Recommendations, position in 2010*

Court management has several dimensions, such as management of the budget, monitoring and evaluation of performance in general and backlogs in particular, the use of ICT and videoconferencing,

and organising surveys to identify the satisfaction of the (professional) users of the court. More specific it was concluded and recommended that:

- a. Azerbaijan and Georgia were very active in professionalising the management of courts (better use of ICT in the courts, use of videoconferencing, user surveys, performance monitoring and evaluation). While in Ukraine, Armenia and the Republic of Moldova a professional management of courts that used modern tools for improving the functioning was not well developed yet.
- b. Professionalisation and self-governance of court management in the EPCs should have been stimulated in order to be able to modernise the courts (introducing ICT, monitoring and evaluation, quality policy) and improve performance.

#### *Measures*

Armenia: on June 30, 2012, the President of the Republic of Armenia issued a *Decree Approval of Strategic Program of Legal and Judicial reforms in the Republic of Armenia in 2012-2016*, and the List Activities Arising from the Program. To ensure urgency and success of judicial system and legal reforms, a series of legislative changes were made and provided. This was done in accordance with the detailed program and the questions that were raised in the Eastern Partnership report. In accordance with Decision No. 27-A of July 21, 2011 of the Council of Courts' Chairmen (Order of Random Distribution of Cases in Courts of the RA), measures are undertaken aimed at improving specialised knowledge and work skills. Prior to 02.05.2013 legislative changes were regulated by chapter 23 of the Judicial Code of the Armenia. The current state is that to improve efficiency of judicial system, professionalism, public trust and resolving other issues, the relevant working group of the general meeting of the Armenian judges, Council of Courts' Chairmen and Judicial Department of the RA are to consider almost all the questions raised by the EaP report 2012. Taking into account the large volume of programs aimed at improving the court system, as well as justice, the Armenian authorities announce that they are executed and characterised by long-term and voluminous work. Currently in courts of general jurisdiction of Yerevan City, as well as in specialised administrative courts, cases are distributed exclusively by electronic means. Mandatory training processes for consistent improvement of specialised knowledge in specific spheres for judges are today regulated by the Law on the Academy of Justice.

Republic of Moldova: the Amendments and Additions to Legislative Acts (05.07.2012) Act 153 modified the provisions of the Court System Act which determines that court management should be provided by court secretariats to be headed by the chief of secretariat appointed by the chairman of the court in accordance with the Public Office and Status of Civil Servants Act 158-XVI (July 4, 2008). Art.45 (3) of the Court System Act establishes the powers of the head of the secretariat, including management of the budget allocated to the court. The current state is that Superior Magistrate Council by its Decision 108/3 (01.28.2014) approved Model Regulations on Appeal Chambers and Courts Management, which establish rules on the distribution of financial management powers between court chairmen and respective court secretariat chiefs. Thus, the right to sign financial documents belongs to the chief of the secretariat in almost every court.

#### *Effects*

The answers concerning the management of courts in 2012 were in the vast majority the same as in 2010.

In 2012 the management of courts in the EPCs is mostly in the same conditions as in 2010. In Armenia, Azerbaijan, Georgia and Ukraine the court president shares this responsibility with national organisations (ministry or council/agency). All the EPCs, except Ukraine, score excellent on the aspect of monitoring and evaluation system, with an almost maximum score of five. In part II of this report a model for caseload analysis will be presented, which also shows a picture of how these systems in practice are effective, applied at the level of courts. In 2012 videoconferencing is used also in the Republic of Moldova, though its use in the courts is not widespread, as is also the case in all the EPCs. Only in Azerbaijan videoconferencing seems to be applied by most of the courts.

The table below summarises several aspects of the management of courts in the EPCs.

**Table 4.6. Dimensions of the management of EPC courts 2010**

	ARM	AZE	GEO	MDA	UKR
<b>Management of court budget (Q61)</b>	President and court agency	President and Court Agency	President and Court Agency	President	President, Ministry of Finance
<b>Monitoring and evaluation - max 6 (Q67, Q68)</b>	5	5	5	5	1
<b>Information system on civil, criminal and administrative backlogs (Q80)</b>	0	2	3	3	0
<b>ICT-use of courts - max 72 points (Q62-Q64)</b>	0-30	50-60	35-50	35-50	0-30
<b>Use of videoconferencing by courts (Q 64) and number of sectors (Q65)</b>	0% 0	>50% 4	<10% 4	<10% 1	<10% NA
<b>National or court users survey (Q38)</b>	0	9 (6+3)	9 (5+4)	0	1

*Recommendations, position in 2012*

The position concerning the operational management in 2012 is almost the same as in 2010. Georgia and especially Azerbaijan are still more advanced in introducing and implementing modern management of courts.

5.1. Introduction

Any attempt of comparative analysis of judicial systems will certainly raise the questions concerning which performance aspects should be measured and how. The short analysis below describes the methods and quantitative indicators that can be used to analyse the performance of judicial system in relation to other judicial system member states of the Council of Europe.

5.2 Indicators

Practical application of statistical model and a set of carefully selected quantitative input (four indicators), workload (eight indicators) and output (16 indicators), enables raising of instructive questions and leads to a better insight and understanding of judicial system operations, its competitive advantages (or disadvantages), as well as challenges and obstacles.

Input indicators	Workload indicators	Output indicators
1) Court budget per capita in relation to average gross annual salary within a member state, 2) Gross salary of a judge in relation to the average gross annual salary within a member state, 3) Professional judges per 100,000, 4) Non-judicial staff working in courts per 100,000.	1) Civil (commercial cases) per 100,000, 2) Non litigious civil (commercial cases) per 100,000, 3) Land registry cases per 100,000, 4) Business register cases per 100,000, 5) Administrative law cases per 100,000, 6) Enforcement cases per 100,000, 7) Criminal cases (severe criminal offences) per 100,000, 8) Misdemeanour cases (minor offences) per 100,000.	1) Clearance rate civil (commercial cases), 2) Clearance rate non litigious civil (commercial cases), 3) Clearance rate land registry cases, 4) Clearance rate business register cases, 5) Clearance rate administrative law cases, 6) Clearance rate enforcement cases, 7) Clearance rate criminal cases (severe criminal offences), 8) Clearance rate misdemeanour cases (minor offences), 9) Disposition time civil (commercial cases), 10) Disposition time non litigious civil (commercial cases), 11) Disposition time land registry cases, 12) Disposition time business register cases, 13) Disposition time administrative law cases, 14) Disposition time enforcement cases, 15) Disposition time criminal cases (severe criminal offences), Disposition time misdemeanour cases (minor offences).

### 5.3. Methodology

The statistical model used in the analysis uses the conversion process of “standardisation.” It is based on three formulas for the arithmetic mean, standard deviation and standard Z score:

*Arithmetic mean ( $\mu$ )*

$$\mu_x = \frac{x_1 + x_2 + \dots + x_n}{n} \text{ or } \frac{\sum_{i=1}^n x_i}{n}$$

*Standard deviation ( $\delta$ )*

$$\sigma = \sqrt{\frac{1}{N} \sum_{i=1}^N (x_i - \mu)^2}$$

*Standard score (Z score)*

$$z = \frac{x - \mu}{\sigma}$$

In statistics, a standard score is a dimensionless quantity produced by subtracting the population mean from an individual raw score and then dividing the difference by the population standard deviation. In essence, the standardisation (normalisation) or calculation of standard score refers to the division of multiple sets of data by a common variable in order to negate that variable's effect on the data, thus allowing the comparison between the underlying characteristics of data sets: this allows the data at different scales to be compared, by bringing them to a common scale (or common denominator). The conversion process of “standardising” all 28 key indicators is of a particular importance, since it enables the comparative analysis of all 28 indicators, thus pinpointing the areas of competitive advantages or disadvantages in a judicial system.

Based on the 2006, 2008, 2010 and 2012 data provided by the EPC, workload and output indicators were calculated, standardized and compared to calculated and standardised indicators for 49 judicial systems of the Council of Europe's member states and entities.

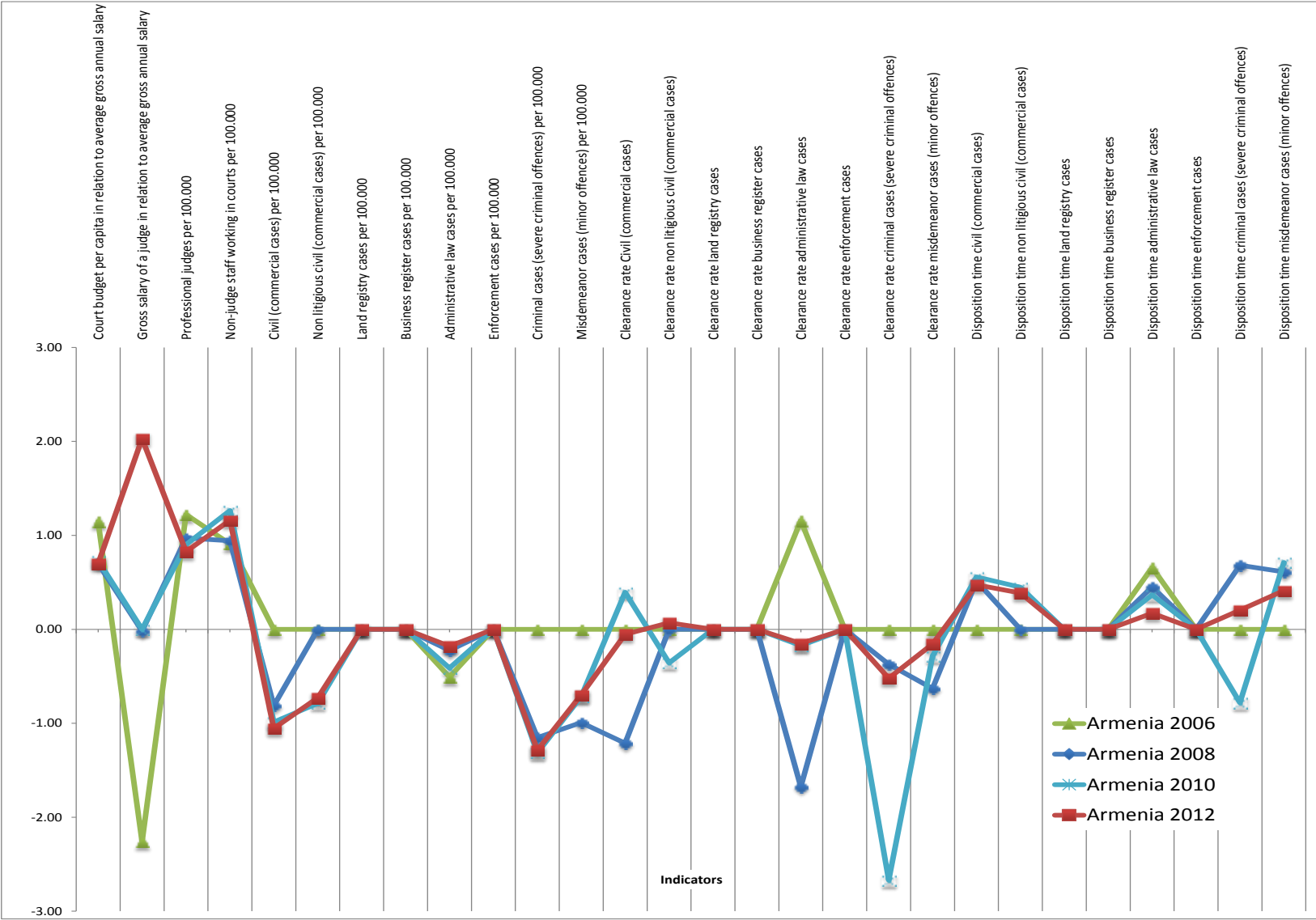
## 5.4 Armenia

Based on the data delivered by Armenia, out of 28 described indicators, it was possible to calculate 7, 16, 18 and 19 indicators for 2006, 2008, 2010 and 2012 respectively.

**TABLE: 5.1. Calculated indicators for Armenia**

Indicators	Armenia 2006	Armenia 2008	Armenia 2010	Armenia 2012
<b>Input indicators</b>				
Court budget per capita in relation to average gross annual salary	0.09%	0.14%	0.14%	0.15%
Gross salary of a judge in relation to average gross annual salary	5.2	2.5	-	0.4
Professional judges per 100.000	6	6.8	6.7	7
Non-judge staff working in courts per 100.000	30	30	18.9	20
<b>Workload indicators</b>				
Civil (commercial cases) per 100.000	-	-	825	809
Non litigious civil (commercial cases) per 100.000	-	-	122	147
Land registry cases per 100.000	-	-	-	-
Business register cases per 100.000	-	-	-	-
Administrative law cases per 100.000	224	299	228	389
Enforcement cases per 100.000	-	-	-	-
Criminal cases (severe criminal offences) per 100.000	-	41.3	0.7	4
Misdemeanour cases (minor offences) per 100.000	-	52.3	114.8	110
<b>Output indicators</b>				
Clearance rate civil (commercial cases)	-	86.0%	101.0%	103%
Clearance rate non litigious civil (commercial cases)	-	-	97.4%	101%
Clearance rate land registry cases	-	-	-	-
Clearance rate business register cases	-	-	-	-
Clearance rate administrative law cases	127.3%	64.6%	89.4%	94%
Clearance rate enforcement cases	-	-	-	-
Clearance rate criminal cases (severe criminal offences)	-	80%	63%	99%
Clearance rate misdemeanour cases (minor offences)	-	91%	97%	100%
Disposition time civil (commercial cases)	-	135	163	168
Disposition time non litigious civil (commercial cases)	-	-	58	57
Disposition time land registry cases	-	-	-	-
Disposition time business register cases	-	-	-	-
Disposition time administrative law cases	68	200	163	294
Disposition time enforcement cases	-	-	-	-
Disposition time criminal cases (severe criminal offences)	-	92	365	167
Disposition time misdemeanour cases (minor offences)	-	78	77	101

**FIGURE 5.2. Standardised indicators for Armenia**





### *Conclusion*

Based on the standardised Z score and deviations from the calculated average, Armenian judicial system displays the following characteristics:

⇒ **Less than average available resources**

Compared with the judicial systems of the Council of Europe member states, per input indicators (court budget per capita in relation to average gross annual salary, gross salary of a judge in relation to average gross annual salary, professional judges per 100.000 and non-judge staff working in courts per 100.000) the judicial system of Armenia operates with less<sup>8</sup> than average resources. Exceptions to this are judicial salaries in 2006 that were 5.2 times higher compared to average salary in Armenia but they came in line with the average in 2008, and in 2012 judicial salaries are below average values.

⇒ **Less than average workload (or inflow of cases)**

The annual inflow of cases (or workload) is below the average in 2006, 2008, 2010 and 2012, when compared to judicial systems of the CoE Member States' per 100.000 inhabitants.

⇒ **Less than average ability to handle annual inflow of cases**

With the exception of clearance rate for civil (commercial) cases in 2010, clearance rate for administrative cases in 2006 and clearance rate for misdemeanour cases in 2012, clearance rates are below 100% and below the CoE averages.

⇒ **Better than average case disposition time (with negative trend)**

Even with relatively low clearance rates, judicial system of Armenia still has better than average case disposition time, with the exception of 2010 disposition time for severe criminal cases which was improved in 2012.

However, if clearance rates continue to hold below 100%, currently present negative trend will continue and case disposal time will further deteriorate.

---

<sup>8</sup> Before calculating arithmetic mean and standard deviation, certain values of indicators were converted from positive to negative value by multiplication with (-1). This was necessary in order to achieve the common understanding for the overall judicial efficiency that "higher is better" or that "lower is worse". For example, the non-judge staff working in courts per 100,000 population indicator, was converted from a positive to negative value, which means that more the number of staff working in courts exceeds the average - the lower the overall efficiency of the judicial system is.

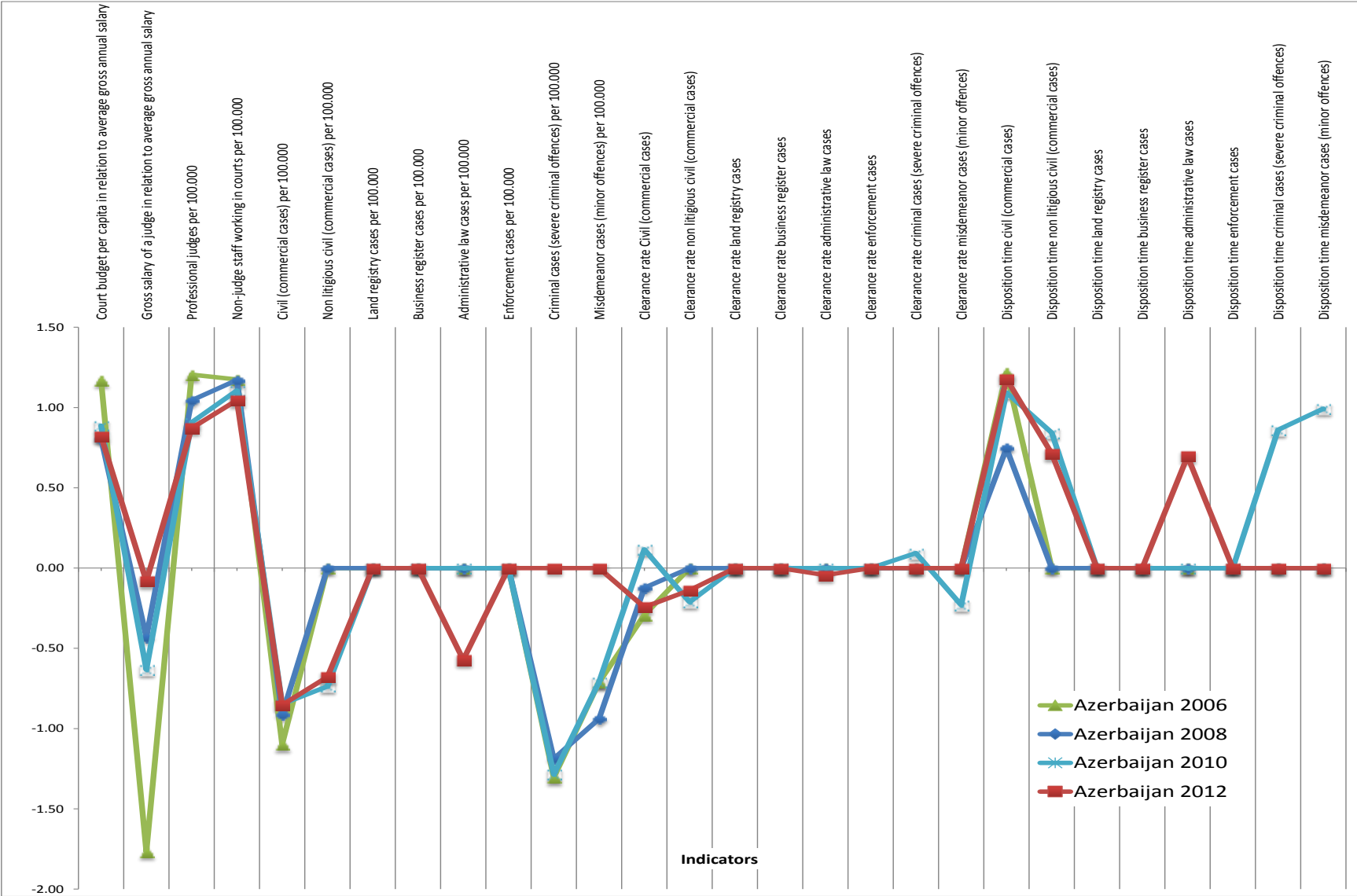
## 5.5 Azerbaijan

Based on the data provided by Azerbaijan, out of 28 described indicators, it was possible to calculate 9, 19, 16 and 13 indicators for 2006, 2008, 2010 and 2012 respectively.

**TABLE: 5.3. Calculated indicators for Azerbaijan**

Indicators	Azerbaijan 2006	Azerbaijan 2008	Azerbaijan 2010	Azerbaijan 2012
<b>Input indicators</b>				
Court budget per capita in relation to average gross annual salary	0.09%	0.12%	0.12%	0.14%
Gross salary of a judge in relation to average gross annual salary	4.6	2.9	3.0	2.4
Professional judges per 100.000	5.8	5.7	6.7	6.5
Non-judge staff working in courts per 100.000	20.2	20.3	25.5	25.0
<b>Workload indicators</b>				
Civil (commercial cases) per 100.000	650	818	1,097	1,139
Non litigious civil (commercial cases) per 100.000	-	0	268	279
Land registry cases per 100.000	-	-	-	-
Business register cases per 100.000	-	-	-	-
Administrative law cases per 100.000	-	-	-	98
Enforcement cases per 100.000	-	-	-	-
Criminal cases (severe criminal offences) per 100.000	16	20.3	17.4	-
Misdemeanour cases (minor offences) per 100.000	161	152.5	137.0	-
<b>Output indicators</b>				
Clearance rate civil (commercial cases)	99%	99.3%	98.2%	100.2%
Clearance rate non litigious civil (commercial cases)	-	-	99.9%	99.6%
Clearance rate land registry cases	-	-	-	-
Clearance rate business register cases	-	-	-	-
Clearance rate administrative law cases	-	-	-	96%
Clearance rate enforcement cases	-	-	-	-
Clearance rate criminal cases (severe criminal offences)	-	-	102%	-
Clearance rate misdemeanour cases (minor offences)	-	-	99%	-
Disposition time civil (commercial cases)	42	42	43	52
Disposition time non litigious civil (commercial cases)	-	-	2	3
Disposition time land registry cases	-	-	-	-
Disposition time business register cases	-	-	-	-
Disposition time administrative law cases	-	-	35	103
Disposition time enforcement cases	-	-	-	-
Disposition time criminal cases (severe criminal offences)	-	-	79	-
Disposition time misdemeanour cases (minor offences)	-	-	46	-

**FIGURE 5.4. Standardised indicators for Azerbaijan**



### *Conclusion*

Based on the standardised Z score and deviations from the calculated average, judicial system of Azerbaijan displays the following characteristics:

⇒ **Less than average available resources**

Taking into account input indicators (court budget per capita in relation to average gross annual salary, gross salary of a judge in relation to average gross annual salary, professional judges per 100.000 and non-judge staff working in courts per 100.000) the judicial system of Azerbaijan operates with less than average resources, with the exception of judicial salaries. Indicator gross salary of a judge in relation to average gross annual salary showed value of 4.6 in 2006 but it is down to 3.0 in 2010 and 2.4 in 2012 and is almost in line with average values.

⇒ **Less than average workload (or inflow of cases)**

The annual inflow of cases (or workload) is below the average in 2006, 2008, 2010 and 2012 when compared to inflow of cases per 100.000 inhabitants in judicial systems of the CoE Member States.

⇒ **Average ability to handle annual inflow of cases**

Clearance rates in 2006, 2008, 2010 and 2012 are close or above 100% and are in line with average values of judicial systems in the CoE Member States. Clearance rate of administrative law cases is 96% in 2012 and could require more attention.

⇒ **Better than average case disposition time**

Judicial system of Azerbaijan has better than average case disposition time and according to data provided; on average, cases dealt within 100 days, with slight exception for administrative law cases with disposition time of 103 days.

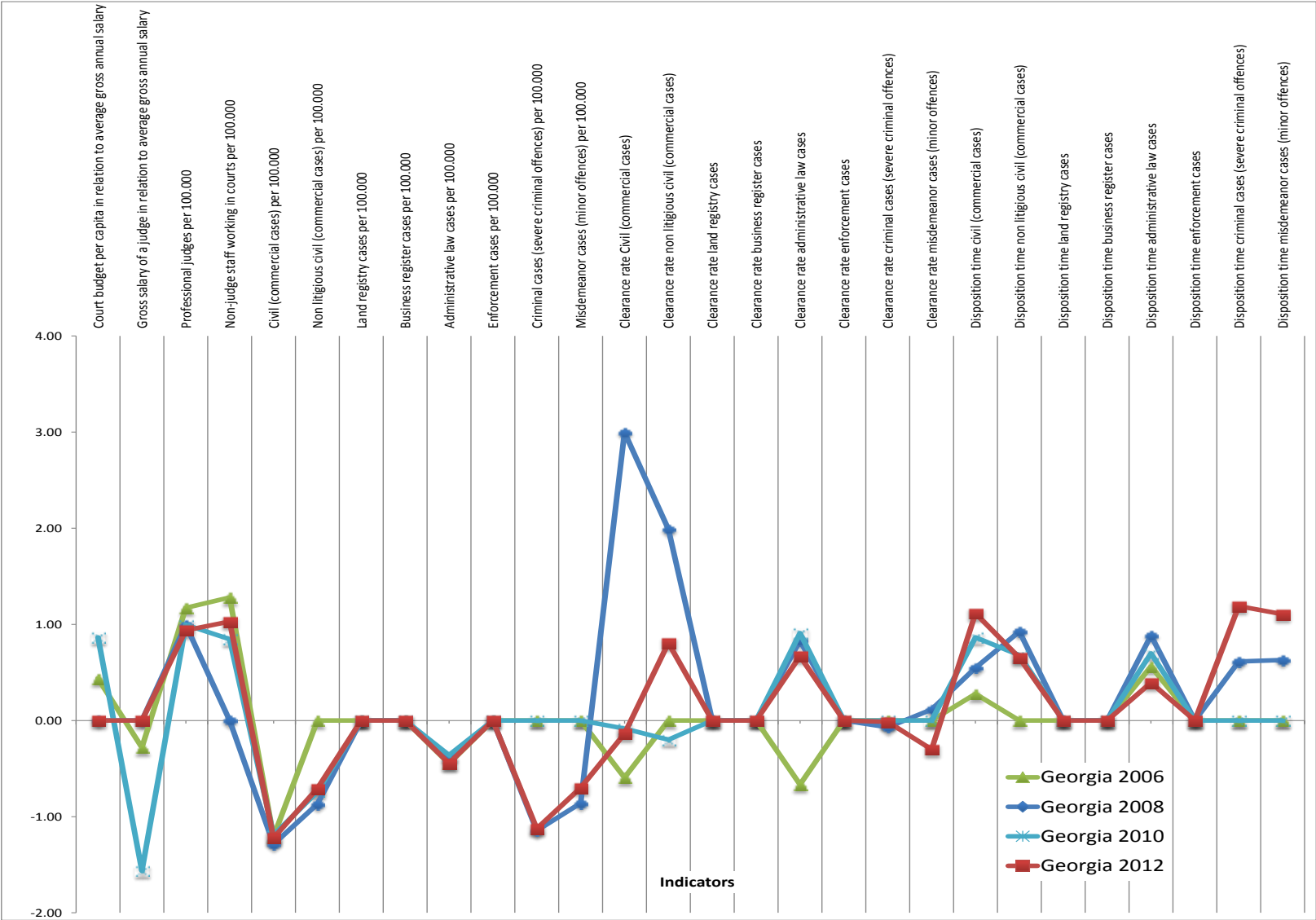
## 5.6. Georgia

Based on the data provided by Georgia, out of 28 described indicators, it was possible to calculate 10, 16, 13 and 17 indicators for 2006, 2008, 2010 and 2012 respectively.

**TABLE: 5.5. Calculated indicators for Georgia**

Indicators	Georgia 2006	Georgia 2008	Georgia 2010	Georgia 2012
<b>Input indicators</b>				
Court budget per capita in relation to average gross annual salary	0.18%	-	0.12%	-
Gross salary of a judge in relation to average gross annual salary	2.9	-	3.8	-
Professional judges per 100.000	6.2	6.4	5.2	5.4
Non-judge staff working in courts per 100.000	16.3	-	36.3	25.7
<b>Workload indicators</b>				
Civil (commercial cases) per 100.000	498	208	429	535
Non litigious civil (commercial cases) per 100.000	-	180	260	203
Land registry cases per 100.000	-	-	-	-
Business register cases per 100.000	-	-	-	-
Administrative law cases per 100.000	274	184	261	192
Enforcement cases per 100.000	-	-	-	-
Criminal cases (severe criminal offences) per 100.000	-	45.3	-	93
Misdemeanour cases (minor offences) per 100.000	-	301.2	-	109
<b>Output indicators</b>				
Clearance rate civil (commercial cases)	93%	137.4%	96.2%	102%
Clearance rate non litigious civil (commercial cases)	-	114.5%	100.1%	104%
Clearance rate land registry cases	-	-	-	-
Clearance rate business register cases	-	-	-	-
Clearance rate administrative law cases	77.6%	110.7%	108.2%	113%
Clearance rate enforcement cases	-	-	-	-
Clearance rate criminal cases (severe criminal offences)	-	116%	-	103%
Clearance rate misdemeanour cases (minor offences)	-	119%	-	99%
Disposition time civil (commercial cases)	216	121	94	62
Disposition time non litigious civil (commercial cases)	-	16	25	13
Disposition time land registry cases	-	-	-	-
Disposition time business register cases	-	-	-	-
Disposition time administrative law cases	107	82	58	213
Disposition time enforcement cases	-	-	-	-
Disposition time criminal cases (severe criminal offences)	-	105	-	58
Disposition time misdemeanour cases (minor offences)	-	76	-	36

**FIGURE 5.6. Standardised indicators for Georgia**



### *Conclusion*

Based on the standardised Z score and deviations from the calculated average, the judicial system of Georgia displays the following characteristics:

⇒ **Less than average available resources**

Taking into account input indicators (court budget per capita in relation to average gross annual salary, gross salary of a judge in relation to average gross annual salary and professional judges per 100.000 and non-judge staff working in courts per 100.000) the judicial system of Georgia operates with less than average resources, with the exception of judicial salaries. Indicator gross salary of a judge in relation to average gross annual salary showed value of 2.8 in 2006 but it is increased to 3.8 in 2010.

⇒ **Less than average workload (or inflow of cases)**

The annual inflow of cases (or workload) is below the average in 2006, 2008, 2010 and 2012 when compared to inflow of cases per 100.000 inhabitants in judicial systems of the CoE Member States.

⇒ **Better than average ability to handle annual inflow of cases**

Clearance rates in 2008, 2010 are above or close to 100% and are much better than clearance rates in 2006. This could be partly explained with lower annual inflow of cases in 2008 and 2010 compared to 2006. However, it needs to be recognised that the judicial system of Georgia used this chance and without adjusting (or reducing) its performance, managed to resolve more cases that they receive, thus reducing the backlog and shortening case processing time.

⇒ **Better than average case disposition time (with positive trend, except for administrative law cases)**

The judicial system of Georgia has better than average case disposition time and according to the data provided; all cases are in average dealt within 100 days, with the exception of administrative law cases. It needs to be noted that the judicial system of Georgia in a four year period (from 2006 to 2010) managed to cut civil and commercial cases disposition time by half (from 216 days in 2006 to 94 days in 2010). Also, the disposition time of administrative law cases was cut by two thirds (from 107 days in 2006 to 36 days in 2010) but sudden dramatic increase in disposition time is recorded in 2012 (increase from 36 days in 2010 to 213 days in 2012) .

## 5.7 Republic of Moldova

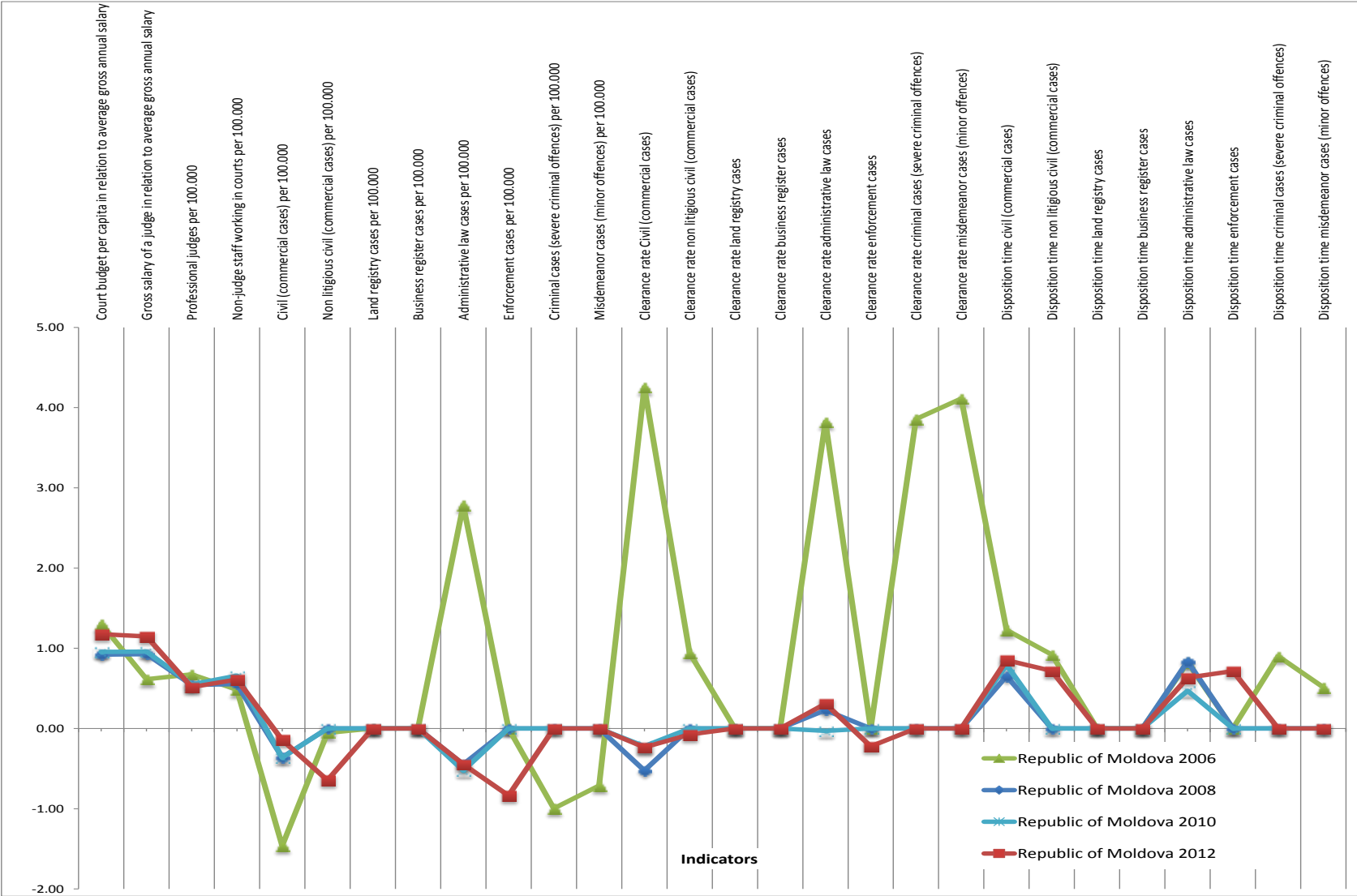
Based on the data provided by the Republic of Moldova, out of 28 described indicators, it was possible to calculate 19, 10, 10 and 16 indicators for 2006, 2008, 2010 and 2012 respectively.

**TABLE: 5.7. Calculated indicators for the Republic of Moldova**

Indicators	2006	2008	2010	2012
<b>Input indicators</b>				
Court budget per capita in relation to average gross annual salary	0.07%	0.11%	0.11%	0.10%
Gross salary of a judge in relation to average gross annual salary	1.9	1.7	1.5	1.3
Professional judges per 100.000	12	12.9	12.4	12
Non-judge staff working in courts per 100.000	46	46	44.1	42
<b>Workload indicators</b>				
Civil (commercial cases) per 100.000	150	-	2,036	2,301
Non litigious civil (commercial cases) per 100.000	1,794	-	-	362
Land registry cases per 100.000	-	-	-	-
Business register cases per 100.000	-	-	-	-
Administrative law cases per 100.000	2,932	152	158	191
Enforcement cases per 100.000	-	-	-	318
Criminal cases (severe criminal offences) per 100.000	219	-	-	-
Misdemeanour cases (minor offences) per 100.000	158	-	-	-
<b>Output indicators</b>				
Clearance rate civil (commercial cases)	185%	94.4%	94.8%	100%
Clearance rate non litigious civil (commercial cases)	200%	-	-	100%
Clearance rate land registry cases	-	-	-	-
Clearance rate business register cases	-	-	-	-
Clearance rate administrative law cases	200%	99.7%	91.9%	105%
Clearance rate enforcement cases	-	-	-	98%
Clearance rate criminal cases (severe criminal offences)	200%	-	-	-
Clearance rate misdemeanour cases (minor offences)	200%	-	-	-
Disposition time civil (commercial cases)	39	80	110	106
Disposition time non litigious civil (commercial cases)	26	-	-	2
Disposition time land registry cases	-	-	-	-
Disposition time business register cases	-	-	-	-
Disposition time administrative law cases	3	96	114	126
Disposition time enforcement cases	-	-	-	24
Disposition time criminal cases (severe criminal offences)	38	-	-	-
Disposition time misdemeanour cases (minor offences)	27	-	-	-



**FIGURE 5.8. Standardised indicators for the Republic of Moldova**



**Note:** It needs to be noted that 2006 data provided by the Republic of Moldova resulted in unusually high values of clearance rate indicators. This raises issue of validity of 2006 data. Nevertheless, 2006 indicators are presented on the graph in order to maintain consistency.

Based on the standardized Z score and deviations from the calculated average, the judicial system of the Republic of Moldova displays the following characteristics:

⇒ **Less than average available resources**

Taking into account input indicators (court budget per capita in relation to average gross annual salary, gross salary of a judge in relation to average gross annual salary, professional judges per 100.000 and non-judge staff working in courts per 100.000) the judicial system of the Republic of Moldova operates with less than average resources.

⇒ **Less than average workload (or inflow of cases)**

With the exception of the 2006 administrative law cases, the annual inflow of cases (or workload) is below the average in 2006, 2008, 2010 and 2012, when compared to inflow of cases per 100.000 inhabitants in judicial systems of the CoE Member States.

⇒ **Average ability to handle annual inflow of cases**

While 2006 clearance rate indicators show extremely high values, clearance rates declined sharply in 2008 and the decline continued in 2010. Actually, clearance rates in 2010 were all below 100%. Situation improved in 2012, when clearance rates were in line with average values and around 100% for cases for which data were delivered.

⇒ **Better than average case disposition time**

Even though judicial system of the Republic of Moldova still has better than average case disposition time, a negative trend was present due to inability to handle annual inflow of cases, what raises concerns. More specifically, disposition time for civil and commercial cases increased from 39 days in 2006, to 80 days in 2008 and finally to 110 days in 2010. In addition, disposition time for administrative law cases increased from 3 days in 2006, to 96 days in 2008 and finally to 165 days in 2010. In 2012 situation improved and negative trend stopped.

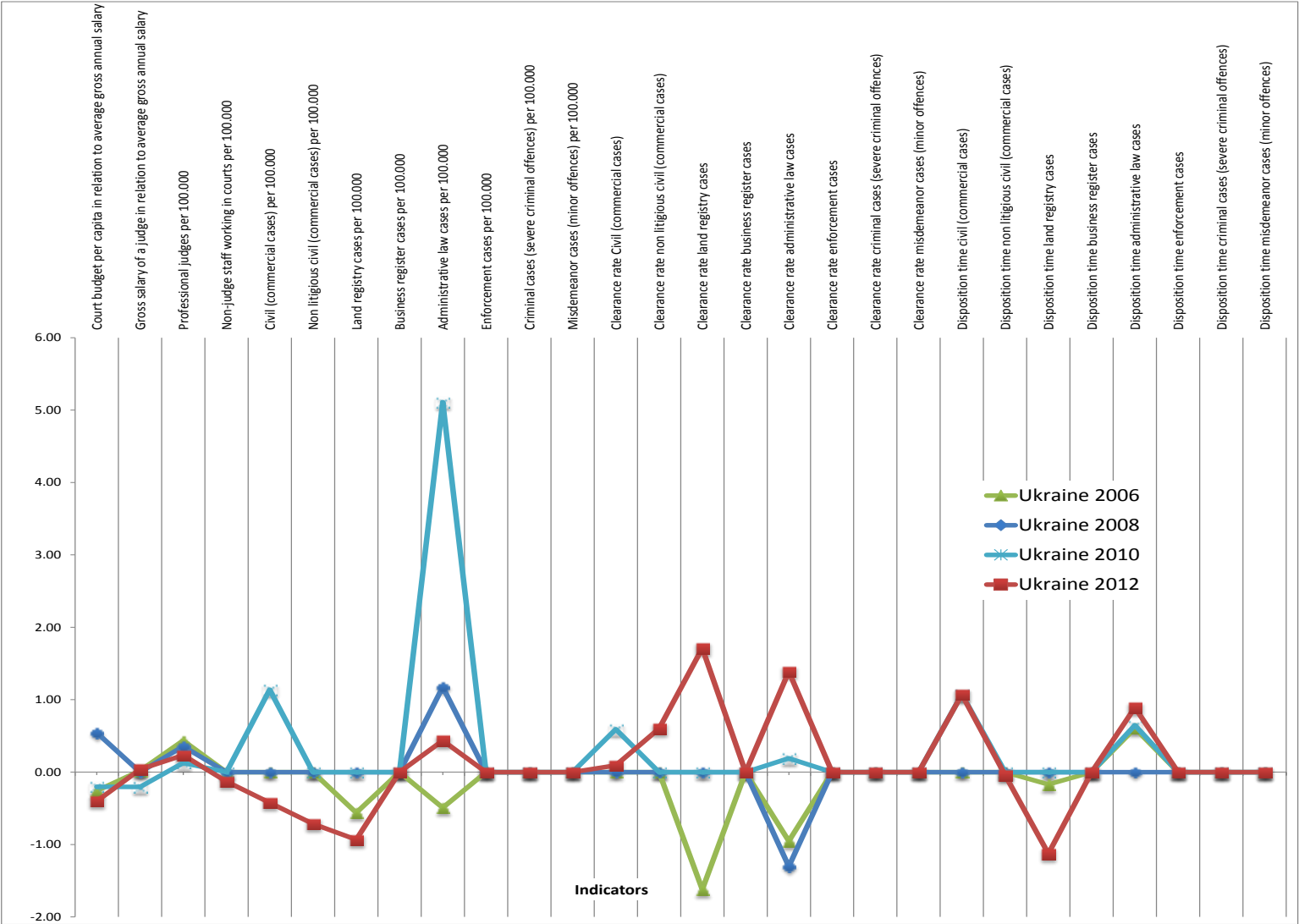
## 5.8 Ukraine

Based on the data provided by Ukraine, out of 28 described indicators, it was possible to calculate 9, 4, 9 and 9 indicators for 2006, 2008, 2010 and 2012 respectively.

**TABLE: 5.9. Calculated indicators for Ukraine**

Indicators	Ukraine 2006	Ukraine 2008	Ukraine 2010	Ukraine 2012
<b>Input indicators</b>				
Court budget per capita in relation to average gross annual salary	0.27%	0.16%	0.24%	0.26%
Gross salary of a judge in relation to average gross annual salary	2.6	-	2.6	2.3
Professional judges per 100.000	15	15.5	19.3	17
Non-judge staff working in courts per 100.000	-	-	-	72
<b>Workload indicators</b>				
Civil (commercial cases) per 100.000	-	-	4,943	1,841
Non litigious civil (commercial cases) per 100.000	-	-	-	186
Land registry cases per 100.000	45	-	-	35
Business register cases per 100.000	-	-	-	-
Administrative law cases per 100.000	238	1,228	3,719	844
Enforcement cases per 100.000	-	-	-	-
Criminal cases (severe criminal offences) per 100.000	-	-	-	-
Misdemeanour cases (minor offences) per 100.000	-	-	-	-
<b>Output indicators</b>				
Clearance rate civil (commercial cases)	-	-	103%	106%
Clearance rate non litigious civil (commercial cases)	-	-	-	103%
Clearance rate land registry cases	66.8%	-	-	111%
Clearance rate business register cases	-	-	-	-
Clearance rate administrative law cases	79.7%	71.5%	95.7%	130%
Clearance rate enforcement cases	-	-	-	-
Clearance rate criminal cases (severe criminal offences)	-	-	-	-
Clearance rate misdemeanour cases (minor offences)	-	-	-	-
Disposition time civil (commercial cases)	-	-	47	70
Disposition time non litigious civil (commercial cases)	-	-	-	128
Disposition time land registry cases	153	-	-	132
Disposition time business register cases	-	-	-	-
Disposition time administrative law cases	89	-	55	33
Disposition time enforcement cases	-	-	-	-
Disposition time criminal cases (severe criminal offences)	-	-	-	-
Disposition time misdemeanour cases (minor offences)	-	-	-	-

**FIGURE 5.10. Standardised indicators for Ukraine**



Based on the standardised Z score and deviations from the calculated average, judicial system in Ukraine displays the following characteristics:

⇒ **Average available resources**

Taking into account input indicators (court budget per capita in relation to average gross annual salary, gross salary of a judge in relation to average gross annual salary and professional judges per 100.000) judicial system of Ukraine operates with average available resources.

⇒ **Below average workload (or inflow of cases)**

Annual inflow of cases (or workload) is below the average when compared to inflow of cases per 100.000 inhabitants in judicial systems of the Council of Europe's member states. Exception is a number of administrative cases which has been rapidly increasing since 2006, but fall sharply to average values in 2012

⇒ **Better than average ability to handle annual inflow of cases**

Clearance rates in 2010 and 2012 are close or above 100% and are better than average values of judicial systems in the CoE Member States. It is noteworthy that despite of surge of administrative law cases in 2006-2010 period, the judicial system of Ukraine managed to improve clearance rate from 70% to 96% within the same period, ending up with 130% clearance rate in 2012.

⇒ **Better than average case disposition time**

According to the data provided, judicial system of Ukraine has better than average case disposition time. Exceptions are land registry cases with case disposition time below average values.

### 5.9. Five EPCs

Based on 2010 data provided by Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine, standardised indicators were presented on a graph below enabling comparison of available resources, workload, ability to handle incoming cases and disposition time among the five EPCs.

**TABLE: 5.11. Calculated indicators for five EPCs**

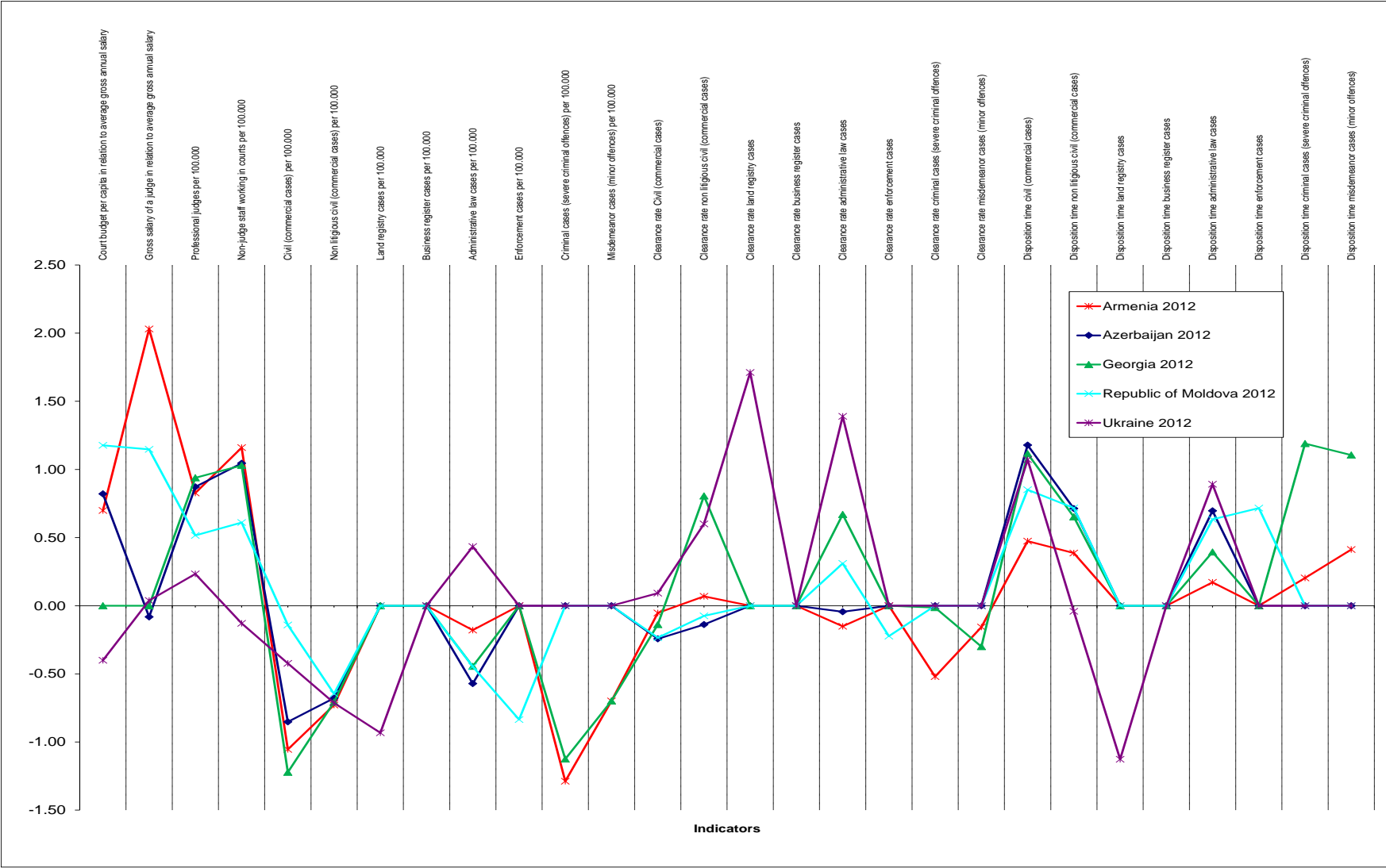
Indicators	Armenia 2012	Azerbaijan 2012	Georgia 2012	Republic of Moldova 2012	Ukraine 2012
<b>Input indicators</b>					
Court budget per capita in relation to average gross annual salary	0.15%	0.14%	-	0.10%	0.26%
Gross salary of a judge in relation to average gross annual salary	0.4	2.4	-	1.3	2.3
Professional judges per 100.000	7	6.5	5.4	12	17
Non-judge staff working in courts per 100.000	20	25.0	25.7	42	72
<b>Workload indicators</b>					
Civil (commercial cases) per 100.000	809	1,139	535	2,301	1,841
Non litigious civil (commercial cases) per 100.000	147	279	203	362	186
Land registry cases per 100.000	-	-	-	-	35
Business register cases per 100.000	-	-	-	-	-
Administrative law cases per 100.000	389	98	192	191	844
Enforcement cases per 100.000	-	-	-	318	-
Criminal cases (severe criminal offences) per 100.000	4	-	93	-	-
Misdemeanour cases (minor offences) per 100.000	110	-	109	-	-
<b>Output indicators</b>					
Clearance rate civil (commercial cases)	103%	100.2%	102%	100%	106%
Clearance rate non litigious civil (commercial cases)	101%	99.6%	104%	100%	103%
Clearance rate land registry cases	-	-	-	-	111%
Clearance rate business register cases	-	-	-	-	-
Clearance rate administrative law cases	94%	96%	113%	105%	130%
Clearance rate enforcement cases	-	-	-	98%	-
Clearance rate criminal cases (severe criminal offences)	99%	-	103%	-	-
Clearance rate misdemeanour cases (minor offences)	100%	-	99%	-	-
Disposition time civil (commercial cases)	168	52	62	106	70
Disposition time non litigious civil (commercial cases)	57	3	13	2	128
Disposition time land registry cases	-	-	-	-	132
Disposition time business register cases	-	-	-	-	-
Disposition time administrative law cases	294	103	213	126	33
Disposition time enforcement cases	-	-	-	24	-
Disposition time criminal cases (severe criminal offences)	167	-	58	-	-

---

Disposition time misdemeanour cases (minor offences)	101	-	36	-	-
--	-----	---	----	---	---

---

**FIGURE 5.12. Standardised 2012 indicators for five EPCs**





*Recommendations, position in 2012*

Based on 2010 data provided by Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine, standardised indicators were presented on a graph enabling comparison of available resources, workload, ability to handle incoming cases and disposition time among five EPC which lead to the next systematic and comprehensive conclusions concerning the efficiency of EPC.

⇒ **Resources**

With the exception of Ukraine which operates with average resources, remaining four EPC operate with less than average resources of judicial systems in the CoE Member State. Exceptions to this are judicial salaries in Georgia and Azerbaijan expressed through indicator gross salary of a judge in relation to average of gross annual salary.

⇒ **Workload (or inflow of cases)**

Again, with the exception to Ukraine, annual inflow of cases (or workload) in four EPC is below the average when compared to inflow of cases per 100.000 inhabitants in judicial systems of the Council of Europe's member states.

⇒ **Ability to handle annual inflow of cases**

In general, Ukraine and Georgia perform better than average concerning ability to handle annual inflow of cases; Azerbaijan and Republic of Moldova demonstrate average ability to handle annual inflow of cases with exception of administrative law cases, with the clearance rate of 96% and 94% respectively.

⇒ **Case disposition time**

In general, all five EPCs demonstrate better than average case disposition time, while negative trend in protracting case disposition time is observed in Armenia, in particular in administrative law cases with clearance rate of 94%.

### 6.1. Introduction

Undoubtedly, efficiency of judicial system, court or individual judge is very important aspect of the rule of law. However, the rule of law has much broader meaning than just having efficient judicial system, which is the main highlight of this report.

The rule of law is an ambiguous term that can mean different things in different contexts. In the one context, the term means rule according to law. No individual can be ordered by the government to pay civil damages or suffer criminal punishment except in strict accordance with well-established and clearly defined laws and procedures. In the second context, the term means rule under law. No branch of government is above the law, and no public official may act arbitrarily or unilaterally outside the law. In the third context, the term means rule according to a higher law. No written law may be enforced by the government unless it is in conformity with certain unwritten, universal principles of fairness, morality, and justice that transcend human legal systems.

According to The World Justice Project (WJP),<sup>9</sup> “the rule of law is a system of rules and rights that enables fair and functioning societies. The WJP defines this system as one in which the following four universal principles are upheld:

- The government and its officials and agents as well as individuals and private entities are accountable under the law.
- The laws are clear, publicized, stable, and just; are applied evenly; and protect fundamental rights, including the security of persons and property.
- The process by which the laws are enacted, administered, and enforced is accessible, fair, and efficient.
- Justice is delivered timely by competent, ethical, and independent representatives and neutrals who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.”

These four universal principles which comprise the WJP's notion of the rule of law are further developed into the nine factors of the WJP Rule of Law Index, which measures how the rule of law is experienced by ordinary people in 99 countries around the globe.

In attempt to present various aspects of quantitative approaches to scoring rule of law internationally, data from following nine sources, including the WJP Rule of Law Index, were collected and processed to present position (or rank) of each of the EPC in various international surveys, rule of law indexes and scores:

- 1) World Justice Project Index 2013,
- 2) Judicial independence Index: Global Competitiveness Report 2013–2014,
- 3) Rule of Law Index: World Bank 2012,
- 4) Perception of corruption in Judiciary: Transparency International 2013,
- 5) Control of Corruption Index: World Bank 2012,
- 6) Freedom of press: Freedom House 2013,
- 7) World Press Freedom Index 2013,
- 8) Global Integrity Indicator: Global Integrity Report 2011, and
- 9) Judicial Independence, Fairness, and Citizen Access to Justice Index: Global Integrity Report 2011.

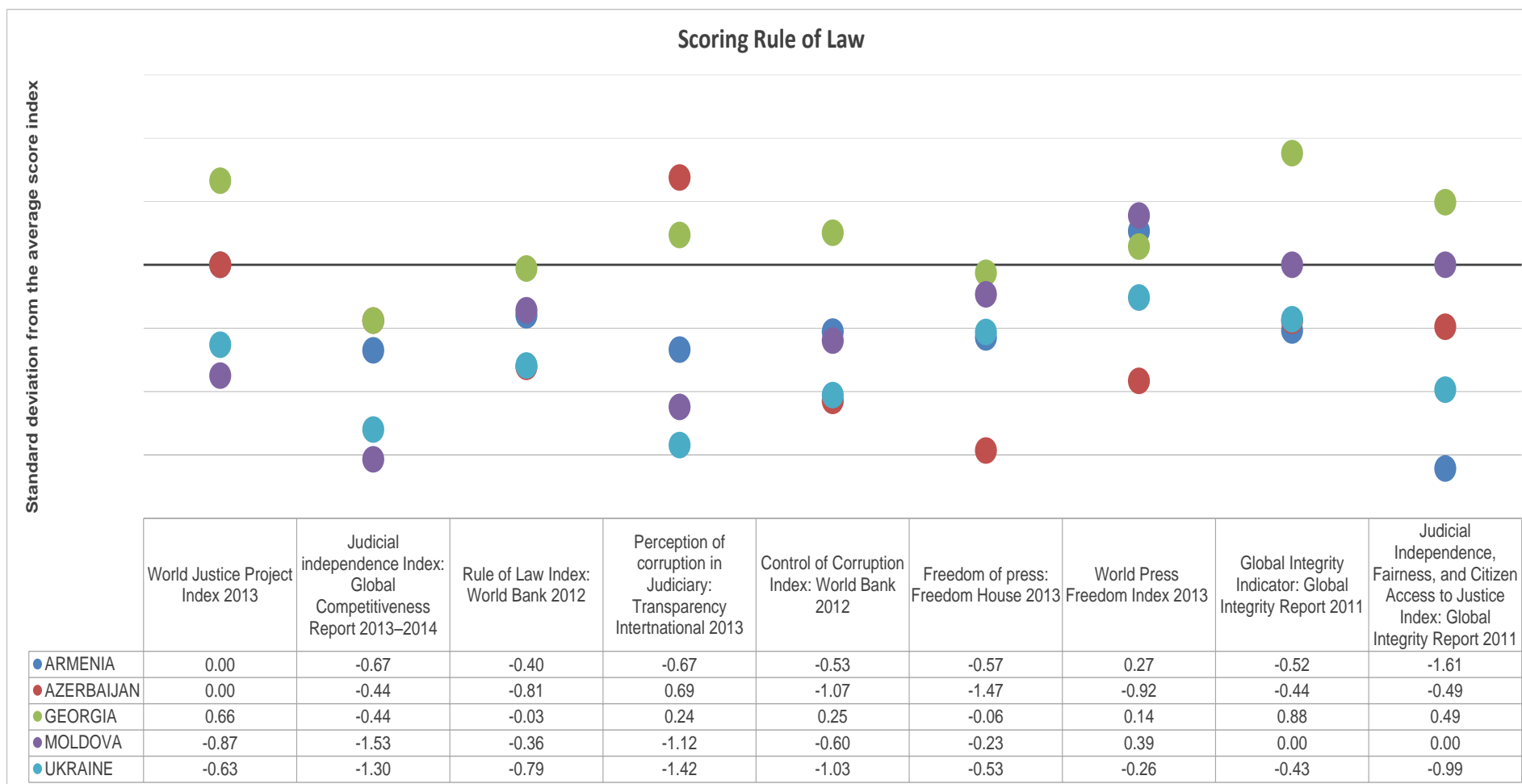
---

<sup>9</sup> <http://worldjusticeproject.org>

**TABLE 6.1. Rank of EPC in various Rule of Law and fundamental rights international surveys**

<b>Country/Rank</b>	<b>World Justice Project Index 2013</b>	<b>Judicial Independence Index: Global Competitiveness Report 2013–2014</b>	<b>Rule of Law Index: World Bank 2012</b>	<b>Perception of corruption in Judiciary: Transparency International 2013</b>	<b>Control of Corruption Index: World Bank 2012</b>	<b>Freedom of press: Freedom House 2013</b>	<b>World Press Freedom Index 2013</b>	<b>Global Integrity Indicator: Global Integrity Report 2011</b>	<b>Judicial Independence, Fairness, and Citizen Access to Justice Index: Global Integrity Report 2011</b>
<b>Armenia</b>		105	121	71	138	134	73	22	30
<b>Azerbaijan</b>		90	160	25	187	177	155	21	20
<b>Georgia</b>	31	90	97	39	76	96	99	8	9
<b>Republic of Moldova</b>	75	145	117	89	147	112	54		
<b>Ukraine</b>	68	137	157	102	182	131	125	20	27
<b>Number of participating countries</b>	99	148	212	106	215	197	178	31	31

**FIGURE 6.2. Rank of EPC in various Rule of Law and fundamental rights international surveys**



## 6.2 Conclusion

Armenia achieves better than average ranking in World Press Freedom Index (2013).

Azerbaijan achieves better than average ranking in Perception of corruption in Judiciary (Transparency International 2013).

Georgia achieves better than average ranking according to World Justice Project Index, Perception of corruption in Judiciary Transparency International 2013), Control of Corruption Index (World Bank 2012), World Press Freedom Index (2013), Global Integrity Indicator and Judicial Independence, Fairness, and Citizen Access to Justice Index (Global Integrity Report 2011).

Republic of Moldova achieves better than average ranking in World Press Freedom Index (2013).

Ukraine scores lower than average for each of these indices. It has comparatively better indicators for World Press Freedom 2013 and Global Integrity 2011 indices.

### *Recommendations, position in 2012*

The data of more specific to the functioning of the judiciary related international rule of law indexes (1, 2, 3, 4, 9) show that Georgia and Azerbaijan manage to score above the European average. This result is in line with the exploring expedition on quality of Justice with indicators and data of the CEPEJ 2014 report, which suggests specific good practices in Georgia and also in Azerbaijan. Regional exchange of good practices is recommended.

## **PART II: COMPARING COURTS: CASEFLOW, PRODUCTIVITY AND EFFICIENCY**

---

## **The Performance of Courts**

### ***Disclaimer***

It has to be clearly stated, that calculation of indicators and their analysis and comparison was neither done for assessment or personal evaluation of the courts, the judges, prosecutors, clerks or staff nor this has to be understood as some kind of competition. It has been done only for the purpose to collect information and to exchange the findings of the analysis between experts searching for improvements of the judicial systems in general and in the five countries specifically. Based on these findings the European judicial community of the Council of Europe and of the five countries covered by this project will be enabled further on to develop tailored solutions to address current problems of European judicial court systems.

### ***Activities***

In line with the project work plan, the team of international experts developed a table to collect statistical data of the involved countries' judiciary. The data were collected for years 2011, 2012 and 2013 per judicial unit concerning the executed budget, number of judges, number of pending cases at the beginning and the end of a period, number of incoming and resolved cases (split according to different branches). The process of data collection was facilitated by the Eastern Partnership Facility National Coordinators; in some cases the CEPEJ national correspondents have sent the necessary information.

The following findings were evaluated per country:

### ***Indicators***

The performance of courts should be examined from various aspects. CEPEJ (2012 report) employs two basic indicators, clearance rate and disposition time.

#### **1. Clearance Rate (CR)**

Clearance rate is one of the most commonly used indicators in monitoring the court caseload. The clearance rate percentage is obtained when the number of resolved cases is divided by the number of incoming cases and result is multiplied by 100:

$$\text{Clearance Rate (\%)} = \frac{\text{Resolved cases in a period}}{\text{Incoming cases in a period}} * 100$$

Clearance rate that equals 100 per cent indicates the ability of the court or a judicial system to resolve cases received within the given period of time. Clearance rate above 100 per cent indicates the ability of the system to resolve more cases than received, thus reducing any potentially existing backlog. Finally, if received cases are not resolved within the reporting period, clearance rate will fall below 100 per cent. When clearance rate goes below 100 per cent, the number of unresolved cases at the end of a reporting period (backlog) will rise.

Inability of courts or judiciary to produce data needed for calculation of clearance rate could clearly demonstrate inability to assess the overall length of proceedings, insufficiently specified typology of cases, inability to monitor course of proceedings and inability to promptly diagnose delays and mitigate their consequences.

#### **2. Caseload**

Caseload is giving the relation of the amount of pending cases at the end of a period and the amount of incoming cases in the same period. It is so to say showing "how much work is piling up on the desk" in relation to the yearly workload.

### 3. Backlog-Change

Backlog Change is giving the relation of the amount of pending cases at the end of a period and at the beginning of this period, indicating if backlog is reducing or increasing.

$$\text{Backlog Change (\%)} = \frac{\text{Pending cases at the end of a period}}{\text{Pending cases at the beginning of a period}} * 100$$

### 4. Calculated Disposition Time (DT) and Case Turnover Ratio

The disposition time provide further insight into how judicial system manages its flow of cases. Generally, case turnover ratio and disposition time compare the number of resolved cases during a reporting period and a number of unresolved cases at the end of a period. The ratios measure how frequently the judicial system (or a court) turns over received cases – that is, how long it takes for a type of cases to be resolved.

The relationship between the number of resolved cases during a reporting period and the number of unresolved cases at the end of the period can be expressed in two ways. The first calculates number of times during the year (or other reporting period) that the average case types are turned over or resolved. The case turnover ratio is calculated as follows:

$$\text{Case Turnover Ratio} = \frac{\text{Number of resolved cases in a period}}{\text{Number of unresolved cases at the end of period}}$$

The second method produces the number of days that cases are outstanding, or remain unresolved in court. Also known as the disposition time (DT), this is calculated by taking the case turnover ratio and dividing the result into the 365<sup>10</sup> days in a year as follows:

$$\text{Calculated Disposition Time} = \frac{365}{\text{Case Turnover Ratio}}$$

The additional effort required to convert a case turnover ratio into days is justified by the simpler understanding of what this relationship entails. For example, a protraction in a judicial disposition time from 57 days to 72 days is much easier to grasp than a decline in case turnover ratio from 6.4 to 5.1. The conversation to days also makes it easier to compare a judicial system turnover with the projected overall length of proceedings or established standards for duration of proceedings.

Of course, this ratio does not provide a clear estimate of the average time needed to process each case on average. For example, if the ratio indicates that two cases will be disposed within 600 days, one case might be resolved on 30th day and the second on 600th day. The ratio fails to indicate the mix, concentration, or validity of the cases. Case level data are needed in order to review these details and make a full analysis. In the meantime this formula offers a valuable approach to gaining insight in the length of proceedings. Shorter version of Calculated Disposition Time formula is also available:

$$\text{Calculated Disposition Time} = \frac{\text{Number of unresolved cases at the end of period}}{\text{Number of resolved cases in a period}} * 365$$

---

<sup>10</sup> Assuming that the reporting period is a calendar year, some analysts use 360 days at the numerator on the basis that is easier to calculate; that is, 30 days x 12 months = 360. The five day difference has little effect on the result. The important issue is to be consistent and use 360 or 365 days for calculation of ratio trend. If the reporting period is one month, than the numerator 30 can be used to ease the calculation.



## 5. Cost Efficiency (CE)

Two ratios above show two important aspects of the situation in courts. Constantly low clearance rate or high calculated disposition time indicate potential issues those need to be addressed. It should be emphasized that the clearance rate and the disposition time are not issues per se, but consequences of issues. Like the number of pending cases, these two measures do not reveal anything about court efficiency. In other words, a highly efficient court may have a low clearance rate because it does not have enough judges given the number of incoming cases. A low clearance rate leads to long disposition times. On the other hand, an inefficient court may have favourable clearance rate and disposition times simply because they are overstaffed. Therefore, those two measures alone may be misleading.

This argument calls for a measure which puts in relation courts' results and resources. If quality of data available in the judicial system allow, results can be measured as the number of resolved cases, whereas executed budget may serve as a proxy for the resources. This brings us to the third measure, Cost Efficiency or Cost per Case which indicates average cost of processing a case, by case type.

But courts usually have budgets which are not divided per case categories, so there is no trivial way to calculate average cost per case, or to find out how many cases in each category are resolved by judge on average. To circumvent this issue, we utilize the regression.

Define  $Y_{it}$  as amount of public funds spent in court  $i$  over a period of time  $t$  (calendar or fiscal year) and  $X_j$  as number of resolved cases of type  $j$  over a period of time  $t$ . The relationship between public funds spent and number of cases resolved should be described by the following equation:

$$Y_{it} = \alpha + \beta_j X_{ijt} + \varepsilon_{it}$$

Coefficients  $\beta_j$  are to be estimated by the model. They represent average cost incurred to dispose case  $X_j$ . Stochastic component  $\varepsilon_{it}$  represent variations in budget not related to the defined outcomes. It should have desirable statistical properties.

The Cost per Case indicator is estimated based on three years data (2013-2011). The caseflow and budget data are sourced from Questionnaire for evaluating court efficiency. Executed budget and number of resolved cases in each year represent one observation.

The main purpose of the Cost Efficiency is to indicate difference in efficiency among courts rather than to show the average cost of processing a case. The cost efficiency of courts is indicated by difference between the actual executed budget and the modelled budget (i.e. average cost per case x number of resolved cases). Three scenarios are possible:

- average cost efficiency, i.e. there is no difference between the actual budget and the modelled budget;
- above average cost efficiency, i.e. the actual executed budget is less than the modelled budget. In this case, court's expenditures are low given the number of resolved cases and financial resources could be increased to reach modelled budget;
- below average cost efficiency, i.e. the actual budget is greater than the modelled budget. In this case, court's expenditures are high given the number of resolved cases and, if needed, financial resources could be reduced to reach level of modelled budget.

## 6. Productivity (cases per judge)

Further on “productivity” as the relation of resolved cases a year per “invested” judge is also used as indicator.

$$\text{Productivity (cases per judge)} = \frac{\text{Number of solved cases in a period}}{\text{Number of judges}}$$

However, one needs to note that this indicator should never be used alone, since it disregards structure of cases solved and it can lead to wrong conclusions, but it should be used together with Productivity (P) indicator described below.

## 7. Productivity (P)

Similarly to Cost Efficiency indicator, Productivity indicator was constructed to help determining adequate number of judges needed to efficiently handle incoming cases.

Define  $Y_{it}$  as number of judges needed in court  $i$  over a period of time  $t$  (calendar or fiscal year) and  $X_{ijt}$  as number or resolved cases of type  $j$  over a period of time  $t$ . The relationship between number of judges needed and number of cases resolved should be described by the following equation:

$$Y_{it} = \alpha + \beta_j X_{ijt} + \varepsilon_{it}$$

The main purpose of the Productivity (P) indicator is to indicate difference productivity among courts rather than to show the average time needed for processing a case. The productivity of courts is indicated by difference between the actual number of judges and the modelled number of judges (i.e. average time need to handle the case x number of resolved cases=number of judges needed). Three scenarios are possible:

- average productivity, i.e. there is no difference between the actual and the modelled number of judges;
- above average productivity, i.e. the actual number of judges is less than the modelled number of judges. In this case, number of judges is low given the number of resolved cases and, if needed number of judges could be increased to reach modelled number of judges;
- below average productivity, i.e. the actual number of judges is greater than the modelled budget. In this case, number of judges is high given the number of resolved cases and, if needed, number of judges could be reduced to reach modelled number of judges.

### ***Use of Indicators***

The above mentioned four indicators can be used to improve strategic quantitative management capacities and policy making by providing insight in performance of courts and use of available resources.

Namely, combined indicators Clearance Rate and Disposition Time will provide information on court performance (in terms of meeting needs and demands of general public in handling workload and disposing cases on time) while combined indicators Cost Efficiency and Productivity will provide information on use of court’s financial and human resources.

Courts	Indicators	Rating if above average	Rating if below average
Performance	Clearance Rate (CR) Disposition Time (DT)	A	B
Use of resources	Cost Efficiency (CE) Productivity (P)	A	B

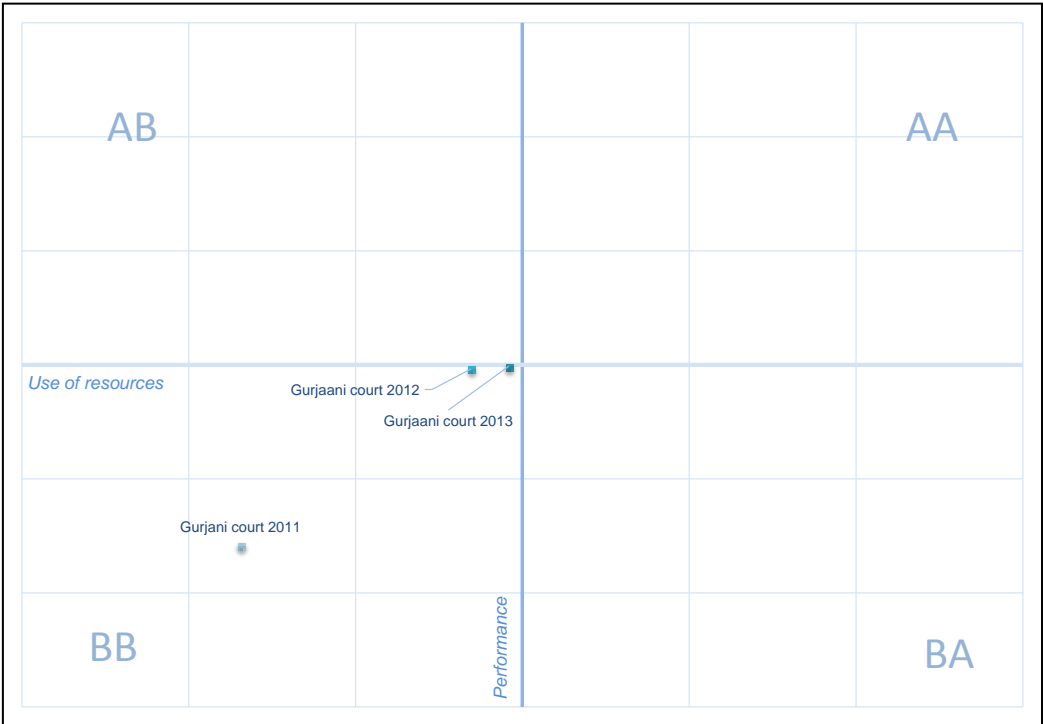
Using this approach, if a court performance measured by combined Clearance Rate and Disposition time indicators is above average, the court would get mark A and if it is below average, it would be given mark B. In the same contexts, if the court’s use of combined financial and human resources is above average, it would get mark A, and if it is below average, it would be given B.

Using described methods, it would be possible to arrange courts in four groups and precisely calculate position (or court rating) of every court in one of the four groups, based on marks given, as follows:

- AA Court Rating: Good performance and use of resources
- AB Court Rating: Good performance, better use of resources needed
- BA Court Rating: Support in terms of additional resources needed to improve performance
- BB Court Rating: Need to improve performance and use of resources

Three years performance and use of resources in Gurjaani court in Georgia can serve as practical example how the Court Rating system works. Position of each individual court is determined by its own performance in relation of performance of all other courts. In case of the Gurjaani court, in 2013 their performance and use of resources were slightly below three years average and they unfortunately fall in BB group. In 2011, their performance and use of resources was significantly below three year average. So, unfortunately for the Gurjaani court, they were so close to reach AA (or AB) court rating in 2013 but they ended up in BB group. But the three years progress is visible from the graph below. Detailed performance (clearance rate and disposition time) and use of resources (cost efficiency and productivity) indicators for Gurjaani court are available in appendix table for Georgia together with all other first instance courts in Georgia.

**FIGURE II.1.0. Use of resources and performance of Gurjaani court in a three years period (2013-2011)**



This methodology can be used in the strategic management and as guidance for developing Quantitative Performance Management System (QPMS), the latter being an important foundation of any efficient judiciary. This system should be designed to transform data into actionable knowledge, developing capacities to:

- enable stakeholders to monitor the performance of the justice sector,
- monitor the impact of legal and judicial reform aimed at improving performance,
- provide government with performance data for policy and managerial decision,
- enable evidence-based decision-making, and
- allocate financial and human resources among the courts fairly.

Court Rating represents an umbrella performance management system that which is able to detect micro inefficiencies and reward innovation and improvements. Court Rating establishes platform for business process re-engineering and creates service oriented “court culture”.

#### ***Data collected***

Within the framework of the above mentioned Joint Programme, using the “Questionnaire for evaluating court efficiency”, data on 2013, 2012 and 2011 caseflow in six major case categories (civil and commercial litigious cases, civil and civil and commercial non-litigious cases, administrative law cases, criminal cases, administrative offences and other cases) in first instance courts was requested from the five Eastern Partnership countries: Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine. In addition, data on number of judges and the court budgets allocated to the functioning of the corresponding court in the respective year (as opposed to annual approved budgets) were collected.

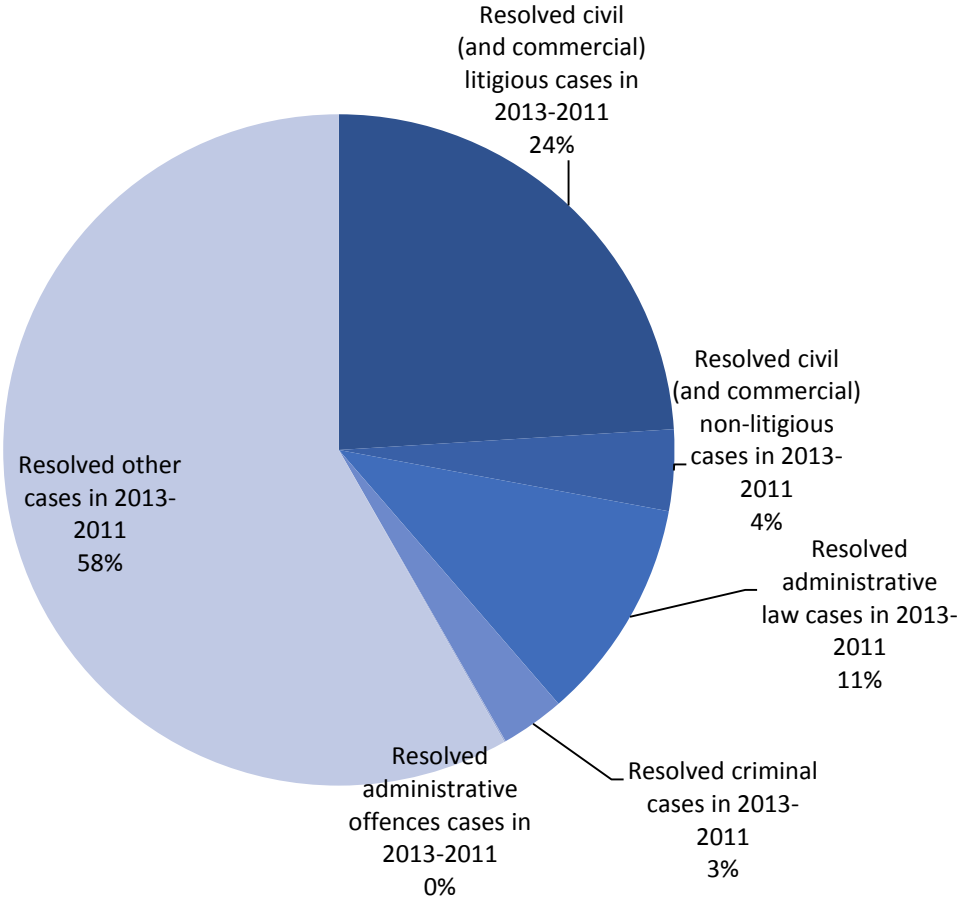
#### ***Armenia***

##### **Quality of data**

Using the data submitted, it was possible to calculate the described indicators (Clearance Rate, Caseload, Backlog-Change, Disposition Time, Efficiency, Cost Efficiency and Productivity) for 16 out of 17 first instance courts that delivered data of the three years caseflow. For one court (Administrative Court), Cost Efficiency and Productivity indicators were not calculated due to incompatible structure of resolved cases.

Due to that, the Administrative Court is not always included in the comparison tables, graphs and analysis as it is a court of its own, its sometimes heavily diverges data which does not match the structure and background of the other courts.

**FIGURE II.1.1 Structure of resolved cases in period 2013-2011 in the first instance courts in Armenia**



Based on data provided by the first instance courts, majority of resolved cases were in the category of other cases (58%), followed by civil and commercial litigious cases (24%), administrative law cases (11%), civil and commercial non-litigious cases (4%) and criminal cases (3%).

**Caseflow (Clearance Rate – Caseload - Backlog Change)**

After an increase of the average clearance rate up to 103% in 2012, the ability to handle the overall workload dropped again to 95%. The situation at Arabkir and Kanaker-Zeytun seems to be alarming with clearance rate being of a value of 83%. This means that more than a quarter of incoming cases is shifted to the next period to be resolved. The situation has to be examined, especially taking into account that the caseload increased up to 36% of the yearly inflow of work and the backlog has almost doubled.

Ajapnyak and Davtashen as well as Gegharkunik District courts improved their performance in ability to handle enormous number of cases, which might be a best practice example. These courts were the only ones reducing backlog in 2013, Gegharkunik District court was among very few other courts which kept the backlog at a very low level.

**TABLE II.1.2. Clearance Rate for cases in the first instance courts in Armenia**

Court name	Clearance Rate		
	2013	2012	2011
Kentron and Nork-Marash	97%	97%	87%
Arabkir and Kanaker-Zeytun	83%	111%	88%
Ajapnyak and Davtashen	105%	90%	89%
Avan and Nor-Nork	96%	110%	103%
Malatia-Sebastia	95%	96%	94%
Shengavit	91%	101%	92%
Erebuni and Nubarashen	92%	104%	89%
Tavush District	91%	104%	99%
Ararat District	92%	105%	107%
Armavir District	90%	110%	85%
Aragatsotn District	97%	134%	64%
Kotayk District	99%	99%	95%
Gegharkunik District	101%	96%	98%
Shirak District	92%	97%	101%
Syunik District	96%	96%	96%
Lori District	97%	101%	97%
Administrative Court	74%	188%	42%

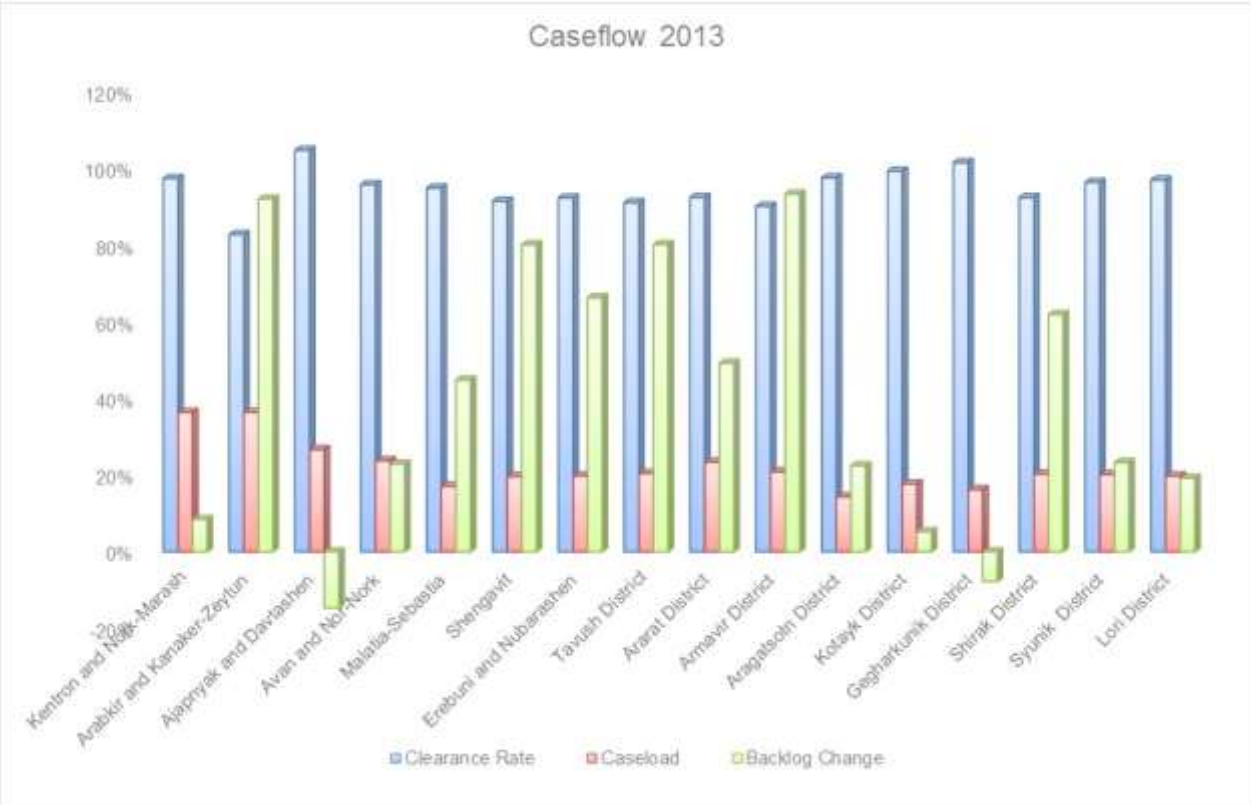
Caseload in general is stable and is at a fair level. Although the backlog-change has increased heavily, nevertheless it is acceptable, as level of caseload is considered to be fair.

Administrative Court is a special case: a clearance rate of only 74% is alarming, but this situation has followed a period of 188% at a fair level of caseload of 33%. Special status of the Administrative court can possibly be the reason for strong variation in data and indicators which need to be evaluated differently.

**Recommendations:**

- Check what caused the difference in clearance rate between 2012 and 2013 in Arabkir and Kanaker-Zeytun courts.
- Consider the best practice in Ajapnyak and Davtashen as well as Gegharkunik District courts.
- The special situation at the Administrative court has to be evaluated separately.

**GRAPH II.1.3. Caseflow 2013 of the first instance courts in Armenia**



## Disposition Time (DT)

**TABLE II.1.4. Disposition Time for cases in the first instance courts in Armenia**

Court name	Disposition Time		
	2013	2012	2011
Kentron and Nork-Marash	136	144	181
Arabkir and Kanaker-Zeytun	161	81	209
Ajapnyak and Davtashen	93	126	138
Avan and Nor-Nork	91	81	168
Malatia-Sebastia	66	63	82
Shengavit	78	54	97
Erebuni and Nubarashen	78	43	100
Tavush District	82	46	76
Ararat District	92	66	84
Armavir District	85	41	111
Aragatsotn District	54	33	275
Kotayk District	65	74	102
Gegharkunik District	58	63	52
Shirak District	80	64	51
Syunik District	76	77	78
Lori District	74	64	88
Administrative Court	164	21	1364

On average, the disposition time is improving since 2011 and in 2013 it leveled around 86 days for processing a case. If Kentron, Nork-Marash, Arabkir and Kanaker-Zeytun courts need significantly longer time to process the workload (almost double time is needed), some courts are able to perform significantly faster: Malatia-Sebastia (66 days), Aragatsotn District (54 days), Kotayk District (65 days) and again Gegharkunik District court (58 days).

The overall disposition time is more concise nowadays; standard deviation from average has been reduced from 47 to 18 days, which is a good indication of stabilising circumstances.

Administrative Court is a special case again: disposition time developed along indicators from 1.346 days in 2011 to 164 days in 2013, which is positive. Special status of the Administrative Court can possibly be the reason for strong variation in data and indicators, which need to be evaluated differently.

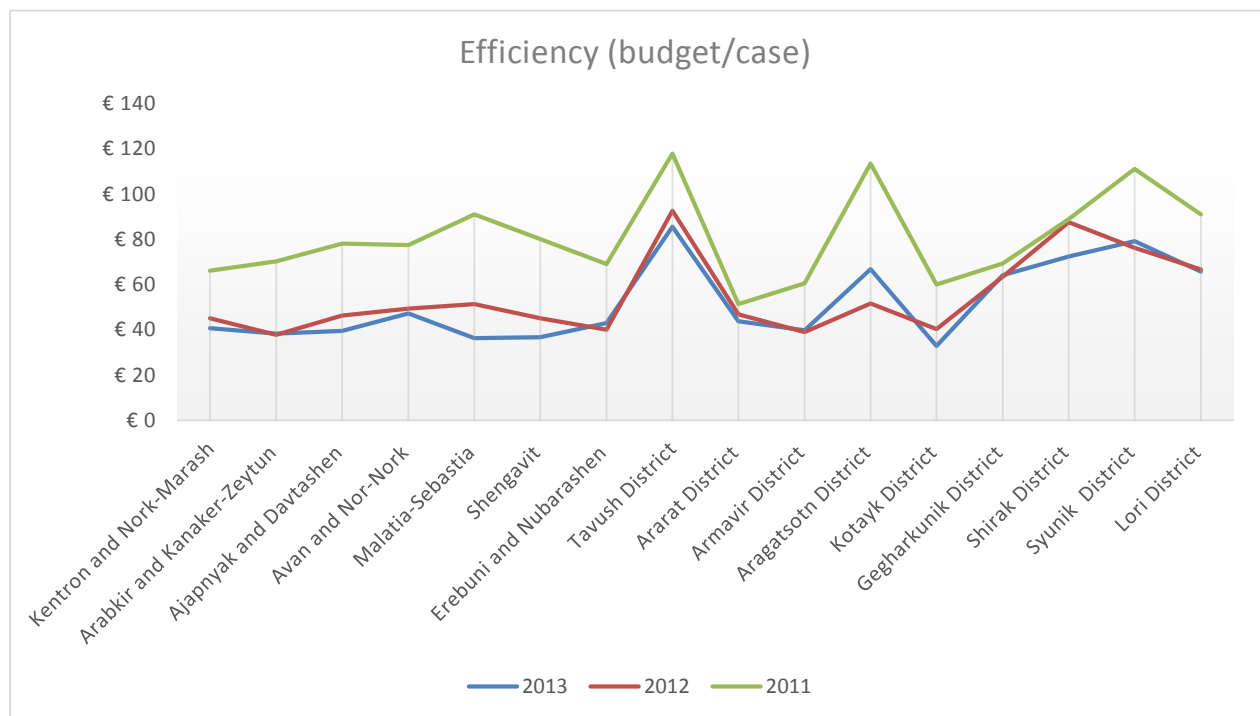


**Efficiency (budget per case)**

Court name	Efficiency (budget/case)			
	2013	2012	2011	Trend
Kentron and Nork-Marash	€ 41	€ 45	€ 66	
Arabkir and Kanaker-Zeytun	€ 38	€ 38	€ 70	
Ajapnyak and Davtashen	€ 40	€ 46	€ 78	
Avan and Nor-Nork	€ 47	€ 49	€ 77	
Malatia-Sebastia	€ 36	€ 51	€ 91	
Shengavit	€ 37	€ 45	€ 80	
Erebuni and Nubarashen	€ 43	€ 40	€ 69	
Tavush District	€ 86	€ 93	€ 118	
Ararat District	€ 44	€ 47	€ 51	
Armavir District	€ 40	€ 39	€ 61	
Aragatsotn District	€ 67	€ 52	€ 114	
Kotayk District	€ 33	€ 40	€ 60	
Gegharkunik District	€ 64	€ 63	€ 69	
Shirak District	€ 72	€ 88	€ 89	
Syunik District	€ 79	€ 76	€ 111	
Lori District	€ 66	€ 67	€ 91	
Administrative Court	€ 4	€ 3	€ 18	

Cost per case indicator has improved: the average level of budget per case is 52 Euros now instead of 81 Euros in 2011. All data seem reliable and give a good indication of increased efficiency.

**GRAPH II.1.5. Development of Efficiency (budget per case) of the first instance courts in Armenia**



### Cost Efficiency (CE)

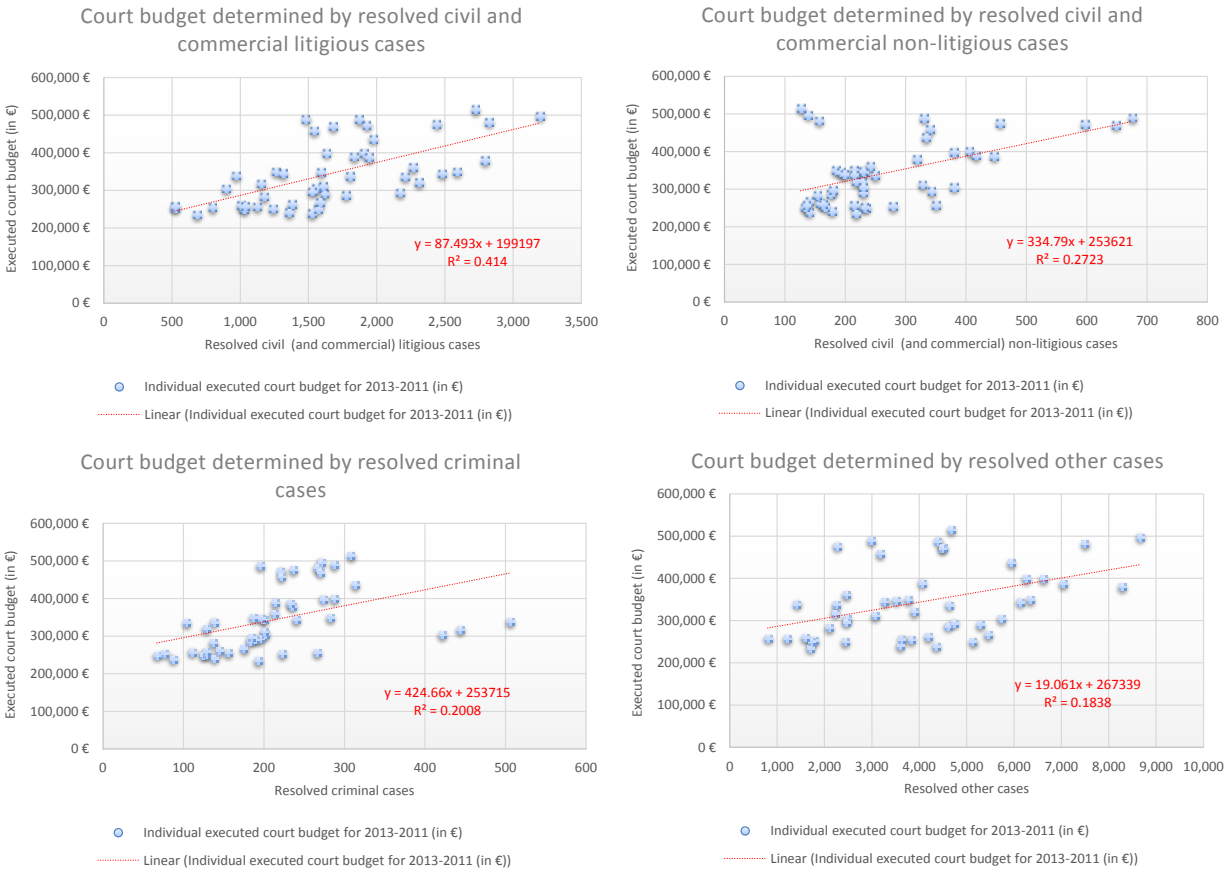
Estimated Cost per Case indicators for the first instance courts in Armenia are reported in the following table. The model is estimate based on data from 2011 to 2013 (48 observations in total), excluding Administrative Court due to incompatible structure of cases.

**TABLE II.1.6. Estimate of Cost per Case for the first instance courts in Armenia**

Variable/Cases	Coefficient / Avg. Cost per Case	Std. Error	t-Statistic	Prob. P-value
Civil and comm. litigious cases	91.63	15.00	6.11	0.00
Civil and comm. non-litigious cases	258.40	49.69	5.20	0.00
Criminal cases	333.34	73.14	4.56	0.00
Other cases	-5.00	4.90	-1.02	0.31
Intercept	72,375.41	24,953.65	2.90	0.01
R-squared	75.3%		F-statistic	32.80
Adjusted R-squared	73.0%		Prob (F-statistic)	0.00

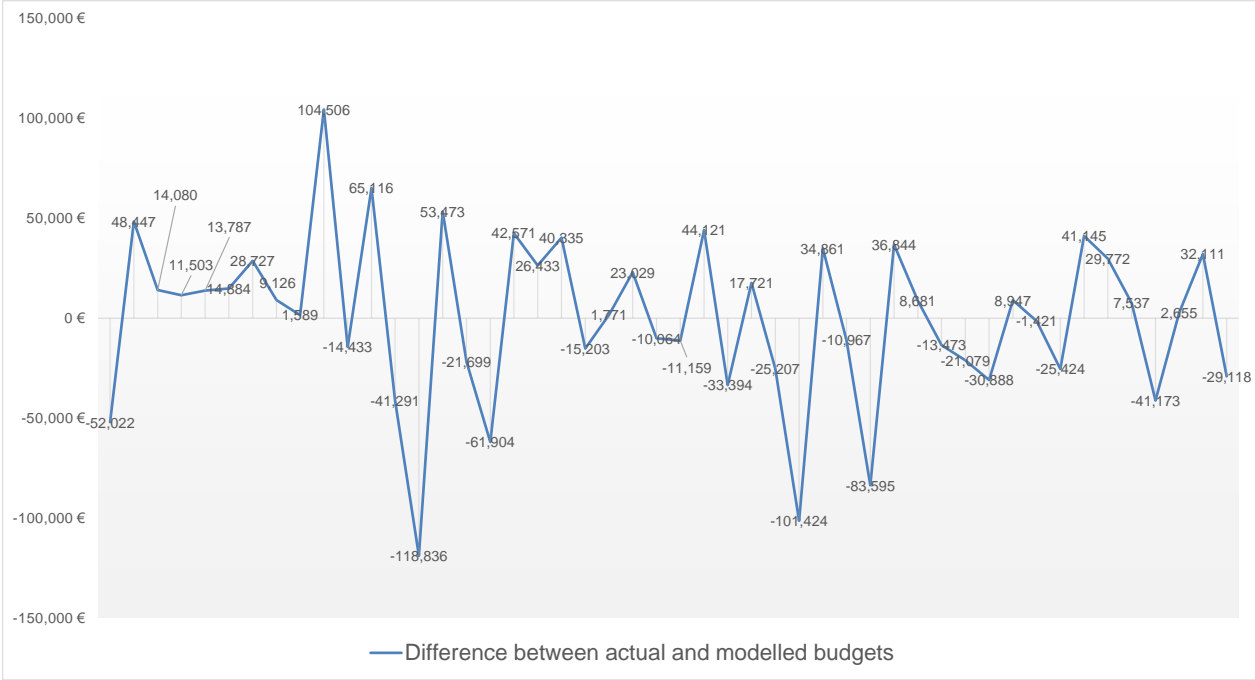
Taking into account coefficient of determination ( $R^2$ ), the model explains 75.3% of differences in the first instance courts' budgets. Three (civil and commercial litigious cases, civil and commercial non-litigious cases and criminal cases) out of four estimated coefficients are statistically significant, which can be considered to be notable improvement knowing that coefficient of determination in the last evaluation exercise was only 58.8%. In order to observe "linearity" and the effect of individual case category on the overall coefficients of determination ( $R^2$ ), simple linear regression is applied on each case category and results are plotted below:

**FIGURE II.1.7. Simple linear regressions per budget and case type in the first instance courts in Armenia**



Simple linear regressions per case type in the first instance courts in Armenia show that coefficients of determination ( $R^2$ ) are ranging from 18.4% (in other cases to in civil and commercial non-litigious cases) to 41.4% (in civil and commercial litigious cases). In other words, simple linear regression applied on “civil and commercial litigious cases” accounts (or explains) for 41.4% of variability in the court budgets. However, when multiple regressions are applied on all four case groups, combined coefficient of determination reaches 75.3% as seen in the above table. The model explains 75.3% of variability in the first instance court budgets and overall model is statistically significant. The difference between the actual and the modelled court budget is plotted below:

**FIGURE II.1.8. Difference between the actual and modelled budget for the first instance courts in Armenia**



The model indicates wide difference in cost efficiency of the first instance court. The biggest positive difference, which indicates a high level of efficiency, is 104,506€ or 35% of the actual operating budget. The biggest negative difference, which indicates a low level of efficiency, is 118,836€ or 24% of the actual operating budget. In simple terms, the model indicates which courts are overpaid (negative difference) and underpaid (positive difference) taking into account performance (number of solved cases).

**Productivity (cases per judge)**

Productivity in terms of number of resolved cases show a mixed picture: in general the indicator is improved, especially in Ajapnyak and Davtashen, Shengavit and Kotayk district court, whereas in Tavush District and Syunik district courts it is less than half of the top courts:

**Table II.1.9. Development of the Productivity (case per judge) of the first instance courts in Armenia**

Court name	Productivity (res. cases/judge)			
	2013	2012	2011	Trend
Kentron and Nork-Marash	875.71	765.79	558.29	
Arabkir and Kanaker-Zeytun	902.10	930.60	516.60	
Ajapnyak and Davtashen	1,016.00	874.83	540.33	
Avan and Nor-Nork	716.50	652.70	439.00	
Malatia-Sebastia	991.00	717.71	410.86	
Shengavit	1,047.29	836.43	507.14	
Erebuni and Nubarashen	840.00	912.75	540.13	
Tavush District	461.00	458.50	366.00	
Ararat District	831.55	778.27	777.27	
Armavir District	928.00	981.63	647.63	
Aragatsotn District	626.50	827.17	381.50	
Kotayk District	1,160.90	964.00	650.50	
Gegharkunik District	607.78	612.89	555.33	
Shirak District	520.62	404.62	413.54	
Syunik District	448.11	445.33	340.78	
Lori District	555.46	544.31	415.31	
Administrative Court	5,865.52	14,931.00	2,097.71	

**Recommendation:**

- Ensure further improving of balance of workload per judge and controlling of judicial performance among courts, indicated to some extent by productivity.

**Productivity (P)**

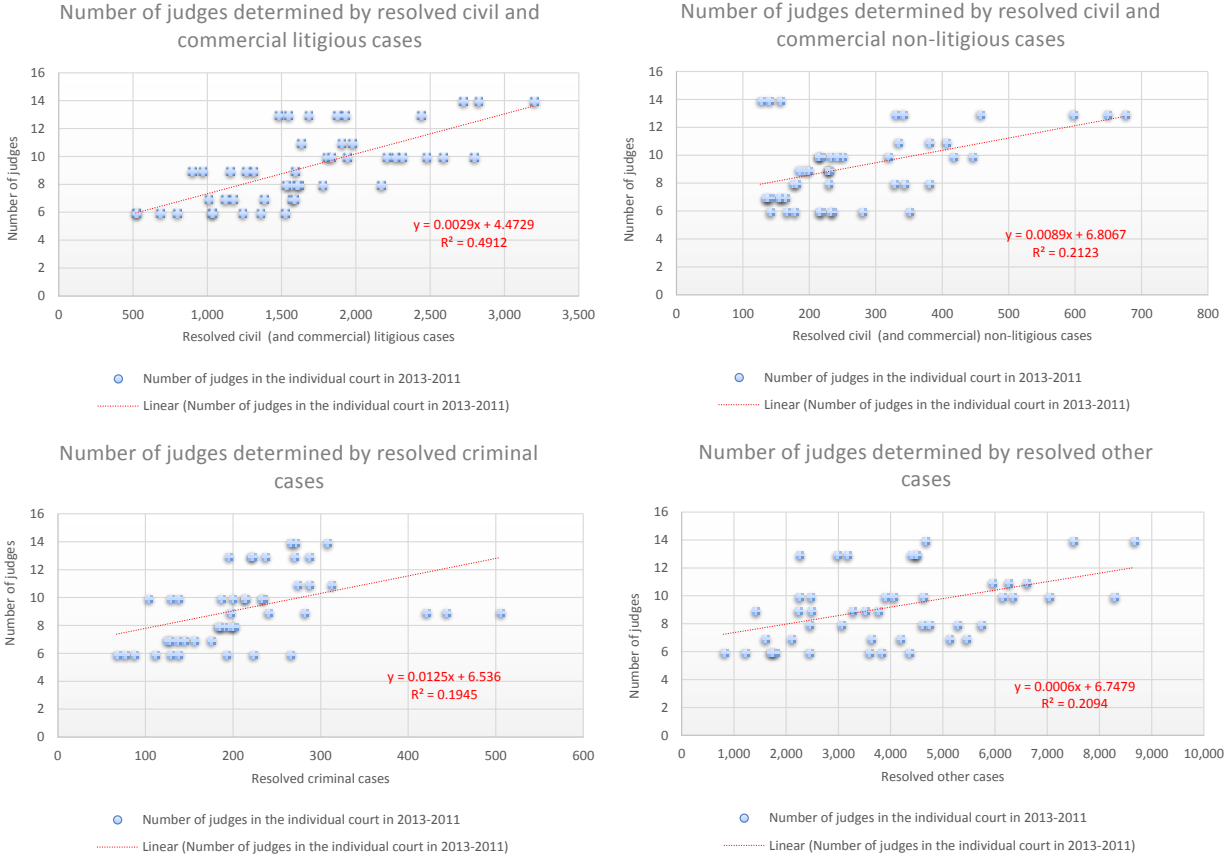
Similar regression approach can be used to determine required number of judges considering the number and type of resolved cases.

**TABLE II.1.10. Estimate of Number of Judges per Case for the first instance courts in Armenia**

<b>Variable/Cases</b>	<b>Coefficient /</b>	<b>Std. Error</b>	<b>t-Statistic</b>	<b>Prob.</b>
	<b>Avg. Number of</b>			<b>P-value</b>
	<b>Judges per Case</b>			
Civil and comm. litigious cases	0.00308	0.00043	7.21965	0.00000
Civil and comm. non-litigious cases	0.00645	0.00141	4.56784	0.00004
Criminal cases	0.01009	0.00208	4.85504	0.00002
Other cases	-0.00018	0.00014	-1.30689	0.19820
Intercept	0.96685	0.70937	1.36297	0.17999
R-squared	77.8%		F-statistic	37.67
Adjusted R-squared	75.7%		Prob (F-statistic)	0.00

Taking into account coefficient of determination ( $R^2$ ), the model explains 77.8% of difference in the number of judges at the first instance courts and estimated coefficients of all case categories (except other cases) are statistically significant. In order to observe “linearity” and the effect of individual case category on the overall coefficients of determination ( $R^2$ ), simple linear regression is applied on each case category and results are plotted below:

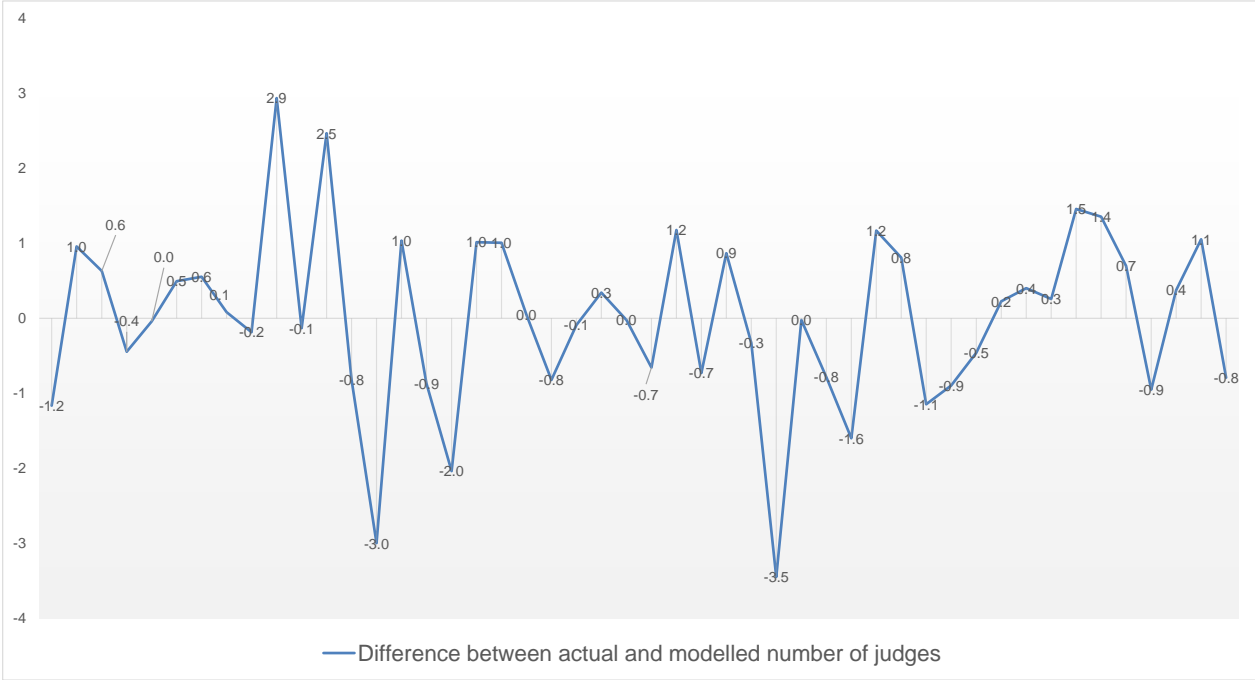
**FIGURE II.1.11. Simple linear regressions per number of judges and case type in the first instance courts in Armenia**



Simple linear regressions per case type in the first instance courts in Armenia show that coefficients of determination ( $R^2$ ) are ranging from 19.5% in criminal cases to 49.1% in civil and commercial litigious cases. In other words, simple linear regression applied on “civil and commercial litigious cases” accounts (or explains) for 49.1% of variability in the number of judges. However, when multiple regressions are applied on all four case groups, combined coefficient of determination reaches 77.8% as seen in the above table. The model explains 77.8% of differences in number of first instance judges and the overall model is statistically significant.

The difference between the actual and the modelled number of judges is plotted below:

**FIGURE II.1.12. Difference between the actual and modelled number of judges for first instance courts in Armenia**



The model indicates wide difference in productivity of the first instance court judges. The highest positive difference, which indicates a high level of productivity, is 2.9 or 37% of the actual number of judges. The lowest negative difference, which indicates a low level of productivity, is 3.5 or 27% of the actual number of judges. In simple terms, the model indicates which courts are overstaffed with judges (negative difference) and understaffed with judges (positive difference) taking into account performance (number of solved cases).

**Court Rating**

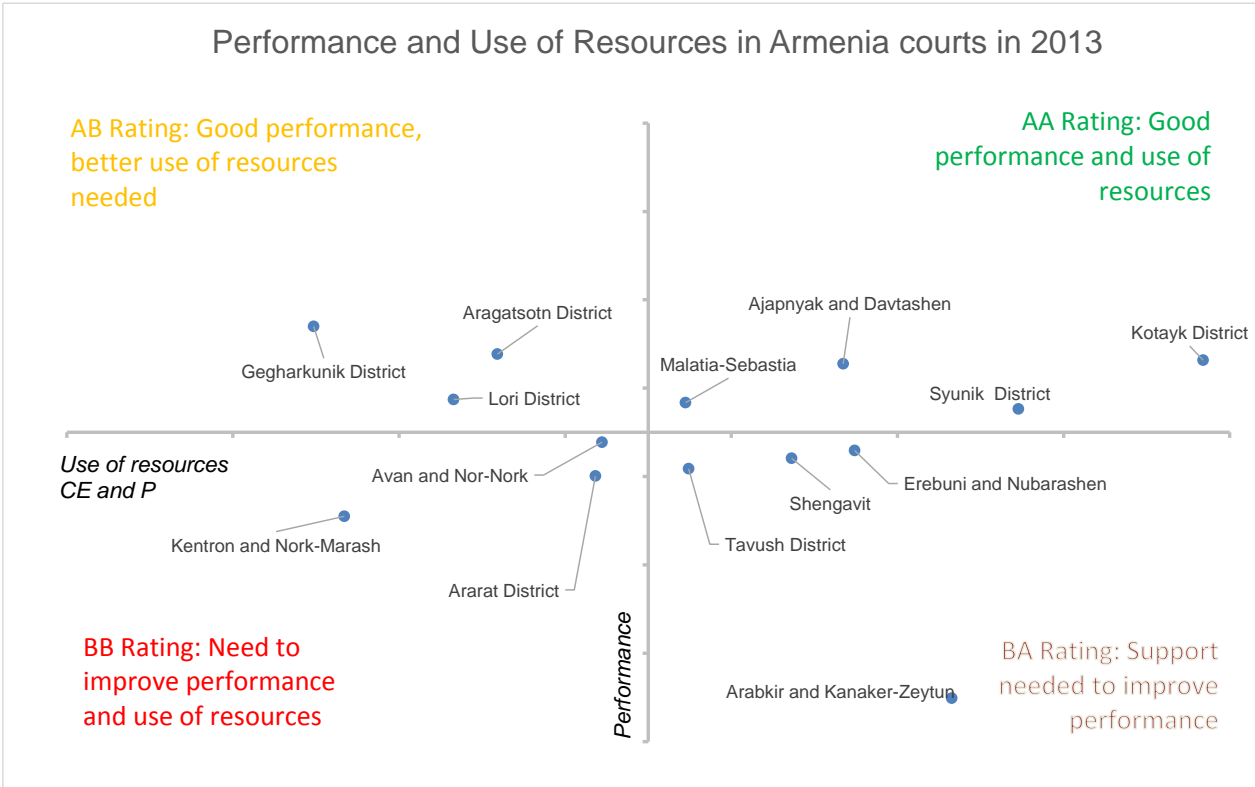
Using the described methods and four indicators, it was possible to cluster courts in four groups, accurately calculating position (or court rating) of every court in one of the four groups, based on marks given, as follows:

- AA Court Rating: Good performance and use of resources,
- AB Court Rating: Good performance, better use of resources needed,
- BA Court Rating: Support in terms of additional resources needed to improve performance,
- BB Court Rating: Need to improve performance and use of resources.

Court Rating for first instance courts in Armenia is graphically presented in the following scatter plot diagram:



**FIGURE II.1.13. Court Rating for first instance courts in Armenia in 2013**



This figure makes it is easy to see which courts perform well and use resources efficiently (AA court rating) and which courts need to improve their performance and use their resources (BB court rating) more efficiently. It is also easy to note which courts need more resources to improve performance (BA Court Rating). It is also interesting to see which courts have more than average resources thus achieving good performance (AB court rating).

In addition, court ratings were calculated for the past three years for the first instance courts in Armenia, as presented in the table below:

**TABLE II.1.14. Court Rating for first instance courts in Armenia**

Court name	COURT RATING		
	2013	2012	2011
Kentron and Nork-Marash	BB	BB	BB
Arabkir and Kanaker-Zeytun	BA	AA	BA
Ajapnyak and Davtashen	AA	BA	BA
Avan and Nor-Nork	BB	AA	BB
Malatia-Sebastia	AA	AB	BB
Shengavit	BA	AB	BB
Erebuni and Nubarashen	BA	AA	BA
Tavush District	BA	AB	AA
Ararat District	BB	AB	AB
Armavir District	BA	AA	BA
Aragatsotn District	AB	AB	BA
Kotayk District	AA	AA	BA
Gegharkunik District	AB	AB	AB
Shirak District	BB	AB	AA
Syunik District	AA	AA	AA
Lori District	AB	AB	AB
Administrative Court			

As seen in the colour-coded table above, only Syunik District court maintained the best AA court rating throughout three years period, while Kentron and Nork-Marash court had the negative BB court rating during the same period.

#### General recommendations and remarks

Courts with AA court rating could provide training for other courts presenting best practices and problem solutions they consider effective.

It could be beneficial to produce Pareto<sup>11</sup> analysis and Ishikawa diagrams<sup>12</sup> in the courts that have BB court rating, in order to discover root of the problems.

Court Rating methodology described above can be used in the strategic management and as a guidance in developing Quantitative Performance Management System, which is an important foundation of any efficient judiciary.

Since Court Rating is calculated based on the performance of all first instance courts, implementation of this methodology would lead to constant strive for improvement in every court trying to achieve best AA Court Rating, thus encouraging innovation and positive competitive spirit among the courts.

As every court improves trying to improve their Court Rating, the average values for the entire group of the first instance court improves too, making it harder to maintain the best AA Court Rating, so the

<sup>11</sup> Pareto analysis is a formal technique useful where many possible courses of action are competing for attention. In essence, the problem-solver estimates the benefit delivered by each action, then selects a number of the most effective actions that deliver a total benefit reasonably close to the maximal possible one.

<sup>12</sup> Ishikawa diagrams (also called fishbone diagrams, herringbone diagrams, cause-and-effect diagrams, or Fishikawa) are causal diagrams created by Kaoru Ishikawa (1968) that show the causes of a specific event. Common uses of the Ishikawa diagram are product design and quality control, to identify potential factors causing an overall effect. Each cause or reason for imperfection is a source of variation. Causes are usually grouped into major categories to identify these sources of variation.

courts with the AA Court Rating need to perform even better. This improvement process through quantitative management will lead to better performing and more efficient judicial system.

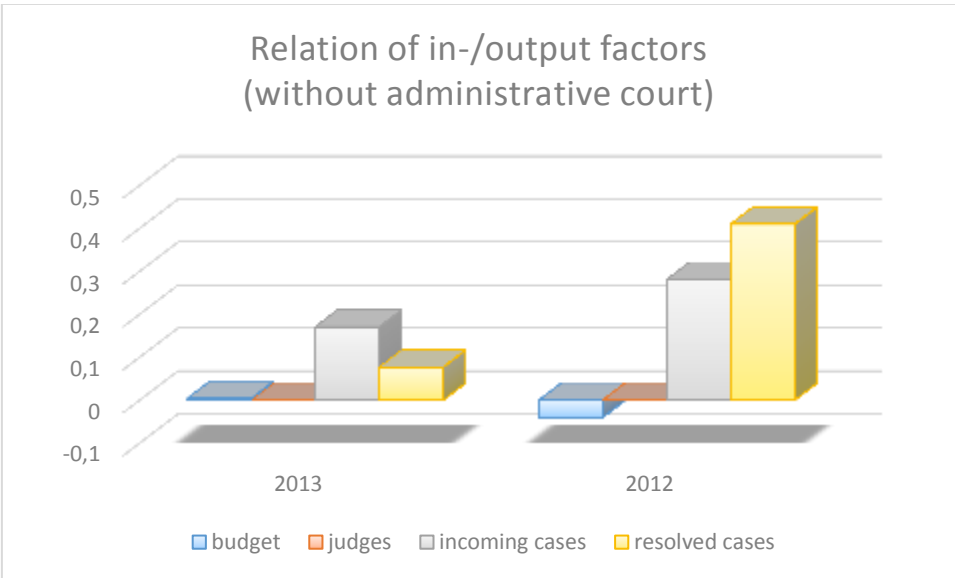
**Relation of in-/output factors (without administration court)**

Finally, few words about management by facts and figures: in general the amount of incoming and resolved cases is still increasing, but losing momentum. The amount of budget/personnel still seems to have potential for improving productivity as in 2012, at least in short run:

**TABLE II.1.15. Relation of in-/output factors of first instance courts in Armenia (without administration court)**

Year	budget		judges		incoming cases		resolved cases	
2013	€ 5,438,186	0.43%	147	0.00%	120,670	17.06%	113,727	7.68%
2012	€ 5,415,067	-3.97%	147	0.00%	103,086	28.06%	105,612	40.96%
2011	€ 5,638,700		147		80,500		74,922	

**GRAPH II.1.16. Relation of in-/output factors of first instance courts in Armenia (without administration court)**



## Azerbaijan

### Quality of data

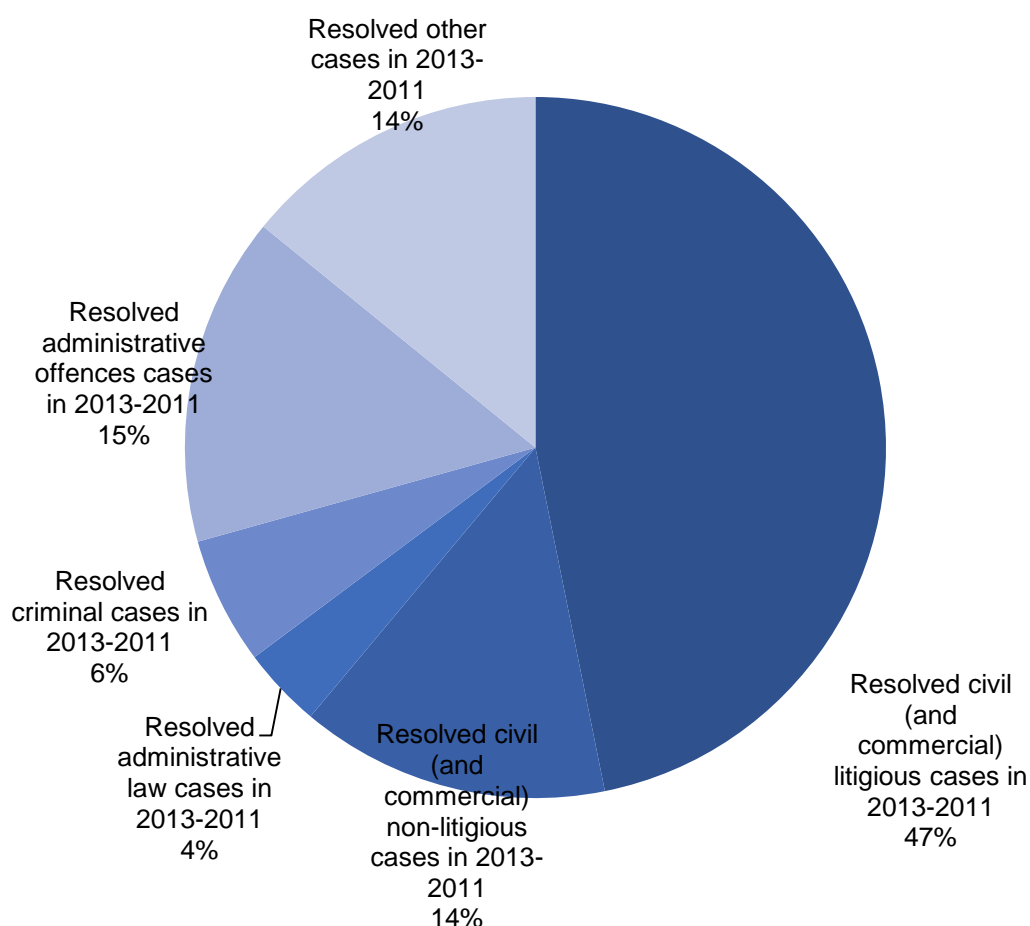
Data were submitted for 102 courts (seven Administrative-Economic Courts, six Military Courts, five Serious Crimes Courts and 84 District (city) Courts) as presented below:

**TABLE II.1.17. Type and number of the first instance courts in Azerbaijan**

Type of courts	Number of courts
Administrative-Economic Courts	7
Military Courts	6
Serious Crimes Courts	5
District (city) Courts	84
<b>Total</b>	<b>102</b>

Based on the submitted data, it was possible to calculate indicators (Clearance Rate, Caseload, Backlog-Change, Disposition Time, Efficiency, Productivity and Cost Efficiency) for all 102 first instance courts that delivered data on the three years caseload.

**FIGURE II.1.18 Structure of resolved cases in period 2013-2011 in the first instance courts Azerbaijan**



Based on the data provided by the first instance courts, majority of resolved cases were civil and commercial litigious cases (47%), followed by administrative offences cases (15%), civil and commercial non-litigious cases (14%), other cases (14%), criminal cases (6%) and administrative law cases (4%).

### Caseflow (Clearance Rate – Caseload - Backlog Change)

In general, it has to be outlined that performance of courts of Azerbaijan is stabilised at high level within the last three years: clearance rate is at or slightly below 100% and caseload in general is at very low level of 9% (considering only the caseflow, this indicator is excellent, which says nothing about efficiency of personnel). Backlog change is still fluctuating but in the last two periods it remained at a fair level.

**TABLE II.1.19. Clearance Rate for cases in the first instance courts in Azerbaijan**

Court name	Clearance Rate		
	2013	2012	2011
<b>Administrative-Economic Courts</b>			
Baku Administrative-Economic Court no 1	94%	101%	85%
Baku Administrative-Economic Court no 2	94%	98%	81%
Ganja Administrative Economic Court	98%	103%	82%
Sumgayit Administrative-Economic Court	94%	107%	91%
Shirvan Administrative-Economic Court	95%	99%	92%
Sheki Administrative-Economic Court	92%	92%	92%
Administrative-Economic Court of Nakhchivan Autonomous Republic	90%	105%	85%
<b>Military Courts</b>			
Baku Military Court	99%	98%	98%
Ganja Military Court	98%	104%	95%
Fuzuli Military Court	96%	101%	98%
Tertter Military Court	101%	101%	91%
Jalilabad Military Court	103%	99%	92%
Military Court of Nakhchivan Autonomous Republic	102%	98%	93%
<b>Serious Crimes Courts</b>			
Baku Court of Serious Crimes	97%	98%	114%
Ganja Court of Serious Crimes	103%	102%	65%
Lankaran Court of Serious Crimes	105%	97%	83%
Sheki Serious Crimes Court	108%	99%	70%
Court of Serious Crimes of Nakhchivan Autonomous Republic	100%	175%	75%
<b>District (city) courts</b>			
Binagadi District Court of Baku city	97%	105%	95%
Garadagh District Court of Baku city	99%	103%	97%
Khazar District Court of Baku city	100%	99%	99%
Yasamal District Court of Baku city	99%	99%	99%
Narimanov District Court of Baku city	99%	99%	101%
Nasimi District Court of Baku city	98%	99%	100%
Nizami District Court of Baku city	100%	100%	97%
Sabunchu District Court of Baku city	96%	100%	92%
Sabail District Court of Baku city	98%	100%	101%
Surakhany District Court of Baku city	100%	96%	100%
Khatai District Court of Baku city	99%	100%	98%
Absheron District Court	98%	101%	99%
Agdam District Court	99%	98%	97%
Agdash District Court	99%	102%	94%
Aghstafa District Court	99%	96%	98%
Agsu District Court	96%	102%	100%
Aghjabadi District Court	99%	101%	96%
Astara District Court	102%	95%	99%
Balakan District Court	100%	100%	96%
Beylagan District Court	97%	100%	98%
Barda District Court	99%	97%	101%

Court name	Clearance Rate		
	2013	2012	2011
Bilasuvar District Court	100%	101%	98%
Qazakh District Court	105%	97%	100%
Qakh District Court	100%	98%	98%
Qabala District Court	94%	102%	95%
Gobustan District Court	98%	100%	102%
Quba District Court	98%	102%	100%
Qubadly District Court	99%	101%	88%
Qusar District Court	97%	99%	101%
Daskhkan District Court	100%	98%	100%
Zakatala District Court	97%	98%	98%
Zangilan District Court	103%	98%	108%
Zardab District Court	99%	100%	99%
Imishli District Court	98%	102%	98%
Ismayilli District Court	101%	96%	103%
Yardymli District Court	98%	98%	97%
Yevlakh District Court	101%	98%	99%
Kalbajar District Court	96%	100%	95%
Kurdamir District Court	98%	97%	97%
Gadabay District Court	101%	106%	90%
Kepez District Court of Ganja city	95%	100%	99%
Nizami District Court of Ganja city	98%	100%	98%
Goranboy District Court	102%	97%	96%
Goychay District Court	96%	100%	96%
Lachin District Court	98%	100%	100%
Lerik District Court	103%	100%	96%
Lankaran District Court	100%	98%	99%
Masally District Court	99%	99%	96%
Mingachevir City Court	101%	98%	96%
Naftalan District Court	98%	103%	88%
Neftchala City Court	100%	100%	101%
Oghuz District Court	96%	102%	99%
Saatly District Court	98%	98%	98%
Sabirabad District Court	102%	98%	98%
Salyan District Court	99%	98%	99%
Samukh District Court	97%	98%	99%
Siyazan District Court	96%	100%	93%
Sumgayit City Court	98%	99%	100%
Tertter District Court	99%	99%	96%
Tovuz District Court	100%	101%	99%
Ujar District Court	99%	102%	98%
Fizuli District Court	105%	96%	96%
Goygol District Court	98%	103%	94%
Khachmaz District Court	100%	101%	96%
Khizy District Court	103%	96%	94%
Khojavend District Court	99%	96%	100%
Khojaly District Court	110%	94%	100%
Hajigabul District Court	97%	97%	103%
Jabrayil District Court	99%	98%	96%
Jalilabad District Court	103%	102%	92%
Shabran District Court	100%	98%	99%
Shirvan District Court	100%	98%	100%
Shamakhy District Court	101%	95%	97%

Court name	Clearance Rate		
	2013	2012	2011
Sheki District Court	99%	98%	102%
Shamkir District Court	98%	98%	98%
Shusha District Court	98%	103%	98%
<b>District (city) courts of Nakhchivan Autonomous Republic</b>			
Nakhchivan City Court	100%	96%	93%
Sharur District Court	101%	100%	95%
Babek District Court	95%	97%	98%
Ordubad District Court	95%	104%	98%
Julfa District Court	101%	97%	100%
Shahbuz District Court	99%	103%	96%
Kangarli District Court	99%	98%	96%
Sadarak District Court	86%	104%	100%

We have to distinguish between different groups of courts: administrative-economic courts lack the ability to clear workload more than other courts with a clearance rate about 94% (Nakhchivan Autonomous Republic only 90%) and as caseload increases, they are producing backlog.

**Recommendation:**

- Monitor caseload at administrative-economic courts, especially of the court of Nakhchivan Autonomous Republic.

Military courts show an excellent performance with very low caseload and they are reducing backlog. Only Fizuli military court shows a clearance rate of acceptable of 96% “only”.

Serious crime courts improved their performance over the last three years significantly. Backlog is being reducing, caseload higher than at the general courts but considered to be normal due to the type of cases handled.

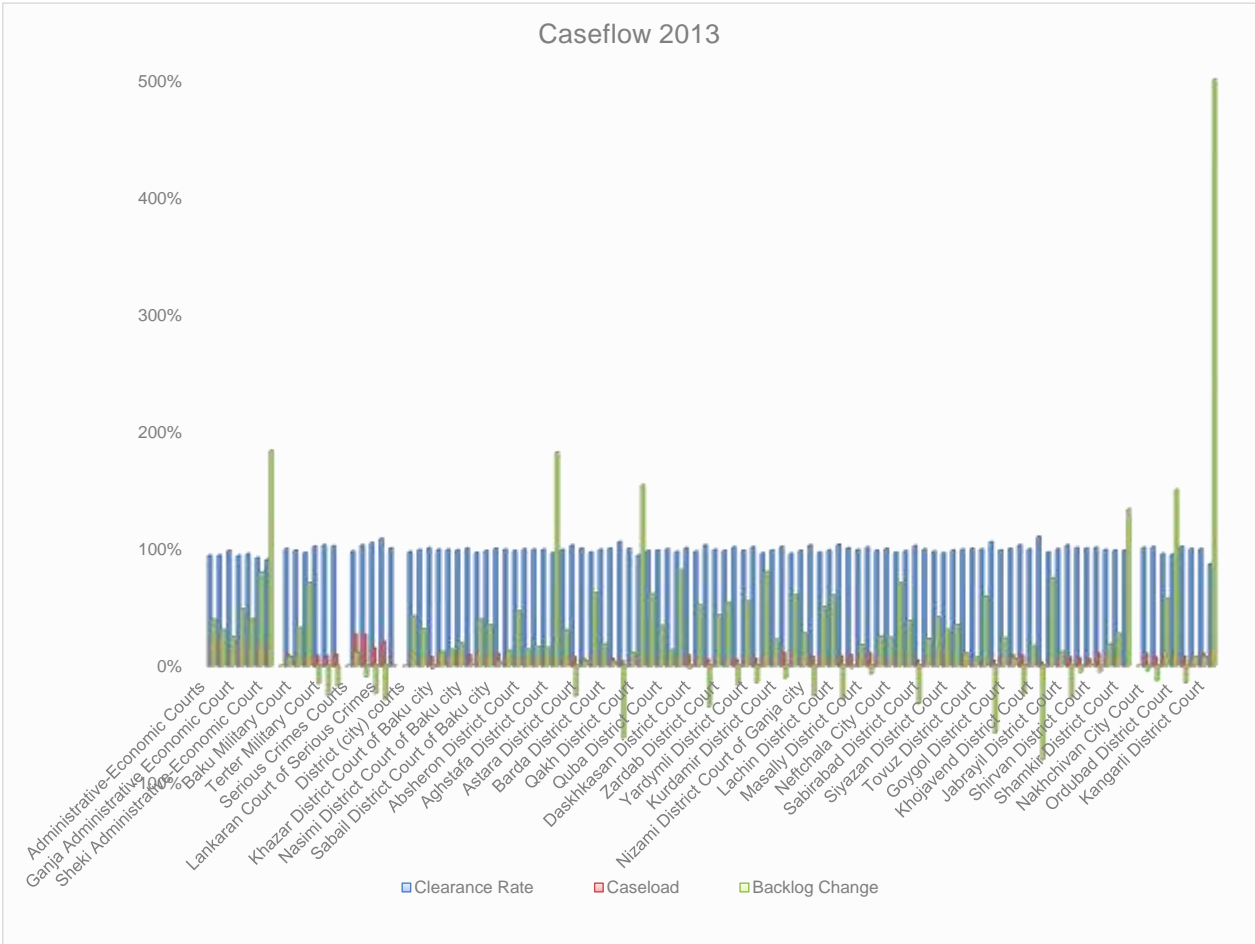
A well balanced situation of the District (City) Courts is a sign of good management worth to be noted. Stabilised clearance rates for the three periods at 100% is combined with caseload of 9% on average – these courts offer a standardised performance of judicial services to the public at high level. Only Sadarak district court shows a drop of clearance rate in 2013 to 86%, which has to be analysed separately (could be a specific reason for or due to wrong data?). Positive examples of very well performing courts are many to name, the green colour-coded table above identifies those courts with the best-practise.

Heavy deviation of backlog-change is due to low level of caseload and in that case is not a concern.

**Recommendation:**

- Find out a reason of drop in clearance rate at the Sadarak district court in 2013.

**GRAPH II.1.20. Caseflow 2013 of the first instance courts in Azerbaijan**



**Disposition Time (DT)**

Throughout the different types of courts and cases the disposition time remains stable at an excellent level (34 days average in all the courts) in the last two periods.

Baku administrative-economic court No 2 (100 days) needs 15 days longer to process the same cases than Baku administrative-economic court No 1 (85 days). This seems to be a structural issue (?) as it lasts for three years.

At the serious crimes courts on the one hand there is a gap between Baku (99 days) and Ganja (93 days) and Lankaran (only 51 days) and Sheki (68 days) on the other; although all of them complete the workload within the period. It would be interesting to learn the reasons behind (different structure of cases, more complicated cases in big cities, different practise?).

District courts show a very balanced level of processing-time. Neftchala and Khojaly courts have the best performance (on average only 8 days to process decisions). Some of the Baku city district courts need longer time than average. The situation can be considered normal as usually more complex cases are in the big cities and economic centres, but some of them, nevertheless, perform quickly (could be because of better practise?). Siyazan district court needs almost twice time than the average (67 days) to process a case. This should be rechecked.

**Recommendation:**

- Look for a specific structural reason why Baku Administrative-Economic Court No 2 (100 days) needs 15 days longer to process the same cases than Baku Administrative-Economic Court No 1 (85 days).



- Learn about the reasons behind different disposition time frames on the one hand in Baku (99 days) and Ganja (93 days) and Lankaran (only 51 days) and Sheki (68 days) on the other.
- Siyazan district court needs almost twice than the average of time (67 days) to process a case. This should be rechecked.

**TABLE II.1.21. Disposition Time for cases in the first instance courts in Azerbaijan**

Court name	Disposition Time		
	2013	2012	2011
<b>Administrative-Economic Courts</b>			
Baku Administrative-Economic Court no 1	85	78	97
Baku Administrative-Economic Court no 2	100	103	109
Ganja Administrative Economic Court	42	35	84
Sumgayit Administrative-Economic Court	76	47	68
Shirvan Administrative-Economic Court	67	38	40
Sheki Administrative-Economic Court	73	60	48
Administrative-Economic Court of Nakhchivan Autonomous Republic	61	25	64
<b>Military Courts</b>			
Baku Military Court	31	30	21
Ganja Military Court	30	23	33
Fuzuli Military Court	35	21	29
Tertter Military Court	30	38	43
Jalilabad Military Court	28	41	34
Military Court of Nakhchivan Autonomous Republic	33	41	42
<b>Serious Crimes Courts</b>			
Baku Court of Serious Crimes	99	95	90
Ganja Court of Serious Crimes	93	105	198
Lankaran Court of Serious Crimes	51	81	74
Sheki Serious Crimes Court	68	133	154
Court of Serious Crimes of Nakhchivan Autonomous Republic	0	0	183
<b>District (city) courts</b>			
Binagadi District Court of Baku city	39	24	59
Garadagh District Court of Baku city	23	18	26
Khazar District Court of Baku city	26	29	29
Yasamal District Court of Baku city	40	39	34
Narimanov District Court of Baku city	36	35	26
Nasimi District Court of Baku city	36	32	29
Nizami District Court of Baku city	32	36	40
Sabunchu District Court of Baku city	50	45	61
Sabail District Court of Baku city	33	24	21
Surakhany District Court of Baku city	35	45	28
Khatai District Court of Baku city	36	36	31
Absheron District Court	26	20	27
Agdam District Court	27	28	29
Agdash District Court	27	29	47
Aghstafa District Court	32	31	21
Agsu District Court	24	10	19
Aghjabadi District Court	21	19	29
Astara District Court	25	46	26
Balakan District Court	19	25	35
Beylagan District Court	34	25	25
Barda District Court	26	26	16

Court name	Disposition Time		
	2013	2012	2011
Bilasuvar District Court	20	20	24
Qazakh District Court	12	43	31
Qakh District Court	16	18	15
Qabala District Court	39	18	32
Gobustan District Court	23	15	14
Quba District Court	26	20	27
Qubadly District Court	21	20	53
Qusar District Court	26	16	12
Daskhkasan District Court	31	30	25
Zakatala District Court	31	25	21
Zangilan District Court	17	34	25
Zardab District Court	15	13	15
Imishli District Court	23	20	32
Ismayilli District Court	17	24	12
Yardymli District Court	21	20	20
Yevlakh District Court	20	30	24
Kalbajar District Court	36	25	39
Kurdamir District Court	35	44	36
Gadabay District Court	37	34	77
Kepez District Court of Ganja city	48	35	34
Nizami District Court of Ganja city	38	38	32
Goranboy District Court	26	42	43
Goychay District Court	40	33	41
Lachin District Court	17	13	19
Lerik District Court	28	34	43
Lankaran District Court	32	41	34
Masally District Court	32	37	35
Mingachevir City Court	37	45	44
Naftalan District Court	35	27	63
Neftchala City Court	8	9	7
Oghuz District Court	33	22	28
Saatly District Court	34	24	23
Sabirabad District Court	15	31	25
Salyan District Court	19	20	14
Samukh District Court	36	35	30
Siyazan District Court	67	56	56
Sumgayit City Court	26	23	19
Terter District Court	38	42	45
Tovuz District Court	22	23	32
Ujar District Court	9	7	17
Fizuli District Court	14	41	29
Goygol District Court	32	26	36
Khachmaz District Court	31	33	36
Khizy District Court	30	46	33
Khojavend District Court	23	24	9
Khojaly District Court	8	43	30
Hajigabul District Court	31	23	14
Jabrayil District Court	26	25	25
Jalilabad District Court	24	33	54
Shabran District Court	23	29	24
Shirvan District Court	19	26	16
Shamakhy District Court	38	46	32

Court name	Disposition Time		
	2013	2012	2011
Sheki District Court	33	33	31
Shamkir District Court	32	29	29
Shusha District Court	11	6	23
<b>District (city) courts of Nakhchivan Autonomous Republic</b>			
Nakhchivan City Court	37	52	46
Sharur District Court	24	36	55
Babek District Court	50	54	50
Ordubad District Court	35	21	53
Julfa District Court	27	39	36
Shahbuz District Court	28	27	45
Kangarli District Court	36	48	54
Sadarak District Court	68	15	30

### Efficiency (budget per case)

In general, within the last two years efficiency as budget/case indicator is developing positively.

Sheki district court indicator is 50 times higher than expected (special circumstances? Mistake in the data provided?).<sup>13</sup>

Court name	Efficiency (budget/case)			Trend
	2013	2012	2011	
<b>Administrative-Economic Courts</b>				
Baku Administrative-Economic Court no 1	€ 77	€ 145	€ 117	
Baku Administrative-Economic Court no 2	€ 75	€ 110	€ 122	
Ganja Administrative Economic Court	€ 66	€ 64	€ 194	
Sumgayit Administrative-Economic Court	€ 130	€ 128	€ 109	
Shirvan Administrative-Economic Court	€ 142	€ 111	€ 208	
Sheki Administrative-Economic Court	€ 101	€ 77	€ 119	
Administrative-Economic Court of Nakhchivan Autonomous Republic	€ 1.876	€ 2.092	€ 3.107	
<b>Military Courts</b>				
Baku Military Court	€ 427	€ 425	€ 381	
Ganja Military Court	€ 513	€ 517	€ 687	
Fuzuli Military Court	€ 733	€ 864	€ 1.001	
Tertter Military Court	€ 466	€ 499	€ 715	
Jalilabad Military Court	€ 1.903	€ 1.931	€ 2.164	
Military Court of Nakhchivan Autonomous Republic	€ 5.284	€ 5.292	€ 5.167	
<b>Serious Crimes Courts</b>				
Baku Court of Serious Crimes	€ 1.609	€ 1.963	€ 1.908	
Ganja Court of Serious Crimes	€ 1.752	€ 2.138	€ 3.518	
Lankaran Court of Serious Crimes	€ 1.304	€ 1.921	€ 7.686	
Sheki Serious Crimes Court	€ 1.948	€ 2.665	€ 4.010	
Court of Serious Crimes of Nakhchivan Autonomous Republic	€ 35.125	€ 46.382	€ 38.665	

<sup>13</sup> During the round-table discussion of the report in Baku in December 2014 the judicial authorities of Azerbaijan noted that the figure provided for the budget of the Sheki Court 12 467 086 EUR was a sum available for the construction for a new building of the court which would contain the Sheki Appeal Court, Sheki Serious Crimes Court, Sheki Administrative-Economic Court and Sheki District Court. It is important that for the accuracy of this indicator and proper calculation, the court budgets are considered without amount allocated for the future capital expenditure.

Court name	Efficiency (budget/case)			
	2013	2012	2011	Trend
<b>District (city) courts</b>				
Binagadi District Court of Baku city	€ 97	€ 40	€ 53	
Garadagh District Court of Baku city	€ 66	€ 56	€ 50	
Khazar District Court of Baku city	€ 56	€ 49	€ 53	
Yasamal District Court of Baku city	€ 199	€ 204	€ 420	
Narimanov District Court of Baku city	€ 79	€ 70	€ 55	
Nasimi District Court of Baku city	€ 76	€ 69	€ 66	
Nizami District Court of Baku city	€ 56	€ 58	€ 59	
Sabunchu District Court of Baku city	€ 814	€ 581	€ 68	
Sabail District Court of Baku city	€ 85	€ 71	€ 62	
Surakhany District Court of Baku city	€ 57	€ 65	€ 61	
Khatai District Court of Baku city	€ 70	€ 69	€ 55	
Absheron District Court	€ 49	€ 49	€ 48	
Agdam District Court	€ 40	€ 39	€ 46	
Agdash District Court	€ 71	€ 68	€ 90	
Aghstafa District Court	€ 92	€ 85	€ 91	
Agsu District Court	€ 102	€ 89	€ 102	
Aghjabadi District Court	€ 64	€ 59	€ 76	
Astara District Court	€ 96	€ 107	€ 104	
Balakan District Court	€ 68	€ 61	€ 81	
Beylagan District Court	€ 76	€ 71	€ 81	
Barda District Court	€ 71	€ 78	€ 74	
Bilasuvay District Court	€ 75	€ 60	€ 64	
Qazakh District Court	€ 72	€ 91	€ 85	
Qakh District Court	€ 108	€ 207	€ 115	
Qabala District Court	€ 413	€ 127	€ 83	
Gobustan District Court	€ 214	€ 160	€ 110	
Quba District Court	€ 1.116	€ 82	€ 75	
Qubadly District Court	€ 192	€ 105	€ 206	
Qusar District Court	€ 76	€ 62	€ 68	
Daskhkan District Court	€ 148	€ 108	€ 203	
Zakatala District Court	€ 618	€ 72	€ 90	
Zangilan District Court	€ 236	€ 234	€ 217	
Zardab District Court	€ 80	€ 50	€ 60	
Imishli District Court	€ 340	€ 48	€ 59	
Ismayilli District Court	€ 84	€ 77	€ 114	
Yardymli District Court	€ 181	€ 172	€ 246	
Yevlakh District Court	€ 52	€ 49	€ 51	
Kalbajar District Court	€ 190	€ 122	€ 172	
Kurdamir District Court	€ 86	€ 135	€ 116	
Gadabay District Court	€ 728	€ 564	€ 931	
Kepez District Court of Ganja city	€ 87	€ 93	€ 86	
Nizami District Court of Ganja city	€ 603	€ 578	€ 701	
Goranboy District Court	€ 63	€ 64	€ 86	
Goychay District Court	€ 71	€ 68	€ 80	
Lachin District Court	€ 169	€ 95	€ 124	
Lerik District Court	€ 154	€ 128	€ 141	
Lankaran District Court	€ 60	€ 60	€ 59	
Masally District Court	€ 47	€ 55	€ 61	
Mingachevir City Court	€ 87	€ 79	€ 91	
Naftalan District Court	€ 380	€ 203	€ 339	
Neftchala City Court	€ 109	€ 134	€ 131	
Oghuz District Court	€ 608	€ 1.204	€ 1.695	
Saatly District Court	€ 92	€ 66	€ 86	
Sabirabad District Court	€ 70	€ 79	€ 86	
Salyan District Court	€ 50	€ 58	€ 52	
Samukh District Court	€ 150	€ 139	€ 148	
Siyazan District Court	€ 150	€ 116	€ 113	
Sumgayit City Court	€ 59	€ 58	€ 56	
Tertir District Court	€ 79	€ 75	€ 87	
Tovuz District Court	€ 75	€ 68	€ 77	
Ujar District Court	€ 67	€ 67	€ 81	
Fizuli District Court	€ 71	€ 68	€ 77	
Goygol District Court	€ 94	€ 79	€ 76	
Khachmaz District Court	€ 76	€ 65	€ 64	
Khizy District Court	€ 419	€ 244	€ 336	
Khojavend District Court	€ 787	€ 676	€ 795	
Khojaly District Court	€ 964	€ 724	€ 1.038	
Hajigabul District Court	€ 93	€ 87	€ 83	
Jabrayil District Court	€ 126	€ 76	€ 100	
Jalilabad District Court	€ 57	€ 47	€ 62	
Shabran District Court	€ 70	€ 59	€ 62	
Shirvan District Court	€ 62	€ 66	€ 64	
Shamakhy District Court	€ 67	€ 57	€ 64	
Sheki District Court	€ 3.713	€ 2.471	€ 76	
Shamkir District Court	€ 53	€ 51	€ 66	
Shusha District Court	€ 379	€ 372	€ 472	
<b>District (city) courts of Nakhchivan Autonomous Republic</b>				
Nakhchivan City Court	NA	NA	NA	
Sharur District Court	NA	NA	NA	
Babek District Court	NA	NA	NA	
Ordubad District Court	NA	NA	NA	
Julfa District Court	NA	NA	NA	
Shahbuz District Court	NA	NA	NA	
Kangarli District Court	NA	NA	NA	
Sadarak District Court	NA	NA	NA	

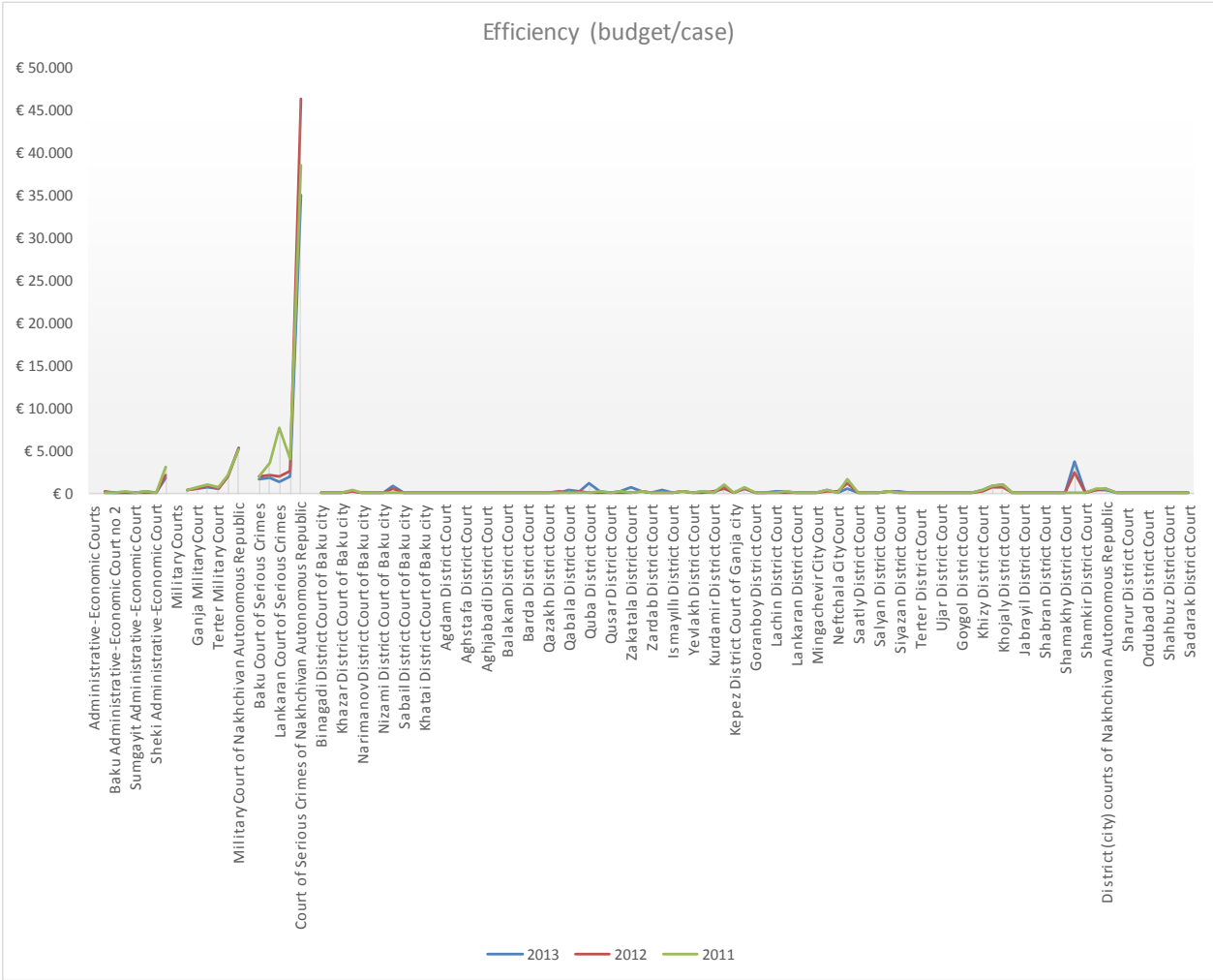
Obviously, courts in the Autonomous Region of Nakhchivan are using higher budgets to solve a case than others. This generous budgeting is seen in all the court categories of this region. The reason

could be that there is a need to serve the region with the judicial service, which is otherwise not possible to be provided.

**Recommendation:**

- Check reason and background for “over-budgeting” of the courts in the Autonomous Region of Nakhchivan.<sup>14</sup>

**GRAPH II.1.22. Development of efficiency (budget per case) of the first instance courts in Azerbaijan**



<sup>14</sup> At the round-table discussion of the report in Baku in December 2014 the judicial authorities of Azerbaijan pointed that the courts of Nakhichevan Autonomous Republic had their own budget, which was approved by Ali Majlis (Parliament) of the Nakhchivan Autonomous Republic, depending on the total amount of budget, was independently deciding on the distribution of the budgets between the courts of the Autonomous Republic.

### Cost Efficiency (CE)

Data from 2011 to 2013 were collected for Administrative-Economic Courts, Military Courts, Serious Crimes Courts and District (City) Courts, or 102 courts in total.

Type of courts	Number of courts
Administrative-Economic Courts	7
Military Courts	6
Serious Crimes Courts	5
District (city) Courts	84
<b>Total</b>	<b>102</b>

In order to calculate Cost Efficiency indicator, four statistical models for each of court types were produced, and is following:

**TABLE II.1.23. Estimate of Cost per Case for Administrative-Economic Courts in Azerbaijan**

Variable/Cases	Coefficient / Avg. Cost per Case	Std. Error	t-Statistic	Prob. P-value
Civil and comm. litigious cases	94.66	57.20	1.66	0.12
Civil and comm. non-litigious cases	-3.88	53.03	-0.07	0.94
Administrative law cases	60.14	50.37	1.19	0.25
Intercept	165,291.33	50,530.07	3.27	0.00
R-squared	<b>63.9%</b>		F-statistic	10.01
Adjusted R-squared	57.5%		Prob (F-statistic)	0.00

Statistical model for the Administrative-Economic Courts was produced for seven courts with three years data, with 21 observations in total.

**TABLE II.1.24. Estimate of Cost per Case for Military Courts in Azerbaijan**

<b>Variable/Cases</b>	<b>Coefficient / Avg. Cost per Case</b>	<b>Std. Error</b>	<b>t-Statistic</b>	<b>Prob. P-value</b>
Criminal cases	207.74	82.92	2.51	0.03
Administrative offences cases	-3384.35	1704.94	-1.99	0.07
Other cases	-56.80	98.20	-0.58	0.57
Intercept	240683.31	16462.79	14.62	0.00
R-squared	<b>38.4%</b>		F-statistic	2.91
Adjusted R-squared	25.2%		Prob (F-statistic)	0.07

Statistical model for the Military Courts was produced for six courts with three years data, with 18 observations in total.

**TABLE II.1.25. Estimate of Cost per Case for the Serious Crimes Courts in Azerbaijan**

<b>Variable/Cases</b>	<b>Coefficient / Avg. Cost per Case</b>	<b>Std. Error</b>	<b>t-Statistic</b>	<b>Prob. P-value</b>
Criminal cases	1,587.38	335.98	4.72	0.00
Intercept	254,064.24	150,617.39	1.69	0.12
R-squared	<b>63.2%</b>		F-statistic	22.32
Adjusted R-squared	60.4%		Prob (F-statistic)	0.00

Statistical model for the Serious Crimes Courts was produced for five courts with three years data, with 15 observations in total.

**TABLE II.1.26. Estimate of Cost per Case for the District (city) Courts in Azerbaijan**

<b>Variable/Cases</b>	<b>Coefficient / Avg. Cost per Case</b>	<b>Std. Error</b>	<b>t-Statistic</b>	<b>Prob. P-value</b>
Civil and comm. litigious cases	226.12	123.77	1.83	0.07
Civil and comm. non-litigious cases	1120.16	326.07	3.44	0.00
Criminal cases	-2,083.24	1396.66	-1.49	0.14
Administrative offences cases	-68.62	343.86	-0.20	0.84
Other cases	-122.24	215.22	-0.57	0.57
Intercept	9,6431.87	117,030.99	0.82	0.41
R-squared	<b>18.6%</b>		F-statistic	10.12
Adjusted R-squared	16.7%		Prob (F-statistic)	0.00

Statistical model for the District (city) Courts was produced for 76 courts with three years data, with 228 observations in total. Following district courts were disregarded due to the missing data on budgets at the court level:

**District (city) courts of Nakhchivan Autonomous Republic**

**Nakhchivan City Court**

**Sharur District Court**

**Babek District Court**

**Ordubad District Court**

**Julfa District Court**

**Shahbuz District Court**

**Kangarli District Court**

**Sadarak District Court**



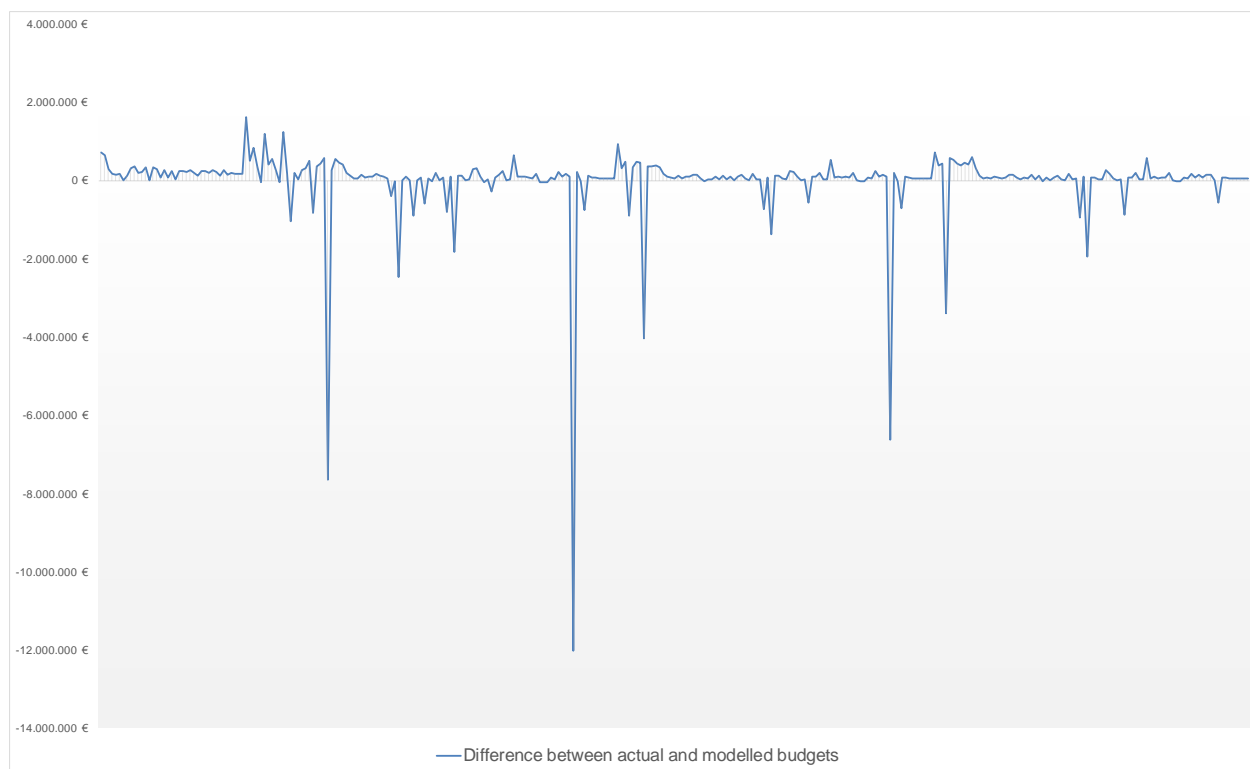
Statistical models produced for the given four types of courts provided rather low values of coefficient of determination.

Type of courts	Coefficient of determination R-squared
<b>Administrative-Economic Courts</b>	63.9%
<b>Military Courts</b>	38.4%
<b>Serious Crimes Courts</b>	63.2%
<b>District (city) Courts</b>	18.6%

Outcomes observed (executed court budgets) cannot be replicated by the model, as the significant proportion of total variation of outcomes (executed court budgets) remains unexplained by the statistical model. The most possible cause for weak correlation between performance (solved cases) and financial resources (budgets) can be traced to heavy capital expenditures that occurred in Azerbaijan courts in previous period. Since data on capital expenditures needed for further calibration of statistical models are missing, modelled number of judges was used as proxy for modelled calculation of budgets; coefficients of determination produced in the chapter below (Productivity (P)) are rather robust and statistical models developed to determine (model) number of judges needed to solve given number of cases show that most of variation in number of judges can be explained by variation in number of solved cases of various types. However, there is still a need for further statistical model calibration with capital expenditure data.

The difference between the actual and the modelled court budget is plotted below:

**FIGURE II.1.27. Difference between the actual and modelled budget for the first instance courts in Azerbaijan**



As expected, the model indicates wide difference in cost efficiency of the first instance courts and extreme values probably are caused by heavy capital expenditures. Again, the capital expenditure data would be needed for further calibration of the model.

### **Productivity (cases per judge)**

In almost all courts of Azerbaijan productivity increased within last three years.



















However, it has to be noted that there is a huge variety of productivity within the same court type (i.e. from only 89 cases per judge in Khojaly District Court up to 2.143 cases per judge in Agdam District Court).

Nakhchivan is a different story: obviously courts in the Autonomous Region of Nakhchivan are less productive than the ones in other regions or the courts might be overstaffed.

### **Recommendation:**

- Explore the reason of variety of productivity within the same type of courts.
- Take measures to ensure workload-balance including monitoring of equal productivity.
- Check reason and background for low productivity (or possible overstaffing) of courts in the Autonomous Region of Nakhchivan.

**Table II.1.28. Development of Productivity (case per judge) of the first instance courts in Azerbaijan**

Court name	Productivity (res. cases/judge)			
	2013	2012	2011	Trend
<b>Administrative-Economic Courts</b>				
Baku Administrative-Economic Court no 1	696	538	453	
Baku Administrative-Economic Court no 2	699	516	461	
Ganja Administrative Economic Court	856	831	438	
Sumgayit Administrative-Economic Court	434	475	490	
Shirvan Administrative-Economic Court	397	495	434	
Sheki Administrative-Economic Court	608	735	453	
Administrative-Economic Court of Nakhchivan Autonomous Republic	51	44	29	
<b>Military Courts</b>				
Baku Military Court	138	134	142	
Ganja Military Court	100	97	108	
Fuzuli Military Court	75	73	64	
Tertter Military Court	110	103	96	
Jalilabad Military Court	29	27	30	
Military Court of Nakhchivan Autonomous Republic	14	13	11	
<b>Serious Crimes Courts</b>				
Baku Court of Serious Crimes	34	32	31	
Ganja Court of Serious Crimes	28	27	16	
Lankaran Court of Serious Crimes	35	29	28	
Sheki Serious Crimes Court	27	19	16	
Court of Serious Crimes of Nakhchivan Autonomous Republic	2	2	2	

Court name	Productivity (res. cases/judge)			
	2013	2012	2011	Trend
<b>District (city) courts</b>				
Binagadi District Court of Baku city	1.002	1.156	823	
Garadagh District Court of Baku city	922	889	942	
Khazar District Court of Baku city	1.088	1.008	894	
Yasamal District Court of Baku city	800	741	771	
Narimanov District Court of Baku city	749	678	819	
Nasimi District Court of Baku city	749	717	703	
Nizami District Court of Baku city	1.005	903	825	
Sabunchu District Court of Baku city	1.106	872	656	
Sabail District Court of Baku city	674	704	808	
Surakhany District Court of Baku city	1.017	771	764	
Khatai District Court of Baku city	805	719	843	
Absheron District Court	1.301	1.149	1.065	
Agdam District Court	2.143	1.791	1.326	
Agdash District Court	1.036	830	616	
Aghstafa District Court	734	654	566	
Agsu District Court	961	791	674	
Aghjabadi District Court	1.147	970	710	
Astara District Court	679	492	473	
Balakan District Court	1.621	1.179	835	
Beylagan District Court	889	756	681	
Barda District Court	869	734	712	
Bilasuvar District Court	900	916	860	
Qazakh District Court	939	651	646	
Qakh District Court	911	736	568	
Qabala District Court	755	651	521	
Gobustan District Court	459	436	428	
Quba District Court	625	592	611	
Qubadly District Court	447	430	198	
Qusar District Court	965	879	784	
Daskkasan District Court	665	687	622	
Zakatala District Court	920	763	677	
Zangilan District Court	364	279	293	
Zardab District Court	1.226	976	838	
Imishli District Court	1.350	1.004	834	
Ismayilli District Court	1.163	956	859	
Yardymli District Court	541	365	250	
Yevlakh District Court	1.420	1.110	1.034	
Kalbajar District Court	451	358	242	
Kurdamir District Court	787	504	463	
Gadabay District Court	682	827	597	
Kepez District Court of Ganja city	646	548	571	
Nizami District Court of Ganja city	628	498	563	
Goranboy District Court	1.075	889	642	
Goychay District Court	1.035	852	715	
Lachin District Court	507	434	334	
Lerik District Court	636	711	570	
Lankaran District Court	1.019	810	795	
Masally District Court	1.293	945	855	
Mingachevir City Court	708	614	512	
Naftalan District Court	258	273	162	
Neftchala City Court	617	418	445	
Oghuz District Court	639	552	579	
Saatly District Court	1.067	1.072	809	
Sabirabad District Court	958	701	603	
Salyan District Court	1.483	1.175	1.102	
Samukh District Court	449	325	305	
Siyazan District Court	655	597	603	
Sumgayit City Court	944	795	812	
Tertir District Court	850	701	598	
Tovuz District Court	823	744	652	
Ujar District Court	1.457	1.095	863	
Fizuli District Court	1.202	962	817	
Goygol District Court	714	717	708	
Khachmaz District Court	844	743	733	
Khizy District Court	234	200	187	
Khojavend District Court	109	92	81	
Khojaly District Court	89	84	61	
Hajigabul District Court	1.058	804	770	
Jabrayil District Court	680	633	471	
Jalilabad District Court	1.081	1.099	844	
Shabran District Court	1.393	1.190	1.085	
Shirvan District Court	1.189	878	911	
Shamakhy District Court	1.461	1.266	1.047	
Sheki District Court	840	709	601	
Shamkir District Court	1.165	1.020	771	
Shusha District Court	227	170	126	
<b>District (city) courts of Nakhchivan Autonomous Republic</b>				
Nakhchivan City Court	340	250	208	
Sharur District Court	214	161	111	
Babek District Court	242	141	123	
Ordubad District Court	104	70	48	
Julfa District Court	163	131	101	
Shahbuz District Court	185	178	145	
Kangarli District Court	152	107	81	
Sadarak District Court	32	25	24	

### Productivity (P)

Regression method can be used to determine required number of judges given the number and type of resolved cases. Data on resolved cases in all 102 courts were used to construct statistical model, which is as following:

**TABLE II.1.29. Estimate of Number of Judges per Case for the first instance courts in Azerbaijan**

Variable/Cases	Coefficient / Avg. Number of Judges per Case	Std. Error	t-Statistic	Prob. P-value
Civil and comm. litigious cases	0.0006	0.0002	3.2521	0.0013
Civil and comm. non-litigious cases	0.0011	0.0004	2.7448	0.0064
Administrative law cases	0.0026	0.0003	8.6200	0.0000
Criminal cases	0.0218	0.0009	25.4292	0.0000
Administrative offences cases	-0.0018	0.0005	-3.8331	0.0002
Other cases	-0.0005	0.0003	-1.6540	0.0992
Intercept	0.5093	0.1504	3.3861	0.0008
R-squared	<b>79.9%</b>		F-statistic	198.86
Adjusted R-squared	79.6%		Prob (F-statistic)	0.00

Statistical model resulted in the coefficient of determination indicating that 79.9% of variation in number of judges can be explained by the variation in the number of solved cases of various types. Even though this result can be considered satisfactory, in attempt to strengthen credibility and explanatory power of the model, it was decided to produce statistical model for every court type.

**TABLE II.1.30. Estimate of Number of Judges per Case for Administrative-Economic Courts in Azerbaijan**

<b>Variable/Cases</b>	<b>Coefficient / Avg. Number of Judges per Case</b>	<b>Std. Error</b>	<b>t-Statistic</b>	<b>Prob. P-value</b>
Civil and comm. litigious cases	0.0021	0.0006	3.6637	0.0019
Civil and comm. non-litigious cases	0.0004	0.0005	0.7047	0.4905
Administrative law cases	0.0008	0.0005	1.6728	0.1127
Intercept	1.8752	0.5055	3.7094	0.0017
R-squared	<b>86.5%</b>		F-statistic	36.44
Adjusted R-squared	84.2 %		Prob (F-statistic)	0.00

Statistical model for the Administrative-Economic Courts was produced for seven courts with three years data, with 21 observations in total.

**TABLE II.1.31. Estimate of Number of Judges per Case for Military Courts in Azerbaijan**

<b>Variable/Cases</b>	<b>Coefficient / Avg. Number of Judges per Case</b>	<b>Std. Error</b>	<b>t-Statistic</b>	<b>Prob. P-value</b>
Criminal cases	0.0031	0.0004	7.6751	0.0000
Administrative offences cases	-0.0167	0.0084	-1.9892	0.0666
Other cases	0.0006	0.0005	1.3100	0.2113
Intercept	3.7557	0.0809	46.4344	0.0000
R-squared	<b>95.1%</b>		F-statistic	44.14
Adjusted R-squared	90.4%		Prob (F-statistic)	0.00

Statistical model for the Military Courts was produced for six courts with three years data, with 18 observations in total.

**TABLE II.1.32. Estimate of Number of Judges per Case for Serious Crime Courts in Azerbaijan**

<b>Variable/Cases</b>	<b>Coefficient / Avg. Number of Judges per Case</b>	<b>Std. Error</b>	<b>t-Statistic</b>	<b>Prob. P-value</b>
Criminal cases	0.0278	0.0010	28.9741	0.0000
Intercept	2.4783	0.4306	5.7551	0.0001
R-squared	<b>98.5%</b>		F-statistic	839.50
Adjusted R-squared	98.4%		Prob (F-statistic)	0.00

Statistical model for the Serious Crime Courts was produced for five courts with three years data, with 15 observations in total.

**TABLE II.1.33. Estimate of Number of Judges per Case for District (city) Courts in Azerbaijan**

<b>Variable/Cases</b>	<b>Coefficient / Avg. Number of Judges per Case</b>	<b>Std. Error</b>	<b>t-Statistic</b>	<b>Prob. P-value</b>
Civil and comm. litigious cases	0.0008	0.0001	8.9399	0.0000
Civil and comm. non-litigious cases	0.0018	0.0002	7.7136	0.0000
Criminal cases	0.0019	0.0010	1.9429	0.0532
Administrative offences cases	0.0009	0.0002	3.6303	0.0003
Other cases	0.0012	0.0002	7.7103	0.0000
Intercept	0.5020	0.0760	6.6047	0.0000
R-squared	<b>93.0%</b>		F-statistic	658.02
Adjusted R-squared	92.9%		Prob (F-statistic)	0.00

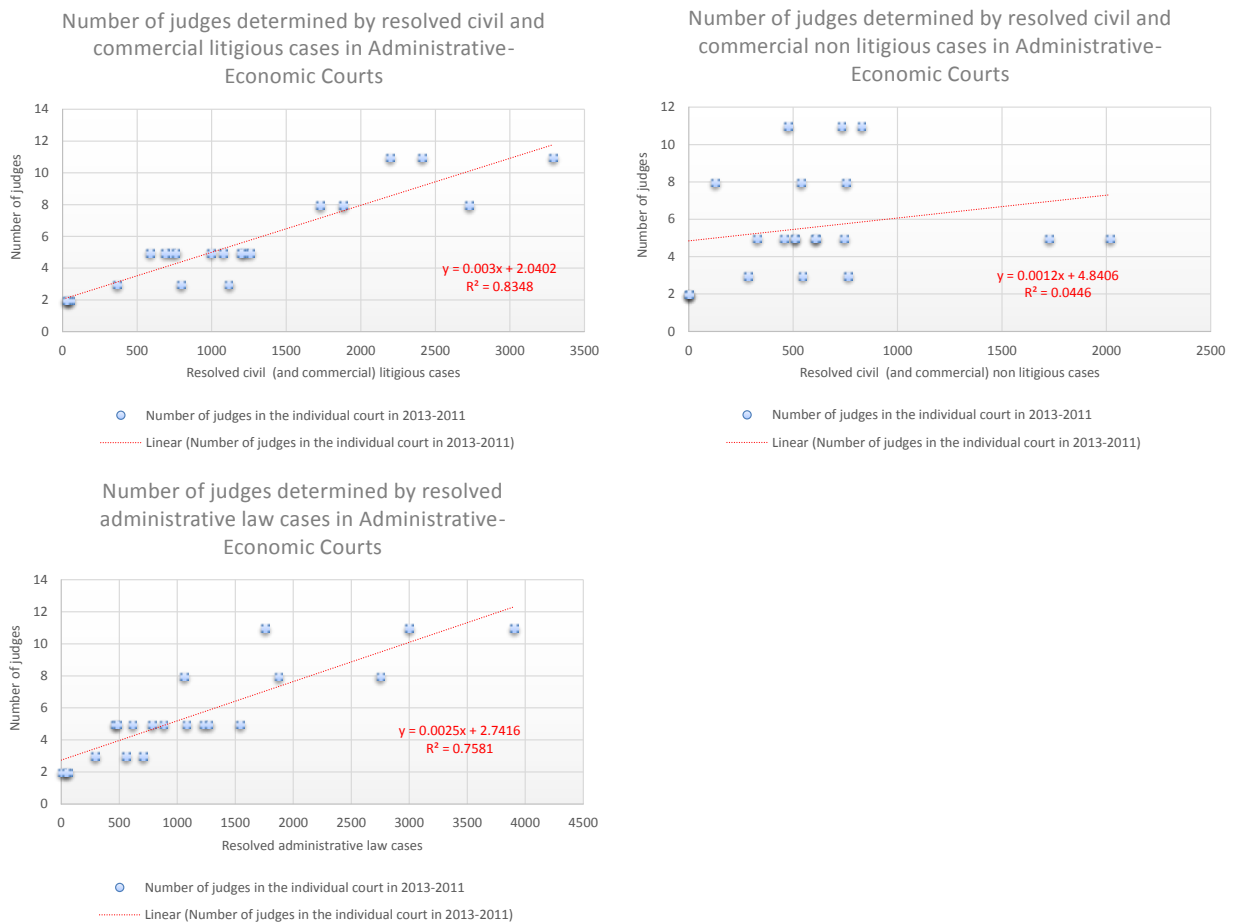
Statistical models produced for the given four types of courts provided robust values of coefficient of determination, and they are all superior compared to overall generic (for all case types) statistical model, as presented in the table below:

Type of courts	Coefficient of determination - R-squared	F-statistic	Prob (F-statistic)
All first instance courts	79.9%	198.86	0.00
Administrative-Economic Courts	86.5%	36.44	0.00
Military Courts	95.1%	44.14	0.00
Serious Crimes Courts	98.5%	839.50	0.00
District (city) Courts	93.0%	658.02	0.00

Taking into account robust coefficients of determination (R squared), the models explain most of the differences in first instance courts' number of judges. Models are statistically significant (P value – 0.00) and hence provide enough evidence to reject the hypothesis of 'no effect', or in other words, number of judges in relation to number of resolved cases did not occur by chance. In addition, all coefficients in statistical model for the District (city) Courts where vast majority of the first instance court cases are solved are statistically significant with (P value – 0.00).

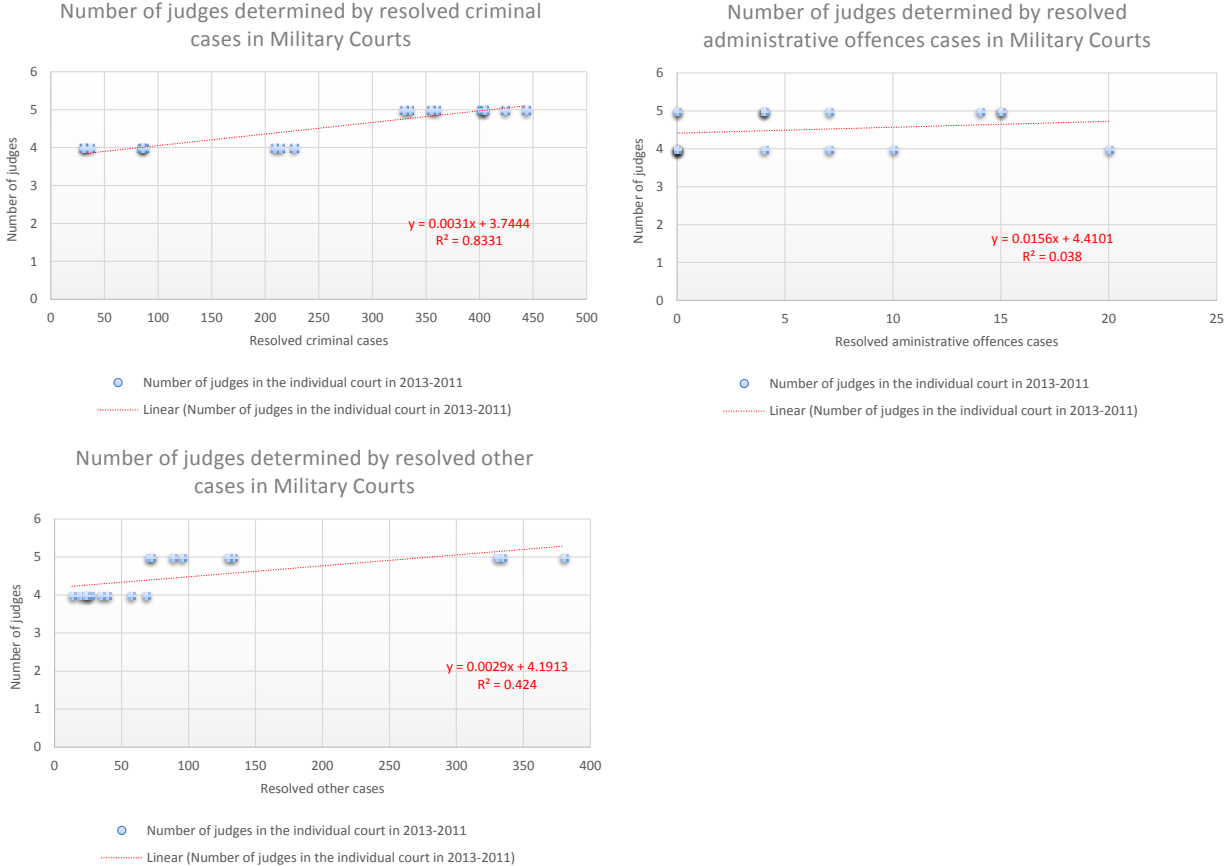
In order to observe “linearity” and the effect of individual case category on the overall coefficients of determination, simple linear regression is applied on each case category and results are plotted below:

**FIGURE II.1.34. Simple linear regressions per number of judges and case type in Administrative-Economic Courts in Azerbaijan**

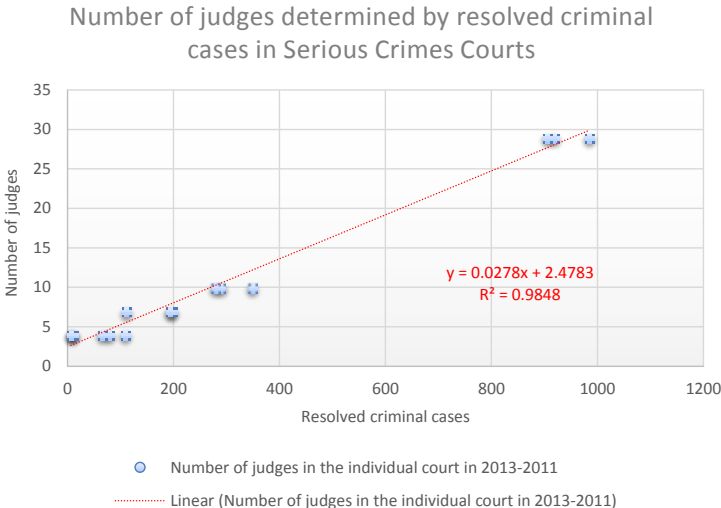




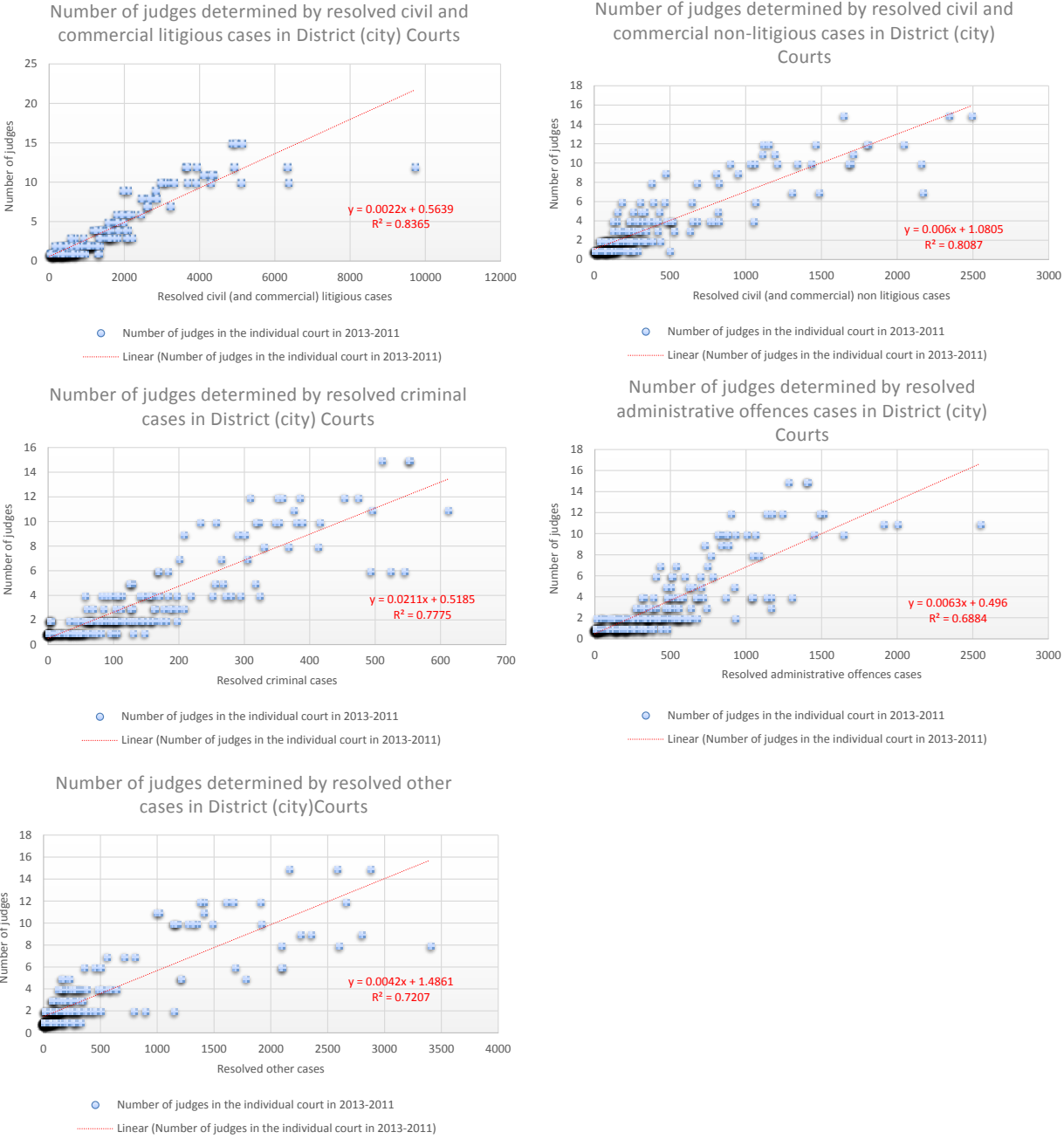
**FIGURE II.1.35. Simple linear regressions per number of judges and case type in Military Courts in Azerbaijan**



**FIGURE II.1.36. Simple linear regressions per number of judges and case type in Serious Crimes Courts in Azerbaijan**



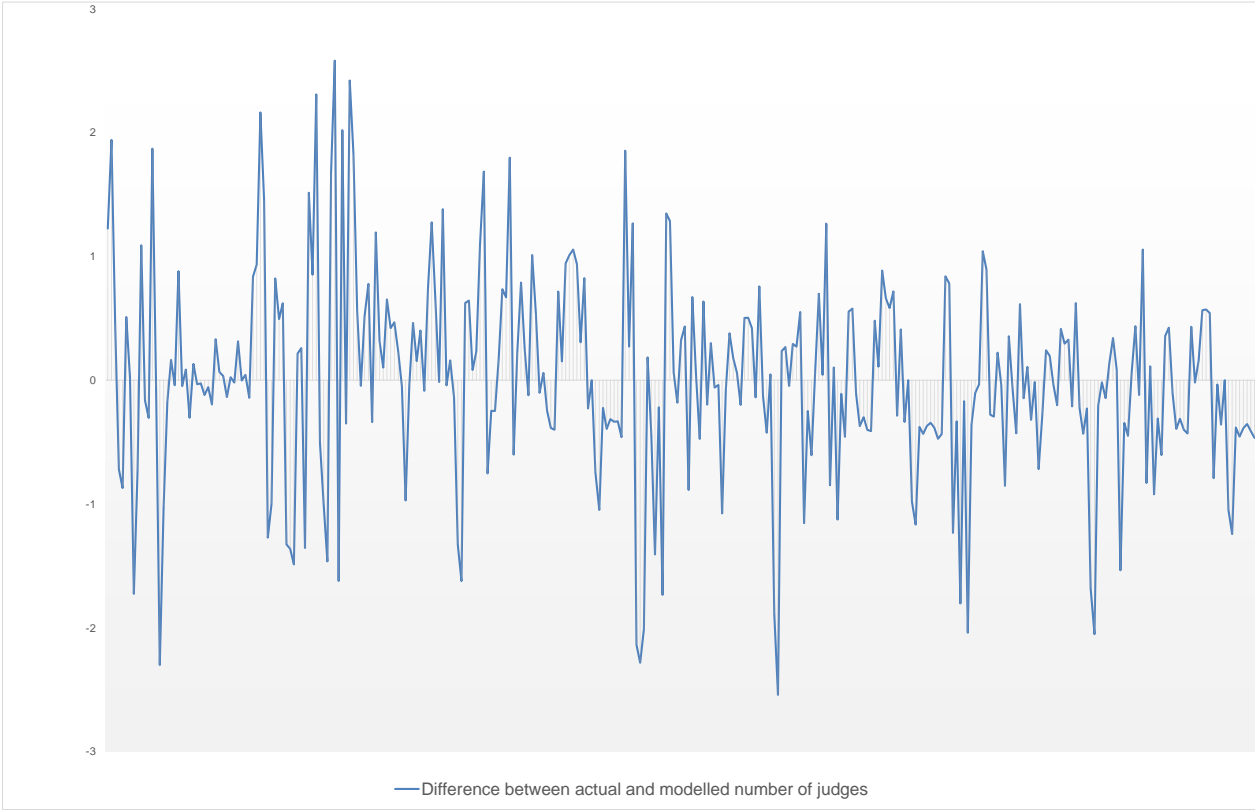
**FIGURE II.1.37. Simple linear regressions per number of judges and case type in District (city) Courts in Azerbaijan**



Simple linear regressions per case type in the first instance courts in Azerbaijan show that coefficients of determination are ranging from 3.8% for resolved administrative offences cases in the Military Courts to 98.5% for resolved criminal cases in the Serious Crimes Courts. In other words, simple linear regression applied on criminal cases in the Serious Crimes Courts accounts (or explains) for 98.5% of variability in the number of judges. However, when multiple regressions are applied on four court types separately, or when tailor-made models are produced for each court type, coefficients of determination reach much higher robustness as seen in the table above. Separate and tailor-made statistical models explain 86.5% of differences in number of the first instance judges in the Administrative-Economic Courts, 95.1% in the Military Courts, 98.5% in the Serious Crimes Courts and 93.0% in District (city) Courts and all models are statistically significant.

The difference between the actual and the modelled number of judges is plotted below:

**FIGURE II.1.38. Difference between the actual and modelled number of judges for first instance courts in Azerbaijan**



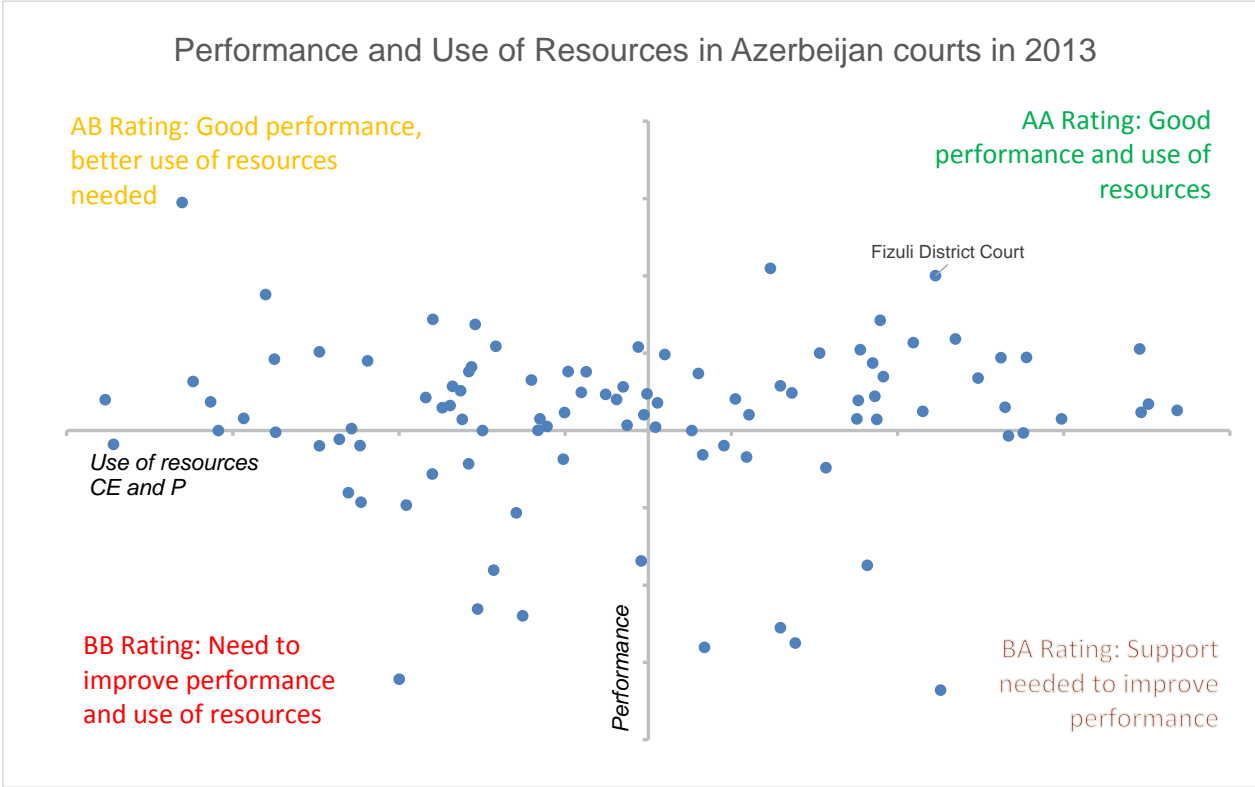
The model indicates wide difference in productivity of the first instance court judges. The highest positive difference, which indicates a high level of productivity, is 2.6 or 26% of the actual number of judges. The lowest negative difference, which indicates a low level of productivity, is 2.5 or 42% of the actual number of judges. In simple terms, the model indicates which courts are overpaid (negative difference) and underpaid (positive difference) taking into account performance (number of solved cases).

**Court Rating**

Using the method described above and four indicators, it was possible to group courts in four groups precisely calculating position (or court rating) of every court in one of the four groups, based on marks given.

Court Rating for first instance courts in Azerbaijan for 2013 is graphically presented in the following scatter plot diagram:

**FIGURE II.1.39. Court Rating for first instance courts in Azerbaijan in 2013**



This way, it is easy to see which courts perform well and use resources efficiently (AA Court Rating). Fizulli district court was put on a graph as an example to illustrate that every blue dot represents ranking position of individual court. It is also easy to see which courts need to improve their performance and use their resources (BB Court Rating) more efficiently and which courts need more resources to improve performance (BA Court Rating). It is also interesting to see which courts have more than average resources thus achieving good performance (AB Court Rating).

In addition, Court Ratings were calculated for the past three years for first instance court in Azerbaijan, as presented in the table below:

**TABLE II.1.40. Court Rating for first instance courts in Azerbaijan**

Court name	COURT RATING		
	2013	2012	2011
<b>Administrative-Economic Courts</b>			
Baku Administrative-Economic Court no 1	BA	BB	BB
Baku Administrative-Economic Court no 2	BA	BB	BB
Ganja Administrative Economic Court	BA	AA	BB
Sumgayit Administrative-Economic Court	BB	AB	BA
Shirvan Administrative-Economic Court	BB	AB	BB
Sheki Administrative-Economic Court	BA	BA	BA
Administrative-Economic Court of Nakhchivan Autonomous Republic	BB	AB	BB
<b>Military Courts</b>			
Baku Military Court	AA	AB	AA
Ganja Military Court	AB	AA	BB
Fuzuli Military Court	BA	AA	AA
Tertter Military Court	AA	AA	BB
Jalilabad Military Court	AA	BA	BB
Military Court of Nakhichevan Autonomous Republic	AB	BB	BB
<b>Serious Crimes Courts</b>			
Baku Court of Serious Crimes	BA	BB	AB
Ganja Court of Serious Crimes	BA	BA	BB
Lankaran Court of Serious Crimes	AA	BA	BB
Sheki Serious Crimes Court	AA	BA	BA
Court of Serious Crimes of Nakhchivan Autonomous Republic	AB	AB	BB
<b>District (city) courts</b>			
Binagadi District Court of Baku city	BB	AA	BA
Garadagh District Court of Baku city	AA	AA	AA
Khazar District Court of Baku city	AA	AA	AA
Yasamal District Court of Baku city	BB	BB	AB
Narimanov District Court of Baku city	AB	AB	AA
Nasimi District Court of Baku city	AB	AB	AB
Nizami District Court of Baku city	AA	AA	BA
Sabunchu District Court of Baku city	BB	BB	BB
Sabail District Court of Baku city	AB	AB	AA
Surakhany District Court of Baku city	AA	BA	AA
Khatai District Court of Baku city	AB	AB	AA
Absheron District Court	AA	AA	AA
Agdam District Court	AA	AA	AA
Agdash District Court	AA	AA	BB
Aghstafa District Court	AB	BB	AB
Agsu District Court	AA	AA	AA
Aghjabadi District Court	AA	AA	BA
Astara District Court	AB	BB	AB
Balakan District Court	AA	AA	BA
Beylagan District Court	BA	AA	AB
Barda District Court	AB	AB	AB
Bilasuvar District Court	AA	AA	AA
Qazakh District Court	AA	BB	AB
Qakh District Court	AA	AB	AA
Qabala District Court	BB	AB	BB
Gobustan District Court	AB	AB	AA
Quba District Court	AB	AB	AB

Court name	COURT RATING		
	2013	2012	2011
Qubadly District Court	AB	AA	BB
Qusar District Court	AA	AA	AA
Daskhkasan District Court	AB	AA	AB
Zakatala District Court	AB	AA	AB
Zangilan District Court	AB	AB	AB
Zardab District Court	AA	AA	AA
Imishli District Court	AB	AA	AA
Ismayilli District Court	AA	AA	AA
Yardymli District Court	AB	AB	AB
Yevlakh District Court	AA	AA	AA
Kalbajar District Court	BB	AA	BB
Kurdamir District Court	AA	BB	BB
Gadabay District Court	AB	AB	BB
Kepez District Court of Ganja city	BB	AB	AB
Nizami District Court of Ganja city	BB	AB	AB
Goranboy District Court	AA	BA	BB
Goychay District Court	BA	AA	BA
Lachin District Court	AB	AA	AA
Lerik District Court	AB	AA	BB
Lankaran District Court	AA	BA	AA
Masally District Court	AA	BA	BA
Mingachevir City Court	AB	BB	BB
Naftalan District Court	BB	AB	BB
Neftchala City Court	AB	AB	AB
Oghuz District Court	BB	AB	AB
Saatly District Court	BA	AA	AA
Sabirabad District Court	AA	AA	AB
Salyan District Court	AA	AA	AA
Samukh District Court	BB	BB	AB
Siyazan District Court	BB	BA	BA
Sumgayit City Court	AA	AA	AA
Tertter District Court	BA	BB	BB
Tovuz District Court	AB	AB	AB
Ujar District Court	AA	AA	AA
Fizuli District Court	AA	BA	BA
Goygol District Court	AB	AB	BB
Khachmaz District Court	AB	AB	BA
Khizy District Court	AB	BB	BB
Khojavend District Court	AB	AB	AB
Khojaly District Court	AB	BB	AB
Hajigabul District Court	BA	AA	AA
Jabrayil District Court	AB	AA	AA
Jalilabad District Court	AA	AA	BA
Shabran District Court	AA	AA	AA
Shirvan District Court	AA	AA	AA
Shamakhy District Court	AA	BA	AA
Sheki District Court	AB	AB	AB
Shamkir District Court	AA	AA	AA
Shusha District Court	AB	AB	AB
<b>District (city) courts of Nakhchivan Autonomous Republic</b>	AB	AB	AB
Nakhchivan City Court	AB	BB	BB

Court name	COURT RATING		
	2013	2012	2011
Sharur District Court	AB	AB	BB
Babek District Court	BB	BB	BB
Ordubad District Court	BB	AB	BB
Julfa District Court	AB	BB	AB
Shahbuz District Court	AB	AB	BB
Kangarli District Court	AB	BB	BB
Sadarak District Court	BB	AB	AB

As seen from the colour-coded table above, 16 courts maintained the best AA court rating throughout three years period, while two courts had a negative BB court rating during the same period. It needs to be noted again that statistical and mathematical models used to calculate court rating of individual court could discriminate courts that had significant capital expenditures since number of solved cases cannot justify increased use of resources on capital expenditures, or, in other words, models cannot detect short term return on investment measured by increase in number of resolved cases. This issue can be cleared once when data on capital expenditures are made available.

#### General recommendations and remarks

Azerbaijan judiciary is in a very specific situation due to a heavy capital investment into buildings and information-communication technology (ICT) systems. If the ICT systems are introduced without setting the quantitative performance framework using scientific approach, most of the benefits of the ICT system could be lost and the ICT system itself could become burden for the judiciary.

The recommendations for the judicial authorities of Azerbaijan concerning performance and use of resources improvement are same as above:

- Courts with AA Court Rating can provide training for other courts presenting best practices and problem solutions they consider effective.
- Use the Court Rating methodology in the strategic management and as guidance in developing Quantitative Performance Management System, which is an important foundation of any efficient judiciary.
- Implementation of this methodology could lead to constant strive for improvement in every court trying to achieve best AA court rating, thus encouraging innovation and positive competitive spirit among the courts.
- As every court will try to improve their court rating, the average values for the entire group of the first instance court improves too, making it harder to maintain the best AA Court Rating, so the courts with the AA court rating need to perform even better. This improvement process through quantitative management will lead to better performing and more efficient judicial system in general.

#### Relation of in-/output factors

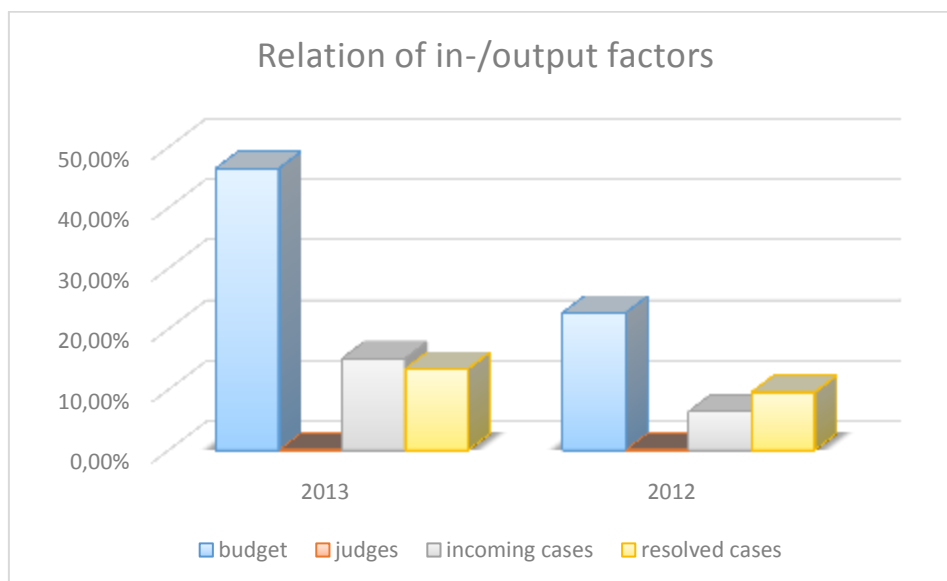
Keeping the number of judges same and increasing number of resolved cases and productivity was still possible while processing the augmented amount of incoming cases in the last two periods. Budget increase was higher than evolving number of cases, but this is normal in times of big investments into infrastructure similar to the ones carried out in Azerbaijan.

**TABLE II.1.41. Relation of in-/output factors of first instance courts in Azerbaijan**

**Relation of in-/output factors**

Year	budget		judges		incoming cases		resolved cases	
2013	€ 53,559,181	46.48%	371	0.00%	247,260	15.10%	243,154	13.42%
2012	€ 36,564,027	22.65%	371	0.00%	214,822	6.36%	214,392	9.56%
2011	€ 29,811,312		371		201,981		195,686	

**GRAPH II.1.42. Relation of in-/output factors of first instance courts in Azerbaijan**





## Georgia

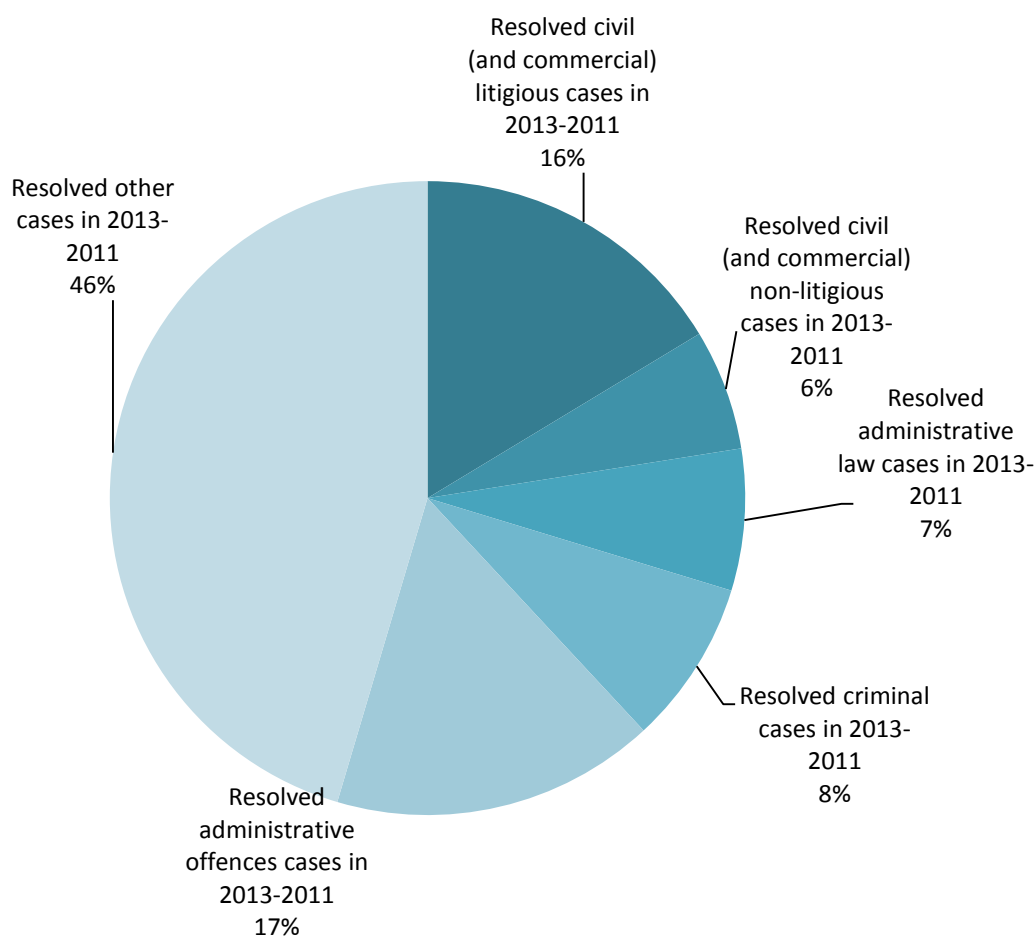
### Quality of data

On the basis of the data submitted, it was not possible to calculate the Efficiency and Cost Efficiency indicators due to missing budget related information. Furthermore, number of courts that submitted data reduced by 37% from 2011 to 2013, indicating heavy reforms in the number of courts, as seen in the table below:

Year	Number of courts
2013	26
2012	37
2011	41

One of the issues that emerged while developing statistical models is the question related to case completion way. Specifically, the question is, does the number of resolved cases in 2011/2012 include cases that were transferred from one court to a new (merged) court, artificially inflating number of resolved cases, with no substantial effect for parties in the case.

**FIGURE II.1.43. Structure of resolved cases in period 2013-2011 in the first instance courts in Georgia**



Based on the data provided by the first instance courts, majority of the resolved cases were other cases (46%), administrative offence cases (17%), followed by the civil and commercial litigious cases (16%), administrative law cases (7%), civil and commercial non-litigious cases (8%) and criminal cases (8%).

**Caseflow (Clearance Rate – Caseload - Backlog Change)**

The clearance rate remains excellent of around 100% since 2011. Standard deviation from this level is only 1% (!). There are no exceptional courts to mention. Even Sokhumi-Gagra-Gudauta court (95% clearance rate) is no matter of concern, as long as it can handle 135% of its yearly workload in 2014 as well.

**TABLE II.1.44. Clearance Rate for cases in the first instance courts in Georgia**

Court name	Clearance Rate		
	2013	2012	2011
Tbilisi City Court	101%	103%	91%
Ozurgeti	99%	103%	100%
Lanchkhuti			
Chokhatauri			
Kutaisi City Court	97%	101%	101%
Tkibuli			
Tskaltubo			
Baghdati			
Samtredia	100%	99%	99%
Vani		102%	100%
Khoni		100%	100%
Zestafoni	100%	103%	101%
Terjola			
Kharagauli			
Sachkhere	98%	101%	100%
Tchiatura			
Telavi	97%	101%	102%
Akhmeta			
Gurjaani	100%	101%	97%
Lagodekhi			97%
kvareli			107%
Sighnaghi	98%	93%	101%
Sagarejo		104%	102%
Dedoplistskaro		111%	104%
Mtskheta	99%	101%	100%
Dusheti			
Tianeti			
Kazbegi			
Akhalgori			
Ambrolauri	99%	101%	100%
Oni			
Tsageri	100%	100%	99%
Lentekhi		105%	95%
Poti	98%	101%	101%
Khobi		109%	101%
Senaki	100%	100%	101%
Abasha			104%
Martvili			104%
Zugdidi	99%	99%	103%
Tsalenjikha		103%	103%
Chkhorotsku		100%	103%

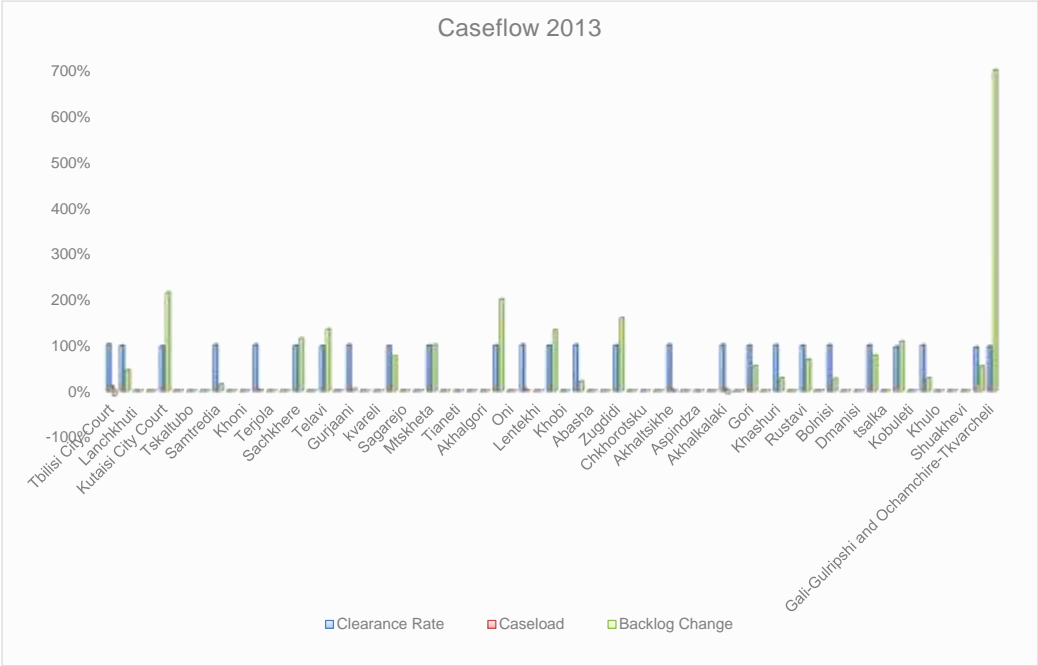
Court name	Clearance Rate		
	2013	2012	2011
Mestia		103%	98%
Akhaltzikhe	100%	100%	100%
Adigeni			
Aspindza			
Borjomi			
Akhalkalaki	100%	100%	103%
Ninotsminda			
Gori	99%	99%	102%
Kaspi			
Khashuri	99%	101%	102%
Kareli			
Rustavi	99%	102%	100%
Gardabani		107%	100%
Bolnisi	99%	102%	100%
Marneuli			
Dmanisi			
Tetritskaro	99%	99%	100%
Tsalka		103%	104%
Batumi	96%	100%	100%
Kobuleti			
Khelvachauri	99%	99%	101%
Khulo			
Keda			
Shuakhevi			
Sokhumi-Gagra-Gudauta	95%	113%	95%
Gali-Gulripshi and Ochamchire-Tkvareli	96%	99%	102%

Caseload is generally extremely low (4%), which could indicate an issue of overstaffing.

**Recommendation:**

- Be aware of risk of overstaffing of courts. Monitor balance of workload and personnel, having efficiency in mind (this is not meant critically, as it is common to merging courts: after a merger potential of increasable efficiency becomes visible at the merged courts and has to be carefully tuned afterwards).

**GRAPH II.1.45. Caseflow 2013 of the first instance courts in Georgia**



**Disposition Time (DT)**

On average the Georgian judiciary performs very quickly: 15 days as a margin (after 11 days in 2012) is indicating a very high frequency of case-turnaround. However, standard deviation from this value is about 50%. So there are courts processing a case in 5 days on average, whereas Sokhumi-Gagra-Gudauta needs 58 days (Batumi 32 days, Tbilisi City Court 34 days, but likely more complex cases) for the same work.

**Recommendation:**

- Understand the reasons for variety of disposition time within the same type of courts.

**TABLE II.1.46. Disposition Time for cases in the first instance courts in Georgia**

Court name	Disposition Time		
	2013	2012	2011
Tbilisi City Court	34	61	64
Ozurgeti	17	13	18
Lanchkhuti			
Chokhatauri			
Kutaisi City Court	17	8	9
Tkibuli			
Tskaltubo			
Baghdati			
Samtredia	6	14	8
Vani		1	5
Khoni		3	2
Zestafoni	6	7	13
Terjola			
Kharagauli			
Sachkhere	12	7	11
Tchiatura			
Telavi	17	12	10
Akhmeta			
Gurjaani	11	16	20
Lagodekhi			29
kvareli			16
Sighnaghi	22	48	16
Sagarejo		4	18
Dedoplistskaro		5	24
Mtskheta	10	9	10
Dusheti			
Tianeti			
Kazbegi			
Akhalgori			
Ambrolauri	8	3	6
Oni			
Tsageri	10	10	8
Lentekhi		0	23
Poti	11	10	10
Khobi		0	20
Senaki	5	5	2
Abasha			11
Martvili			28
Zugdidi	8	5	3
Tsalenjikha		0	8

Court name	Disposition Time		
	2013	2012	2011
Chkhorotsku		0	1
Mestia		0	12
Akhaltzikhe	7	12	8
Adigeni			
Aspindza			
Borjomi			
Akhalkalaki	11	19	17
Ninotsminda			
Gori	14	17	12
Kaspi			
Khashuri	10	12	12
Kareli			
Rustavi	13	16	19
Gardabani		5	18
Bolnisi	10	14	16
Marneuli			
Dmanisi			
Tetritskaro	7	9	4
Tsalka		0	7
Batumi	32	23	21
Kobuleti			
Khelvachauri	13	19	12
Khulo			
Keda			
Shuakhevi			
Sokhumi-Gagra-Gudauta	58	28	79
Gali-Gulripshi and Ochamchire-Tkvareli	16	2	0

### Efficiency (budget per case) and Cost Efficiency (CE)

Due to the missing data on executed budget, it was not possible to produce tables and graphs related to Efficiency (budget per case) and Cost Efficiency (CE) indicators.

### Productivity (cases per judge)

On average, productivity increased over the last three periods, while the standard deviation was about 30%. The amount of resolved cases varies from 151 to 1.426 cases within the same type of courts. This indicates either a misbalance of incoming workload in relation to deployed personnel, different complexity of cases or “cherry-picking” among the cases presented in the table.

We have to take into account that the merger of courts might have caused unclear shift of cases not according to personnel and number of resolved cases, including the danger of misinterpreting indication at those locations. The impression here is given only along statistical figures, assuming basic data are displaying the reality within a certain period. During the merger of courts this is not always the case. One must interpret data more carefully.

## Recommendation:

- Explore the reasons of uneven productivity within the same type of courts.
- Handle actively the balance between cases, their complexity and used personnel.

Court name	Productivity (res. cases/judge)			Trend
	2013	2012	2011	
Tbilisi City Court	1,250	840	958	
Ozurgeti	968	865	843	
Lanchkhuti				
Chokhatauri				
Kutaisi City Court	1,317	872	1,282	
Tkibuli				
Tskaltubo				
Baghdati				
Samtredia	1,180	514	1,278	
Vani		397	510	
Khoni		1,012	1,170	
Zestafoni	874	567	820	
Terjola				
Kharagauli				
Sachkhere	460	1,109	1,194	
Tchiatura				
Telavi	820	493	1,237	
Akhmeta				
Gurjaani	1,108	744	233	
Lagodekhi			725	
kvareli			667	
Sighnaghi	1,029	686	937	
Sagarejo		423	964	
Dedoplistskaro		447	753	
Mtskheta	825	481	711	
Dusheti				
Tianeti				
Kazbegi				
Akhalgori				
Ambrolauri	557	525	570	
Oni				
Tsageri	151	293	328	
Lentekhi		123	49	
Poti	905	626	826	
Khobi		424	631	
Senaki	880	966	1,241	
Abasha			129	
Martvili			183	
Zugdidi	1,316	921	1,137	
Tsalenjikha		410	590	
Chkhorotsku		147	616	
Mestia		245	183	
Akhaltzikhe	911	666	965	
Adigeni				
Aspindza				
Borjomi				
Akhalkalaki	318	202	261	
Ninotsminda				
Gori	1,352	646	895	
Kaspi				
Khashuri	662	410	516	
Kareli				
Rustavi	1,116	576	830	
Gardabani		424	658	
Bolnisi	1,016	444	734	
Marneuli				
Dmanisi				
Tetritskaro	601	276	415	
tsalka		318	437	
Batumi	1,426	771	964	
Kobuleti				
Khelvachauri	888	364	505	
Khulo				
Keda				
Shuakhevi				
Sokhumi-Gagra-Gudauta	269	365	331	
Gali-Gulripshi and Oчамch	177	177	237	



## Productivity (P)

Similar regression approach can be used to determine required number of judges given the number and type of resolved cases.

**TABLE II.1.47. Development of the productivity (case per judge) of the first instance courts in Georgia**

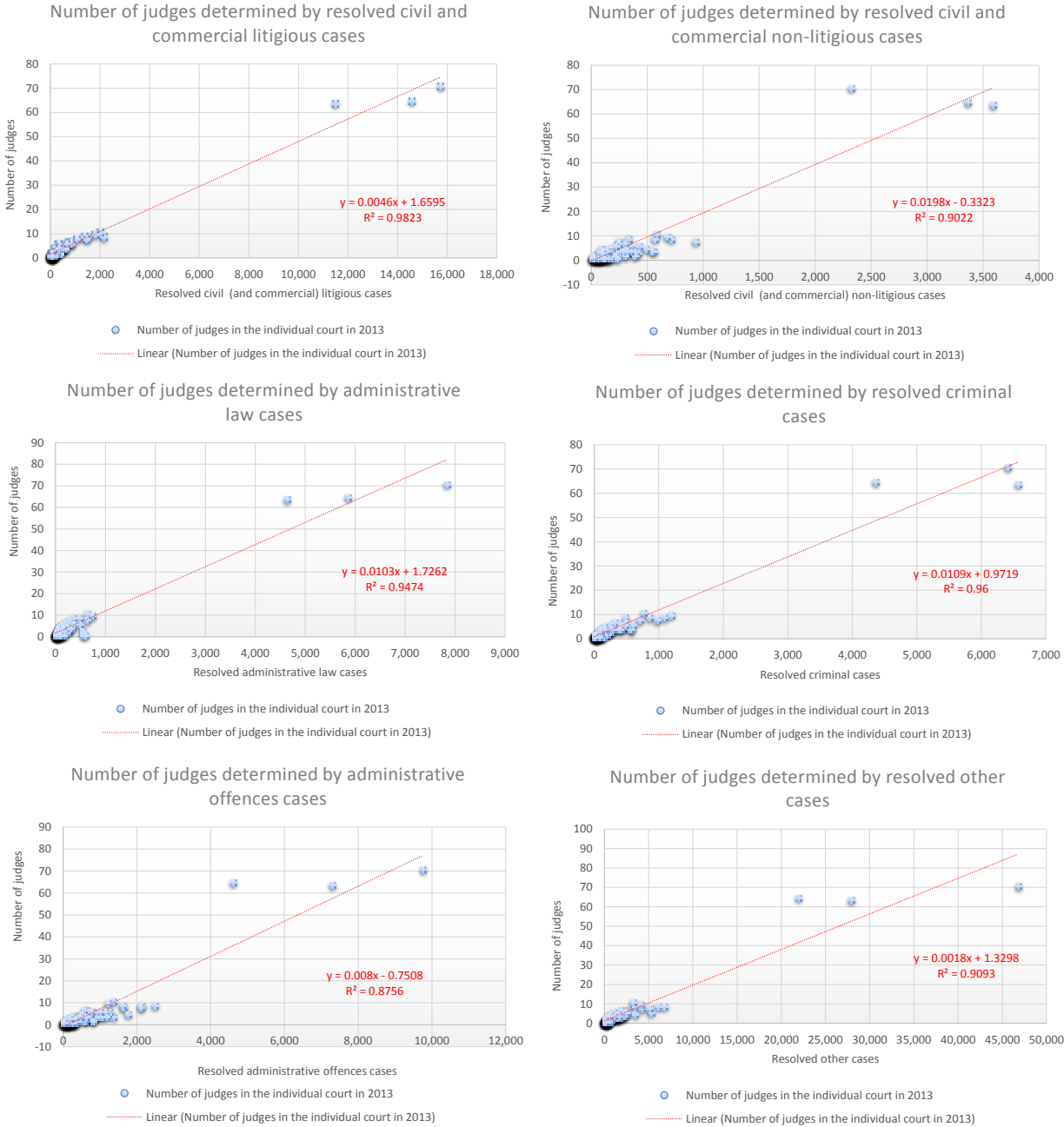
Variable/Cases	Coefficient / Avg. Number of Judges per Case	Std. Error	t-Statistic	Prob. P-value
Civil comm. litigious cases	0.003307	0.0004	9.37	0.00
Civil comm. non-litigious cases	0.002169	0.0010	2.22	0.03
Administrative law cases	-0.000914	0.0008	-1.21	0.23
Criminal cases	0.003087	0.0007	4.31	0.00
Administrative offences cases	0.000126	0.0005	0.26	0.80
Other cases	-0.000015	0.0002	-0.08	0.94
Intercept	1.126933	0.1489	7.57	0.00
R-squared	99.30%		F-statistic	2,287
Adjusted R-squared	99.25%		Prob (F-statistic)	0.00

Taking into account robust coefficient of determination ( $R^2$ ), the model explains 99.3% of differences in number of judges and estimated coefficients at the first instance courts. Overall, the model is statistically significant (P value – 0.00) and hence provides enough evidence to reject the hypothesis of ‘no effect’, or in other words, number of judges in relation to number of resolved cases did not occur by chance. Four coefficients (including intercept) are statistically significant adding to predictability power of the overall statistical model. Remaining coefficients of three case types (other cases, administrative offences cases and administrative law cases) are not statistically significant.

It needs to be noted that, as expected, usefulness or predictability power of the statistical model was improved, since only intercept was statistically significant in previous model.

In order to observe “linearity” and the effect of individual case category on the overall coefficients of determination ( $R^2$ ), simple linear regression is applied on each case category and results are plotted below:

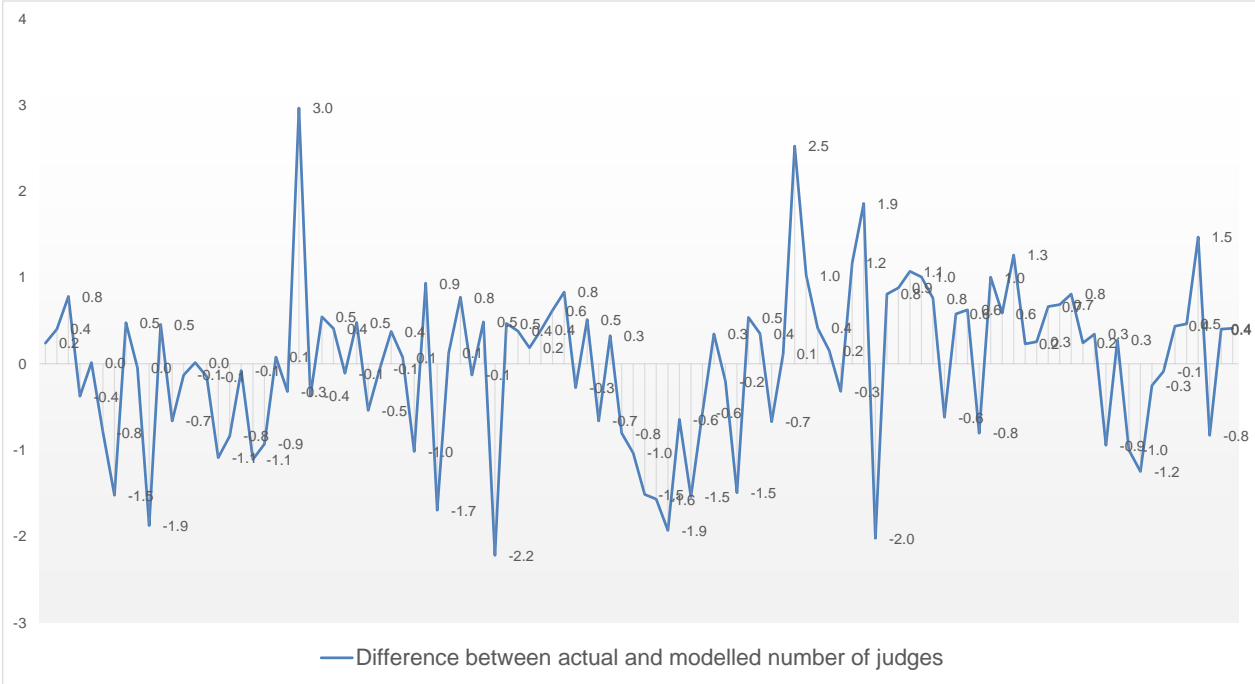
**FIGURE II.1.48. Simple linear regressions per number of judges and case type in the first instance courts in Georgia**



Simple linear regressions per case type in the first instance courts in Georgia show that coefficients of determination ( $R^2$ ) are ranging from 98.2% in the civil and commercial litigious cases to 87.6% in administrative offence cases. In other words, simple linear regression applied on “civil and commercial litigious cases” accounts (or explains) for 98.2% of variability in the number of judges. However, when multiple regressions are applied on all six case groups, combined coefficient of determination reaches 99.3% as seen in the above table. The model explains 99.3% of differences in number of first instance judges and the overall model is statistically significant.

The difference between the actual and the modelled number of judges is plotted below:

**FIGURE II.1.49. Difference between the actual and modelled number of judges for first instance courts in Georgia**

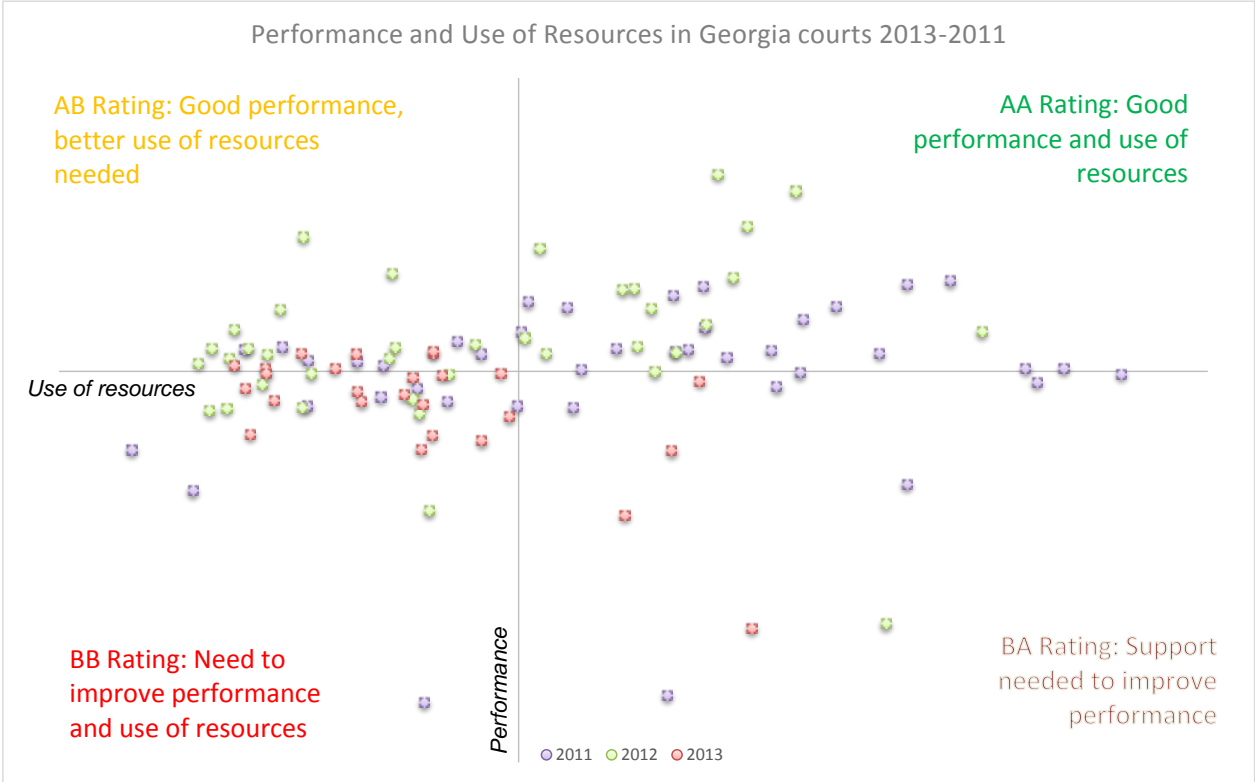


The model indicates significant difference in productivity of the first instance court judges. The highest positive difference, which indicates a high level of productivity, is 3.0 or 33% of the actual number of judges. The lowest negative difference, which indicates a low level of productivity, is 2.2 or 37% of the actual number of judges. In simple terms, the model indicates which courts are overstaffed with judges (negative difference) and understaffed with judges (positive difference) taking into account performance (number of solved cases).

**Court Rating**

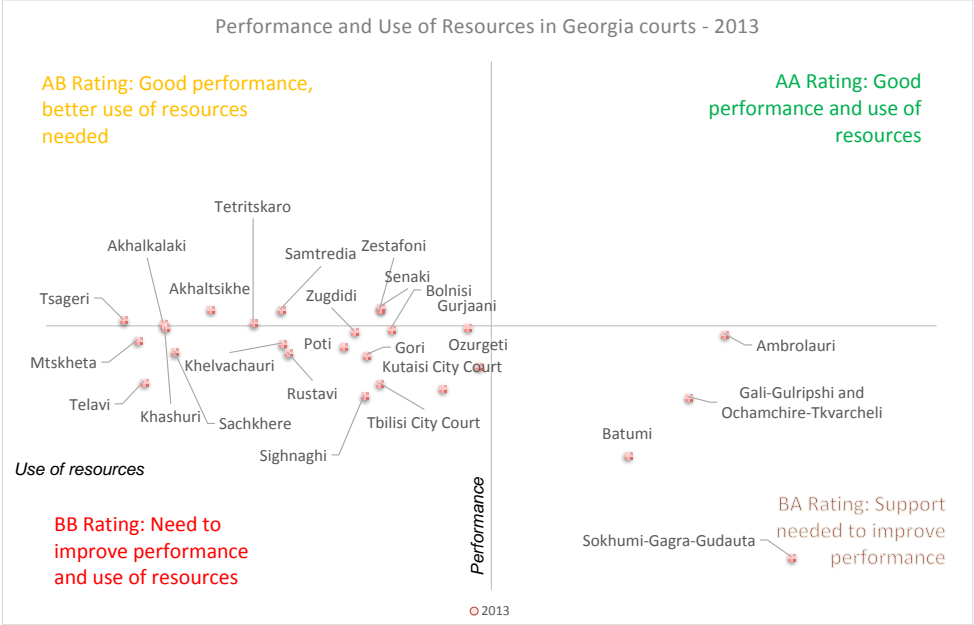
Court Rating for the first instance courts in Georgia is graphically presented in the following scatter plot diagram:

**FIGURE II.1.50. Court Rating for first instance courts in Georgia in three years 2013-2011**



The figure presents use of resources and performance of Georgia courts in a three years period. It appears that there are no courts with the AA Court Rating in year 2013.

**FIGURE II.1.51. Court Rating for first instance courts in Georgia in 2013**



The figure shows which courts need to improve their performance and use their resources (BB Court Rating) more efficiently. It is also easy to see which courts need more resources to improve performance (BA Court Rating). It is also interesting to see which courts have more than average resources thus achieving good performance (AB Court Rating).

However, none of the courts achieved the best AA Court Rating in 2013. There are two possible explanations for this fact:

- performance and use of resources of courts in Georgia deteriorated in 2013, or
- number of resolved cases in 2011/2012 include cases that were transferred from closed courts that was done away with to new (merged) courts. Transferred cases were declared completed in the closed courts, artificially inflating overall number of resolved cases, with no substantial effect for parties in the case, incorrectly inflating the 2011/2012 number of solved cases baseline for measuring in future years.

In addition, Court Ratings were calculated for the past three years for the first instance courts in Georgia and presented in the table below:

**TABLE II.1.52. Court Rating for first instance courts in Georgia**

Court name	COURT RATING		
	2013	2012	2011
Tbilisi City Court	BB	BB	BB
Ozurgeti	BB	AA	BB
Lanchkhuti			
Chokhatauri			
Kutaisi City Court	BB	AB	AA
Tkibuli			
Tskaltubo			
Baghdati			
Samtredia	AB	BB	BA
Vani		AA	AA
Khoni		AB	AA
Zestafoni	AB	AB	AB
Terjola			
Kharagauli			
Sachkhere	BB	AA	BA
Tchiatura			
Telavi	BB	AB	AA
Akhmeta			
Gurjaani	BB	BB	BB
Lagodekhi			BA
kvareli			AA
Sighnaghi	BB	BA	AA
Sagarejo		AB	AA
Dedoplistskaro		AA	AA
Mtskheta	BB	AB	AB
Dusheti			
Tianeti			
Kazbegi			
Akhalgori			
Ambrolauri	BA	AA	AA
Oni			
Tsageri	AB	AA	BA
Lentekhi		AA	BB
Poti	BB	AA	AA
Khobi		AA	BA
Senaki	AB	AA	AA
Abasha			AA
Martvili			AA
Zugdidi	BB	AB	AA
Tsalenjikha		AA	AA
Chkhorotsku		AB	AA

Court name	COURT RATING		
	2013	2012	2011
Mestia		AA	BA
Akhaltzikhe	AB	BB	AB
Adigeni			
Aspindza			
Borjomi			
Akhalkalaki	AB	BB	AB
Ninotsminda			
Gori	BB	BB	AB
Kaspi			
Khashuri	BB	AB	AB
Kareli			
Rustavi	BB	AB	BB
Gardabani		AB	BB
Bolnisi	BB	AB	BB
Marneuli			
Dmanisi			
Tetritskaro	AB	BB	AA
Tsalka		AA	AA
Batumi	BA	BB	BB
Kobuleti			
Khelvachauri	BB	BB	AB
Khulo			
Keda			
Shuakhevi			
Sokhumi-Gagra-Gudauta	BA	AA	BA
Gali-Gulripshi and Ochamchire -Tkvarcheli	BA	AA	AA

As seen from the colour-coded table above, none of the courts maintained the best AA Court Rating throughout three years period even though courts like Ambrolauri and Gali-Gulripshi and Ochamchire-Tkvarcheli struggled maintain AA court rating in 2013 they failed due to insufficient resources, while on the other hand Gurjaani and Tbilisi City Court had the negative BB court rating during the three years period.

#### General recommendations and remarks

If applicable, consider “booking-out” cases that were marked “solved” and only transferred to a new court and produce new statistical models using consolidated data. In other words, cases that were declared solved while actually they were just transferred to newly formed courts should be deducted from the overall number of solved cases in 2011/2012 accurately presenting the baseline for measuring in the following years. Recommendations are similar as to ones given to other countries.

Courts with consistent two-years AA court rating could provide training for other courts presenting business practices and problem solutions they consider effective. Court Rating represents umbrella performance management system that is able to detect micro inefficiencies and reward innovation and improvements. Court Rating establishes platform for business process reengineering and creates service oriented “court culture”. In that regard, experiences from courts with the consistent AA court ratings are very valuable, since they can describe and coach other courts (especially BB rated) on the

methods and processes they use in achieving good ratings. In such exchange of experiences among the courts using scientific evidences, knowledge base about efficient solutions to common problems is being built and implemented making the entire judicial system more efficient.

It could be useful to produce Pareto analysis and Ishikawa diagrams in the courts that have BB Court Rating, in order to discover causes of the problems,

Described Court Rating methodology can be used in the strategic management and as guidance in developing Quantitative Performance Management System, which is an important foundation of any efficient judiciary.

Implementation of this methodology could lead to constant strive for improvement in every court trying to achieve best AA court rating, thus encouraging innovation and positive competitive spirit among the courts.

As every court will try to improve their court rating, the average values for the entire group of the first instance court improves too, making it harder to maintain the best AA Court Rating, so the courts with the AA court rating need to perform even better. This improvement process through quantitative management will lead to better performing and more efficient judicial system in general.

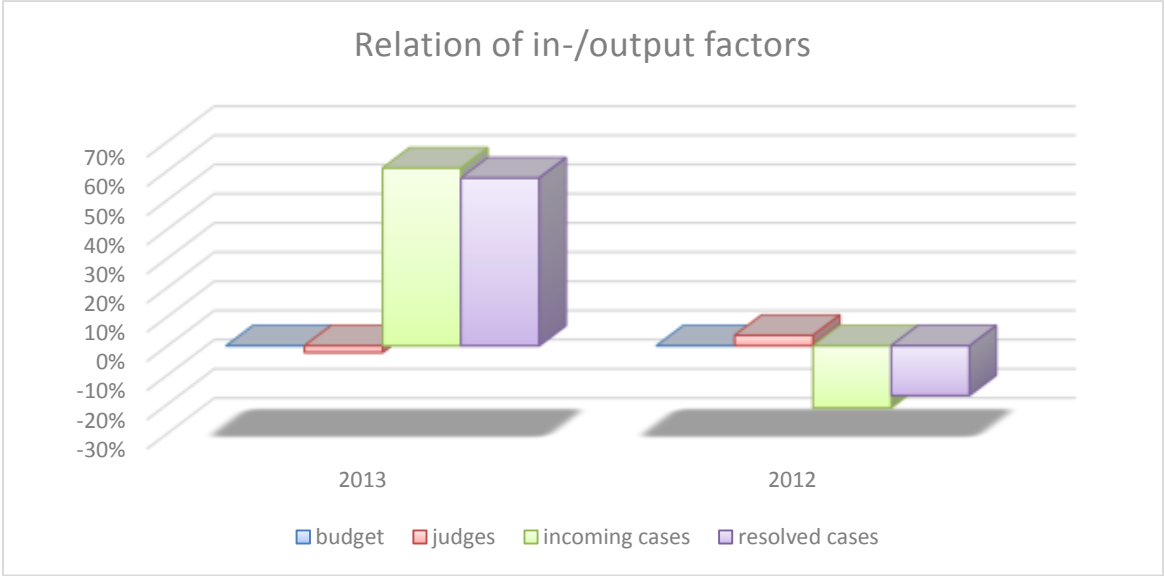
**Relation of in-/output factors**

**TABLE II.1.53. Relation of in-/output factors of first instance courts in Georgia**

Year	budget		judges		incoming cases		resolved cases	
2013			170	-2.30%	187,601	60.92%	186,823	57.51%
2012			174	3.57%	116,580	-21.27%	118,607	-17.01%
2011			168		148,080		142,923	

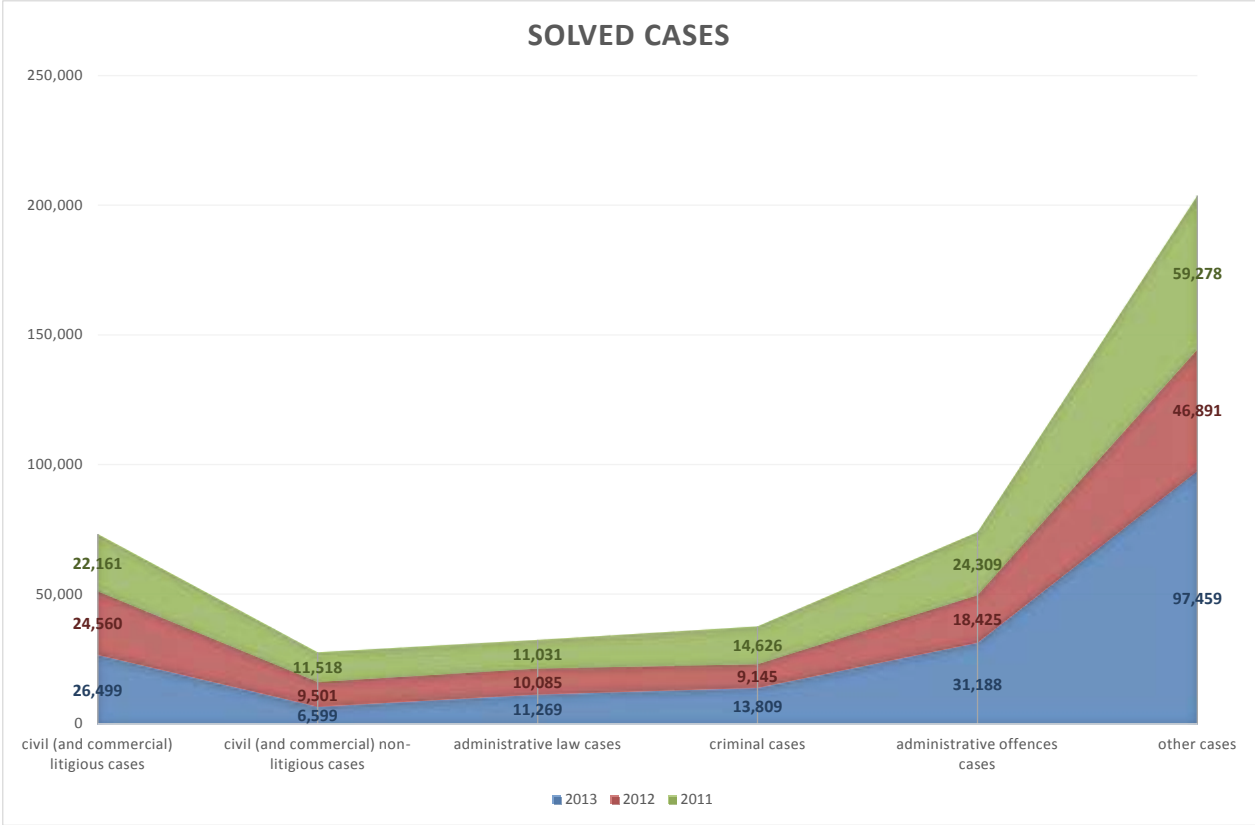


**Graph II.1.54. Relation of in-/output factors of first instance courts in Georgia**



Observing the table and graph above, one might conclude that efficiency is improving since number of solved cases is increasing by 58% while number of judges is decreasing. However, further analysis could give an insight into the problem and lead to different a conclusion.

**Graph II.1.55. Structure of solved cases first instance courts in Georgia**



**TABLE II.1.56. Absolute and relative change in number of solved cases and average time needed to solve a case**

Solved cases	Absolute change in number of solved cases 2013 vs. 2011	Relative change in number of solved cases 2013 vs. 2011	Estimate of average time needed to solve a case (hh:mm) <sup>15</sup>
<b>Civil (and commercial) litigious cases</b>	4,338	20%	05:49
<b>Civil (and commercial) non-litigious cases</b>	-4,919	-43%	03:49
<b>Administrative law cases</b>	238	2%	-01:36 <sup>16</sup>
<b>Criminal cases</b>	-817	-6%	05:26
<b>Administrative offences cases</b>	6,879	28%	00:13
<b>Other cases</b>	38,181	64%	-00:01 <sup>17</sup>

The graph depicting solved cases in a three years period shows that number of other and administrative offence cases is growing by 64% and 28% respectively. On the other hand, number of solved civil (and commercial) non-litigious cases is falling by staggering 43% and criminal cases by 6%, while number of solved civil (and commercial) litigious cases is growing by 20%.

Knowing that solving civil (and commercial) non-litigious cases and criminal cases is very labour intensive requiring hours of work to resolve a case (in average 03:49 hours for civil (and commercial) non-litigious case and 05:26 for criminal case) and that administrative offences cases and other cases

<sup>15</sup> Assuming 220 eight-hour working days in a calendar year.

<sup>16</sup> Not statistically significant.

<sup>17</sup> Ibid.

are solved in matter of minutes one might conclude that more cases have been solved in absolute amount in 2013, but with less effort compared to 2011. In order to test this hypothesis, statistical model was built introducing dummy variables for 2013 and 2012, treating year 2011 as a baseline for comparative analysis.

**TABLE II.1.57. Estimate of Number of Judges per Case for the first instance courts in Georgia, taking into account year of court operation**

Variable/Cases	Coefficient / Avg. Number of Judges per Case	Std. Error	t-Statistic	Prob. P-value
Civil comm. litigious cases	0.00293	0.00036	8.19380	0.00000
Civil comm. non-litigious cases	0.00226	0.00094	2.39574	0.01855
Administrative law cases	-0.00022	0.00076	-0.28380	0.77718
Criminal cases	0.00371	0.00071	5.22922	0.00000
Administrative offences cases	0.00000	0.00048	-0.00703	0.99441
Other cases	-0.00008	0.00019	-0.40737	0.68465
Intercept	0.72468	0.18494	3.91849	0.00017
Year 2013	0.66439	0.27139	2.44811	0.01620
Year 2012	0.69193	0.21704	3.18796	0.00194
R-squared	99.69%		F-statistic	1,886
Adjusted R-squared	99.37%		Prob (F-statistic)	0.00

The regression on number of judges including dummy variables for 2013 and 2012 yields a model with estimated dummy variables for years 2013 and 2012. Positive values of estimated coefficients for year 2013 and 2012 indicate that other things being equal, courts in 2013 needed additional 0.66 judges per court and in 2012 additional 0.69 judges per court compared to courts in 2011. Estimated dummy variables for year 2013 and 2012 are statistically significant and provide evidence that the efficiency of first instance courts is deteriorating.

However, we have to note again that the question asked above remains: does the number of resolved cases in 2011/2012 include cases that were transferred from closed court to new (merged) court, artificially inflating number of resolved cases, with no substantial effect for parties in the case.

**Recommendation:**

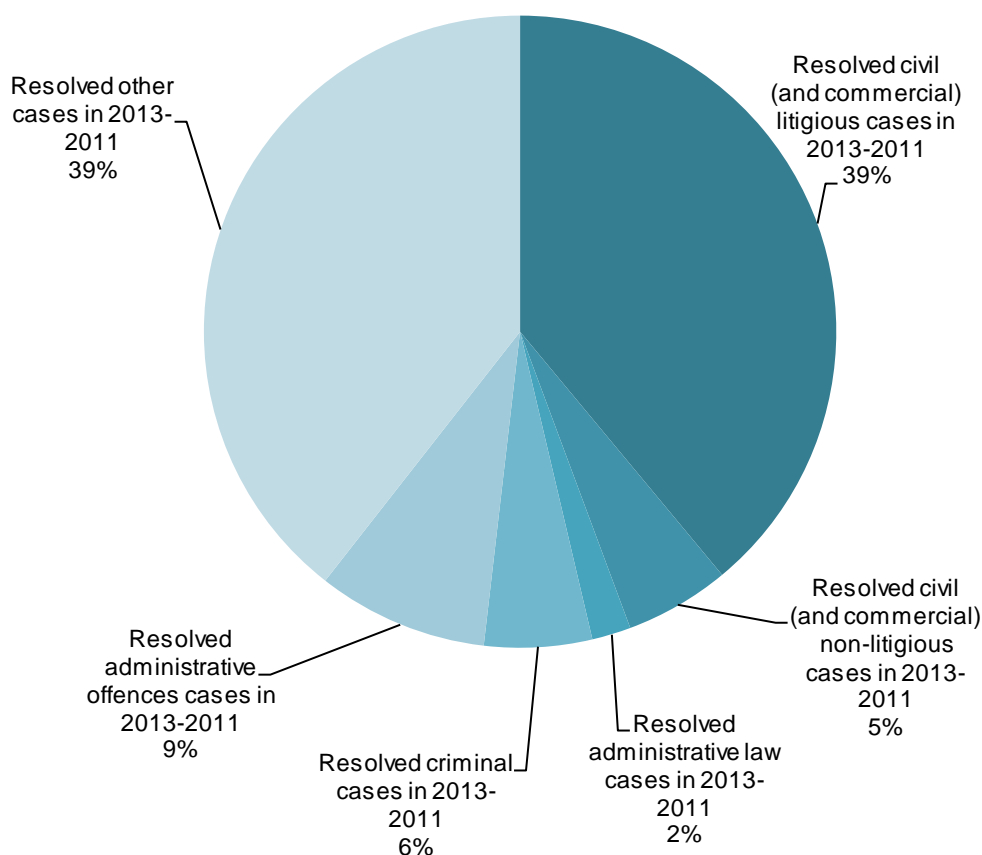
- Recheck the balance of in- and output factors that in the long-run should enable optimal and balanced number of judges per case-types.

## Republic of Moldova

### Quality of data

Based on the data submitted, it was possible to calculate the described indicators (Clearance Rate, Caseload, Backlog-Change, Disposition Time, Efficiency, Cost Efficiency and Productivity) for all 47 first instance courts that provided data on their three years caseload.

**FIGURE II.1.58. Structure of resolved cases in period 2013-2011 in the first instance courts in the Republic of Moldova**



Based on the data provided by the first instance courts, majority of resolved cases were civil and commercial litigious cases (39%) and other cases (39%), followed by administrative offences cases (9%), criminal cases (6%), civil and commercial non-litigious cases (5%) and administrative law cases (2%).

### Caseflow (Clearance Rate – Caseload - Backlog Change)

Average clearance rate has increased over the last three periods up to 101% now. There are a number of courts processing more cases than incoming, which able to reduce backlog.

Rishkan court, municipality of Chisinau, Criuleni, Glodeni and Leova courts have decreased their ability to resume cases. 93/94% can be considered not as dramatic decrease for once, but as all of them performed excellently before, there must be a specific reason.

In general, caseload is at a very acceptable level of overall 16% now. But at some courts it is increasing more than at 30% rate: Rishkan Court, municipality of Chisinau (37%), Cahul (29%) and especially the District Commercial court (53%) show high rates of caseload. This trend has to be investigated and counteracted.

**Recommendation:**

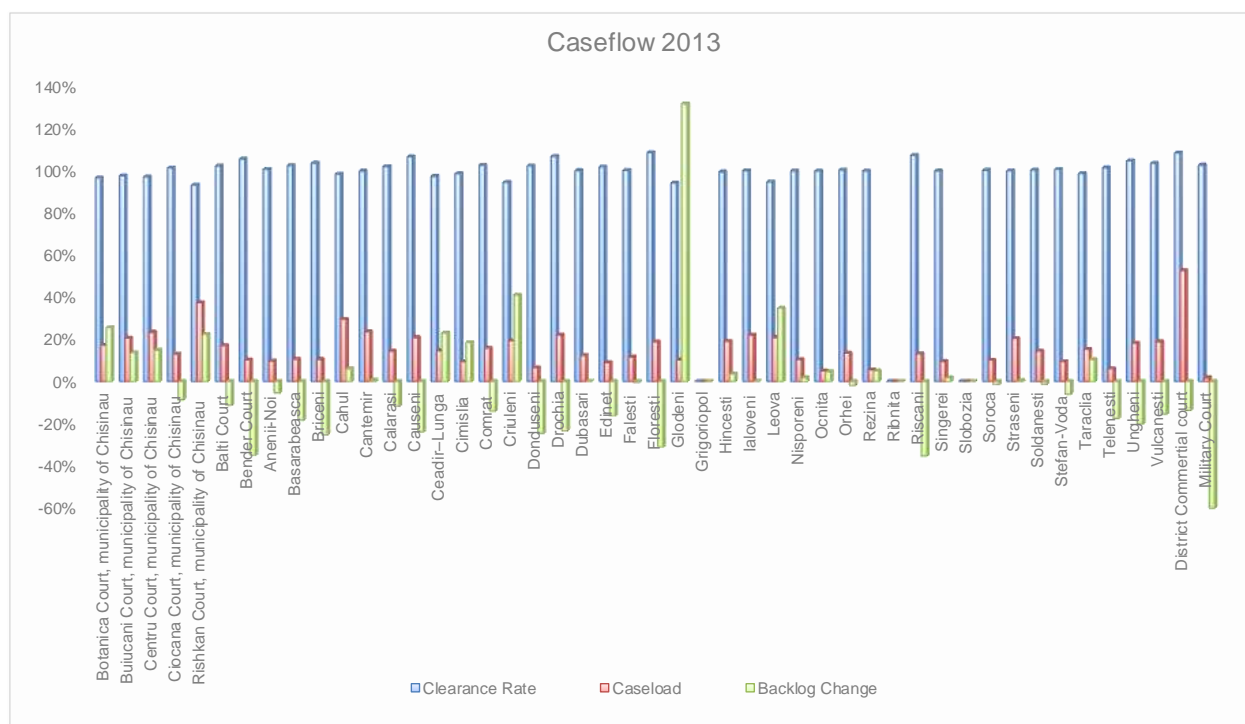
- Find out if there is a specific reason for drop of clearance rate in Rishkan Court, municipality of Chisinau, Criuleni, Glodeni and Leova courts in comparison to last period.
- Check if increased caseload at Rishkan Court, municipality of Chisinau (37%), Cahul (29%) and especially the District commercial court (53%) follows a trend and find measures to manage it.

**TABLE II.1.59. Clearance Rate for cases in the first instance courts in the Republic of Moldova**

Court name	Clearance Rate		
	2013	2012	2011
Botanica Court, municipality of Chisinau	96%	98%	95%
Buiucani Court, municipality of Chisinau	98%	101%	92%
Centru Court, municipality of Chisinau	97%	98%	92%
Ciocana Court, municipality of Chisinau	101%	101%	94%
Rishkan Court, municipality of Chisinau	93%	99%	85%
Balti Court	102%	98%	96%
Bender Court	105%	97%	101%
Anenii-Noi	101%	100%	98%
Basarabeasca	102%	98%	102%
Briceni	104%	96%	102%
Cahul	98%	94%	95%
Cantemir	100%	95%	96%
Calarasi	102%	100%	99%
Causeni	106%	99%	96%
Ceadir-Lunga	97%	99%	96%
Cimislia	99%	100%	100%
Comrat	103%	95%	98%
Criuleni	94%	103%	98%
Donduseni	102%	99%	98%
Drochia	107%	98%	95%
Dubasari	100%	103%	98%
Edinet	102%	100%	99%
Falesti	100%	100%	108%
Floresti	108%	134%	69%
Glodeni	94%	105%	97%
Grigoriopol			
Hincesti	99%	96%	94%
Ialoveni	100%	98%	97%
Leova	95%	100%	98%
Nisporeni	100%	100%	100%
Ocnita	100%	102%	101%
Orhei	100%	98%	98%
Rezina	100%	98%	100%
Ribnita			
Riscani	107%	91%	99%
Singerei	100%	100%	98%
Slobozia			
Soroca	100%	103%	100%
Straseni	100%	98%	95%
Soldanesti	100%	99%	95%
Stefan-Voda	101%	100%	99%
Taraclia	99%	100%	95%
Telenesti	101%	99%	99%

Court name	Clearance Rate		
	2013	2012	2011
Ungheni	105%	104%	98%
Vulcanesti	103%	90%	92%
District Commercial court	108%	226%	158%
Military Court	103%	95%	105%

**GRAPH II.1.60. Caseflow 2013 of the first instance courts in the Republic of Moldova**



### Disposition Time (DT)

Average disposition time of 57 days is at fair level. Rishkan Court, municipality of Chisinau (147 days), Cahul (109 days) and District Commercial court (177 days) need much more than the other courts to deliver their decisions. Even if the District commercial court executes cases different from others, this trend has to be monitored: 47 days were necessary to solve a case in 2012, but in 2013 it took 177 days.

### Recommendation:

- Address the increasing disposition time at the District commercial court.

**TABLE II.1.61. Disposition Time for cases in the first instance courts in the Republic of Moldova**

Court name	Disposition Time		
	2013	2012	2011
Botanica Court, municipality of Chisinau	65	54	54
Buiucani Court, municipality of Chisinau	77	64	76
Centru Court, municipality of Chisinau	88	75	77
Ciocana Court, municipality of Chisinau	47	54	58
Rishkan Court, municipality of Chisinau	146	123	150
Balti Court	61	72	69
Bender Court	35	31	23
Anenii-Noi	35	32	34
Basarabeasca	38	41	30
Briceni	37	40	14
Cahul	109	103	77
Cantemir	86	90	72
Calarasi	51	51	52
Causeni	71	87	87
Ceadir-Lunga	55	40	35
Cimisia	35	41	45
Comrat	56	59	34
Criuleni	75	53	59
Donduseni	23	32	33
Drochia	75	91	85
Dubasari	45	38	44
Edinet	32	40	40
Falesti	42	40	40
Floresti	63	69	198
Glodeni	40	15	35
Grigoriopol			
Hincesti	70	84	62
Ialoveni	80	56	50
Leova	80	35	31
Nisporeni	38	28	31
Ocnita	18	17	23
Orhei	49	49	39
Rezina	20	17	10
Ribnita			
Riscani	45	79	44
Singerei	35	37	33
Slobozia			
Soroca	37	32	45
Straseni	74	67	55
Soldanesti	53	24	58
Stefan-Voda	34	27	31



Court name	Disposition Time		
	2013	2012	2011
Taraclia	56	46	43
Telenesti	22	24	24
Ungheni	63	82	76
Vulcanesti	67	107	56
District Commercial court	177	47	29
Military Court	6	21	0

**Efficiency (budget per case)**

Court name	Efficiency (budget/case)			
	2013	2012	2011	Trend
Botanica Court, municipalit	28	19	23	
Buiucani Court, municipalit	61	24	15	
Centru Court, municipality	19	13	12	
Ciocana Court, municipalit	31	22	20	
Rishkan Court, municipalit	24	17	17	
Balti Court	37	27	24	
Bender Court	179	85	85	
Anenii-Noi	45	22	22	
Basarabasca	90	61	77	
Briceni	65	31	22	
Cahul	52	46	27	
Cantemir	97	110	71	
Calarasi	58	51	57	
Causeni	73	49	30	
Ceadir-Lunga	82	57	46	
Cimisia	49	86	40	
Comrat	64	47	33	
Criuleni	92	49	41	
Donduseni	77	70	84	
Drochia	62	41	47	
Dubasari	183	74	55	
Edinet	59	50	56	
Falesti	76	53	47	
Floresti	69	39	49	
Glodeni	193	62	67	
Grigoriopol				
Hincesti	61	64	57	
Ialoveni	54	24	18	
Leova	118	37	75	
Nisporeni	84	45	61	
Ocnita	99	50	42	
Orhei	51	25	29	
Rezina	60	34	30	
Ribnita				
Riscani	74	60	55	
Singerei	69	46	35	
Slobozia				
Soroca	68	58	43	
Straseni	50	32	41	
Soldanesti	118	22	58	
Stefan-Voda	70	33	29	
Taraclia	106	75	51	
Telenesti	59	42	36	
Ungheni	50	31	23	
Vulcanesti	171	83	218	
District Commercial court	753	114	12	
Military Court	0	0	478	

Efficiency was cut almost in half: 47 Euros were invested per resolved case in 2012; in 2013 almost twice of this amount (90 Euros) per case was needed on average. Leaving District Commercial and Military Court aside (due to their different case-structure), at Bender Court (179 Euros), Dubasari (183 Euros), Glodeni (193 Euros) and Vulcanesti (171 Euros) courts cases need twice the average amount

to be resolved than at other courts on average. This may be due to the specific investments, which is not evident from the statistics alone.

**Recommendation:**

- Elaborate the difference of costs per case especially at (“cost intensive”) Bender court, Dubasari, Glodeni and Vulcanesti courts.

**Cost Efficiency (CE)**

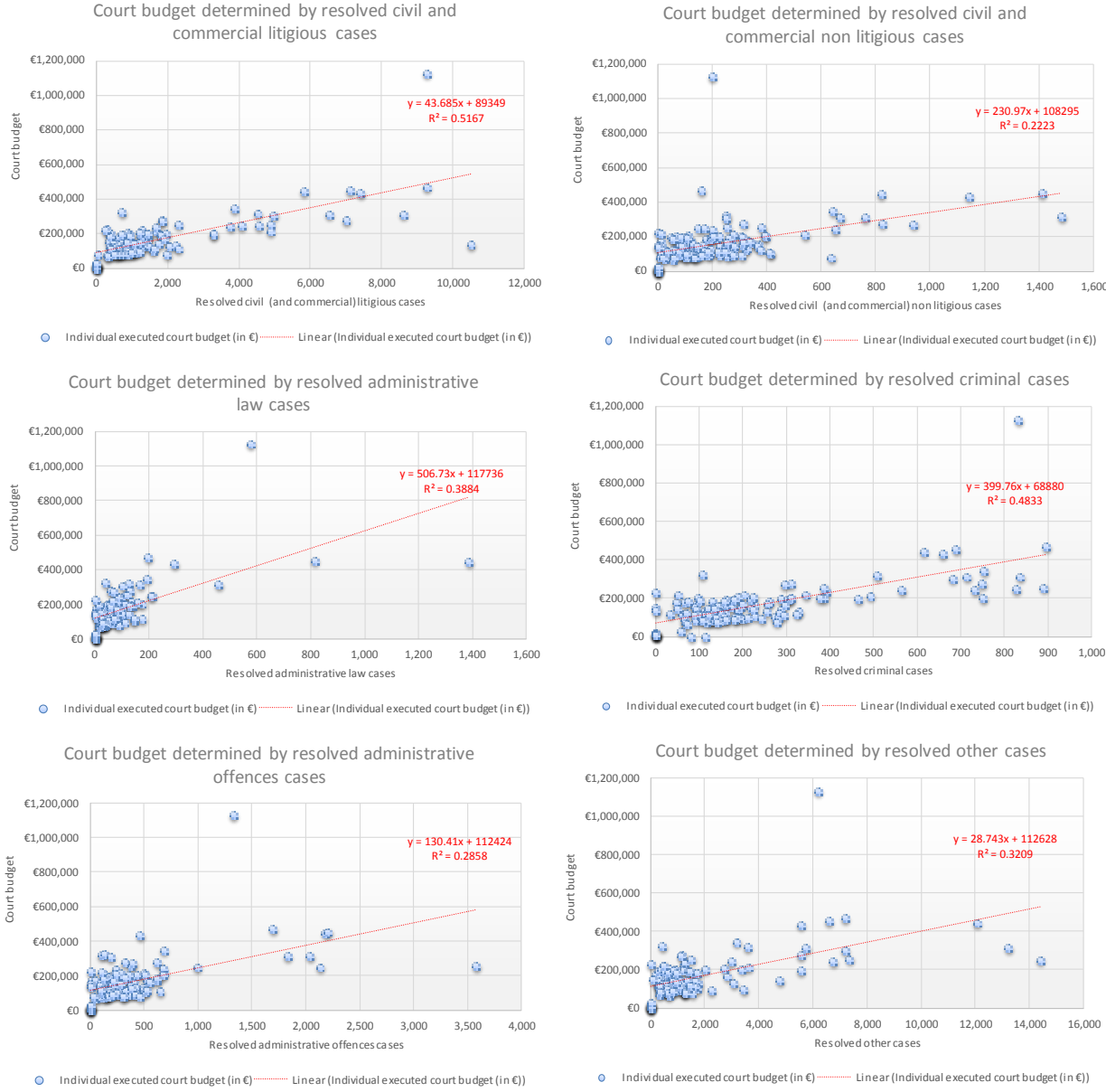
Estimated Cost per Case indicator is established based on the data from 2011 to 2013 (141 observations in total).

**TABLE II.1.62. Estimate of Cost per Case for the first instance courts in the Republic of Moldova**

Variable/Cases	Coefficient / Avg. Cost per Case	Std. Error	t-Statistic	Prob. P-value
Civil comm. litigious cases	€ 24	€ 5	4.45	0.00
Civil comm. non-litigious cases	-€ 57	€ 35	-1.65	0.10
Administrative law cases	€ 346	€ 64	5.45	0.00
Criminal cases	€ 322	€ 69	4.68	0.00
Administrative offences cases	-€ 37	€ 21	-1.75	0.08
Other cases	-€ 15	€ 5	-2.88	0.00
Intercept	€ 69,076	€ 9,585	7.21	0.00
R-squared	64.1%		F-statistic	39.91
Adjusted R-squared	62.5%		Prob (F-statistic)	0.00

Taking into account coefficient of determination ( $R^2$ ), the model explains 62.5% of differences in the first instance courts' budgets. Four coefficients and intercept are statistically significant, while values of two coefficients are on border P values. The overall model is statistically significant and it has satisfactory predictability power. In order to observe “linearity” and the effect of individual case category on the overall coefficients of determination ( $R^2$ ), simple linear regression is applied on each case category and results are plotted below:

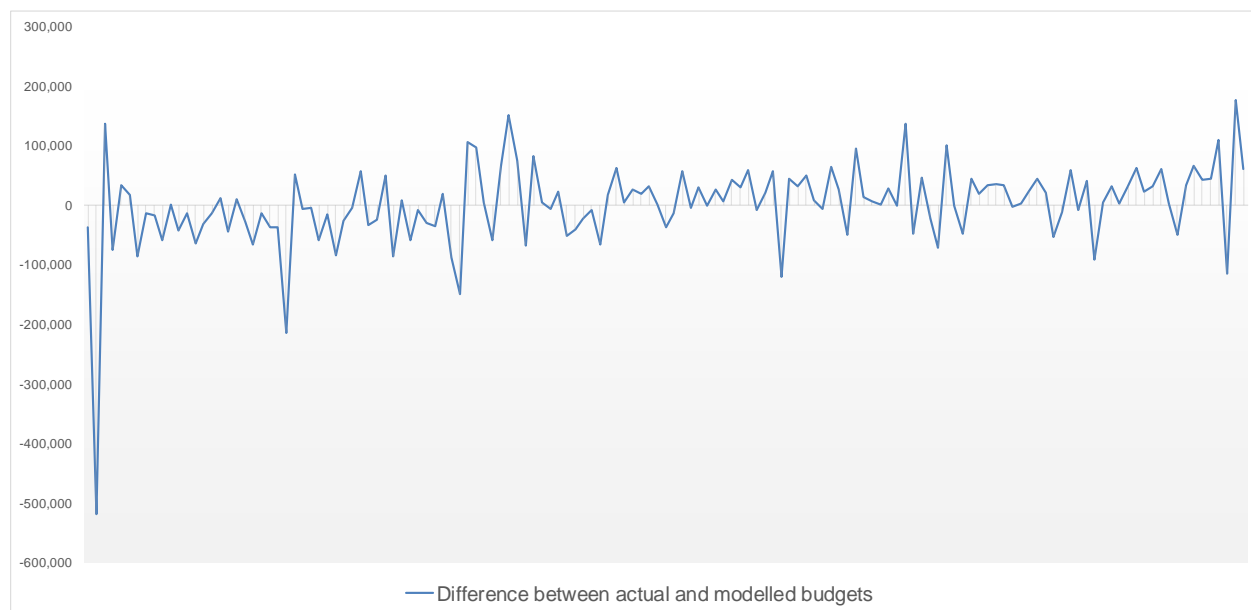
**FIGURE II.1.63. Simple linear regressions per budget and case type in the first instance courts in Republic of Moldova**



Simple linear regressions per case type in the first instance courts in the Republic of Moldova show that coefficients of determination (R<sup>2</sup>) are ranging from 22.2% in civil and commercial non-litigious cases to 51.7% in civil and commercial litigious cases. In other words, simple linear regression applied on “civil and commercial non-litigious cases” accounts (or explains) for 22.2% of variability in the court budgets. However, when multiple regressions are applied on all six case groups, combined coefficient of determination reaches 64.1% as seen in the above table. The model explains 64.1% of variability in the first instance court budgets and overall model is statistically significant.

The difference between the actual and the modelled court budget is plotted below:

**FIGURE II.1.64. Difference between the actual and modelled budget for the first instance courts in Republic of Moldova**



The model indicates significant difference in the cost efficiency of the first instance courts. The biggest positive difference, which indicates a high level of efficiency, is 175,756€ or 130% of the actual operating budget. Having in mind that data are related to the District commercial court the answer for such high cost efficiency could be traced to different competences of the court. The biggest negative difference, which indicates a low level of efficiency, is 519,857€ or 46% of the actual operating budget. Similarly, explanation for such a big difference could be traced in possible capital expenditure that occurred in Buiucani Court, municipality of Chisinau in 2013.

### **Productivity (cases per judge)**

Productivity (resolved cases per judge) has slightly decreased from 551 (2011) ( ) to 526 cases (2013).

Leaving the District commercial and Military courts aside (due to their different case-structure), the variation is still significant: it differs from 196 (Bender court) to 1.271 cases per judge (Centru court, municipality of Chisinau) in 2013.

While we take into account different complexity and background of cases, this indicator still should be balanced to ensure similar output per judge and even workload.

### **Recommendation:**

- Explore the reasons of varied productivity within the same type of courts.
- Actively handle the balance between cases, their complexity and the used personnel.

**TABLE II.1.65. Development of the productivity (case per judge) of the first instance courts in Republic of Moldova**

Court name	Productivity (res. cases/judge)			
	2013	2012	2011	Trend
Botanica Court, municipality of Chisinau	862	875	838	
Buiucani Court, municipality of Chisinau	1,148	1,141	898	
Centru Court, municipality of Chisinau	1,271	1,367	1,214	
Ciocana Court, municipality of Chisinau	794	763	739	
Rishkan Court, municipality of Chisinau	1,176	966	756	
Balti Court	667	523	560	
Bender Court	196	341	284	
Anenii-Noi	991	761	696	
Basarabasca	325	362	395	
Briceni	468	583	1,064	
Cahul	462	520	538	
Cantemir	461	439	586	
Calarasi	491	560	538	
Causeni	497	458	507	
Ceadir-Lunga	452	410	543	
Cimislia	1,007	539	487	
Comrat	406	542	517	
Criuleni	371	368	402	
Donduseni	406	398	342	
Drochia	390	421	407	
Dubasari	234	273	240	
Edinet	421	408	421	
Falesti	367	390	374	
Floresti	389	518	495	
Glodeni	335	381	336	
Grigoriopol				
Hincesti	427	386	478	
Ialoveni	624	895	888	
Leova	326	560	606	
Nisporeni	314	421	378	
Ocnita	357	455	379	
Orhei	631	573	812	
Rezina	452	528	551	
Ribnita				
Riscani	524	460	359	
Singerei	401	374	624	
Slobozia				
Soroca	448	520	518	
Straseni	569	554	619	
Soldanesti	408	907	343	
Stefan-Voda	542	736	654	
Taraclia	439	291	379	
Telenesti	435	479	405	
Ungheni	510	489	623	
Vulcanesti	585	288	501	
District Commercial court	43	118	953	
Military Court			19	

### Productivity (P)

A regression approach that was applied for other countries can be used to determine the required number of judges given the number and type of resolved cases.

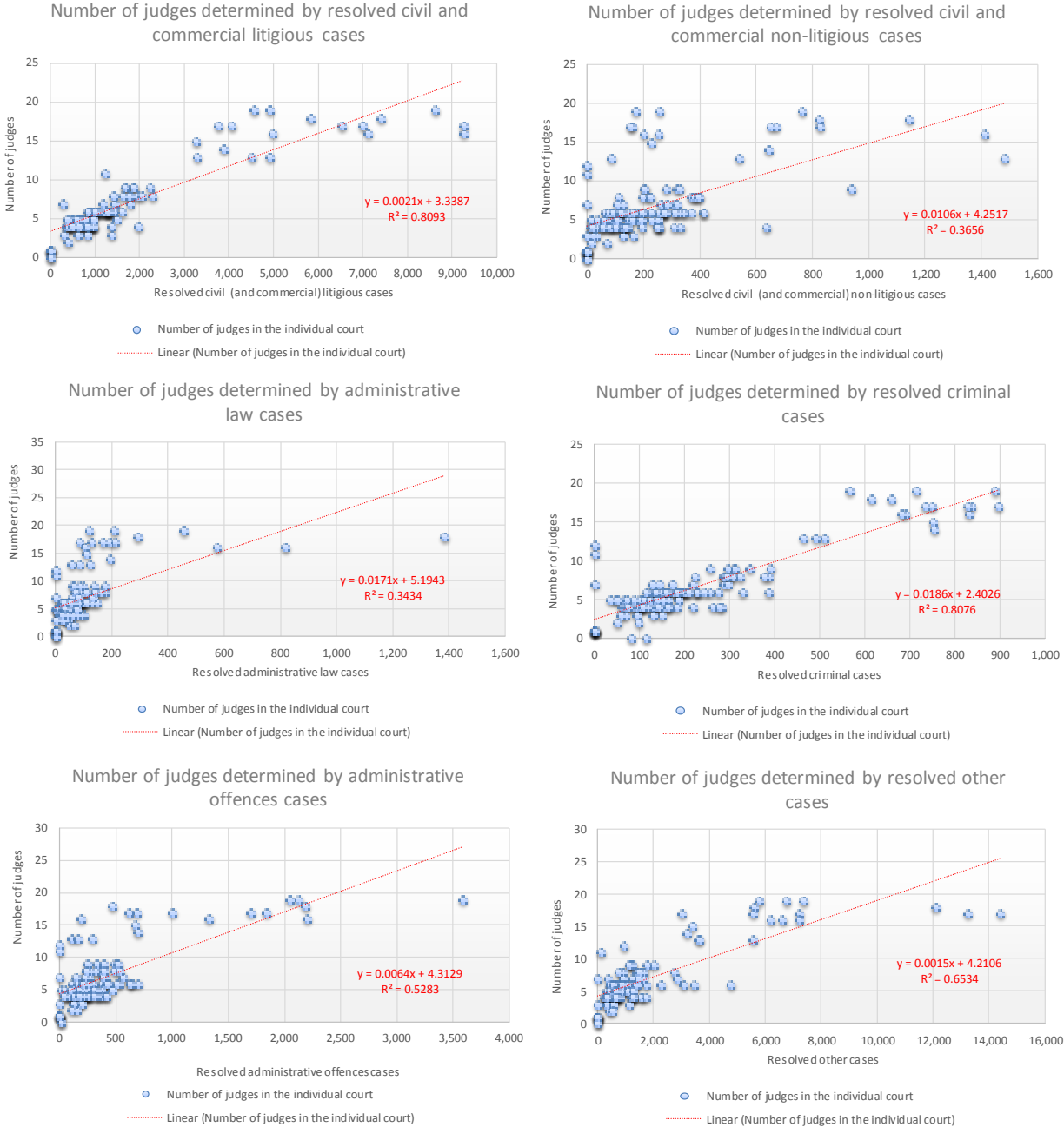
**TABLE II.1.66. Estimate of Number of Judges per Case for the first instance courts in the Republic of Moldova**

Variable/Cases	Coefficient / Avg. Number of Judges per Case	Std. Error	t-Statistic	Prob. P-value
Civil comm. litigious cases	0.000813	0.0001	7.16	0.00
Civil comm. non-litigious cases	0.001279	0.0007	1.79	0.08
Administrative law cases	-0.000961	0.0013	-0.73	0.47
Criminal cases	0.008378	0.0014	5.90	0.00
Administrative offences cases	0.000661	0.0004	1.52	0.13
Other cases	0.000257	0.0001	2.40	0.02
Intercept	2.549391	0.1982	12.86	0.00
R-squared	93.9%		F-statistic	2,287
Adjusted R-squared	88.1%		Prob (F-statistic)	0.00

Taking into account robust coefficient of determination ( $R^2$ ), the model explains 93.9% of differences in the number of the first instance courts' judges. Overall model is statistically significant (P value – 0.00) and hence provides enough evidence to reject the hypothesis of 'no effect', or in other words, number of judges in relation to number of resolved cases did not occur by chance. Three estimated coefficients (including intercept) are statistically significant adding to predictability power of the overall statistical model, while two estimated coefficients are on border values of statistical significance. Estimated coefficient for remaining Administrative law cases in not statistically significant.

In order to observe "linearity" and the effect of individual case category on the overall coefficients of determination ( $R^2$ ), simple linear regression is applied on each case category and results are plotted below:

**FIGURE II.1.67. Simple linear regressions per number of judges and case type in the first instance courts in Republic of Moldova**

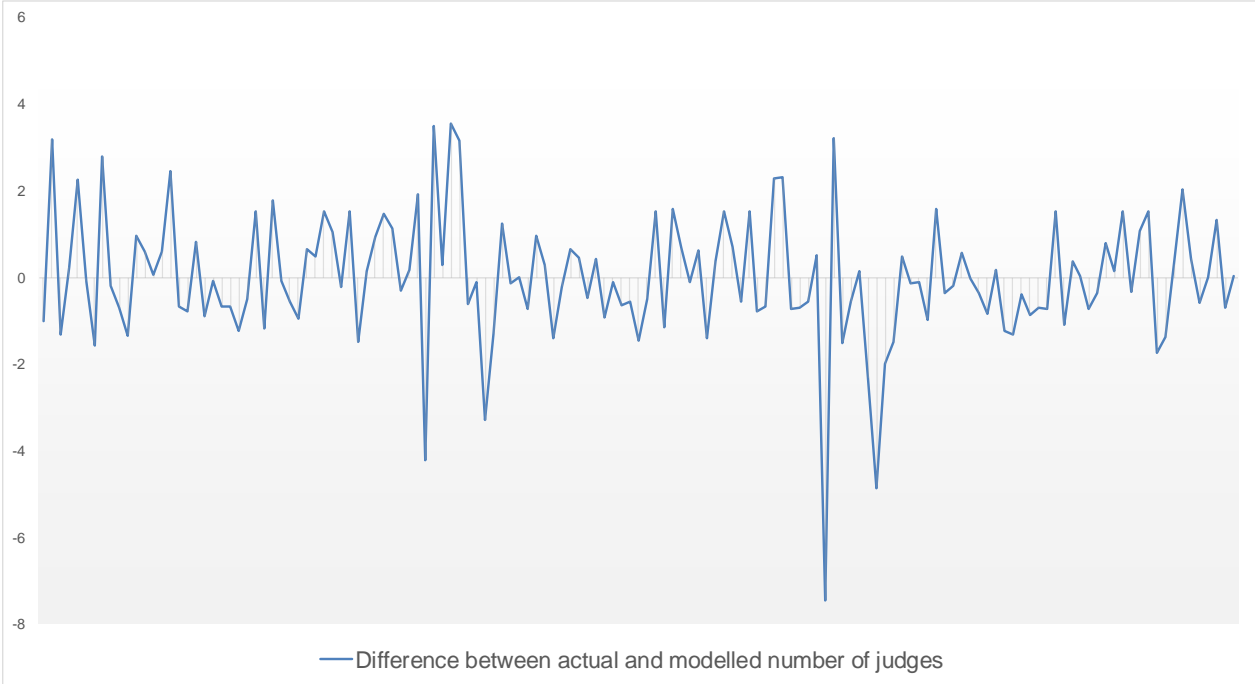


Simple linear regressions per case type in the first instance courts in the Republic of Moldova show that coefficients of determination ( $R^2$ ) are ranging from 34.3% in administrative law cases to 80.09% in civil and commercial litigious cases. In other words, simple linear regression applied on “civil and commercial litigious cases” accounts (or explains) for 80.09% of variability in the number of judges. However, when multiple regressions are applied on all six case groups, combined coefficient of determination reaches 99.3% as seen in the above table. The model explains 93.9% of differences in number of first instance judges and the overall model is statistically significant.

The difference between the actual and the modelled number of judges is plotted below:



**FIGURE II.1.68. Difference between the actual and modelled number of judges for first instance courts in Republic of Moldova**



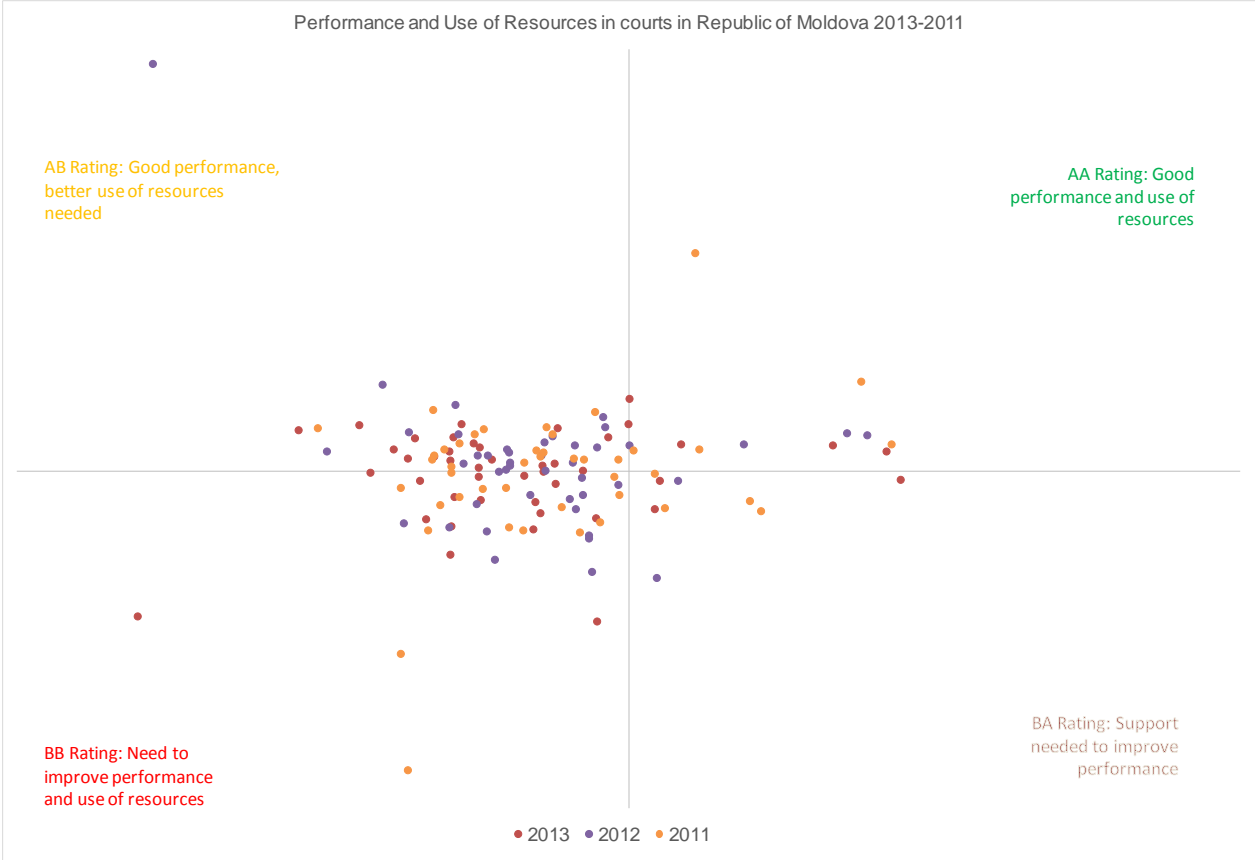
The model indicates wide difference in productivity of the first instance court judges. The highest positive difference, which indicates a high level of productivity, is 3.6 or 21% of the actual number of judges. The lowest negative difference, which indicates a low level of productivity, is 7.4 or 68% of the actual number of judges. However, this negative difference could possibly be explained by different competences of the District commercial court. In simple terms, the model indicates which courts are overstaffed with judges (negative difference) and understaffed with judges (positive difference) taking into account performance (number of solved cases).

However, this negative difference could possibly be explained by different competences of the District commercial court.

**Court Rating**

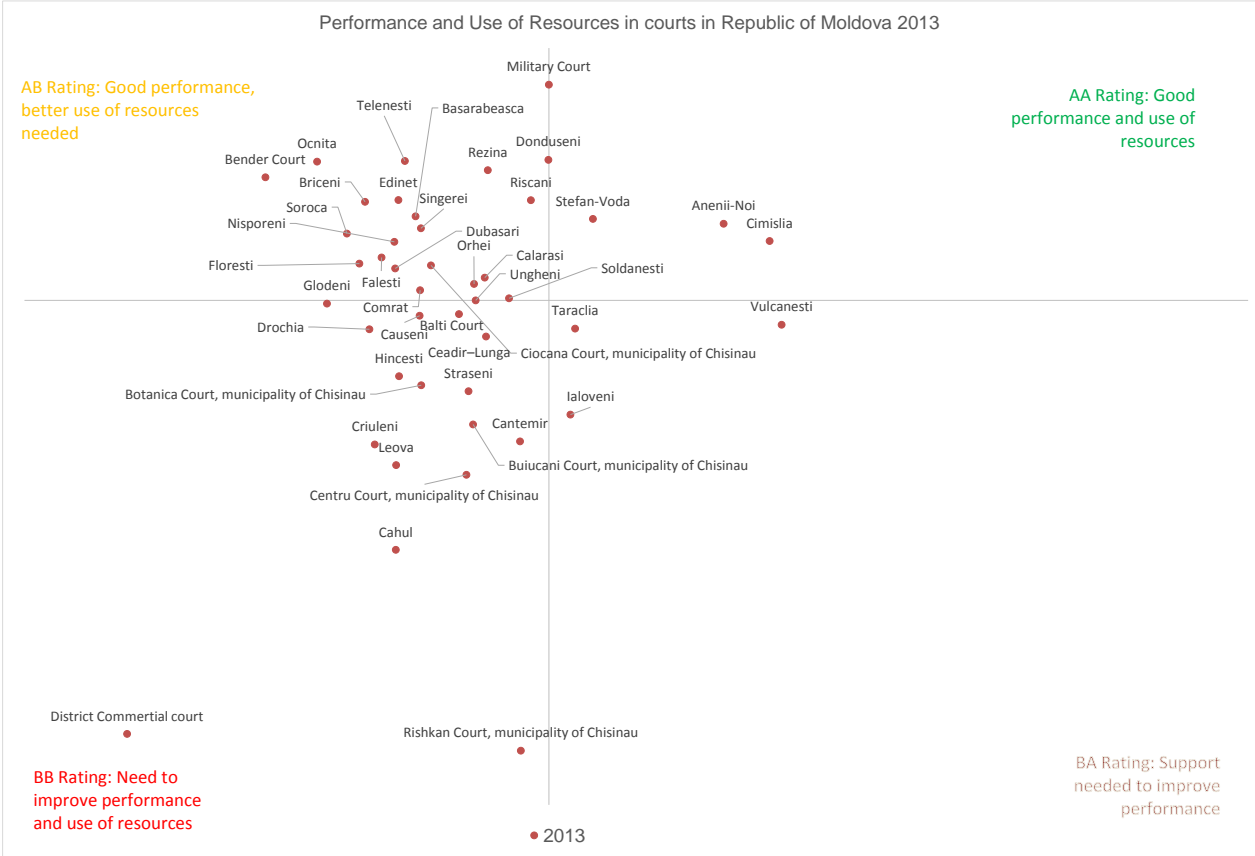
Court Rating for the first instance courts in the Republic of Moldova is graphically presented in the following scatter plot diagram:

**FIGURE II.1.69. Court Rating for first instance courts in the Republic of Moldova in three years 2013-2011**



The figure presents use of resources and performance of courts in the Republic of Moldova for a three years period. It appears that there are very few courts with the AA Court Rating in 2013.

**FIGURE II.1.70. Court Rating for first instance courts in the Republic of Moldova in 2013**



The figure above gives a clear picture of which courts need to improve their performance and use their resources more efficiently (BB Court Rating). It is also easy to see which courts need more resources to improve performance (BA Court Rating). It is also interesting to see which courts have more than average resources, therefore achieving good performance (AB Court Rating). Courts with best performance and use of resources are within the group of courts with the AA Court Rating.

In addition, Court Ratings were calculated for the past three years for first instance court in the Republic of Moldova and presented in the table below:

**TABLE II.1.71. Court Rating for first instance courts in the Republic of Moldova**

Court name	COURT RATING		
	2013	2012	2011
Botanica Court, municipality of Chisinau	BB	BB	BB
Buiucani Court, municipality of Chisinau	BB	BB	BB
Centru Court, municipality of Chisinau	BB	BB	BB
Ciocana Court, municipality of Chisinau	AB	AB	BB
Rishkan Court, municipality of Chisinau	BB	BB	BB
Balti Court	BB	BB	BB
Bender Court	AB	AB	AB
Anenii-Noi	AA	AA	AA
Basarabeasca	AB	AB	AB
Briceni	AB	AB	AB
Cahul	BB	BB	BB
Cantemir	BB	BB	BA
Calarasi	AB	AB	BB
Causeni	BB	BB	BB
Ceadir-Lunga	BB	AB	AB
Cimislia	AA	AB	AB
Comrat	AB	BB	AB
Criuleni	BB	AB	BB
Donduseni	AB	AB	AB
Drochia	BB	BB	BB
Dubasari	AB	AB	AB
Edinet	AB	AB	AB
Falesti	AB	AB	AB
Floresti	AB	AB	BB
Glodeni	BB	AB	AB
Grigoriopol			
Hincesti	BB	BB	BB
Ialoveni	BA	BA	BB
Leova	BB	AB	AB
Nisporeni	AB	AB	AB
Ocnita	AB	AB	AB
Orhei	AB	BB	AB
Rezina	AB	AB	AB
Ribnita			
Riscani	AB	BB	AB
Singerei	AB	AB	AA
Slobozia			
Soroca	AB	AB	AB
Straseni	BB	BB	BB
Soldanesti	AB	AA	BB
Stefan-Voda	AA	AA	AA
Taraclia	BA	AB	BA
Telenesti	AB	AB	AB
Ungheni	AB	BB	BA

Court name	COURT RATING		
	2013	2012	2011
Vulcanesti	BA	BA	BA
District Commercial court	BB	AB	AA
Military Court	AA	AA	AA

As seen from the colour-coded table above, three courts (Annenii-Noi, Stefan-Voda and Military courts) maintained the best AA court rating throughout three year period. Ten courts had BB court rating in a three years period indicating that they need to improve performance and use of resources.

### General recommendations and remarks

Having in mind differences in court budgets between 2013 and 2011, consider applying a combination of budgeting techniques (zero based budgeting and performance budgeting) to determine adequate budget levels each court individually. Zero based budgeting technique assumes building budget from zero, taking into account all the costs while performance budgeting technique builds budgets based on the performance. It is expected that there are no major difference in the budget levels calculated using both techniques.

The recommendations for considering the improvement of court performance and ratings are same as for the other Eastern Partnership Countries:

Courts with consistent two years AA court rating could provide training for other courts presenting business practices and problem solutions they consider effective.

In order to discover roots of the problems, it would be interesting to produce Pareto analysis and Ishikawa diagrams in the courts that have BB court rating.

The Court Rating methodology can be used in the strategic management and as guidance in developing Quantitative Performance Management System, which is an important foundation of any efficient judiciary.

Implementation of this methodology could lead to constant strive for improvement in every court trying to achieve best AA court rating, thus encouraging innovation and positive competitive spirit among the courts.

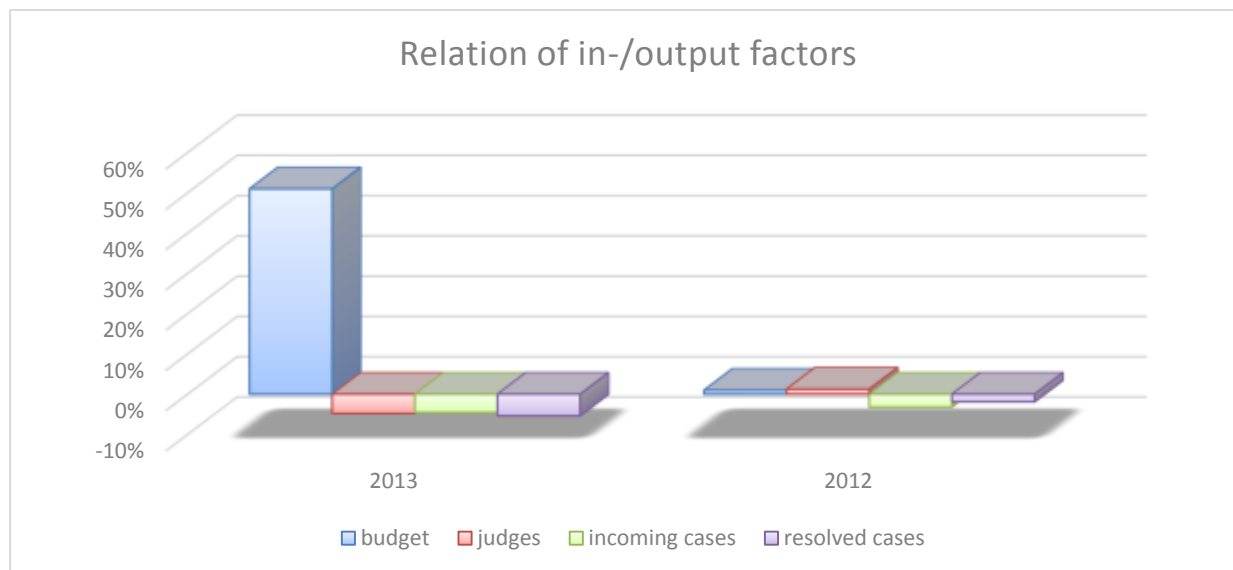
As every court will try to improve their court rating, the average values for the entire group of the first instance court improves too, making it harder to maintain the best AA Court Rating, so the courts with the AA court rating need to perform even better. This improvement process through quantitative management will lead to better performing and more efficient judicial system in general.

## Relation of in-/output factors

**TABLE II.1.72. Relation of in-/output factors of first instance courts in the Republic of Moldova**

Year	budget		judges		incoming cases		resolved cases	
2013	€ 9,894,545	51.01%	301	-4.75%	187,167	-4.53%	185,207	-5.36%
2012	€ 6,552,111	9.68%	316	1.28%	196,052	-3.18%	195,704	-0.19%
2011	€ 5,973,884		312		202,487		196,075	

**GRAPH II.1.73. Relation of in-/output factors of first instance courts in the Republic of Moldova**



Observing the table and graph above, it can easily be concluded that the most important change is linked to more than 50% court budget increase in 2013.

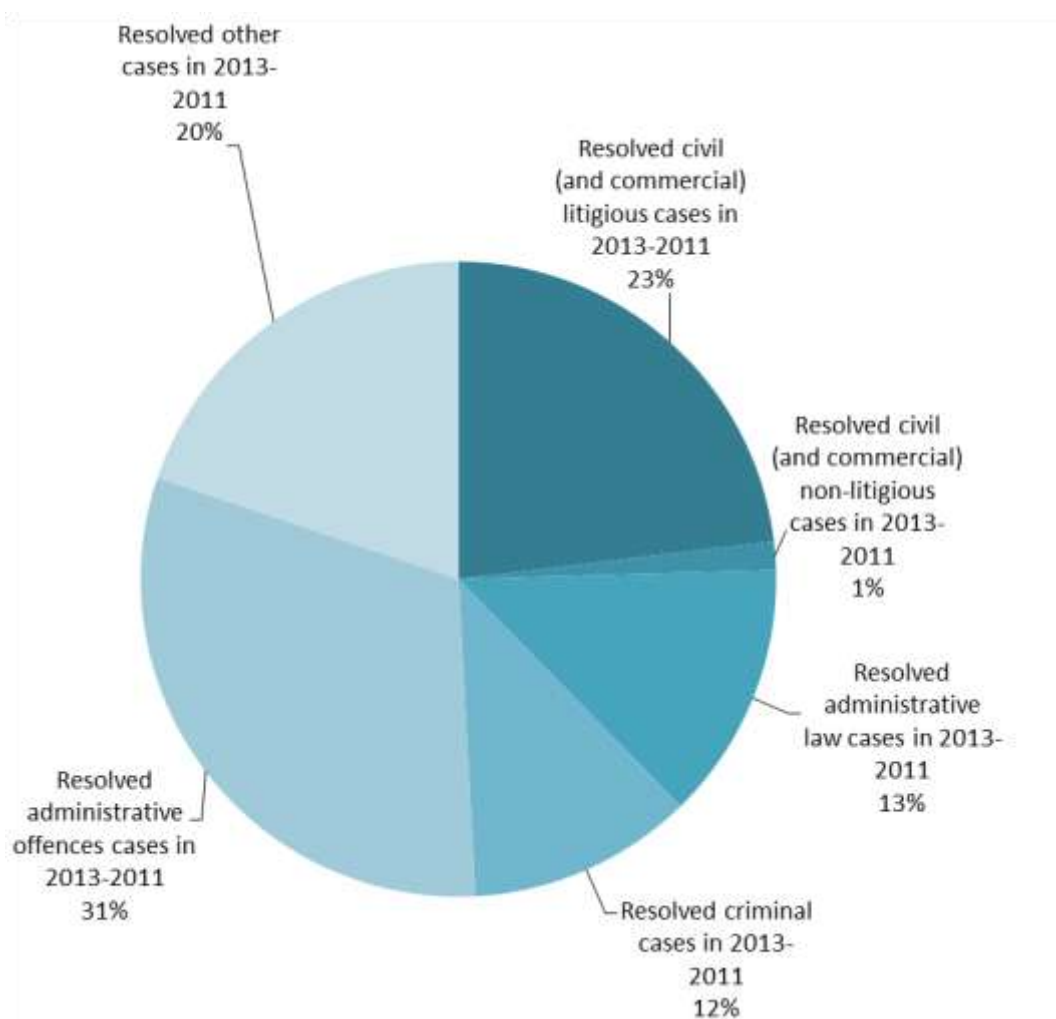
The other factors stay stable and are not affected by the additional budget invested (at this stage, the statistics alone is not sufficient to understand the aim of the invested budget).

## Ukraine

### Quality of data

Data for the three years case flow were provided for courts in the two districts of Ukraine (Kiev 10 and Odessa 33 courts). Based on the data submitted, it was possible to calculate the indicators (Clearance Rate, Caseload, Backlog-Change, Disposition Time, Efficiency, Cost Efficiency and Productivity) for all 47 first instance courts that delivered data for the three years caseflow.

**FIGURE II.1.74. Structure of resolved cases in period 2013-2011 in the first instance courts in Ukraine (Kiev and Odessa)**



Based on the data provided by the first instance courts, majority of resolved cases were administrative offences cases (31%), followed by civil and commercial litigious cases (23%), other cases (20%), administrative law cases (13%), criminal cases (11%) and civil and commercial non-litigious cases (1%). This case structure is very similar to case structure reported in the previous report, which concerned the same courts for the period of -2009 - 2011.

### Caseflow (Clearance Rate – Caseload - Backlog Change)

The overall clearance Rate developed positively over the last three years and it is considered stable at excellent level of 101% currently. More important, courts with yearly minimum clearance rate increased from 75% in 2011 to 92% in 2013. This is considered to be more positive than in other European states (CEPEJ Evaluation of Judicial Systems).

Ivanivka and Kiliya district courts of Odessa region seem to have the best practises in handling the workload; Ananyiv district, Biliaivka district and Savran district courts (all of Odessa region) still grapple with difficulties in processing the inflow.

At none of these courts caseload between 4% and 29% is a matter of concern. The general trend is positive. Due to the relatively low caseload, backlog-change is a limited indicator (Biliaivka district court of Odessa region is likely to be a data-mistype).

**Recommendation:**

- Look if there is a special reason for drop of the clearance rate in the Ananyiv district, Biliaivka district and Savran district courts (Odessa region) in comparison with the last period.

**TABLE II.1.75. Clearance Rate for cases in the first instance courts in Ukraine (Kiev and Odessa)**

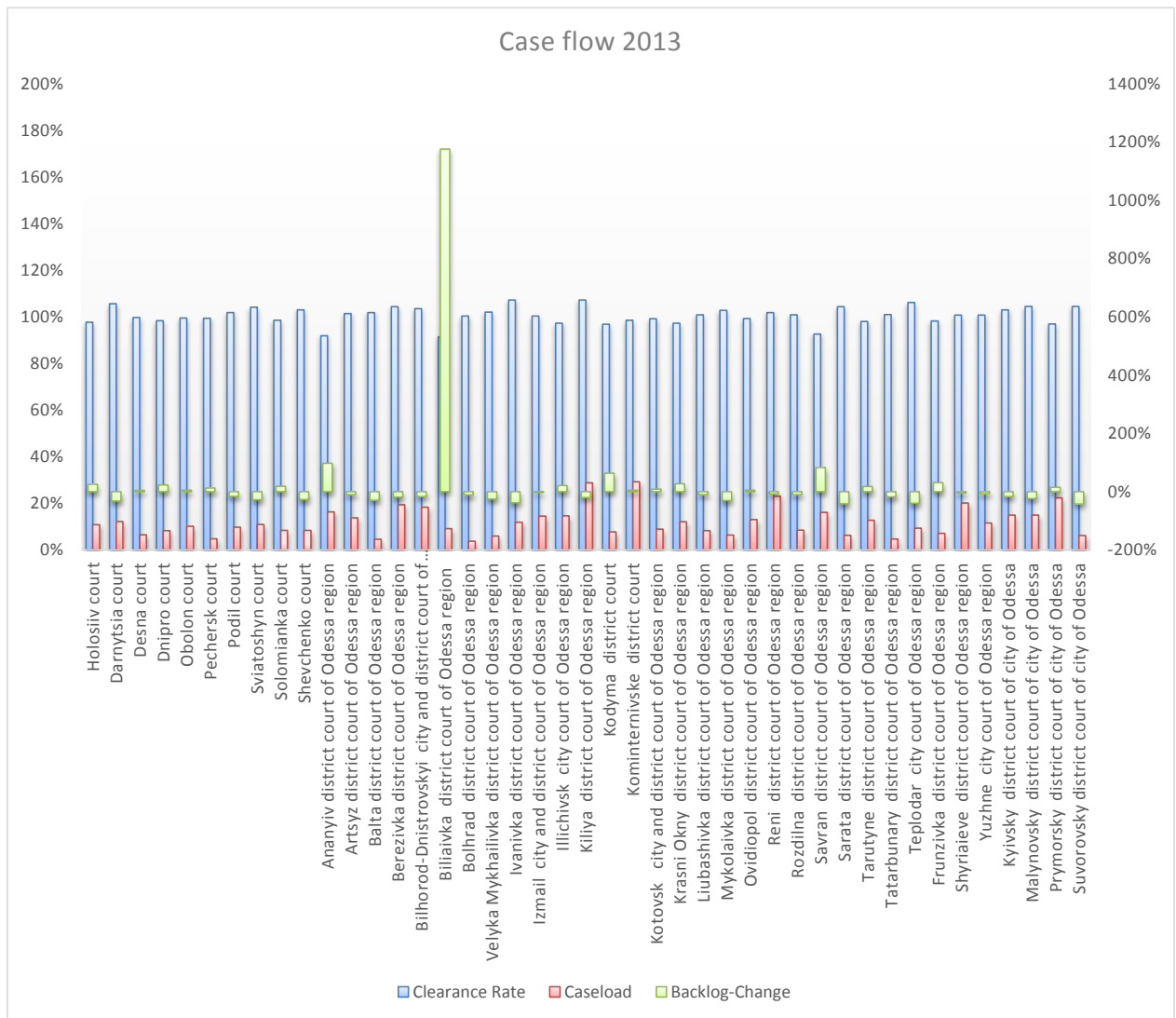
Court name	Clearance Rate		
	2013	2012	2011
Holosiiv court	98%	102%	102%
Darnytsia court	106%	120%	92%
Desna court	100%	102%	102%
Dnipro court	98%	101%	101%
Obolon court	100%	102%	101%
Pechersk court	99%	100%	100%
Podil court	102%	102%	104%
Sviatoshyn court	104%	101%	100%
Solomianka court	99%	101%	102%
Shevchenko court	103%	104%	106%
Ananyiv district court of Odessa region	92%	101%	97%
Artsyz district court of Odessa region	101%	103%	101%
Balta district court of Odessa region	102%	103%	101%
Berezivka district court of Odessa region	104%	97%	95%
Bilhorod-Dnistrovskiy city and district court of Odessa region	104%	96%	108%
Biliaivka district court of Odessa region	92%	99%	97%
Bolhrad district court of Odessa region	100%	99%	102%
Velyka Mykhailivka district court of Odessa region	102%	100%	106%
Ivanivka district court of Odessa region	107%	105%	96%
Izmail city and district court of Odessa region	100%	127%	95%
Illichivsk city court of Odessa region	97%	102%	104%
Kiliya district court of Odessa region	107%	124%	103%
Kodyma district court	97%	102%	101%
Kominternivske district court	99%	99%	99%
Kotovsk city and district court of Odessa region	99%	104%	96%
Krasni Okny district court of Odessa region	97%	100%	95%
Liubashivka district court of Odessa region	101%	96%	99%
Mykolaivka district court of Odessa region	103%	102%	99%
Ovidiopol district court of Odessa region	99%	102%	96%
Reni district court of Odessa region	102%	119%	86%
Rozdilna district court of Odessa region	101%	107%	97%



Court name	Clearance Rate		
	2013	2012	2011
Savran district court of Odessa region	93%	107%	98%
Sarata district court of Odessa region	104%	202%	75%
Tarutyne district court of Odessa region	98%	100%	99%
Tatarbunary district court of Odessa region	101%	100%	99%
Teplodar city court of Odessa region	106%	94%	99%
Frunzivka district court of Odessa region	98%	102%	94%
Shyriaieve district court of Odessa region	101%	101%	120%
Yuzhne city court of Odessa region	101%	98%	101%
Kyivsky district court of city of Odessa	103%	99%	100%
Malynovsky district court of city of Odessa	105%	101%	102%
Prymorsky district court of city of Odessa	97%	101%	97%
Suvorovsky district court of city of Odessa	105%	102%	102%

The graph below shows that the system is in stable condition, deviation of indicators per courts is overall acceptable:

**GRAPH II.1.76. Caseflow 2013 of the first instance courts in Ukraine (Kiev and Odessa)**



**Disposition Time (DT)**

In 2013 the disposition time in general developed positively, decreasing from 56 to very quick 44 days. More importantly, the standard deviation decreased again, resuming in more stable general conditions.

Concern is, that extremes are still noticeable: Bolhrad district court of Odessa region is able to process cases in 14 days per average, whereas in Kominternivske district court 108 days were needed for the same effort.

**Recommendation:**

- Find out if there is a special reason for huge deviation from average disposition time at Kominternivske district court.

**TABLE II.1.77. Disposition Time for cases in the first instance courts in Ukraine (Kiev and Odessa)**

Court name	Disposition Time		
	2013	2012	2011
Holosiiv court	41	34	29
Darnytsia court	42	58	93
Desna court	24	24	21
Dnipro court	31	25	24
Obolon court	37	31	29
Pechersk court	18	19	17
Podil court	35	46	41
Sviatoshyn court	38	51	47
Solomianka court	31	26	26
Shevchenko court	30	45	42
Ananyiv district court of Odessa region	65	37	39
Artsyz district court of Odessa region	50	67	22
Balta district court of Odessa region	17	214	8
Berezivka district court of Odessa region	68	90	47
Bilhorod-Dnistrovskiy city and district court of Odessa region	65	81	46
Biliaivka district court of Odessa region	37	43	40
Bolhrad district court of Odessa region	14	16	6
Velyka Mykhailivka district court of Odessa region	22	30	17
Ivanivka district court of Odessa region	41	79	57
Izmail city and district court of Odessa region	53	43	67
Illichivsk city court of Odessa region	55	44	30
Kiliya district court of Odessa region	98	99	136
Kodyma district court	29	201	19
Kominternivske district court	108	89	62
Kotovsk city and district court of Odessa region	33	31	33
Krasni Okny district court of Odessa region	46	38	37
Liubashivka district court of Odessa region	30	36	11
Mykolaivka district court of Odessa region	23	34	19
Ovidiopol district court of Odessa region	48	46	63
Reni district court of Odessa region	83	80	141
Rozdilna district court of Odessa region	31	23	44
Savran district court of Odessa region	63	32	23
Sarata district court of Odessa region	22	21	133
Tarutyne district court of Odessa region	48	31	15
Tatarbunary district court of Odessa region	17	15	11
Teplodar city court of Odessa region	32	59	24
Frunzivka district court of Odessa region	26	7	32
Shyriaieve district court of Odessa region	73	80	22
Yuzhne city court of Odessa region	42	52	45

Court name	Disposition Time		
	2013	2012	2011
Kyivsky district court of city of Odessa	53	67	43
Malynovsky district court of city of Odessa	52	64	51
Prymorsky district court of city of Odessa	84	168	77
Suvorovsky district court of city of Odessa	22	39	32

## Efficiency (budget per case)

Court name	Efficiency (budget/case)			
	2013	2012	2011	Trend
Holosiiv court	€ 45	€ 44	€ 20	
Darnytsia court	€ 57	€ 48	€ 26	
Desna court	€ 58	€ 61	€ 26	
Dnipro court	€ 42	€ 36	€ 23	
Obolon court	€ 68	€ 52	€ 25	
Pechersk court	€ 47	€ 57	€ 33	
Podil court	€ 55	€ 55	€ 24	
Sviatoshyn court	€ 67	€ 57	€ 31	
Solomianka court	€ 48	€ 43	€ 25	
Shevchenko court	€ 73	€ 53	€ 20	
Ananyiv district court of Odessa region	€ 93	€ 96	€ 46	
Artsyz district court of Odessa region	€ 78	€ 83	€ 19	
Balta district court of Odessa region	€ 74	€ 65	€ 18	
Berezivka district court of Odessa region	€ 83	€ 99	€ 31	
Bilhorod-Dnistrovskiy city and district court of Odessa region	€ 48	€ 46	€ 20	
Biliaivka district court of Odessa region	€ 64	€ 65	€ 26	
Bolhrad district court of Odessa region	€ 79	€ 77	€ 22	
Velyka Mykhailivka district court of Odessa region	€ 60	€ 58	€ 25	
Ivanivka district court of Odessa region	€ 67	€ 69	€ 28	
Izmail city and district court of Odessa region	€ 62	€ 47	€ 18	
Illichivsk city court of Odessa region	€ 59	€ 47	€ 18	
Kiliya district court of Odessa region	€ 79	€ 45	€ 21	
Kodyma district court	€ 76	€ 72	€ 26	
Kominternivske district court	€ 79	€ 62	€ 24	
Kotovsk city and district court of Odessa region	€ 68	€ 69	€ 25	
Krasni Okny district court of Odessa region	€ 139	€ 126	€ 36	
Liubashivka district court of Odessa region	€ 92	€ 99	€ 24	
Mykolaivka district court of Odessa region	€ 130	€ 103	€ 29	
Ovidiopol district court of Odessa region	€ 59	€ 53	€ 28	
Reni district court of Odessa region	€ 81	€ 61	€ 39	
Rozdilna district court of Odessa region	€ 57	€ 59	€ 27	
Savran district court of Odessa region	€ 136	€ 110	€ 31	
Sarata district court of Odessa region	€ 75	€ 48	€ 19	
Tarutyne district court of Odessa region	€ 85	€ 89	€ 25	
Tatarbunary district court of Odessa region	€ 66	€ 65	€ 18	
Teplodar city court of Odessa region	€ 299	€ 285	€ 123	
Frunzivka district court of Odessa region	€ 146	€ 119	€ 64	
Shyriaieve district court of Odessa region	€ 82	€ 63	€ 36	
Yuzhne city court of Odessa region	€ 75	€ 78	€ 35	
Kyivsky district court of city of Odessa	€ 57	€ 58	€ 27	
Malynovsky district court of city of Odessa	€ 50	€ 46	€ 25	
Prymorsky district court of city of Odessa	€ 36	€ 42	€ 24	
Suvorovsky district court of city of Odessa	€ 52	€ 49	€ 22	

The increase of budget in 2012 lead to the fact, that cases are more than double expensive (78 Euros per average) than in 2011. This is due to political reasons that are beyond the issue of efficiency, of course and in general, not a matter of concern.

It has to be noted that in 2013 – keeping the general level of expenditure per case as it was in 2012 – the deviation from average is still significant: Prymorsky district court of city of Odessa is “producing” cases for 36 Euros per average, Teplodar city court of Odessa region needs 299 Euros per case, doing better in performance, but in the overall evaluation (see below) performing in the same range as the Prymorsky district court.

**Recommendation:**

- Rebalance in- and output factors per court according the workload.

**Cost Efficiency (CE)**

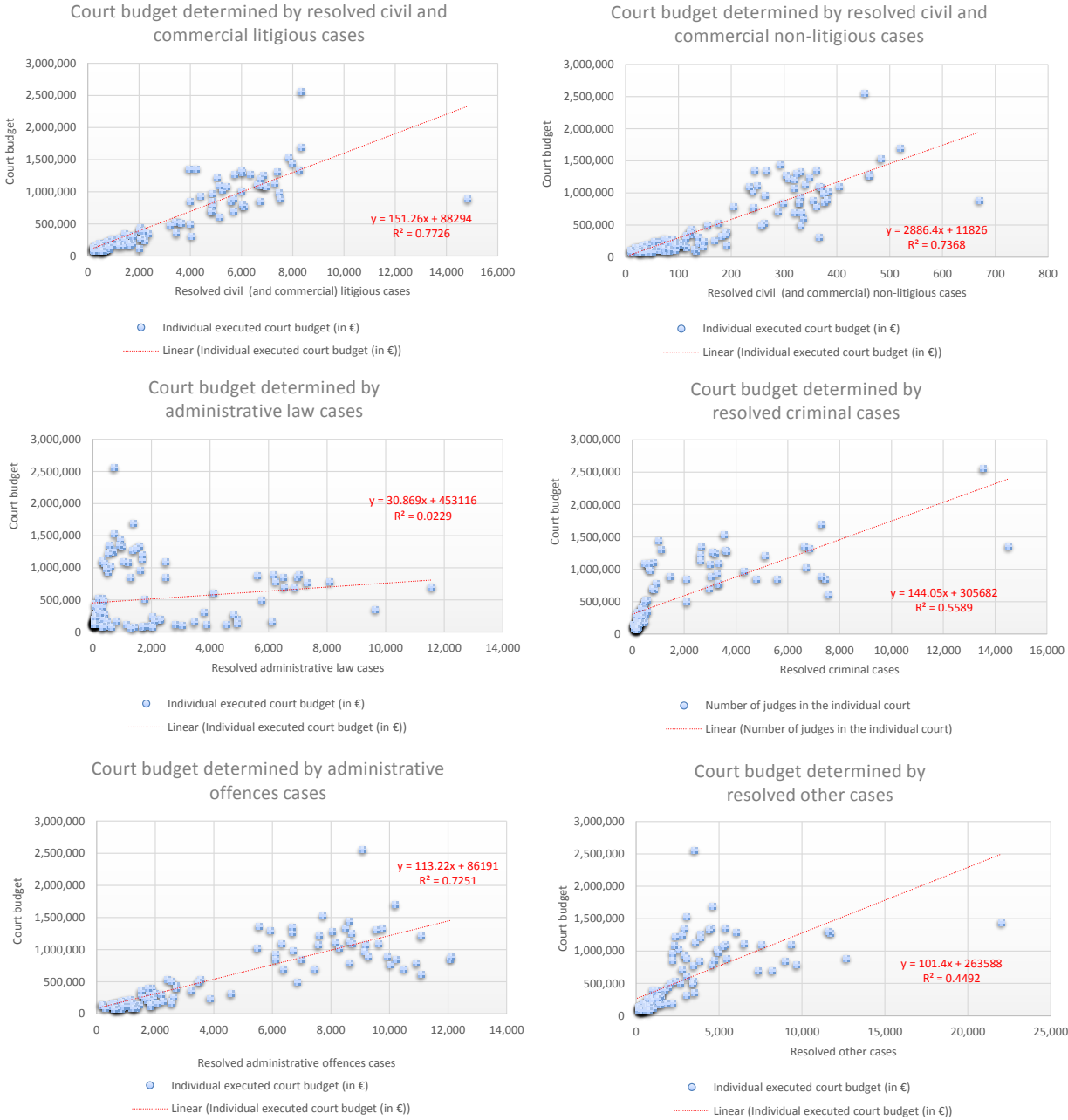
Estimated Cost per Case indicator is estimated based on data from 2011 to 2013 (129 observations in total).

**TABLE II.1.78. Estimate of Cost per Case for the first instance courts Ukraine (Kiev and Odessa)**

Variable/Cases	Coefficient / Avg. Cost per Case	Std. Error	t-Statistic	Prob. P-value
Civil comm. litigious cases	€ 32.02	€ 18.59	1.72	0.09
Civil comm. non-litigious cases	€ 917.54	€ 273.12	3.36	0.00
Administrative law cases	€ (51.30)	€ 7.01	(7.32)	0.00
Criminal cases	€ 52.45	€ 8.15	6.43	0.00
Administrative offences cases	€ 32.49	€ 11.84	2.74	0.01
Other cases	€ 28.33	€ 6.69	4.24	0.00
Intercept	€ 81,219.79	€ 22,788.49	3.56	0.00
R-squared	89.7%		F-statistic	177
Adjusted R-squared	89.2%		Prob (F-statistic)	0.00

Taking into account coefficient of determination ( $R^2$ ), the model explains 89.7% of differences in the first instance courts’ budgets. All coefficients (with the exception of intercept) are statistically significant, while values of intercept are on border P value. The overall model is statistically significant (P value – 0.00) and hence provides enough evidence to reject the hypothesis of ‘no effect’, or in other words, court budget in relation to number of resolved cases did not occur by chance and it has satisfactory predictability power. In order to observe “linearity” and the effect of individual case category on the overall coefficients of determination ( $R^2$ ), simple linear regression is applied on each case category and results are plotted below:

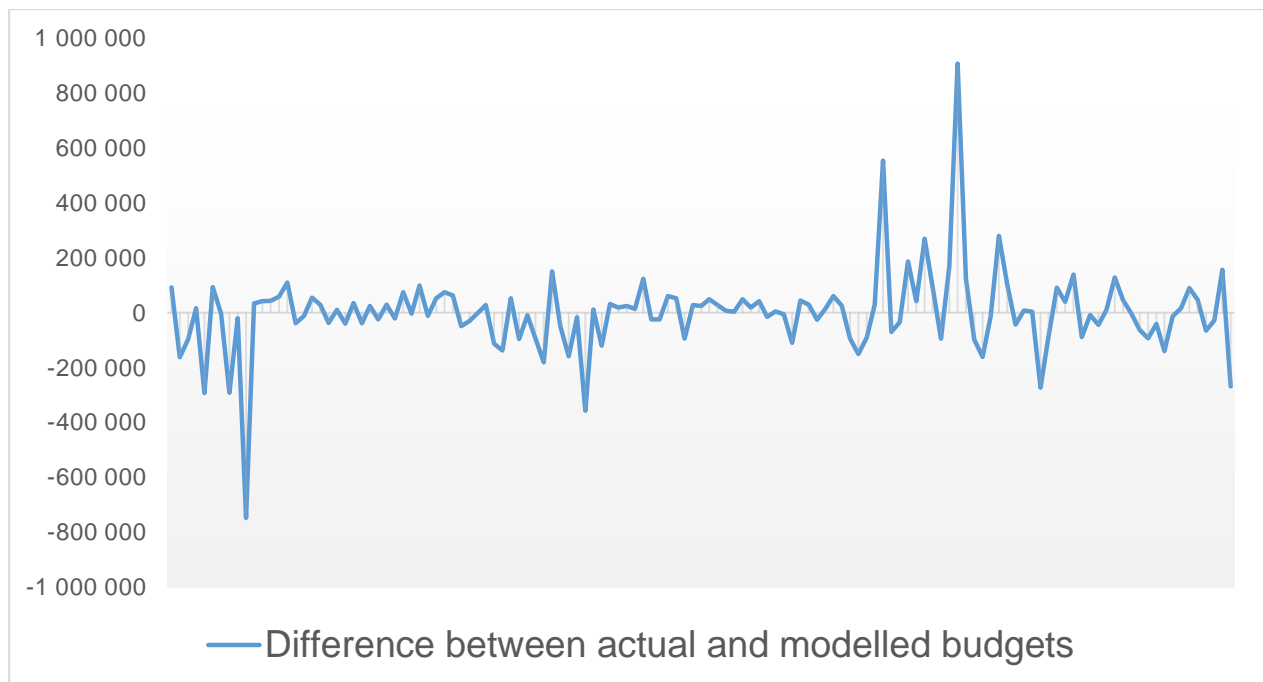
**FIGURE II.1.79. Simple linear regressions per budget and case type in the first instance courts in Ukraine (Kiev and Odessa)**



Simple linear regressions per case type in the first instance courts in Ukraine show that coefficients of determination ( $R^2$ ) are ranging from 2.3% in administrative law cases to 77.3% in civil and commercial litigious cases. In other words, simple linear regression applied on “administrative law cases” accounts (or explains) for only 2.3% of variability in the court budgets. It needs to be noted that significant variability is observed in the administrative law cases, with much less steepness of the function slope compared to other five functions, causing negative values of the coefficient in the above table. However, when multiple regressions are applied on all six case groups, combined coefficient of determination reaches 89.7% as seen in the above table. The model explains 89.7% of variability in the first instance court budgets and overall model is statistically significant.

The difference between the actual and the modelled court budget is plotted below:

**FIGURE II.1.80. Difference between the actual and modelled budget for the first instance courts in Ukraine**



The model indicates wide difference in cost efficiency of the first instance court. The biggest positive difference, which indicates a high level of efficiency, is 908,110€ or 101% of the actual operating budget. The biggest negative difference, which indicates a low level of efficiency, is 748,273€ or 29% of the actual operating budget.

#### **Productivity (cases per judge)**

As the most important driver for costs is the expenditure for personnel at courts, we can find the similar relation as on the matter of efficiency with regard to productivity too: more judges than in 2011 mean an intended drop of productivity per case without concern.

We have to note that in 2013 – while keeping the general level of productivity per case same as in 2012 – the deviation from average is still significant: Prymorsky district court of the city of Odessa is “producing” 1.162 cases per capita of judges per average and the Teplodar city court of Odessa region 178 cases “only”. There must be a specific reason for this, which has to be explored.

#### **Recommendation:**

- Try to find out the reason for deviation of productivity.
- Rebalance in- and output- factors per court according to the workload.



**Table II.1.81. Development of the productivity (case per judge) of the first instance courts in Ukraine (Kiev and Odessa)**

Court name	Productivity (res. cases/judge)			
	2013	2012	2011	Trend
Holosiiv court	973	923	1.295	
Darnytsia court	829	886	1.119	
Desna court	725	678	995	
Dnipro court	925	936	1.135	
Obolon court	653	760	1.019	
Pechersk court	832	684	736	
Podil court	866	792	1.047	
Sviatoshyn court	702	726	876	
Solomianka court	878	893	1.091	
Shevchenko court	863	783	1.117	
Ananyiv district court of Odessa region	575	523	767	
Artsyz district court of Odessa region	497	474	1.340	
Balta district court of Odessa region	623	749	1.933	
Berezivka district court of Odessa region	469	437	929	
Bilhorod-Dnistrovskiy city and district court of Odessa region	880	846	1.243	
Biliaivka district court of Odessa region	648	574	882	
Bolhrad district court of Odessa region	511	491	1.099	
Velyka Mykhailivka district court of Odessa region	846	823	1.446	
Ivanivka district court of Odessa region	736	619	1.185	
Izmail city and district court of Odessa region	633	796	1.456	
Illichivsk city court of Odessa region	862	893	1.624	
Kiliya district court of Odessa region	766	949	1.224	
Kodyma district court	826	734	1.357	
Kominternivske district court	582	668	1.086	
Kotovsk city and district court of Odessa region	674	654	1.231	
Krasni Okny district court of Odessa region	385	357	844	
Liubashivka district court of Odessa region	508	473	1.309	
Mykolaivka district court of Odessa region	453	443	994	
Ovidiopol district court of Odessa region	726	746	847	
Reni district court of Odessa region	577	736	764	
Rozdilna district court of Odessa region	672	744	1.127	
Savran district court of Odessa region	359	390	1.066	
Sarata district court of Odessa region	619	1.111	1.741	
Tarutyne district court of Odessa region	502	536	1.340	
Tatarbunary district court of Odessa region	658	750	1.695	
Teplodar city court of Odessa region	178	164	283	
Frunzivka district court of Odessa region	382	378	508	
Shyriaieve district court of Odessa region	844	801	914	
Yuzhne city court of Odessa region	642	555	841	
Kyivsky district court of city of Odessa	752	683	1.019	
Malynovsky district court of city of Odessa	773	831	1.123	
Prymorsky district court of city of Odessa	1.162	866	1.063	
Suvorovsky district court of city of Odessa	803	787	1.266	

**Productivity (P)**

Similar regression approach can be used for determining required number of judges given the number and type of resolved cases.

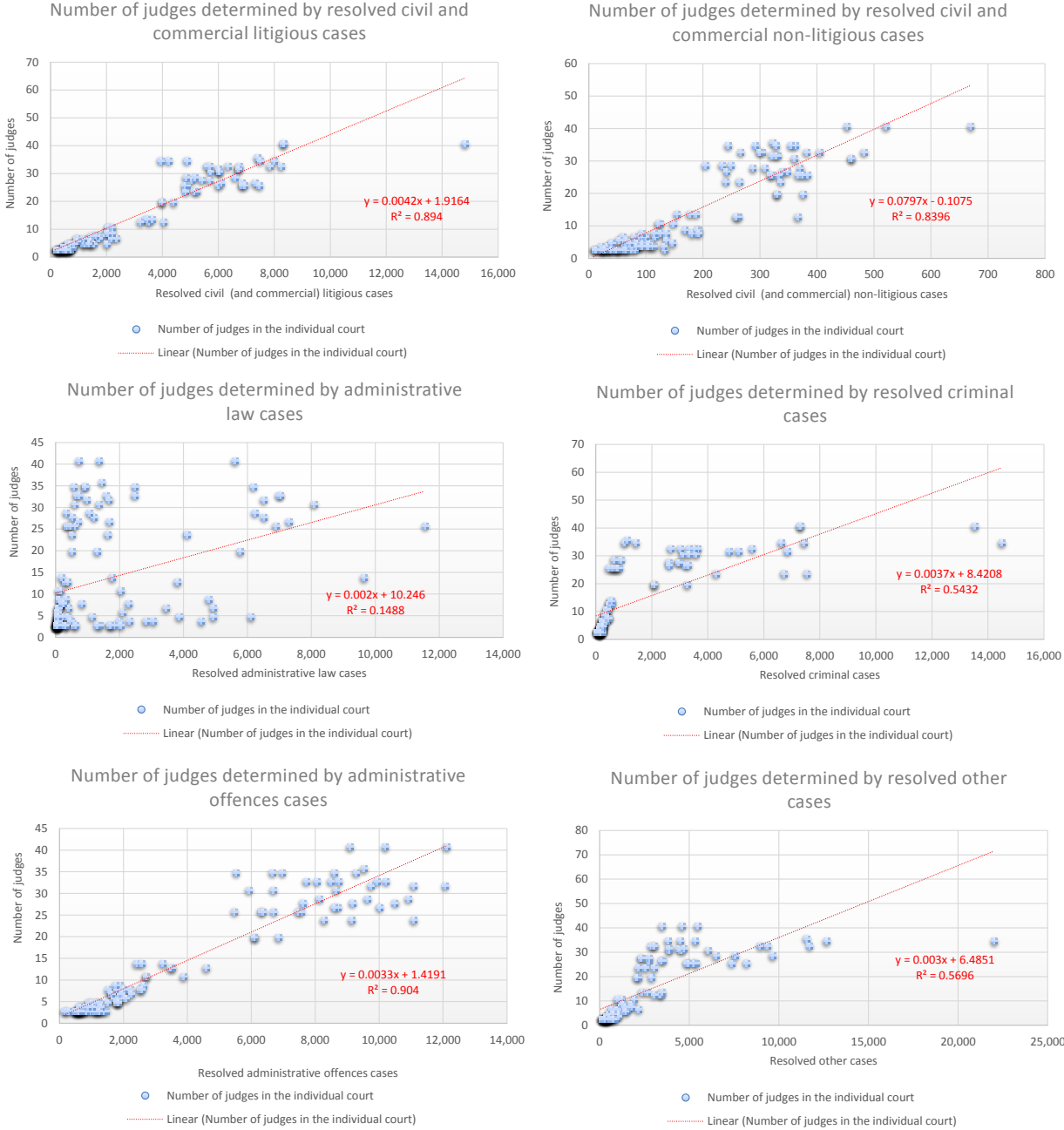
**TABLE II.1.82. Estimate of Number of Judges per Case for the first instance courts in Ukraine (Kiev and Odessa)**

Variable/Cases	Coefficient / Avg. Number of Judges per Case	Std. Error	t-Statistic	Prob. P-value
Civil comm. litigious cases	0.000732	0.0003	2.83	0.01
Civil comm. non-litigious cases	0.018647	0.0038	4.90	0.00
Administrative law cases	-0.000149	0.0001	-1.52	0.13
Criminal cases	0.000945	0.0001	8.33	0.00
Administrative offences cases	0.001246	0.0002	7.56	0.00
Other cases	0.000752	0.0001	8.07	0.00
Intercept	0.867794	0.3172	2.74	0.01
R-squared	97.0%		F-statistic	660
Adjusted R-squared	96.9%		Prob (F-statistic)	0.00

Taking into account robust coefficient of determination ( $R^2$ ), the model explains 97.0% of differences in the first instance courts' number of judges. Overall model is statistically significant (P value – 0.00) and hence provides enough evidence to reject the hypothesis of 'no effect', or in other words, number of judges in relation to number of resolved cases did not occur by chance. Almost all estimated coefficients and intercept are statistically significant adding to predictability power of the overall statistical model, while estimated coefficients for administrative law cases are on border values of statistical significance.

In order to observe "linearity" and the effect of individual case category on the overall coefficients of determination ( $R^2$ ), simple linear regression is applied on each case category and results are plotted below:

**FIGURE II.1.83. Simple linear regressions per number of judges and case type in the first instance courts in Ukraine (Kiev and Odessa)**

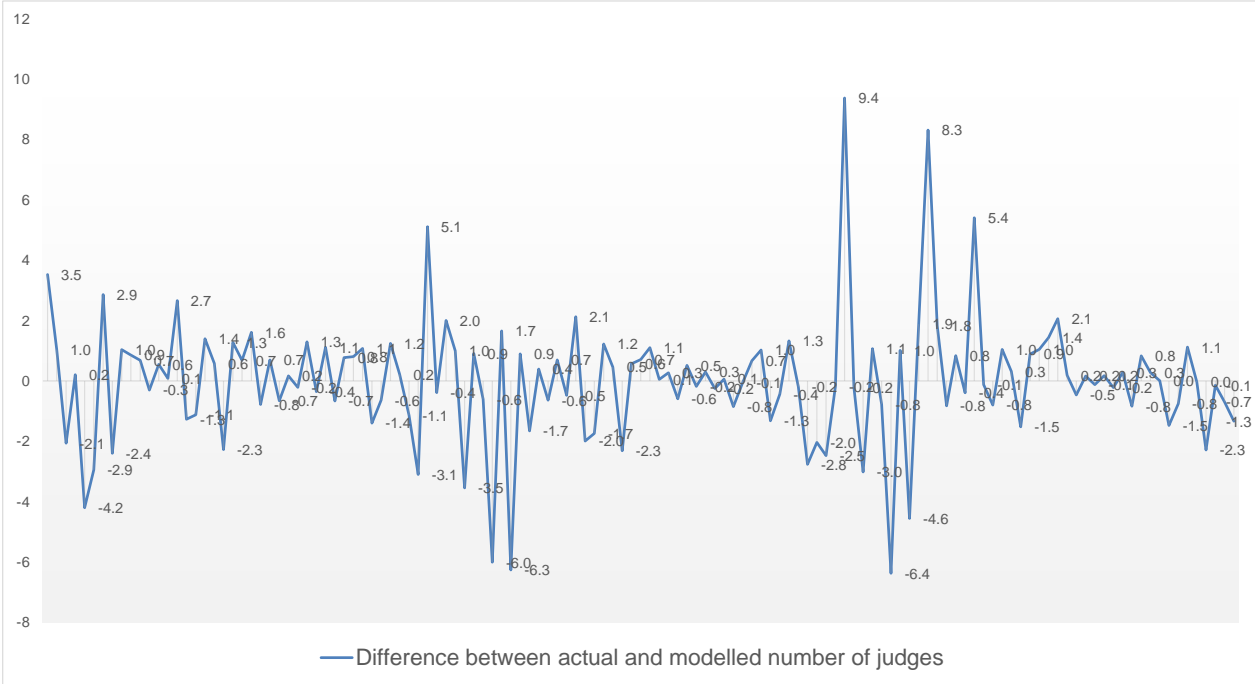


Simple linear regressions per case type in the first instance courts in Kiev and Odessa show that coefficients of determination ( $R^2$ ) are ranging from 14.9% in administrative law cases to 90.4% in administrative offences cases. In other words, simple linear regression applied on “administrative offences cases” accounts (or explains) for 90.4% of variability in the number of judges. Again, we have to note that significant variability in the administrative law cases, with less steepness of the function slope compared to other five functions, causing negative values of the coefficient in the above table.

However, when multiple regressions are applied to all six case groups, combined coefficient of determination reaches 97.0% as seen in the above table. The model explains 97% of differences in number of first instance judges and the overall model is statistically significant.

The difference between the actual and the modelled number of judges is plotted below:

**FIGURE II.1.84. Difference between the actual and modelled number of judges for first instance courts in Ukraine (Kiev and Odessa)**

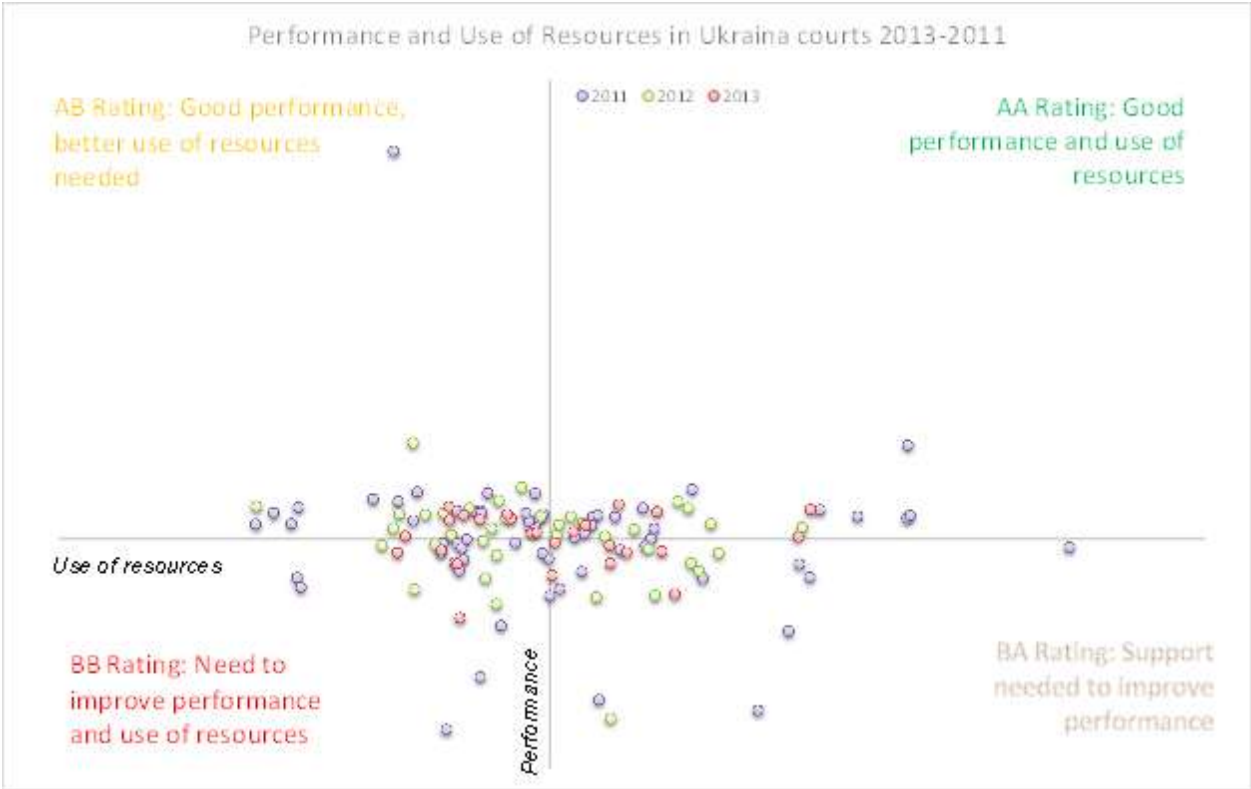


The model indicates a range of differences in productivity of the first instance court judges. The highest positive difference, which indicates a high level of productivity, is 9.4 or 39% of the actual number of judges. The lowest negative difference, which indicates a low level of productivity, is 6.4 or 18% of the actual number of judges. In simple terms, the model indicates which courts are overstaffed with judges (negative difference) and understaffed with judges (positive difference) taking into account performance (number of solved cases).

**Court Rating**

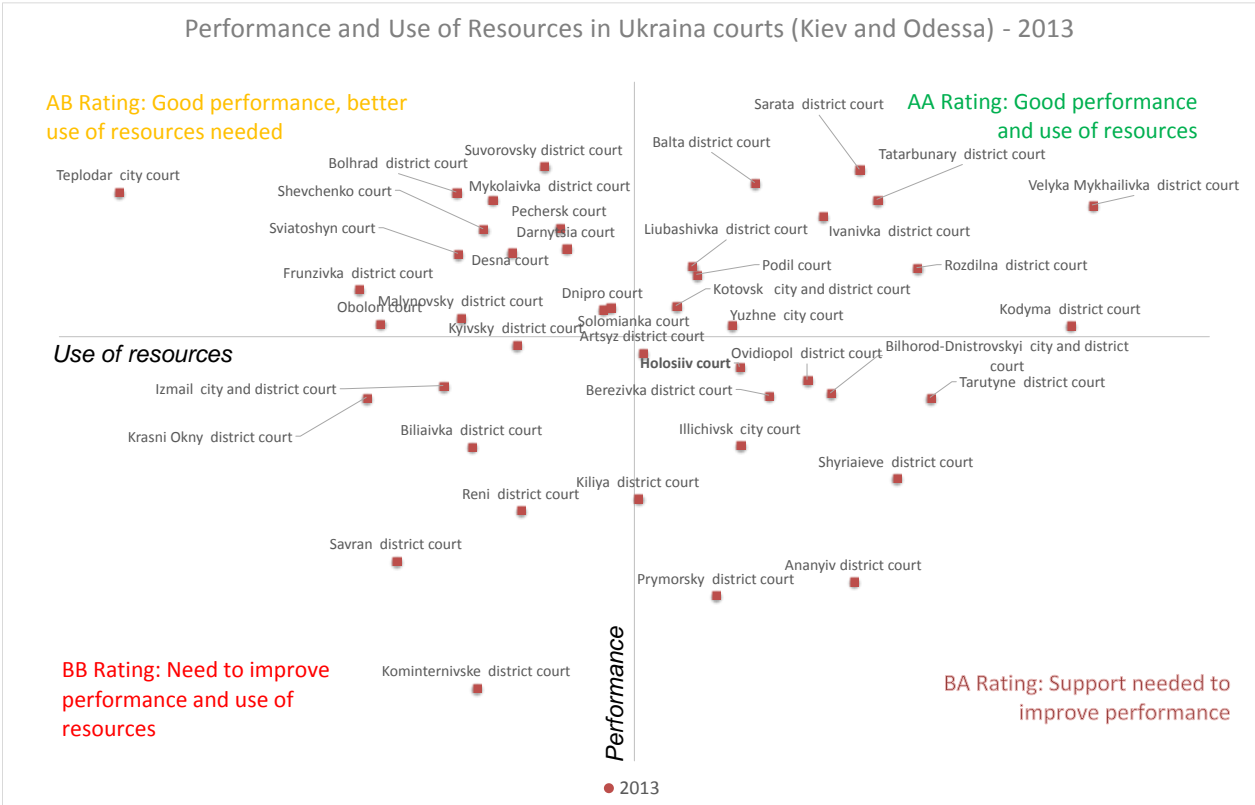
Using the described methods and four indicators, Court Rating for the first instance courts in Ukraine is graphically presented in the following scatter plot diagram:

**FIGURE II.1.85. Court Rating for first instance courts in in Ukraine (Kiev and Odessa) in three years 2013-2011**



The figure presents use of the resources and performance of courts in a three years period. It appears that there are very few courts with the AA Court Rating in the year 2013.

**FIGURE II.1.86. Court Rating for first instance courts in Ukraine (Kiev and Odessa) in 2013**



The graph shows which courts need to improve their performance and use their resources (BB Court Rating) more efficiently. It also shows which courts need more resources to improve performance (BA Court Rating). It is also interesting to see which courts have more than average resources thus achieving good performance (AB Court Rating). Courts with best performance and use of resources are within the group of courts with the AA Court Rating.

In addition, Court Ratings were also calculated for the past three years for first instance courts in Ukraine (Kiev and Odessa) and presented in the table below:

**TABLE II.1.87. Court Rating for first instance courts in Ukraine (Kiev and Odessa)**

Court name	COURT RATING		
	2013	2012	2011
Holosiiv court	BA	AA	AA
Darnytsia court	AB	AB	BB
Desna court	AB	AB	AB
Dnipro court	AB	AA	AA
Obolon court	AB	AB	AB
Pechersk court	AB	AB	AB
Podil court	AA	AA	AA
Sviatoshyn court	AB	BB	BB
Solomianka court	AB	AB	AA
Shevchenko court	AB	AB	AA
Ananyiv district court of Odessa region	BA	AA	BA
Artsyz district court of Odessa region	BA	BB	AB
Balta district court of Odessa region	AA	BA	AB
Berezivka district court of Odessa region	BA	BB	BB
Bilhorod-Dnistrovskiy city and district court of Odessa region	BA	BA	AA
Biliaivka district court of Odessa region	BB	BB	BA
Bolhrad district court of Odessa region	AB	AB	AB
Velyka Mykhailivka district court of Odessa region	AA	AA	AA
Ivanivka district court of Odessa region	AA	BA	BA
Izmail city and district court of Odessa region	BB	AB	BB
Illichivsk city court of Odessa region	BA	AA	AB
Kiliya district court of Odessa region	BA	AA	BA
Kodyma district court	AA	BA	AA
Kominternivske district court	BB	BB	BA
Kotovsk city and district court of Odessa region	AA	AB	BB
Krasni Okny district court of Odessa region	BB	AB	BB
Liubashivka district court of Odessa region	AA	BA	AB
Mykolaivka district court of Odessa region	AB	AB	AB
Ovidiopol district court of Odessa region	BA	AA	BA
Reni district court of Odessa region	BB	AB	BA
Rozdilna district court of Odessa region	AA	AB	BB
Savran district court of Odessa region	BB	AB	AB
Sarata district court of Odessa region	AA	AB	BB
Tarutyne district court of Odessa region	BA	AA	AB
Tatarbunary district court of Odessa region	AA	AA	AB
Teplodar city court of Odessa region	AB	BB	AB
Frunzivka district court of Odessa region	AB	AB	BB
Shyriaieve district court of Odessa region	BA	BA	AA
Yuzhne city court of Odessa region	AA	BB	AA
Kyivsky district court of city of Odessa	BB	BB	BB
Malynovsky district court of city of Odessa	AB	BB	BB

Court name	COURT RATING		
	2013	2012	2011
Prymorsky district court of city of Odessa	BA	BB	BA
Suvorovsky district court of city of Odessa	AB	AB	AB

As seen from the colour-coded table above, two courts (Podil court and Velyka Mykhailivka district court of Odessa region) maintained the best AA Court Rating throughout three year period. On the other hand, Kyivsky district court of city of Odessa had BB Court Rating in three consecutive years period, indicating that they need to improve performance and use of resources.

### General recommendations and remarks

Having in mind differences in court budgets between 2013 and 2011, consider applying a combination of budgeting techniques (zero based budgeting and performance budgeting) to determine adequate budget levels for each court individually. Zero based budgeting technique assumes building budget from zero, taking into account all the costs while performance budgeting technique builds budgets based on the performance. It is expected that there are no major difference in the budget levels calculated using both techniques.

Courts with consistent three-years AA Court Rating could provide training for other courts presenting business practices and problem solutions they consider effective;

It could be beneficial to produce Pareto analysis and Ishikawa diagrams in the courts that have BB Court Rating, in order to discover root of the problems. In that regard, Investigate and possibly remove causes of high variability present in the administrative law cases (see figure above).

The Court Rating methodology can be used in the strategic management and as guidance in developing Quantitative Performance Management System, which is an important foundation of any efficient judiciary.

Implementation of this methodology could lead to constant strive for improvement in every court trying to achieve best AA court rating, thus encouraging innovation and positive competitive spirit among the courts.

As every court will try to improve their court rating, the average values for the entire group of the first instance court improves too, making it harder to maintain the best AA Court Rating, so the courts with the AA court rating need to perform even better. This improvement process through quantitative management will lead to better performing and more efficient judicial system in general.

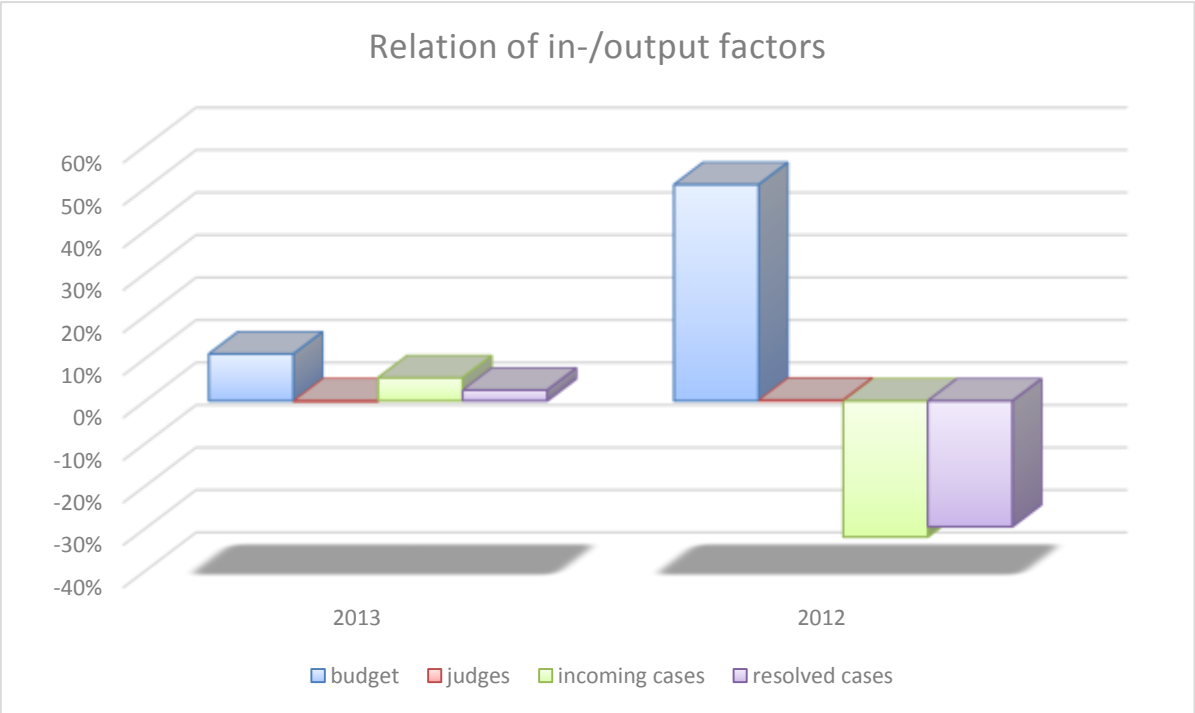
### Relation of in-/output factors

**TABLE II.1.88. Relation of in-/output factors of first instance courts in Ukraine (Kiev and Odessa)**

Year	budget				judges			
	€	%				%		
2013	€ 25,879,886	11.04%	576	-0.17%	450,255	5.44%	453,318	2.53%
2012	€ 23,306,198	50.91%	576	0.17%	427,024	-32.03%	442,117	-29.61%
2011	€ 15,443,821		576		628,274		628,121	

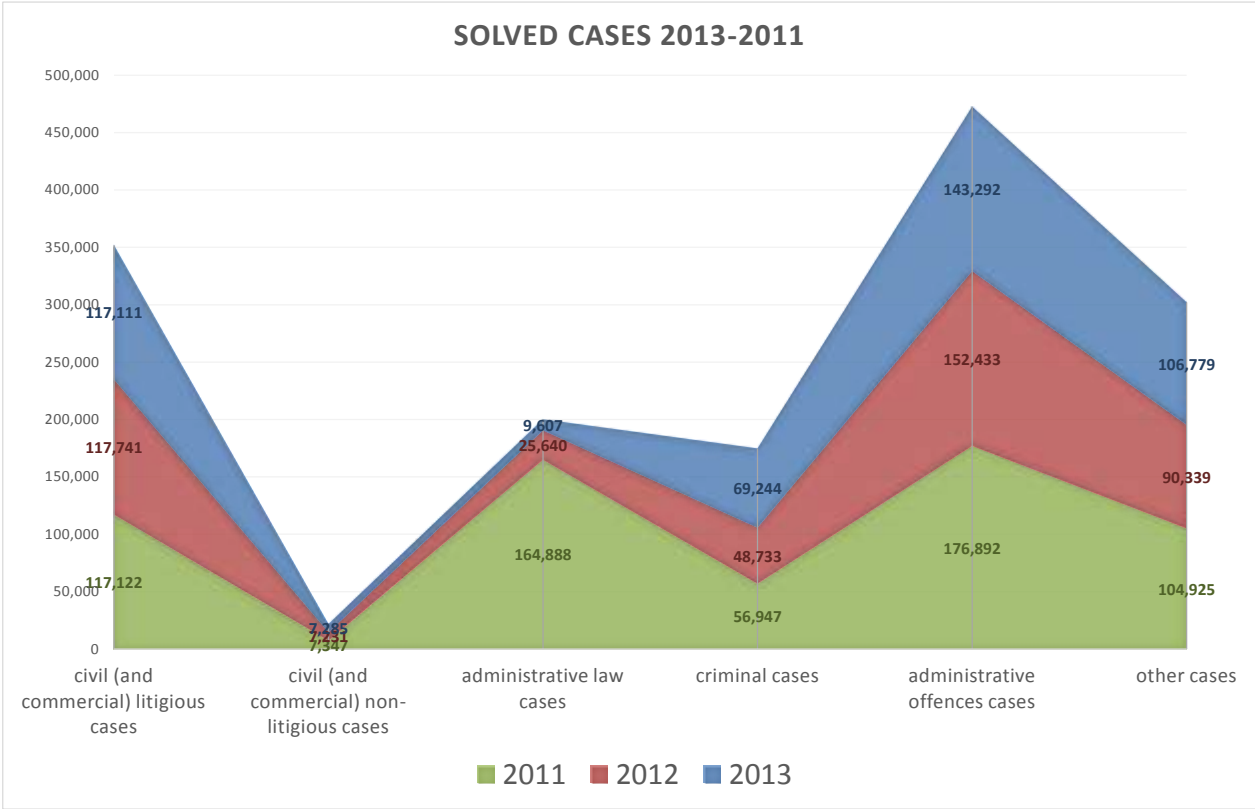


**GRAPH II.1.89. Relation of in-/output factors of first instance courts in Ukraine (Kiev and Odessa)**



Looking at the table and graph above, it is obvious that the most important change is related to more than 50% court budget increase in 2012 and significant reduction in the number of incoming and resolved cases in the same year, with the most significant reduction in number or solved administrative law cases, as presented in the graph above.

**GRAPH II.1.90. Structure of solved cases in first instance courts in Ukraine (Kiev and Odessa) in a three year period**



Highest number of resolved cases in three year period (2013-2011) was in the area of administrative offences. Second highest number of resolved cases was in the area of civil (and commercial) litigious cases, followed by other cases, administrative law cases, criminal cases and civil (and commercial) non-litigious cases

## **PART III: POLICY MAKING CAPACITIES**

---

## 1. Introduction<sup>18</sup>

Starting from the late 1980s the increase role of judiciaries in democratic countries social life<sup>19</sup> and the increasing demand, from taxpayers and voters, that the state be operated more efficiently and less at the expense (both emotional and financial) of the people started to affect the traditional way of thinking of the judicial administration, its organisation and its founding values. Until then, European democracies had not given much thought as to how access to justice was organised because it was taken for granted that if judicial independence were guaranteed, then access to justice would also be guaranteed. "Bureaucracies, in general, and judicial administrations in particular, were increasingly seen as an old and monstrous machine, with much red tape, and in need of much repair. Furthermore, it was often impossible for people to know who was responsible for what, which made having to go to the state with their issues time-consuming and frustrating."<sup>20</sup>

Bureaucratic organisations were more interested in the compliance with formal procedures than in the achievement of concrete results. This is because forms of accountability were linked to keeping track of relevant procedural events, through the use of registers and paper forms. These were the typical systems used to certify the respect of the procedure prescribed within the norm. These tools did not consider elements such as efficiency or quality of the service, but allowed only the possibility of inspection and control over the respect of formal procedures. The distance between complex formal procedures and practical needs of the people also put a distance between people and the state, and made it non-transparent.<sup>21</sup> Things were destined to change, however, as the media exposure and public dissatisfaction grew stronger.

Judiciaries, even if somewhat isolated from the outside world, were nevertheless affected by these events. It is not a coincidence that since late 1980s achieving "reasonable time" expectations of parties and the European Convention on Human Rights became a serious concern for many western European countries. In addition, growing caseload of the European Court of Human Rights dealing with cases against member states for unreasonable delays in the courts based on Article 6(1) of the European Convention on Human Rights justified this concern.

An answer to the problem ingrained in the nature of traditional bureaucracies and in the traditional approach to judicial administration seemed to come first from new liberal-economic theories, from the Chicago school of economics and, later, from new public management. In particular, "new public management stemmed from ideas about quality organisations, learning organisations and quality indicators from organisation theories. Theories about quality in organisations have as their impetus the idea that not only should an organisation be able to fulfil its tasks in an efficient and effective manner, but it also should be customer or client-oriented."<sup>22</sup> The organisation should adapt to the needs of the client, in terms of the quality of the service or product. Additionally, it should be available to account for the quality of the service or product.

In order to enable the organisation to innovate, respond to the customer demands and increase quality, monitoring and evaluation became of paramount importance. New public management is however, an ongoing development. The process not only assists public services in adapting to the needs of the customer/client/citizen, but also re-orientes the public services to reorganise their technologies towards such an adaptation. "This is especially through the use of information technology, different management methods, and by creating a working environment conducive to

---

<sup>18</sup> Based on: Gar Yein Ng, Marco Velicogna and Cristina Dallara, *"Monitoring and Evaluation of Court System: A Comparative Study"*, CEPEJ.

<sup>19</sup> C. Guarnieri and P. Pederzoli, *'The Power of Judges'*, Oxford University Press, Oxford 2001.

<sup>20</sup> , Gar Yein Ng, Marco Velicogna and Cristina Dallara, p. 4.

<sup>21</sup> Ibid., p.6.

<sup>22</sup> J. B. J. M. ten Berge, 'Contouren van een kwaliteitsbeleid voor de rechtspraak', in *Kwaliteit van rechtspraak op de weegschaal*, P. M. Langbroek, K. Lahuis and J. B. J. M. ten Berge (eds), W.E.J. Tjeenk Willink (G.J. Wiarda Instituut), Deventer 1998, p.29.

productivity. The general idea behind this movement is that quality in services and products will lead to satisfaction of the clients/customers/citizens. It has been suggested that such satisfaction could in turn lead to public trust and to legitimacy of government.”<sup>23</sup>

Another important element is the growing attention towards accountability. Mechanisms of accountability are pivotal to a good working democracy. “These are in order to ensure that no one body, be it a state institution, a private organisation or person, has power to dictate the lives of the communities they serve without justification based on the rule of law.”<sup>24</sup> Furthermore, as already mentioned, they are a powerful tool to drive a traditionally insulated organisation like the judiciary to take into account its customer needs. “There are two ways to hold an organisation to account for its actions. One is where the citizens are passive, whereby the organisation must take steps to ensure the transparency of decision-making and service provision. The other requires action by citizens in their capacity as clients of public services, where they have the right to demand answers for actions taken and to demand the stopping or redesign of such actions. In both cases, data concerning the activities of the public organisation is required to be collected and made available.”<sup>25</sup>

As a consequence, nowadays, the traditional Western constitutional framework is expanding to include requirements of organisational quality and efficiency to meet the demands on justice in Europe (article 6 European Convention on Human Rights). Legislation in various countries has been oriented towards efficiency of justice. Monitoring and evaluation are achieving an ever increasing position as tools that allow the measuring of situations, assess policy implementation outcomes and allocate increasingly shrinking resources.

Monitoring and evaluation systems should facilitate the improvement of the efficiency of justice and the quality of the work delivered by the courts, and therefore to effect a more consistent implementation of policies.

## 2. Stages in the Development of the Monitoring and Evaluation System<sup>26</sup>

The implementation of New Public Management (NPM) in other public services over the last two decades has particularly highlighted the lack of managerial policies as regards court systems and judicial administration.<sup>27</sup> New public management stems from ideas about quality organisations, learning organisations and quality indicators from organisation theories.<sup>28</sup> The core idea is that “not only should an organisation be able to fulfil its tasks in an efficient and effective manner, but it should also be customer or client-oriented.”<sup>29</sup> It should be available to account for the quality of the service or product. This, in time, should lead to satisfaction of the clients/customers/citizens<sup>30</sup> and public trust.<sup>31</sup>

These theories relate in general to the principle of accountability. As many scholars have pointed out, judicial systems are nowadays subject to two main processes questioning their legitimacy as well as their effectiveness: the first one is concerned with internal accountability mechanisms (recruitment, appointments, career and discipline) and the second - with external accountability. Monitoring and evaluation systems are tools to put into effect and increase external accountability.

---

<sup>23</sup> Gar Yein Ng, Marco Velicogna and Cristina Dallara, p.6.

<sup>24</sup> Ibid.

<sup>25</sup> Gar Yein Ng, Marco Velicogna and Cristina Dallara, p.6.

<sup>26</sup> Based on: Gar Yein Ng, Marco Velicogna and Cristina Dallara, “*Monitoring and Evaluation of Court System: A Comparative Study*”, CEPEJ.

<sup>27</sup> G. Y. Ng, ‘Quality of Judicial Organisation and Checks and Balances’, Law, Utrecht 2007, p.25.

<sup>28</sup> J.-E. Lane, ‘*New Public Management*’, Routledge, London 2000, A. Hondeghem (eds), ‘*Ethics and accountability in a context of governance and new public management*’, IOS Press OHMSHA, 1998; P. Senge, ‘*The fifth discipline: the art and practice of the learning organisation*’, Doubleday currency, New York 1990; S. Murgatroyd and C. Morgan, ‘*Total quality management and the school*’, Open University Press, Buckingham, Philadelphia 1994; W. A. Lindsay and J. A. Petrick, ‘*Total Quality and organisation development*’, St. Lucie Press Boca Ration, Florida 1997.

<sup>29</sup> Gar Yein Ng, Marco Velicogna and Cristina Dallara, p.46.

<sup>30</sup> EFQM, ‘Mission’ available at <http://www.efqm.org/Default.aspx?tabid=60> 2006.

<sup>31</sup> G. Bouckaert and S. van de Walle, ‘*Government and trust in government*’, at EGPA Conference Finland 2001.

In light of the above theories, there have been a lot of policies aimed at improving the quality of justice and particularly judicial organisation across all democratic countries. To support these efforts, normative frameworks on monitoring and evaluation systems have been developed.

Based on CEPEJ *Monitoring and Evaluation of Court System: A Comparative Study* produced by Gar Yein Ng, Marco Velicogna and Cristina Dallara, five different stages of development for the operation of monitoring and evaluation systems have been identified. Those are:

#### *Stage 1: Bureaucratic Data Collection*

Bureaucratic data collection takes place outside of monitoring and evaluation purposes. Examples for courts include the registration of cases in paper and electronic registers, data collected in case tracking systems. These basic forms of data collection are ingrained in traditional court procedures and regulations. Courts collect such data in order to guarantee the respect of due process, especially as regards the following of procedures, case handling and scheduling. Such data can be adapted for internal monitoring and evaluation purposes at court level. Such data are usually collected according to standards and procedures individual to the court or according to data entry methodologies which are also individual to the court. Measures have been taken in many countries to standardise this data and adapt it for national monitoring and evaluation, however, such efforts have required normative and institutional developments.

#### *Stage 2: Normative Framework*

Due to the complex relationship between judicial independence and accountability a normative framework has had to be developed in order to operate monitoring and evaluation systems within the principles of constitutional law. This element could also be conceived of as part of ordinary political accountability.<sup>32</sup>

Movement towards democratisation and NPM have been the main impetus for normative changes. In example, France, Italy and the Netherlands have had as their impetus from the infusion of NPM values in the reshaping of the expectations of accountability from their populations and the need to increase efficiency and cut costs. Legislation from France and Italy provide clear examples of influences from NPM, e.g. in France, the new financial law requires all public services, including the courts, to account for their spending with objective criteria. In Italy, the legislation on administrative proceeding and on the reform of the Civil Service provided general frameworks within which also the courts had to operate. The Netherlands took a mixed approach and developed a normative framework which on the one hand democratised the judicial system at the same time as implementing NPM within the courts. More in depth examples on normative and budget framework are presented in the below chapter: Judicial Performance Aspects.

#### *Stage 3: Institution Building*

Institution building has characterised the first stage of implementation of the normative framework. From the data this has varied widely from the adaptation of already existing offices, to the creation of new units or even institutions such as the Council for the Judiciary in the Netherlands. In Italy for example there has been a transfer of competences from the National Institute of Statistics to a Statistics Directorate General within the Ministry of Justice and the creation of special unit within the Ministry of Justice for the evaluations of costs, performances and management. In France, two approaches have been taken. On the one hand, a special court service was set up to assist in court management and on the other hand judges work as policy makers in the Ministry of Justice.

#### *Stage 4: Monitoring and Evaluation*

Only having established a normative framework and institutional setting can one start looking at operating an effective evaluation and monitoring system. In order to be effective, it must operate transparently and with trustworthy standards. This can be broken down to various factors: trust in the

---

<sup>32</sup> G. Y. Ng, 'Quality of Judicial Organisation and Checks and Balances', Law, Utrecht 2007 pp.17-18.

monitoring and evaluating institution, perception of usefulness of the exercise, methodology for data collection.

The trust in the monitoring and evaluating institution deals on the one hand with the independence and impartiality of the institution involved, for example, politically appointed members will be viewed with suspicion and prejudice. If court presidents are appointed by the government, in countries where some political influence over the judiciary is still frequent, there could be a large trust gap. On the other hand, in the Netherlands, given the increased autonomy of judges in monitoring and evaluating their system, there is more confidence in the monitoring and evaluation exercise. As to the perception of usefulness of the exercise is concerned, this also varies. In Italy, the low opinion concerning the usefulness of the data collection clearly influences the attitude of the personnel involved in this exercise. On the other hand, the political goals of standardizing practices or improving efficiency have been met with a mixture of scepticism and hostility. Finally, on the issue of methodology for data collection, specific organisation characteristics such as size of the court, case typology, number of cases, court procedures make it difficult to create reliable indicators and standards by which to monitor and evaluate court activities in a generic way. The use of data collected with tools designed for bureaucratic data collection can sometimes lead to a false picture of court activity. Furthermore, the politicisation of data collection can sometimes lead to the manipulation of the methodology and data collected thereby rendering it useless.

This requires that data be read with a certain pinch of salt. What is also possible is that the mechanisms built into the system try to ensure more objective, accurate and reliable results. This is something that they are attempting to do in the Netherlands, Italy and France through ICT and constant development of criteria for indicators and standards.

#### *Stage 5: Accountability and Action*

The final stage for creating an effective monitoring and evaluation system is in the mechanisms for actions and accountability based on the use of the data collected. According to research "Monitoring and Evaluation of Court System: A Comparative Study" - CEPEJ, there are three main uses of the data. On the one hand some countries collect data but do nothing with it, as was the case for Croatia for a long time. On the other hand, countries like France, the Netherlands and Italy use it in differing degrees to hold courts to account for spending or to allocate resources as well as to make the organisation more transparent. Finally, countries like Slovenia use it to mark progress in the judicial organisation and to adapt policies accordingly.

In essence, strengthening policy making capacities is like building the Rome, is a process that will take more than one day. It is not simply a matter of setting up units and tasking them with the job of monitoring and evaluating courts. There is a matter of training personnel, having a strong normative basis, building trust within the respect of balance of powers.

### 3. Stages of capacity building in EPC

In essence, developing monitoring and evaluation system and strengthening policy making capacities is like building Rome. It is a process that will take more than one day. It is not simply a matter of setting up units and tasking them with the job of monitoring and evaluating courts. It is a matter of training personnel, having a strong normative basis and corresponding judicial performance indicators have to be supplemented with standards, since by necessity any evaluation requires comparison. Such standards can come from the past performance, from performance of other courts, from professional standards, expectations from public, European/internationally agreed/recognised standards, etc.

#### *Position in 2012*

During the meeting of the Working Group 3 on "Efficient Judicial Systems" held in Strasbourg on 11 and 12 October 2012, information regarding completed (or in process of completion) stages in

development of monitoring and evaluation system were provided by the national delegations, as presented in the table:

*Table 10: Stages completed or in the process of completion*

Stage \ State	ARM	AZE	GEO	MDA	UKR
Bureaucratic Data Collection	X	X	X	X	X
Normative Framework	X	X	X	X	X
Institution Building		X	X	X	X
Monitoring and Evaluation		X	X		
Accountability and Action		X	X		

More specifically, Armenia completed first two out of five stages, Azerbaijan and Georgia implemented all five stages, the Republic of Moldova implemented first three out of five stages while Ukraine implemented stage one and stages two and three are in the process of implementation.

*Discussion position in 2014*

Seminar on Monitoring and Evaluation

In November 2014 the project team organised in Strasbourg a seminar on monitoring and evaluation for the EPCs. Civil servants of the Ministries of Justice and judges from the EPCs participated in this event. During this seminar three elements of the report were further elaborated and discussed: the general principles and use of the developed court rating system, the practices of court budgeting (as developed in Austria) and the strategy and principles building up a system of quality indicators and management (as developed in the Netherlands).





## Appendix 1: Armenia

Court name	Clearance Rate			Caseload			Backlog-Change			Disposition Time			Efficiency (budget/case)				Cost Efficiency			Productivity (res. cases/judge)				Productivity			COURT RATING		
	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	Trend	2013	2012	2011	2013	2012	2011	Trend	2013	2012	2011	2013	2012	2011
Kentron and Nork-Marash	97%	97%	87%	36%	38%	43%	8%	9%	44%	136	144	181	€ 41	€ 45	€ 66		-10%	-13%	-16%	875.71	765.79	558.29		-8%	-15%	-11%	BB	BB	BB
Arabkir and Kanaker-Zeytun	83%	111%	88%	36%	25%	51%	92%	-30%	31%	161	81	209	€ 38	€ 38	€ 70		14%	12%	10%	902.10	930.60	516.60		10%	10%	12%	BA	AA	BA
Ajapnyak and Davtashen	105%	90%	89%	27%	31%	33%	-15%	48%	51%	93	126	138	€ 40	€ 46	€ 78		6%	11%	3%	1.016.00	874.83	540.33		11%	17%	13%	AA	BA	BA
Avan and Nor-Nork	96%	110%	103%	24%	24%	47%	23%	-28%	-6%	91	81	168	€ 47	€ 49	€ 77		3%	13%	-4%	716.50	652.70	439.00		-4%	0%	-11%	BB	AA	BB
Malatia-Sebastia	95%	96%	94%	17%	17%	21%	45%	34%	36%	66	63	82	€ 36	€ 51	€ 91		5%	-6%	-8%	991.00	717.71	410.86		-1%	-12%	-13%	AA	AB	BB
Shengavit	91%	101%	92%	20%	15%	24%	80%	-7%	50%	78	54	97	€ 37	€ 45	€ 80		6%	1%	-11%	1.047.29	836.43	507.14		7%	-1%	-7%	BA	AB	BB
Erebuni and Nubarashen	92%	104%	89%	20%	12%	24%	66%	-27%	89%	78	43	100	€ 43	€ 40	€ 69		10%	8%	3%	840.00	912.75	540.13		7%	4%	3%	BA	AA	BA
Tavush District	91%	104%	99%	20%	13%	21%	80%	-24%	5%	82	46	76	€ 86	€ 93	€ 118		4%	-4%	-1%	461.00	458.50	366.00		1%	0%	7%	BA	AB	AA
Ararat District	92%	105%	107%	23%	19%	25%	49%	-21%	-21%	92	66	84	€ 44	€ 47	€ 51		0%	-3%	-6%	831.55	778.27	777.27		-2%	-6%	2%	BB	AB	AB
Armavir District	90%	110%	85%	21%	12%	26%	93%	-44%	139%	85	41	111	€ 40	€ 39	€ 61		35%	14%	13%	928.00	981.63	647.63		37%	15%	18%	BA	AA	BA
Aragatsotn District	97%	134%	64%	14%	12%	48%	22%	-74%	280%	54	33	275	€ 67	€ 52	€ 114		-6%	-13%	11%	626.50	827.17	381.50		-2%	-12%	23%	AB	AB	BA
Kotayk District	99%	99%	95%	18%	20%	27%	5%	8%	22%	65	74	102	€ 33	€ 40	€ 60		17%	5%	2%	1.160.90	964.00	650.50		25%	9%	7%	AA	AA	BA
Gegharkunik District	101%	96%	98%	16%	16%	14%	-8%	33%	19%	58	63	52	€ 64	€ 63	€ 69		-12%	-7%	-12%	607.78	612.89	555.33		-9%	-4%	-11%	AB	AB	AB
Shirak District	92%	97%	101%	20%	17%	14%	62%	22%	-8%	80	64	51	€ 72	€ 88	€ 89		-24%	-22%	1%	520.62	404.62	413.54		-23%	-27%	3%	BB	AB	AA
Syunik District	96%	96%	96%	20%	20%	21%	23%	28%	24%	76	77	78	€ 79	€ 76	€ 111		17%	11%	9%	448.11	445.33	340.78		12%	0%	12%	AA	AA	AA
Lori District	97%	101%	97%	20%	18%	23%	19%	-5%	14%	74	64	88	€ 66	€ 67	€ 91		-5%	-2%	-6%	555.46	544.31	415.31		-7%	-6%	-6%	AB	AB	AB
Administrative Court	74%	188%	42%	33%	11%	157%	392%	-89%	59%	164	21	1364	€ 4	€ 3	€ 18				5.865.52	14.931.00	2.097.71								
Avg	95%	103%	93%	22%	19%	29%	40%	-5%	48%	86	70	118	€ 52	€ 55	€ 81				783.03	731.72	503.76								
Stdevp	4%	7%	7%	5%	5%	10%	30%	27%	46%	18	20	47	€ 15	€ 14	€ 16				193.16	160.75	94.92								
Min	83%	90%	64%	14%	12%	14%	-15%	-74%	-21%	54	33	51	€ 33	€ 38	€ 51				448.11	404.62	340.78								
Max	105%	134%	107%	36%	38%	51%	93%	48%	280%	161	144	275	€ 86	€ 93	€ 118				1.160.90	981.63	777.27								
Admin Court seperately marked																													

# Appendix 2: Azerbaijan

Court name	Clearance Rate			Case-load			Backlog Change			Disposition Time			Efficiency (Budget/case)			Cost Efficiency			Productivity (res. cases/judge)			Productivity			COURT RATING					
	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011			
<b>Administrative-Economic Courts</b>																														
Baku Administrative-Economic Court no 1	94%	101%	85%	22%	22%	23%	3%	-3%	18%	85	79	87	€ 77	€ 145	€ 117	17%	17%	17%	696	536	463	11%	-18%	-21%	BA	BB	BB	BA	BB	BB
Baku Administrative-Economic Court no 2	94%	96%	81%	26%	28%	24%	21%	6%	38%	100	103	109	€ 75	€ 110	€ 122	17%	17%	17%	696	516	461	24%	-9%	-13%	BA	BB	BB	BA	BB	BB
Ganja Administrative-Economic Court	98%	103%	82%	11%	10%	19%	24%	-21%	157%	42	35	84	€ 66	€ 68	€ 104	108%	145%	22%	856	831	438	9%	22%	-4%	BA	BB	BB	BA	BB	BB
Sungayvli Administrative-Economic Court	94%	107%	14%	19%	14%	17%	48%	-33%	102%	76	47	68	€ 13	€ 128	€ 80	164%	72%	300%	434	476	493	3%	-14%	3%	BA	BB	BB	BA	BB	BB
Shirvan Administrative-Economic Court	95%	99%	92%	17%	10%	10%	40%	9%	417%	67	38	84	€ 142	€ 111	€ 208	108%	83%	19%	397	495	434	-17%	-6%	-1%	BA	BB	BB	BA	BB	BB
Sheki Administrative-Economic Court	92%	92%	92%	18%	15%	12%	80%	104%	234%	73	60	64	€ 101	€ 77	€ 119	108%	108%	108%	608	735	454	17%	62%	-9%	BA	BB	BB	BA	BB	BB
Administrative-Economic Court of Nakhchivan Autonomous Republic	90%	105%	85%	15%	7%	15%	183%	-40%		61	25	64	€ 1.876	€ 2.002	€ 3.107	146%	14%	10%	51	44	29	1%	-3%	-2%	BA	BB	BB	BA	BB	BB
<b>Military Courts</b>																														
Baku Military Court	99%	98%	98%	9%	8%	6%	7%	34%	71%	31	30	21	€ 427	€ 425	€ 381	86%	87%	101%	138	134	142	2%	-1%	0%	AA	AA	AA	AA	AA	AA
Ganja Military Court	98%	104%	98%	8%	7%	6%	32%	-36%	162%	30	23	33	€ 813	€ 817	€ 987	107%	106%	45%	100	97	108	-6%	-4%	0%	AA	AA	AA	AA	AA	AA
Fuzuli Military Court	98%	101%	98%	9%	9%	9%	71%	-15%	25%	35	21	29	€ 733	€ 804	€ 1.001	104%	84%	35%	75	73	64	3%	8%	8%	BA	AA	AA	BA	AA	AA
Tartar Military Court	101%	101%	91%	8%	10%	11%	-15%	-5%	522%	30	38	43	€ 466	€ 499	€ 715	108%	113%	57%	110	103	96	-1%	1%	0%	AA	AA	AA	AA	AA	AA
Jalilabad Military Court	103%	99%	92%	8%	11%	8%	25%	6%		28	41	34	€ 1.903	€ 1.931	€ 2.164	104%	108%	109%	69	27	30	-1%	1%	1%	AA	AA	AA	AA	AA	AA
Military Court of Nakhchivan Autonomous Republic	102%	95%	93%	9%	11%	11%	-17%	-20%	150%	33	41	42	€ 5.284	€ 5.292	€ 6.167	144%	48%	87%	14	13	11	-3%	3%	-4%	AA	BB	BB	AA	BB	BB
<b>Serious Crimes Courts</b>																														
Baku Court of Serious Crimes	97%	96%	114%	26%	29%	28%	11%	8%	-34%	99	95	90	€ 1.608	€ 1.963	€ 1.908	103%	68%	73%	34	32	31	3%	-3%	-5%	BA	BB	BB	BA	BB	BB
Ganja Court of Serious Crimes	103%	102%	65%	26%	29%	35%	-9%	-7%		103	105	198	€ 1.752	€ 2.138	€ 3.618	105%	105%	96%	28	27	16	13%	12%	21%	BA	BB	BB	BA	BB	BB
Lankaran Court of Serious Crimes	100%	97%	82%	15%	22%	17%	-23%	14%		51	51	74	€ 3.008	€ 1.921	€ 7.080	189%	104%	-48%	29	29	28	22%	9%	2%	AA	AA	AA	AA	AA	AA
Sheki Court of Serious Crimes	108%	95%	70%	20%	36%	30%	-39%	-6%		53	133	164	€ 1.948	€ 2.605	€ 4.010	182%	143%	37%	27	19	16	-36%	16%	6%	AA	AA	AA	AA	AA	AA
Court of Serious Crimes of Nakhchivan Autonomous Republic	100%	172%	75%	0%	0%	38%	-100%	200%		0	0	183	€ 35.125	€ 46.382	€ 38.665	-7%	-11%	23%	2	2	2	-32%	-33%	-3%	AB	AB	AB	AB	AB	AB
<b>District (city) courts</b>																														
Biragadi District Court of Baku city	97%	105%	95%	10%	7%	15%	42%	-43%	54%	39	24	59	€ 97	€ 48	€ 53	125%	169%	126%	1.002	1.156	923	13%	15%	-4%	AA	AA	AA	AA	AA	AA
Garadagh District Court of Baku city	99%	103%	97%	6%	5%	7%	21%	-35%	70%	23	18	26	€ 66	€ 60	€ 50	165%	127%	165%	922	889	942	17%	5%	-1%	AA	AA	AA	AA	AA	AA
Khazar District Court of Baku city	100%	99%	99%	7%	8%	8%	-2%	13%	17%	26	29	29	€ 66	€ 48	€ 53	143%	166%	137%	1.088	1.008	894	38%	21%	-13%	AA	AA	AA	AA	AA	AA
Yasamal District Court of Baku city	99%	99%	99%	11%	11%	9%	12%	10%	10%	40	39	34	€ 199	€ 204	€ 422	149%	-39%	60%	820	741	771	-3%	-14%	-8%	AB	BB	BB	AB	BB	BB
Narimanov District Court of Baku city	99%	99%	101%	10%	10%	10%	14%	12%	-9%	36	35	26	€ 79	€ 70	€ 55	165%	165%	137%	749	678	819	-10%	-23%	-3%	AB	BB	BB	AB	BB	BB
Nazimi District Court of Baku city	100%	98%	100%	10%	10%	8%	19%	12%	0%	36	32	20	€ 76	€ 69	€ 66	165%	165%	137%	749	717	703	-12%	-17%	-10%	AA	AA	AA	AA	AA	AA
Nizami District Court of Baku city	100%	100%	97%	10%	10%	11%	1%	-3%	36%	32	36	40	€ 132	€ 130	€ 58	165%	112%	116%	1.000	903	826	21%	2%	-2%	AA	AA	AA	AA	AA	AA
Sabunchu District Court of Baku city	98%	100%	92%	13%	12%	15%	40%	9%	111%	50	45	61	€ 814	€ 681	€ 66	185%	-80%	-32%	1.106	872	656	28%	-4%	-20%	BB	BB	BB	BB	BB	BB
Central District Court of Baku city	98%	100%	97%	9%	10%	11%	34%	-19%		31	34	24	€ 87	€ 71	€ 85	185%	82%	18%	82	67	68	2%	-10%	-10%	AA	AA	AA	AA	AA	AA
Surakhany District Court of Baku city	100%	96%	100%	10%	12%	8%	3%	61%	-4%	35	45	28	€ 57	€ 65	€ 61	180%	108%	126%	1.017	771	764	29%	-3%	-1%	AA	AA	AA	AA	AA	AA
Khatai District Court of Baku city	99%	100%	98%	10%	10%	10%	13%	-1%	22%	36	36	31	€ 70	€ 69	€ 55	184%	79%	132%	805	719	843	-3%	-17%	0%	AA	AA	AA	AA	AA	AA
Aberkhan District Court	98%	101%	98%	9%	9%	9%	40%	-21%		27	27	27	€ 40	€ 48	€ 71	179%	131%	167%	1.369	1.209	1.406	1%	3%	3%	AA	AA	AA	AA	AA	AA
Agdam District Court	99%	98%	97%	7%	8%	8%	14%	31%	67%	27	28	29	€ 40	€ 39	€ 40	265%	263%	233%	2.143	1.791	1.326	183%	129%	89%	AA	AA	AA	AA	AA	AA
Agstafa District Court	99%	96%	98%	9%	8%	8%	15%	75%	60%	32	31	21	€ 92	€ 85	€ 61	167%	98%	103%	1.037	830	668	3%	28%	3%	AA	AA	AA	AA	AA	AA
Agsu District Court	98%	102%	100%	6%	3%	5%	162%	-37%	3%	24	10	19	€ 102	€ 89	€ 102	167%	102%	36%	971	791	674	52%	32%	22%	AA	AA	AA	AA	AA	AA
Aghajari District Court	99%	101%	98%	11%	11%	9%	12%	-12%	9%	30	28	27	€ 85	€ 80	€ 65	174%	131%	176%	1.257	978	778	3%	39%	32%	AA	AA	AA	AA	AA	AA
Astara District Court	102%	95%	99%	7%	12%	7%	-26%	83%	11%	25	46	26	€ 98	€ 107	€ 104	146%	45%	56%	969	492	473	-11%	-30%	-28%	AA	AA	AA	AA	AA	AA
Bardiz District Court	100%	100%	99%	8%	8%	8%	25%	-18%	7%	19	27	35	€ 152	€ 81	€ 61	177%	152%	117%	1.628	679	628	1%	-2%	-2%	AA	AA	AA	AA	AA	AA
Baylagan District Court	97%	100%	98%	9%	7%	7%	62%	7%	28%	34	25	25	€ 76	€ 71	€ 81	165%	104%	30%	889	756	681	16%	2%	-3%	BA	AA	AA	BA	AA	AA
Barda District Court	99%	97%	101%	7%	7%	7%	18%	76%	-24%	26	26	16	€ 71	€ 78	€ 74	180%	67%	82%	860	734	712	3%	-12%	21%	AA	AA	AA	AA	AA	AA
Bilasuvar District Court	100%	101%	98%	9%	9%	9%	2%	-1%	3%	35	37	35	€ 73	€ 63	€ 64	179%	131%	167%	1.369	1.149	1.056	1%	3%	3%	AA	AA	AA	AA	AA	AA
Ozakh District Court	100%	97%	100%	3%	11%	8%	-61%	44%	-4%	12	43	31	€ 72	€ 91	€ 85	193%	65%	31%	939	651	646	21%	-10%	-7%	AA	AA	AA	AA	AA	AA
Dakh District Court	100%	98%	98%	4%	5%	4%	11%	61%	109%	16	18	18	€ 108	€ 207	€ 115	191%	8%	32%	911	736	568	47%	30%	-1%	AA	AA	AA	AA	AA	AA
Darbazi District Court	94%	102%	98%	4%	5%	8%	145%	-31%	146%	39	18	32	€ 413	€ 127	€ 83	161%	41%	12%	752	651	621	12%	-3%	-16%	BB	BB	BB	BB	BB	BB
Gobustan District Court	98%	100%	102%	6%	4%	4%	61%	6%	-35%	23	15	14	€ 214	€ 160	€ 110	24%	48%	128%	459	436	428	-5%	-4%	-1%	AB	AB	AB	AB	AB	AB
Quba District Court	98%	102%	98%	7%	6%	7%	34%	-18%	2%	20	20	27	€ 111	€ 82	€ 76	177%	152%	117%	1.628	679	628	1%	-2%	-2%	AA	AA	AA	AA	AA	AA
Gobadly District Court	99%	101%	98%	6%	5%	13%	13%	-21%	867%	40	20	53	€ 192	€ 105	€ 206	160%	122%	30%	447	430	498	-4%	-2%	-4%	AA	AA	AA	AA	AA	AA
Qusar District Court	97%	99%	101%	7%	4%	3%	81%	42%	-22%	26	16	12	€ 76	€ 62	€ 68	180%	137%	123%	965	879	784	23%	19%	-1%	AA	AA	AA	AA	AA	AA
Davaybashi District Court	100%	98%	100%	8%	7%	8%	2%	-2%	8%	7	7	7	€ 149	€ 108	€ 93	177%	27%	2%	852	629	629	1%	27%	1%	AA	AA	AA	AA	AA	AA
Zakatala District Court	97%	98%	98%	6%	7%	6%	51%	34%	-23%	31	25	21	€ 618	€ 72	€ 68	177%	101%	123%	920	763	677	20%	3%	-2%	AA					

### Appendix 3: Georgia

Court name	Clearance Rate			Caseload			Backlog-Change			Disposition Time			Efficiency (budget/case)			Cost Efficiency			Productivity (res. cases/judge)			Productivity			COURT RATING			
	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	Trend	2013	2012	2011	2013	2012	2011	Trend	2013	2012	2011	2013	2012
Tbilisi City Court	101%	103%	91%	9%	17%	16%	-11%	-14%	118%	34	61	64					1.250	840	958	0%	0%	-1%				BB	BB	BB
Ozurgeti	99%	103%	100%	5%	4%	5%	45%	-41%	7%	17	13	18					968	865	843	13%	16%	3%				BB	AA	BB
Lanchkhuti																												
Chokhatauri																												
Kutaisi City Court	97%	101%	101%	4%	2%	3%	214%	-25%	-27%	17	8	9					1.317	872	1.282	9%	-6%	32%				BB	AB	AA
Tkibuli																												
Tskaltubo																												
Saghdati																												
Samtredia	100%	99%	99%	2%	4%	2%	14%	44%	211%	6	14	8					1.180	514	1.278	-13%	-3%	103%				AB	BB	BA
Vani		102%	100%		0%	1%		-86%	17%		1	5									37%	41%				AA	AA	AA
Khoni		100%	100%		1%	1%		29%	-38%		3	2									8%	15%				AB	AA	AA
Zestafoni	100%	103%	101%	2%	2%	3%	0%	-59%	-16%	6	7	13					874	567	820	0%	-25%	-8%				AB	AB	AB
Terjola																												
Kharagauli																												
Sachkhere	98%	101%	100%	3%	2%	3%	114%	-43%	6%	12	7	11					460	1.109	1.194	-26%	93%	117%				BB	AA	BA
Tchiatura																												
Telavi	97%	101%	102%	5%	3%	3%	134%	-23%	-47%	17	12	10					820	493	1.237	-30%	-34%	46%				BB	AB	AA
Akhmeta																												
Gurjaani	100%	101%	97%	3%	4%	5%	4%	-18%	138%	11	16	20					1.108	744	228	12%	3%	-51%				BB	BB	BB
Lagodekhi			97%																									
Ivareli			107%																									
Sighnaghi	98%	93%	101%	6%	12%	4%	75%	146%	-22%	22	48	16					1.029	686	937	-2%	77%	107%				BB	BA	AA
Sagarejo		104%	102%		1%	5%		-80%	-25%		4	18									-6%	101%				AB	AA	AA
dedoplistskaro		111%	104%		1%	7%		-88%	-37%		5	24									49%	76%				AA	AA	AA
Mtskheta	99%	101%	100%	3%	2%	3%	100%	-25%	-9%	10	9	10					825	481	711	-31%	-37%	-12%				BB	AB	AB
Dusheti																												
Tianeti																												
Kazbegi																												
Akhalgori																												
Ambrolauri	99%	101%	100%	2%	1%	2%	200%	-56%	-9%	8	3	6					557	525	570	-46%	47%	58%				BA	AA	AA
Oni																												
Tsqetevi	100%	100%	99%	3%	2%	2%	0%	14%	75%	10	10	8					151	293	328	-33%	38%	63%				AB	AA	BA
Lantekhi		106%	98%		0%	6%		-100%	500%		6	23									19%	-40%				AA	BB	BB
Poti	98%	101%	101%	3%	3%	3%	132%	-23%	-19%	11	10	10					905	626	826	-4%	20%	50%				BB	AA	AA
Khobi		109%	101%		0%	5%		-100%	-15%		0	20									62%	59%				AA	BA	AA
Senaki	100%	100%	101%	1%	1%	1%	21%	12%	-67%	5	5	2					880	966	1.241	0%	42%	63%				AB	AA	AA
Abasha		104%			3%			-56%				11																
Martvili		104%			8%			-33%				28																
Zugdidi	99%	99%	103%	2%	1%	1%	158%	77%	-74%	8	5	3					1.316	921	1.137	-3%	-7%	17%				BB	AB	AA
Tsalenjikha		103%	103%		0%	2%		-100%	-59%		0	8									51%	69%				AA	AA	AA
Chchorotsku		100%	103%		0%	0%		-95%			0	1									-33%	81%				AB	AA	AA
Mestia		103%	98%		0%	3%		-100%	200%		0	12									33%	24%				AA	BA	BA
Akhaltzikhe	100%	100%	100%	2%	3%	2%	-1%	4%	-13%	7	12	8					911	666	965	-22%	-20%	9%				AB	BB	AB
Ajdveri																												
Aspindza																												
Borjomi																												
Akhalkalaki	100%	100%	103%	3%	5%	5%	-6%	10%	-36%	11	19	17					318	202	261	-28%	-34%	-31%				AB	BB	AB
Ninotsminda																												
Gori	99%	99%	102%	4%	5%	3%	54%	29%	-38%	14	17	12					1.352	646	895	-1%	-22%	5%				BB	BB	AB
Kaspi																												
Khashuri	99%	101%	102%	3%	3%	3%	28%	-17%	-34%	10	12	12					662	410	516	-28%	-39%	-25%				BB	AB	AB
Kareli																												
Rustavi	99%	102%	100%	4%	4%	5%	68%	-32%	6%	13	16	19					1.116	576	830	-12%	-28%	-21%				BB	AB	BB
Gardabani		107%	100%		1%	5%		-84%	-1%		5	18									-21%	-8%				AB	BB	BB
Bolnisi	99%	102%	100%	3%	4%	4%	26%	-34%	-1%	10	14	16					1.016	444	734	2%	-31%	-2%				BB	AB	BB
Marnauli																												
Omantis																												
Tetritskaro	99%	99%	100%	2%	2%	1%	77%	160%	25%	7	9	4					601	276	415	-16%	-28%	44%				AB	BB	AA
Istaila		103%	104%		0%	2%		-100%	-69%		0	7									35%	46%				AA	AA	AA
Batumi	96%	100%	100%	8%	6%	6%	108%	-1%	-2%	32	23	21					1.426	771	964	33%	-2%	15%				BA	BB	BB
Kobuleti																												
Khelvachauri	99%	99%	101%	4%	5%	3%	27%	13%	-22%	13	19	12					888	364	505	-12%	-37%	-21%				BB	BB	AB
Khulo																												
Keda																												
Shuakhevi																												
Sokhumi-Gagra-Gudauta	95%	113%	95%	15%	9%	21%	54%	-60%	29%	58	28	79					269	365	331	54%	54%	40%				BA	AA	BA
Gai-Gulripshi and Ochamchira	96%	99%	102%	4%	1%	0%	700%	-100%		16	2	0					177	177	237	41%	35%	41%				BA	AA	AA
Avg	99%	102%	101%	4%	3%	4%	90%	-22%	-9%	15	11	15					801	534	698									
Stdev	1%	2%	2%	2%	2%	2%	81%	47%	63%	7	8	9					290	208	286									
Min	95%	93%	91%	1%	0%	0%	-11%	-100%	-100%	5	0	0					151	123	49									
Max	101%	113%	107%	15%	17%	21%	700%	160%	500%	58	61	79					1.426	1.109	1.282									

## Appendix 4: Republic of Moldova

Court name	Clearance Rate			Caseload			Backlog/Change			Disposition Time			Efficiency (budget/case)			Cost Efficiency			Productivity (res. cases/judge)			Productivity			COURT RATING						
	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	Trend	2013	2012	2011	2013	2012	2011	Trend	2013	2012	2011	2013	2012	2011		
Botanica Court, municipality of Chisinau	96%	98%	95%	17%	15%	14%	26%	12%	60%	65	54	54	28	19	23	↘	-9%	35%	4%	862	875	838	↘	-6%	2%	-9%	BB	BB	BB		
Bulucani Court, municipality of Chisinau	98%	101%	92%	21%	18%	19%	14%	-4%	65%	77	64	76	61	24	15	↘	-46%	1%	2%	1,148	1,141	898	↘	20%	21%	-3%	BB	BB	BB		
Centru Court, municipality of Chisinau	97%	98%	92%	23%	20%	19%	15%	10%	69%	88	75	77	19	13	12	↘	30%	-19%	0%	1,271	1,367	1,214	↘	-7%	19%	1%	BB	BB	BB		
Ciocana Court, municipality of Chisinau	101%	101%	94%	13%	15%	15%	-9%	-4%	68%	47	54	58	31	22	20	↘	-24%	31%	14%	794	763	739	↘	2%	-5%	-18%	AB	AB	BB		
Rishkan Court, municipality of Chisinau	93%	99%	85%	37%	33%	35%	22%	4%	76%	146	123	150	24	17	17	↘	7%	48%	0%	1,176	966	758	↘	14%	0%	-26%	BB	BB	BB		
Balti Court	102%	98%	96%	17%	19%	18%	-11%	10%	28%	61	72	69	37	27	24	↘	5%	30%	67%	667	523	560	↘	-1%	-19%	-13%	BB	BB	BB		
Bender Court	105%	97%	101%	10%	8%	6%	-35%	60%	-11%	35	31	23	179	85	85	↘	-49%	-47%	-41%	196	341	284	↘	-31%	-26%	-30%	AB	AB	AB		
Anenii-Noi	101%	100%	98%	10%	9%	9%	-5%	5%	21%	35	32	34	45	22	22	↘	-8%	82%	49%	991	761	696	↘	70%	21%	8%	AA	AA	AA		
Basarabasca	102%	98%	102%	11%	11%	8%	-18%	26%	-19%	38	41	30	90	61	77	↘	-15%	4%	-19%	325	362	395	↘	-5%	-3%	-3%	AB	AB	AB		
Briceni	104%	96%	102%	10%	10%	4%	-25%	59%	-38%	37	40	14	65	31	22	↘	-32%	-7%	-50%	468	583	1,064	↘	-12%	0%	-2%	AB	AB	AB		
Cahul	98%	94%	95%	29%	27%	20%	6%	29%	37%	109	103	77	52	46	27	↘	0%	11%	88%	462	520	538	↘	-15%	-9%	-12%	BB	BB	BB		
Cantemir	100%	95%	96%	24%	24%	19%	1%	26%	30%	86	90	72	97	110	71	↘	-24%	-27%	-1%	461	439	586	↘	25%	24%	53%	BB	BB	BA		
Calarasi	102%	100%	99%	14%	14%	14%	-12%	2%	5%	51	51	52	58	51	57	↘	-8%	-24%	-26%	491	560	538	↘	10%	5%	-6%	AB	AB	BB		
Causeni	106%	99%	96%	21%	24%	23%	-24%	6%	23%	71	87	87	73	49	30	↘	-30%	-15%	48%	497	458	507	↘	1%	-20%	-3%	BB	BB	BB		
Ceadir-Lunga	97%	99%	96%	15%	11%	9%	23%	7%	83%	55	40	35	82	57	46	↘	-22%	-8%	19%	452	410	543	↘	15%	-4%	15%	BB	AB	AB		
Cimislia	99%	100%	100%	9%	11%	12%	19%	1%	-4%	35	41	45	49	86	40	↘	-10%	-36%	43%	1,007	539	487	↘	83%	17%	0%	AA	AA	AB		
Comrat	103%	95%	98%	16%	15%	9%	-14%	49%	30%	56	59	34	64	47	33	↘	7%	13%	34%	406	542	517	↘	-11%	9%	-6%	AB	BB	AB		
Cruleni	94%	103%	98%	19%	15%	16%	-41%	-18%	16%	75	53	59	92	49	41	↘	-22%	58%	33%	371	368	402	↘	-13%	-8%	-14%	BB	BB	BB		
Donduseni	102%	99%	98%	7%	9%	9%	-25%	12%	27%	23	32	33	77	70	84	↘	8%	3%	-3%	406	398	342	↘	21%	11%	5%	AB	AB	AB		
Drochia	107%	98%	95%	22%	24%	22%	-23%	11%	26%	75	91	85	62	41	47	↘	-20%	23%	2%	390	421	407	↘	-15%	-15%	-20%	BB	BB	BB		
Dubasari	100%	103%	98%	12%	11%	12%	0%	-21%	21%	45	38	44	183	74	55	↘	-38%	23%	34%	234	273	240	↘	-2%	-2%	-26%	AB	AB	AB		
Edinet	102%	100%	99%	9%	11%	11%	-16%	-4%	9%	32	40	40	59	50	56	↘	-10%	26%	32%	421	408	421	↘	-11%	-11%	-6%	AB	AB	AB		
Falesti	100%	100%	108%	12%	11%	12%	0%	4%	-40%	42	40	40	76	53	47	↘	-22%	1%	19%	367	390	374	↘	-11%	-9%	-14%	AB	AB	AB		
Floresti	108%	134%	69%	19%	25%	37%	-31%	-58%	524%	63	69	198	69	39	49	↘	-20%	-26%	-37%	389	518	495	↘	-17%	-21%	-12%	AB	AB	BB		
Glodeni	94%	105%	97%	10%	4%	9%	132%	-51%	40%	40	15	35	193	62	67	↘	-67%	-12%	-12%	335	381	336	↘	-10%	-10%	-14%	BB	AB	AB		
Grigoriopol																															
Hincesti	99%	96%	94%	19%	22%	16%	4%	24%	65%	70	84	62	61	64	57	↘	-3%	-2%	-5%	427	386	478	↘	-13%	-14%	-16%	BB	BB	BB		
Ialoveni	100%	98%	97%	22%	15%	13%	0%	12%	28%	80	56	50	54	24	18	↘	-2%	23%	42%	624	895	888	↘	30%	26%	6%	BA	BA	BB		
Leova	96%	100%	98%	21%	9%	8%	35%	3%	41%	80	35	31	118	37	75	↘	-39%	-1%	-51%	326	560	606	↘	-2%	17%	1%	BB	AB	AB		
Nisporeni	100%	100%	100%	10%	8%	9%	2%	-2%	3%	38	28	31	84	45	61	↘	-12%	28%	4%	314	421	378	↘	-11%	-2%	-14%	AB	AB	AB		
Ocnita	100%	102%	101%	5%	5%	6%	5%	-28%	-14%	18	17	23	99	50	42	↘	-48%	6%	38%	357	455	379	↘	-19%	16%	-7%	AB	AB	AB		
Orhei	100%	98%	98%	14%	13%	10%	-2%	15%	26%	49	49	39	51	25	29	↘	-11%	33%	1%	631	573	812	↘	8%	-15%	11%	AB	BB	AB		
Rezina	100%	98%	100%	6%	4%	3%	5%	58%	-10%	20	17	10	60	34	30	↘	-4%	32%	39%	452	528	551	↘	10%	8%	3%	AB	AB	AB		
Ribnita																															
Riscani	107%	91%	99%	13%	20%	12%	-35%	83%	9%	45	79	44	74	60	55	↘	-22%	-9%	23%	524	460	359	↘	26%	18%	-7%	AB	BB	AB		
Singerei	100%	100%	98%	9%	10%	9%	2%	0%	23%	35	37	33	69	46	35	↘	-15%	19%	35%	401	374	624	↘	-4%	-9%	27%	AB	AB	AA		
Slobozia																															
Soroca	100%	103%	100%	10%	9%	12%	-1%	-28%	-1%	37	32	45	68	58	43	↘	-32%	-45%	1%	448	520	518	↘	-16%	-9%	-19%	AB	AB	AB		
Straseni	100%	98%	95%	20%	18%	14%	0%	9%	46%	74	67	55	50	32	41	↘	4%	31%	-25%	569	554	619	↘	2%	-8%	-17%	BB	BB	BB		
Soldanesti	100%	99%	95%	14%	7%	15%	-1%	9%	50%	53	24	58	118	22	58	↘	-30%	39%	41%	408	907	343	↘	24%	57%	8%	AB	AA	BB		
Stefan-Voda	101%	100%	99%	9%	7%	8%	-6%	-3%	12%	34	27	31	70	33	29	↘	-6%	51%	87%	542	736	654	↘	37%	58%	51%	AA	AA	AA		
Taracila	99%	100%	95%	15%	13%	11%	10%	3%	79%	56	46	43	106	75	51	↘	-22%	7%	54%	439	291	379	↘	38%	-15%	11%	BA	AB	BA		
Telenești	101%	99%	99%	6%	6%	7%	-18%	15%	11%	22	24	24	59	42	36	↘	-23%	-5%	51%	435	479	405	↘	-5%	-11%	-10%	AB	AB	AB		
Ungheni	105%	104%	98%	18%	23%	20%	-20%	-15%	9%	63	82	76	50	31	23	↘	9%	52%	94%	510	489	623	↘	2%	-7%	0%	AB	BB	BA		
Vulcanesti	103%	90%	92%	19%	26%	14%	-15%	65%	135%	67	107	56	171	83	218	↘	-44%	36%	-53%	585	288	501	↘	97%	17%	68%	BA	BA	BA		
District Commercial court	108%	226%	158%	53%	29%	12%	-14%	-81%	-82%	177	47	29	753	114	12	↘	-67%	-34%	130%	43	118	953	↘	-60%	-68%	-6%	BB	AB	AA		
Military Court	103%	95%	105%	2%	5%	0%	-60%			6	21	0	0	0	478	↘			217%			19									
Avg	101%	102%	98%	16%	15%	13%	-1%	7%	34%	57	53	51	90	47	56					526	543	551									
Stdevp	3%	7%	5%	6%	6%	5%	18%	21%	43%	23	21	22	51	19	33					187	169	171									
Min	93%	90%	69%	2%	4%	0%	-60%	-81%	-100%	6	15	0	0	0	12					43	118	19									
Max	108%	226%	158%	53%	33%	37%	132%	83%	524%	177	123	198	753	114	478					1,271	1,367	1,214									

### Appendix 5: Ukraine (Kiev and Odessa)

Court name	Clearance Rate			Caseload			Backlog/Change			Disposition Time			Efficiency (budget/case)			Cost Efficiency			Productivity (res. cases/judge)			Productivity			COURT RATING				
	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	Trend	2013	2012	2011	2013	2012	2011	Trend	2013	2012	2011	2013	2012	2011
Holosiv court	98%	102%	102%	11%	10%	8%	25%	-15%	-18%	41	34	29	€ 45	€ 44	€ 20		9%	-1%	89%	973	923	1,295		15%	8%	39%	BA	AA	AA
Darnytsia court	106%	120%	92%	12%	19%	23%	-32%	-51%	54%	42	58	93	€ 57	€ 48	€ 26		-13%	-9%	9%	829	886	1,119		4%	4%	-1%	AB	AB	BB
Desna court	100%	102%	102%	6%	7%	6%	4%	-21%	-21%	24	24	21	€ 58	€ 61	€ 26		-7%	-14%	-4%	725	678	995		-7%	-11%	-10%	AB	AB	AB
Dnipro court	98%	101%	101%	8%	7%	7%	23%	-14%	-8%	31	25	24	€ 42	€ 36	€ 23		1%	14%	22%	925	936	1,135		1%	3%	3%	AB	AA	AA
Obolon court	100%	102%	101%	10%	9%	8%	5%	-22%	-12%	37	31	29	€ 68	€ 52	€ 25		-24%	-5%	6%	653	760	1,019		-15%	-2%	-3%	AB	AB	AB
Pechersk court	99%	100%	100%	5%	5%	5%	13%	2%	6%	18	19	17	€ 47	€ 57	€ 33		7%	-12%	31%	832	684	736		-8%	-17%	-18%	AB	AB	AB
Podil court	102%	102%	104%	10%	13%	12%	-16%	-15%	-24%	35	46	41	€ 55	€ 55	€ 24		0%	-2%	18%	866	792	1,047		14%	8%	5%	AA	AA	AA
Sviatoslyn court	104%	101%	100%	11%	14%	13%	-28%	-8%	-3%	38	51	47	€ 67	€ 57	€ 31		-19%	-26%	-10%	702	726	876		-7%	-19%	-14%	AB	BB	BB
Solomianka court	99%	101%	102%	8%	7%	7%	19%	-17%	-20%	31	26	26	€ 48	€ 43	€ 25		-1%	1%	19%	878	893	1,091		3%	3%	6%	AB	AB	AA
Shevchenko court	103%	104%	106%	8%	13%	12%	-27%	-24%	-35%	30	45	42	€ 73	€ 53	€ 20		-29%	-7%	101%	863	783	1,117		2%	-4%	20%	AB	AB	AA
Ananyiv district court of Odessa region	92%	101%	97%	16%	10%	10%	97%	-10%	46%	65	37	39	€ 93	€ 96	€ 46		22%	22%	117%	575	523	767		23%	13%	61%	BA	AA	BA
Artsyz district court of Odessa region	101%	103%	101%	14%	19%	6%	-10%	-15%	-17%	50	67	22	€ 78	€ 83	€ 19		22%	10%	-75%	497	474	1,340		-6%	-13%	-16%	BA	BB	AB
Balta district court of Odessa region	102%	103%	101%	5%	61%	2%	-29%	-5%	-27%	17	214	8	€ 74	€ 65	€ 18		19%	10%	-92%	623	749	1,933		11%	14%	17%	AA	BA	AB
Berezivka district court of Odessa region	104%	97%	95%	19%	24%	12%	-19%	16%	63%	68	90	47	€ 83	€ 99	€ 31		-38%	8%	-13%	469	437	929		2%	-12%	-10%	BA	BB	BB
Bilhorod-Onistrovskyi city and district court of Odessa region	104%	96%	108%	18%	21%	14%	-16%	20%	-37%	65	81	46	€ 48	€ 46	€ 20		20%	25%	86%	890	846	1,243		20%	16%	42%	BA	BA	AA
Billaivka district court of Odessa region	92%	99%	97%	9%	12%	11%	117%	10%	46%	37	43	40	€ 64	€ 65	€ 26		-3%	-6%	40%	648	574	882		-11%	-18%	-1%	BB	BB	BA
Bolhrad district court of Odessa region	100%	99%	102%	4%	4%	2%	-11%	24%	-55%	14	16	6	€ 79	€ 77	€ 22		-4%	-9%	-25%	511	491	1,099		-16%	-25%	-11%	AB	AB	AB
Velyka Mykhailivka district court of Odessa region	102%	100%	106%	6%	8%	5%	-25%	5%	-56%	22	30	17	€ 60	€ 58	€ 25		36%	43%	8%	846	823	1,446		47%	41%	35%	AA	AA	AA
Ivanivka district court of Odessa region	107%	105%	96%	12%	23%	15%	-38%	-17%	39%	41	79	57	€ 67	€ 69	€ 28		20%	41%	4%	736	619	1,185		19%	15%	11%	AA	BA	BA
Izmail city and district court of Odessa region	100%	127%	95%	15%	15%	17%	-3%	-65%	46%	53	43	67	€ 62	€ 47	€ 18		-7%	-18%	-74%	633	796	1,456		-16%	-16%	-11%	BB	AB	BB
Ilichivsk city court of Odessa region	97%	102%	104%	15%	12%	8%	22%	-15%	-33%	55	44	30	€ 59	€ 47	€ 18		3%	10%	-41%	862	893	1,624		18%	8%	13%	BA	AA	AB
Kiliya district court of Odessa region	107%	124%	103%	29%	34%	38%	-20%	-42%	-8%	98	99	136	€ 79	€ 45	€ 21		-13%	12%	71%	766	949	1,224		14%	14%	21%	BA	AA	BA
Kodyma district court	97%	102%	101%	8%	56%	5%	64%	-3%	-16%	29	201	19	€ 76	€ 72	€ 26		19%	31%	38%	826	734	1,357		54%	37%	48%	AA	BA	AA
Komintemivskoe district court	99%	99%	99%	29%	24%	17%	5%	5%	5%	108	89	62	€ 79	€ 62	€ 24		-10%	9%	68%	582	668	1,086		-10%	1%	26%	BB	BB	BA
Kotovsk city and district court of Odessa region	99%	104%	96%	9%	9%	9%	9%	-29%	86%	33	31	33	€ 68	€ 69	€ 25		6%	2%	-32%	674	654	1,231		8%	3%	2%	AA	AB	BB
Krasni Okny district court of Odessa region	97%	100%	95%	12%	10%	10%	27%	-1%	122%	46	38	37	€ 139	€ 126	€ 36		-15%	2%	8%	385	357	844		-22%	-20%	-15%	BB	AB	BB
Lubashivka district court of Odessa region	101%	96%	99%	8%	9%	3%	-10%	63%	89%	30	36	11	€ 92	€ 99	€ 24		16%	27%	-36%	508	473	1,309		4%	13%	4%	AA	BA	AB
Mykolaivka district court of Odessa region	103%	102%	99%	6%	9%	5%	-30%	-14%	36%	23	34	19	€ 130	€ 103	€ 29		-11%	14%	12%	453	443	994		-7%	-6%	-4%	AB	AB	AB
Ovidiopol district court of Odessa region	99%	102%	96%	13%	13%	17%	5%	-12%	35%	48	46	83	€ 59	€ 53	€ 28		22%	14%	69%	726	746	847		16%	4%	2%	BA	AA	BA
Reni district court of Odessa region	102%	119%	86%	23%	26%	33%	-7%	-43%	74%	83	80	141	€ 81	€ 61	€ 39		-1%	-8%	39%	577	736	784		-9%	-6%	-5%	BB	AB	BA
Rozdilna district court of Odessa region	101%	107%	97%	8%	7%	12%	-10%	-51%	35%	31	23	44	€ 57	€ 59	€ 27		44%	2%	-1%	672	744	1,127		19%	1%	5%	AA	AB	BB
Savran district court of Odessa region	93%	107%	98%	16%	9%	6%	83%	-44%	32%	63	32	23	€ 136	€ 110	€ 31		-8%	-4%	63%	359	390	1,066		-22%	-28%	-28%	BB	AB	AB
Sarata district court of Odessa region	104%	202%	75%	6%	12%	27%	-41%	-90%	1105%	22	21	133	€ 75	€ 48	€ 19		29%	-51%	-69%	619	1,111	1,741		19%	-2%	21%	AA	AA	BB
Tarutynе district court of Odessa region	98%	100%	99%	13%	9%	4%	18%	4%	33%	48	31	15	€ 85	€ 89	€ 25		44%	23%	-30%	502	536	1,340		20%	17%	7%	BA	AA	AB
Tatarbunary district court of Odessa region	101%	100%	99%	5%	4%	3%	-18%	-8%	22%	17	15	11	€ 66	€ 65	€ 18		29%	12%	-94%	658	750	1,695		22%	21%	0%	AA	AA	AB
Teplodar city court of Odessa region	106%	94%	99%	9%	15%	7%	-40%	58%	19%	32	59	24	€ 299	€ 285	€ 123		-30%	-18%	-11%	178	164	283		-46%	-44%	-49%	AB	BB	AB
Frunzivka district court of Odessa region	98%	102%	94%	7%	2%	8%	32%	-52%	230%	26	7	32	€ 148	€ 119	€ 64		-18%	9%	17%	382	378	508		-21%	-15%	-25%	AB	AB	BB
Shyriateve district court of Odessa region	101%	101%	120%	20%	22%	7%	-4%	-6%	-74%	73	80	22	€ 82	€ 63	€ 36		-1%	46%	92%	844	801	914		42%	44%	37%	BA	BA	AA
Kuzhne city court of Odessa region	101%	98%	101%	12%	14%	12%	-7%	18%	-8%	42	52	45	€ 75	€ 78	€ 35		20%	20%	53%	642	555	841		7%	-6%	-1%	AA	BB	AA
Kyivsky district court of city of Odessa	103%	99%	100%	15%	18%	12%	-17%	6%	-2%	53	67	43	€ 57	€ 58	€ 27		-10%	-9%	-9%	752	683	1,019		-4%	-11%	-9%	BB	BB	BB
Malynovsky district court of city of Odessa	105%	101%	102%	15%	18%	14%	-23%	-5%	-12%	52	64	51	€ 50	€ 46	€ 25		-12%	-14%	-3%	773	831	1,123		-11%	-7%	0%	AB	BB	BB
Prymorsky district court of city of Odessa	97%	101%	97%	22%	46%	20%	16%	-2%	17%	84	168	77	€ 36	€ 42	€ 24		4%	-7%	17%	1,162	866	1,063		15%	-7%	-2%	BA	BB	BA
Suvorovsky district court of city of Odessa	105%	102%	102%	6%	11%	9%	-42%	-18%	-19%	22	39	32	€ 52	€ 49	€ 22		-9%	3%	-38%	803	787	1,266		-1%	-1%	-5%	AB	AB	AB
Avg	101%	105%	99%	12%	16%	11%	26%	-12%	40%	44	56	42	€ 78	€ 71	€ 29		4%	4%	7%	683	689	1116		4%	0%	4%			
Sdevp	4%	16%	6%	6%	12%	8%	180%	28%	173%	22	44	32	€ 42	€ 40	€ 17		19%	18%	52%	188	191	309		19%	17%	21%			
Min	92%	94%	75%	4%	2%	2%	-42%	-90%	-74%	14	7	6	€ 36	€ 36	€ 18		-30%	-51%	-94%	178	164	283		-46%	-44%	-49%			
Max	107%	202%	120%	29%	61%	38%	1177%	63%	1105%	108	214	141	€ 289	€ 285	€ 123		44%	43%	117%	1162	1111	1933		54%	44%	61%			

