

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

*Working Group on*  
*“Efficient Judicial Systems”*

**PROJECT REPORT**

Directorate General of Human Rights and Rule of Law

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## **LIST OF ABBREVIATIONS**

<b>CCJE</b>	Consultative Council of European Judges, Council of Europe
<b>CEPEJ</b>	European Commission for the Efficiency of Justice, Council of Europe
<b>CM</b>	Committee of Ministers, Council of Europe
<b>CM Rec</b>	Recommendation of the Committee of Ministers of the Council of Europe
<b>CoE</b>	Council of Europe
<b>EPC</b>	Eastern Partnership Countries
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>EU</b>	European Union
<b>FTE</b>	Full Time Equivalent
<b>HCJ/G</b>	High Council of Justice (Georgia)
<b>HCJ/U</b>	High Council of Justice (Ukraine)
<b>HQC</b>	High Qualifications Commission (Ukraine)
<b>JLC</b>	Judicial-Legal Council (Azerbaijan)
<b>MoJ</b>	Ministry of Justice
<b>SCM</b>	Superior Council of Magistracy (Republic of Moldova)
<b>VC</b>	Venice Commission, Council of Europe

## Foreword



The report on “Efficient Judicial Systems” completes a series of reviews prepared within the framework of the European Union/Council of Europe Joint Programme entitled “Enhancing Judicial Reform in the Eastern Partnership Countries”. These analyses assess domestic legislation and its implementation in Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine (the Eastern Partnership countries), how they correspond to European standards regarding judicial systems, and make recommendations for further action. After examining at the initial stage the issues of independence and professionalism of the judiciary in the Eastern Partnership countries, the project has now focused its attention to a key complementary element: efficiency in the functioning of the public services of justice.

The efficient organisation and time management of judicial proceedings are essential elements of a fair trial, along with judicial independence and impartiality. This attention to society’s expectations reflects an important shift of focus, placing the user at the heart of public policies of justice. To meet public expectation and trust, the law must be approved and justice administered in all cases brought to court.

With this in mind, the Council of Europe set up in 2002 the European Commission for the Efficiency of Justice (CEPEJ) and entrusted it with a threefold task: to evaluate the functioning of European judicial systems, to contribute to designing user-oriented policies in the field of justice and to develop concrete and pragmatic tools aimed at policy makers and judicial practitioners which would help strengthen the efficiency and quality of justice services provided to the public.

The CEPEJ has carried out evaluations of day-to-day functioning of European judicial systems since 2004. Through its Evaluation Scheme, CEPEJ collects and analyses qualitative and quantitative data on the functioning of judicial systems in the 47 member States of the Council of Europe. A comprehensive report is produced every two years. The reports help to understand the functioning of courts, underline the main trends in judicial systems and identify key issues to be addressed. They have become a key reference for improving the efficiency and quality of justice services in Europe for legal professionals, policy makers and researchers.

The present report on “Efficient judicial systems” benefits from data collected through the CEPEJ 2010-2012 Evaluation cycle. The report in fact expands the judicial evaluation work of the CEPEJ and contains certain unique features: for the first time, using data available in the database for 47 countries, specific information related to the Eastern Partnership countries has been extracted, which has allowed a comparison of a small group of countries which share several similarities. The CEPEJ tools on workflow and time management were applied at court level within the five target countries.

The report is the result of a process of discussion and sharing of experiences among representatives from national ministries of justice, judicial self-governing bodies and high-level courts in the Eastern Partnership countries, with the support of CEPEJ experts. It is divided into three parts. Part I focuses on budgets, backlogs, financial means as well as human resources allocated to the functioning of the judicial system of the five countries. It also provides a comprehensive and systematic comparison of the performance of the judicial systems in the countries based on 28 qualitative judicial performance indicators of input, workload and output. Part II includes an analysis of national court statistics with a focus on backlogs, clearance rate, disposition time, productivity and efficiency. Finally, Part III explains how to monitor and evaluate the performance of a judicial system.

I wish to thank all the Eastern Partnership representatives for their contribution to this report and to the Project. I would like to express the hope that the relevant authorities will use this report, as well as the previous reports prepared within the framework of the Project, as a practical tool for designing future

reforms of the justice sector in their countries and developing an efficient national court system, in which quality public services are delivered to the public in line with European standards.

And finally, I would also like to thank the project consultants and authors of the reports:

Mr Frans van der Doelen  
Programme Manager of the Department of the Justice System, Ministry of Security and Justice, The Netherlands, CEPEJ member

Mr Adis Hodzic  
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, Vice-President of the CEPEJ

The report is available in English and Russian at the following link: <http://www.coe.int/capacitybuilding/>. This link also provides more information on the Project "Enhancing Judicial Reform in the Eastern Partnership Countries."

A handwritten signature in blue ink, appearing to read 'P. Boillat', with a long horizontal flourish extending to the right.

Philippe Boillat  
Director General Human Rights and Rule of Law

## CONCLUSIONS AND RECOMMENDATIONS

This report focuses on the funding, performance and efficiency of courts and the judicial systems. The experts realise quite well that efficiency is not an aim in itself, but a mean to deliver better justice and improve the rule of law. Efficiency and quality are connected. A transparent and efficient way of organising the judiciary - and public services in general - contribute to less corruption and more public trust. The efficiency and the quality of the courts and the judiciary should therefore not be analysed separately. If one chooses an isolated perspective on efficiency, one makes the same mistake often made by legal professionals: by only focussing on quality, in the long run the access and public trust is threatened because of ever increasing costs and delays. So quality and productivity of the judiciary should be in balance.

This report deals with the efficiency and productivity of the courts and judiciary. It is important that the results should be put in a broader context of justice and the rule of law. Two examples can illustrate this. This report concludes that in **Georgia** the resources for courts are allocated efficiently, since more than 90% of the variation in number of judges is explained by the variation in the number of resolved cases in courts. One thing is whether an organisation is efficient and it is another thing whether the users appreciate the added value. In order to get more complete picture Georgia organised a survey concerning the experiences of users of courts in six cities. The results of these surveys can be of great value for improving the quality of justice. This is true, especially when in the future the results also are validated by the main stakeholders. In this report it is concluded that courts in **Ukraine** have a good performance concerning the realised timeframes. For a proper understanding of the functioning of the judicial system it is important to relate these results to the number of cases concluded by a judgement of violation or non-violation of Article 6 of the European Convention on Human Rights. More in general the findings of this report regarding efficiency should not be read in isolation, but also put in the context of the conclusions of the other working groups of the project on Enhancing Judicial Reform in the Eastern Partnership Countries. Conclusions of the working group on judicial independence and Judges' career are quoted when relevant.

Another important disclaimer of this report is that the international comparison regards data of the year 2010. The reported figures derive from the report European Judicial Systems 2012 (data 2010). In some cases some countries suggested that the reported figures cannot be correct. In this report we rely on data as they were verified, consolidated and reported in this official publication of the Council of Europe. Since 2010 the EPC is in transition. In Azerbaijan reform of the judiciary is o-going process. In Georgia the law has been changed and the Judicial Council is entitled to submit suggestions and the rationale of required finances for the judiciary to the Parliament before consideration of a final version of draft State budget. In Ukraine laws considering the position and remuneration of judiciary and public prosecution have been adapted in 2012, partly as a result of the recommendations of the Venice commission and the report and country discussion of Working group I of this project. The effects of these recent measures are not taken into account in this part of the report, as it relies on data of 2010. In the European Judicial Systems 2014 report - with data concerning 2012 - the effects of these kinds of measures can be evaluated in the near future.

The report consists of three parts:

Part I analyses the budgets, management and backlogs of the judicial system of Eastern Partnership Countries (EPC). The analysis is at large based on the data of the report 2012 (data 2010) of the European Commission for the Efficiency of Justice (CEPEJ) concerning European Judicial Systems. Part I also gives a comprehensive analysis of the CEPEJ-data of the EPC confronting more systematically the input, workload and performances of the judicial system in order to make an overall evaluation of its efficiency.

Part II contains an elaborate comparative analysis of the budgets and performance of courts within each of the EPC.

Part III concerns a normative framework on Institutional and policy making capacities that allow EPC to make strategic choices concerning the functioning of the judiciary, illustrated by some good practices.

## **PART I: BUDGET, MANAGEMENT AND BACKLOGS OF THE JUDICIAL SYSTEMS**

### **Chapter 1: Evaluation process**

Significantly large disparities can be observed in the per capita GDP in Europe and this must always be kept in mind when considering the subsequent results. For instance, two extremes can be pointed out: 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. 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 EPC: **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.

The conclusions and recommendations in Part I concerning the judicial systems in Armenia (ARM), Azerbaijan (AZE), Georgia (GEO), Republic of Moldova (MDA) and Ukraine (UKR) are summarised by presenting a) a table with figures concerning the main findings and b) a bold printed paragraph with conclusions and recommendations. For a fast reader, reviewing the bold printed conclusion and recommendations of Part I is sufficient. A more meticulous reader can relate the conclusions and recommendations to the figures in the tables. In the tables the five EPC are compared, the European average and median are used as benchmark.

### **Chapter 2: The public budget for the judicial system**

#### Public budget for courts

Table 1 describes the level and trend of the relative expenditures on courts of the EPC.

*Table 1: Annual public budget allocated to courts 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>	0.10%	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%

In the EPC the budgets have increased between 2008-2010. The increase in several states can also be explained by different factors; in particular by the increase of the official pay rate (**Armenia, 7%**), or major investments in buildings (the **Republic of Moldova, 12.6%**). In **Georgia (8.6%)** salaries of judges increased. In **Azerbaijan (33.9%)** - following the economic development and intensive judicial and legal reforms - large-scale projects for improving the judiciary have been implemented (buildings, ICT, number of judges and staff).



## Conclusion and recommendations

**In general, the EPC budget for courts is increasing more than the European benchmark. In comparative perspective court budgets in Armenia and Azerbaijan are lower than the European benchmark. Of these two states, Azerbaijan is enlarging the budgets between 2008 - 2010. In Armenia increasing the court budgets should be given a priority.**

### Composition of court budgets

The EPC are in transition. In the EPC large investments in ICT and buildings have taken place in recent years and come to an end. These kinds of investments make the composition of court budgets difficult to compare both between countries and through the years. The composition of court budgets regarding salaries, computerisation, justice expenses, court buildings, investment in new court buildings and training and education differ a lot between the countries. **Armenia** spends relatively a lot on salaries (84%), **Azerbaijan** on new buildings (22.8%) and in **Georgia** the justice expenses (24.2%) are a relative large part of the budget. The changes in the budget for training and education of judges are striking. **Ukraine** (-87%), **Armenia** (-47%) and **Georgia** (-4%) decreased the budget for training more than the European median. In the **Republic of Moldova** training particularly is of higher priority where the budget has been increased by 122%.

## Conclusion and recommendations

**Now that the investments in "hard" infrastructure (new buildings, ICT) are complete, the EPC should not forget the "soft" human infrastructure of the judiciary. The decline of budgets for training and education of judges in relation to the court budget should be stopped and become a priority for the future, as it was in the Republic of Moldova between 2008 - 2010.**

### Budgetary process

The budgetary process (from the preparation to the adoption, the management and the evaluation of budgetary expenditures) is, in most member states, organised in a similar way. The Ministry of Justice is mostly responsible for preparing the budget (proposals). The responsibility of adopting budget proposals lies with Parliament, sometimes allowing for other bodies to be involved. The working group on Independent Judicial Systems analysed this process in the EPC. Besides country specific remarks they drew a general conclusion which is also underscored by the experts of the working group on efficiency.

## Conclusion and recommendations

**"In all five countries, the judicial self-governing bodies are rather limited in terms of their capacity to present the budgetary needs of the judiciary to their governments and parliaments."**

### Public budget for public prosecution services

The European average and median amount allocated to the prosecution per capita has remained stable since 2008. Six states or entities (**Italy**, **UK-Northern Ireland**, **UK-Scotland**, **Netherlands**, **Monaco**<sup>1</sup> and **Switzerland**) spend more than 20€ per inhabitant on prosecution services. Ten states (among which there are the **Republic of Moldova**, **Armenia**, **Georgia**) spend less than 5€ per capita. Table 2 describes the level and trend of the relative expenditures on public prosecution services.

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<sup>1</sup> The data needs to be put into perspective by considering the low number of inhabitants.

Table 2: 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%

### Conclusion and recommendations

Although it is possible to explain the downward evolution for the public prosecution budgets in some ECP by the variation in exchange rates, in some ECP it is 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 *Prokuratura*. This specially accounts for the Republic of Moldova, Georgia and Armenia. In Azerbaijan and Ukraine the already relatively large budgets of the public prosecutors increased even further. The balance between judiciary and prosecution should be a point of consideration.

### Public budget for legal aid

In Europe on average 6.8€ is spent per inhabitant by the public authorities to promote 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 describes the level and trend of the relative expenditures on legal aid.

Table 3: Annual public budget allocated to legal aid 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>	0.004%	0.001%	0.01%	0.01%	NA	0.01%
<b><u>Change 2008-2010</u></b>	-16%	+38,2%	-9.4%	25.1%	NA	+10.8%

### Conclusion and recommendations

While there is a positive European trend regarding access to justice - and such trend being consistent with the requirements and spirit of the European Convention on Human Rights - in the EPC the Republic of Moldova and Georgia keep up with the European benchmark. Azerbaijan should continue its recent increase of the budget. In Armenia the increase of the budget for legal aid should be a priority (figures Ukraine were not available).

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

57.4€ per capita is the average amount of resources spent on the judicial system in Europe. Almost half of European countries considered here are above the European average. Eastern European states report the lowest budgets; Central European States, much of which have recently joined the European Union, stand at an intermediate level, North and West of Europe are spending the largest budgets per capita in accordance with the state of their economy. The EPC spend less than 10€ per capita on the judicial system: **Republic of Moldova (3.7€)**, **Armenia (4.9€)**, **Georgia (5.5€)**, **Azerbaijan (9.0€)**. Table 3 describes the level and trend of the relative expenditures on the judicial system (courts, prosecution and legal aid).

Table 4: Annual public budget allocated to courts, prosecution services and legal aid per inhabitant as part (in %) of the GDP per capita in 2010

	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%

#### Conclusion and recommendations

1) The budgets for the judicial system should be increased to a level that is in line with the size and wealth of the EPC-countries considering European benchmarks. This implies that:

- the budget in the Republic of Moldova is adequate (with a positive trend);
- a little to limited in Georgia (with a negative trend);
- substantially limited in Azerbaijan (with a positive trend);
- substantially limited in Armenia (with a negative trend).

It is 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 EPC budget, the distribution between courts, prosecution and legal aid within the judicial system is relevant. This implies that:

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

It is 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.

#### The financial revenues of the judicial system

In **Azerbaijan (1.9%)** and **Ukraine (3.5%)** the share of court fees in the court budget is very little compared to the European median of 29% (data 2012 for **Armenia, Georgia and the Republic of Moldova** are not available). The relative rise in court fees as part of the court budget is also increasing in **Azerbaijan (39%)** and **Ukraine (110%)**; it is significantly more than the median increase in Europe (15%). It is not clear whether this is due to a changing currency rate, increasing number of cases or higher court fees.

#### Conclusion and recommendations

The level of court fees is important for the access to justice. For the EPC, it is important to have figures available on this key issue. The major increase of court fees in Azerbaijan and Ukraine should not hinder citizens' access to Justice.

### Chapter 3: Judges, staff and salaries

#### Professional judges

Given the European average of 21.3 judges per 100 000 population - an average which is stable over two years - one can notice that the number of professional judges sitting in courts varies considerably depending on the state and the judiciary. The EPC has a distinct position in the Eastern Europe judicial landscapes. They have relative little number of judges. This may in part be explained by the fact that some systems are fully professionalised.

Table 5: Number of judges (in fte: full time equivalent) per 100.000 inhabitants in 2010, trend between 2006-2010 and jury/participation of citizens

	ARM	AZE	GEO	MDA	UKR	Median Europe
<b>Number of judges per 100.000</b>	5.2	6.7	6.7	12.4	19.3	21.3
<b>Change in number of judges 2006-2010</b>	10.2%	6.3%	-8%	1.8%	12.4%	1.6%
<b>Trial by Jury/Participation of citizens</b>	No	Experimental	Yes	No	Yes	No

Among the systems where professional judges dominate, one can note a small number of judges (less than 7 per 100 000 population) in the South Caucasus countries (**Armenia, Azerbaijan and Georgia**). In **Armenia and Republic of Moldova** there are no juries and participation of the public. Ukraine has juries. In 2010 **Azerbaijan** is experimenting with introducing juries on severe crimes into their system of professional judges.

### Conclusion and recommendations

The EPC mostly rely on professional judges, which explains the relative little number of judges compared to the European benchmark.

Recent developments in the EPC show a mixed picture. Georgia decreased the number of judges, while Azerbaijan and Ukraine increased the number.

In order to balance the efficiency of the judicial system with legitimacy, introduction of juries is a good step forward for the EPC.

### Non-judge staff

Major disparities between the states can be discerned regarding the non-judge staff in courts (other than *Rechtspfleger*). Such differences illustrate the various approaches to court organisation among European judicial systems. Comparing these figures should be done with great caution.

Table 6: Number of non-judge staff per judge in 2010 and trend 2006-2010

	ARM	AZE	GEO	MDA	UKR	Median Europe
<b>Non-judge court staff per judge</b>	2.8	3.8	6.9	3.5	NA	3-4
<b>Change number of court staff per judge 2006-2010</b>	-28%	3.8%	62%	-3.4%	NA	1.9%

### Conclusion and recommendations

While the European trend is to have less staff per judge, the picture in the ECP is more diverse: Azerbaijan and Georgia increasing the staff and Armenia and Republic of Moldova – with relative little staff - decreasing it. The variations observed must be interpreted very cautiously. There is no certainty that the responding states have a common understanding of the various categories of non-judge staff. Therefore one should not draw conclusions about the efficiency of the court work.

### Salaries of judges and prosecutors

Even though states cannot be given specific guidelines as to the actual sums judges should be paid, it is important to set up such a system that on the one hand makes judicial positions attractive and at the same time ensures the efficiency of the judiciary in general. Due to the financial and economic crisis the relative salaries of the judges (except in **Georgia**) and prosecutors (except in **Ukraine and Armenia**) are significantly decreased since 2008. This effect is in EPC even stronger than in the rest of Europe.

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. At the end of the career it is 3.9 for a judge of the Supreme Court and 3.6 for a prosecutor of the Supreme Court of the highest appellate instance.

Table 7: Salaries of judges and prosecutors at the beginning and end of the career in relation to the average national salary in 2010.

	ARM	AZE	GEO	MDA	UKR	Median Europe
<b>Judge</b>						
Beginning of career		3.0	3.8	1.5	2.6	2.1
End of career		5.5	7.4	2.2	8.6	3.9
<b>Public prosecutor</b>						
Beginning of career	2.2	1.4	3.0	1.2	2.2	1.8
End of the career	4.3	3.5	5.1	1.6	2.3	3.6

#### Conclusion and recommendations

1) With the exception of the Republic of Moldova the level of remuneration of judges in the EPC is generally in line with the available European benchmarks (2.1 - 3.9 x the average gross national salary). Data for Armenia are not available.

2) For public prosecutors this European benchmark is smaller (1.8 - 3.6 x the average gross national salary). This can be the 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 is beneath this European benchmark (in Ukraine only at the end of the career).

3) It is recommended to raise the salaries to the level of the European benchmark.

4) Concerning remuneration we restate 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."*

#### Chapter 4: Court management

##### Number of courts

**Armenia, Azerbaijan and Georgia** have less than 1 court per 100.000 inhabitants, which is less than the European median. **Republic of Moldova and Ukraine** have between 1 and 2 courts per 100.000 inhabitants, what is in line with the European median. The number of locations is somewhat bigger, but not very much and often a location is a legal entity. Concerning developments in the judicial map, it appears that between 2006 and 2010 the total variation of the absolute numbers of first instance courts has decreased significantly in **Georgia** (-39%) and slightly in **Armenia** (-6%). In comparison to 2006, the situation in **Azerbaijan** and **the Republic of Moldova** is relative stable. Only **Ukraine** experienced an increase (6%). So in most of the EPC there are changes in the judicial map, with Georgia and Armenia having fewer courts than is was the case before and Ukraine more expanding. It is important to highlight that data for several states or entities should be interpreted very carefully, considering the small absolute numbers of courts. Further it can be noticed that the EPC-courts in general are not particularly specialised and there are no special courts for small cases, dismissal or robberies.

## Management of courts

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, setting standards for quality and organising surveys to identify the satisfaction of the (professional) users of the court. In table 7 several aspects of the management of courts in the EPC is summarised.

Table 8: Dimensions of court management

	ARM	AZE	GEO	MDA	UKR	Median Europe
<b>Management of court budget</b>	President	President and Court Agency	President and Court Agency	President	President, Ministry of Finance	President
<b>Monitoring and evaluation (max 6)</b>	5	5	5	5	1	5
<b>Information system on backlogs</b>	yes	yes	yes	no	no	yes
<b>ICT-use of courts (max 72 points)</b>	0-30	50-60	35-50	35-50	0-30	50-60
<b>Videoconferencing in criminal cases</b>	no	yes	yes	no	no	<b>yes</b>
<b>Quality + performance standards</b>	no	yes	yes	no	yes	no (24)
<b>National or court users survey</b>	no	yes (Occasionally)	yes (Regularly)	no	yes (Occasionally)	yes (22)

The answers to the questions on management are to a large extent more subjective expert assessments and there are no hard objective data. Concerning these results it should be noted that regarding the budgetary process, the EPC has a special position in this respect because sometimes "other" authorities are involved in the court management. Also it should be noted that - considering the few answers still given to the specific question on average length of proceedings (Q102 see Chapter 5) - it is clear that the monitoring and evaluation systems in all the EPC exist by means of a and bureaucratic data collection, normative framework, while **Georgia** and **Azerbaijan** work on active development and implementation in practice (see Part III of this report)

### Conclusion and recommendations

1) Azerbaijan and Georgia seem very active in professionalising the management of courts (better use of ICT in the courts, use of videoconferencing, quality standards, performance monitoring and evaluation). In Ukraine, Armenia and the Republic of Moldova a professional management of courts that uses modern tools for improving the functioning is not yet well developed.

2) Professionalisation and self-governance of court management in the EPC should be stimulated in order to be able to modernise the courts (introducing ICT, monitoring and evaluation and quality policy) and improve performance.

### Chapter 5: Court performance: clearance rate and disposition time

In this chapter we focus on the backlogs, clearance rate and disposition time of the courts. Table 8 contains a summary table of the main figures CEPEJ-figures. The clearance rate is an indicator that monitors the case flow in a system. A clearance rate that equals to 100 percent indicates that the courts can handle exactly the same number of the incoming cases of that year. The disposition time is the average time that is needed to process the cases, measured in days. When a system improves its clearance rate up to more than 100%, the backlogs will decrease, also resulting in decrease of the disposition times. Table 8 shows the clearance rate and disposition time of civil, administrative and commercial cases. Red signs mean the score is relatively negative, green is a positive result.

Table 9: Clearance rate and disposition time of civil, administrative and criminal cases in 2010

	ARM	AZE	GEO	MDA	UKR	Median EF
<b>CIVIL CASES</b>						
Clearance rate of civil non-litigious cases (%)	97.4%	99.9%	100.1%	NA	NA	
Clearance rate of civil litigious cases (%)	101.0%	98.2%	96.2%	94.8%	103.0%	98.2%
Evolution of the clearance rate of civil litigious cases between 2006 and 2010, in %	NA	-0.2%	1.8%	-28.4%	NA	
Disposition Time of civil (and commercial) non-litigious cases	58	2	25	NA	NA	
Disposition Time of civil (and commercial) litigious cases	163	43	94	110	47	94
<b>ADMINISTRATIVE CASES</b>						
Clearance rate of administrative law cases in 2010, in %	89.4%	na	108.2%	91.9%	95.7%	
Evolution of the clearance rate of administrative law cases between 2006 and 2010, in %	-16.2%	na	18.1%	-32.2%	17.2%	
Disposition time of administrative law cases in 2010, in days	163	35	58	114	55	58
<b>CRIMINAL CASES</b>						
Misdemeanour and/or minor offences cases (%)	97%	99%	NA	NA	NA	
Criminal cases (Severe criminal offences) (%)	63%	102%	NA	NA	NA	
Clearance rate of the total number of criminal cases in 2010, in %	97.3%	99.3%	143.6%	94.2%	98.9%	98.9%
Evolution of the clearance rate of the total number of criminal cases between 2006 and 2010, in %	-1.0%	7.6%	25%	-31.4%	NA	
Disposition time of criminal cases in 2010, in days	78	50	36	103	95	78

## Conclusion and recommendations

Using the EPC-median as a benchmark, the red flags in the table indicate that concerning clearance rate and disposition time:

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

## Chapter 6: Comparative Analysis of the efficiency (28 indicators)

To evaluate the efficiency of a judicial system more rigorously the data on budgets, workload and performance had to be dealt in a more systematic way. Based on the 2006, 2008 and 2010 data provided by the EPC, workload and output indicators were calculated, standardised and compared to calculated and standardised indicators for 49 judicial systems of the Council of Europe member states and entities.

The statistical 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. In table 9 the results of the EPC are compared with the European average.

Table 10: Efficiency of the EPC in average European perspective

	ARM	AZE	GEO	MDA	UKR
<b>INPUT</b>	-	-	-	-	+
<b>WORKLOAD</b>	-	-	+	-	+
<b>CLEARANCE</b>	-	0	+	-	0
<b>DP-TIME</b>	+	+	+	+	+
<b>TREND DP-TIME</b>	decreasing	stable	increasing	decreasing	stable

### Conclusion and recommendations

**Resources:** With the exception of Ukraine operating with average resources, remaining four EPC operate with less than average resources of judicial systems in the Council of Europe's member states. Exceptions to this are judicial salaries in Georgia and Azerbaijan expressed through indicator Gross salary of a judge in relation to average gross annual salary.

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

**Clearance rate:** In general, Georgia performs better than average ability to handle annual inflow of cases; Azerbaijan and Ukraine demonstrate average ability to handle annual inflow of cases while Armenia and the Republic of Moldova face difficulties in handling annual inflow of cases.

**Disposition time:** All five EPC demonstrate better than average case disposition time, however, positive trend in reducing length of proceedings is present in Georgia, while negative trend in protracting case disposition time is observed in Armenia and the Republic of Moldova, as a direct consequence of inability to handle annual inflow of cases.

### PART II: COMPARING COURTS: CASE FLOW, PRODUCTIVITY AND EFFICIENCY

The following is a summary of short conclusions and recommendations on a court-level per country. It is strongly advised to check for details in the relevant chapter to learn about details and background goes along.

#### *Armenia*

#### **Case flow (Clearance Rate-Caseload-Backlog Change) - Recommendations:**

- Look into the reasons for the 7%-drop of clearance rate in 2011;
- Develop special measures to reduce increased backlog of 29% of yearly cases;
- Monitor and fight backlog-change-rate of 48%;
- Study the drop of clearance rate from 101% to recently 64% at Aragatsoth region;
- Identify the – obviously good - practise in Ararat Region increasing clearance rate;
- Carry out a special investigation and develop strong measures to support performance of Administrative Court.

#### **Disposition Time - Recommendations:**

- Explore the reason for significant drop of average duration to deliver a case;
- Explore the reason for significant average deviation of values of average duration to deliver a case of courts of same type.



**Efficiency - Recommendations:**

- To achieve an equal relation between budget invested and performance per courts of same type;
- Pay special attention to special cases like in the Aragatsotn region.

**Productivity - Recommendations:**

- Achieve equal productivity at courts of same type;
- Pay special attention to special cases and practices like the Aragatsotn region;
- Administrative Court has to be staffed sufficiently or measures (by amending the relevant law) have to be undertaken to decrease amount of incoming cases.

**Summary**

In general, it has to be noted that neither the amount of judges nor the invested budget is correlating with either the amount of incoming cases (input-oriented steering) nor with the amount of resolved cases (output-oriented management).

Especially from 2010 to 2011 (see "2011" in the following graph p.181) the absence of relation between raised budget and achieved output is obvious:

The all-over trend of development is negative on almost all indicators as the amount of input of judges and budget was cut since 2009, but the amount of incoming workload increased. In parallel the productivity dropped, causing backlogs and longer disposition times.

**Recommendations:**

- Focus also on judicial management by figures to identify difficulties on time and react properly; and
- Get equals of in- and output factors.

**Azerbaijan****Quality of data - Recommendations:**

- Check the integrity of court-statistics.

**Case flow (Clearance Rate-Caseload-Backlog Change) - Recommendations:**

- Look into the reasons for the drop of clearance rate between 2009 and 2011 and define measures against this trend;
- Fight dramatic increase of backlog-change-rate after identifying the reason for;
- Improve the clearance rate of Administrative-Economic Courts (lines 2-4 in the table p.185).

**Disposition Time - Recommendations:**

- Explore what causes disposition time at Administrative-Economic Courts (lines 2-4 in the table p. 187) multiplied from 2010 to 2011; and
- Find immediate measures against.

**Summary**

A rough correlation between in- and output factors has to be noted (see graph below p. 191), although the increase of judges is not related to the raise of incoming cases obviously as judges cannot be hired immediately on the market but need longer training.

For longer time the amount of resolved cases increased, as well keeping clearance rate almost levelled above 95%. Since 2011 this was not longer the case, and was creating the risk of sustainable backlogs.

Regarding the group of courts the following can be summarised: Administrative-Economic Courts (lines 2-4 in the table p.189) performed at rather stable level up to 2010; they are definitely reducing performance since 2011, which needs special attention.

The Courts on Serious Crimes (lines 5-7) courts' rather low efficiency/productivity is displayed only in mathematical logic in relation to other courts, but it is homogeneous in its type. Even if their caseload is slightly high, a proper disposition time can be achieved.

Baku Court on Serious Crimes is best performing in relation to the Courts on Serious Crimes and Lankaran Court on Serious Crimes. Lankaran Court on Serious Crimes itself is new in 2011 and still is less productive considering a clearance rate of only 83%. 34 instead of 28 resolved cases per judge a year would solve this problem.

The Military and District Courts (lines 8-16) perform excellently; slight attention should be given to backlog-change rate.

**Recommendations:**

- Be aware of limited clearance rate and potential risk of backlog;
- Pay special attention to decreasing performance of Administrative- Economic Courts (lines 2-4 in the table p.189);
- Look into the best practise executed at Baku Court on Serious Crimes;
- Staff the Lankaran Court on Serious Crimes sufficiently to address the workload.

**Georgia**

**Case flow (Clearance Rate-Caseload-Backlog Change) - Recommendations:**

- Identify the reasons for the clearance rate drop between 2009 and 2011 in Tbilisi and define measures against this trend.

**Disposition Time - Recommendations:**

- Find out reason for positive decrease of disposition time within last two years in Sokhumi and Gagra-Gudauta courts, (if identified as best practise) is transferrable to other courts.

**Productivity - Recommendations:**

- Be aware of unbalanced productivity: there is a limited logic between amount of cases and invested personnel.

**Summary**

- Georgia displays the best case-flow indicators at very low level of calculated disposition time. Along with a big variety of productivity high attention has to be drawn to ideal distribution of personnel and workload. Even if a general trend of reducing judges reflects the reduced number of incoming cases, a lot of courts perform "less productive/inefficient" in relation to invested personnel.

Regarding the still overstaffed/less productive courts, continuation of court-merger (or reduction of personnel and dematerialisation and distribution of workload) might be highly indicated to rebalance productivity in relation to invested personnel.

**Recommendations:**

- Pay high attention to ideal distribution of personnel and workload;
- Many courts perform "less productive/inefficient" in relation to invested personnel.

**Republic of Moldova**

**Case flow (Clearance Rate-Caseload-Backlog Change) - Recommendations:**

- Identify the reasons for the drop of clearance rate in 2011 especially at the Chisinau courts and Rîscani court;
- Further observe trends of clearance rate at Cakhul, Hîncesti, Soldanesti and Vulcanesti courts;

- Observe trend of caseload at Rîscani court, Chisinau municipality and the Floresti court;
- Backlog-change has to be monitored especially at courts in Hîncesti, Soldanesti, Taraclia and Vulcanesti;
- Develop immediate special measures to resolve situation in Floresti.

#### **Disposition Time - Recommendations:**

- Identify reasons for the increase of calculated disposition time (almost doubling since 2009); and
- Pay special attention to increased calculated disposition time in Rîscani court, Chisinau municipality (150 days) and Floresti court (198 days).

#### **Efficiency - Recommendations:**

- Explore the reasons for the increase of calculated disposition time (almost doubling since 2009).

#### **Productivity - Recommendations:**

- Try to balance distribution of resources and look for improvement;
- Understand the reasons for the continuous decrease of productivity since 2009.

#### **Summary**

Handling most of the case-flow with only a few exceptions properly, backlog-change sets a few alarms. Delivering still on time and efficient, a negative trend on all indicators has to be noted. Productivity is of big deviation and indicates room for improvement of use of resources. The increase of investment in budget and personnel within last two years has shown no effect on the amount of resolved cases up to now (may be it was invested mainly in infrastructure?).

The mentioned mismatch between work volume and availability of funding in Republic of Moldova indicates strengthening of performance-based budgeting could be considered.

#### **Recommendations:**

- Be aware of increasing backlog-change;
- Though still being efficient and on time, pay special attention to negative trend on all indicators;
- Take care of balanced productivity and relation between in- and output-factors.

#### ***Ukraine***

#### **Case flow (Clearance Rate-Caseload-Backlog Change) - Recommendations:**

- Be aware of dramatic development at Saratskiy District Court in Odessa and the Darnitskiy court in Kyiv; and
- Give a special attention to Velikomikhaylovskiy District Court in Odessa as best practise of performance (amongst others too).

#### **Disposition Time - Recommendations:**

- Pay special attention to disposition time at Kiliiski and Reniyskiy District Courts and recently Saratskiy District Court.

#### **Productivity - Recommendations:**

- Further balance productivity in all courts.

#### **Summary**

As seen above the increase of financial investment goes along – at least in 2011 – with the increase of the amount of incoming and resolved cases increasing productivity in parallel, which was not the case in 2010. As all the indicators followed show a balanced system and accurate data, assumption has to be drawn that management is watching closely an input-output balanced judicial performance.

### Part III: POLICY MAKING CAPACITIES

#### ***Stages in the Development of the Monitoring and Evaluation System***

Stages in the development of the monitoring and evaluation system in judiciary usually are 1) bureaucratic data collection, 2) normative framework, 3) institution building, 4) monitoring and evaluation, and 5) accountability and action

During 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
1. Bureaucratic Data Collection	X	X	X	X	X
2. Normative Framework	X	X	X	X	X
3. Institution Building		X	X	X	X
4. Monitoring and Evaluation		X	X		
5. 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.

#### **Conclusion and recommendations**

**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.**

**Also it should be noted that an ideal normative framework should not only deal with performance and timeframes, but also deal with aspects related to the quality of the work (i.e. by formulating standards for satisfaction of users).**

**Finally, Armenia, the Republic of Moldova and Ukraine are encouraged to implement all five stages in development of monitoring and evaluation system in order to strengthen policy making capacities.**

## INTRODUCTION

### 1. Objective and context of the working group

The overall objective of the Joint Project between 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 participating beneficiary countries, namely Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus (Eastern Partnership countries - EPC), 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 participating countries 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 are 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 is 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 participating countries 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; Judges Training; the lawyers’ profession.

The third WG on efficient judiciary reviews 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); court backlogs (case flow and judicial time management).

#### Theme 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.

According to the CEPEJ evaluation report 201 (2008 data) the budgets of the judicial systems have increased in most European countries until 2008. It is indicated that 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 this trend. Nevertheless, the beneficiary countries’ judiciary remains seriously under-funded and lack resources needed for court buildings, equipment, or for appropriate remuneration of staff. This problem has been identified as one of the most pressing and sensitive in all participating beneficiary countries.

## Theme 2: Court backlogs

All beneficiary countries are struggling with an increasing workload of their courts and, as a result, more and more 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 stressed 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 judiciary will assess the situation of the judiciary in five participating beneficiary countries, namely Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine.

### 2. Relevant European standards concerning independency, budgets and efficiency

The independence of the judiciary does not come without certain requirements concerning the budget of the judiciary. Concerning the relation between independency, financial resources and efficiency the following relevant European framework and standards concerning independency, budgets and efficiency should be bear in mind.

#### Independence

The Magna Carta (adopted by the CCJE on 17 November 2010) 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.

#### Independence and budgets

Concerning the relation between independence and budgets the CM/Rec(2010)12 provides some 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 (CM/Rec(2010)12 , 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 (CM/Rec(2010)12, 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. (CM/Rec(2010)12, paragraph 35).

The CCJE in its Opinion No 2 also recognised the close link between the funding of courts and the independence of judges and that funding determines the conditions in which courts are able to perform (paragraph 2). Decisions on the allocation of funds to the courts must be taken with the strictest respect for judicial independence (paragraph 5).

## Budgets and efficiency

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

First it is important to stress that there are differences between European countries in how the courts and the judiciary work. But especially in the last decade, there have been many common, positive developments. The 2010 edition of the Council of Europe’s report on European Judicial Systems which deals with the period 2004-2008 mentions the following trend in Europe

- Judicial budgets increased in 43 of the 47 member states.
- 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.

Of course 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 without undermining the rule of law?

The need for an efficient strategy to strengthen judicial independence and 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 efficient. In order to realise this other elements, elements must be considered such as:

- an efficient organisation of judicial system,
- the relevance of the procedures,
- a professional management of the human and financial resources,
- the responsabilisation of the players in the judicial system,
- training, etc.

In this report the focus is on the funding, performance and efficiency of courts and the judicial system. The experts realise 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 specific 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, the access and public trust is threatened in the long run because of ever increasing costs and delays. Quality and productivity of the judiciary should be in balance.

## Efficiency and quality of Justice

This report focuses mainly on the efficiency and productivity of the courts and judiciary. The results should be put in a broader context of justice and the rule of law. Two examples can illustrate this. Concerning Georgia it is concluded that the budget for courts is allocated efficiently as it explains for all case types above 90% of the variation of the resolved cases of a court. This conclusion should be put in the perspective of the users of a court. In order to get a more complete picture Georgia surveyed users of courts in 6 big cities. The users (lawyers, citizens) evaluated the court personnel with 4.6 points out of a 5-point and the judges with 4.4 points. The judges treated citizens politely and with respect – said the surveyed citizens and in this respect their evaluation was 4.6 points out of 5. High evaluation was also provided to the criteria of timely and prompt operations of the court, and here as well the evaluation was 4.4 points out of 5. As a whole, the users are more satisfied than

dissatisfied with the court service. Out of 4-point evaluation of court, the maximum points – 3.3 average points were for the confidence. Majority of the respondents trust the court. Majority of the respondents, which is 76.4% agree that the judges in Georgia do not get bribes. 11.8% found it difficult to answer to this question, and in total, 10.6 think that there are only single cases of taking bribes. This is a valuable effort of Georgia, but at the same time it should be noted that the results of this survey carried out within the framework of the project on “Promotion of Judicial Reform, Human and Minority Rights in Georgia” funded by the Danida were contested by other stakeholders. Concerning Ukraine it is concluded that the judicial system performances very well concerning the realised timeframes. The Council of Europe and its European Court of Human Rights pay specific attention to the “reasonable time” of judicial proceedings and the effective executions of judicial decisions. Ukraine is one of the two EPC-countries which have managed to set up a monitor system for civil and administrative cases regarding the number of cases declared inadmissible by the European Court, the number of friendly settlements, the number of cases concluded by a judgement of violation or non-violation of Article 6 of the European Convention on Human Rights. In the CEPEJ-report (2012, p. 173-174) it is noted that in 2010 Ukraine had 59 violations and 6 friendly settlements concerning the length of proceedings in article 6 cases of the European convention of Human rights. While interpreting data with due consideration to the number of inhabitants in the states; the data show that Ukraine has specific difficulties vis-à-vis excessive lengths of proceedings.

These two examples illustrate that it is essential to take simultaneously both the quality and the efficiency of justice into account. This is why the conclusions of this report regarding efficiency should not be read in isolation, but put in the context of the conclusions of the other working groups of the project on Enhancing Judicial Reform in the Eastern Partnership Countries. Conclusion of the working group on judicial independence and Judges' career are quoted when relevant.

### 3. Structure of the report

Part I of the report contains an extract from the report European Judicial Systems 2012 (data 2010) focussing on the five EPC. The approach of the Independent Judicial Systems Report will be applied by comparing the five countries and putting them in a European perspective. In order to assess the evolution of indicators, the experts are provided with data referring to the latest three evaluation cycles (2006-2008; 2008-2010 and 2010-2012). In order to compare the situation between beneficiary countries (Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine), in which the economic, social and legal circumstances are relatively comparable, we will focus on the comparison between the five participating beneficiary countries. In order to compare the situation in these countries with European trends - the European minimums, maximums and averages/medians are indicated where possible. In Part I also analysis of national court statistics is made with the focus on backlogs, clearance rate, disposition time, productivity and efficiency.

Part II contains a comprehensive and systematic comparison of the functioning of the judicial systems in the EPC. The presentation of the benchmarks in Part I gives a detailed insight in the various aspects of the judicial systems. This detailed picture makes it hard to get an overview and evaluate the performance of the judicial system as a whole. Part II contains the description of the methodology and results of applying this method.

Part III deals with institutional and policy making capacities in a country. It explains the elements of a monitoring and evaluation model and the way it can help by building up a strategy for courts or the judiciary.



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# **PART I: BUDGET, MANAGEMENT AND BACKLOGS OF THE JUDICIAL SYSTEMS**



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## CHAPTER 1: THE EVALUATION PROCESS OF THE CEPEJ

This first chapter describes the evaluation process carried out by the CEPEJ to prepare the report European Judicial Systems Edition 2012 (data 2010). The data that are used to compare the EPC in this report is a selection of the data presented in the CEPEJ publication. This chapter shortly lays out the working principles and methodological choices used in this exercise, and it introduces some general demographic and economic data.

### 1.1 The European Commission for the Efficiency of Justice

CEPEJ was set up by the Committee of Ministers of the Council of Europe in September 2002, and is entrusted primarily with proposing concrete solutions, suitable for use by Council of Europe member states for:

- promoting the effective implementation of existing Council of Europe instruments used for the organisation of justice (normative "after sale customer service");
- ensuring that public policies concerning the courts take account of the needs of users of the justice system; and
- helping to reduce congestion in the European Court of Human Rights by offering states effective solutions prior to application to the Court and preventing violations of Article 6 of the European Convention on Human Rights.

Today the CEPEJ is a unique body for all European States, made up of qualified experts from the 47 Council of Europe member states, to assess the efficiency of judicial systems and propose practical tools and measures for working towards an increasingly efficient service to the citizens.

According to its Statute, the CEPEJ must "*(a) examine the results achieved by the different judicial systems (...) by using, amongst other things, common statistical criteria and means of evaluation, (b) define problems and areas for possible improvements and exchange views on the functioning of the judicial systems, (c) identify concrete ways to improve the measuring and functioning of the judicial systems of the member states, having regard to their specific needs*". The CEPEJ shall fulfil these tasks, for instance, by "*(a) identifying and developing indicators, collecting and analysing quantitative and qualitative figures, and defining measures and means of evaluation, and (b) drawing up reports, statistics, best practice surveys, guidelines, action plans, opinions and general comments*".

The statute thus emphasises the comparison of judicial systems and the exchange of knowledge on how they function. The scope of this comparison is broader than 'just' efficiency in a narrow sense: it also emphasises the quality and the effectiveness of justice.

In order to fulfil these tasks, the CEPEJ has undertaken a regular process for evaluating judicial systems of the Council of Europe's member states.

### 1.2 The 2012 edition scheme for evaluating judicial systems (using data 2010)

In comparison with the previous exercise (2010 edition of the report, based on the 2008 data), the CEPEJ wished to establish the scheme meant to gather, from the member states, qualitative and quantitative information on the daily functioning of judicial systems. The main goal in keeping such consistency was to ensure the collection of homogeneous data from one exercise to another, thus allowing for comparisons over time, on the basis of the compilation and analysis of initial statistical series (see below). Hence, the evaluation scheme used for this current cycle<sup>2</sup> remains very similar to the one used for the 2008-2010 cycle.

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<sup>2</sup> See Appendix.

This report is based on figures from 2010. As the majority of the states and entities were only able to issue judicial figures for 2010 in the summer or autumn of 2011, the CEPEJ was not able to gather data before the beginning of 2012. This left a few months for member states to collect and consolidate their individual replies to the Evaluation Scheme and less than four effective working months for the experts to process them and prepare the report. Methodologically, the data collection is based on reports by member states and entities, which were invited to appoint national correspondents, entrusted with the coordination of the replies to the Scheme for their respective states or entities.

### ***Responding states***

By May 2012, 46 member states had participated in the process: **Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus<sup>3</sup>, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Republic of Moldova<sup>4</sup>, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia,<sup>5</sup> Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia",<sup>6</sup> Turkey, Ukraine and the United Kingdom.<sup>7</sup>**

Only **Liechtenstein** has not been able to provide data for this report. **Germany**, which was not able to participate in the previous cycle, has been able to provide their data this time.

It should be noted that in the federal states or states with a decentralised system of judicial administration, the data collection has different characteristics compared to those of centralised states. The situation is often more complex in those cases. In these states, data collection at a central level is limited, while at the level of the federated entities, both the type and the quantity of figures collected may vary. In practice, several federations have sent the questionnaire to each of their entities. Some states have conceived their answers for the whole country from the figures made available from the entities, taking into account the number of inhabitants for each component. To facilitate the data collection process, a modified version of the electronic scheme has been developed, at the initiative of Switzerland.

All the figures provided by individual member states have been made available on the CEPEJ website: [www.coe.int/cepej](http://www.coe.int/cepej). National replies also contain descriptions of the legal systems and comments that contribute greatly to the understanding of the figures provided. They are therefore a useful complement to the report although not all of this information has been included in it, in the interest of conciseness and consistency. Thus, a genuine data base on the judicial systems of the Council of Europe member states is easily accessible to all citizens, policy makers, law practitioners, academicians and researchers.

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<sup>3</sup> The data provided by Cyprus does not include data of the territory which is not under the effective control of the Government of the Republic of Cyprus.

<sup>4</sup> The data provided by the Republic of Moldova does not include data of the territory of Transnistria which is not under the effective control of the Government of Moldova. The official name of the country is the *Republic of Moldova*.

<sup>5</sup> The data provided by Serbia does not include data of the territory of Kosovo.

<sup>6</sup> Mentioned as "the FYROMacedonia" in the tables and graphs below.

<sup>7</sup> The results for the United Kingdom are presented separately for England and Wales, Scotland and Northern Ireland, as the three judicial systems are organised on different basis and operate independently from each other.

### 1.3 General economic and demographic figures

These figures, which almost every state was able to provide, give comprehensive information on the general context in which this study was conducted. In particular, they enable, as it was the case in the previous exercise, to relativise the other figures and put them in context, particularly budgetary figures and figures relating to court activity. The figures related to the GDP per inhabitant were provided by all the participating states. The national annual gross salary has also been used several times for comparing the salaries of judges and prosecutors. This was made so as to guarantee an internal comparability with the standards of living conditions in each country.

**Table 1.1. Economic and demographic data in 2010, in absolute values (Q1 to Q4)**

States/entities	Population	Total annual State public expenditure including regional and federal entity levels	GDP Per capita	Average gross annual salary
Albania	3 195 000	2 614 398 000	3 149 €	3 772 €
Andorra	85 015	NA	31 006 €	23 943 €
Armenia	3 262 600	1 726 006 000	2 168 €	2 560 €
Austria	8 387 742	166 981 000 000	34 120 €	28 715 €
Azerbaijan	8 997 600	11 624 337 100	4 406 €	3 820 €
Belgium	10 839 905	240 693 600 000	32 400 €	39 165 €
Bosnia and Herzegovina	3 843 126	5 542 506 251	3 257 €	7 467 €
Bulgaria	7 364 570	NA	4 789 €	3 165 €
Croatia	4 412 137	18 733 528 635	10 394 €	12 647 €
Cyprus	804 536	8 626 826 886	21 569 €	23 424 €
Czech Republic	10 517 247	84 374 860 334	14 324 €	11 395 €
Denmark	5 560 628	88 814 453 050	42 446 €	49 882 €
Estonia	1 340 194	5 317 986 254	10 674 €	9 508 €
Finland	5 375 276	51 745 195 000	33 608 €	36 516 €
France	65 026 885	682 700 000 000	29 805 €	33 512 €
Georgia	4 469 200	2 312 362 869	1 972 €	3 026 €
Germany	81 751 602	839 005 000 000	30 566 €	44 532 €
Greece	11 309 885	114 213 000	20 108 €	24 460 €
Hungary	9 986 000	48 875 848 664	9 712 €	9 291 €
Ireland	3 184 52	3 645 801 690	29 857 €	34 174 €
Ireland	4 581 269	73 332 000 000	34 892 €	36 371 €
Italy	60 626 442	526 944 000 000	25 727 €	23 976 €
Latvia	2 229 600	4 332 771 971	8 096 €	7 588 €
Lithuania	3 244 600	9 334 565 279	8 378 €	6 910 €
Luxembourg	511 840	17 155 800 000	82 100 €	42 000 €
Malta	417 617	3 121 279 000	20 200 €	14 466 €
Moldova	3 560 430	1 788 249 642	1 230 €	2 172 €
Monaco	35 881	838 206 335	55 809 €	33 828 €
Montenegro	620 029	1 465 410 000	5 006 €	8 580 €
Netherlands	15 655 799	301 236 000 000	35 414 €	50 900 €
Norway	4 920 305	113 209 000 000	64 022 €	55 216 €
Poland	38 200 000	98 086 225 285	9 359 €	9 769 €
Portugal	10 636 979	88 726 400 000	16 245 €	20 500 €
Romania	21 431 298	24 808 849 302	5 700 €	5 355 €
Russian Federation	142 914 136	413 815 587 982	7 766 €	6 210 €
San Marino	33 153	641 267 724	33 425 €	34 976 €
Serbia	7 291 436	13 215 188 800	3 841 €	5 422 €
Slovakia	5 435 273	15 337 011 000	12 125 €	9 228 €
Slovenia	2 050 189	9 874 155 345	17 286 €	17 939 €
Spain	45 989 016	477 773 000 000	23 100 €	30 819 €
Sweden	9 415 570	189 211 000 000	39 408 €	38 078 €
Switzerland	7 864 012	152 087 600 000	51 200 €	57 398 €
The FYROMacedonia	2 057 284	1 280 589 198	3 383 €	5 930 €
Turkey	72 561 312	204 343 000 000	7 541 €	11 501 €
Ukraine	45 778 500	29 106 607 981	2 257 €	2 378 €
UK-England and Wales	55 200 000	569 089 000 000	21 547 €	31 728 €
UK-Northern Ireland	1 799 392	18 898 000 000	18 155 €	26 895 €
UK Scotland	5 222 100	NA	22 632 €	28 015 €

In Europe significantly large disparities in the per capita GDP can be noted and must always be kept in mind when considering the subsequent results. For instance, two extremes can be noted: 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. The main comparison is between the EPC, while the European averages and median are mostly only reported as a point of reference for the partnership countries, which is relevant because all five are part of the European rule of law.

**Figure 1.2. Level of population and per capita GDP in Europe in 2010 (Q1, Q3)**

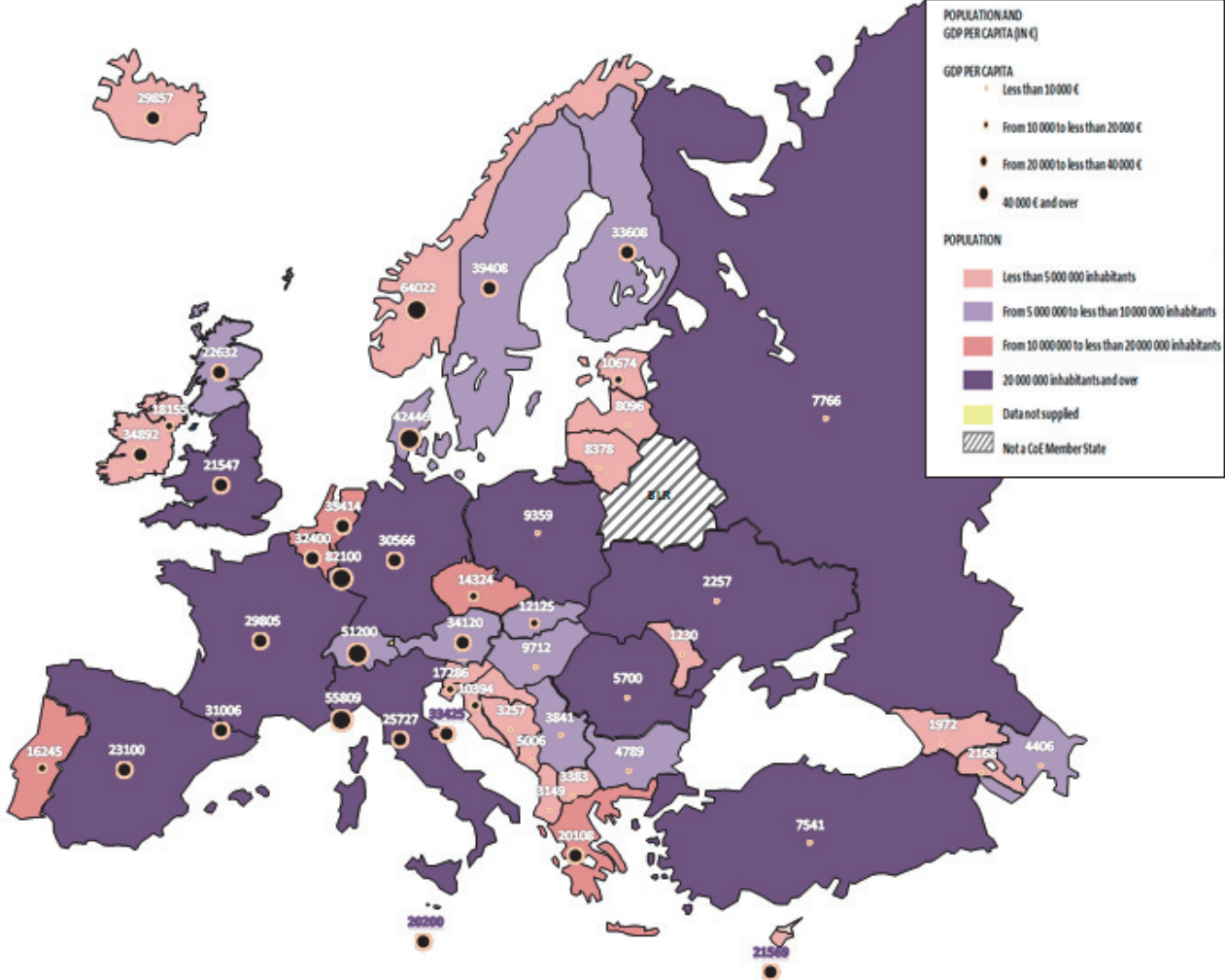


Figure 1.2. categorises countries according to their population and GDP. As one might expect, the five involved EPC are categorised in the same way concerning the economic dimension, which facilitates comparing systematically the functioning of their judicial systems. They are categorised different according to their size. In this respect **Armenia, Georgia** and the **Republic of Moldova** are comparable, whereas **Azerbaijan** and **Ukraine** are part of another geographical category. In general in this report the EPC are compared without taking into account this kind of differences.

## Keys

In order to have a complete and easy view of the complex maps and graphs, codes have been used at several occasions instead of the names of the member states. These codes correspond to the official classification (ISO 3166-1 alpha-3 codes with three letters) published by the *International Organisation of Normalisation*. As the ISO codes do not exist for the entities of the United Kingdom, the official FIFA (*Fédération Internationale de Football Association*) codes were used. These codes are ENG, WAL, NIR and SCO respectively.

ALB	Albania	CZE	Czech Republic	IRL	Ireland	NLD	Netherlands	ESP	Spain
AND	Andorra	DNK	Denmark	ITA	Italy	NOR	Norway	SWE	Sweden
ARM	Armenia	EST	Estonia	LVA	Latvia	POL	Poland	CHE	Switzerland
AUT	Austria	FIN	Finland	LIE	Liechtenstein	PRT	Portugal	MKD	FYROMacedonia
AZE	Azerbaijan	FRA	France	LTU	Lithuania	ROU	Romania	TUR	Turkey
BEL	Belgium	GEO	Georgia	LUX	Luxembourg	RUS	Russian Federation	UKR	Ukraine
BIH	Bosnia and Herzegovina	DEU	Germany	MLT	Malta	SMR	San Marino	UK: ENG&WAL	UK: England and Wales
BGR	Bulgaria	GRC	Greece	MDA	Republic of Moldova	SRB	Serbia	UK: NIR	UK: Northern Ireland
HRV	Croatia	HUN	Hungary	MCO	Monaco	SVK	Slovakia	UK: SCO	UK: Scotland
CYP	Cyprus	ISL	Iceland	MNE	Montenegro	SVN	Slovenia		

In the report – especially in the tables presented – a number of abbreviations have been used:

- (Qx) refers to the (number of the) question in the Scheme which appears in the appendix, thanks to which the information has been collected.
- If there was no (valid) information, this is shown by writing “NA” (not available).
- In some cases, a question could not be answered, for it referred to a situation that does not exist in the responding country. These cases, and cases in which an answer was given but clearly did not match the question, are shown as “NAP” (not applicable).
- FTE = full time equivalent; number of staff (judges, prosecutors, etc.) are given in full time equivalent so as to enable comparisons (where possible).

Table 1.3. Exchange rates vis-à-vis € on 1 January 2009 and 1 January 2011 and its evolution

States/entities	Exchange rate from national currency to € on 1 Jan 2009	Exchange rate from national currency to € on 1 Jan 2011	Exchange rate bi-annual variation of the national currency with regard to the euro
Albania	123	138,77	-12,8%
Armenia	435	481,16	-10,6%
Azerbaijan	1,245	1,056	15,2%
Bosnia and Herzegovina	1,95583	1,95583	0,0%
Bulgaria	1,95583	1,95583	0,0%
Croatia	7,331773	7,384297	-0,7%
Czech Republic	26,83	25,06	6,0%
Denmark	743	745,31	-0,3%
Georgia	2,3475	2,37	-1,0%
Hungary	265,48	278,85	-5,0%
Iceland	170	153,8	9,5%
Latvia	0,702804	0,702804	0,0%
Lithuania	3,4528	3,4528	0,0%
Moldova	14,7408	16,1045	-9,3%
Norway	9,695	8,01	17,4%
Poland	4,2181	3,9603	6,1%
Romania	3,9852	4,2848	-7,5%
Russian Federation	41,4275	40,4876	2,3%
Serbia	89	105	-18,0%
Sweden	10,8405	8,95	17,4%
Switzerland	0,67	0,8	19,4%
The FYROMacedonia	61,4	61,1	0,5%
Turkey	2,133	2,07	3,0%
Ukraine	10,855	10,57	2,6%
UK-England and Wales	0,9609	0,8506	-11,5%
UK-Northern Ireland	0,9609	0,8506	-11,5%
UK-Scotland	0,9609	0,8506	-11,5%



## CHAPTER 2: FINANCE OF THE JUDICIAL SYSTEM

This chapter focuses on the financial aspects of the judicial system. It draws mainly on chapter 2 of the report of European Judicial systems, where some elements are added. It contains an overview of:

- the expenditures on the justice system, courts, legal aid and prosecution (chapter 2);
- budgetary power within courts (chapter 5; added is also the conclusion of the working group of judicial independence);
- the revenues of the system (chapter 3);
- number of judges (chapter 7);
- non judge staff (chapter 8);
- salaries of judges and prosecutors (chapter 11).

The description of the tables focuses on comparing the EPC countries and putting them into an European perspective concerning the pointed out elements.

### 2.1 Public expenditure on the operation of judicial system: overview

This chapter focuses on the financial means related to the operation of courts, public prosecution services and legal aid.

The methodology used to present the figures remains close to the one followed in the 2010 Edition of this evaluation report. According to the states, there are common and distinct ways of financing courts, public prosecution services and legal aid.

Regarding legal aid, the budgetary data could be isolated for 40 states or entities. It was impossible to isolate the budget allocated to legal aid in **Andorra, Cyprus, San Marino, Serbia, Slovakia, “the former Yugoslav Republic of Macedonia”, Ukraine and UK-Scotland**. Contrary to the previous report, **Croatia** has managed to do so, whereas **Andorra, San Marino, Slovakia, “the former Yugoslav Republic of Macedonia”, Ukraine and UK-Scotland** have failed to provide such data this time.

Of the 48 states or entities concerned, 8 have not been able to give the total of the three budgets (courts + prosecution service + legal aid): **Andorra, Cyprus, Norway, San Marino, “the former Yugoslav Republic of Macedonia”, Ukraine, UK-Scotland** (legal aid budget not available) and **Denmark** (public prosecution budget not available).

Bearing such differences in mind and regarding the complexity of these questions, the CEPEJ has chosen to break down as much as possible the various elements of the budgets in order to allow a progressive approach. Therefore, three budgets were taken into account:

- the budget allocated to the courts, which will be related to the part of the report on the activities of the courts (chapter 5),
- the budget allocated to the public prosecution, which will be related to the part of the report on the activities of public prosecutors (chapter 10),
- the budget allocated to legal aid which constitutes an indicator of the efforts devoted by a state or entity to making its judicial system accessible, and which will be related to the part of the report on access to justice (chapter 3).

Table 2.1 presents the background information which enables comparisons for each of these three budgets: the courts (C) (first column), the legal aid system (LA) (second column), the public prosecution (PP) (third column).

The table also makes it possible to provide a study of the budgets on comparable basis:

- 4<sup>th</sup> column: budget allocated to access to justice and the courts (LA + C): total budget allocated to the courts and to legal aid in 2010;
- 5<sup>th</sup> column: budget allocated to all bodies dealing with prosecution and judgment (PP + C): total budget allocated to the courts and to the public prosecution in 2010 (without legal aid);
- 6<sup>th</sup> column: budget allocated to all three budgets (C + LA + PP): total budget allocated to the courts, legal aid and the public prosecution in 2010.

As a result, any state or entity will be able to compare itself to other states or entities deemed as similar. It will then, in the same way, be able to refer to the results on activity.

In order to contribute to a better understanding of these reasoned comparisons, all the reported and studied figures have been made available. Ratios have been highlighted, in order to allow comparisons between comparable categories, by connecting the budgetary figures to the number of inhabitant and the GDP per capita, in the form of figures.

Following the main table, figures are presented with the ratio of the budget per inhabitant and the ratio as a percentage of the GDP per capita, to compare realistically comparable categories.

The CEPEJ report aims at highlighting statistical series, showing the evolution of indicators over the years, by referring to the data of previous evaluation cycles (see Figure 3). Generally, the CEPEJ has chosen to refer to the three last cycles (2006, 2008 and 2010 data). When the 2006 data have not been considered as solid enough, the comparison is limited to the two last cycles.

**Note for the reader:** The budgets indicated correspond in principle (unless specifically mentioned otherwise) to the amounts as voted and not as effectively spent.

All the amounts are given in Euros. For the countries which are not part of the Euro zone, the CEPEJ was very attentive to variations in exchange rates between the national currency and the Euro (unless stated otherwise, the value is taken on 1 January 2011). Inflation may also explain a few significant budgetary evolutions. This fact must fully be taken into account while interpreting variations in states or entities outside the Euro zone.

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 which appear on the CEPEJ's website: [www.coe.int/cepej](http://www.coe.int/cepej).

**Table 2.1. Public budget allocated to courts, legal aid and public prosecution in 2010, in € (Q6,Q12,Q13)**

States/entities	Total annual approved public budget allocated to all courts with neither prosecution nor legal aid	Total annual approved public budget allocated to legal aid	Total annual approved public budget allocated to the public prosecution system	Total annual approved budget allocated to all courts and legal aid	Total annual approved budget allocated to all courts and public prosecution	Total annual approved public budget allocated to all courts, public prosecution and legal aid
Albania	10 552 685	21 429	8 901 893	10 574 114	19 454 578	19 476 007
Andorra	5 803 340	NA	810 965	NA	6 614 305	NA
Armenia	11 285 536	294 140	4 496 722	11 579 676	15 782 258	16 076 398
Austria	NA	18 400 000	NA	NA	691 580 000	709 980 000
Azerbaijan	40 315 230	345 054	40 007 281	40 660 284	80 322 511	80 667 565
Belgium	NA	75 326 000	NA	NA	859 511 000	934 837 000
Bosnia and Herzegovina	69 300 099	5 906 637	20 400 465	75 206 736	89 700 564	95 607 201
Bulgaria	112 211 184	3 867 730	79 203 203	116 078 914	191 414 387	195 282 117
Croatia	211 304 301	229 550	41 296 176	211 533 851	252 600 477	252 830 027
Cyprus	33 546 827	NA	15 964 412	NA	49 511 239	NA
Czech Republic	346 497 809	28 361 213	83 446 289	374 859 022	429 944 098	458 305 311
Denmark	216 795 693	87 896 311	NAP	304 692 004	NA	NA
Estonia	26 797 340	2 982 213	9 135 614	29 779 553	35 932 954	38 915 167
Finland	243 066 350	58 100 000	42 937 000	301 166 350	286 003 350	344 103 350
France	NA	361 197 138	NAP	NA	3 574 350 963	3 935 548 101
Georgia	16 214 854	1 080 548	7 333 463	17 295 402	23 548 317	24 628 865
Germany	NA	382 382 576	NA	NA	7 789 169 914	8 171 552 490
Greece	NA	2 500 000	NA	NA	620 970 911	623 470 911
Hungary	259 501 133	304 823	102 321 320	259 805 956	361 822 453	362 127 276
Iceland	7 413 547	4 004 810	872 985	11 418 357	8 286 532	12 291 342
Ireland	148 722 000	87 435 000	43 854 000	236 157 000	192 576 000	280 011 000
Italy	3 051 375 987	127 055 510	1 249 053 619	3 178 431 497	4 300 429 606	4 427 485 116
Latvia	36 919 820	842 985	15 913 545	37 762 805	52 833 365	53 676 350
Lithuania	50 567 945	3 906 105	29 555 000	54 474 050	80 122 945	84 029 050
Luxembourg	NA	3 000 000	NAP	NA	67 458 676	70 458 676
Malta	10 260 000	85 000	2 569 000	10 345 000	12 829 000	12 914 000
Moldova	8 472 063	314 034	4 416 909	8 786 097	12 888 972	13 203 006
Monaco	3 805 800	224 400	1 357 600	4 030 200	5 163 400	5 387 800
Montenegro	19 943 898	169 921	5 176 984	20 113 819	25 120 882	25 290 803
Netherlands	990 667 000	359 000 000	615 642 000	1 349 667 000	1 606 309 000	1 965 309 000
Norway	207 841 410	NA	18 298 000	NA	226 139 410	NA
Poland	1 365 085 000	23 244 000	312 514 570	1 388 329 000	1 677 599 570	1 700 843 570
Portugal	528 943 165	51 641 260	119 901 622	580 584 425	648 844 787	700 486 047
Romania	355 246 737	7 915 238	162 428 333	363 161 975	517 675 070	525 590 308
Russian Federation	2 912 743 823	105 836 124	934 551 021	3 018 579 947	3 847 294 844	3 953 130 968
San Marino	5 420 165	NA	409 149	NA	5 829 314	NA
Serbia	111 016 635	NA	22 608 698	161 163 413	133 625 333	183 772 111
Slovakia	138 493 788	1 357 776	63 702 886	139 851 564	202 196 674	203 554 450
Slovenia	178 158 919	5 834 338	19 263 376	183 993 257	197 422 295	203 256 633
Spain	NA	237 898 199	NA	NA	3 964 118 020	4 202 016 219
Sweden	557 260 358	195 683 782	127 316 425	752 944 140	684 576 783	880 260 565
Switzerland	916 146 809	100 061 055	297 932 258	1 016 207 864	1 214 079 067	1 314 140 122
The FYROMacedonia	28 541 751	NA	4 740 867	NA	33 282 618	NA
Turkey	NA	79 338 098	NAP	NA	1 154 948 704	1 234 286 802
Ukraine	264 262 150	NA	115 165 081	NA	379 427 231	NA
UK-England and Wales	1 182 000 000	2 521 000 000	755 810 000	3 703 000 000	1 937 810 000	4 458 810 000
UK-Northern Ireland	83 154 000	96 280 000	43 500 000	179 434 000	126 654 000	222 934 000
UK-Scotland	146 420 820	NA	135 475 200	NA	281 896 020	NA
<b>Average</b>	<b>462 944 370</b>	<b>105 027 562</b>	<b>125 795 834</b>	<b>538 402 159</b>	<b>811 993 175</b>	<b>895 761 369</b>
<b>Median</b>	<b>138 493 788</b>	<b>6 910 938</b>	<b>40 651 729</b>	<b>181 713 629</b>	<b>202 196 674</b>	<b>266 420 514</b>
<b>Maximum</b>	<b>7 309 253 808</b>	<b>2 521 000 000</b>	<b>1 249 053 619</b>	<b>7 691 636 384</b>	<b>7 789 169 914</b>	<b>8 171 552 490</b>
<b>Minimum</b>	<b>3 805 800</b>	<b>21 429</b>	<b>409 149</b>	<b>4 030 200</b>	<b>5 163 400</b>	<b>5 387 800</b>

## Comments concerning the EPC

**Armenia:** 6 specialised courts were abrogated in 2009 which resulted in the reduction of staff and training expenses in 2010.

**Azerbaijan:** as a result of its rapid economic development, this country keeps conducting large-scales judicial-legal reforms and increasing significantly the overall budget of judiciary.

**Georgia:** as a result of merging the district (city) courts of first instances in 2009-2010, 9 unified courts were established in addition, where the salaries of staff members were increased. All the above mentioned resulted in the increased budget that had been allocated for salaries. Unlike 2008, the amounts include the data of the budget of common courts, among them those of the Supreme Court.

**Republic of Moldova:** does not include the budget allocated to military courts. The budget of the whole justice system (column 1) indicated for 2010 cannot be compared with the budget indicated for 2008, as the figures do not include the same elements. Indeed, the budget of the whole justice system remained stable between 2008 and 2010.

### 2.1.1 Public expenditure on the operation of the overall justice system

The CEPEJ aims to identify, understand and analyse the operation of the judicial system (operation of the courts). Hence, the report focuses essentially on budgets for courts, prosecution services and legal aid. It is however interesting to study, before any further analysis on the budgets of the judicial system, the efforts committed by public authorities towards courts in comparison with the efforts carried out for the operation of the overall justice system which may include, for instance, the prison systems' budget, the operation of the Ministry of Justice or other institutions such as the Constitutional Court or the Council of Justice, the judicial protection of youth, etc.

**Note for the reader:** data in the first column of table 2.1. is indicated for information purposes only. Each member state or entity was invited to include all the budgets allocated to justice, but, as it appears in table 2.2, the budgets indicated do not all represent the same reality, taking into account the various powers given to justice according to the states and entities. It is in particular relevant to specify the member states which have included the budget of the prison system into the overall budget of justice from those which have not

**Table 2.2. Total annual approved budget allocated to the whole justice system in 2010, in € (Q10)**

States/entities	Total annual approved budget allocated to the whole justice system
*Albania	53 278 944
Andorra	36 963 662
Armenia	NA
*Austria	1 174 830 000
*Azerbaijan	100 914 019
*Belgium	1 802 642 657
*Bosnia and Herzegovina	177 456 251
Bulgaria	224 069 853
*Croatia	352 621 340
*Cyprus	79 536 746
Czech Republic	557 183 160
*Denmark	2 086 000 000
*Estonia	98 519 256
*Finland	792 410 000
*France	7 517 535 561
Georgia	NA
*Germany	13 320 680 442
*Greece	714 721 911
*Hungary	1 604 399 373
*Iceland	23 343 734
Ireland	2 540 438 000
*Italy	7 716 811 123
*Latvia	137 747 332
*Lithuania	155 377 083
*Luxembourg	116 165 559
*Malta	83 998 000
*Moldova	54 453 215
*Monaco	9 039 700
*Montenegro	38 236 480
*Netherlands	6 098 900 000
*Norway	3 754 745 000
*Poland	2 821 561 570
*Portugal	1 693 952 793
*Romania	569 175 715
*Russian Federation	9 129 524 916
San Marino	792 288
*Serbia	245 022 123
*Slovakia	278 261 799
*Slovenia	263 000 000
Spain	4 632 278 011
*Sweden	4 064 159 050
*Switzerland	1 363 587 966
*The FYROMacedonia	44 880 556
*Turkey	2 274 389 431
*Ukraine	727 216 001
*UK-England and Wales	10 866 000 000
*UK-Northern Ireland	1 378 080 000
*UK-Scotland	1 993 680 000
<b>Average</b>	1 953 512 096
<b>Median</b>	641 948 813
<b>Maximum</b>	13 320 680 442
<b>Minimum</b>	792 288

**Note:** \* indicates the countries including their prison system as budgetary element in the calculation of the whole justice system budget

## Comments

Strong disparities between the European states must be highlighted regarding the budgetary commitment of public authorities on the operation of justice. However, when analysing data, one should keep in mind the non-homogeneous levels of prosperity among the member states. Thus, it is worth restricting the comparisons to the states which are considered to be reasonably comparable regarding their standards of living.

In addition, the elements which are or not considered under this overall budget must be taken into account for relevant analysis. For the first time, the CEPEJ is able to indicate the budgetary elements which are considered by the member states when providing the overall budget of justice. Therefore, for this edition, the CEPEJ has decided not to compare with specific amounts the evolution of this budget between the previous years and 2010. It is hoped that such evolution can be measured in the next evaluation cycles, while considering similar perimeters. Nevertheless, trends can be indicated from the elements provided by several member states. The overall budget of justice in the EPC has notably increased in **Azerbaijan**, slightly increased in the **Republic of Moldova** and decreased in **Armenia** in the last years (2010 data for **Georgia** and **Ukraine** are not available).

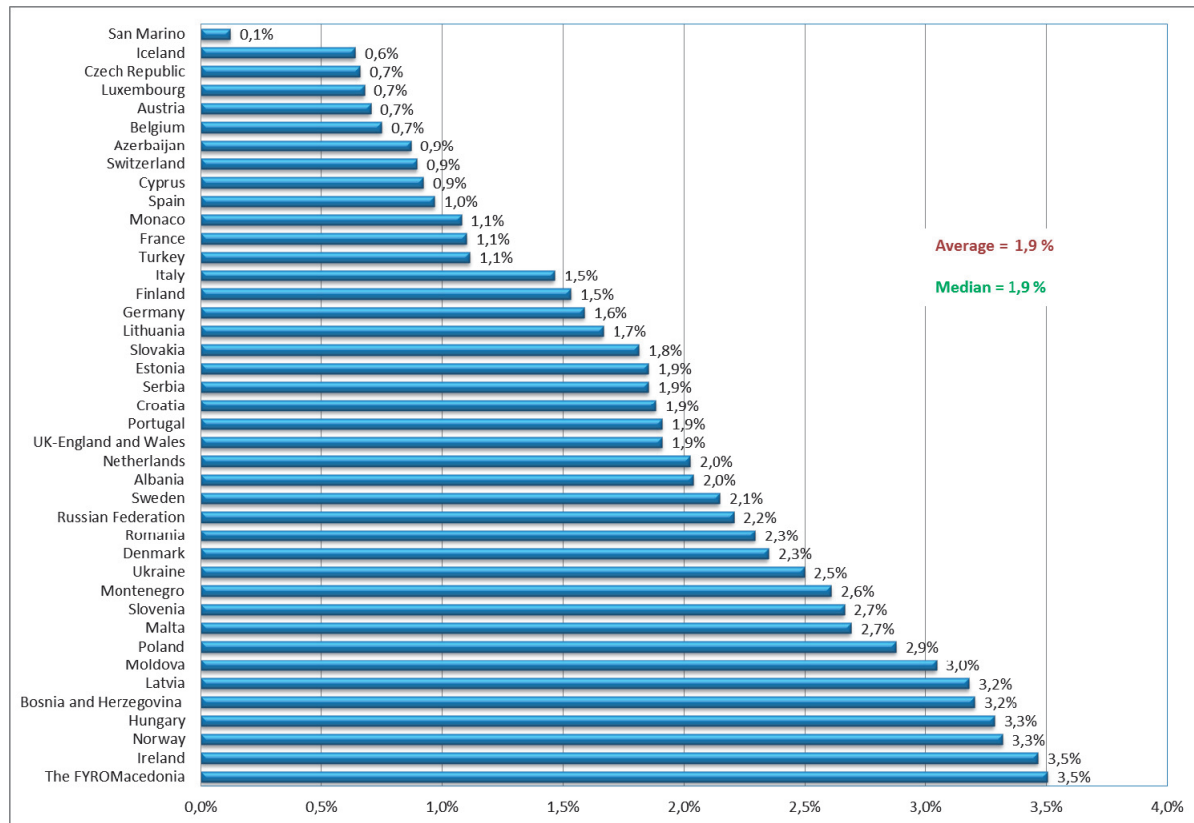
### 2.3. Budgetary elements those are included in the whole justice system (Q11)

States/entities	Courts	Legal aid	Public prosecution services	Prison system	Probation services	Council of the judiciary	Judicial protection of juveniles	Functioning of the Ministry of Justice	Refugees and asylum seekers services	Other
Albania										
Andorra										
Armenia										
Austria										
Azerbaijan										
Belgium										
Bosnia and Herzegovina										
Bulgaria										
Croatia										
Cyprus										
Czech Republic										
Denmark										
Estonia										
Finland										
France										
Georgia										
Germany										
Greece										
Hungary										
Iceland										
Ireland										
Italy										
Latvia										
Lithuania										
Luxembourg										
Malta										
Moldova										
Monaco										
Montenegro										
Netherlands										
Norway										
Poland										
Portugal										
Romania										
Russian Federation										
Serbia										
Slovakia										
Slovenia										
Spain										
Sweden										
Switzerland										
The FYROMacedonia										
Turkey										
Ukraine										
UK-England and Wales										
UK-Northern Ireland										
UK-Scotland										
<b>Yes</b>	47	42	42	42	33	27	23	43	9	20
<b>No</b>	1	6	6	6	12	16	20	5	36	26
<b>NA/NAP</b>	0	0	0	0	3	5	5	0	3	2

## Comments

Among the “other” elements which constitute the overall budget of justice, for example it can be mentioned in the case of the **Republic of Moldova** *inter alia* constitutional courts, national judicial management bodies, enforcement services, notary, centres for the harmonisation of legislation and institutes of justice, forensic medicine and/or judicial expertise.

**Figure 2.4. Proportion of the Total Public Expenditure, at state and regional levels in 2010, allocated to the whole justice system, in % (Q2, Q10)**

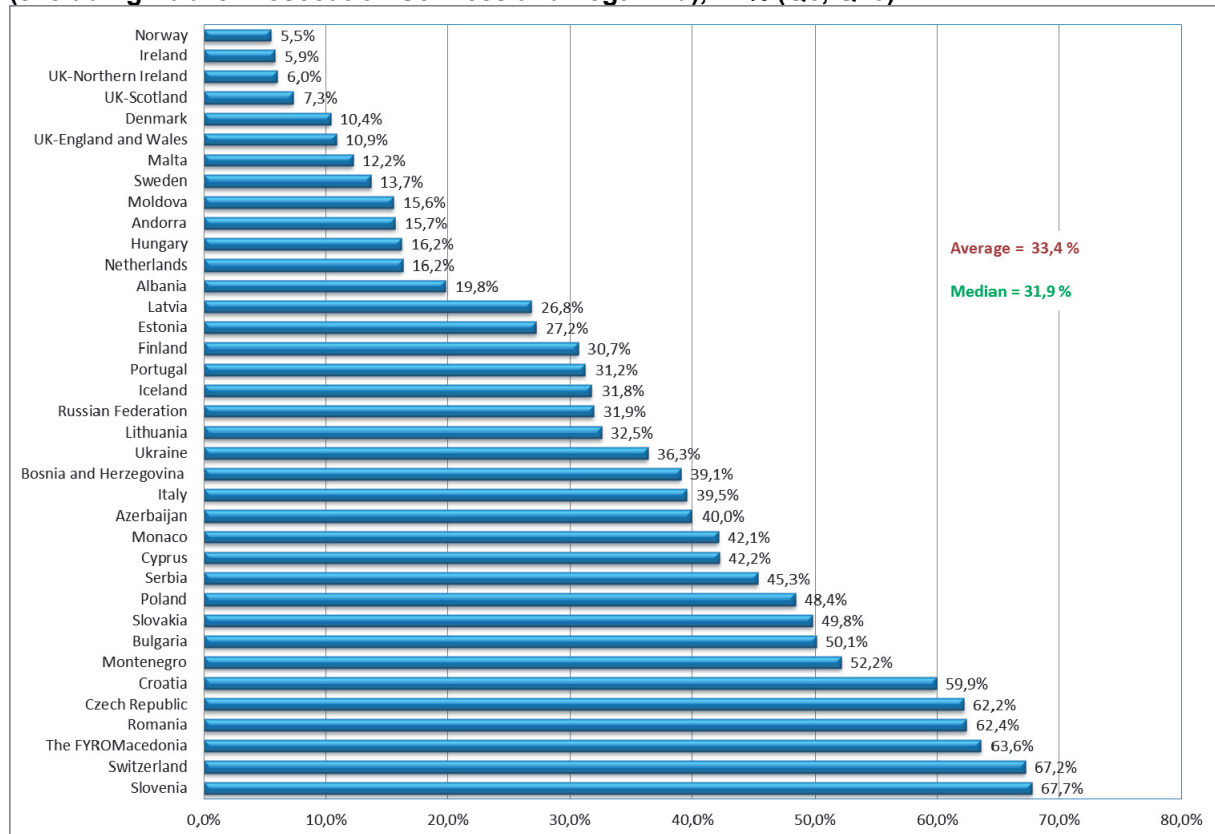


**Note:** once again, this information must be analysed with care, considering namely the perimeter of the overall budget of justice, and in particular the inclusion of the prison system or not.

### 2.1.2 Budgetary commitment to courts

In order to calculate the proportion taken by the budget for the judicial system within the overall budget for justice, the CEPEJ has chosen to restrict the scope of the public expenditure devoted to the operation of courts, *stricto sensu* (excluding the budgets for public prosecution services and legal aid), hence enabling a comparison of homogeneous data, despite the diversity of answers given to question 10. From a methodological point of view, comparing data is therefore scientifically relevant. States whose answers to question 10 were not relevant were excluded from this study. As a result, 34 member states or entities (2 more than in the last evaluation cycle) are considered here.

**Figure 2.5. Proportion of the whole justice system budget in 2010 allocated to the courts (excluding Public Prosecution Services and Legal Aid), in % (Q6, Q10)**



**Note:** The 8 states which could not provide separate data for courts and public prosecution services are not considered here (**Austria, Belgium, France, Germany, Greece, Luxembourg, Spain and Turkey**).

Even if the information provided does not cover all member states, it can be noticed that the situation in Europe is very uneven when identifying budget priorities for states in matters of justice. More than half of the European states or entities commit more budgetary resources in other areas of justice than for the operation of courts. The European median is 31.9%. Three EPC were able to provide data. The **Republic of Moldova (15.6%)** scores substantially lower, **Ukraine (36.3%)** and **Azerbaijan (40%)** somewhat higher concerning their budget for courts. This may be caused by differences in the judicial systems, as the core tasks of courts may differ and also their relations with lawyers and legal aid.

## 2.2 Public budget allocated to the courts

This section measures the efforts that each state or entity makes for the proper functioning of its courts.

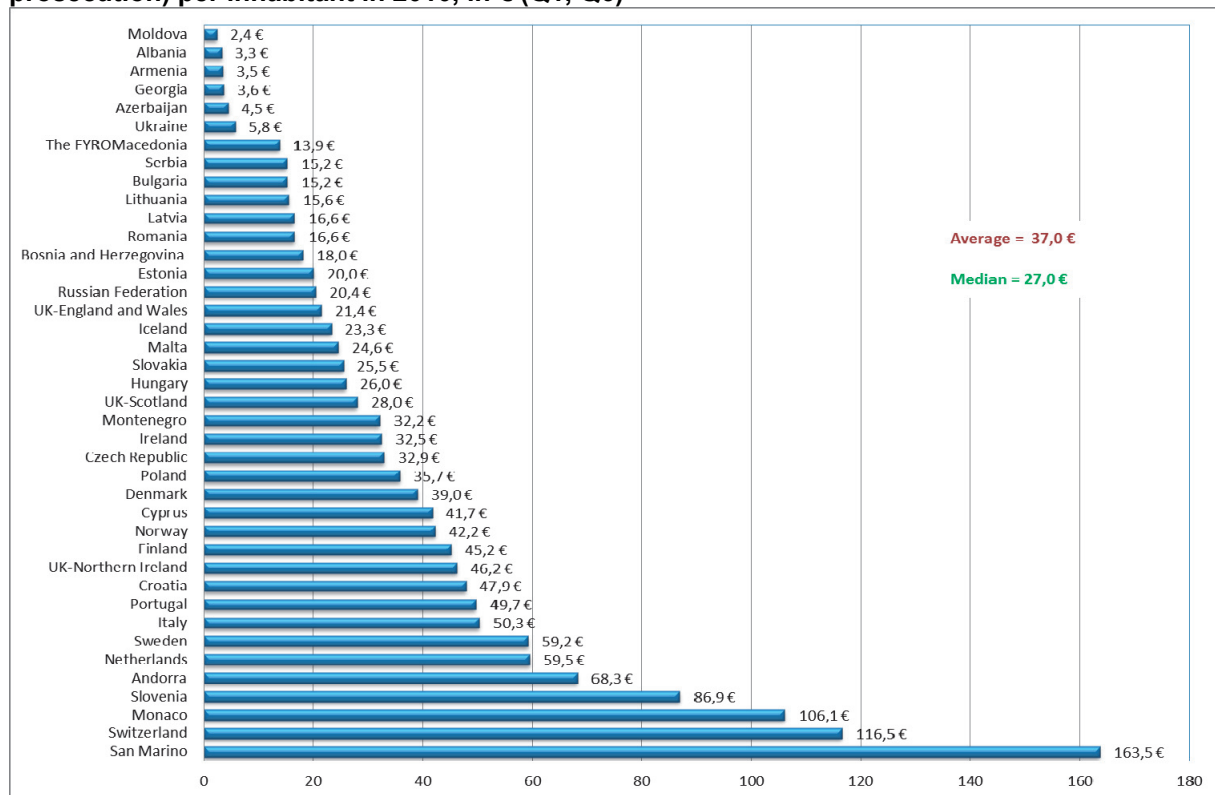
Among 48 states or entities, 40 were included in this analysis. The figures take into consideration only those states providing distinct budgets allocated to courts and to the public prosecution services. This does not include the budget allocated to legal aid.



## 2.2.1 Public budget allocated to all courts

The data is considered per inhabitant and in relation to the GDP per capita (in %), so as to take into account respectively, within the analysis, the dimensions of states or entities and the levels of wealth of countries.

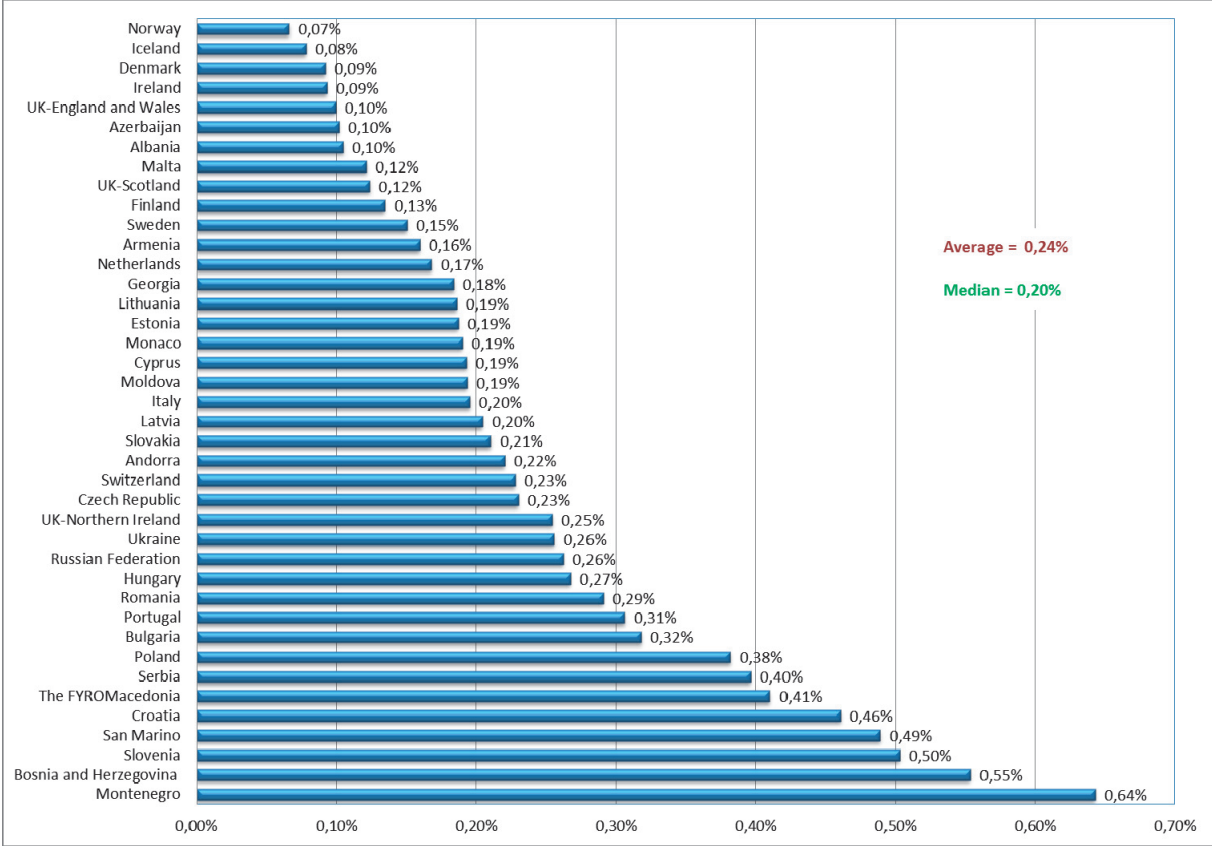
**Figure 2.6. Annual public budget allocated to all courts (excluding legal aid and public prosecution) per inhabitant in 2010, in € (Q1, Q6)**



**Note:** The data given by small states (**San Marino, Monaco**) must be reported to the small number of their inhabitants when comparing budgetary efforts per inhabitant. Therefore these states are not always considered in the following analysis.

The budgetary efforts dedicated per inhabitant to the functioning of courts differ significantly among the member states: from amounts exceeding 100€ per inhabitant in richer states such as **Switzerland** to small amounts of less than 10€ per inhabitants in Eastern European states where the economic development remains fragile. This especially accounts for the EPC: the **Republic of Moldova (2.4€)**, **Armenia (3.5€)**, **Georgia (3.6€)**, **Azerbaijan (4.5€)** and **Ukraine (5.8€)**. **Ukraine** and **Azerbaijan** spend more than the EPC-median, while the **Republic of Moldova** and **Armenia** spend less. However the economic situation in the member states is not the only explanation: some member states give a high priority in the functioning of the courts, whereas others have more balanced priorities between the various components of their judicial system.

**Figure 2.7. Annual public budget allocated to all courts (excluding public prosecution and legal aid) as percentage of GDP per capita, in 2010 (Q1, Q3 and Q6)**

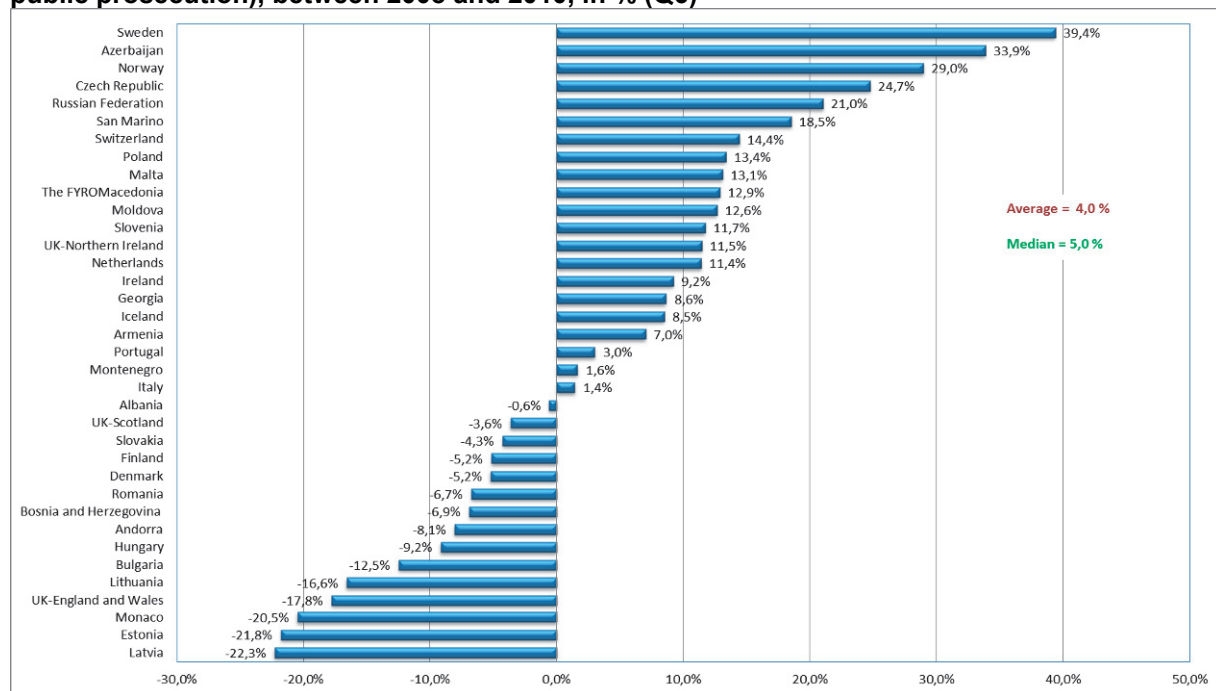


A different perspective is shown when analysing the budget allocated to the courts by comparing it to the states' prosperity in terms of the GDP per capita. States that benefit from large scale assistance to improve the Rule of Law, in particular from the European Union or other international organisations, automatically allocate relatively high proportions of their budget to their court system. This is the case in particular for **Montenegro, Bosnia and Herzegovina** and **"the former Yugoslav Republic of Macedonia"**.

Consequently, Western European states or entities, which have higher national levels of wealth such as **Denmark, Finland, Norway, Ireland, Iceland, the Netherlands, Switzerland, Sweden, UK-England and Wales**, seem to spend a smaller amount (GDP per capita) to finance courts. This distorting effect must be taken into consideration when making possible comparisons, in order not to make the wrong comment according to which a wealthy state or entity would not allocate a significant budget to the functioning of its courts.

The picture concerning court budgets as part of GDP per capita becomes also more diverse for the EPC. As the European median is **0.20%** it appears that **Azerbaijan (0.10%)** and **Armenia (0.16%)** spend less than the median. **Georgia (0.18%)** and the **Republic of Moldova (0.19%)** spend near the median. **Ukraine (0.26%)** exceeds the European median.

**Figure 2.8. Variation in the annual public budget allocated to all courts (excluding legal aid and public prosecution), between 2008 and 2010, in % (Q6)**



The variation of the budget allocated to courts between 2008 and 2010 can be measured in 36 of the 48 states or entities. In Europe, in average, the budget has increased of 4 %, in spite of the economic and financial crisis. However the situation (given in Euros) is not homogenous among the member states: Since 2008, 21 of the responding states have increased the budget allocated to the functioning of courts, while 15 states have decreased this part. So it can be noted that the financial and economic crisis of 2008 has had a negative impact on this budgetary effort in more than one third of the European states. Some (or part) of these results might be due to the variation of the exchange rate between national currencies and euro (**Sweden, Norway**). In the EPC the budgets have increased. However, increase in several states can also be explained in particular by the increase of the official pay rate (**Armenia 7%**) or major investments in buildings (the **Republic of Moldova 12.6%**). In **Georgia (8.6%)** salaries of judges increased, while the expenditures for maintenance of buildings are since 2010 part of the court budget and investments in buildings not, so the figures between 2008 - 2010 strictly are not comparable. In **Azerbaijan (33.9%)** - following the economic development and intensive judicial and legal reforms - large-scale projects for improving the judiciary have been implemented (buildings, ICT, number of judges and staff).

### 2.2.2 Composition of the budget allocated to courts

In order to analyse more precisely the budgets allocated to courts, the CEPEJ studies the different components of these budgets, by singling out various parts: gross salaries of staff, Information Technologies – IT - (computers, software, investments and maintenance), court fees (such as the remuneration of interpreters or experts), costs for hiring and ensuring the operation of buildings, investments in buildings, training.

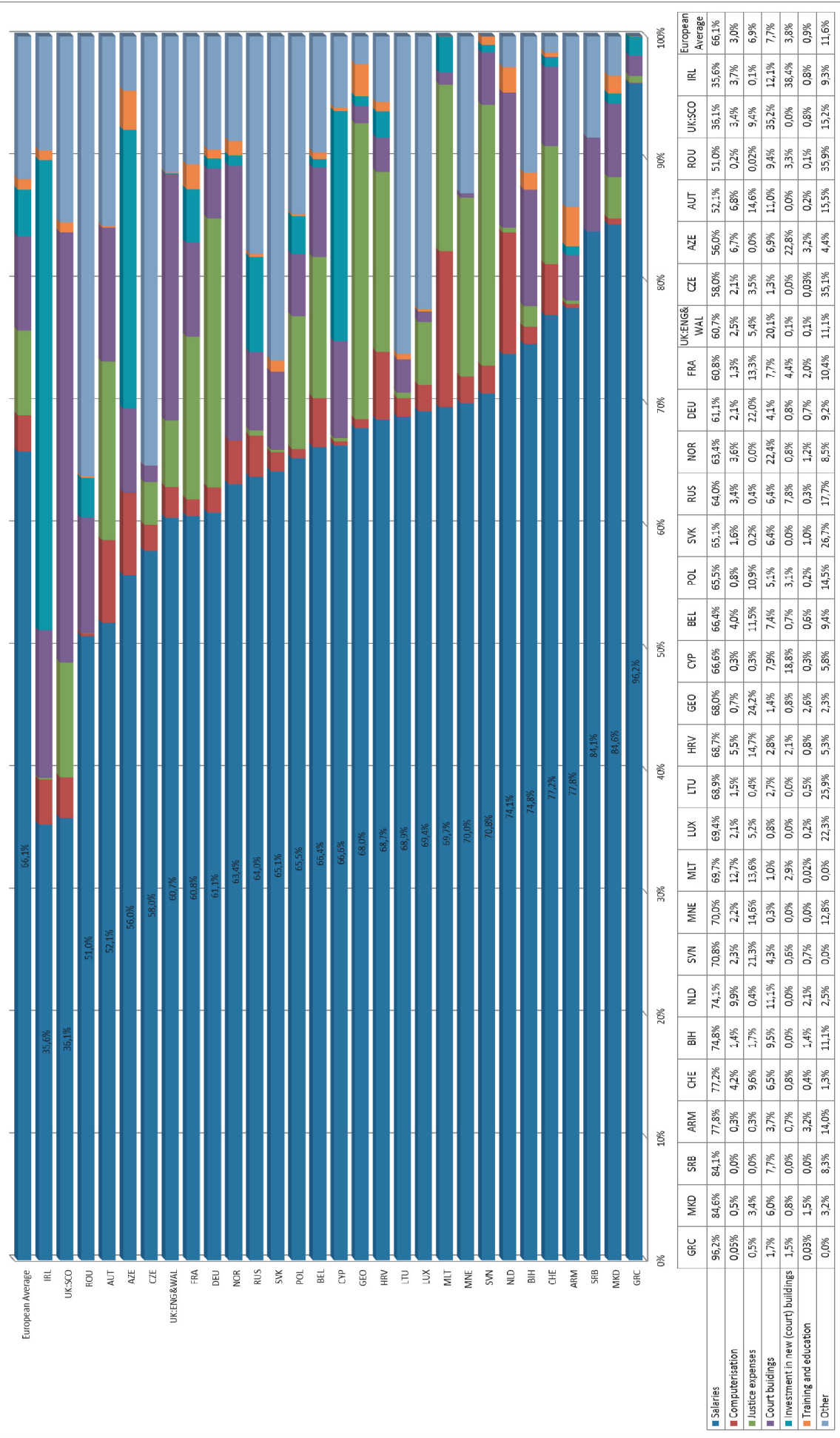
24 of the 48 states or entities concerned have been able to indicate figures regarding such details, and 18 come very close to that objective, which is a major qualitative improvement in the data processed compared to the previous evaluation cycle, on which member states must be commended. This positive evolution towards a more precise knowledge of court budgets is encouraging and allows creating a relevant break-down of the main components of court budgets.

**Note:** for **Austria, Belgium, France, Greece, Germany, Luxembourg, Spain** and **Turkey** the amounts indicated below include both the courts and the prosecution system, as it has not been possible for these states to specify both budgets.

**Table 2.9. Break-down by component of court budgets in 2010 (Q6)**

Country	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 and education	Other
Albania	8 233 494	189 861	1 498 660	80 767	516 834	33 069	NA
Andorra	5 690 922	NA	86 000	3 000	NAP	23 418	NAP
Armenia	8 782 622	36 204	32 213	418 540	81 398	360 226	1 574 333
Austria	369 730 000	47 970 000	103 630 000	77 750 000	NAP	1 100 000	109 800 000
Azerbaijan	22 576 111	2 710 000	NAP	2 771 000	9 186 553	1 293 230	1 778 336
Belgium	621 115 000	37 623 000	107 464 000	68 767 000	6 341 000	5 220 000	88 307 000
Bosnia and Herzegovina	56 289 944	1 058 373	1 262 957	7 147 962	NAP	1 087 908	8 359 592
Bulgaria	76 452 684	322 123	10 740 991	202 289	NA	25 799	18 699 888
Croatia	145 186 639	11 684 416	31 059 496	5 949 553	4 497 538	1 624 490	11 302 169
Cyprus	22 335 367	116 180	87 100	2 653 611	6 310 040	98 929	1 945 600
Czech Republic	200 850 638	7 412 689	12 058 220	4 608 165	NAP	101 057	121 467 040
Denmark	148 501 965	17 053 306	NAP	33 408 917	NA	2 012 585	15 818 920
Estonia	20 629 784	271 414	841 964	4 821 159	NA	214 574	18 445
Finland	184 667 056	11 967 040	8 124 195	31 586 338	NA	NA	6 721 721
France	2 174 257 350	48 085 112	475 409 713	273 692 554	157 210 031	72 585 033	373 111 170
Georgia	11 026 251	118 976	3 920 373	227 382	128 809	428 188	364 875
Germany	4 758 375 002	161 650 654	1 712 187 748	315 904 319	65 625 004	56 770 990	718 656 197
Greece	597 275 000	300 000	3 400 000	10 416 000	9 379 911	200 000	NAP
Hungary	209 393 222	7 532 956	16 030 255	26 297 344	NA	247 356	NAP
Iceland	NA	123 537	NA	NA	NA	NA	NA
Ireland	52 943 000	5 457 000	180 000	17 972 000	57 163 000	1 172 000	13 835 000
Italy	2 274 336 102	58 083 534	317 399 440	269 968 019	NA	755 313	130 833 579
Latvia	24 194 890	1 807 390	2 840 282	6 677 230	NA	211 718	1 188 310
Lithuania	34 853 452	779 367	211 886	1 387 656	NAP	234 882	13 100 702
Luxembourg	48 884 317	1 500 000	3 643 000	596 100	NAP	119 500	15 715 759
Malta	7 151 000	1 308 000	1 399 000	100 000	300 000	2 000	NAP
Moldova	5 150 736	650 776	NA	800 835	715 705	201 043	952 968
Monaco	3 921 800	NA	850 000	NA	NA	65 000	326 600
Montenegro	13 968 319	430 535	2 918 231	69 750	NAP	NAP	2 557 061
Netherlands	733 603 000	98 485 000	3 673 000	109 615 000	NAP	20 522 000	24 769 000
Norway	131 803 069	7 416 880	NAP	46 649 616	1 758 951	2 470 205	17 742 689
Poland	894 463 000	10 512 000	148 297 000	68 961 000	42 381 000	2 329 000	198 142 000
Portugal	429 475 486	10 565 978	27 544 641	38 762 543	NAP	22 594 517	NA
Romania	181 192 857	774 286	71 190	33 529 762	11 571 429	421 975	127 685 238
Russian Federation	1 864 433 723	97 767 272	12 964 676	186 833 154	225 871 947	7 929 817	516 943 234
San Marino	4 004 926	51 097	288 192	NA	1 044 046	30 120	1 784
Serbia	93 326 436	NAP	NAP	8 530 951	NAP	NAP	9 159 248
Slovakia	90 173 951	2 152 994	312 818	8 900 352	NAP	1 336 296	36 975 153
Slovenia	126 167 405	4 074 203	37 976 296	7 634 034	1 077 240	1 229 741	NAP
Spain	1 329 868 250	158 163 660	NA	NA	NA	NA	NA
Sweden	394 206 713	13 108 158	NA	78 077 930	NA	6 873 752	70 688 129
Switzerland	707 602 496	38 348 245	88 050 242	59 589 128	7 137 382	3 464 996	11 954 320
The FYROMacedonia	24 154 827	146 481	959 869	1 715 319	232 275	421 588	911 392
Turkey	832 198 544	22 973 075	48 236 098	26 289 836	224 734 300	516 850	NA
Ukraine	146 973 360	NA	NA	6 766 912	NA	453 280	110 068 598
UK-England and Wales	717 000 000	30 000 000	64 000 000	238 000 000	1 000 000	1 000 000	131 000 000
UK-Northern Ireland	46 800 000	10 000 000	2 441 000	23 600 000	NA	313 000	NA
UK-Scotland	52 888 680	4 914 000	13 718 250	51 480 000	NAP	1 170 000	22 249 890

Figure 2.10. Distribution of the main budgetary posts of the courts by country in 2010, in % (Q6)

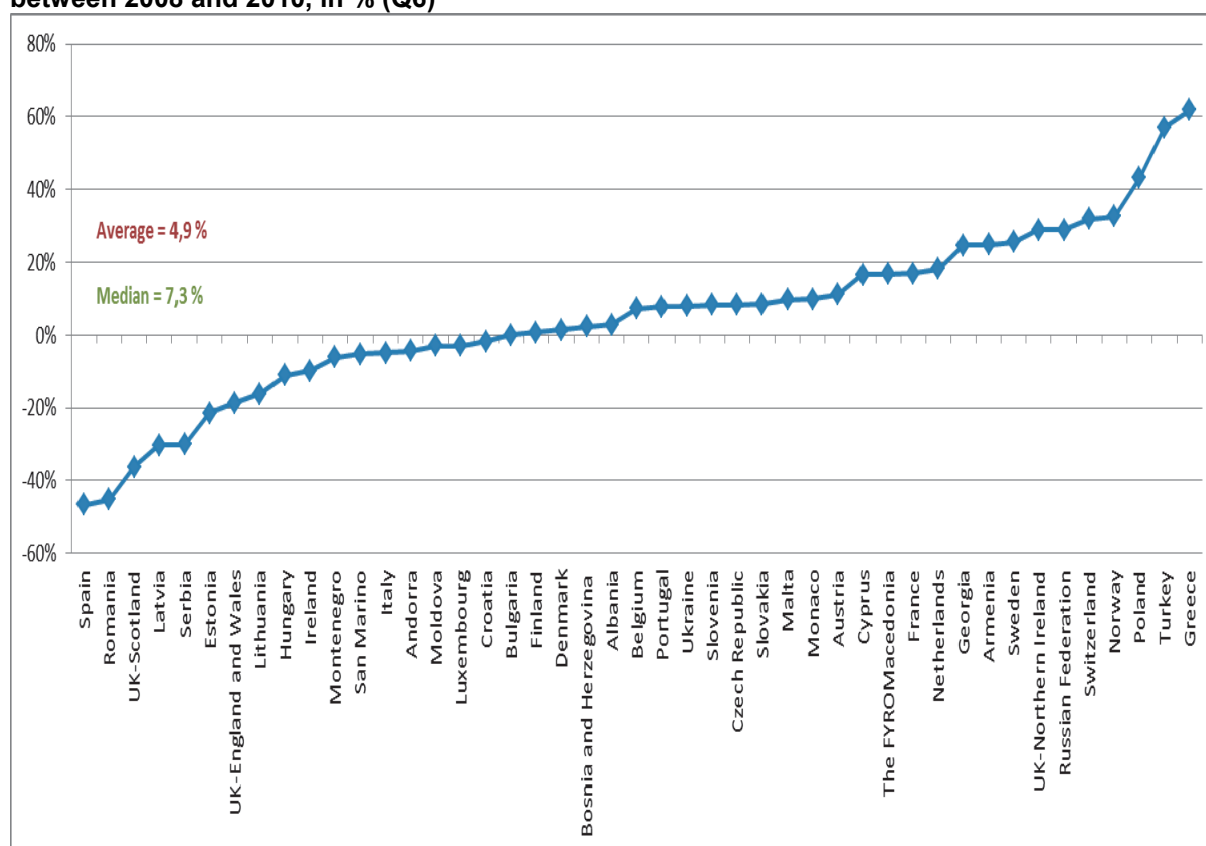


## Salaries

Knowing the obvious existence of significant differences between states, on average, at a European level, (average of the 29 states for which data is available), the highest expenditure for courts remains the overall salaries for judges and court staff (66.1%). Extreme differences vary from 96.2% of the courts budget allocated to salaries in **Greece** to 36.1% in **UK-Scotland**. In general, *common law* countries, operating systems with a large number of lay judges (with the exception of **Ireland**), spend lower budgets on wages even though this must be put into perspective by the high amount of wages paid (see Chapter 3 below).

Of the EPC **Georgia (68%)** and **Azerbaijan (56%)** score even to the European median concerning the salaries of judges in the budget of courts, while in **Armenia (77.8%)** salaries are a relatively big proportion of the court budgets.

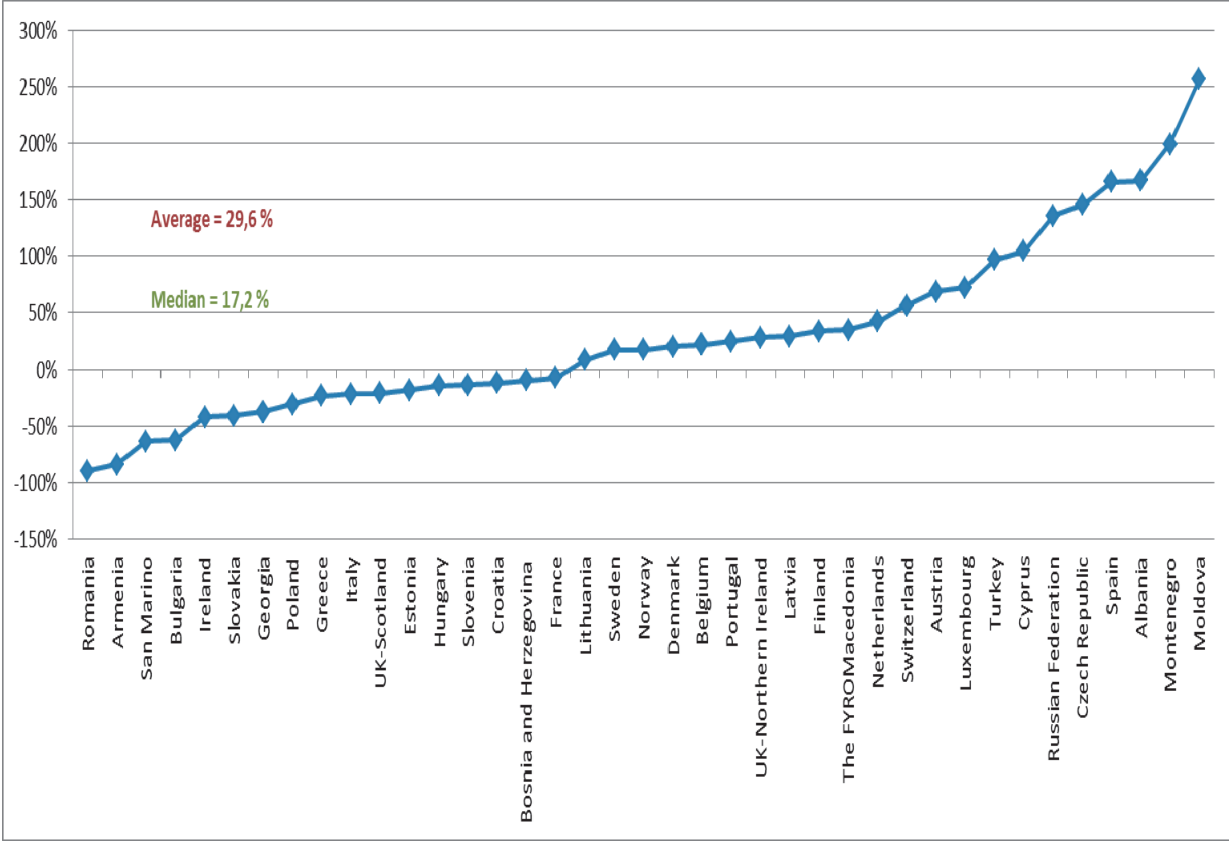
**Figure 2.11. Variation of absolute numbers of annual public budget allocated to (gross) salaries between 2008 and 2010, in % (Q6)**



The part of salaries in the court budget has increased of an average of 4.9 % between 2008 and 2010, whereas this increase was of 30.3 % between 2006 and 2008, which might show that the main phase of strong increases in judicial salaries in several states in transition has come to an end. Indeed, it is worth noting that in the previous report several states had more than doubled their effort in two years (2006 – 2008) whereas between 2008 and 2010 the variation is of a maximum of 62% (**Greece**). Although part of the explanation might be linked with exchange rates, it can also be stressed that some states in transition had previously made significant efforts to build new systems and display a priority to upgrade judicial profession (often with the support of international donors) and have progressively been coming to a more regular rhythm of expansion (**Bosnia and Herzegovina, Bulgaria, Slovakia**). This is also for instance the case in **Armenia**, which has, in addition, abolished 6 specialised courts in 2009 resulting in a reduction of the number of court staff and officers. In some of these states a decrease can even be noted (the **Republic of Moldova, Montenegro**), partly due to the financial and economic crisis and the subsequent direct decrease in salaries. This effect can also be noted in other states such as **Romania (-45%), UK-Scotland (-36%), Latvia (-30%),** although

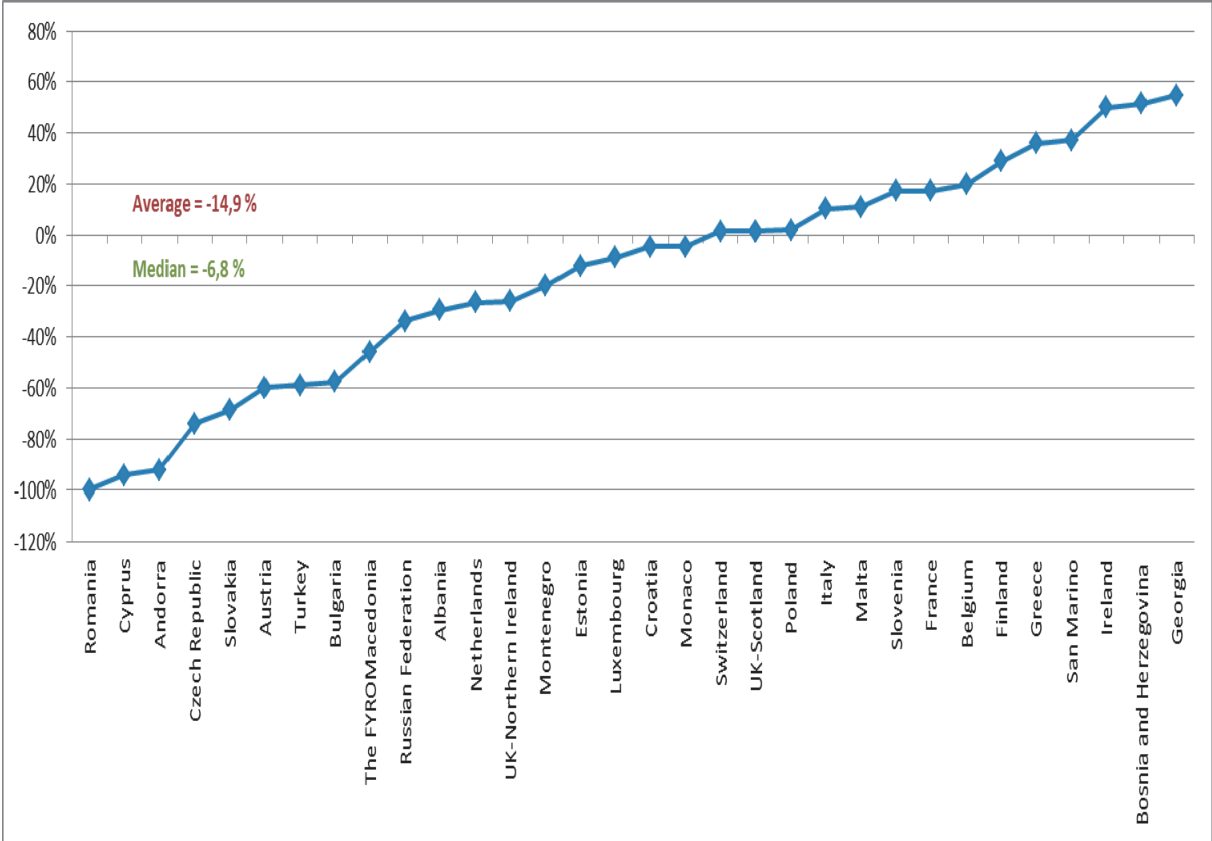
other factors might occur, such as the increase of other elements of the court budget which modify the proportions (investments in buildings like in **Cyprus**).

**Figure 2.12. Variation of absolute numbers of annual public budget allocated to computerisation between 2008 and 2010, in % (Q6)**



3.0% of the budget allocated to the courts is devoted to IT in Europe. One may notice a significant effort made by the **Republic of Moldova** (256%) in this domain. The level of investment in IT tools remains very low in **Greece** (0.1% of the court budget). In average, the priority given to IT within the budget of courts has been increased in Europe since 2008, though significant differences can be noted between member states. For some member states, the lower priority given to IT might be explained either by previous strong investments which have now been reduced as courts can be considered as equipped (**Armenia**). On the contrary other states seem to have engaged IT investments programmes (**Azerbaijan, Republic Moldova**). In **Azerbaijan**, the increase in the budget allocated to computerisation of courts is due to a major political investment of state towards e-government and e-justice systems.

**Figure 2.13. Variation of absolute numbers of annual public budget allocated to justice expenses between 2008 and 2010, in % (Q6)**



**Comments concerning the EPC**

**Georgia:** compared to 2008, certain types of expenses were increased significantly in 2010, namely as regards forensic service, translation, communication, fuel used for heating, electricity and water. Unlike 2008, the budget of 2010 allocated for justice administration expenses contains the costs incurred for equipping the buildings.

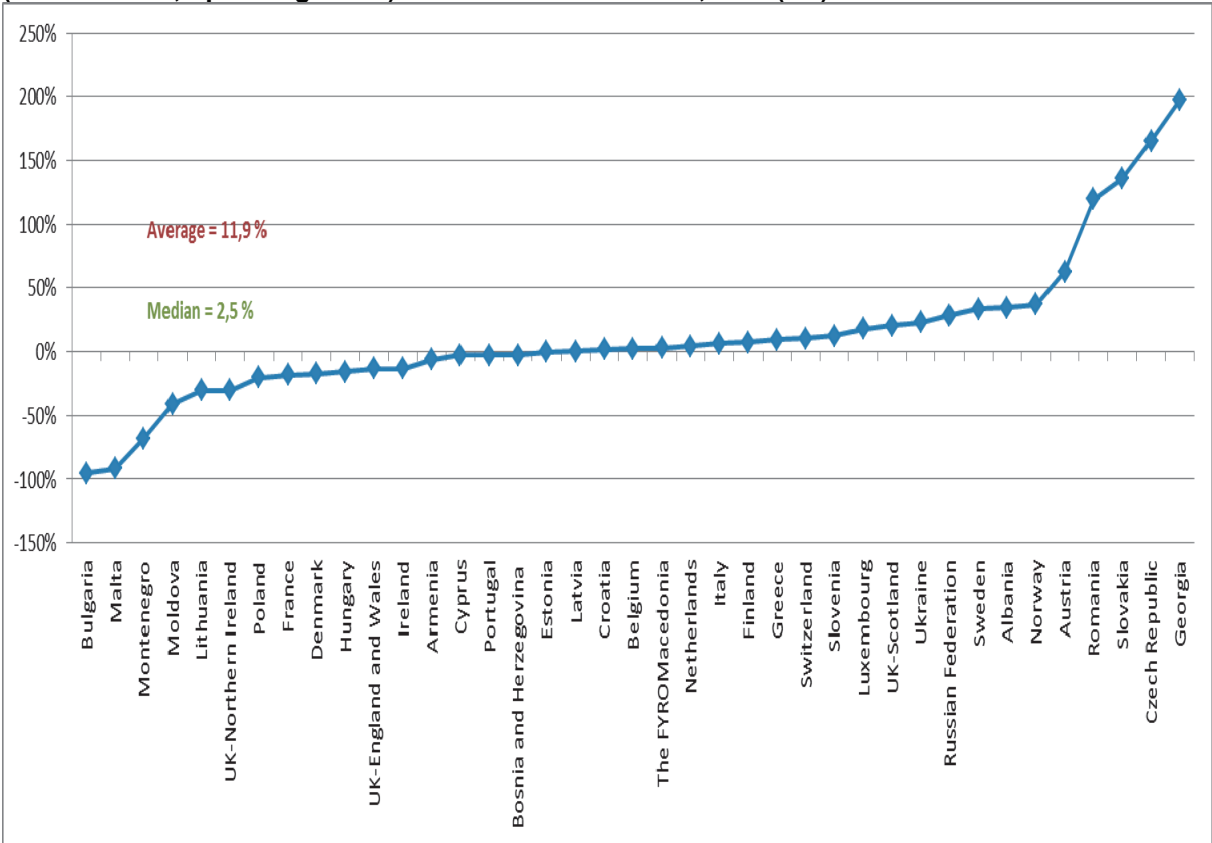
**Ukraine:** 87.20% decrease in the budget for education and training between 2008 and 2010 is due to the redistribution of state spending to other programs.

Justice expenses represent on average 7.7% of the court budgets in Europe (for the 29 states considered), while emphasising significant differences between the states where the part is more than 20% of the court budgets (**Slovenia, Georgia, Germany**) and the states where this part is limited to less than 1% of the budget (**Greece, Armenia, the Netherlands, Lithuania, Cyprus, Slovakia, Russian Federation, Romania, Ireland**). The differences in the organisation of the judicial system and in the procedures explain *inter alia* these disparities.

On average, justice expenses paid by the courts declined by nearly 15% between 2008 and 2010, and significantly in **Romania, Cyprus, Andorra, Czech Republic and Slovakia**. The variation in the exchange rates may explain some differences. Similarly, it appears that some states have better understood the question they were asked than in previous cycles and have therefore responded differently (**Georgia, Ireland**). In such cases, significant changes can be fully or partially virtual. However, it can be assumed that some jurisdictions have had to make savings in legal costs because of the economic situation. Nevertheless, too little information was provided by the states to allow further analysis.



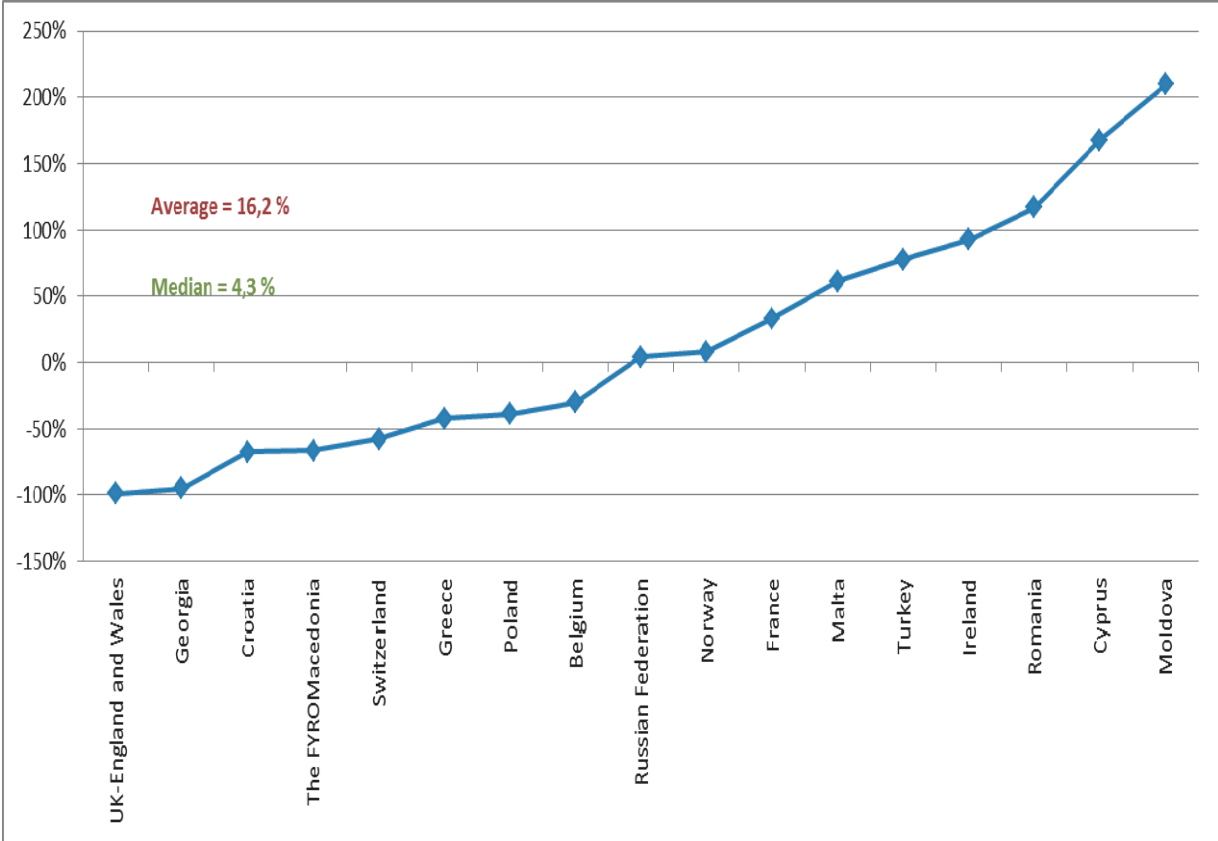
**Figure 2.14. Variation of absolute numbers of annual public budget allocated to court buildings (maintenance, operating costs) between 2008 and 2010, in % (Q6)**



The budget part devoted to courts buildings is on average 11.5% in the 29 states studied, broken down between the maintenance and operation of these buildings (nearly 8%) and investments – in new courts and renovation - (3%). These amounts may fluctuate significantly as regards investments, as real estate programmes have been conducted or not in a given year (even if these investments are generally amortised over several years). An effort in the 2010 budget may be noted in **Ireland**, **Azerbaijan** (modernisation of the court infrastructure and construction of judicial complexes) and **Cyprus**. As regards operation, **UK-Scotland**, **UK-England and Wales** and **Norway** spend a large share of the budget for court buildings, although this information must be interpreted prudently: because of the organisation of judicial systems in these countries, other budget parts (e.g. salaries) are more limited, what substantially changes the distribution. Court buildings are not a heavy load (less than 2%) for court budgets (these charges can be referred to other public budgets) in **Greece**, **Montenegro**, **Malta**, **Luxembourg**, **Georgia** and **Czech Republic**.

Operating costs of court buildings have increased on average by 11.9% in European countries concerned between 2008 and 2010.. Construction of additional buildings may explain some increases. On the other hand, the decrease in these budgets in some states is related to the need for savings due to the constraints on public budgets. **Bulgaria**, **Malta** and **Montenegro** have not provided the information for interpreting the significant variations, which may be due more to a different interpretation of the question from one exercise to another than major changes in the budgetary policy.

**Figure 2.15. Variation of absolute numbers of annual public budget allocated to investments in new (court) buildings between 2008 and 2010, in % (Q6)**



**Comments on the EPC**

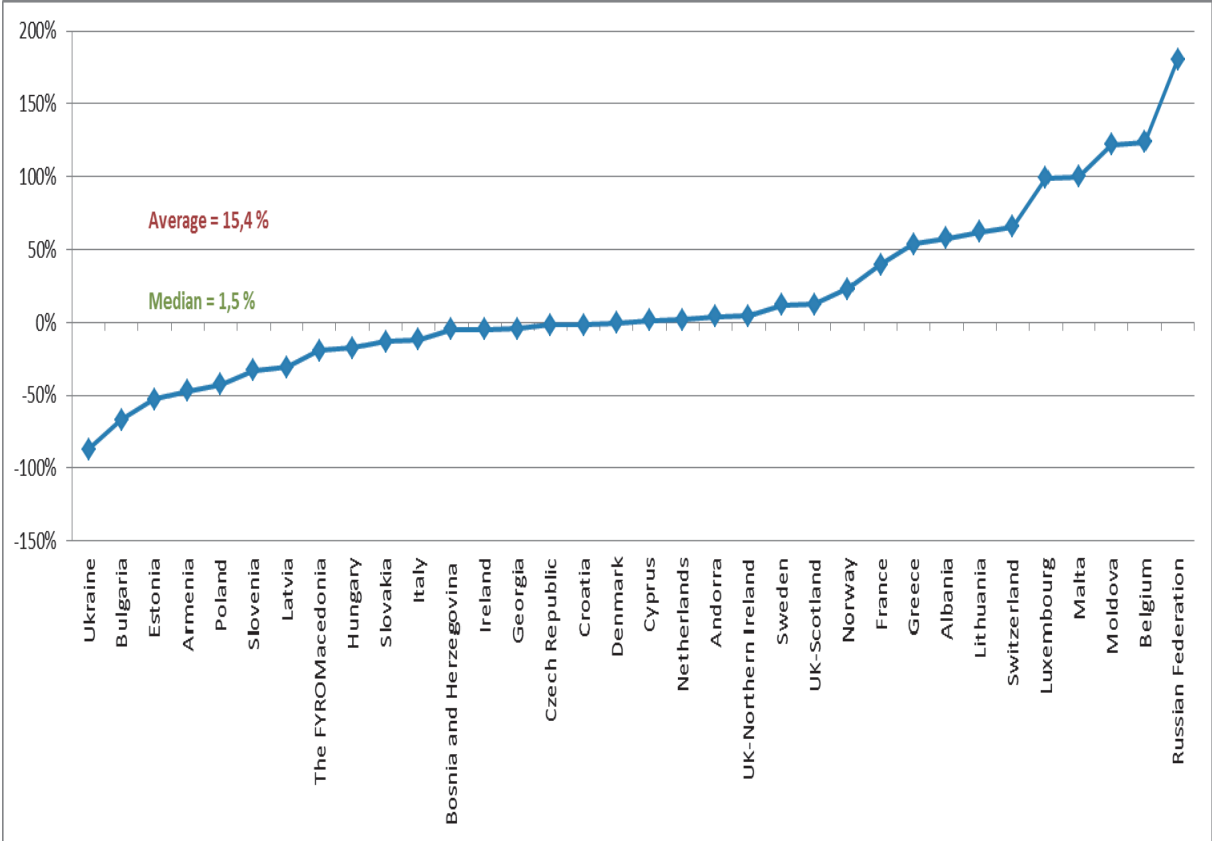
**Georgia:** unlike 2008, the budget allocated for investing in new courthouses in 2010 does not include the expenses incurred for equipping the buildings. Repair-reconstruction works of most part of courthouses were finished in 2009. This resulted in the reduction of budget allocated to new courthouses.

**Republic of Moldova:** two courts were built in Basarabeasca and in Ceadâr-Lunga.

Despite budgetary constraints in Europe, some states have conducted real estate programmes for justice between 2008 and 2010 (**the Republic of Moldova, Cyprus, Romania, Ireland, Turkey, Malta**) which can be tied with reforms in the judicial map (**France**). The decrease in budgets spent on immovable investments in other states can be explained by significant investments in the past that were either completed before 2010, or limited since 2008 because of budgetary choices.

A significant part of the budget (11.5%) of the European courts is devoted to buildings (operating costs 7.7%) and investments (new courts and renovation of old courts 3.8%). In general the budget for buildings is relative decreasing with a European average of -11.9%. In the EPC the development is even more prominent. **Georgia** (-95%), allocates much less budget to the building of courts between 2008 - 2010. The **Republic of Moldova** (210%) spends substantially more. **Azerbaijan** continues investing in the modernisation of its court infrastructure by constructing innovative court buildings and court complexes. However, in average, court buildings have become a priority of less importance since 2008. This might be, at least for a part, a consequence of the economic and financial crisis which has obliged member states to postpone investments. For some member states, it can also be considered that main investments programmes have now been completed.

**Figure 2.16. Variation of absolute numbers of annual public budget allocated to training and education between 2008 and 2010, in % (Q6)**



**Comments on the EPC**

**Armenia:** 6 specialised courts were abrogated in 2009 which resulted in the reduction of staff and training expenses in 2010.

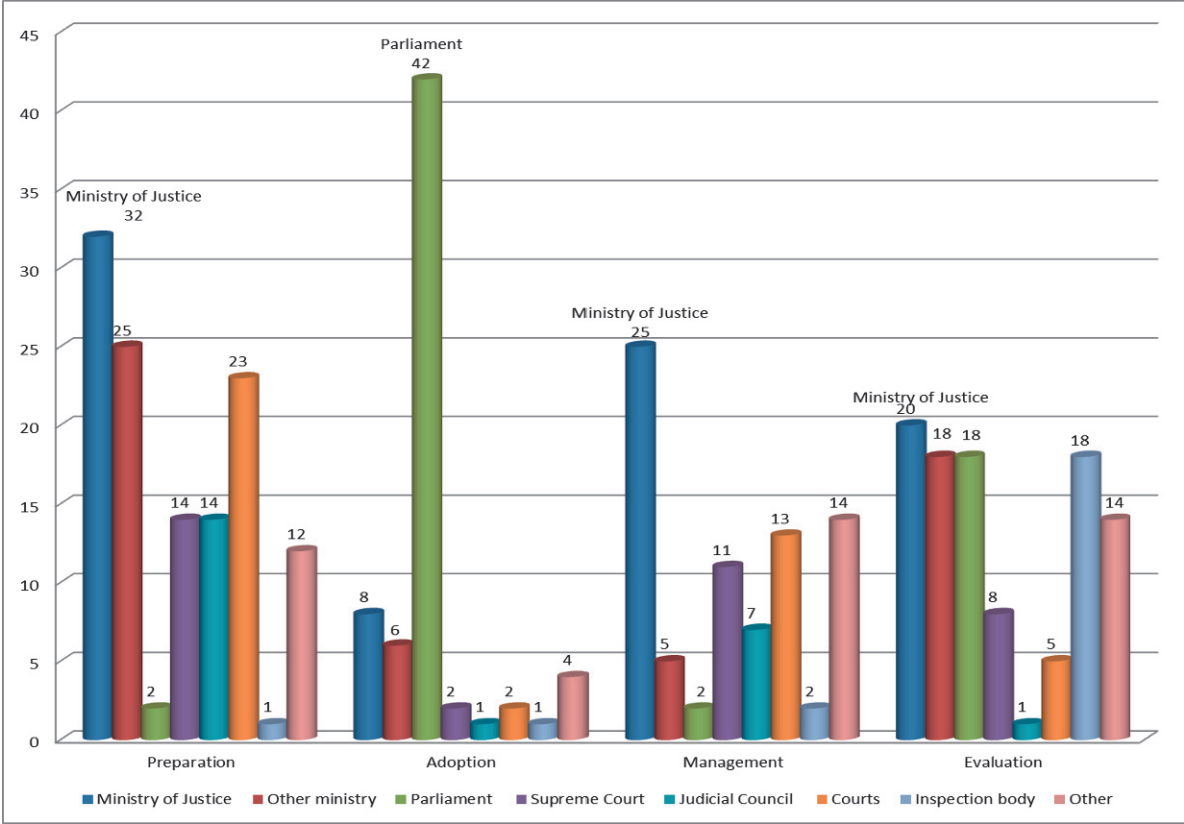
**Ukraine:** the decrease of 87.20% in the budget allocated to training and education between 2008 and 2010 is due to the redistribution of state expenditures towards other programmes.

Less than 1% of the court budgets are spent on training of judges and prosecutors in Europe in 2010. This amount must be considered as too low if we consider the relevance of judicial training and education for the independence, efficiency and quality of justice. The European countries spent less budget between 2008-2010 as the median budget decreased with 10%.

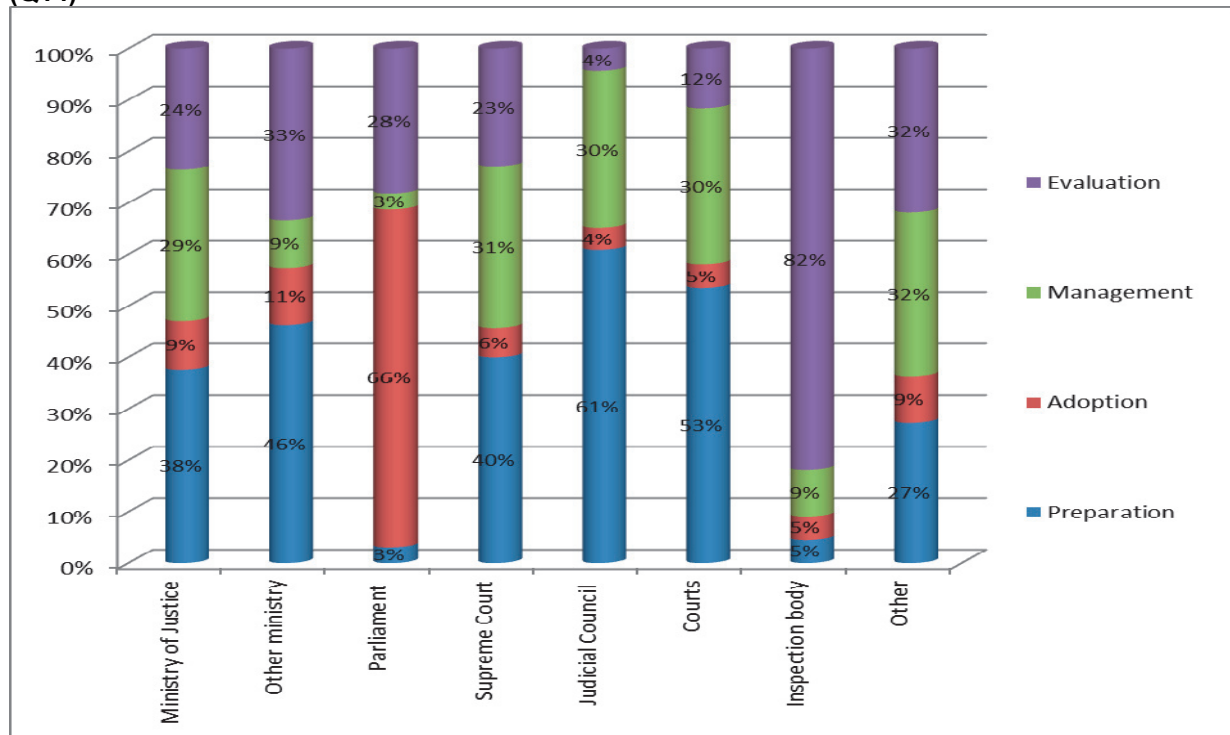
Compared to other European countries the budget for training and education of judges in the EPC is higher than the median. **Ukraine** (-87%), **Armenia** (-47%) and **Georgia** (-4%) decreased the budget for training more than the European median. Higher priority for training can be noted in particular in **the Republic of Moldova**, where the budget increased with 122%.

**Budgetary process on court funding**

**Figure 2.17. Authorities responsible for the budget allocated to the courts in 48 states or entities (Q14)**



**Figure 2.18. Involvement of authorities in different stages related to the budget of the courts (Q14)**



The budgetary process (from the preparation to the adoption, the management and the evaluation of budgetary expenditures) is, in most member states, organised in a similar way.

The Ministry of Justice is most of the time responsible for preparing the budget (proposals). In some states or entities, other Ministries may take on that responsibility: this is especially true for states with specialised courts that do not depend on the Ministry of Justice, for example when a labour court is funded by the Ministry of Social Affairs. The Ministry of Finances is often involved in (part of) the budgetary process for courts. The courts themselves (23 states or entities), the Council of Justice (14 states or entities) or the Supreme Court (14 states or entities) play a central role in the stage of preparation. National court administrations (**Norway**) or specific bodies may also participate in 12 states or entities (for example the Office of the judicial budget administration in Albania, the Council of Court Presidents in **Armenia**, the National Audit Office of **Denmark**, the Office of Judicial Services in **Monaco** (which is similar in its functions and duties to the Ministry of Justice), the Court budget Council in "the former Yugoslav Republic of Macedonia", the State Planning Organisation in **Turkey**, the Management Board of the Court Service of **UK-Scotland**). The Parliament intervenes only rarely (**Austria**) when preparing the budget.

The responsibility of adopting budget proposals lies with Parliament allowing sometimes for other bodies to be involved. Some states or entities have reported that the Ministry of Justice or other Ministries may be involved in this field. However, it is possible that these answers reflect a misunderstanding of question Q14 regarding the formal adoption of the budget. One should be aware of the specific role of federal and autonomous entities in some federal or decentralised states (for instance **Spain**).

Either judicial bodies (courts and/or supreme courts and/or councils of justice), the executive power (Ministry of Justice and/or Ministry of Finances) or national court administrations (**Lithuania, Norway, Sweden, Ukraine, UK-Scotland**) manage most often the overall budget of the judicial system, allowing for frequent participation of several actors combining the executive power and judicial entities (14 states or entities). In some states, ad hoc bodies may be involved in preparing the budget and often have a role to play in managing that budget (see above).

The evaluation of the proper implementation of the budget is widely operated in Europe by the executive power, divided between the Ministry of Justice and other Ministries (mostly Finances). Parliament (18 states or entities) or an independent inspection service (18 states or entities) such as

an auditing body (**Azerbaijan**) or a court accountant may get involved, alone or combined with other executive (sometimes Ministry of Finances) or judicial powers' institutions.

Concerning the EPC the involvement of authorities in different stages of the budgetary process concerning the judiciary is scrutinized by the working group on judicial independence. The following conclusions and recommendations are formulated:

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

**Azerbaijan:** The Court and Judges Act does not envisage any interplay between the executive and the judiciary when it comes to the planning, drafting and processing of the budget of the judiciary. No negotiation between these two arms of the state can be found in the regulations cited. The Judicial-Legal Council Act provides only that the Council can 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 is not in line with European best practice. The regulations do not indicate the extent to which the JLC exercises powers in relation to its own budget. However, the situation appears 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 appears 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 exist within the relevant legislation, excludes the SCM from the negotiating process surrounding the judicial budget at the Parliamentary level. The legislature should reconsider its approach in this respect.

**Ukraine:** Current Ukrainian practice is based on a legal framework that fails 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 be taken into serious consideration. General conclusions on the role of the Justice Council in the process of negotiation of budgets for the judiciary

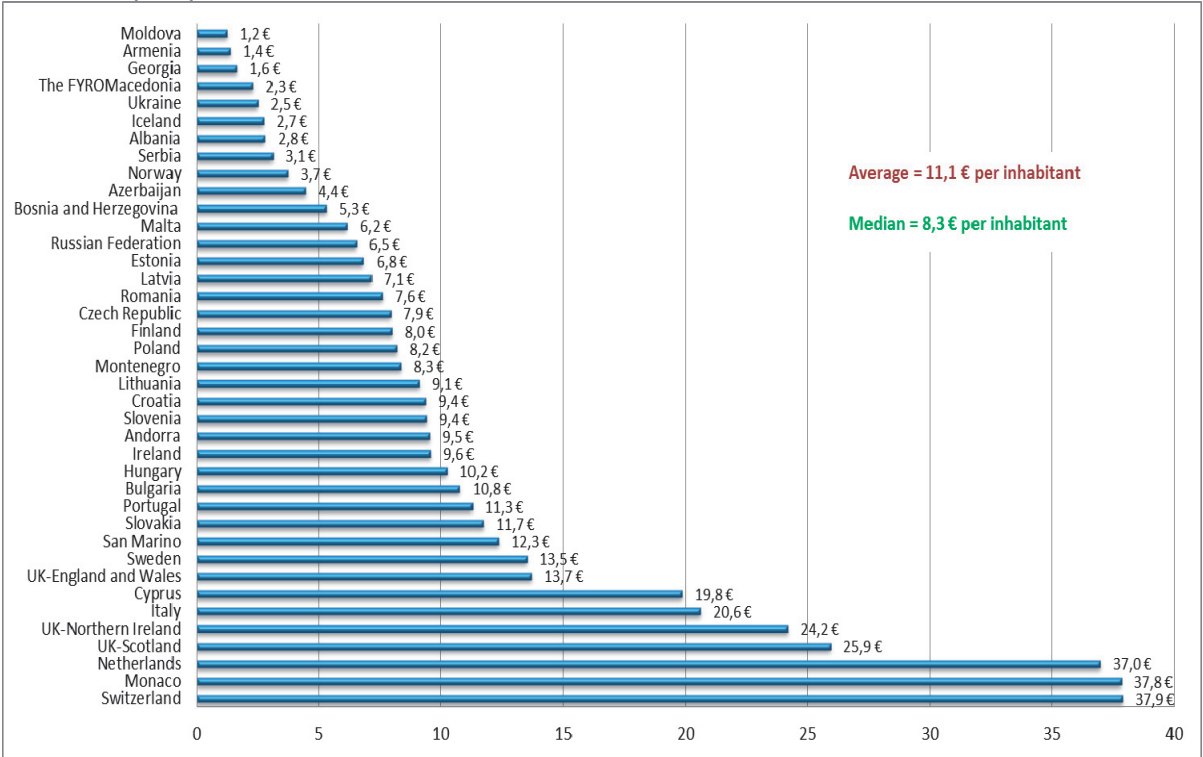
**General conclusion of the working group on Independent Judicial Systems:** In all five countries, the judicial self-governing bodies are rather limited in terms of their capacity to present the budgetary needs of the judiciary to their governments and parliaments. There exist negotiation mechanisms with regard to establishing the budgets of the judicial systems. However, these mechanisms have 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 be 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 ought to be enhanced.

### 2.3 Public budget allocated to the public prosecution services

The tables below refer only to the 39 states or entities (3 more than in the previous evaluation cycle) that were able to identify a specific budget for public prosecution. In 8 states or entities, the budget for courts includes the budget allocated to public prosecution (**Austria, Belgium, France, Germany, Greece, Luxembourg, Spain and Turkey**). **Denmark** (the public prosecution service's budget partially depends on the police budget) has not been able to provide any data on the budget allocated to the prosecution system. Contrary to the previous report, **Portugal, San Marino and UK-Northern Ireland** have managed to do so.

The analysis of the budgets of the public prosecution services must consider the scope of the powers of the latter in criminal proceedings, as well as possible powers outside the criminal field for a number of member states.

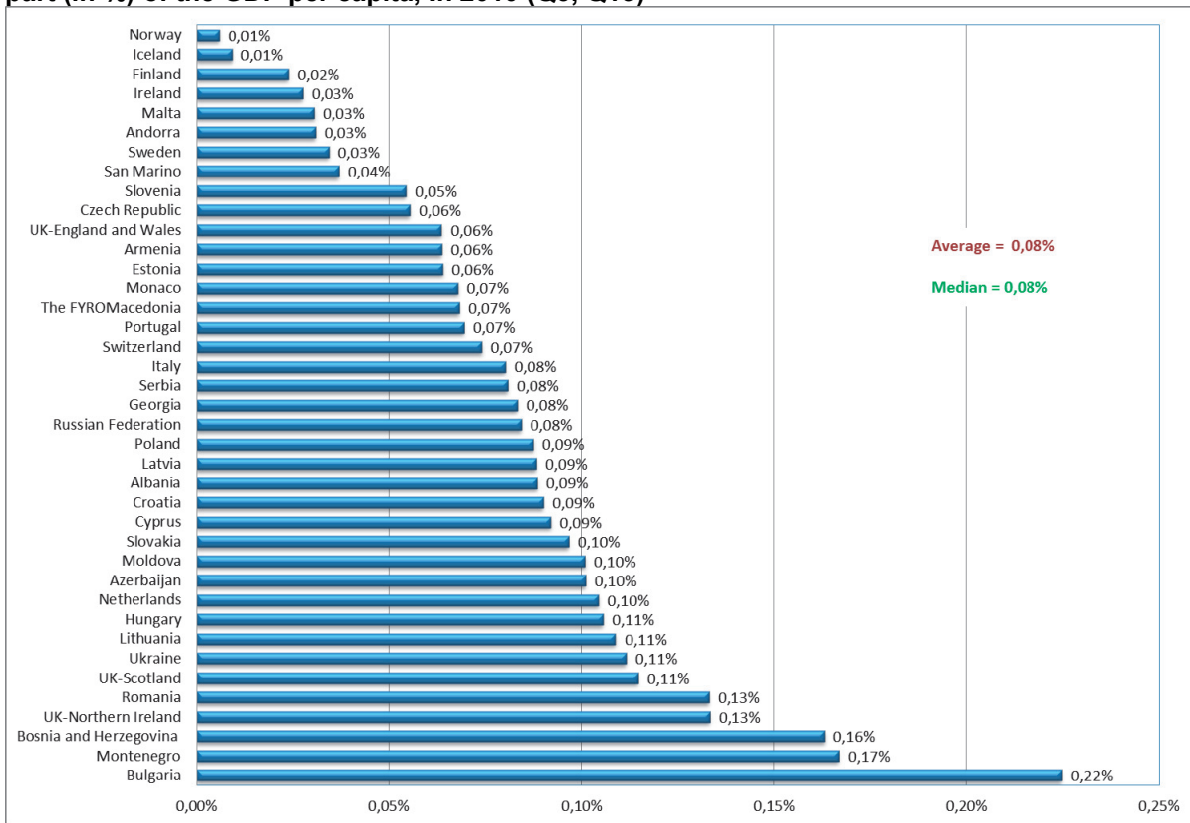
**Figure 2.19. Public annual budget per inhabitant allocated to public prosecution services in 2010, in € (Q13)**



The European average and median amount allocated to the prosecution per capita has remained stable since 2008. 6 states or entities (**Italy**, **UK-Northern Ireland**, **UK-Scotland**, **Netherlands**, **Monaco**<sup>8</sup> and **Switzerland**) spend more than 20€ per inhabitant on prosecution services. 10 states spend less than 5€ per capita (**Republic of Moldova**, **Armenia**, **Georgia**, **"the former Yugoslav Republic of Macedonia"**, **Ukraine**, **Iceland**, **Albania**, **Serbia**, **Norway**, **Azerbaijan**).

<sup>8</sup> The data needs to be put into perspective by considering the low number of inhabitants.

**Figure 2.20. Annual public budget allocated to public prosecution services per inhabitant as part (in %) of the GDP per capita, in 2010 (Q3, Q13)**

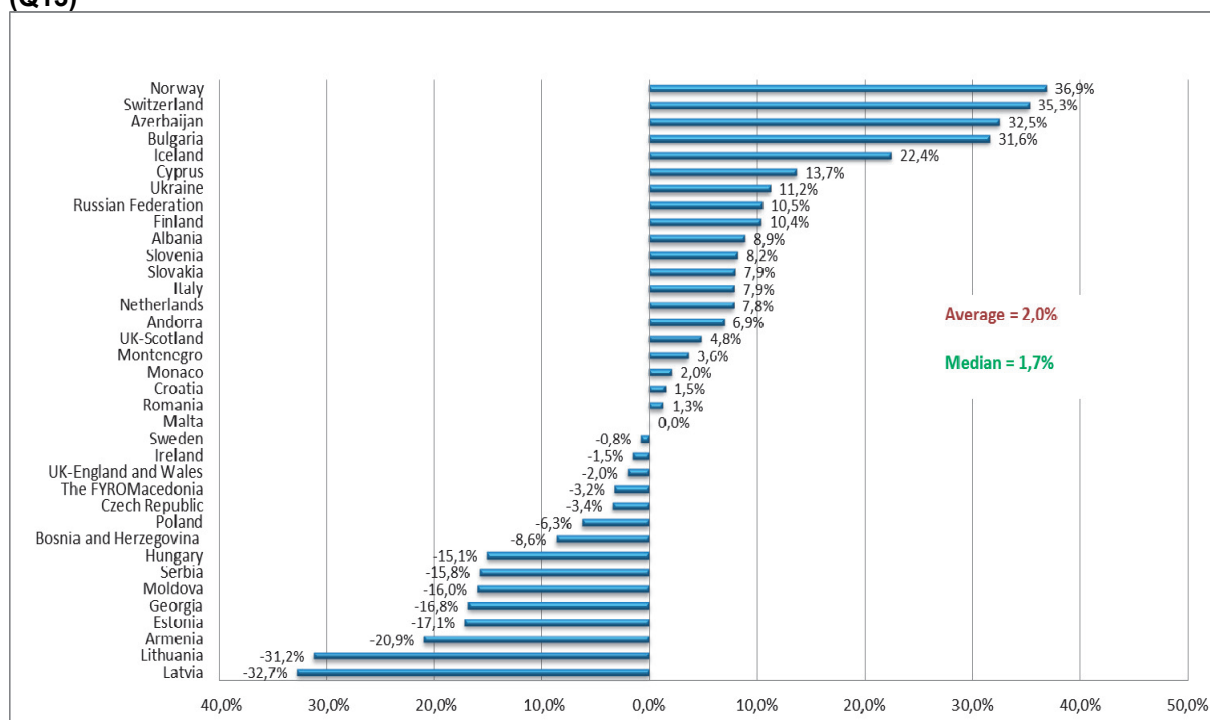


Keeping in mind the prosperity of each country allows a more precise evaluation of the public authorities' commitment towards prosecution services. Thus, one should read the analysis per capita by relating it to the GDP. Other realities appear when comparing the public prosecution budget to the level of wealth per capita in each state.

The European average has remained stable since 2008 at 0.08%. One may notice that **Ukraine (0.11%), Azerbaijan (0.10%), and the Republic of Moldova (0.10%)** allow a major budgetary priority for public prosecution services. **Armenia (0.06%) and Georgia (0.08%)** spend respectively less than and the same as the European median and average.



**Figure 2.21. Average annual variation of the public prosecution budget between 2008 and 2010 (Q13)**



The annual average variation was calculated on the basis of data provided since 2008. It was possible to analyse complete data series for 36 of the 39 states or entities concerned (which is again the proof of a qualitative improvement in the CEPEJ data base).

Like in the previous period analysed (2006 – 2008), budgets allocated to prosecuting bodies between 2008 and 2010 have been relatively stable at a European level. Concerning the EPC it can be noticed that the budget for prosecution since 2008 on the one hand significantly decreased in **Armenia (-20.9%)**, **Georgia (-16.8%)** and the **Republic of Moldova (-16%)**, while on the other hand it increased significantly in **Ukraine (11.2%)** and **Azerbaijan (32.5%)**

Although, it is possible to use the variation in exchange rates as an explanation for part of the downward evolution, it is 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 *Prokuratura* (**Armenia, Georgia, Republic of Moldova**).

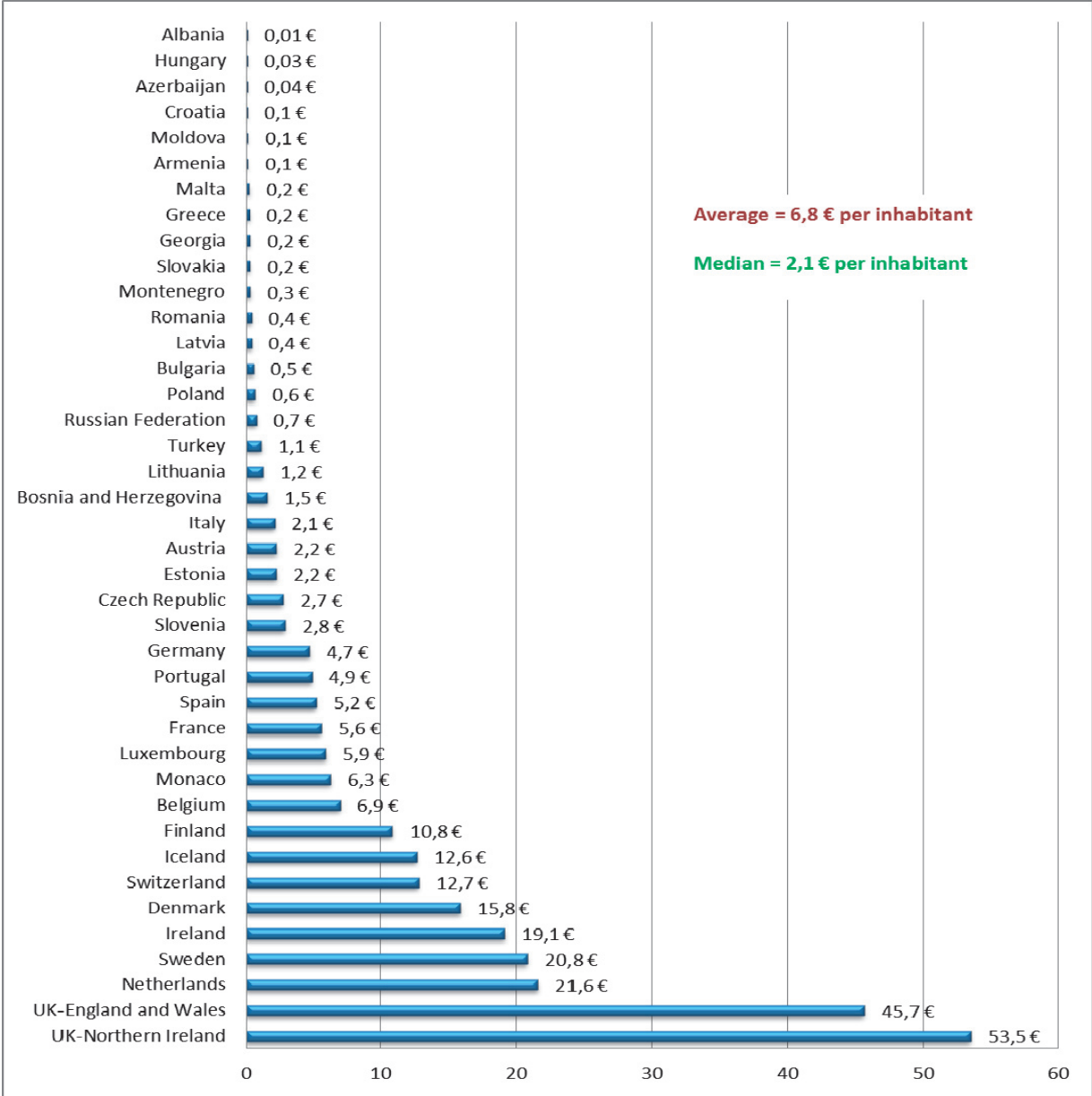
## 2.4 Public budget allocated to the legal aid system

On average, 6.8€ per inhabitant is spent by the public authorities to promote access to justice through the legal aid system. However, it seems more relevant to consider the median value in Europe: 2.1€ per inhabitant.

The Northern European states commit the largest budgets to the legal aid systems.

As it was the case in previous evaluation years, Northern European states have a strong tradition of generous legal aid systems: a relatively high budget (more than 20€ per inhabitant) for legal aid (gross data per inhabitant) is spent in **UK-Northern Ireland, UK-England and Wales, the Netherlands, and Sweden**. A relatively high amount of the budget (more than 10€ per inhabitant) can also be noted in the **Ireland, Finland, Iceland, Switzerland and Denmark**.

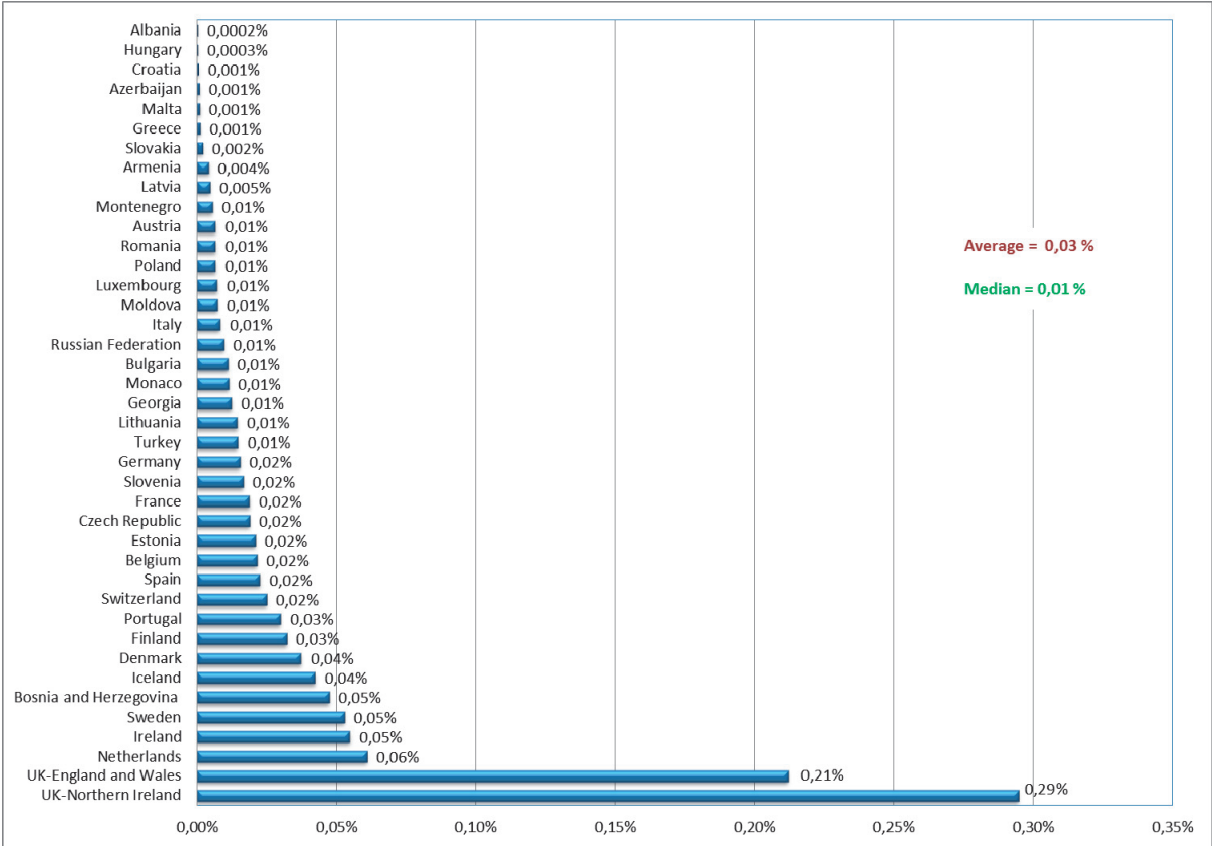
**Figure 2.22. Annual public budget allocated to legal aid per inhabitant in 2010 (Q12)**



**Comments**

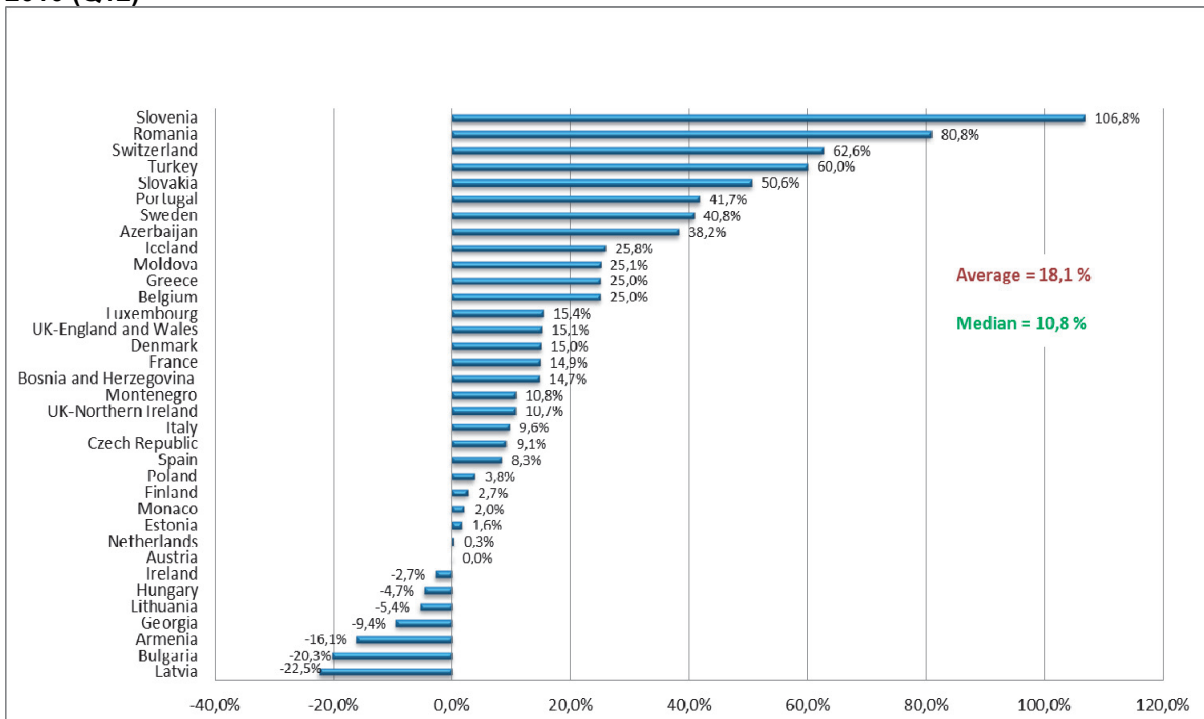
Similarly to previous analyses, introducing the reference to the GDP is useful to measure the impact of the budgetary amount allocated to legal aid, in relation to the states' prosperity, to help people who do not have sufficient means find access to justice.

**Figure 2.23. Annual public budget allocated to legal aid per inhabitant as part (in %) of the GDP per capita, in 2010 (Q3, Q12)**



When comparing the effort dedicated to the legal aid budget to the level of wealth of the states, the situation of the states that have a more generous system is not radically changed. It allows however to highlight the efforts, supported by European and international funds, of **Bosnia and Herzegovina** in access to justice. Concerning the EPC one can notice a different ordering. Taken into account their limited GDP, countries like the **Republic of Moldova** (0.01%) and **Georgia** (0.01%) spend a budget even to the European median, whereas in **Azerbaijan** (0.001%) and in **Armenia** (0.004%) this level is not reached.

**Figure 2.24. Average annual variation of the budget allocated to legal aid between 2008 and 2010 (Q12)**



**Note: Russian Federation** has been excluded from this figure as they have changed their calculation methodology since the previous evaluation cycle.

35 member states have been considered as regards the evolution of their budget allocated to legal aid (only 30 were considered in the previous evaluation exercise, which must be stressed as a positive improvement in the report). This enables to highlight a positive European trend regarding access to justice through the indicator of amount allocated to legal aid; such trend being consistent with the requirements and spirit of the European Convention on Human Rights. An encouraging average increase of 18.1 % between 2008 and 2010 can be underlined in Europe, though 7 member states have decreased their legal aid budget (**Ireland, Hungary, Lithuania, Georgia, Armenia, Bulgaria** and **Latvia**). The variation in the exchange rate explains a part of (**Armenia**) or the whole (**Hungary**) evolution, however some member states have clearly indicated that the decrease in the budget allocated to legal aid is due to general budgetary cuts (**Latvia, Lithuania**).

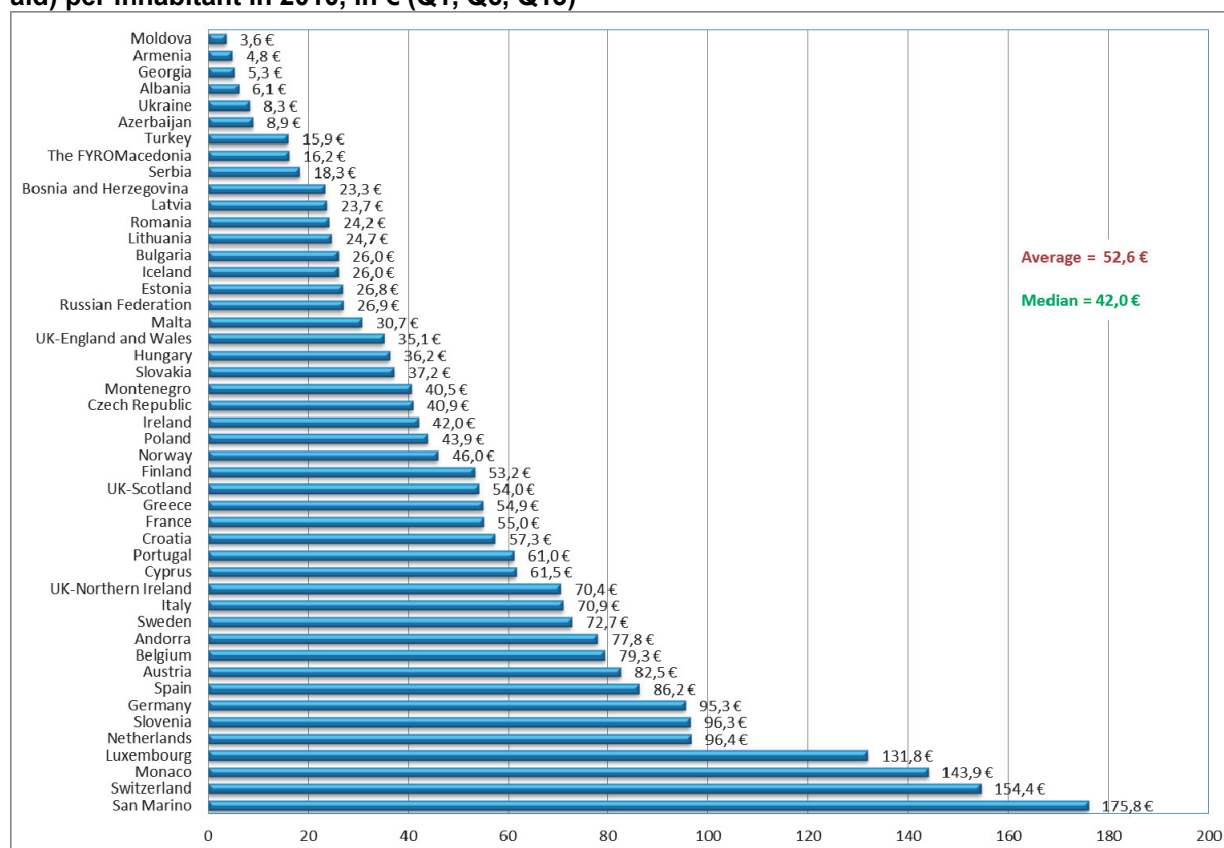
Changes in the legislation can explain increasing variations of the legal aid budgets, like in **Romania, Slovenia** or **Switzerland**. An increase in the number of incoming cases can be the explanations of the increase in the legal aid budget for some member states (**Slovenia** and **Sweden**). A positive exchange rate explains part of the variation in **Switzerland**. Other states having recently implemented legal aid systems still hold commitments and should be encouraged to follow such path (**Republic of Moldova**).

Compared to the budget for legal aid in 2008 the decrease of the budget for legal aid is most significant in **Armenia (-16.1%)** and **Georgia (-9.4%)**, whereas there is a significant increase in the **Republic of Moldova (25.1%)**, where recently implemented legal aid systems still holds.

## 2.5 Public budget allocated to all courts and public prosecution (without legal aid)

The following analysis, which concerns 47 states or entities (7 more than in the previous evaluation cycle), refers to the sum of the budgets for courts and prosecution services. This data allows for the integration of states where the court budget cannot be separated from the budget allocated to prosecution services (**Austria, Belgium, France, Germany, Greece, Luxembourg, Spain and Turkey**). It was however not possible to include **Denmark** in this analysis, as this state cannot indicate the budget of the prosecution services.

**Figure 2.25. Total annual budget allocated to all courts and public prosecution (without legal aid) per inhabitant in 2010, in € (Q1, Q6, Q13)**



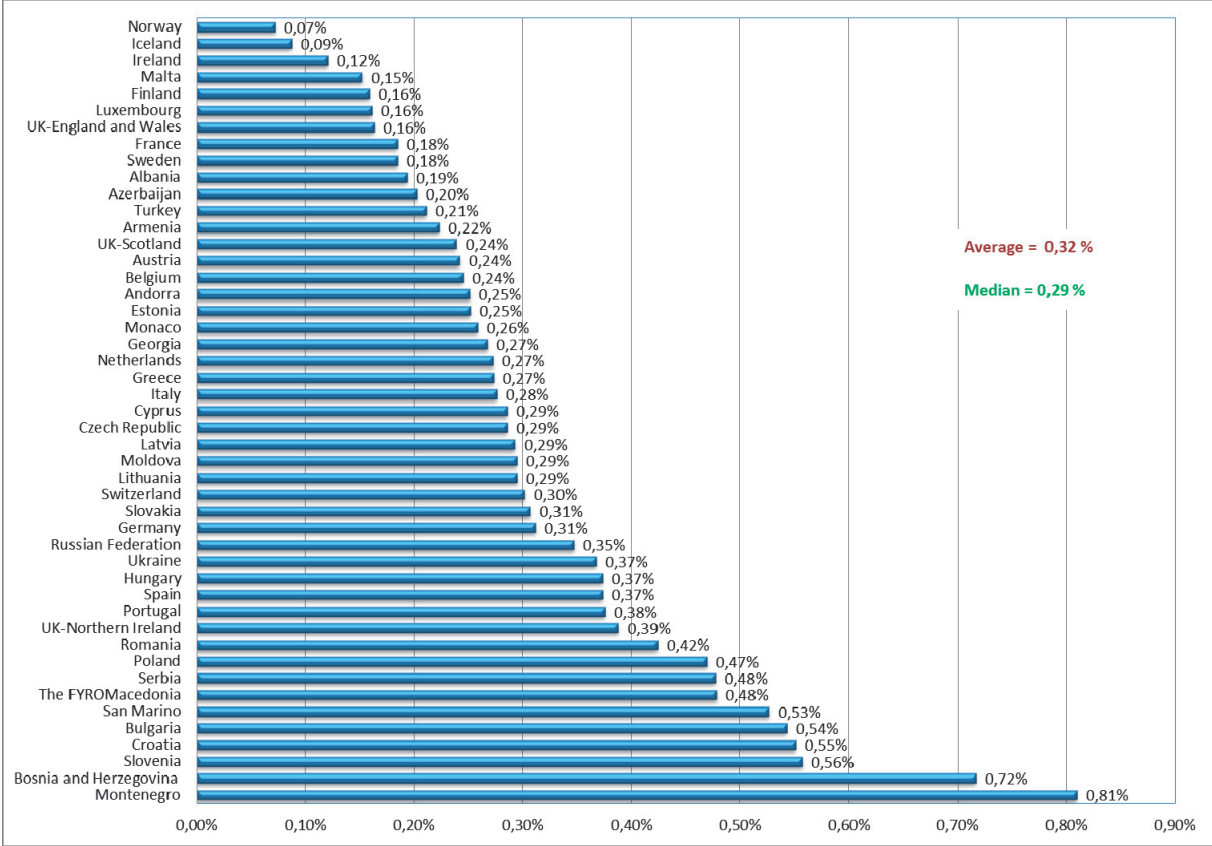
Three zones can still be identified from the geographical distribution of sums allocated to court and prosecution services' budgets: given their transitional economic systems, Eastern and South-eastern European states report the lowest budgets; Central European states, much of which have now joined the European Union, stand at an intermediate level, together with the **Russian Federation**; Western European states spend the largest budgets per capita in accordance with the state of their economy, joined, since the previous evaluation cycle, by **Slovenia**.

In Europe, the average budget allocated to courts and prosecution services is 52.6€ per capita. The median level is 42€.

**San Marino, Switzerland, Monaco, and Luxembourg** spend the largest amounts (more than 100€ per capita) for courts and public prosecution services. It must be kept in mind that sums per inhabitant in small states should always be put into perspective regarding the small number of inhabitants. **The Republic of Moldova, Armenia, Georgia, Albania, Ukraine and Azerbaijan** spend less than 10€ per inhabitant on legal aid, the systems being more recent.

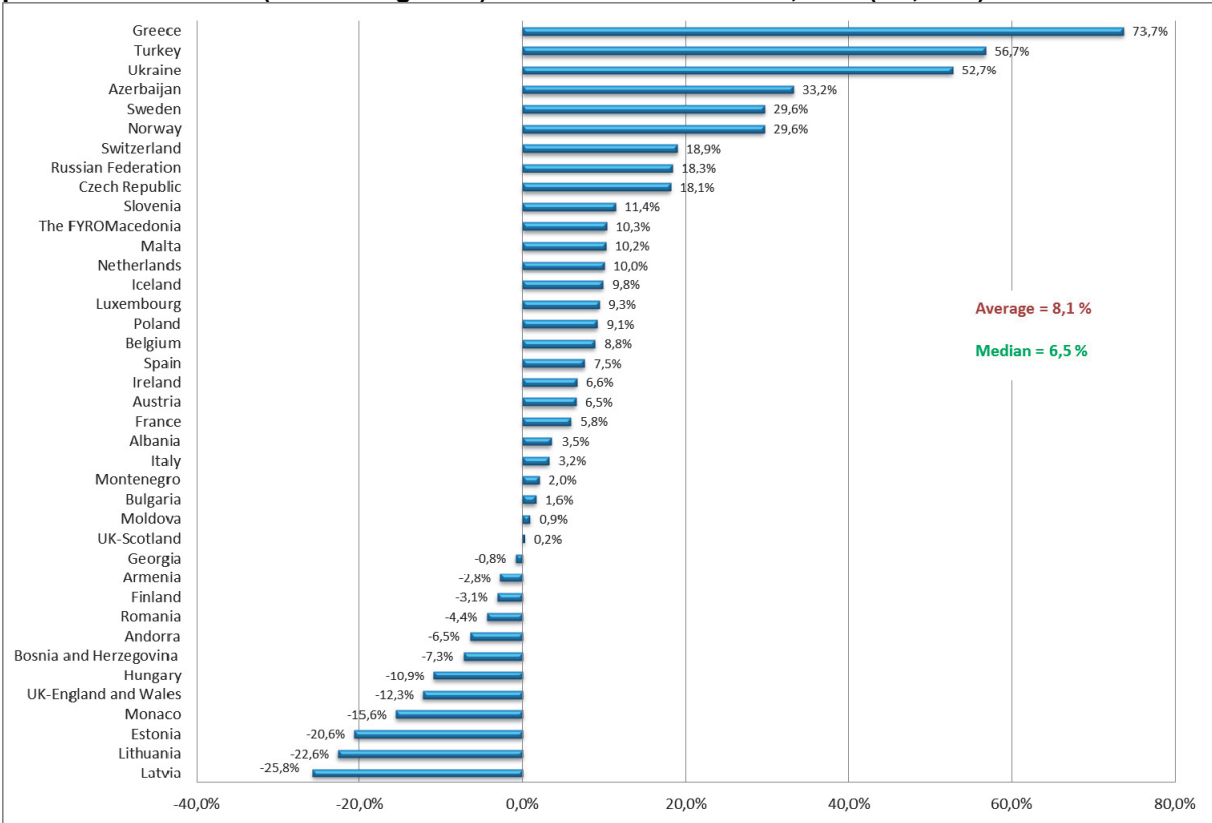
A ratio including the GDP per capita must be analysed in order to compare these sums to the state's prosperity. One can observe that efforts of public authorities are higher than what the raw data suggest in these countries. According to the previous analysis, the relative commitments of public authorities (supported by European and international funds) in the judicial system remain high in **Montenegro, Bosnia and Herzegovina, Bulgaria, Poland, Romania and Ukraine**.

**Figure 2.26. Annual public budget allocated to all courts and public prosecution service (without legal aid) as part (in %) of the GDP per capita, in 2010 (Q3, Q6, Q13)**



The variation between 2008 and 2010 of these aggregated budgets follows the variation of the respective budgets of the courts and prosecution services individually analysed above (see chapters 2.2 and 2.3 above).

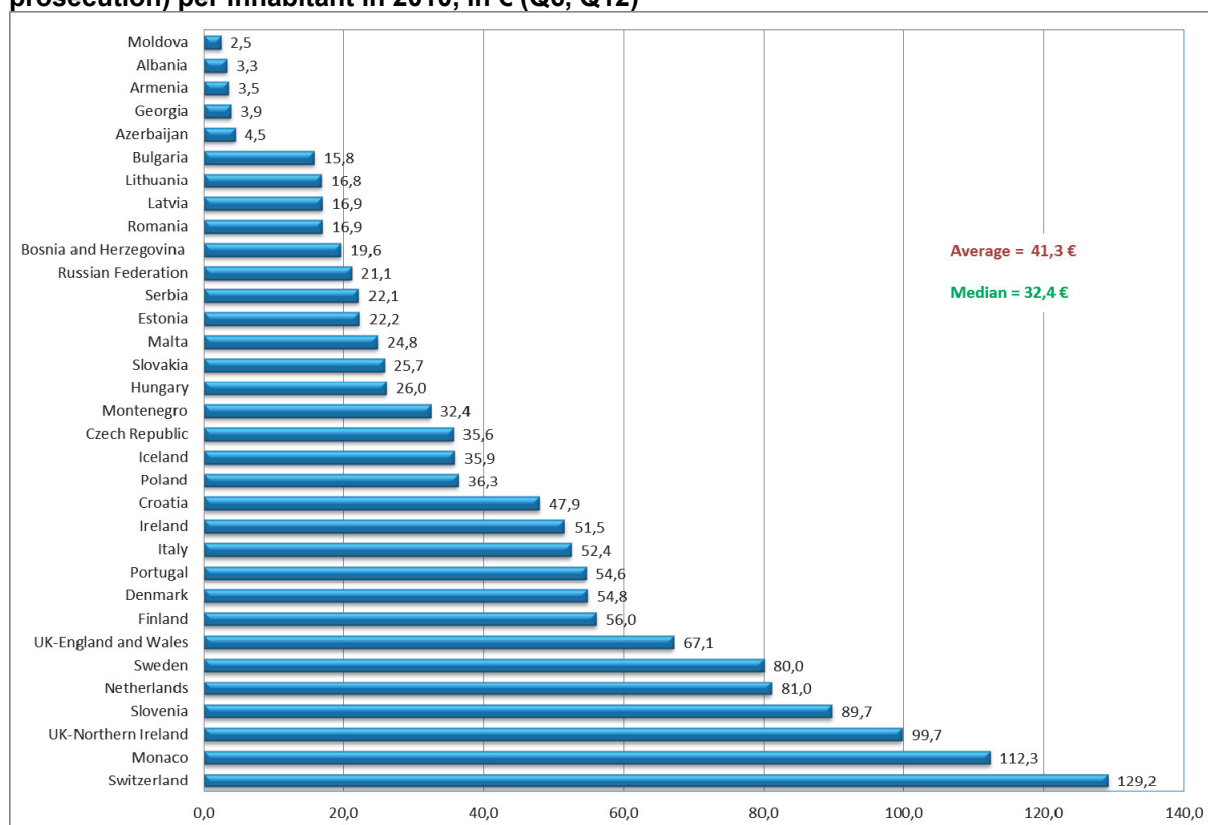
**Figure 2.27. Average annual variation of the budget allocated to all courts and public prosecution service (without legal aid) between 2008 and 2010, in % (Q6, Q13)**



**2.6 Public budget allocated to all courts and legal aid (excluding prosecution services)**

In this section, it is possible to compare with each other budgetary figures for courts and legal aid of 33 states or entities. In certain states, the legal aid budget is an integral part of the court budget and cannot be isolated. It is now possible to take these countries or entities into account in the following analysis.

**Figure 2.28. Total annual budget allocated to all courts and legal aid (without public prosecution) per inhabitant in 2010, in € (Q6, Q12)**

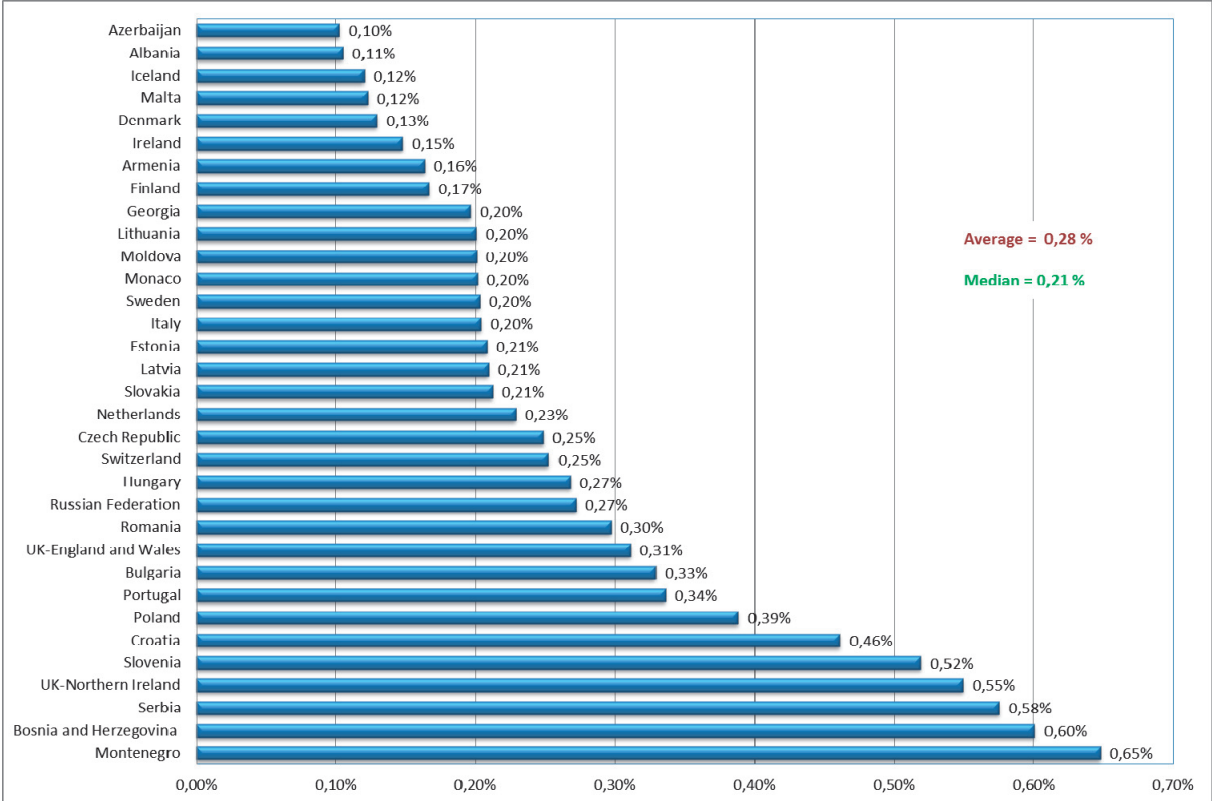


In this analysis, 41.3€ is the average amount spent per inhabitant in Europe, excluding the public prosecution service. Once again, the median value is more relevant to stress: 32.4€. The financial governmental commitment to courts and legal aid may again be related to the level of wealth of each state by calculating a ration including the GDP per capita.

The analysis is similar to those completed above. States or entities that have developed positive legal aid systems are placed further forward: **Switzerland, UK-Northern Ireland, Netherlands, Sweden, UK-England and Wales, Finland, and Denmark.**

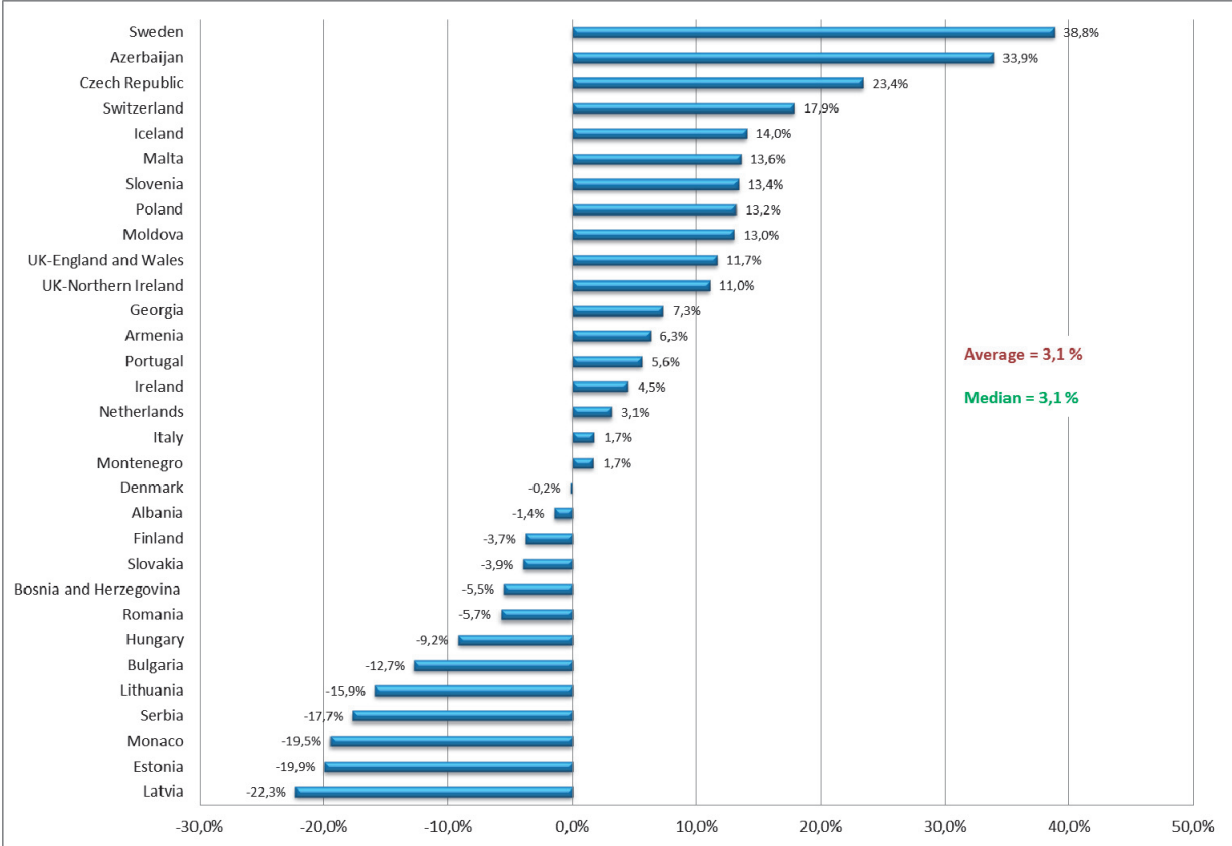


**Figure 2.29. Annual public budget allocated to all courts and legal aid (excluding prosecution services) as part (in %) of the GDP per capita, in 2010 (Q6, Q12)**



The variation between 2008 and 2010 of such aggregated budgets follows the variation of the respective budgets of courts and legal aid analysed individually above (see chapters 2.2 and 2.4 above).

**Figure 2.30. Average annual variation of the budget allocated to all courts and legal aid (excluding public prosecution services) between 2008 and 2010 (Q6, Q12)**

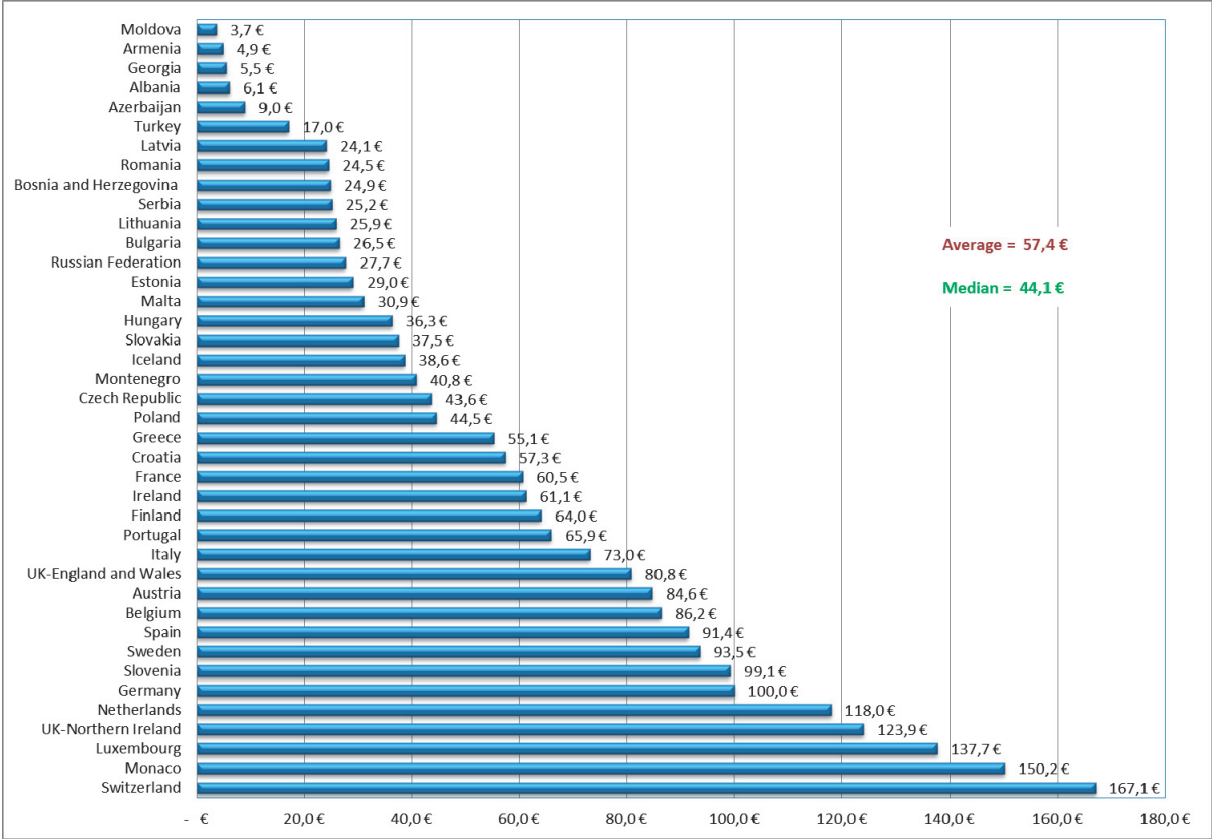


**2.7 Public budget allocated to all courts, public prosecution services and legal aid**

This part gives an overview of the budget allocated to the judicial system, when studying courts, legal aid and prosecution services together.

This global analysis allows for the evaluation of 40 on 48 states or entities participating in this report. Only the following countries are missing: **Andorra, Cyprus, San Marino, “the former Yugoslav Republic of Macedonia”, Ukraine and UK-Northern Scotland**, which could not provide data on legal aid, and **Denmark**, which could not provide data on public prosecution services.

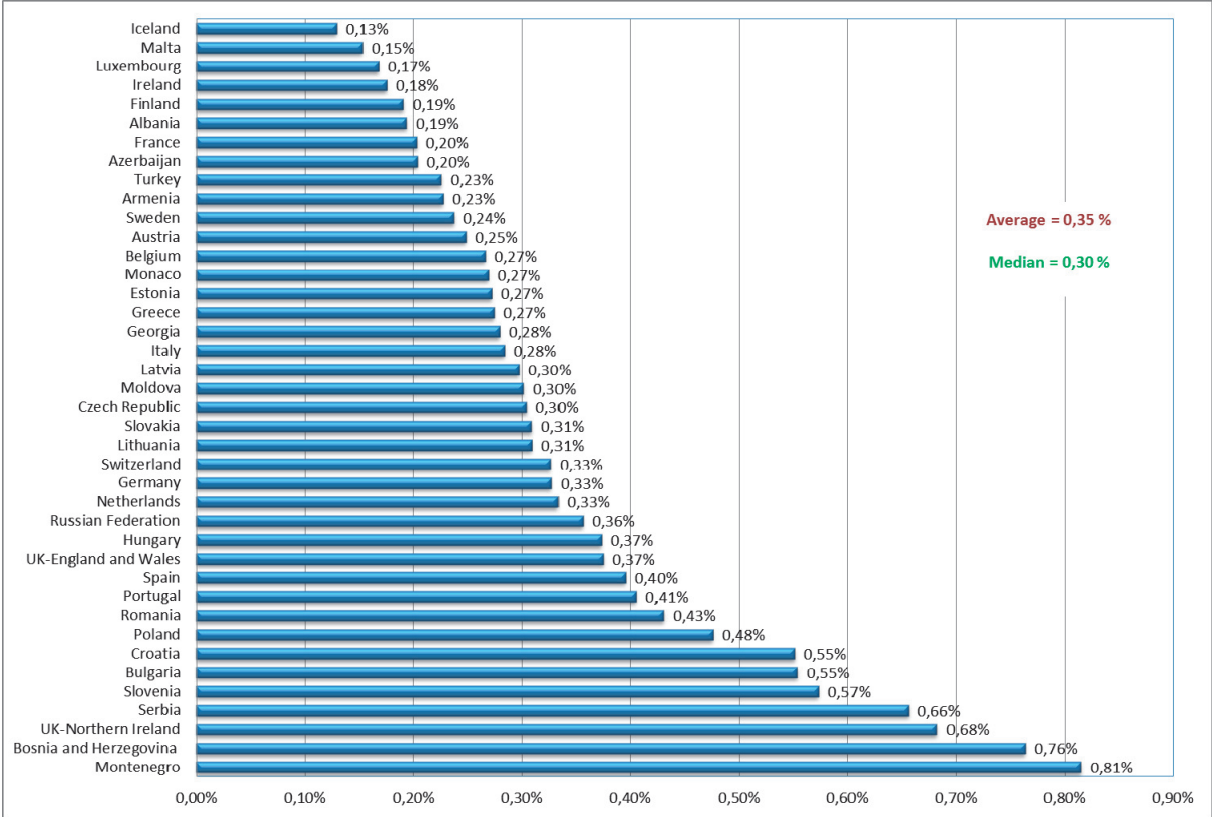
**Figure 2.31. Annual public budget allocated to all courts, legal aid and public prosecution per inhabitant in 2010, in € (Q6, Q12, Q13)**



57.4€ per capita is the average amount of resources spent on the judicial system in Europe. Almost a half of the European countries considered here are above the European average. Yet, in order to take into account “extreme” values, it is more appropriate to use within this analysis the median value for the budgetary commitment, that is 44.1€ per capita. Eastern European States report the lowest budgets; Central European States, much of which have recently joined the European Union, stand at an intermediate level, North and West of Europe spending the largest budgets per capita in accordance with the state of their economy.

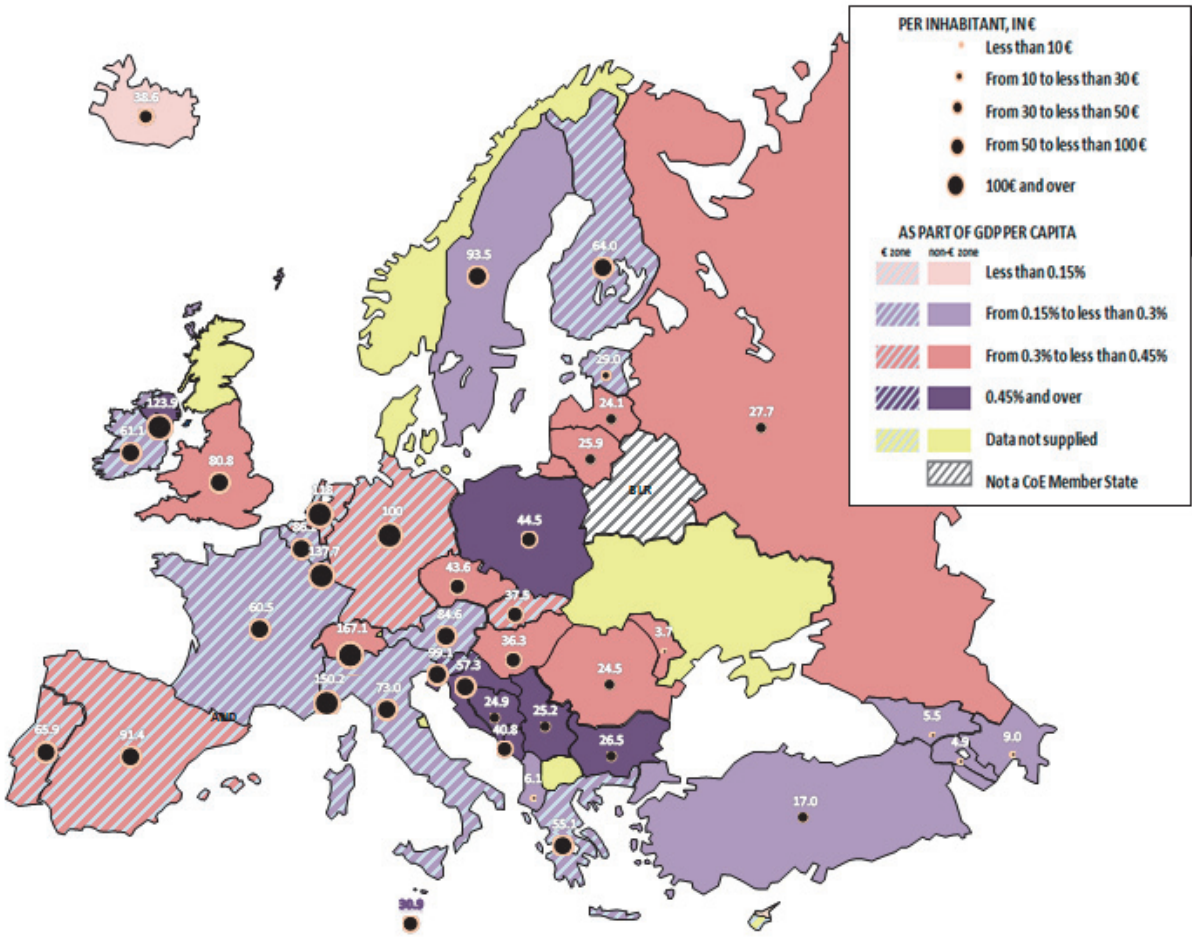
The EPC spend less than 10€ per capita on the judicial system: the **Republic of Moldova (3.7€)**, **Armenia (4.9€)**, **Georgia (5.5€)**, and **Azerbaijan (9.0€)**. Similarly to the previous analysis, it is interesting to compare raw data with the wealth of each state or entity by calculating the ratio including the GDP per capita. The European median is 0.30%. **Azerbaijan (0.20%)**, **Armenia (0.23%)** and **Georgia (0.28%)** score below this median, while the **Republic of Moldova (0.30%)** comes very close to this median. The budgetary commitments to judicial systems (with the frequent support of European and international funds) highlight the undergoing reforms of the judicial systems within these South-East European states, as well as the Central European states that joined the European Union. Countries like UK, Denmark and Norway rank lower than the EPC considering their wealth (GDP/capita).

**Figure 2.32. Total annual public budget allocated to all courts, public prosecution and legal aid as part (in %) of the GDP per capita, in 2010 (Q6, Q12, Q13)**

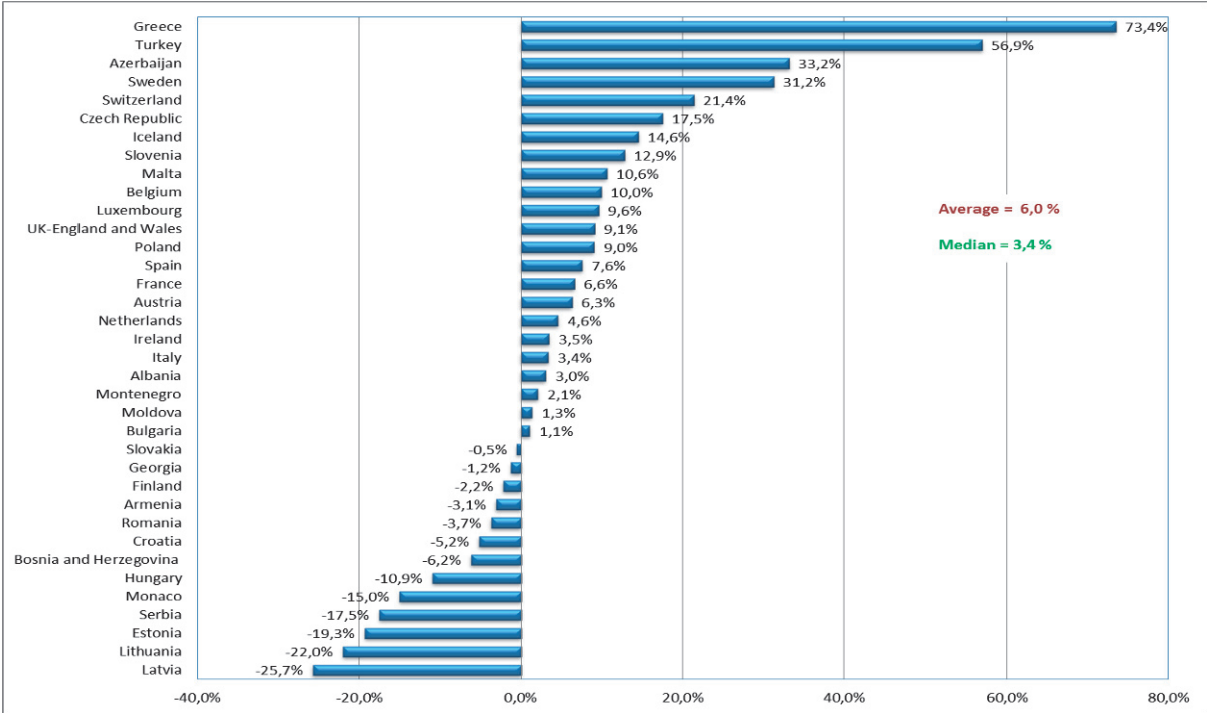


**Note to the reader:** the data of the wealthiest states or entities must here be reported once more to the level of prosperity of the state; otherwise it might be wrongly interpreted that they allocate a little amount of budget to their judicial system, because of their high GDP. This is namely the case for **Norway, Luxembourg, Finland France, Sweden, Monaco** and to a certain extent for **Austria and Belgium**. This fact must be taken into account if relevant comparisons between comparable states had to be drawn.

Figure 2.33. Total annual public budget allocated to all courts, public prosecution and legal aid per inhabitant and as part of the GDP per capita in 2010, in € (Q6, Q12, Q13)



**Figure 2.34. Average annual variation of the total approved public budget allocated to all courts, legal aid and public prosecution (in %) between 2008 and 2010 (Q6, Q12, Q13)**



It is possible to measure changes between 2008 and 2010 budgets aggregating the budget of courts, prosecutors and legal aid for 36 states or entities.

23 states concerned have increased their budget whereas 13 states have decreased it.

An average growth of 6% in Europe can be noticed as regards the evolution of the public budget allocated to the overall judicial system. Yet, this evolution must be tempered by variations in exchange rates that inflate artificially some data provided by countries outside the Euro zone (for instance **Azerbaijan, Iceland, Poland, Czech Republic, Sweden and Switzerland**). Beyond the technical explanations mentioned above, the effects of the financial and economic crisis can be seen in some countries where the budgets of judicial systems have been decreased (**Bosnia and Herzegovina, Bulgaria, Finland, Hungary, Latvia** (mainly a reduction in the salaries), and **Lithuania**). The case of **Greece** must be considered apart, as the budgets voted and indicated here (in significant increase compared with the previous report) were not executed as such because of the crisis.

Indirect impacts of the crisis on the budgets can also be observed for judicial systems: commercial, bankruptcy and labour litigations are affected by the worsening economic situation. This increase in litigation provokes further costs for justice, as specified in particular by **France and the Netherlands**.

On the other hand, a majority of states have continued to increase the budget of their judicial system, though this increase is much more limited than in previous periods observed.

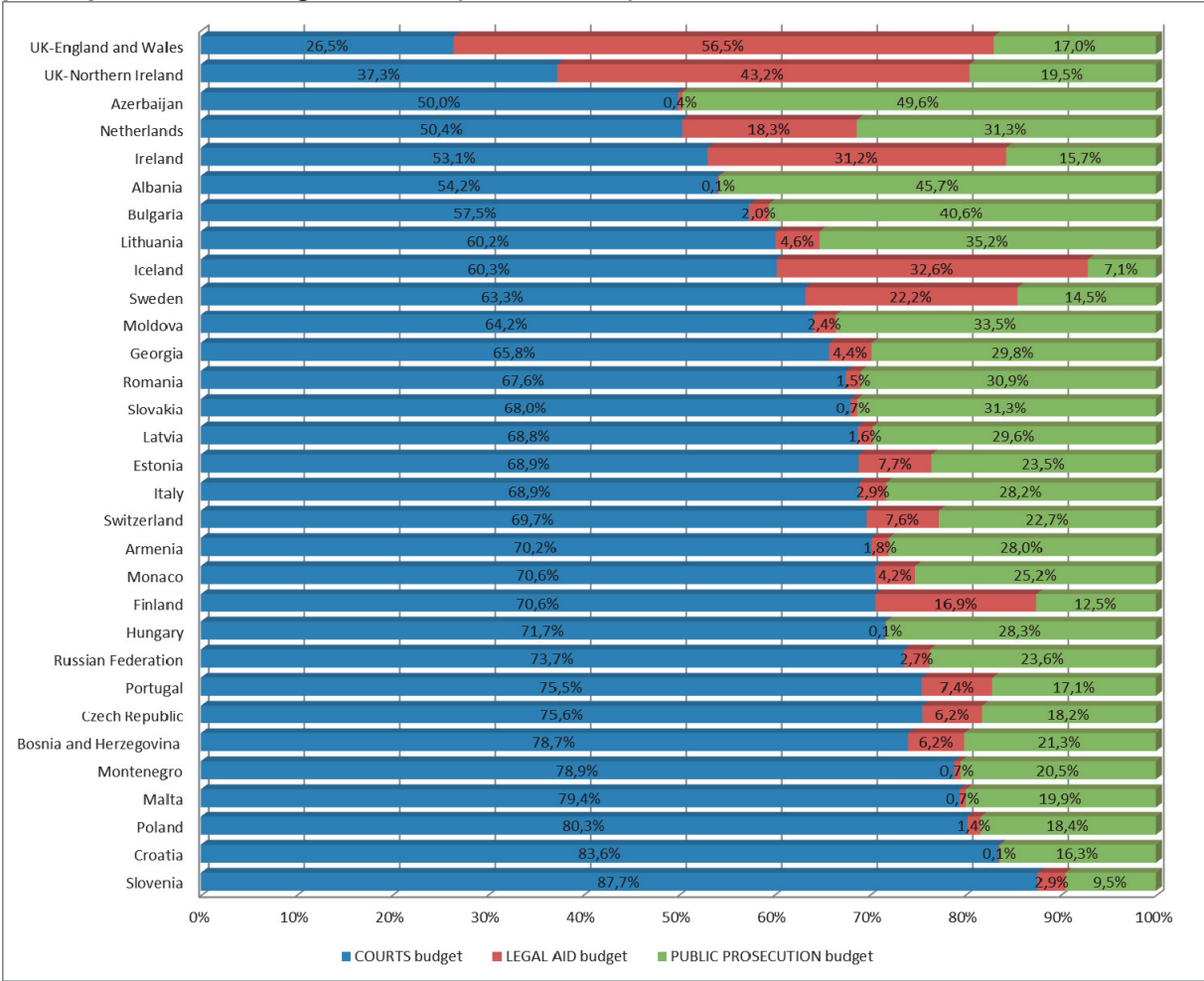
Some states that had launched major reforms on their judicial systems, often supported by international funds, have now entered into a “cruising speed” (**Montenegro, Republic of Moldova and Bulgaria**). On the contrary, other states have maintained a sustained rhythm (more than 10 % in two years) in the increase of their judicial budget (**Azerbaijan, Czech Republic, Slovenia and Malta**), and others have even accentuated the effort dedicated to their judicial system (**Turkey and Switzerland**). While being still valid, however, these considerations must be put into perspective because of the variations in the exchange rates, particularly for **Azerbaijan, Switzerland** and to a lesser extent the **Czech Republic** which had a favourable rate evolution between 2008 and 2010 (see table 1.3 above).

Other states have clearly inverted the trend from a decrease in the period 2006 – 2008 to an increase in their budget between 2008 and 2010 (**Sweden and Iceland**). Specific efforts for increasing the

budget of judicial systems can also be noted in **Belgium, Luxembourg, Poland** and **Austria**. Other states have pursued the same increasing trend, though slowing down the rhythm (**Spain, France, Netherlands** and **Italy**). While being still valid, however, these considerations must be put into perspective because of the variations in the exchange rates, particularly for **Iceland, Poland** and **Sweden** which had a favourable rate evolution between 2008 and 2010 (see table 1.3 above).

**Georgia (-1.2%)** and **Armenia (-3.1%)** belongs to the group where the relative budgets for the judicial systems decreased between 2008 - 2010. The total approved public budget allocated to all courts, legal aid and public prosecution increased in the **Republic of Moldova (1.3%)** and **Azerbaijan (33.2%)**.

**Figure 2.35. Relative distribution of parts in the public budget between courts, legal aid and public prosecution budgets in 2010 (Q6, Q12, Q13)**



The distribution of the financial commitment to courts, prosecution services and legal aid has been established for 31 states or entities (the states or entities that are not able to isolate one of the three components of the budget of the judicial system are excluded). For these states, on average, 65 % of the budgets allocated to the judicial systems were devoted to the operation of courts, 25 % to the prosecution services and 10 % to the legal aid system.

This figure enables to distinguish priorities set by the states or entities within their budgetary commitment. Such priorities are indicative of fundamental policy choices made by the states to conduct their judicial policies and current evolutions in those systems.

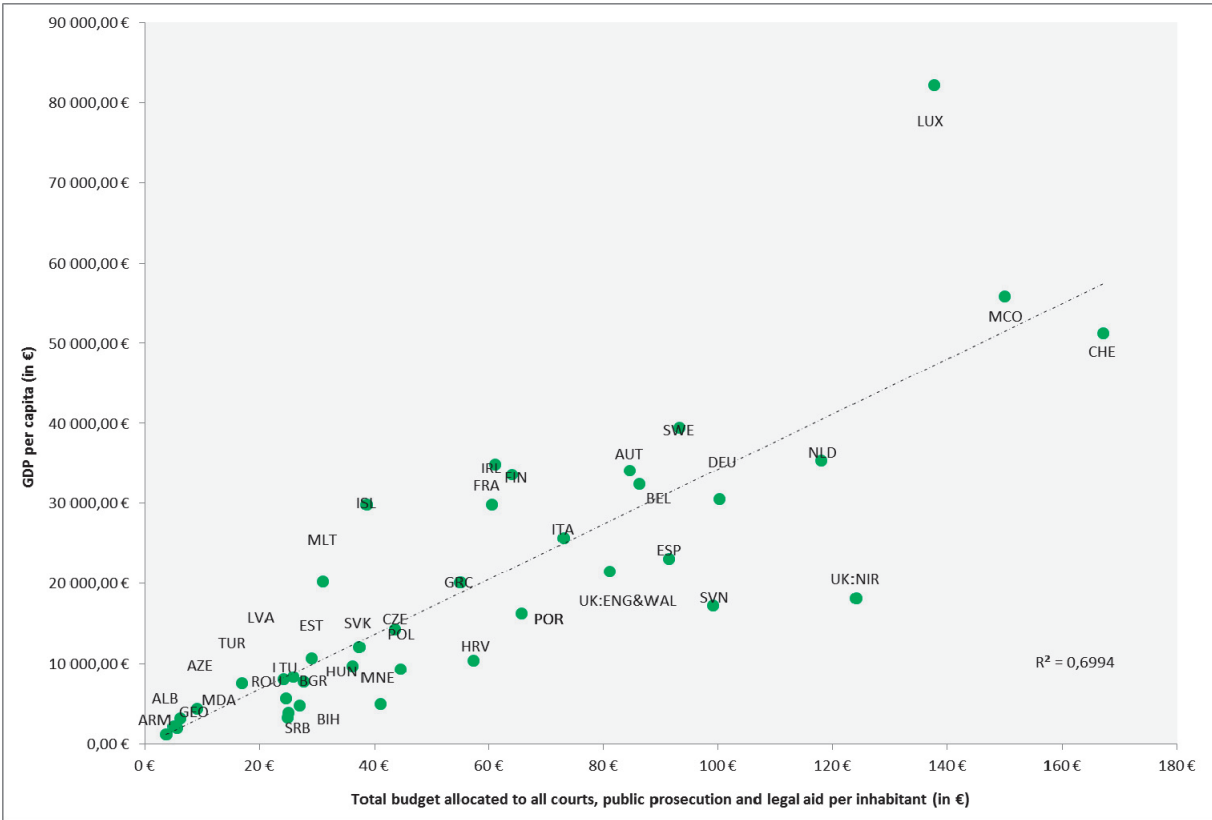
Thus, in a system lead by the *Habeas Corpus*, the entities of the **United Kingdom** give priority to legal aid. This priority remains a significant characteristic of Northern European systems (**Finland, Iceland, Ireland, Netherlands** and **Sweden**). These same states or entities spend a smaller share of their budgets on the operation of courts, partly for the reason that the sum allocated to salaries is lower in *Common Law* systems, which allow for an important number of lay judges to sit (with the exception of

**Ireland**). For the Northern European states, part of the explanation lies also in the tendency for society to be less litigious compared to the rest of Europe: part of the litigation is diverted from court proceedings (example: divorce, please see chapter 5 below) and assigned to administrative bodies.

Traditionally, prosecution services in some Eastern and South-eastern European states boast a strong position (more than 30 % of the budget) like in **Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Latvia, Lithuania, Republic of Moldova, Romania, Slovakia**, as well as in **UK-England and Wales** and in the **Netherlands**.

One can also observe that some countries have not allocated major priorities (less than 2 % of the budget) to legal aid yet (**Albania, Armenia, Azerbaijan, Croatia, Hungary, Latvia, Montenegro, Malta, Poland, Romania, Slovakia**).

**Figure 2.36. Correlation between the GDP per capita and the total budget (courts, legal aid and public prosecution) in 2010 (Q3, Q6, Q12, Q13)**



This figure enables to compare clusters of countries which are comparable due to similarities as regards the level of wealth.

This analysis between the level of prosperity of states or entities and the budgetary commitment to the judicial system shows that there is a strong correlation between the GDP per capita and the level of resources allocated per capita to the operation of the judicial system. 69.9% of this phenomenon can be explained on the basis of these two variables only. One can assume that, when the GDP increases, the budget allocated to the judicial system will also evolve upwards.

Yet, even if this correlation is generally high, one must highlight the differences between the states and entities which GDP per capita is comparable (for example a group such as **Austria, Belgium, France, Finland, Germany, Netherlands and Sweden**).

This figure gives also additional explanations to previous figures. For example, it was observed that **Norway** had often the lowest budgetary parts (prosecution, legal aid) in the GDP per capita. The reason for this is explained by the high GDP per capita and not by the underfunding of certain parts in the judiciary budget.



In the EPC the total budget for the judicial system is from a European perspective in line with the benchmark, taken into account the countries wealth and size of population. This is true for the general budget, but not for the distribution of the budgets over courts, prosecution and legal aid. Concerning these budgetary components there is a relative overfunding of the public prosecutors and a relative underfunding of courts and legal aid. And there is more. For the total budget is it the question whether the EPC should be satisfied with this position on the European benchmark. In general several rich Western Europe countries spend less than this European benchmark concerning judicial systems (and in general more on their welfare states). Perhaps EPC - with a relative low GDP per capita - should invest relatively more than the European benchmark suggests and in this respect overfund some aspects of the judicial system in order to deliver justice properly

## 2.8 The revenues of the judicial system

In almost all the states or entities (42), the parties must pay court taxes or fees to file non-criminal law proceedings. Even for some criminal law proceedings, in some states or entities, parties must pay court taxes or fees: **Belgium, Cyprus, Portugal, Serbia, Switzerland** and **UK-Northern Ireland**.

With the exception of the 2 states which apply the principle of free access to courts (**France<sup>9</sup>** and **Luxembourg**), a part of the budget of the judicial system in all the states and entities comes from court fees and taxes, in varying proportions.

**Table 2.37. Annual amount of court fees (or taxes) received by the state and the approved allocated budget for the courts (Q6, Q9)**

States/entities	Total annual approved budget allocated to the courts in 2010	Annual income of court fees (or taxes) received by the State in 2010	Share of court fees (or taxes) in the court budget
Albania	10 552 685	1 593 407	15,1%
Andorra	5 803 340	NA	
Armenia	11 285 536	NAP	
Austria	NA	779 840 000	
Azerbaijan	40 315 230	779 988	1,9%
Belgium	NA	34 408 250	
Bosnia and Herzegovina	75 206 736	26 576 744	35,3%
Bulgaria	112 211 184	58 354 136	52,0%
Croatia	211 304 301	25 168 311	11,9%
Cyprus	33 546 827	9 802 960	29,2%
Czech Republic	346 497 809	37 452 793	10,8%
Denmark	216 795 693	95 933 236	44,3%
Estonia	26 797 340	12 909 414	48,2%
Finland	243 066 350	31 284 003	12,9%
France	NA	NAP	
Georgia	16 214 854	NA	
Germany	NA	3 515 706 357	
Greece	NA	141 950 000	
Hungary	259 501 133	11 217 800	4,3%
Iceland	7 413 547	NAP	
Ireland	148 722 000	47 325 000	31,8%
Italy	3 051 375 987	326 163 179	10,7%
Latvia	36 919 820	17 650 016	47,8%
Lithuania	50 567 945	6 950 880	13,7%
Luxembourg	NA	NA	
Malta	10 260 000	6 702 000	65,3%
Moldova	8 472 063	NA	
Monaco	3 805 800	NA	
Montenegro	19 943 898	6 239 721	31,3%
Netherlands	990 667 000	190 743 000	19,3%
Norway	207 841 410	21 736 632	10,5%
Poland	1 365 085 000	530 161 000	38,8%
Portugal	528 943 165	217 961 874	41,2%
Romania	355 246 737	46 177 039	13,0%
Russian Federation	2 912 743 823	426 511 157	14,6%
San Marino	5 420 165	2 700 390	49,8%
Serbia	111 016 635	85 137 114	76,7%
Slovakia	138 493 788	57 661 794	41,6%
Slovenia	178 158 919	50 858 000	28,5%
Spain	NA	173 486 000	
Sweden	557 260 358	4 469 274	0,8%
Switzerland	916 146 809	276 870 194	30,2%
The FYROMacedonia	28 541 751	10 100 403	35,4%
Turkey	NA	525 138 372	
Ukraine	264 262 150	9 174 192	3,5%
UK-England and Wales	1 182 000 000	394 600 000	33,4%
UK-Northern Ireland	83 154 000	34 556 372	41,6%
UK-Scotland	146 420 820	26 681 850	18,2%
<b>Average</b>			<b>28,3%</b>
<b>Median</b>			<b>29,7%</b>
<b>Minimum</b>			<b>0,8%</b>
<b>Maximum</b>			<b>76,7%</b>

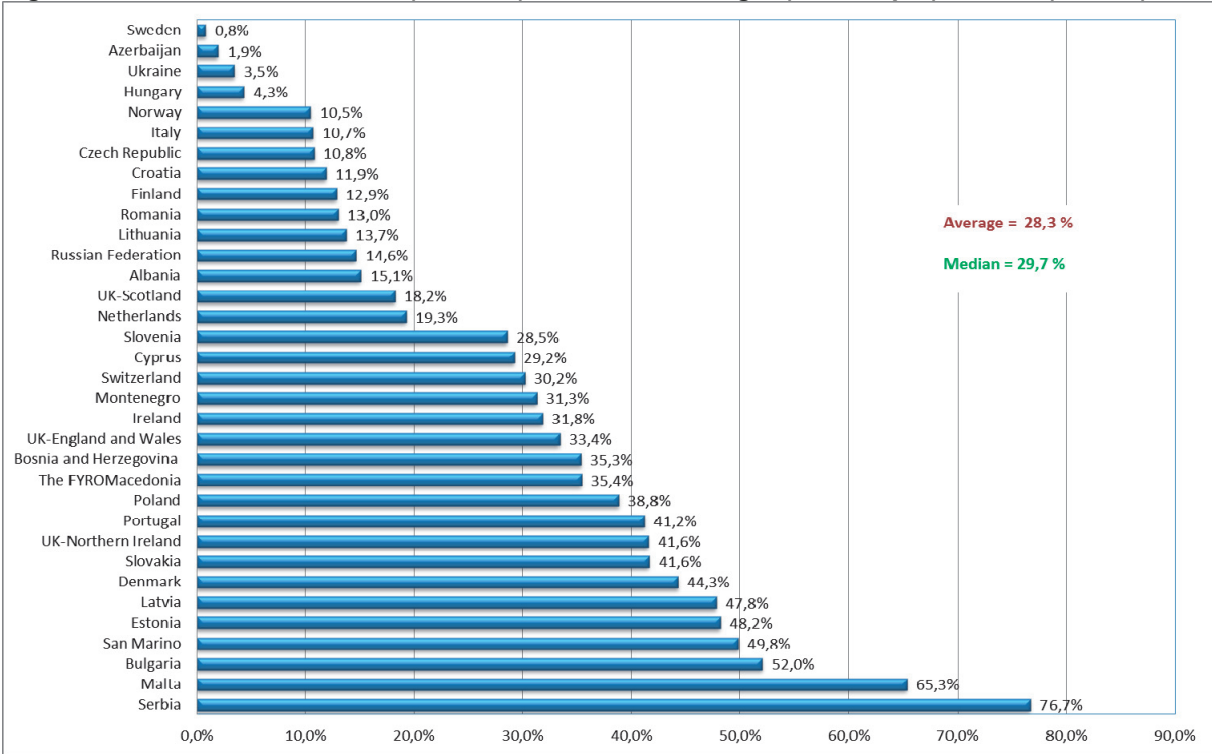
<sup>9</sup> The legislation has changed in 2011: a contribution to legal aid amounting to 35 € was established on 1 October 2011. This contribution aims to complete the funding of legal aid and ensure financial solidarity between users of public service of justice and enables additional funding as regards legal aid. A right has been established for the parties who wish to appeal, as part of the reform of the appeal procedure. It is accompanied by the removal of the obligation for the parties to have a solicitor (*avoué*).

The amount of these court fees and taxes can vary according to the complexity of the case and the disputed amount.

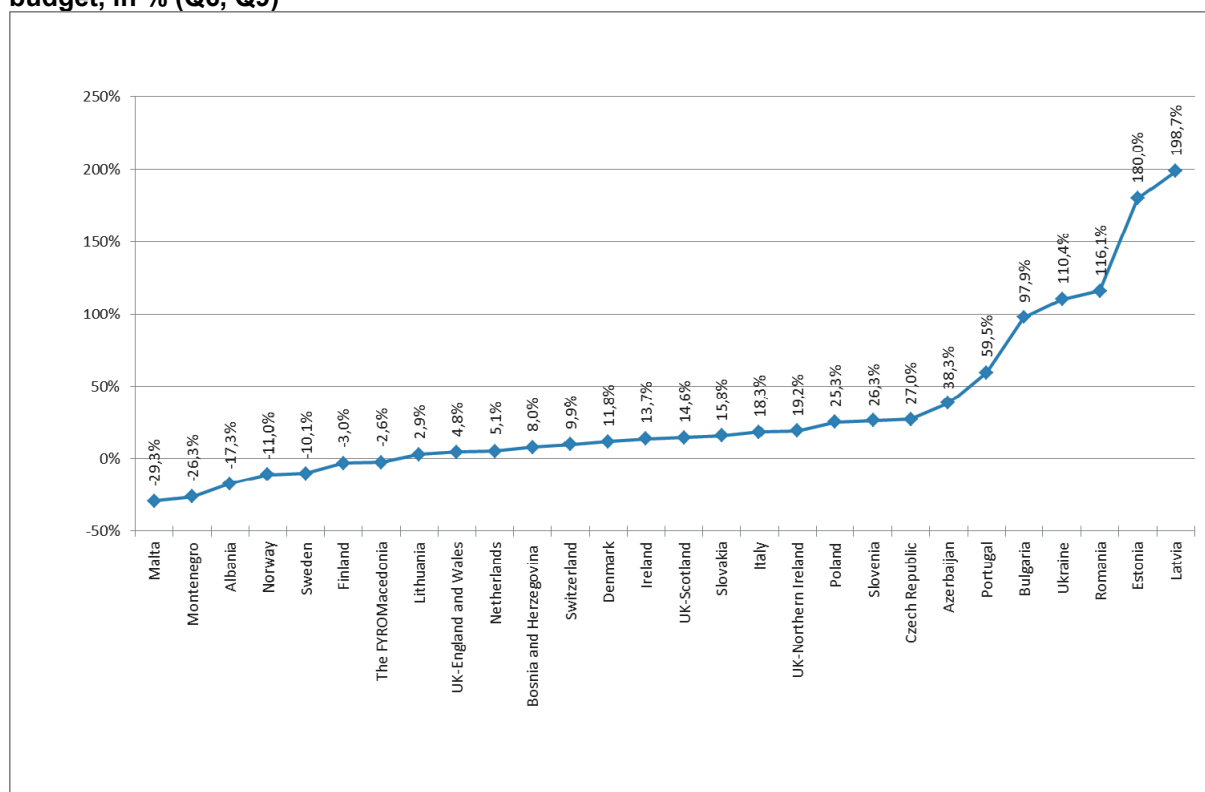
Most of the states and entities provide for exemptions to court fees. In many states or entities, exemption is automatic for those persons who can benefit from legal aid (**Czech Republic, France, Luxembourg, Monaco, Norway, "the former Yugoslav Republic of Macedonia"** and **UK-Northern Ireland**). Exemptions from court fees can concern categories of vulnerable persons such as those in receipt of welfare support/social benefits (**Andorra, Belgium, Croatia, Finland, Turkey** and **UK-Scotland**), disabled persons, invalids and war victims (**Bosnia and Herzegovina, Croatia, Estonia** and **Ukraine**), or minors, students, foreigners – subject to reciprocity (**Bosnia and Herzegovina**). Public bodies can be exempted (**Bulgaria, Croatia, Estonia** and **Lithuania**) as well as NGOs and humanitarian organisations (**Bosnia and Herzegovina, Croatia, Portugal** and **Ukraine**) such as the Red Cross (**Bulgaria**).

In the majority of member states, the exemption from court fees is also aimed at specific cases, for instance some civil procedures (**Albania**), procedures related to the defence of constitutional rights and values (**Portugal**), administrative law (**Bulgaria** and **Estonia**), labour law and/or social law (**Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Italy, Lithuania, Republic of Moldova, Poland, Romania, Slovenia** and **Switzerland**), family or juvenile law (**Finland, Ireland, Italy, Lithuania, t, Norway, Spain, Poland, Portugal** and **Romania**), civil status (**Spain**), agriculture (**Italy**), taxes (**Portugal**), electoral law (**Romania**) or as regards house rentals (**Switzerland**).

**Figure 2.38. Share of court fees (or taxes) in the court budget (as receipts) in 2010 (Q6, Q9)**



**Figure 2.39. Evolution between 2008 and 2010 of the share of court fees (or taxes) in the court budget, in % (Q6, Q9)**



## Comments

In **Azerbaijan (1.9%)** and **Ukraine (3.5%)** the share of court fees in the court budget is very little compared to the European median of 29.7% (data 2012 for **Armenia**, **Georgia** and the **Republic of Moldova** are not available). The analysis of the evolution of the courts' financial inputs resulting from court fees shows an increasing trend in a majority of states or entities (21) for which data are available (28). Confronted with the economic and financial crisis, more and more states have chosen to review the way of striking the balance between court users (who are requested to participate more in the funding of the system) and tax payers. The relative increase in court fees as part of the court budget is also increasing in **Azerbaijan (38.3%)** and **Ukraine (110.4%)** is significantly more than the median increase in Europe (15%). It is not clear whether this is due to a changing currency rate, increasing number of cases or higher court fees.

## 2.9 Trends and conclusions

Concerning budget issues, it is noticeable that the proportion of replies which can be exploited is higher cycle after cycle. For the first time also, the CEPEJ is able to establish clearly a correlation between the European states' GDP per capita and their total budget for courts, legal aid and public prosecution. The scope of the observed states has never been wider. CEPEJ data influenced important policy decisions on major changes related to the increase in budgets and number of judges (**Azerbaijan**).

Between 2008 and 2010, the European trend is still increasing budgets for justice in general and the judicial system in particular (+ 6%). The development of the judicial system remains a priority for governments in Europe.

However, the disparities among the member states are higher than before and the number of member states where the budget is decreasing is more important now than in 2008 (from 4 to 9 states). Although the results observed in tables and figures must partly be tempered because of the variation of the exchange rate between national currencies and euro, some conclusions can be drawn as regards decreasing budgets of judicial systems: some states, which had carried out major economic

and institutional reforms in the last decade, have now reached a level which explains that they are coming to a more regular and limited rhythm of expansion of their judicial system. Furthermore, the effects of the financial and economic crisis in Europe can be seen in such results: the budgets of judicial systems have been reduced, together with general reductions of public expenses (**Croatia, Bosnia and Herzegovina, Hungary, Serbia, Estonia, Lithuania and Latvia**). In the same time, the crisis has indirect impacts on the budgets: social, commercial and labour litigations are affected by the worsening economic situation (social litigations, bankruptcy, etc.). This increase in litigation provokes further costs for justice.

Different political choices - or structural ways for building justice organisation – can be highlighted in Europe: more than half the member states spend more resources to other areas of justice than the judicial system (prison system, etc.), while others direct public budgetary efforts mainly to court operation.

The analysis of the breakdown of the court budgets shows that the budgetary investments in the judicial system cover all the components of the judicial system, although from one country to another, specific effort can be focused on specific items. For instance, the common law states, which rely in particular on non-professional judicial staff (with the exception of **Ireland**) and hire a smaller number of judges (usually much experienced), devote a smaller share of their resources to salaries, while this part is the largest one in the budget of the continental law systems. Similarly, a larger budget is devoted to the prosecution system in states where prosecutors have traditionally occupied a prominent position in the functioning of justice. Systems that rely on a wide access to justice can be identified, with public policies of justice guided by the principles of Habeas Corpus and generous as regards legal aid, in particular in the entities of the United Kingdom and in the North of Europe.

The budget part devoted to salaries can be stressed. The trend is still an increasing one, but on a limited rhythm compared to previous studies (+5% between 2008 and 2010): some countries which used to make huge efforts to keep up with standard salaries for the judiciary in Europe have now entered into a “cruising speed”. In addition, the effects of the financial and economic crisis can often hit (mainly the number of) human resources.

Computerisation of the court system remains an increasing priority in Europe (+ 30 % between 2008 and 2010, representing 3 % of the court budget), in spite of disparities between the member states. An increase can be noted in the average budget allocated to judicial training in Europe (+ 15 % between 2008 and 2010), however the effort remains limited to 1 % of the court budget; judicial training should be a higher priority for European states (though some of them, individually have made major efforts).

Some countries have not allocated major priorities (less than 2 % of the budget) to legal aid yet, but the general trend is positive vis-à-vis the European Convention on Human Rights. An encouraging average increase of 18 % between 2008 and 2010 can be underlined in Europe. Some member states suffering from a decrease in the budget allocated to legal aid have clearly indicated that it is due to general budgetary cuts.

### **2.9.1 Conclusions concerning the EPC**

#### Public budget of the total justice systems

EPC: The overall budget of the justice system in the EPC countries has notably increased in **Azerbaijan**, slightly increased in the **Republic of Moldova** and decreased in **Armenia** in the last years (2010 data for **Georgia** and **Ukraine** are not available).

#### Public budget for courts

Even if the information provided does not cover all member states, it can be noticed that the situation in Europe is very uneven when identifying budget priorities for states in matters of justice. More than half of the European states or entities commit more budgetary resources in other areas of justice than for the operation of courts. The European median is 31.9%

EPC: Three EPC were able to provide data. The **Republic of Moldova** (15.6%) scores substantially lower, **Ukraine** (36.3%) and **Azerbaijan (40%)** somewhat higher concerning their relative budget for courts. This may be caused by differences in the judicial systems, as the core tasks of courts may differ and also their relations with lawyers and legal aid.

The budgetary efforts dedicated per inhabitant to the functioning of courts differ significantly among the member states: from amounts exceeding 100€ per inhabitant in richer states such as **Switzerland** to small amounts of less than 10€ per inhabitants in Eastern European states where the economic development remains fragile.

EPC: This especially accounts for the EPC: **Republic of Moldova** (2,4€), **Armenia** (3.5€), **Georgia** (3.6€), **Azerbaijan** (4.5€) and **Ukraine** (5.8€). **Ukraine** and **Azerbaijan** spend more than the EPC-median, while the **Republic of Moldova** and **Armenia** spend less. However the economic situation in the member states is not the only explanation: some member states give a high priority in the functioning of the courts, whereas others have more balanced priorities between the various components of their judicial system.

EPC: Also GDP should be taken into account. The picture concerning court budgets as part of GDP per capita becomes also more diverse for the EPC. As the European median is 0.20% it appears that **Azerbaijan** (0.10%), **Armenia** (0.16%), **Georgia** (0.18%) and the **Republic of Moldova** (0.19%) spend less than the median. **Ukraine** (0.26%) exceeds the European median.

Since 2008, 21 of the responding states have increased the budget allocated to the functioning of courts, while 15 states have decreased this part. So it can be noted that the financial and economic crisis of 2008 has had a negative impact on this budgetary effort in more than one third of the European states. Some (or part) of these results might be due to the variation of the exchange rate between national currencies and euro (**Sweden** and **Norway**).

EPC: In the EPC the budgets have increased. However, the increase in several states can also be explained in particular by the increase of the official pay rate (**Armenia 7%**) or major investments in buildings (**Republic of Moldova 12.6%**). In **Georgia (8.6%)** salaries of judges increased, while the expenditures for maintenance of buildings are since 2010 part of the court budget and the investments in buildings not. So the figures between 2008-2010 strictly are not comparable. In **Azerbaijan (33.9%)** - following the economic development and intensive judicial and legal reforms - large-scale projects for improving the judiciary have been implemented (buildings, ICT, number of judges and staff).

**Conclusion: the budget for courts is in general increasing. In comparative perspective court budgets in Armenia and Azerbaijan are less than the European benchmark. Of these two states Azerbaijan was enlarging the budgets between 2008 – 2010; in Armenia increasing the court budgets should be given priority.**

#### Court budget for salaries, buildings, ICT and education

The EPC are in transition. Due to the large changes in budgets for salaries, ICT, buildings and training and education within the budgets of the courts in recent years, the breaking down of court budgets in separate components on the basis of CEPEJ-numbers and their subsequent analyses should be handled with care. On the basis of the figures that are handed by the national correspondents some conclusions can be drawn concerning salaries, ICT, buildings and education.

Salaries: **Georgia (68%)** and **Azerbaijan (56%)** score even to the European median concerning the salaries of judges in the budget of courts, while **Armenia (77.8%)** salaries are a relative big proportion of the court budgets. Between 2008 and 2010 the part of salaries in the court budget has increased in Europe on an average of 4.9%, whereas this increase was of 30.3 % between 2006 and 2008. This might show that the main phase of strong increases in judicial salaries in several states in transition has come to an end. Some states in transition had previously made significant efforts to build new systems and display a priority to upgrade judicial profession (often with the support of international donors) and have progressively been coming to a more regular rhythm of expansion, like **Georgia**. This is also for instance the case in **Armenia**, which has, in addition, abolished 6 specialised courts in 2009 resulting in a reduction of the number of court staff and officers. In the **Republic of Moldova** a decrease can even be noted.

ICT: For some member states, the lower priority given to IT might be explained either by previous strong investments which have now been reduced as courts can be considered as equipped (**Armenia**). On the contrary other states seem to have engaged IT investments programmes (**Azerbaijan** and the **Republic of Moldova**). In **Azerbaijan**, the increase in the budget allocated to computerisation of courts is due to a major political investment of state towards e-government and e-justice systems.

**Buildings:** A significant part of the budget (11.5%) of the European courts is devoted to buildings (operating costs 7.7%) and investments (new courts and renovation of old courts 3.8%). In general the budget for buildings is relatively decreasing with a European average of -11.9%. In the EPC the development is even more prominent. **Georgia (-95%)**, allocate much less budget to the building of courts between 2008 -2 010. The **Republic of Moldova (210%)** spends substantially more. **Azerbaijan** continues investing in the modernisation of its court infrastructure by constructing innovative court buildings and court complexes. However, in average, court buildings have become a priority of less importance since 2008. This might be, at least for a part, a consequence of the economic and financial crisis which has obliged member states to postpone investments. For some member states, it can also be considered that main investments programmes have now been completed.

**Training and education:** Compared to other European countries the budget for training and education of judges is higher than the median. **Ukraine (-87%)**, **Armenia (-47%)** and **Georgia (-4%)** decreased the budget for training more than the European median. Higher priority for training can be noted in particular in the **Republic of Moldova**, where the budget increased with 122%.

**Conclusion: In the EPC large investments in ICT and building have taken place in recent years and come to an end. These kinds of investments make the composition of court budgets difficult to compare, both between countries and through the years. Now the investments in "hard" infrastructure (new buildings, ICT) are realised the EPC should continue focussing on the 'soft' human infrastructure of the judiciary. The decline of budgets for training and education of judges in relation to the court budget should be stopped and be a priority for the future, like in the Republic of Moldova was the case between 2008 - 2010.**

#### Budgetary process of court funding

The budgetary process (from the preparation to the adoption, the management and the evaluation of budgetary expenditures) is, in most member states, organised in a similar way. The Ministry of Justice is most of the time responsible for preparing the budget (proposals). The responsibility of adopting budget proposals lies with Parliament allowing sometimes for other bodies to be involved.

EPC: The working group on Independent Judicial Systems analysed this process in the EPC. Besides country specific remarks concerning countries they formulated a general conclusion which is also underscored by the experts of the working group on efficiency:

**Conclusion: "In all five countries, the judicial self-governing bodies are rather limited in terms of their capacity to present the budgetary needs of the judiciary to their governments and parliaments. There exist negotiation mechanisms with regard to establishing the budgets of the judicial systems. However, these mechanisms have 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 be 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 ought to be enhanced."**

#### Public budget for public prosecution services

The European average and median amount allocated to the prosecution per capita has remained stable since 2008. Six states or entities (**Italy**, **UK-Northern Ireland**, **UK-Scotland**, **Netherlands**, **Monaco**<sup>10</sup> and **Switzerland**) spend more than 20€ per inhabitant on prosecution services. Ten states (among which there are the **Republic of Moldova**, **Armenia**, **Georgia**) spend less than 5€ per capita.

EPC: Other realities appear when comparing the public prosecution budget to the level of wealth per capita in each state. The European average has remained stable since 2008 at 0.08% per GDP per capita. Concerning the EPC one may notice that **Ukraine (0.11%)**, **Azerbaijan (0.10%)** and the

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<sup>10</sup> The data needs to be put into perspective by considering the low number of inhabitants.

**Republic of Moldova (0.10%)** allow a major budgetary priority for public prosecution services. **Armenia (0.06%)** and **Georgia (0.08%)** spend respectively less than and the same as the European median and average.

The annual average variation was calculated on the basis of data provided since 2008. It was possible to analyse complete data series for 36 of the 39 states or entities concerned (which is again the proof of a qualitative improvement in the CEPEJ data base). Like in the previous period analysed (2006 – 2008), budgets allocated to prosecuting bodies between 2008 and 2010 have been relatively stable at a European level.

EPC: Concerning the EPC it can be noted that on the one hand, the budget for prosecution since 2008 significantly decreased in **Armenia (-20.9%)**, **Georgia (-16.8%)** and the **Republic of Moldova (-16%)**, while on the other hand, the relative budget increased significantly in **Ukraine (11.2%)** and **Azerbaijan (32.5%)**.

**Conclusion: Although it is possible to use the variation in exchange rates as an explanation for part of the downward evolution for budgets for the public prosecution in some ECP, it is 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 *Prokuratura*. This accounts specially for the Republic of Moldova, Georgia and Armenia. In Azerbaijan and Ukraine already relative large budgets of the public prosecutors increase even further.**

#### Public budget for legal aid

In Europe on average 6.8€ per inhabitant is spent by the public authorities to promote access to justice through the legal aid system. However, it seems more relevant to consider the median value in Europe: 2.1€ per inhabitant. The Northern European states commit the largest budgets to the legal aid systems. As it was the case in previous evaluation years, Northern European states have a strong tradition of generous legal aid systems: a relatively high budget (more than 20€ per inhabitant) for legal aid. When comparing the effort dedicated to the legal aid budget to the level of wealth of the states, the situation of the states that have a more generous system is not radically changed. It allows however to highlight the efforts, supported by European and international funds, of **Bosnia and Herzegovina** in access to justice.

EPC: Concerning the EPC one can notice a different order. Taken into account their limited GDP, countries like the **Republic of Moldova (0.01%)** and **Georgia (0.01%)** spend a budget close to the European median, while in **Azerbaijan (0.001%)** and **Armenia (0.004%)** this level is not reached. In total 35 member states have been considered as regards the evolution of their budget allocated to legal aid (only 30 were considered in the previous evaluation exercise, which must be stressed as a positive improvement in the report). The European median increase of the budget for legal aid is equal to 10.8%. Compared to the budget for legal aid in 2008 the decrease of the budget for legal aid is most significant in **Armenia (-16.1%)** and **Georgia (-9.4%)**. There is a significant increase in the **Republic of Moldova (25.1%)**, where recently implemented legal aid systems still holds.

**Conclusion: while there is a positive European trend regarding access to justice - and such trend being consistent with the requirements and spirit of the European Convention on Human Rights - of the EPC only the Republic of Moldova is in line with this spirit. Azerbaijan should continue its recent increase of the budget. In Armenia the increase of the budget for legal aid should be a priority (figures Ukraine were not available).**

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

57.4€ per capita is the average amount of resources spent on the judicial system in Europe. Almost a half of European countries considered here are above the European average. Yet, in order to take into account “extreme” values, it is more appropriate to use within this analysis the median value for the budgetary commitment, that is 44,1€ per capita. Eastern European States report the lowest budgets; Central European States, much of which have recently joined the European Union, stand at an intermediate level, North and West of Europe are spending the largest budgets per capita in

accordance with the state of their economy. The EPC spend less than 10€ per capita on the judicial system: the **Republic of Moldova (3.7€)**, **Armenia (4.9€)**, **Georgia (5.5€)**, **Azerbaijan (9.0€)**.

EPC: Similarly to previous analysis, it is interesting to compare raw data with the wealth of each state or entity by calculating the ratio including the GDP per capita. The European median is 0.30%. **Azerbaijan (0.20%)**, **Armenia (0.23%)**, **Georgia (0.28%)** score below this median, while the **Republic of Moldova (0.30%)** come very close to this median. The budgetary commitments to judicial systems (with the frequent support of European and international funds) highlight the ongoing reforms of the judicial systems within these South-East European states as well as the Central European states that joined the European Union. Countries like the UK, Denmark and Norway rank for example lower than the EPC considering their wealth (GDP/capita).

EPC: The judicial budgets for the EPC are all hit by the financial crisis. **Georgia (-1.2% )** and **Armenia (-3.1%)** belong to the group where the relative budgets for the judicial systems decreased between 2008-2010. In this group they belong to the countries where the budgets are shrinking relatively modestly though. The total approved public budget allocated to all courts, legal aid and public prosecution increased in the **Republic of Moldova (1.3%)** and **Azerbaijan (33.2%)**.

Traditionally, prosecution services in ten Eastern and South-eastern European states boast a strong position (more than 30 % of the budget) within the judicial systems. This also accounts for **Azerbaijan (49.6%)** and the **Republic of Moldova (33.5%)**. **Georgia** is a border case (29.8%) and **Armenia (28%)** doesn't cross that line.

One can also observe that more than ten European countries have not allocated major priorities (less than 2 % of the budget) to legal aid yet. This also accounts for **Azerbaijan (0.4%)** and **Armenia (1.8%)**. On the other hand **Georgia (4.4%)** and the **Republic of Moldova (2.4%)** exceed this benchmark.

There is a strong correlation between the GDP per capita and the total budget per inhabitant. The total budgets spend on all courts, public prosecution and legal aid per capita in **Armenia, Georgia** and the **Republic of Moldova** is *grosso modo* in line with the European benchmark.

## Conclusion and recommendations

**1) The budgets for the judicial system should be increased to a level that is in line with the size and wealth of the EPC considering European benchmarks. This implies that:**

- **the budget in the Republic of Moldova is adequate (with a positive trend);**
- **a little to limited in Georgia (with a negative trend);**
- **substantially to limited in Azerbaijan (with a positive trend);**
- **substantially to limited in Armenia (with a negative trend).**

**It is 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 EPC-budget, the distribution between courts, prosecution and legal aid within the judicial system is relevant. This implies that:**

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

**It is 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.**



## CHAPTER 3: JUDGES, STAFF AND SALARIES

This chapter concentrates on the judicial functions in several elements which are dealt in several chapters of the report European Judicial Systems 2012 (data 2010):

- types of judges (chapter 7)
- non judge staff (chapter 8)
- salaries of judges and prosecutors (chapter 11)

### 3.1 Judges

A judge is a person entrusted with giving or taking part in a judicial decision opposing parties who can be either natural or physical persons, during a trial. This definition should be viewed in the light of the European Convention on Human Rights and the case law of the European Court of Human Rights. More specifically, "*the judge decides, according to the law and following organised proceedings, on any issue within his/her jurisdiction*".

To better take into account the diversity in the status and functions which can be linked to the word "*judge*", three types of judges have been defined in the CEPEJ's scheme:

- professional judges are described in the explanatory note of the evaluation scheme (Q 46) as "those who have been trained and who are paid as such", and whose main function is to work as a judge and not as a prosecutor;
- professional judges sit in a court on an occasional basis and who are paid as such (Q48);
- non-professional judges are volunteers who are compensated for their expenses and who give binding decisions in courts (Q49).

For these three categories, and in order to better assess the real activity, member states have been requested to specify in full time equivalents (FTE) the number of professional judges' positions effectively occupied, whether they are practicing full time or on an occasional basis.

**Table 3.1. Type and number of judges in 2010 (Q46, Q48 and Q49)**

States/entities	Professional judges (FTE)		Professional judges sitting in courts occasionally (gross figures)		Non-professional judges (lay judges) (gross figures)	
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants
Albania	373	11,7	NAP		NAP	
Andorra	24	28,2	2	2,4	NA	
Armenia	220	6,7	NAP		NAP	
Austria	1 491	17,8	NAP		NA	
Azerbaijan	600	6,7	NAP		NAP	
Belgium	1 607	14,8	NAP		2 654	24,5
Bosnia and Herzegovina	938	24,4	113	2,9	318	8,3
Bulgaria	2 198	29,8	NA		NA	
Croatia	1 887	42,8	NAP		NAP	
Cyprus	104	12,9	NAP		NAP	
Czech Republic	3 063	29,1	NAP		6 180	58,8
Denmark	501	9,0	NA		33 572	603,7
Estonia	224	16,7	NAP		NA	
Finland	967	18,0	NAP		3 689	68,6
France	6 945	10,7	578	0,9	28 859	44,4
Georgia	234	5,2	NAP		NAP	
Germany	19 832	24,3	NA		98 107	120,0
Greece	2 041	18,0	NAP		NAP	
Hungary	2 891	29,0	NAP		4 382	43,9
Iceland	52	16,3	NA		NAP	
Ireland	147	3,2	NAP		NAP	
Italy	6 654	11,0	NAP		3 121	5,1
Latvia	472	21,2	NAP		10	0,4
Lithuania	767	23,6	NAP		NAP	
Luxembourg	188	36,7	NAP		NAP	
Malta	39	9,3	NAP		NAP	
Moldova	443	12,4	NAP		NAP	
Monaco	36	100,3	15	41,8	118	328,9
Montenegro	260	41,9	25	4,0	2	0,3
Netherlands	2 530	15,2	900	5,4	NAP	
Norway	549	11,2	44	0,9	43 000	873,9
Poland	10 625	27,8	NAP		22 076	57,8
Portugal	1 956	18,4	NAP		NA	
Romania	4 081	19,0	NAP		NAP	
Russian Federation	32 313	22,6	NAP		NAP	
San Marino	14	42,2	1	3,0	NAP	
Serbia	2 455	33,7	NAP		3 021	41,4
Slovakia	1 351	24,9	NAP		NA	
Slovenia	1 024	49,9	NAP		3 445	168,0
Spain	4 689	10,2	1 357	3,0	7 682	16,7
Sweden	1 081	11,5	211	2,2	8 000	85,0
Switzerland	1 142	14,5	572	7,3	2 580	32,8
The FYROMacedonia	664	32,3	NAP		2 342	113,8
Turkey	7 727	10,6	NAP		NAP	
Ukraine	8 823	19,3	NAP		NAP	
UK-England and Wales	1 984	3,6	7 432	13,5	27 118	49,1
UK-Northern Ireland	NA		NA		NA	
UK-Scotland	185	3,5	99	1,9	386	7,4
<b>TOTAL</b>	<b>138 391</b>					
<b>Average</b>		21,3		6,9		125,1
<b>Median</b>		18,0		3,0		46,8
<b>Maximum</b>		100,3		41,8		873,9
<b>Minimum</b>		3,2		0,9		0,3

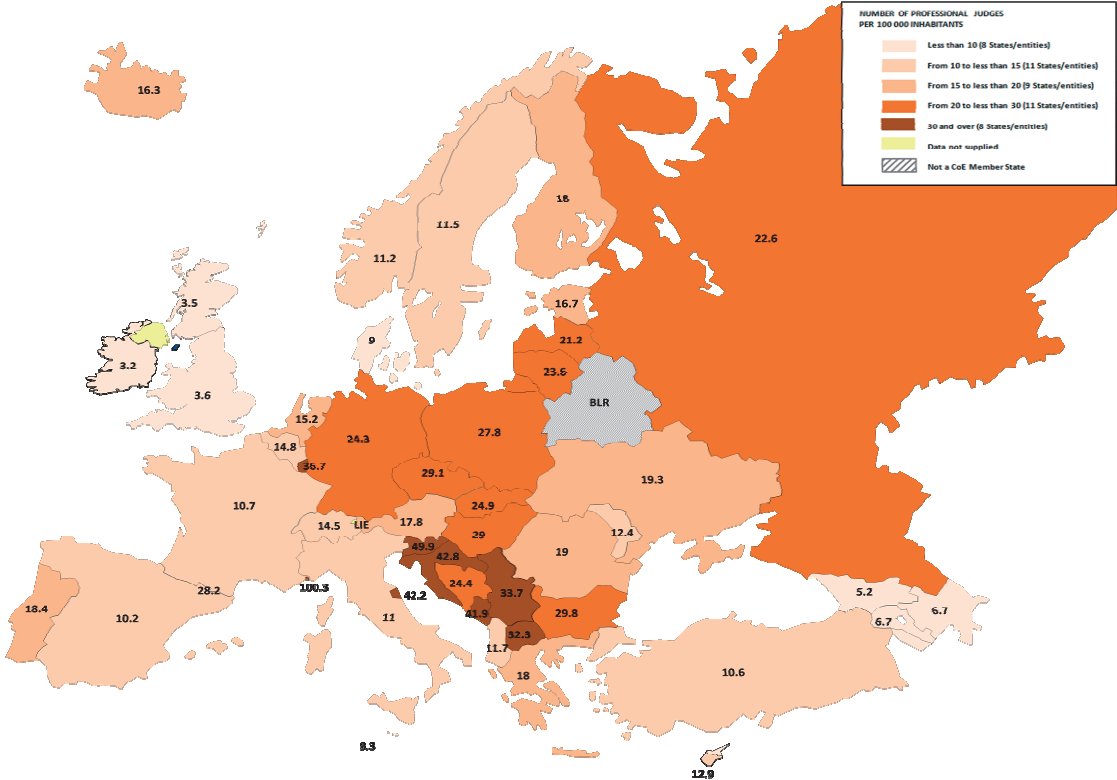
This table includes information about the number of professional judges sitting in court on a permanent basis, professional judges sitting in court on an occasional basis and non-professional judges. Where no data are included for these last two categories, this means either that those do not exist within the judicial system concerned or that the state concerned has not provided information about them for distinguishing these two categories.

**3.1.1 Professional judges**

Professional judges may be defined as judges who have been recruited and are paid to practice solely as a judge.

It is common that some positions of judges remain temporarily vacant, especially during the maternity leave of female judges; the profession being highly feminized (see CEPEJ report on European Judicial Systems 2012, Chapter 11, part 11.6.2.). Significant differences can thus be seen from one year to another concerning the number of professional judges, depending on the importance of these unrecorded vacancies – this is the case in **Ukraine** with a gap of nearly 20%.

**Figure 3.2. Number of professional judges sitting in courts (FTE) for 100 000 inhabitants, in 2010 (Q46)**

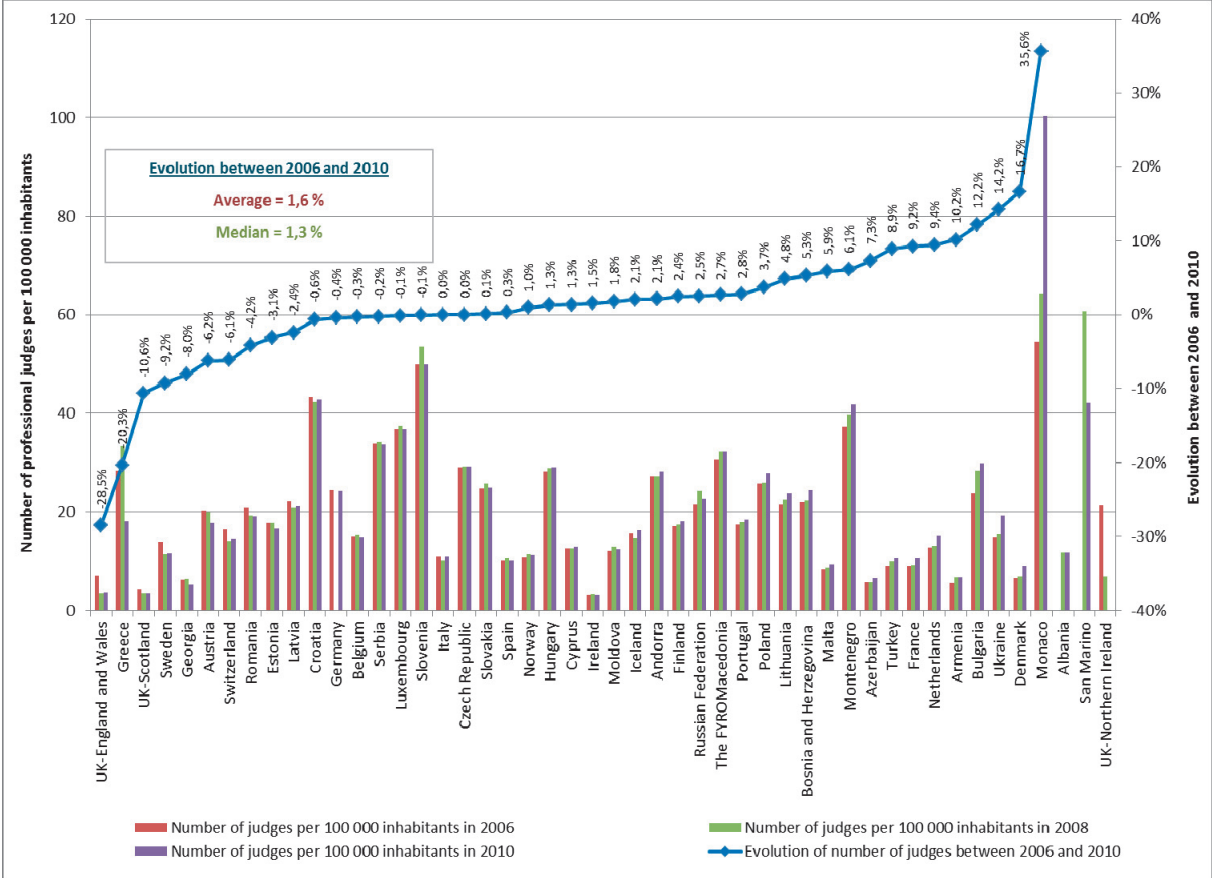


The European average of 21.3 judges per 100.000 inhabitants is stable average over two exercises. However, the number of professional judges sitting in courts varies considerably according to countries and judicial systems. Generally speaking, an imbalance can be noticed between Western and Eastern European states or entities, as there are more judges per inhabitant in Eastern Europe.

This difference can partly be explained because some systems rely completely on professional judges (**Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine**) whereas other systems, such as in **the United Kingdom** or in **Norway**, give a pre-eminent role to *lay judges / magistrates*. Among the systems where professional judges have a pre-eminent position, a low number of judges

(less than 7 per 100 000 inhabitants) can be found in the Caucasus countries (**Armenia, Azerbaijan and Georgia**).

**Figure 3.3. Number of professional judges per 100 000 inhabitants in 2006, 2008 and 2010 and its evolution between 2006 and 2010 (in %) (Q46)**

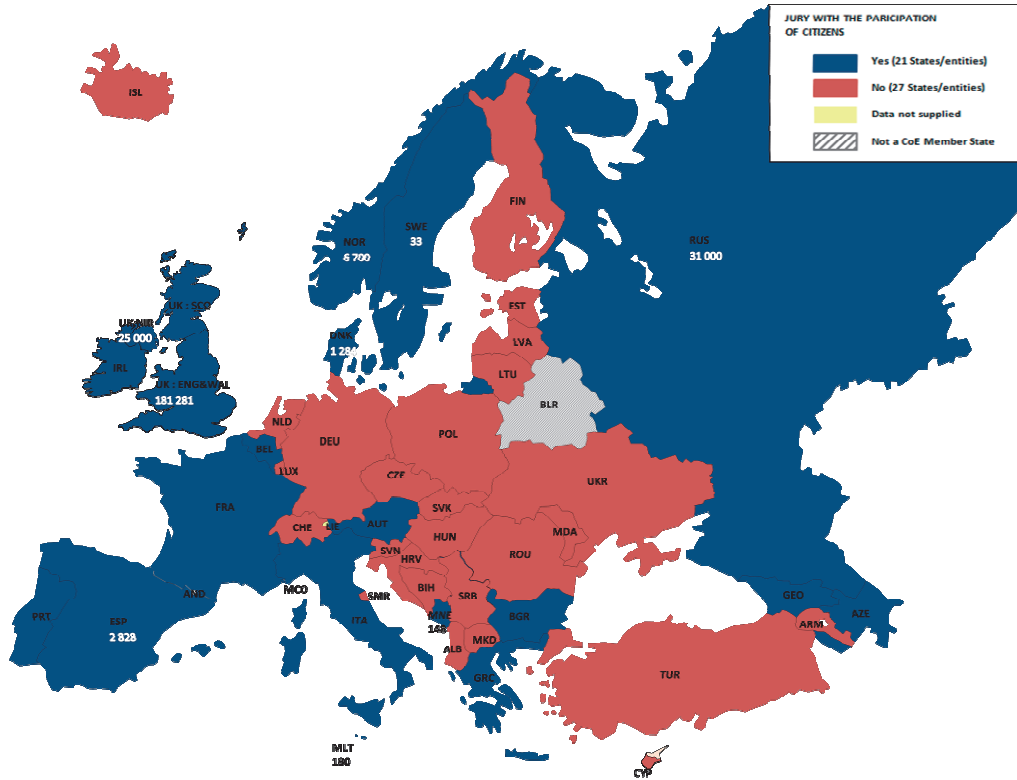


When comparing the trend since 2006, it can be noted that in Europe, the number of professional judges per 100.000 inhabitants has increased in average by + 1.6%, and at the same time, a trend towards relative stability in the number of judicial staff in the majority of European states or entities is discernible. In 16 states or entities out of 48, essentially in Western Europe, the number of professional judges per 100.000 inhabitants has decreased. The analysis of the gross number of judges between 2008 and 2010 explains this trend as resulting essentially from demographic effects: the states concerned are small states where the general population has significantly increased, which constitutes the main explanation for the variation in the ratio. By contrast, some states in transition continue their reforms by increasing human resources devoted to the judicial function (**Azerbaijan and Ukraine**).

**3.1.2. Trial by jury and participation of citizens**

This part examines mechanisms for the appointment of citizens (mainly drawn at random) to participate in a jury entrusted with deciding on criminal cases. **Serbia** and the **United Kingdom** indicated that they have juries also in civil law matters.

**Figure 3.4. Jury and participation of citizens (Q50 and Q51)**



**Comments:**

**Azerbaijan:** according to the Criminal Procedural Code, judge may appoint the court investigation with participation of jury in following circumstances: if for the crime committed by the accused it is provided punishment as imprisonment for life and if person who is accused for committing very grave crime demands considering of the criminal case with participation of jury. This provision of Criminal Procedural Code will be in effect after adoption of the relevant law regulating the activity of jury.

**Georgia:** If the accusation envisages arrest as a sentence, the case is heard by the jury unless based on the joint motion of the parties the court agrees to hear the case without jury. Because jury hearing was a novelty for Georgia until October 1 2012, the jury system shall function only in Tbilisi City Court and shall hear cases of aggravated murder. From October 2012 Kutaisi City Court shall also started hearing the same cases by jury system.

**Ukraine:** All types of cases.

23 states or entities have explicitly mentioned the use of juries as defined above, which is to say with citizen juries. The map shows the distribution in Europe between states with and without the mechanism providing the participation of citizen jurors. The map shows a core of states or entities of Central and Eastern Europe in which the jury system is unknown. This system is now a characteristic of the Western European states or entities.

**Conclusion and recommendations**

The EPC mostly rely on professional judges, which explains the relative little number of judges compared to the European benchmark.

Recent developments in the EPC show a mixed picture. Georgia decreased the number of judges, while Azerbaijan and Ukraine increased the number.

In order to balance the efficiency of the judicial system with legitimacy the introduction of juries is a good step forward for the EPC.

### 3.2. NON-JUDGE STAFF

The existence, alongside judges, of competent staff with defined roles and a recognised status is an essential condition for the efficient functioning of the judicial system.

A distinction is made between five types of non-judge staff:

- The “*Rechtspfleger*” function, which is inspired by the German and Austrian systems. The *European Union of Rechtspfleger and Court Clerks* (EUR) defines the *Rechtspfleger* as an independent judicial body, anchored in the constitution and performing the tasks that are attributed to it by law. In its *Green Paper for a European Rechtspfleger* published in 2008, the *European Union of Rechtspfleger and Court Clerks* (EUR) indicated that “*judicial tasks as well as tasks concerning the judiciary, which are allocated to other institutions than the courts, are assigned to the European Rechtspfleger for independent and self-dependent handling and completion. He is an objective independent organ of judiciary. In his decisions he is only submitted to law and justice*”. The *Rechtspfleger* does not assist the judge but works alongside judge and may carry out various legal tasks, for example, in the areas of family and guardianship law, the law of succession, the law of land registry, commercial registers. He/she is also competent for making independently judicial decisions on granting nationality, payment orders, execution of court decisions, auctions of immovable goods, criminal cases, the enforcement of judgments in criminal cases (including issuing arrest warrants), orders enforcing non-custodial sentences or community service orders, prosecution in district courts, decisions concerning legal aid, etc.;
- Non-judge staff whose task is to assist judges directly. They may be referred to as judicial advisors or registrars. For the most part, they play a role in hearings, assisting judges or panels of judges; they provide assistance in drafting judgments or research the case law;
- Staff responsible for different administrative matters, as well as court management. For example, heads of courts’ administrative units, financial departments or information/technology departments would fall into this category. Administrative staff responsible for the registration or filing of cases is also included in this category;
- Technical staff. For example, personnel responsible for IT equipment, security and cleaning;
- Other types of non-judge staff, including all staff that may not be included in the other four categories listed above.

The *European Union of Rechtspfleger and Court Clerks* (EUR) has been consulted for preparing this chapter.

#### 3.2.1 Non-judge staff: number and distribution

Forty states or entities (except **Denmark, Iceland, Spain, Sweden, Ukraine, UK-Northern Ireland** and **UK-England and Wales**) provided the total number of non-judge staff working in courts. 5 of these 7 states or entities provided this number from the previous exercise. **France, Greece** and **Turkey** were not able to give separate figures for the staff working for judges and the staff working for prosecutors; the figure indicated includes both and has not been taken into account when calculating European averages and medians.

Only 34 states have been able to communicate detailed figures on the non-judge staff according to the proposed categories. Furthermore, not all the countries have interpreted the different categories in the same way. A variation in absolute numbers by category would therefore be difficult to analyse.

In addition, some tasks performed by court officials in some states are carried out by private companies on a contractual basis (hardware maintenance, security and building maintenance, etc.). These elements should be reflected in the allocation of budget items of the courts, between staff and cost of external services (see chapter 2 above). The fifth category “other non-judge staff” has been understood in different ways. Considering the diversity of tasks assigned to these persons, it is obvious that other states ranked them in the other categories, which made the categories’ comparison difficult. All these elements have to be considered when analysing the data provided in this chapter.

**Table 3.5. Distribution of non-judge staff in courts (Q52)**

States/entities	Total number of non-judge staff working in courts	Non-judge staff (Rechtspfleger or similar body)		Non-judge staff whose task is to assist the judge such as registrars		Staff in charge of administrative tasks & management of the courts		Technical staff		Other non-judge staff	
		Absolute number (FTE)	%	Absolute number (FTE)	%	Absolute number (FTE)	%	Absolute number (FTE)	%	Absolute number (FTE)	%
Albania	775	NAP		405	52,3%	92	11,9%	162	20,9%	116	15,0%
Andorra	113	18	15,9%	83	73,5%	8	7,1%	3	2,7%	1	0,9%
Armenia	618	NA		NA		NA		NA		NA	
Austria	4642	757	16,3%	26	0,6%	3816	82,2%	43	0,9%	0	0,0%
Azerbaijan	2295	NAP		935	40,7%	1037	45,2%	323	14,1%	NAP	
Belgium	5632	NAP		1768	31,4%	2921	51,9%	943	16,7%	NAP	
Bosnia and Herzegovina	2988	138	4,6%	1062	35,5%	1414	47,3%	374	12,5%	0	0,0%
Bulgaria	5866	NAP		1679	28,6%	1884	32,1%	2183	37,2%	120	2,0%
Croatia	6944	600	8,6%	5209	75,0%	355	5,1%	780	11,2%	NAP	
Cyprus	463	NAP		141	30,5%	141	30,5%	133	28,7%	48	10,4%
Czech Republic	9498	2105	22,2%	4564	48,1%	1952	20,6%	833	8,8%	44	0,5%
Denmark	NA	275		NA		NA		NA		NA	
Estonia	976	67	6,9%	468	48,0%	339	34,7%	91	9,3%	11	1,1%
Finland	2285	NAP		NA		NA		NA		NA	
France	21105	NAP		18189	86,2%	1500	7,1%	927	4,4%	489	2,3%
Georgia	1622	NAP		549	33,8%	914	56,4%	159	9,8%	NAP	
Germany	53649	8460	15,8%	29143	54,3%	7477	13,9%	1280	2,4%	7 285	13,6%
Greece	6760	NAP		NA		NA		NA		NA	
Hungary	7713	590	7,6%	3413	44,2%	NAP		3710	48,1%	NAP	
Iceland	NA	NAP		NA		NA		NA		NA	
Ireland	1028	29	2,8%	891	86,7%	108	10,5%	NAP		NAP	
Italy	24661	NAP		9699	39,3%	107	0,4%	702	2,8%	14 153	57,4%
Latvia	1601	NAP		1082	67,6%	354	22,1%	160	10,0%	5	0,3%
Lithuania	2489	NAP		1211	48,7%	704	28,3%	426	17,1%	148	5,9%
Luxembourg	303	NAP		150	49,5%	108	35,6%	5	1,7%	40	13,2%
Malta	374	NAP		274	73,3%	100	26,7%	NAP		NAP	
Moldova	1570	NAP		449	28,6%	783	49,9%	338	21,5%	NAP	
Monaco	38	NAP		18	47,4%	14	36,8%	6	15,8%	NAP	
Montenegro	1065	1	0,1%	111	10,4%	62	5,8%	691	64,9%	200	18,8%
Netherlands	6674	NAP		NA		NA		NA		NA	
Norway	799	NAP		NA		25	3,1%	NA		NA	
Poland	35946	1865	5,2%	20283	56,4%	7058	19,6%	3536	9,8%	3 204	8,9%
Portugal	6631	NAP		6010	90,6%	339	5,1%	273	4,1%	9	0,1%
Romania	8481	NAP		5325	62,8%	1427	16,8%	1729	20,4%	NAP	
Russian Federation	96128	NAP		46272	48,1%	27665	28,8%	22191	23,1%	NAP	
San Marino	50	NAP		9	18,0%	1	2,0%	NA		40	80,0%
Serbia	11040	NAP		3407	30,9%	5334	48,3%	2299	20,8%	NAP	
Slovakia	4468	813	18,2%	2086	46,7%	1569	35,1%	NAP		NAP	
Slovenia	3274	436	13,3%	NA		NA		NA		NA	
Spain	NA	4456		NA		NA		NA		NA	
Sweden	NA	NAP		2800		1179		NA		NA	
Switzerland	4366	16	0,4%	1783	40,8%	2436	55,8%	44	1,0%	87	2,0%
The FYROMacedonia	2302	NAP		334	14,5%	1620	70,4%	170	7,4%	178	7,7%
Turkey	22011	NAP		20366	92,5%	511	2,3%	692	3,1%	442	2,0%
Ukraine	NA	NAP		NA		NA		NA		NA	
UK-England and Wales	NA	NA		NA		NA		NA		NA	
UK-Northern Ireland	NA	NA		NA		NA		NA		NA	
UK-Scotland	1500	NAP		1350	90,0%	150	10,0%	NAP		NAP	
Average	9042,5	1289,1	9,9%	5320,7	49,3%	2097,3	27,4%	1506,9	15,0%	1267,6	11,5%
Median	2988,0	513,0	8,1%	1280,5	48,0%	743,5	26,7%	400,0	10,6%	87,0	2,3%
Minimum	38,0	1,0	0,1%	9,0	0,6%	1,0	0,4%	3,0	0,9%	0,0	0,0%
Maximum	96128,0	8460,0	22,2%	46272,0	92,5%	27665,0	82,2%	22191,0	64,9%	14153,0	80,0%

Note: for **France** and **Greece**, there is no differentiation between non-judge staff attached to judges and prosecutors.

**Comments:**

**Georgia:** data of 2008 did not include the data of the Supreme Court of Georgia.

Many states have significantly increased their non-judge staff because of judicial reforms (60% in **Azerbaijan** since 2006), creation of posts or new functions such as court managers, chief clerks or reception staff (**Azerbaijan** and **Georgia**).

**Figure 3.6. Distribution of non-judge staff per category, in % (Q2)**

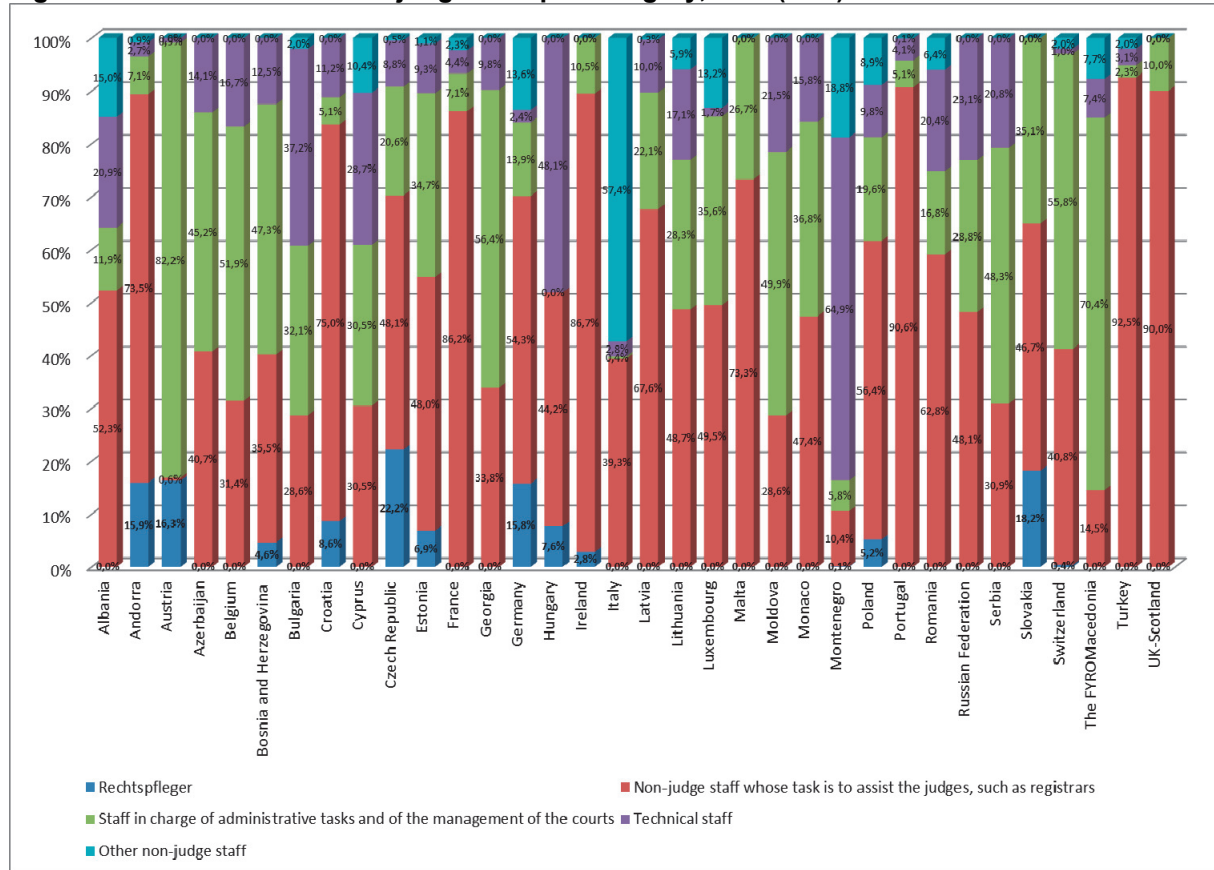


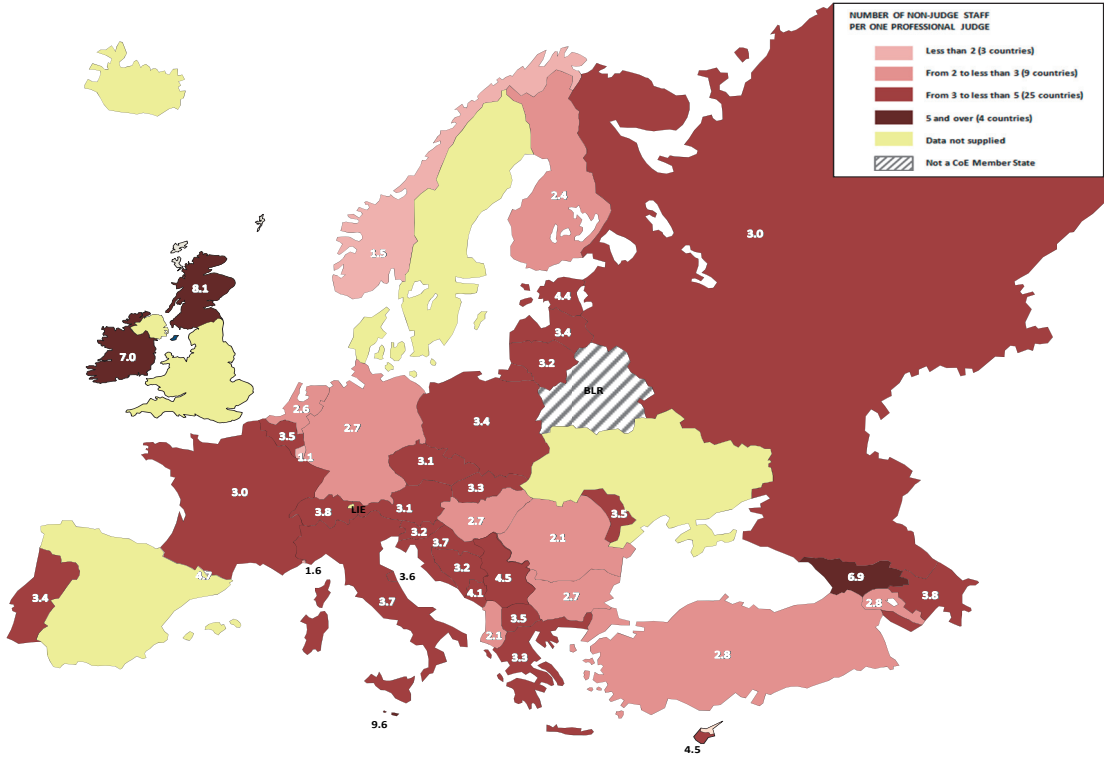
Figure 3.6 takes into account 34 states or entities which provided detailed data. Some of them used only two or three of the proposed categories.

**Armenia**, provided a total number of non-judge staff working in courts without being able to distribute the staff among the various proposed categories. **Ukraine** provided insufficient or no data at all. Therefore, it does not appear in figure 3.6.

Major disparities between states can be observed regarding non-judge staff in courts (other than *Rechtspfleger*). Such differences result from different interpretations of the various categories (in particular of the category “*other non-judge staff*” which did not exist in the previous evaluations and which appears, as a result of its imprecision, as a “catch-all” category) or approaches of court organisation among member states or entities. Therefore, it does not allow any specific conclusion about the efficiency of the court work.



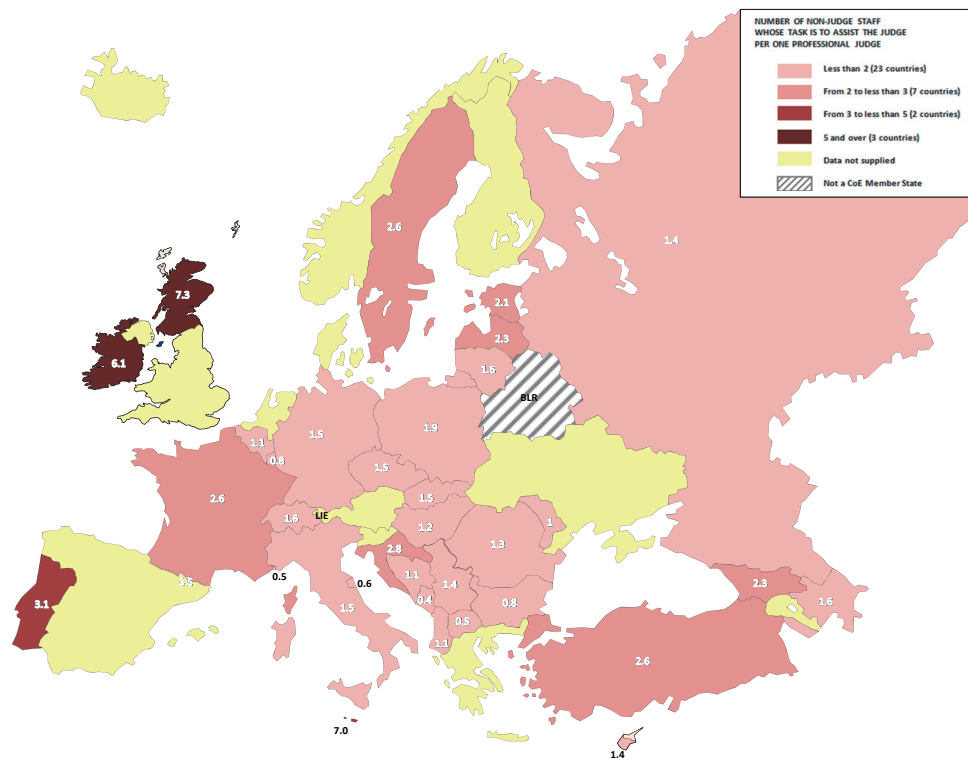
Figure 3.7. Number of non-judge staff per one professional judge (Q46, Q52)



In the majority of states or entities (25 out of 47), there are 3 to 4 non-judge staff working for one professional judge. The highest ratio (5 and over) can be found in **Georgia**. Numerous states have increased the number of non-judge staff per judge since the last evaluation exercise. For example, **Azerbaijan** has created new positions of assistants to judge, IT consultants in courts, etc. in order to raise, in the near future, the number of non-judge staff from 3 to 4 per one professional judge.

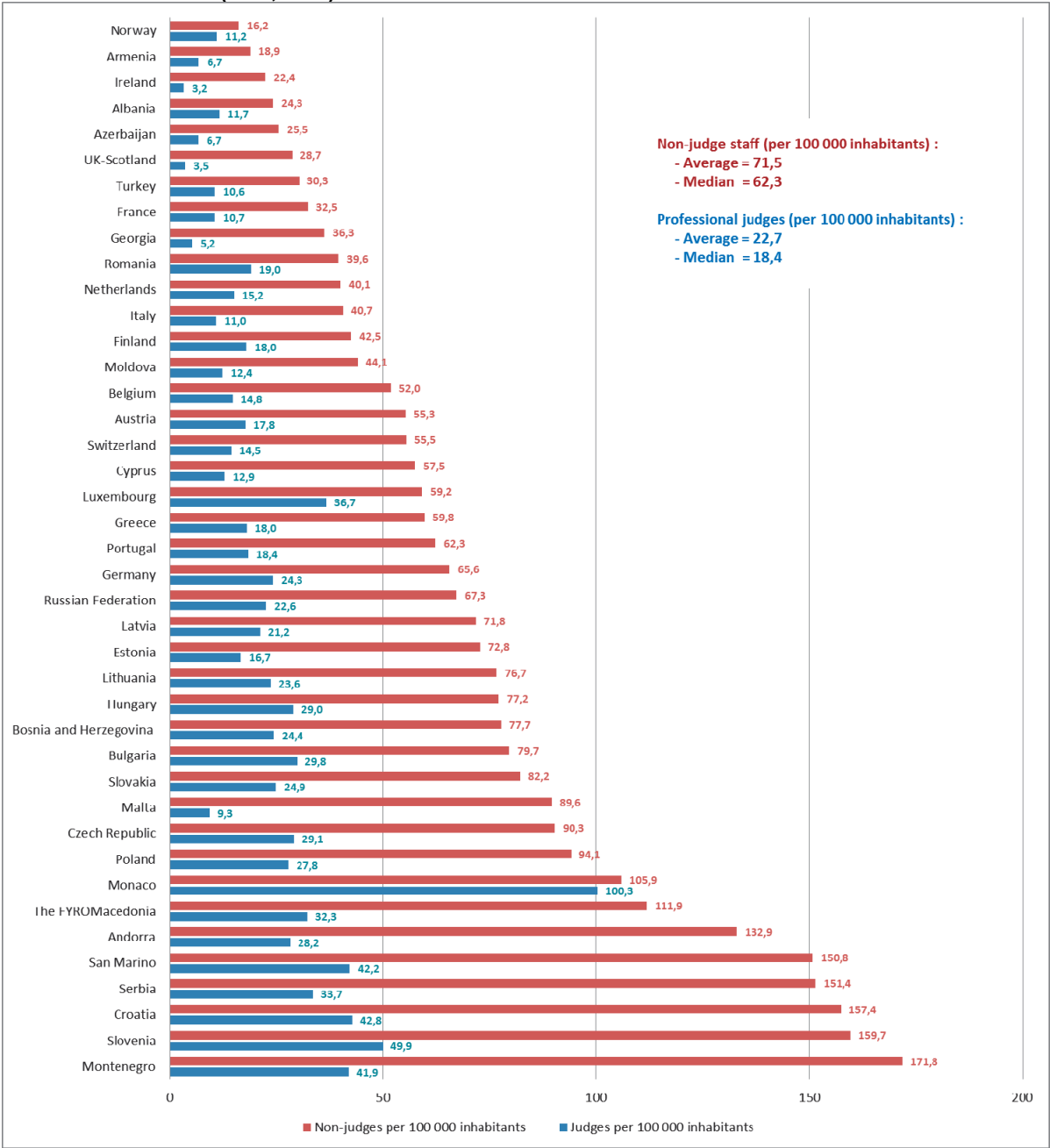
This ratio provides general information on human resources that states reserve to their judicial system. Figure 3.8 shown below is more detailed as it provides information on the concrete and specific assistance for the judge when managing the judicial proceedings until the decision.

**Figure 3.8. Number of non-judge staff whose task is to assist the judge per one professional judge (Q46, Q52)**



The majority of states (23 states) have less than 2 assistants per professional judge while **Croatia, France, Sweden and Turkey** have between 2.6 and 2.8 assistants per judge. **Portugal, Ireland and UK-Scotland** show the highest ratio (from 3 to more than 7). **Azerbaijan (1.6)** and the **Republic of Moldova (1)** rank lower, while **Georgia (2.3)** has more assistants than this benchmark.

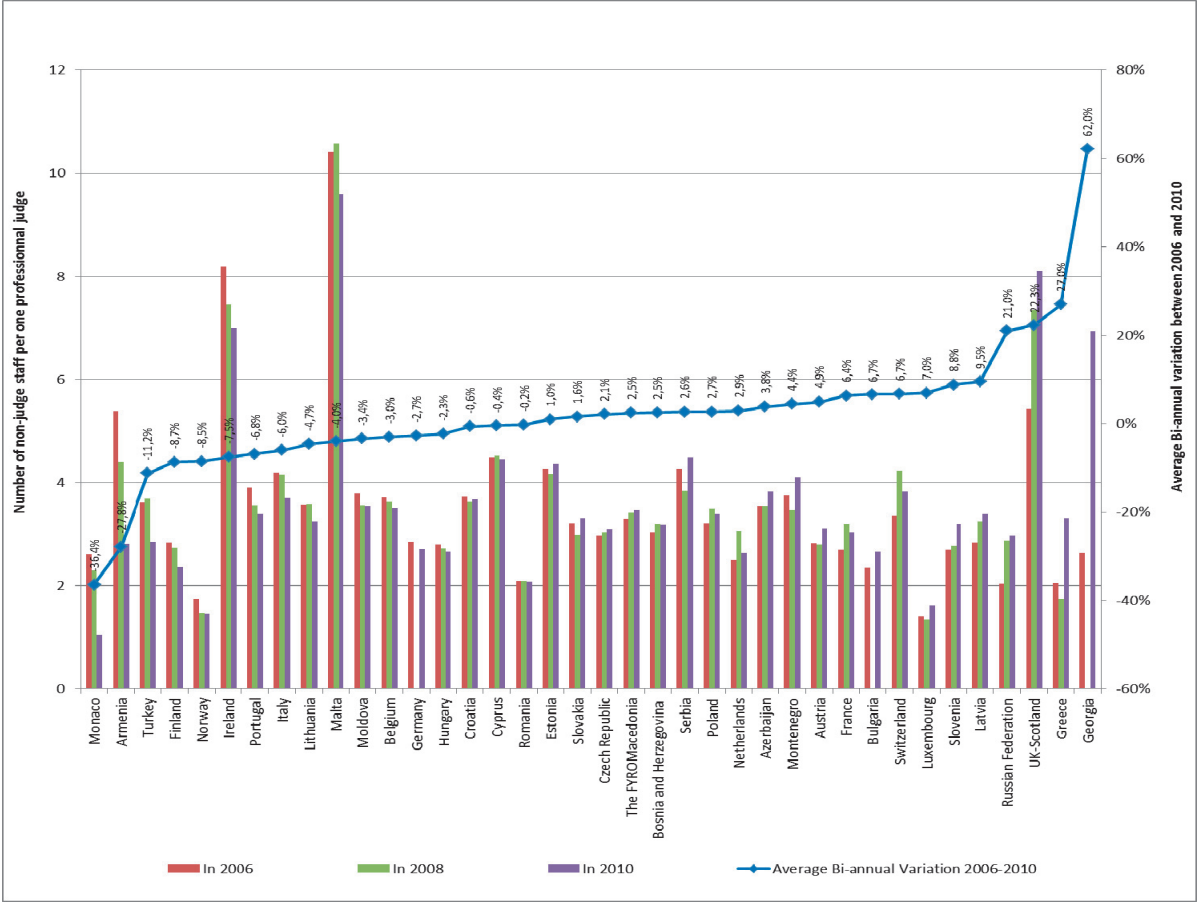
**Figure 3.9. Number of professional judges vs. number of non-judge staff per 100 000 inhabitants in 2010 (Q46, Q52)**



**Note: France and Greece:** number of professional judges or prosecutors vs. number of non-judge and non-prosecutor staff.

The European median is 62.3 non-judge staff per 100.000 inhabitants, with extreme positions such as **Norway** and **Armenia** (less than 20 non-judge staff per 100.000 inhabitants), and **Serbia**, **Montenegro**, **Slovenia** and **Croatia** (more than 150 non-judge staff per 100.000 inhabitants). Also Azerbaijan (25.5), Georgia (36.3) and the **Republic of Moldova** (44.1%) rank lower than the European median of 71.5%.

**Figure 3.10. Average bi-annual variations between 2006 and 2010 of the number of non-judge staff per one professional judge, in % (Q46, Q52)**



**Note:** France and Greece - concerns the total number of non-judge and non-prosecutor staff in relation to the total number of judges and prosecutors.

For 35 states or entities, it was possible to calculate the average annual variation indicator between 2006 and 2010 (**Germany**, **Bulgaria**, and **Georgia** are reported only for information as the data are incomplete). **Azerbaijan** (3.8%) has significantly increased the ratio non Judge staff per Judge between 2006-2010 because of judicial reforms, while **Georgia** (62%!) created a lot new functions such as court managers, chief clerks or reception staff. In **Armenia** (-28%) and the **Republic of Moldova** (-3.4%) the ratio declined, which fits in the general European trend (Ukraine no data available). However, once again, the variations observed must be interpreted very cautiously. In fact, from a methodological point of view, there is no certainty that the responding states have a common understanding of the various categories of the non-judge staff.

**Conclusion and recommendations**

**While the European trend is to have less staff per judge, the picture in the ECP is more diverse: Azerbaijan and Georgia expanding the staff and Armenia and Republic of Moldova shrinking it. The variations observed must be interpreted very cautiously. There is no certainty that the responding states have a common understanding of the various categories of non-judge staff. So it does not allow any conclusions about the efficiency of the court work.**

**3.3 Salaries of judges and prosecutors**

The remuneration of judges is a sensitive subject. The objective is to give the judge a fair remuneration which takes into account the difficulties related to the practice of this function and which allows her/him to be protected from any pressure which might challenge her/his independence and

impartiality. The remuneration is composed of a basic salary, which may be supplemented with bonuses and/or other various (material or financial) advantages (see the following sub-title 3.5).

Recommendation R(94)12, on the independence, efficiency and the role of judges, provides that the judges' remuneration should be guaranteed by law and "commensurate with the dignity of their profession and burden of responsibilities". The CCJE Opinion No1 (2001) par. 61 confirms that an adequate level of remuneration is necessary to guarantee that judges can work freely and shield "from pressures aimed at influencing their decisions and more generally their behaviour".

Two different indicators are further analysed. The first concerns the judge's salary at the beginning of her or his career. Differences are evident between states recruiting (young) judges graduating from a school for judicial studies and states recruiting judges among legal professionals who benefit from long working experiences often as lawyers. The second indicator is related to the average judge's salary at the Supreme Court or at the Highest Appellate Court, at the end of the career. At this level, differences between states may be more significant as they are not attributed to the kind of recruitment or a previous career. A comparison between the salaries at the beginning and at the end of the career allows to measure a judge's possible progression within a state and to evaluate the consideration attributed to her/his social position. The ratio of the judge's salary to the national average salary deepens the analyses and removes any biases inflicted by the exchange rate or GDP.

In any case, data which are presented in the next table must be interpreted with caution. The allocated salaries depend on several factors which are connected to the exchange rate for non-euro states but also to the living standards, modalities of recruitment, seniority etc. It is important to take into account the special features for each state presented in the comments.

Similar reserves to those made to the salary of judges should be made for prosecutors. The salaries of prosecutors are composed of a basic salary that can be supplemented with bonuses and/or other benefits (see the following title 11.4). Paragraph 5 d. of Recommendation R(2000)19 provides that: *"reasonable conditions of service should be governed by law, such as remuneration, tenure and pension commensurate with the crucial role of prosecutors as well as an appropriate age of retirement."*

### 3.3.1 Salaries at the beginning of the career

**Table 3.11. Gross and net annual salaries of judges and prosecutors at the beginning of the career, in 2010 (Q132)**

States/entities	Gross annual salary of a 1st instance professional judge	Gross salary of a judge in regard to national average gross annual salary	Net annual salary of a 1st instance professional judge	Gross annual salary of a Public Prosecutor	Gross salary of a prosecutor in regard to national average gross annual salary	Net annual salary of a Public Prosecutor
Albania	7 350 €	1,9	6 231 €	7 285 €	1,9	6 323 €
Andorra	73 877 €	3,1	69 814 €	73 877 €	3,1	69 814 €
Armenia				5 637 €	2,2	4 701 €
Austria	47 713 €	1,7	30 499 €	50 653 €	1,8	31 999 €
Azerbaijan	11 364 €	3,0	9 338 €	5 398 €	1,4	4 368 €
Belgium	62 367 €	1,6	33 925 €	62 367 €	1,6	33 925 €
Bosnia and Herzegovina	22 936 €	3,1	14 946 €	22 936 €	3,1	14 946 €
Bulgaria	10 230 €	3,2	9 651 €	10 230 €	3,2	9 651 €
Croatia	30 396 €	2,4	16 416 €	30 396 €	2,4	16 416 €
Cyprus	71 020 €	3,0	52 026 €	32 942 €	1,4	20 540 €
Czech Republic	24 324 €	2,1		19 632 €	1,7	
Denmark	104 098 €	2,1		50 540 €	1,0	
Estonia	31 992 €	3,4	25 632 €	15 108 €	1,6	11 845 €
Finland	57 250 €	1,6	40 250 €	45 048 €	1,2	33 200 €
France	40 660 €	1,2	31 599 €	40 660 €	1,2	31 939 €
Georgia	11 642 €	3,8	9 313 €	8 976 €	3,0	7 188 €
Germany	41 127 €	0,9		41 127 €	0,9	
Greece	32 704 €	1,3	24 300 €	32 704 €	1,3	24 300 €
Hungary	18 252 €	2,0	10 647 €	16 852 €	1,8	9 828 €
Iceland	56 885 €	1,7		51 769 €	1,5	- €
Ireland	147 961 €	4,1				33 576 €
Italy	50 290 €	2,1	31 729 €	50 290 €	2,1	31 729 €
Latvia	13 798 €	1,8	9 292 €	13 524 €	1,8	9 180 €
Lithuania	18 072 €	2,6	13 728 €	12 529 €	1,8	9 522 €
Luxembourg	78 383 €	1,9		78 483 €	1,9	
Malta	38 487 €	2,7				
Moldova	3 220 €	1,5	2 572 €	2 707 €	1,2	2 122 €
Monaco	43 271 €	1,3	41 020 €	43 271 €	1,3	41 020 €
Montenegro	24 142 €	2,8	14 500 €	19 947 €	2,3	13 364 €
Netherlands	74 000 €	1,5	43 000 €	54 036 €	1,1	32 604 €
Norway	113 940 €	2,1	62 035 €	62 400 €	1,1	40 000 €
Poland	20 736 €	2,1	16 711 €	20 736 €	2,1	16 492 €
Portugal	35 699 €	1,7		35 699 €	1,7	
Romania	25 750 €	4,8	18 062 €	25 750 €	4,8	18 062 €
Russian Federation	15 988 €	2,6	13 098 €	9 594 €	1,5	8 347 €
Serbia	13 595 €	2,5	9 600 €	13 595 €	2,5	9 600 €
Slovakia	28 148 €	3,1		26 585 €	2,9	
Slovenia	28 968 €	1,6	17 521 €	34 858 €	1,9	19 901 €
Spain	47 494 €	1,5		47 494 €	1,5	
Sweden	52 587 €	1,4		52 290 €	1,4	
Switzerland	126 206 €	2,2	100 965 €	106 718 €	1,9	85 375 €
The FYROMacedonia	17 219 €	2,9	11 451 €	14 147 €	2,4	9 535 €
Turkey	21 137 €	1,8	16 390 €	21 137 €	1,8	16 390 €
Ukraine	6 120 €	2,6	4 872 €	5 232 €	2,2	4 116 €
UK-England and Wales	120 998 €	3,8		33 515 €	1,1	
UK-Scotland	150 106 €	5,2		35 154 €	1,2	26 009 €
Average	46 056 €	2,4 €	25 348 €	32 814 €	1,9	21 054 €
Median	32 704 €	2,1 €	16 564 €	31 550 €	1,8	16 403 €
Maximum	150 106 €	5,2 €	100 965 €	106 718 €	4,8	85 375 €
Minimum	3 220 €	0,9 €	2 572 €	2 707 €	0,9	0 €

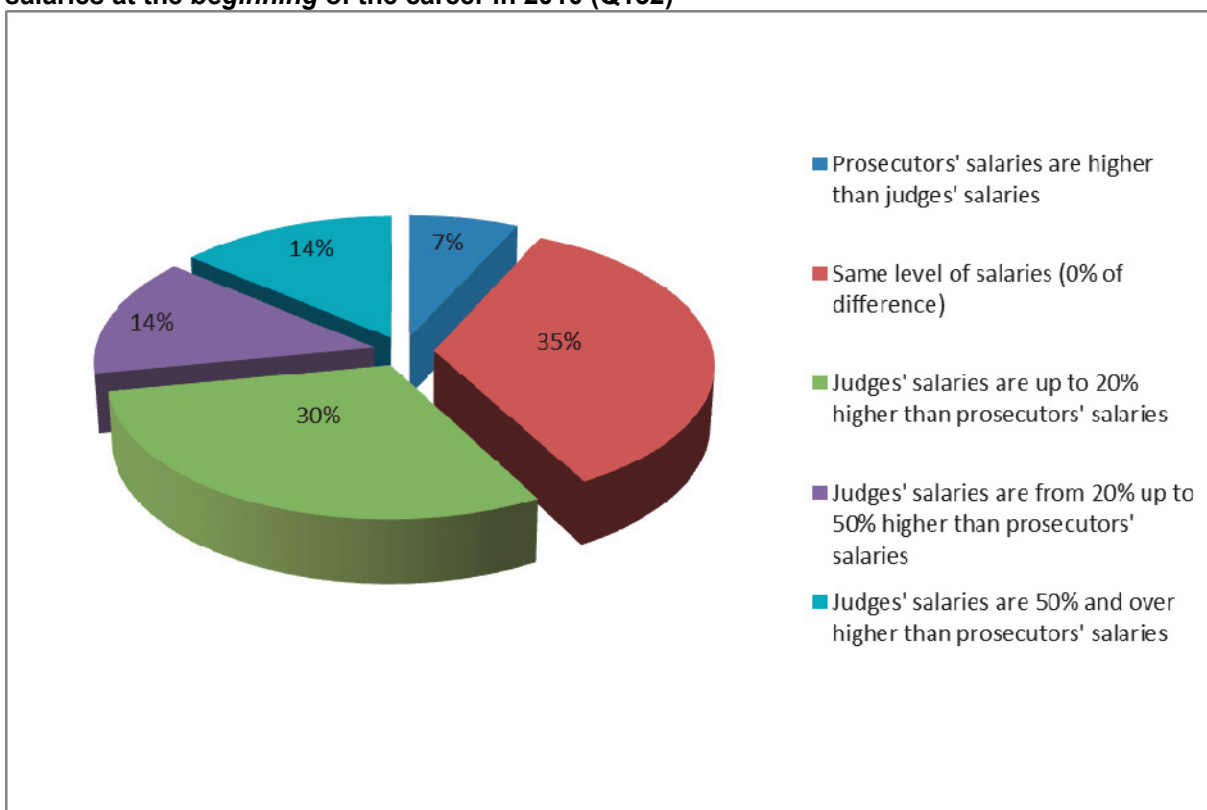
**Comments:**

**Azerbaijan:** first instance judges are granted with different salaries according to the type of court in which they are working.

**A comparison of the salaries at the beginning of the career between the states always must take into account the different kinds of recruitment which may heavily influence the level of remuneration of judges and prosecutors.**

At the European level, judges and prosecutors at the beginning of their carrier are better paid than the average national gross salary (2,4 times more for judges and 1,9 times more for prosecutors). This average trend is confirmed for all member states, except for **Germany**. The difference can be significant, like in **Azerbaijan and Georgia**. These are countries which made the choice to support strongly the position of the judiciary within the society with the transition of their justice system, sometimes to fight corruption within the judiciary.

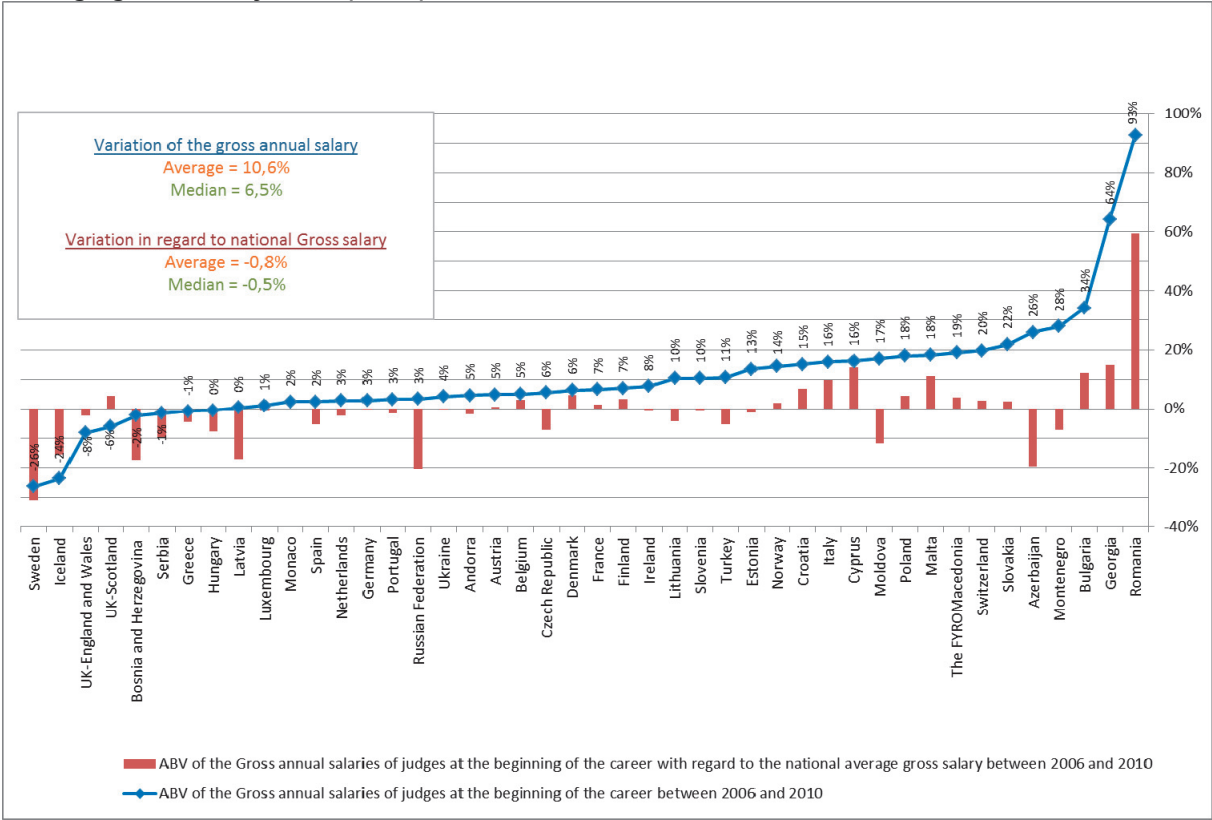
**Figure 3.12. Relative categorisation of the differences between judges' and prosecutors' gross salaries at the *beginning* of the career in 2010 (Q132)**



At the European level, judges earn in average 0.5 time more than public prosecutors at the beginning of the career. However there are significant differences depending on the systems, according to the powers and status of public prosecutors.

EPC: In Europe 19 states do not apply any difference between the salaries of the judges and prosecutors at the beginning of their career. Concerning the EPC, the beginning salaries of public prosecutors are less than of judges.

**Figure 3.13. Average Bi-annual Variation between 2006 and 2010 of the Gross annual salaries of judges at the beginning of the career and of their salaries in 2010 with regard to the national average gross salary, in % (Q132)**



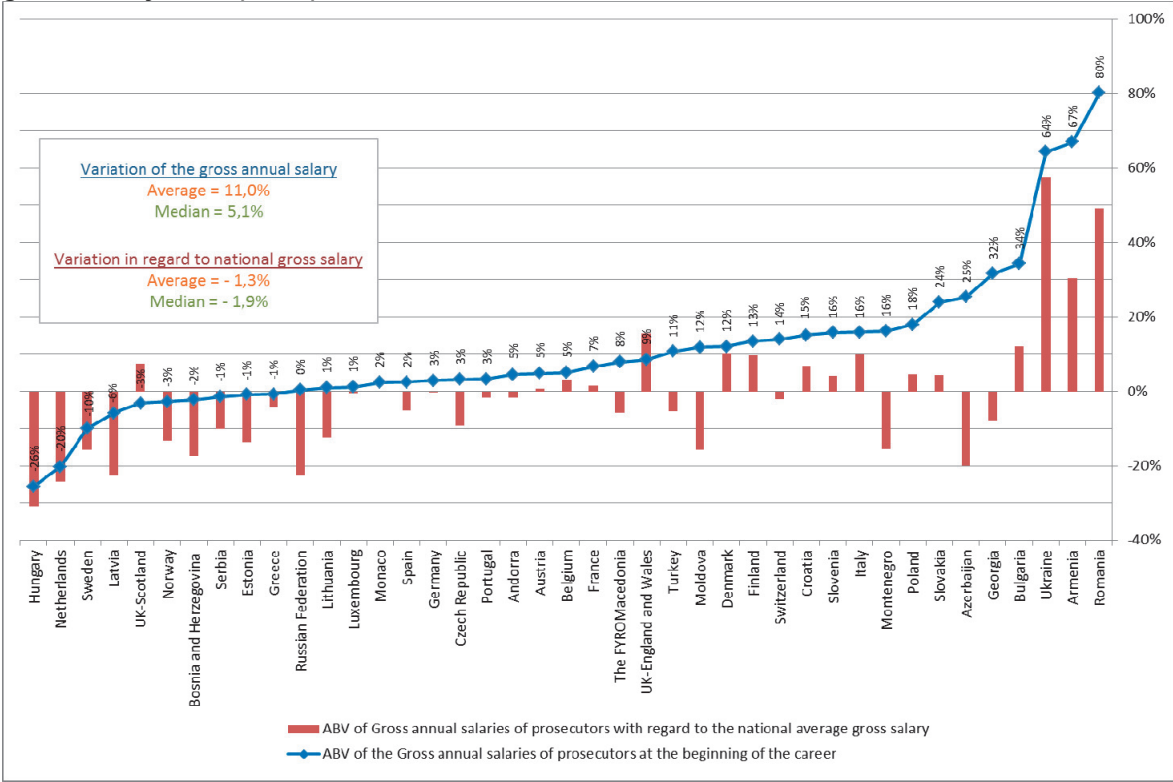
For 44 states or entities (38 in the previous report of the CEPEJ), it was possible to analyse the evolution between 2006 and 2010 of the gross salaries of judges at the beginning of the career and to observe the variation of these salaries in regard to national average gross salaries. The variation of absolute values outside the euro zone can partially be explained by variations in the exchange rates between 2006 and 2010. However this limitation disappears when comparing the salary of judges with the average national gross salary.

At the European level, although the judges' salaries have increased in average absolute values by 10,6% between 2006 and 2010; it can be stressed that judges' salaries have decreased considering the evolution of the overall salaries in the member states: - 0,8 % vis-à-vis the average national gross salary. This can be seen as an effect of the financial and economic crisis which has had an impact of the salaries of public officials.

EPC: Strong increases in judges' salaries, both in absolute value and taking into account the variation of the average national salary can be observed in **Georgia** (64 %, limited to + 13 % reported to the average salary). Decreases reported to the average salaries can be highlighted in spite of the increase in absolute values in **Azerbaijan** (-20 % reported to the average national salary in spite of an increase of + 26 %), the **Republic of Moldova** (-12 % reported to the average national salary in spite of an increase of + 17 %) and **Ukraine** (0 % reported to the average national salary and minor increase of 4%). (Data are missing for Armenia).



**Figure 3.14. Average bi-annual variations between 2006 and 2010 of the gross annual salaries of prosecutors at the beginning of the career and of their salaries as regard to national average gross salary, in % (Q132)**



The same variation has been assessed for 41 states or entities as regards the prosecutors' gross salaries (33 in the previous report). The same reservations as mentioned for figure 3.13 must be taken into account.

At the European level, although the prosecutors' salaries have increased in absolute value by 11%, it can be stressed that prosecutors' salaries have decreased considering the evolution of the overall salaries in the member states: -1,3 % reported to the average gross salary. Like for judges, the economic crisis had an impact for several countries (see above).

EPC: a strong increase in prosecutors' salaries at the beginning of their career, both in absolute values and taking into account the variation of the average national salary can be noted, unlike for judges. In **Ukraine** (+ 64 % reported to the average salary) and **Armenia (67%)**. Prosecutors' salaries have also increased in **Georgia (32%)**, **Azerbaijan (25%)** and **the Republic of Moldova (12%)** in comparison with the average national salary

As already mentioned for the judges' salaries, it is very important to take into account that variations are relative, and every state had special features (salaries at the beginning of the comparison period in 2006, reforms, adjustments etc.) which should be considered when comparing the trends at the general European level.

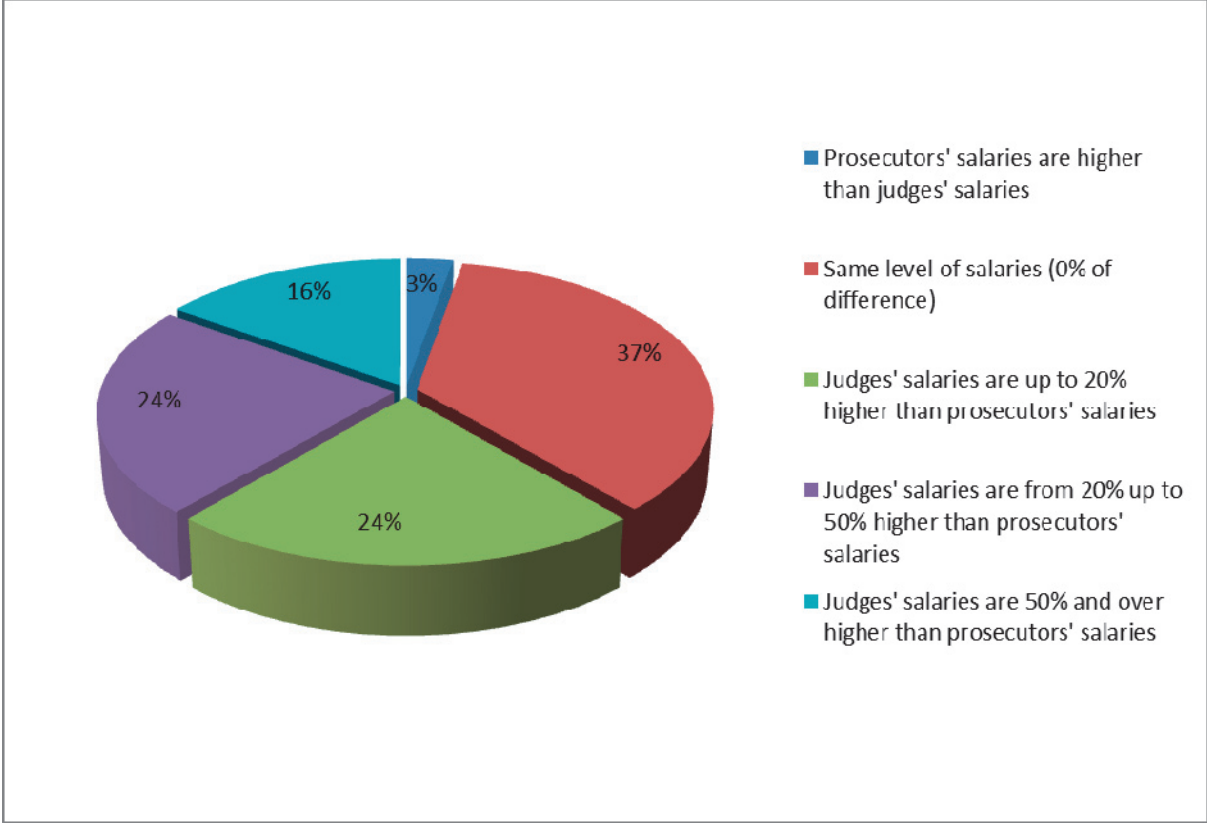
### 3.3.2 Salaries at the end of the career

**Table 3.15. Gross and net annual salaries of judges and prosecutors at the Supreme Court or at the Highest Appellate Court in 2010 (Q132)**

States/entities	Gross annual salary of a judge of the Supreme Court or the Highest Appellate Court	Gross salary of a judge in regard to national average gross annual salary	Net annual salary of a judge of the Supreme Court or the Highest Appellate Court	Gross annual salary of a Public Prosecutor of the Supreme Court or the Highest Appellate Instance	Gross salary of a prosecutor in regard to national average gross annual salary	Net annual salary of a Public Prosecutor of the Supreme Court or the Highest Appellate Instance
Albania	14 700 €	3,9	12 463 €	14 571 €	3,9	12 191 €
Andorra	39 823 €	1,7	37 633 €			
Armenia				11 112 €	4,3	8 858 €
Austria	115 647 €	4,0	69 561 €	115 647 €	4,0	69 561 €
Azerbaijan	20 852 €	5,5	17 200 €	13 431 €	3,5	10 880 €
Belgium	127 956 €	3,3	60 114 €	127 956 €	3,3	60 114 €
Bosnia and Herzegovina	38 108 €	5,1	25 646 €	38 108 €	5,1	25 646 €
Bulgaria	22 177 €	7,0	17 885 €	22 177 €	7,0	17 885 €
Croatia	65 592 €	5,2	29 016 €	65 592 €	5,2	29 016 €
Cyprus	126 237 €	5,4	92 475 €	32 942 €	1,4	20 540 €
Czech Republic	54 384 €	4,8		42 816 €	3,8	
Denmark	172 738 €	3,5		85 460 €	1,7	
Estonia	43 992 €	4,6	35 112 €	34 512 €	3,6	26 591 €
Finland	120 912 €	3,3	73 800 €	77 376 €	2,1	51 400 €
France	113 478 €	3,4	92 961 €	113 478 €	3,4	92 961 €
Georgia	22 270 €	7,4	17 817 €	15 480 €	5,1	12 384 €
Germany	73 679 €	1,7		73 679 €	1,7	
Greece	87 240 €	3,6	54 600 €	87 240 €	3,6	54 600 €
Hungary	37 986 €	4,1	19 864 €	35 067 €	3,8	18 336 €
Iceland	70 008 €	2,0		70 469 €	2,1	
Ireland	257 872 €	7,1				
Italy	176 000 €	7,3	95 965 €	163 788 €	6,8	89 779 €
Latvia	26 650 €	3,5	17 965 €	17 388 €	2,3	11 760 €
Lithuania	24 444 €	3,5	18 576 €	22 333 €	3,2	16 975 €
Luxembourg	152 607 €	3,6		152 607 €	3,6	
Malta	38 487 €	2,7				
Moldova	4 756 €	2,2	3 512 €	3 512 €	1,6	2 634 €
Monaco	124 740 €	3,7	118 249 €	124 740 €	3,7	118 249 €
Montenegro	32 202 €	3,8	19 341 €	27 902 €	3,3	18 694 €
Netherlands	128 900 €	2,5	67 000 €			
Norway	181 971 €	3,3	95 992 €	90 570 €	1,6	66 650 €
Poland	57 650 €	5,9	41 061 €	44 454 €	4,6	33 675 €
Portugal	85 820 €	4,2		85 820 €	4,2	
Romania	43 865 €	8,2	30 768 €	36 230 €	6,8	25 412 €
Russian Federation	47 265 €	7,6	38 720 €	15 628 €	2,5	13 596 €
Serbia	22 514 €	4,2	16 000 €	22 514 €	4,2	16 000 €
Slovakia	40 659 €	4,4		40 659 €	4,4	
Slovenia	57 909 €	3,2	30 823 €	54 765 €	3,1	29 367 €
Spain	111 932 €	3,6		111 932 €	3,6	
Sweden	91 600 €	2,4		69 318 €	1,8	
Switzerland	264 000 €	4,6	237 000 €			
The FYROMacedonia	21 221 €	3,6	14 080 €	17 179 €	2,9	11 579 €
Turkey	43 166 €	3,8	31 776 €	41 263 €	3,6	30 357 €
Ukraine	20 388 €	8,6	16 080 €	5 520 €	2,3	4 927 €
UK-England and Wales	243 190 €	7,7		116 325 €	3,7	
UK-Scotland	230 147 €	8,0				
Average	86 616 €	4,5	48 408 €	58 539 €	3,6	33 354 €
Median	57 909 €	3,9	31 300 €	42 040 €	3,6	22 976 €
Maximum	264 000 €	8,6	237 000 €	163 788 €	7,0	118 249 €
Minimum	4 756 €	1,7	3 512 €	3 512 €	1,4	2 634 €

The ratio between the salary of a judge or prosecutor at the Supreme Court or at the Highest Appellate Court and the national average gross annual salary is an interesting indicator to measure differences between states by removing the biases resulting from the modes of recruitment, age, previous career, the exchange rate or GDP.

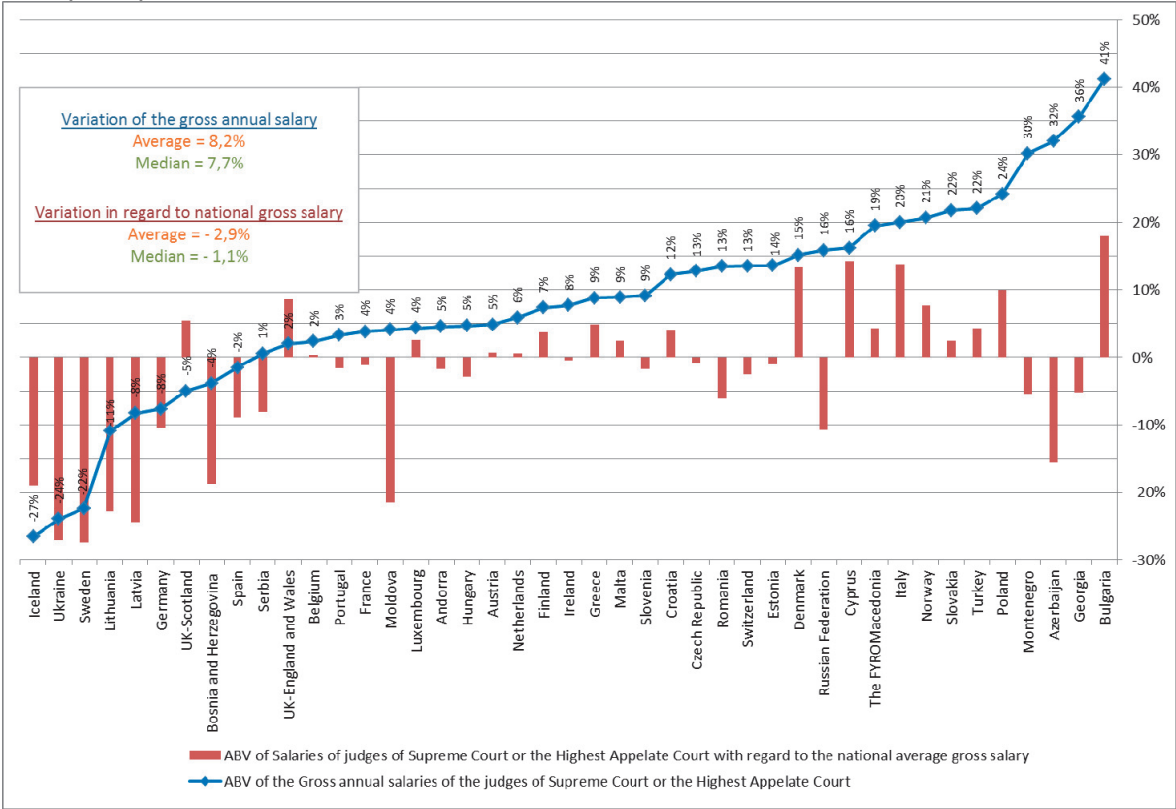
**Figure 3.16. Relative categorisation of the differences between judges' and prosecutors' salaries at the end of the career, in 2010 (Q132)**



**Ukraine** and **Georgia** grant judges at the Supreme Court or at the Highest Appellate Court the highest salaries related to the national average gross annual salary, between 7 and 8 times higher. Prosecutors at the highest level in **Ukraine** earn 2,3 times the average gross salary, a proportion which is close to the European average (3.6).

Only in **Greece** prosecutors' salary is slightly higher than of judges' at the end of the career. There is no real reversion of the curve between judges' and prosecutors' salaries at the beginning or end of career, though a very limited change can be noticed in **Slovenia** or **Austria**.

**Figure 3.17. Average Bi-annual Variation between 2006 and 2010 of the Gross annual salaries of judges at the Supreme Court and of their salaries as regard to national average gross salary, in % (Q132)**



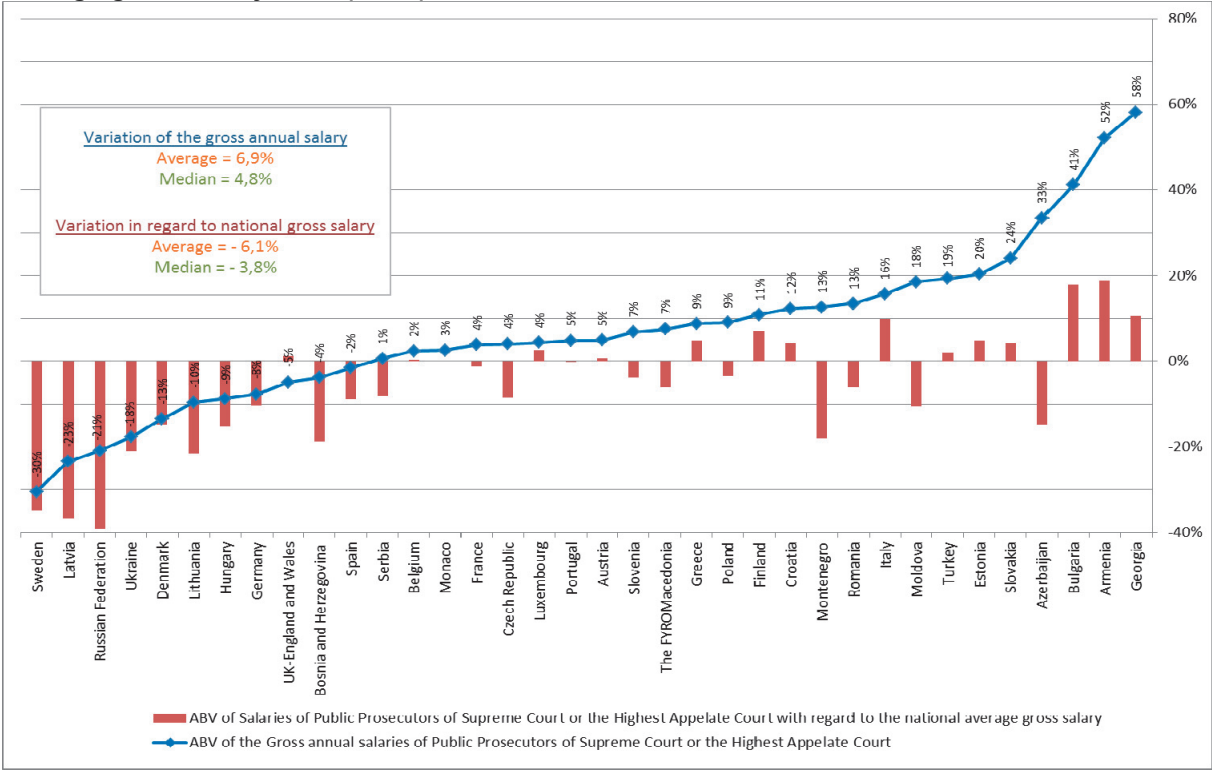
For 43 states or entities (39 in the previous report of the CEPEJ), it was possible to calculate the variation of the absolute figures of the gross salaries for the judges at the Supreme Courts or the highest appellate courts.

The trends in the evolution of the salaries of judges at the Supreme Courts are quite similar to the trends already observed for the salaries of judges at the beginning of the career both at the European level and for a majority of states.

Although the average European absolute prosecutors' salaries at the end of the career has increased by 6.9% between 2006 and 2010, the value has indeed decreased by - 6.1 % reported to the national average gross salary.

Like for judges at the beginning of the career, "false increases" (in absolute value but not reported to the average salary) can be stressed for **Azerbaijan**. Contrary to judges at the beginning of the career, this is also the case for **Georgia**. More important decreases, both in absolute terms and reported to the average salary can be noted in **Ukraine**.

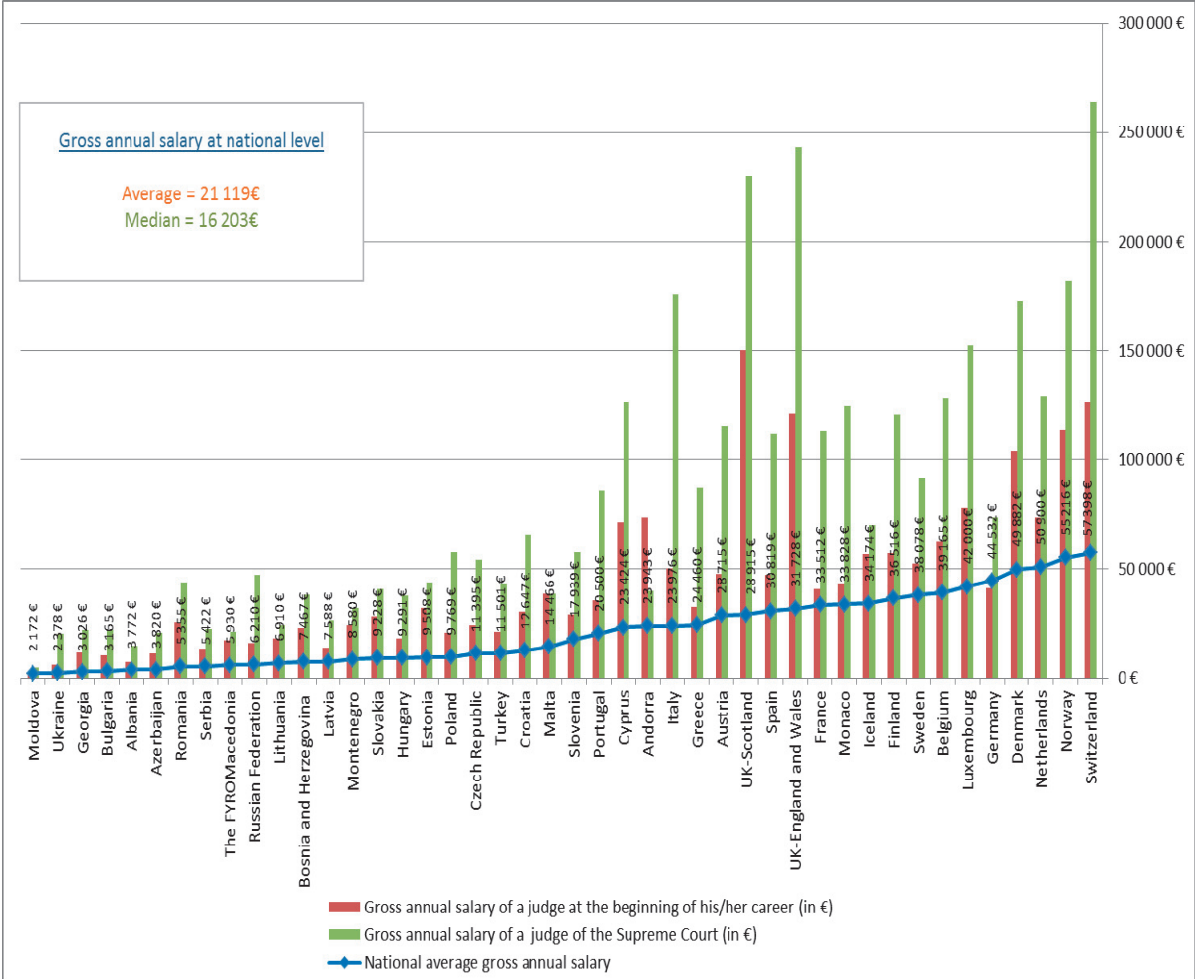
**Figure 3.18. Average Bi-annual Variation between 2006 and 2010 of the Gross annual salaries of Public Prosecutors at the Supreme Court and of their salaries with regard to national average gross salary, in % (Q132)**



The figures on the variation of the prosecutors' salaries are available for 36 states or entities (30 in the previous report). The decreasing trend for prosecutors' salaries at the end of the career, reported to the average salary, is accentuated vis-à-vis the situation of judges (- 6, 1 % versus - 2,9 %).

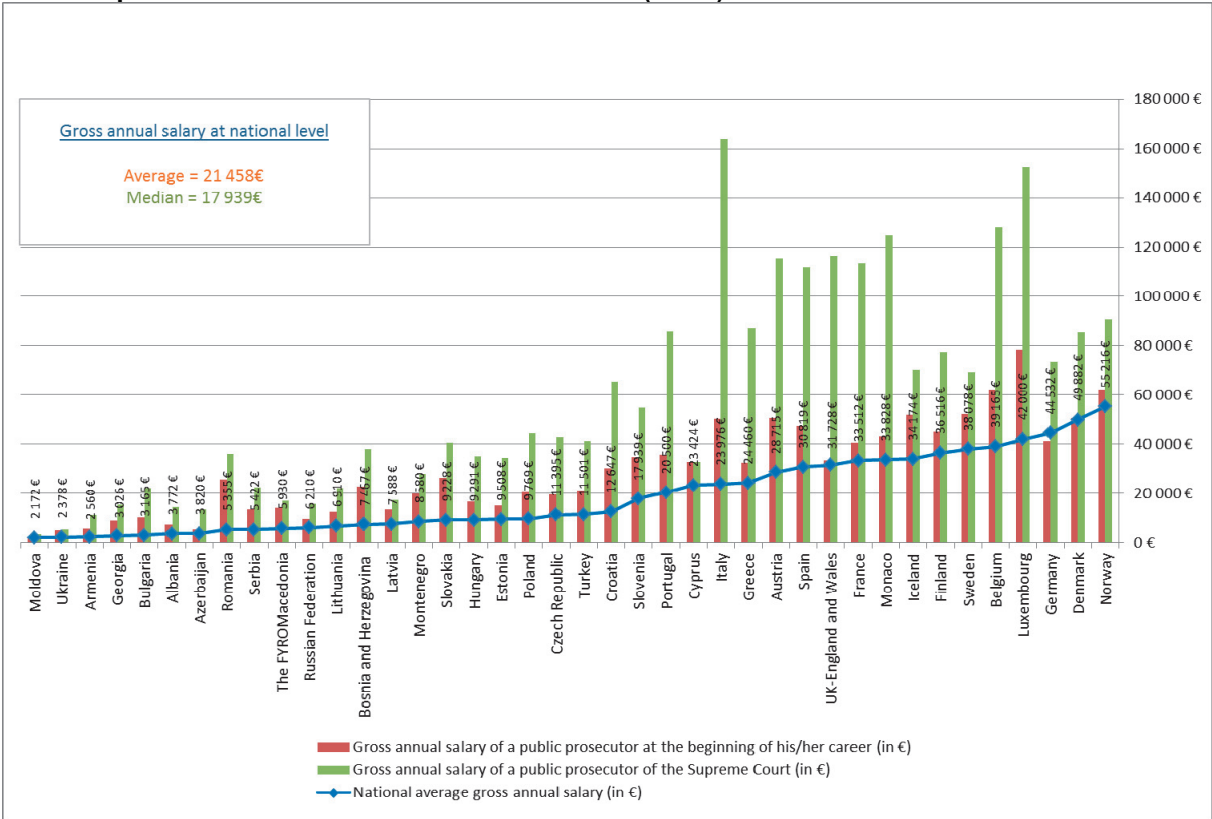
### 3.3.3 Comparison of the salaries at the beginning and at the end of the career

Figure 3.19. Gross annual salary of a judge at the beginning of the career, of a judge of the Supreme Court and at national level in 2010 (Q132)



On average, in Europe, a judge at the end of her or his career earns 1,9 times more than a judge at the beginning of her or his career. Major differences can be noticed among the member states or entities, mainly due to the status of judges and the organisation of the career (in particular regarding the age for entering the profession).

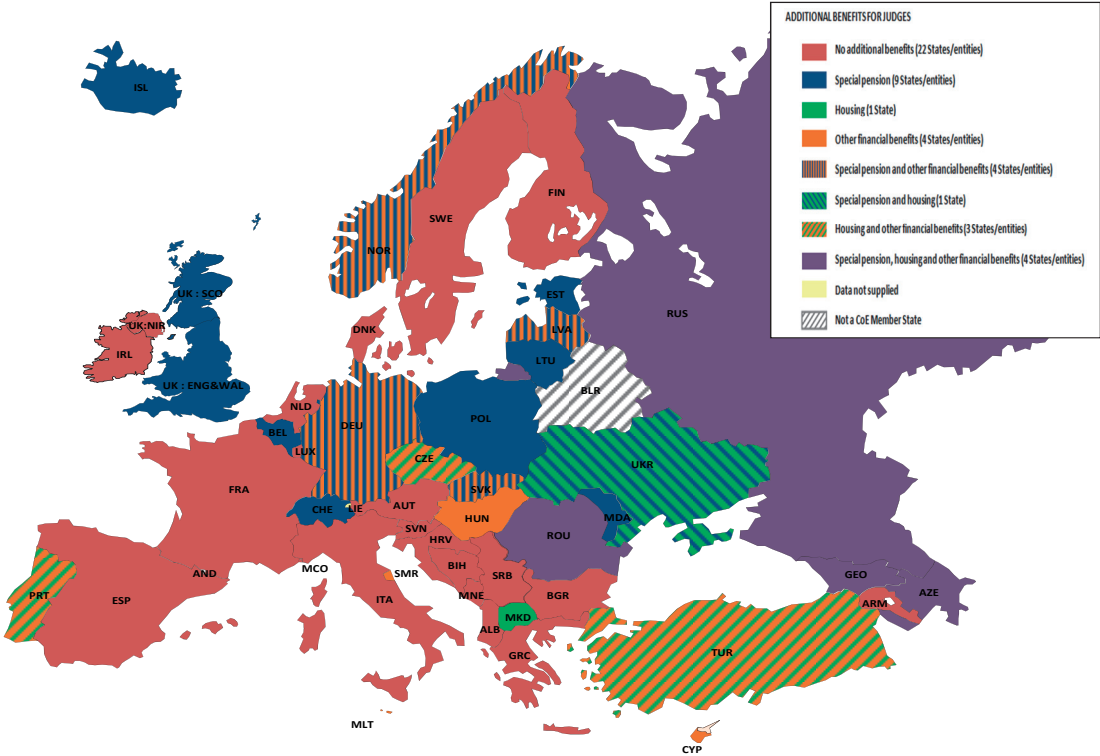
**Figure 3.20. Gross annual salary of a prosecutor at the beginning of the career, of a prosecutor of the Supreme Court and at national level in 2010 (Q132)**



As the status and functions of prosecutors differ among the member states (contrary to those of judges), the distribution of salaries in Europe is logically much less linear than for judges. However, on average, in Europe, a prosecutor at the end of her or his career earns 1,8 time more than a prosecutor at the beginning of her/his career (quite similarly to the situation of judges). In **Azerbaijan** the salaries increase significantly during the career.

### 3.4 Bonuses and other profits for judges and prosecutors

Figure 3.21. Additional benefits for judges in 2010 (Q133)

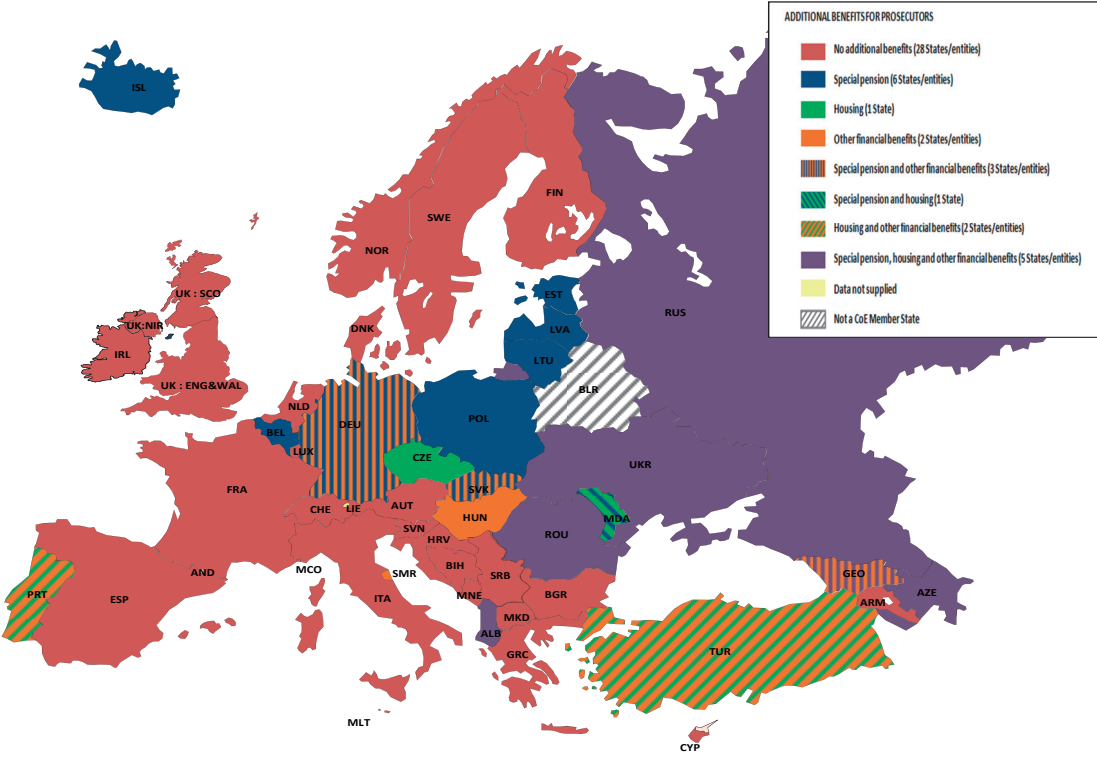


In half of the states and entities, judges may have additional benefits to the basic remuneration.

For detailed analysis of the EPC: see the detailed analyses and findings of the working group on Independent Judicial Systems.

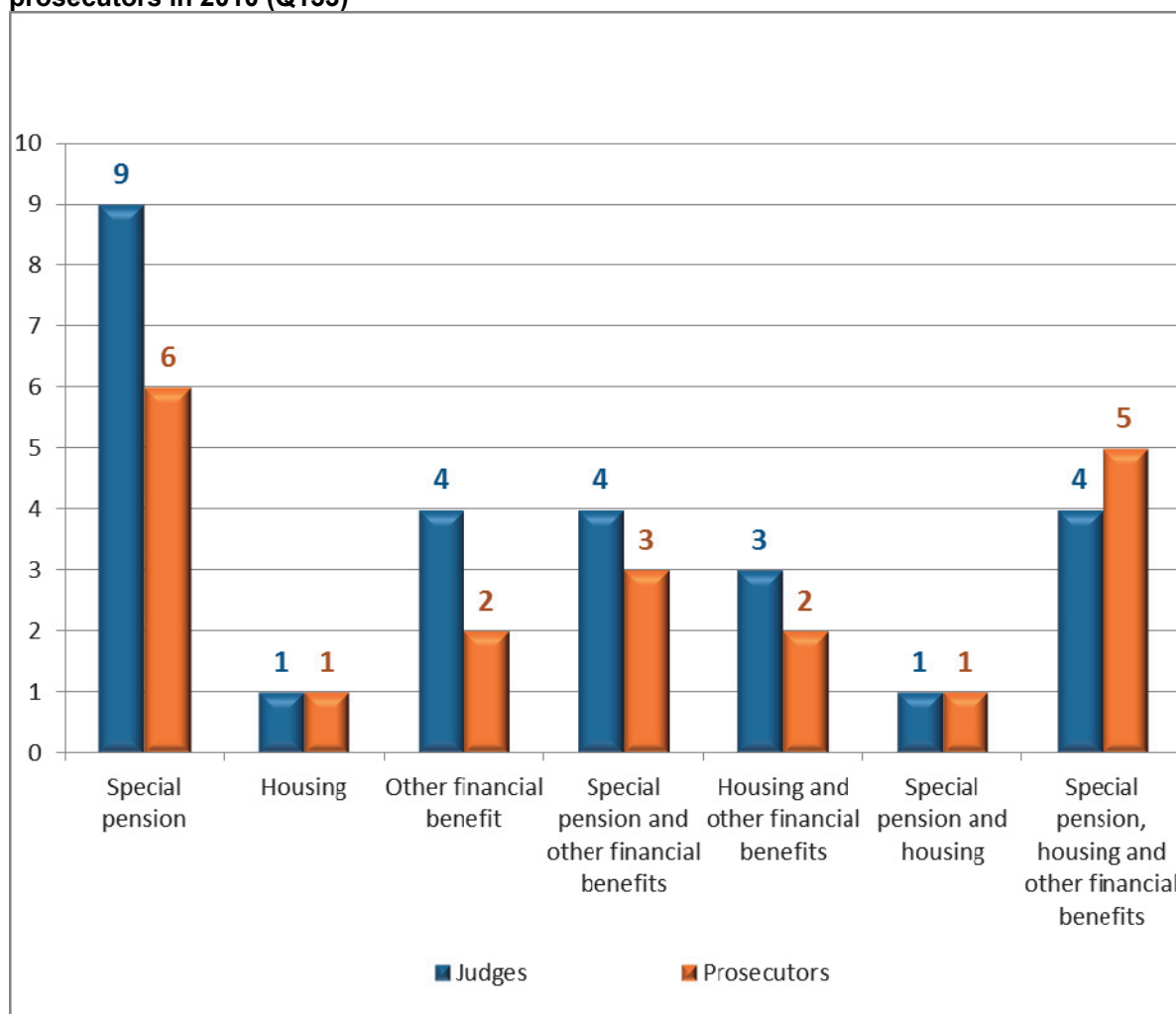


Figure 3.22. Additional benefits for prosecutors in 2010 (Q133)



More states and entities do not provide additional benefits to prosecutors (28 versus 22 as regards judges). This illustrates that, in a number of states, prosecutors have a different status than judges, are less protected and sometimes are not socially recognised in the same way, depending on the functions and the position of prosecutors inside or outside of the judicial power.

**Figure 3.23. Number of states or entities which allow additional benefits for judges and prosecutors in 2010 (Q133)**



Reduced taxation is no more a benefit granted to judges or prosecutors in European states.

EPC: Only **Georgia** reported that additional financial bonus is granted on the basis of the achievement of specific quantitative targets.

### 3.5 Conclusions concerning ECP

#### Professional judges

Given the European average of 21.3 judges per 100 000 population - an average which is stable over two years - one can notice that the number of professional judges sitting in courts varies considerably depending on the state and the judiciary. In general, there is an imbalance between the western and the eastern part of Europe, the latter having more judges per capita.

EPC: The EPC has a distinct position in the Eastern Europe. They have relative small number of judges. This may in part be explained by the fact that some systems are fully professionalised (**Armenia, Azerbaijan, Georgia, the Republic of Moldova, Ukraine**). Among the systems in which professional judges dominate, one can note a small number of judges (less than 7 per 100 000 population) in the Caucasus countries (**Armenia, Azerbaijan and Georgia**).

Comparing the evolution since 2006, we find that in Europe, overall, the number of professional judges per 100 000 population increased by an average of + 1.6% per year. In 16 of 48 states or entities, mainly in Western Europe, the number of professional judges per 100 000 population decreased.

EPC: **The Republic of Moldova** has decreased the number of professional judges. Conversely **Azerbaijan** and **Ukraine** continue their reforms in transition by increasing the human resources devoted to the judicial function.

EPC: In **Armenia**, the **Republic of Moldova** and **Ukraine** there are no juries and participation of the public. **Georgia** and **Azerbaijan** are recently experimenting with introducing juries into their system of professional judges on severe crimes.

### Conclusion and recommendations

**The EPC mostly rely on professional judges, which explains the relative little number of judges compared to the European benchmark.**

**Recent developments in the EPC show a mixed picture. Georgia decreased the number of judges, while Azerbaijan and Ukraine increased their number.**

**In order to balance the efficiency of the judicial system with legitimacy the introduction of juries is a good step forward for the EPC.**

### Non judge staff

Major disparities between the states can be discerned regarding the non-judge staff in courts (other than *Rechtspfleger*). Such differences illustrate the various approaches to court organisation among European judicial systems. Comparing these figures should be done with great caution.

It should be noted that the ratio between non-judge staff and professional judge in Europe declined between 2008 and 2010. In a majority of states or entities (25 out of 47), 3 to 4 non-judge staff are working for one professional judge. The highest ratio is 9.6 while it was 5 during the previous exercise of evaluation, and concerned six states or entities.

EPC: **Azerbaijan** (3.8%) has significantly increased the ratio non Judge staff per Judge between 2006-2010 because of judicial reforms, while **Georgia (62%!)** created a lot new functions such as court managers, chief clerks or reception staff. In **Armenia** (-28%) and the **Republic of Moldova** (-3.4%) the ratio declined, which fits in the general European trend (**Ukraine** no data available).

**Conclusion: While the European trend is less staff per judge the picture in the ECP is more diverse: Azerbaijan and Georgia expanding the staff and Armenia and the Republic of Moldova decreasing it. The variations observed must be interpreted very cautiously. There is no certainty that the responding states have a common understanding of the various categories of non-judge staff. Therefore, one should not draw any conclusions about the efficiency of the court work.**

### Salaries of judges and prosecutors

Even though states cannot be given specific guidelines as to the actual sums judges should be paid, it is important to set up such a system that on the one hand makes judicial positions attractive and at the same time ensures the efficiency of the judiciary in general.

At the European level, judges and prosecutors at the beginning of their career earn more than the average national gross salary. An average factor of 2.4 for judges and an average factor of 1,9 for prosecutors.

EPC: Concerning gross annual salary of a judge at the beginning of the career in regard to national average gross annual salary **Azerbaijan** (3.0), **Georgia** (3.8) and **Ukraine** (2.6) fit within this benchmark, while in the **Republic of Moldova** (1.5) the salary of a beginning judge seems rather modest. In Europe 19 states do not apply any difference between the salaries of the judges and prosecutors at the beginning of their career. Concerning the EPC the beginning salaries in regard to national average gross annual salary of public prosecutors are less than of judges: **Georgia** (3.0), **Armenia** (2.2) and **Ukraine** (2.2) but also even better as the European benchmark, while **Azerbaijan** (1.4) and the **Republic of Moldova** (1.2) rank lower.

At the European level, although the judges' salaries at the beginning of the career have increased in average absolute values by 10.6%, between 2006 and 2010; it can be stressed that judges' salaries have decreased considering the evolution of the overall salaries in the member states: -0.8% vis-à-vis the average national gross salary. This can be seen as an effect of the financial and economic crisis which has had an impact of the salaries of public officials.

EPC: Strong increases in judges' salaries, both in absolute values and taking into account the variation of the average national salary can be observed in **Georgia** (64 %, limited to + 13 % reported to the average salary). Decreases reported to the average salaries can be highlighted in spite of the increase in absolute values in **Azerbaijan** (-20 % reported to the average national salary in spite of an increase of + 26 %), the **Republic of Moldova** (-12 % reported to the average national salary in spite of an increase of + 17 %) and **Ukraine** (0 % reported to the average national salary and minor increase of 4%).<sup>11</sup>

EPC: a strong increase in prosecutors' salaries at the beginning of their career, both in absolute values and taking into account the variation of the average national salary can be noted, unlike for judges. In **Ukraine** (+ 64 % reported to the average salary) and **Armenia (67%)**. Prosecutors' salaries have also increased in **Georgia** (32%), **Azerbaijan** (25%) and the **Republic of Moldova** (12%) in comparison with the average national salary.

The trends in the evolution of the salaries of judges at the Supreme Courts are quite similar to the trends already observed for the salaries of judges at the beginning of the career both at the European level and for a majority of states. The highest judges earn about 3.9 times (median) as much as the average judge. For the highest prosecutors this factor is 3.6 for the median European country. **Ukraine** and **Georgia** grant judges at the Supreme Court or at the Highest Appellate Court with the highest salaries related to the national average gross annual salary, between 7 and 8 times higher. Prosecutors at the highest level in **Ukraine** earn 2.3 times the average gross salary, a proportion which is close to the European average (3.6).

#### Conclusions:

- 1) With the exception of the Republic of Moldova the level of remuneration of judges in the EPC is generally in line with the available European benchmarks (2.1 - 3.9 x the average gross national salary). Data for Armenia are not available.
- 2) For public prosecutors this European benchmark is smaller (1.8 - 3.6 x the average gross national salary). This can be the result of a political will to support judicial power in countries which had experienced strong prosecution services in the former regime. In Azerbaijan and Moldova salary of a prosecutor is beneath this European benchmark (in Ukraine only at the end of the career).
- 3) It is recommended to raise the salaries to the level of the European benchmark.
- 4) Concerning remuneration we restate the conclusions 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. In almost all beneficiary countries (except the Republic of Moldova), the remuneration and pensions of judges are set out in specific legal acts. In almost all countries, monthly bonuses are provided for length of service, which is probably one of the most objective criteria, granting all judges an additional financial resource. The legislative prohibition on reducing judicial remuneration is envisaged in Armenia and Georgia. This fully corresponds to the European standards and is recommended to other beneficiary countries as the correct approach. The reduction of judicial remuneration should normally not be allowed, except where serious economic difficulties in the state concerned justify it, but even in such situations the reduction must be temporary and proportionate to reductions in other sectors paid from the state budget. The involvement of judicial self-governing bodies in the determination of judicial remuneration in Georgia demonstrates that the state recognises the importance of the opinions of the judiciary and should be considered as a good example to follow. The legal regulation in Ukraine regarding payments to retired judges so as to ensure the economic security of judges is also exemplary."*

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<sup>11</sup> Data are missing for Armenia.

## CHAPTER 4: COURT MANAGEMENT

In this chapter the focus is on court organisation and the management of performance and quality. It gives an overview of several organisational aspects of the courts, derived from the report on European Judicial systems (relevant chapter between brackets) and focussing on the five EP-countries involved:

- Judicial map (chapter 5);
- Budgetary power within courts (chapter 5);
- ICT in the courts (chapter 5);
- Quality and performance of the courts (chapter 5);
- Quality: assessment of the satisfaction of the users (chapter 5).

### 4.1 Optimising Court organisation

A *court* is defined in the explanatory note as a “body established by law and appointed to adjudicate on specific type(s) of judicial disputes within a specified administrative structure where one or several judge(s) is/are sitting, on a temporary or permanent basis”.

#### 4.1.1 1<sup>st</sup> instance courts of general jurisdiction, specialised 1<sup>st</sup> instance courts and geographic locations

In this section, a difference is made between:

- *first instance courts of general jurisdiction (legal entities)*: these courts deal with all issues which are not attributed to specialised courts owing to the nature of the case,
- *first instance specialised courts (legal entities)*

*All courts considered as geographical locations*: these are premises or court buildings where judicial hearings take place. If there are several court buildings in the same city, they must be taken into account. The figures number the locations for first instance courts of general jurisdiction and first instance specialised courts, as well as the locations for High Courts and/or Supreme Courts.

**Table 4.1. Number of 1<sup>st</sup> instance courts as legal entities and number of all the courts as geographic locations from 2006 to 2010 (Q42)**

States/entities	1 <sup>st</sup> instance courts of general jurisdiction (legal entities)			Specialised 1 <sup>st</sup> instance courts (legal entities)			Total number of 1 <sup>st</sup> instance courts in 2010	% of specialised 1 <sup>st</sup> instance courts in 2010	All the courts (geographic locations)		
	2006	2008	2010	2006	2008	2010			2006	2008	2010
Albania	21	22	22	1	1	1	23	4,3%		31	33
Andorra	1	1	2	0	0	0	2	0,0%	1	1	3
Armenia	17	16	16	1	1	1	17	5,9%	21	20	27
Austria	153	154	154	7	7	7	161	4,3%	149	149	149
Azerbaijan	85	85	85	19	19	18	103	17,5%	112	112	111
Belgium	27	27	27	262	262	263	290	90,7%	320	320	288
Bosnia and Herzegovina	65	64	64	0	0	5	69	7,2%	93	93	98
Bulgaria	140	156	NA	5	33	34			153	182	184
Croatia	108	67	66	123	123	70	136	51,5%	256	190	154
Cyprus	7	7	6	11	11	11	17	64,7%	18	18	18
Czech Republic	86	86	86	NAP	NAP	NAP			98	98	98
Denmark	24	24	24	1	1	1	25	4,0%	30	30	29
Estonia	4	4	4	2	2	2	6	33,3%	22	22	22
Finland	58	51	27	11	11	11	38	28,9%	132	131	82
France	1 141	1 131	774	1 364	1 251	1 157	1 931	59,9%	773	900	630
Georgia	66	61	40	NAP	NAP	NAP			69	64	43
Germany	782		777	261		256	1 033	24,8%	1 136		1 126
Greece	435	435	462	4	4	4	466		435	435	462
Hungary	131	131	131	20	20	20	151	13,2%	157	157	157
Iceland	8	8	8	2	2	2	10	20,0%	9	9	10
Ireland	4	3	3	1	1	1	4	25,0%	180	130	119
Italy	1 231	1 231	1 231	87	87	87	1 318	6,6%	1 378	1 378	1 378
Latvia	34	34	34	1	1	1	35	2,9%	41	42	48
Lithuania	59	59	59	5	5	5	64	7,8%	67	67	67
Luxembourg	5	5	5	5	5	5	10	50,0%	8	8	8
Malta	1	1	1	2	2	3	4	75,0%	2	2	2
Moldova	46	46	46	2	2	2	48	4,2%	55	55	55
Monaco	18	18	18	6	6	6	24	25,0%	1	1	1
Montenegro	17	17	17	3	3	3	20	15,0%	22	22	22
Netherlands	19	19	19	2	2	2	21	9,5%	64	64	64
Norway	68	66	65	6	2	2	67	3,0%	71	75	74
Poland	360	364	365	27	30	28	393	7,1%	326	690	705
Portugal	231	231	217	116	95	109	326	33,4%	326	336	336
Romania	188	179	235	4	10	10	245	4,1%	249	246	246
Russian Federation	9 846	10 082	9 978	82	82	92	10 070	0,9%	NA	NA	NA
San Marino		1	1			1	2	50,0%		1	1
Serbia	138	138	60	17	17	62	122	50,8%	199	199	129
Slovakia	45	54	54	4	12	9	63	14,3%	51	68	64
Slovenia	55	55	55	5	5	5	60	8,3%	66	66	66
Spain	2 016	2 109	2 243	760	1 305	1 433	3 676	39,0%	703	743	749
Sweden	76	76	60	11	11	12	72	16,7%	135	134	95
Switzerland	302	295	259	93	82	81	340	23,8%	394	462	405
The FYROMacedonia	25	25	25	3	3	3	28	10,7%	33	33	34
Turkey	4 017	4 141	4 298	1 574	1 617	1 437	5 735	25,1%	5 767	5 758	750
Ukraine	679	726	720	54	54	NAP				783	768
UK-England and Wales	660	543	627	25	0	627	627	50,0%	595	573	630
UK-Northern Ireland	22	27	27	2		NA			19		NA
UK-Scotland	22	72	99	22	NA	NAP			50	76	64
<b>TOTAL</b>	23 543 <sup>(1)</sup>	23 596 <sup>(2)</sup>	23 134 <sup>(3)</sup>	5 013 <sup>(4)</sup>	5 187 <sup>(5)</sup>	5 889 <sup>(6)</sup>	27 852 <sup>(7)</sup>		14 786 <sup>(8)</sup>	14 974 <sup>(9)</sup>	10 604 <sup>(10)</sup>
Average	501	492	502	111	124	137	663	24,1%	336	333	231
Median	65	61	59	6	7	7	66	16,7%	96	93	89
Minimum	1	1	1	0	0	0	2	0,0%	1	1	1
Maximum	9 846	10 082	9 978	1 574	1 617	1 437	10 070	90,7%	5 767	5 758	1 378

## Comments

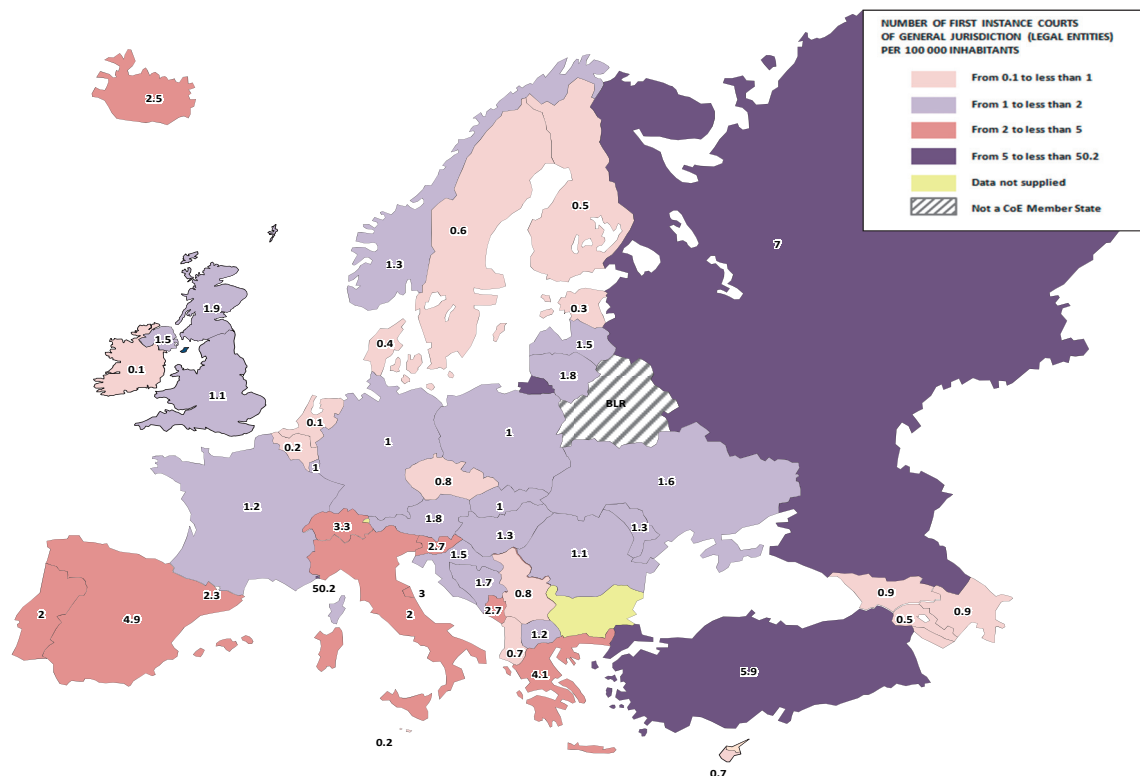
**Armenia:** there are in general 21 Courts (legal entities). For the question 42.3 the answer is 27 because the administrative court has seven court buildings on the territory of Armenia (one in the capital and other six in regions).

**Azerbaijan:** as a result of on-going judicial-legal reforms, the number of courts has decreased merging together the regional military courts.

Courts perform different tasks according to the competences that are described in the law. In the majority of cases, courts are responsible for dealing with civil and criminal law cases, and possibly administrative matters. In addition, courts may have a responsibility for the maintenance of registers (land, business and civil registers) and have special departments for enforcement cases. Therefore, a comparison of the court systems between the member states or entities needs to be addressed with care, considering the actual jurisdictions.

Nearly all member states or entities of the Council of Europe have specialised courts, except **Georgia** and **Ukraine** (since 2010). As a European average, specialised first instance courts represent 24% of all the first instance courts considered as legal entities (19% in 2008). Specialised first instance courts deal with various matters. In **Azerbaijan** there are regional specialised courts dealing with both administrative and economic cases a process of specialisation of judges on these two types of cases is currently being implemented.

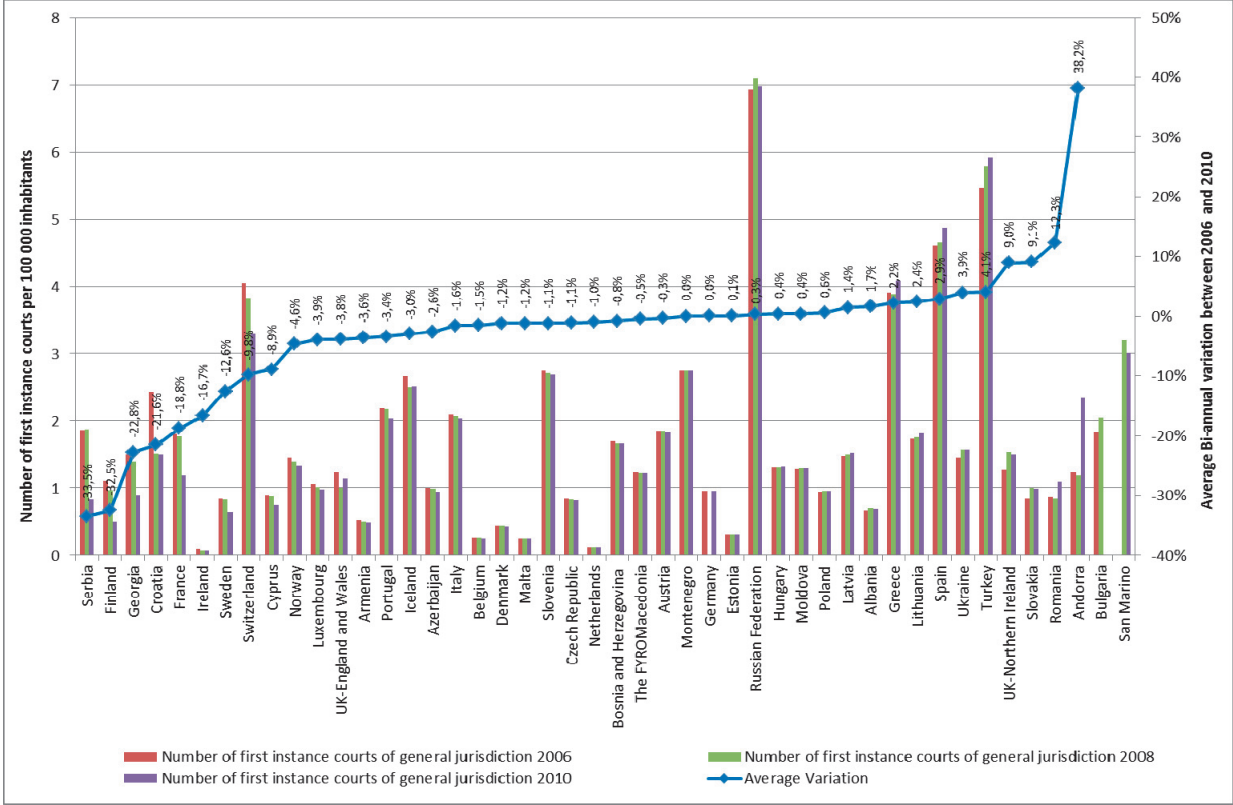
**Figure 4.2. Number of first instance courts of general jurisdiction (legal entities) per 100 000 inhabitants in 2010 (Q42)**



Most of the states or entities (19) have less than 1 first instance courts of general jurisdiction per 100.000 inhabitants (only 11 in 2008). In 15 states, the rate is between 1 and 2 first instance courts per 100.000 inhabitants (from 24 in 2008).

EPC: **Armenia**, **Azerbaijan** and **Georgia** have less than 1 court per 100.000 inhabitants. The **Republic of Moldova** and **Ukraine** have between 1 and 2 courts per 100.000 inhabitants, which is in line with the European and EPC-median.

**Figure 4.3. Number of legal entities of first instance courts of general jurisdiction in 2006, 2008 and 2010 per 100 000 inhabitants. Average bi-annual variations of the ratio of first instance courts vs 100 000 inhabitants between 2006 and 2010, in % (Q42)**

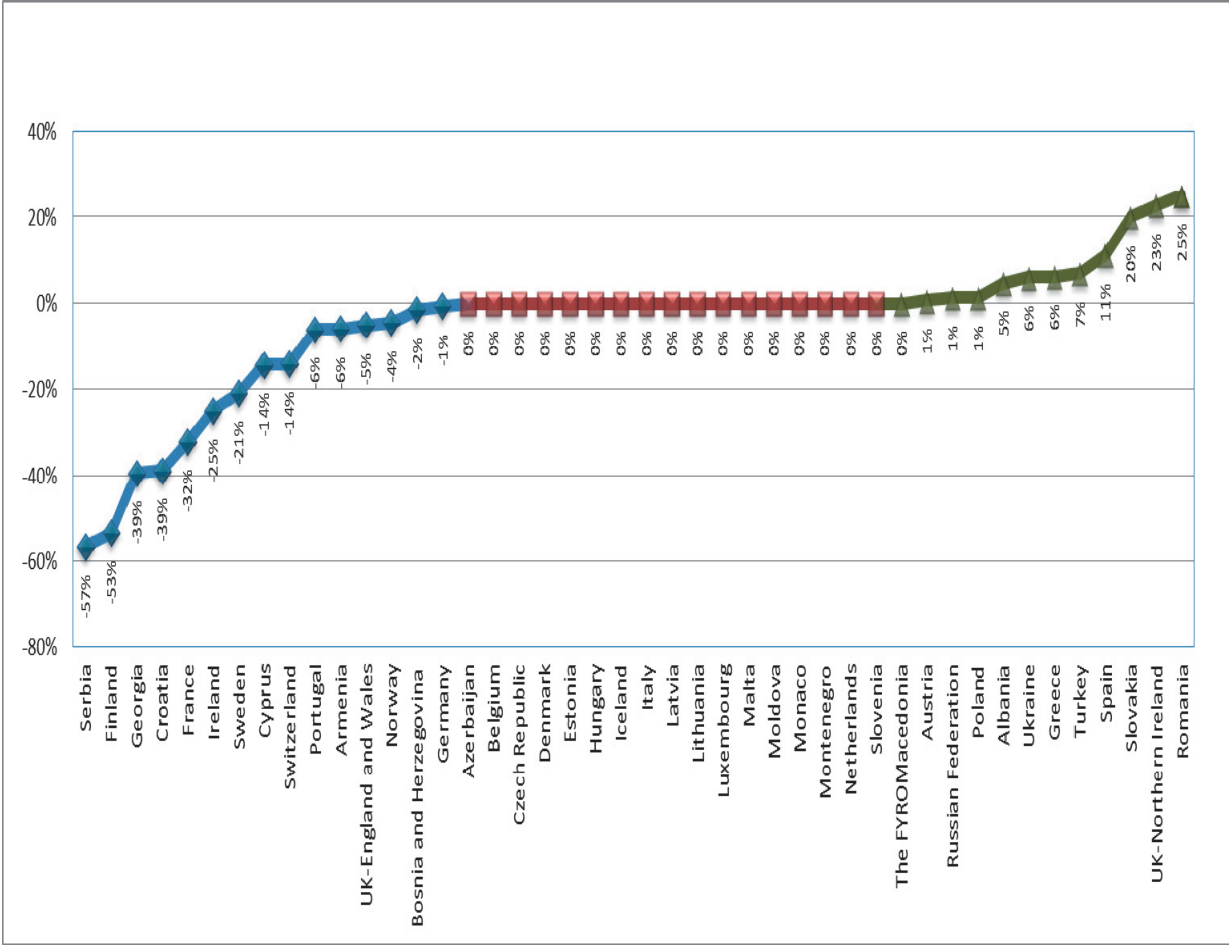


**Note:** Monaco is not included in the figure above due to a very high ratio of first instance courts compared to the size of the population. The average variation on two years of the ratio of first instance courts per 100 000 inhabitants is -4.1%.

As the average bi-annual variation in figure 4.3 shows, between 2006 and 2010, 7 states (including Georgia) have decreased significantly (more than 10%) the ratio between first instance courts and inhabitants.

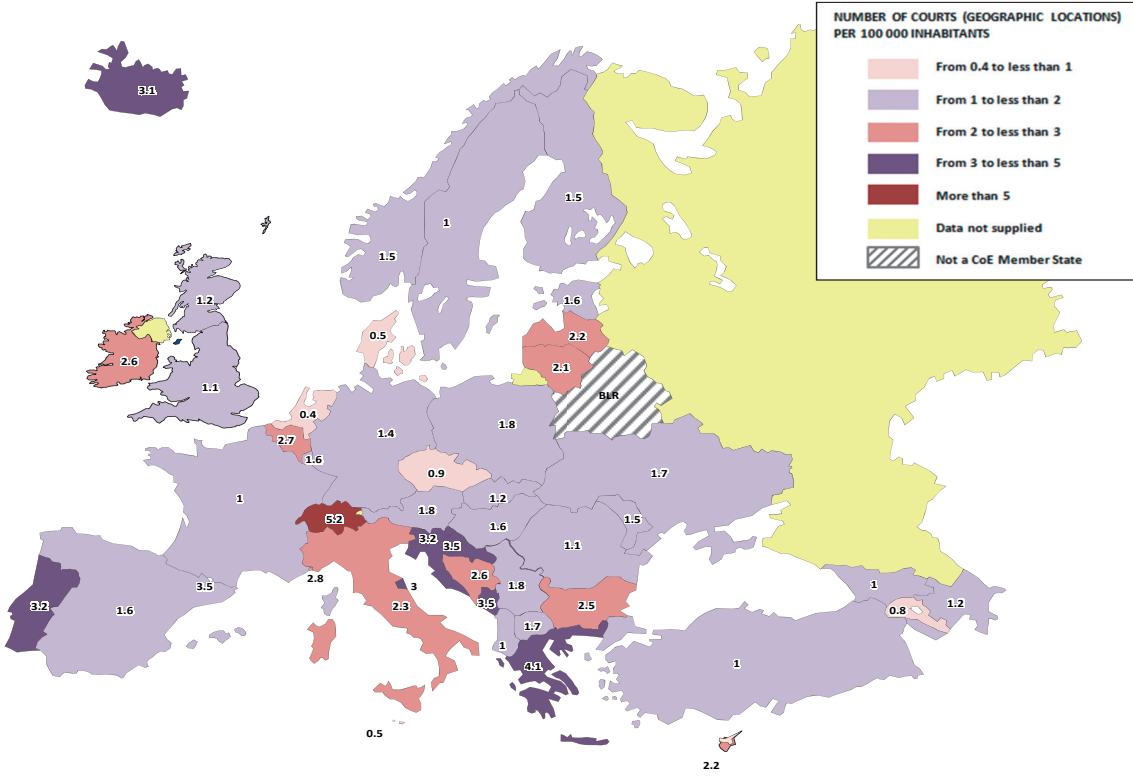


**Figure 4.4. Total variation of the absolute numbers of first instance courts of general jurisdiction between 2006 and 2010 (Q42)**



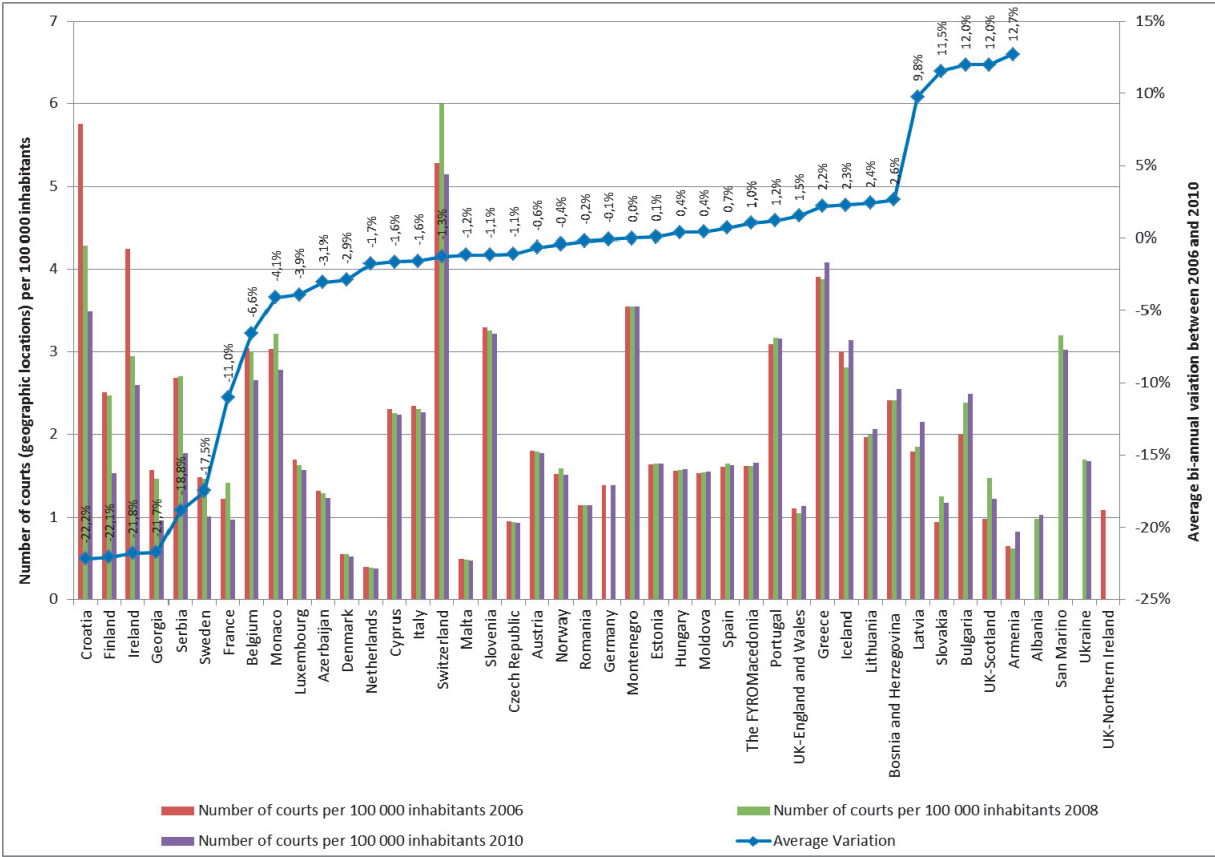
As figure 4.4 shows, between 2006 and 2010, in 15 states or entities (among which there are **Armenia** and **Georgia**) there has been a reduction in first instance courts (legal entities) in 13 there has been an increase, while in 18 (among which there are **Azerbaijan** and the **Republic of Moldova**) the number has remained the same ). It is worth highlighting that data for several states or entities should be interpreted very carefully, considering the small absolute numbers of courts.

Figure 4.5. Number of all courts (geographic locations) per 100 000 inhabitants in 2010 (Q42)



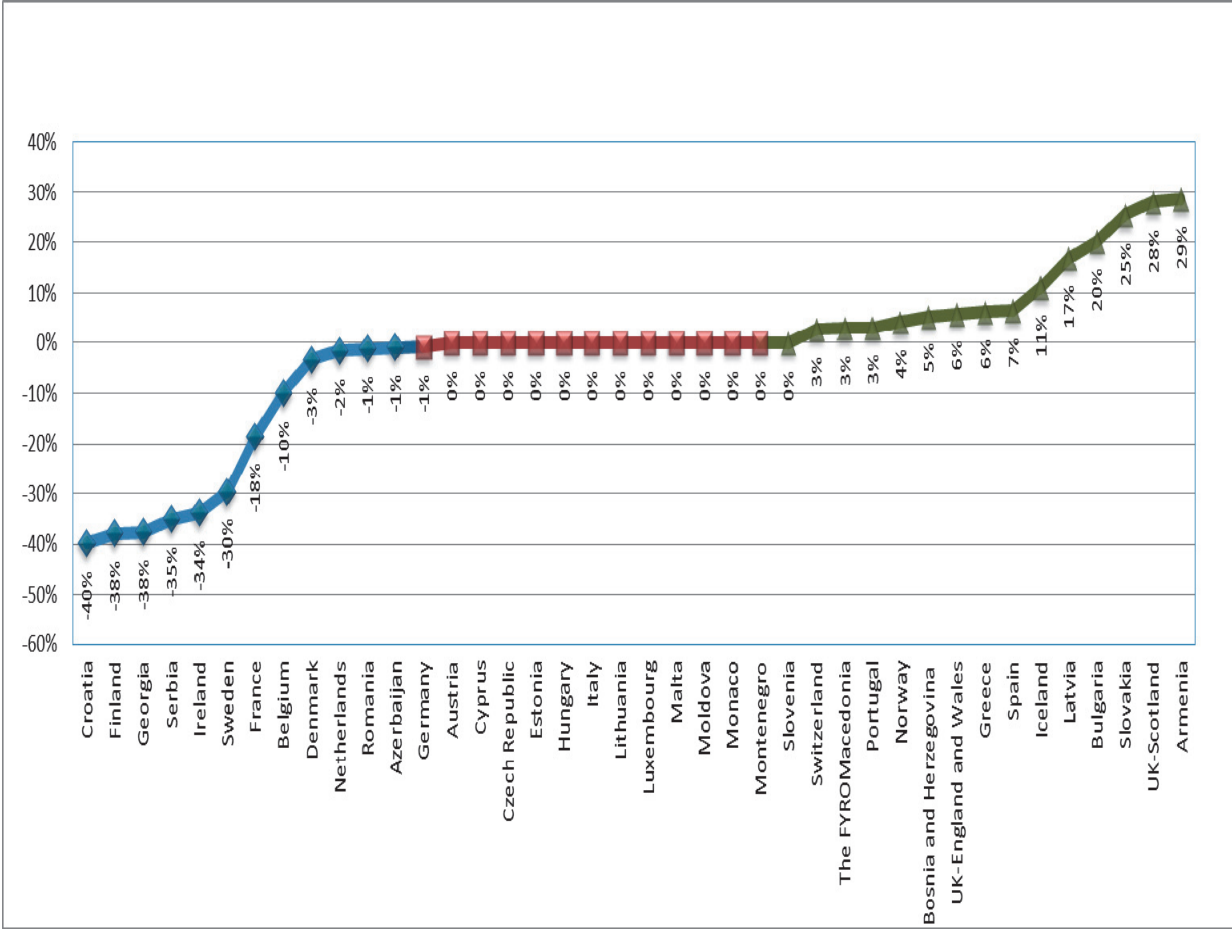
7 states (among which there are **Armenia** and **Georgia**) have less than 1 court per 100.000 inhabitants. The highest rates of 5 courts and more per 100.000 inhabitants, can be found in **Switzerland**. Most of the states or entities indicate nearly the same number of first instance courts considered as legal entities and geographic locations.

**Figure 4.6. Number of all courts (geographic locations) in 2006, 2008 and 2010 per 100 000 inhabitants. Average bi-annual variations between 2006 and 2010, in % (Q42)**



As shown by the average variation in figure 4.6, the highest decrease in the number of geographical court locations (more than 10%) between 2006 and 2010 can be observed in **Georgia**, and a significant increase can be seen in **Armenia**. Overall, the number of courts (geographic locations) decreased in 23 states or entities and increased in 17.

**Figure 4.7. Variation of the [absolute] numbers of all courts (geographic locations) between 2006 and 2010 (Q42)**



As figure 4.7 shows, only 14 out of 40 responding states or entities have not experienced any change in the total number of courts (geographic locations) between 2006 and 2010. In two other states, **Azerbaijan**<sup>12</sup> and **Germany**, the change was minimal (less than 1%). Including those two countries, in 13 states, the number has decreased (more than 10% like in **Georgia**) and in 14 states it has increased (more than 10%, like in **Armenia**).

<sup>12</sup> To be noted, that the court system re-organisation reforms have resulted in a very limited variation in the number of courts between 2006 and 2010.

#### 4.1.2 First instance courts competent for small claims, dismissals and robbery cases

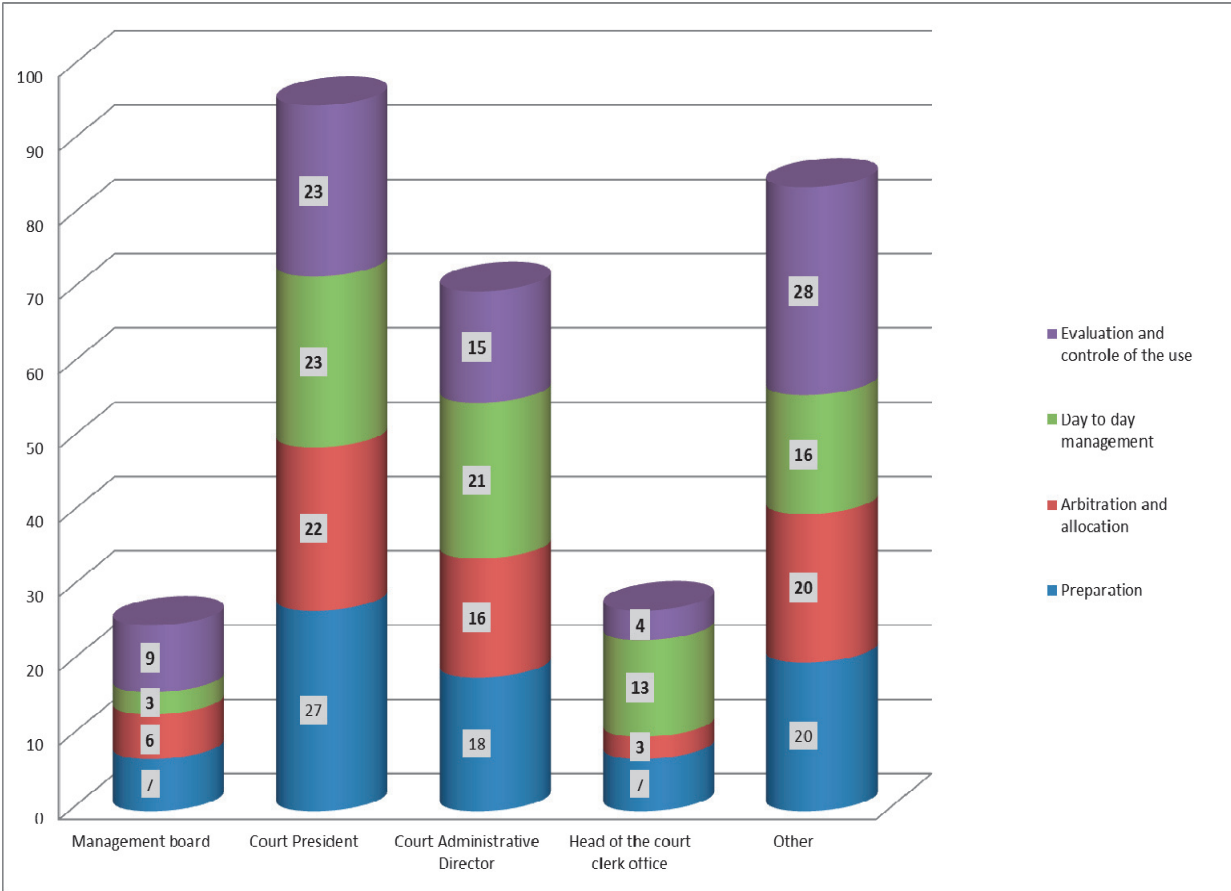
**Table 4.8. Number of 1<sup>st</sup> instance courts competent for cases concerning: debt collection for small claims, dismissal and robbery (geographic locations) in 2010 (Q45)**

States/entities	Debt collection for small claims		Dismissal		Robbery	
	Absolute number	Per 100.000 inhabitants	Absolute number	Per 100.000 inhabitants	Absolute number	Per 100.000 inhabitants
Albania	22	0,69	22	0,69	22	0,69
Andorra	1	1,18	1	1,18	1	1,18
Austria	141	1,68	16	0,19	16	0,19
Azerbaijan	85	0,94	85	0,94	5	0,06
Belgium	187	1,73	21	0,19	27	0,25
Bosnia and Herzegovina	53	1,38	48	1,25	48	1,25
Croatia	73	1,65	66	1,50	82	1,86
Cyprus	6	0,75	1	0,12	10	1,24
Estonia	4	0,30	4	0,30	4	0,30
Finland	NAP	NAP	27	0,50	27	0,50
France	307	0,47	216	0,33	165	0,25
Germany	661	0,81	119	0,15	661	0,81
Hungary	111	1,11	20	0,20	131	1,31
Iceland	8	2,51	8	2,51	8	2,51
Ireland	117	2,55	NAP	NAP	115	2,51
Italy	846	1,40	385	0,64	385	0,64
Latvia	34	1,52	39	1,75	39	1,75
Lithuania	54	1,66	59	1,82	54	1,66
Luxembourg	3	0,59	3	0,59	2	0,39
Malta	2	0,48	2	0,48	2	0,48
Moldova	47	1,32	46	1,29	47	1,32
Monaco	1	2,79	1	2,79	2	5,57
Montenegro	17	2,74	15	2,42	17	2,74
Netherlands	54	0,32	54	0,32	19	0,11
Norway	66	1,34	66	1,34	66	1,34
Poland	320	0,84	213	0,56	365	0,96
Portugal	1	0,01	56	0,53	229	2,15
Romania	179	0,84	41	0,19	179	0,84
Russian Federation	7 525	5,27	2 438	1,71	2438	1,71
San Marino	1	3,02	1	3,02	1	3,02
Serbia	50	0,69	34	0,47	34	0,47
Slovakia	54	0,99	54	0,99	54	0,99
Slovenia	44	2,15	4	0,20	11	0,54
Spain	1 450	3,15	342	0,74	1561	3,39
Sweden	48	0,51	48	0,51	48	0,51
The FYROMacedonia	26	1,26	26	1,26	26	1,26
Turkey	854	1,18	939	1,29	259	0,36
UK-England and Wales	219	0,40	NA	NA	77	0,14
UK-Northern Ireland	7	0,39	NA	NA	20	1,11
UK-Scotland	NAP	NAP	NAP	NAP	49	0,94
<b>Average</b>		<b>1,38</b>		<b>0,97</b>		<b>1,23</b>
<b>Median</b>		<b>1,18</b>		<b>0,66</b>		<b>0,97</b>
<b>Minimum</b>		<b>0,01</b>		<b>0,12</b>		<b>0,06</b>
<b>Maximum</b>		<b>5,27</b>		<b>3,02</b>		<b>5,57</b>

**Note:** Armenia, Bulgaria, Czech Republic, Denmark, Georgia, Greece and Ukraine replied NAP to all categories of Q45, while Switzerland data not available to all categories.

**4.2 Budgetary powers within courts**

**Figure 4.9. Instances responsible for individual court budget in 2010, number of states or entities which answered positively (Q61)**

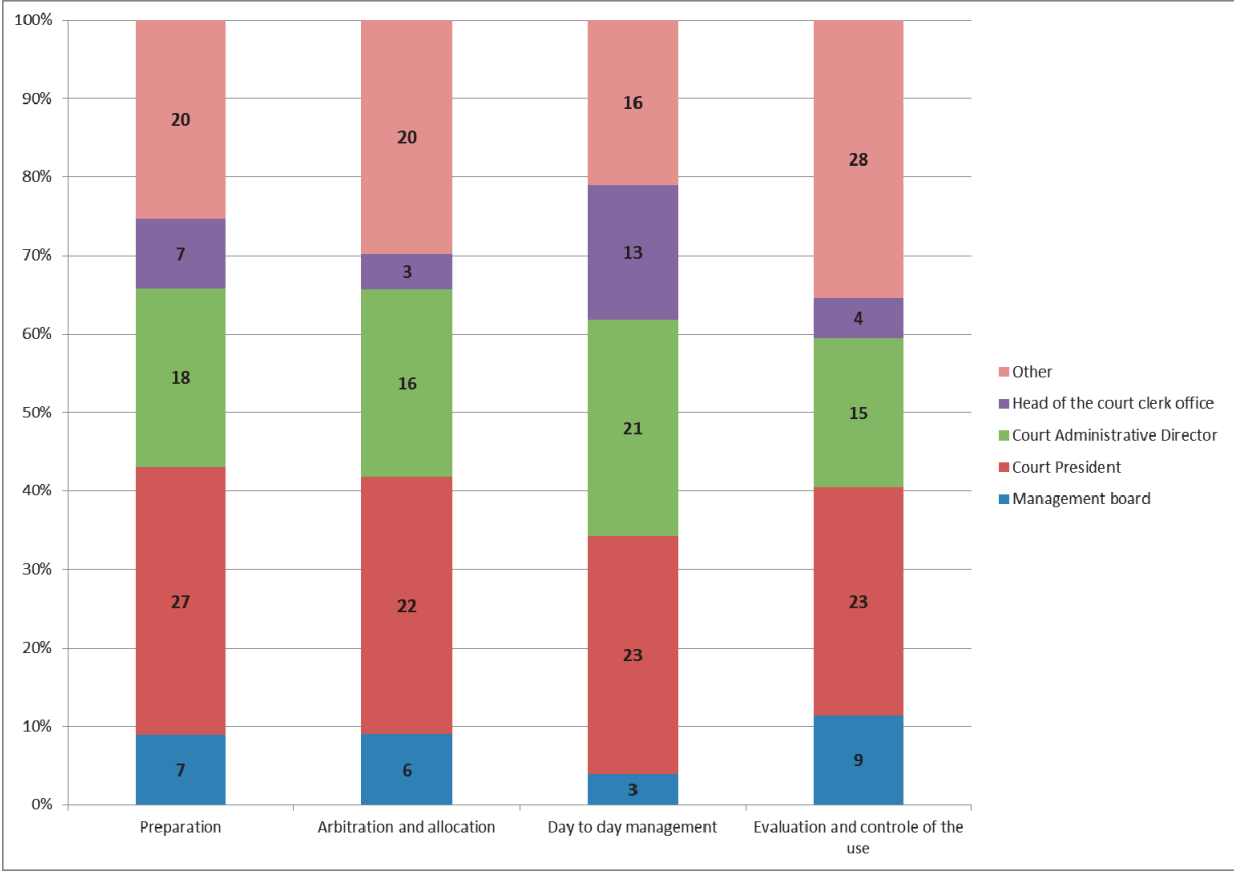


The figure 4.9 takes into account 48 states or entities.

The organisation of the competence and responsibility for the budgets differ from one state or entity to another. When examining the role of each instance, it can be noted that the court president is the most involved authority in all the stages of the budget’s management. In one third of the states or entities, the court president is responsible for the preparation, allocation, day-to-day management and also evaluation and control of the budget. In more than half of the states, she/he is involved in the preparation of the budget and in a little bit less than half of the cases in the day-to-day budget management, the evaluation and control of the budget, the budget allocation. In one third of the states the court president is not responsible for any of such activities.

Among the “other” authorities which can be involved, can be noted the Ministry of Justice or one of its agencies (**Azerbaijan** for the budget for the 1<sup>st</sup> instance courts, the Ministry of Finances (**Azerbaijan, Ukraine**) or, the national court administration (**Azerbaijan, Georgia and Ukraine**).

**Figure 4.10. Stages of management of individual court budgets in 2010, number of states or entities which answered positively (Q61)**



At all the stages of the management of court budgets, the instances are involved in the same proportions, except for the greater role of head of the court clerk offices and court administrative directors in day-to-day management and of 'other' actors in the evaluation and control of budget use. At all the stages, namely for the preparation, the court president is the most involved instance.

### 4.3 Information and communication technology (ICT) in the courts (e-justice and e-courts)<sup>13</sup>

The use of information and communication technologies (ICT), ranging from end user applications such as smart phones, personal computers, tablet PCs, to information infrastructures, such as the internet and the services it supports are more and more taken for granted within our society. Introduced as a tool to improve performance, ICT is proving to be more than a technical element, also changing the relations between individuals and between individuals and organizations, both in the private and the public sector.

It is no surprise, therefore, that the CEPEJ evaluation exercises have shown since 2004 with factual data, that ICT are playing a growing role within the justice administration and the justice service provision. Examples range from the support of case and file management, to the use by judges of templates to support the formulation of judicial decisions, on-line access to law and jurisprudence databases, availability of web services, use of electronic filing, and exchange of electronic legal documents. ICT can be used to enhance efficiency, but also "to facilitate the user's access to the courts and to reinforce the safeguards laid down in Article 6 ECHR: access to justice, impartiality, independence of the judge, fairness and reasonable duration of proceedings".<sup>14</sup>

However, as many empirical examples show, this endeavour is more complex than expected. This is because the nature of ICT and their action is not just technical, but also organisational and (especially in judiciaries) normative. In order to perform, a technology must not just be technically functional, but also normatively performative and institutionally sound<sup>15</sup> (i.e. it "should not compromise the human and symbolic faces of justice"<sup>16</sup>). The data collection and analysis conducted by CEPEJ on the one hand allows taking stock of the efforts and changes that are taking place across Europe, and on the other support the sharing of positive and less positive experiences in order to allow judiciaries to learn from one another.

For the analysis on the installation of computer facilities within the European courts, three areas have been distinguished:

- *Computer facilities used for the direct assistance of judges and court clerks:* one of the "basic" applications concerns word processing / office facilities where a judge or staff member can draft his/her decisions or the preparation of a court case in an "electronic file". In the field of legal research, various tools and applications, from CD-ROMs to intranet and internet software, make it possible for a judge to gain access to statute law, appellate decisions, rules, court working methods, etc. Office applications, together with tools for jurisprudence, can be combined with facilities in the field of "standard-decisions" models or templates that can be used by judges to reduce their workload when drafting a judgment. Other computer facilities used for the direct assistance of judges and court clerk are electronic databases of jurisprudence, E-mail facilities and Internet connections.
- *Systems for the registration and management of cases:* traditional court docket books and other registers are replaced by computerised databases with court records. These systems are not limited to registration of case information, but they introduce functionalities in the area of the management of cases. Fields of applications are: the generation of information concerning the performance of courts, financial management of courts and (non-)judicial case management support systems (for case tracking, case planning and document management).
- *Electronic communication and information exchange between the courts and their environment:* regarding court users one of the most common tools is a court *website* providing different information on the court activities (e.g. the follow up of cases online) and organisation. Typically, it will offer downloadable forms or enable a claim – to be submitted electronically. There exist also electronic registers such as business registers and land registers. SMS-messaging can keep parties informed of the position of their case in the court list. Regarding technology in the courtroom, this includes a range of hardware and software

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<sup>13</sup> Detailed information is described in: Velicogna M. (2007), *Use of Information and Communication technology in European Judicial systems*, CEPEJ Study N° 7 (Strasbourg).

<sup>14</sup> Consultative Council of European Judges (CCJE-GT) Opinion No (2011)14 "Justice and information technologies (IT)" Adopted by the CCJE at its 12th plenary meeting (Strasbourg, 7-9 November 2011).

<sup>15</sup> On the subject see: Contini, F. and Lanzara, G.F. (eds) *ICT and Innovation in the Public Sector - European Studies in the Making of E-Government*, New York, Palgrave Macmillan, 2009.

<sup>16</sup> Consultative Council of European Judges (CCJE-GT) Opinion No (2011)14 "Justice and information technologies (IT)" Adopted by the CCJE at its 12th plenary meeting (Strasbourg, 7-9 November 2011).



made available to facilitate parties in presenting their case to the court, including for instance video conferencing, electronic evidence presentation software, overhead projectors, scanning and bar-coding devices, digital audio technology and real-time transcription.

Table 4.11 is based on a point system and presents the use of different computer facilities for the three areas mentioned.

### Reading keys

#### for the table 4.11

100% (4 points)
>50% (3 points)
<50% (2 points)
<10% (1 point)
= 0% (0 point)

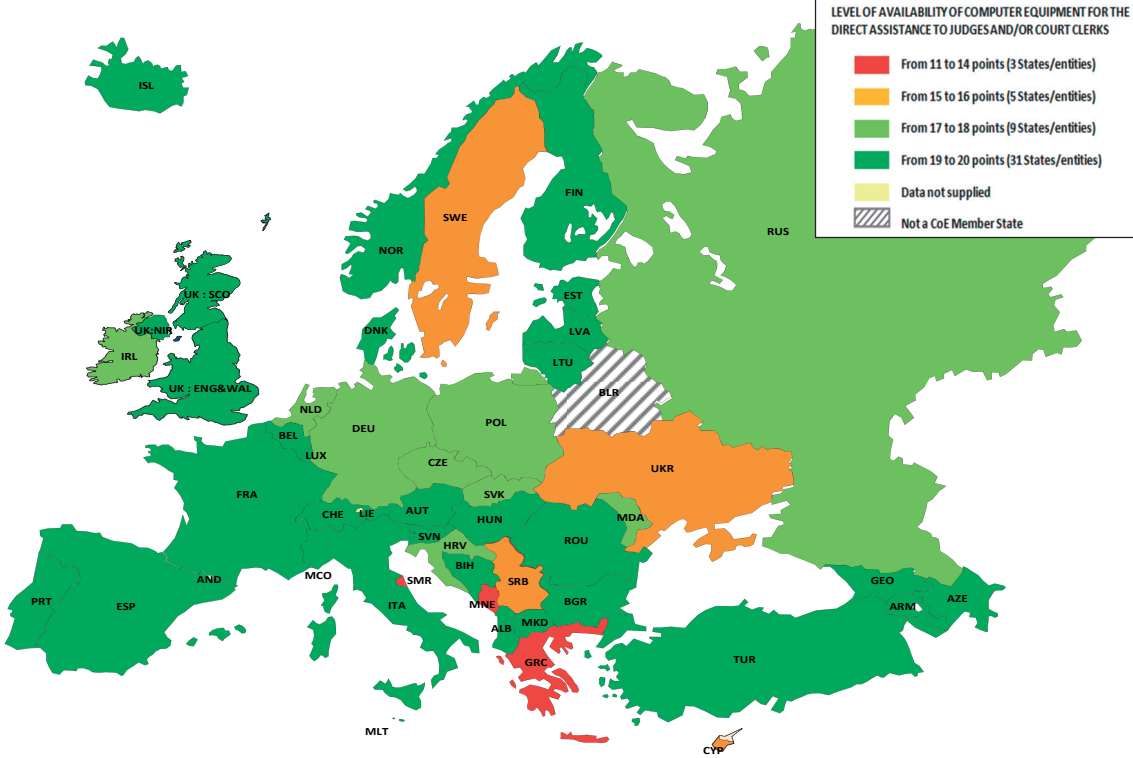
The total number of points is provided only for information. It was calculated when the data were available for the totality of the categories, but also when only one category was missing per country.

The questionnaire allows only a very general categorisation (100%, >50%, <50%, >10%), therefore only a general overview can be applied. From a methodological point of view, no rigorous interpretation should be based on the analysis of national features.



There are 4 states or entities which have a 100% implantation of computer facilities in all the sectors listed in the questionnaire: **Austria, Estonia, Malta and Portugal**. 3 states (**Greece, San Marino, and Andorra**) reported a relatively low level of computerisation compared to other states or entities. Generally speaking, the use of ICT in courts is constantly increasing in Europe. In some cases changes may not be measured anymore on a quantitative level, for example when hardware and software are being renewed. Many states or entities reported recent, on-going or planned reforms and ICT innovation projects.

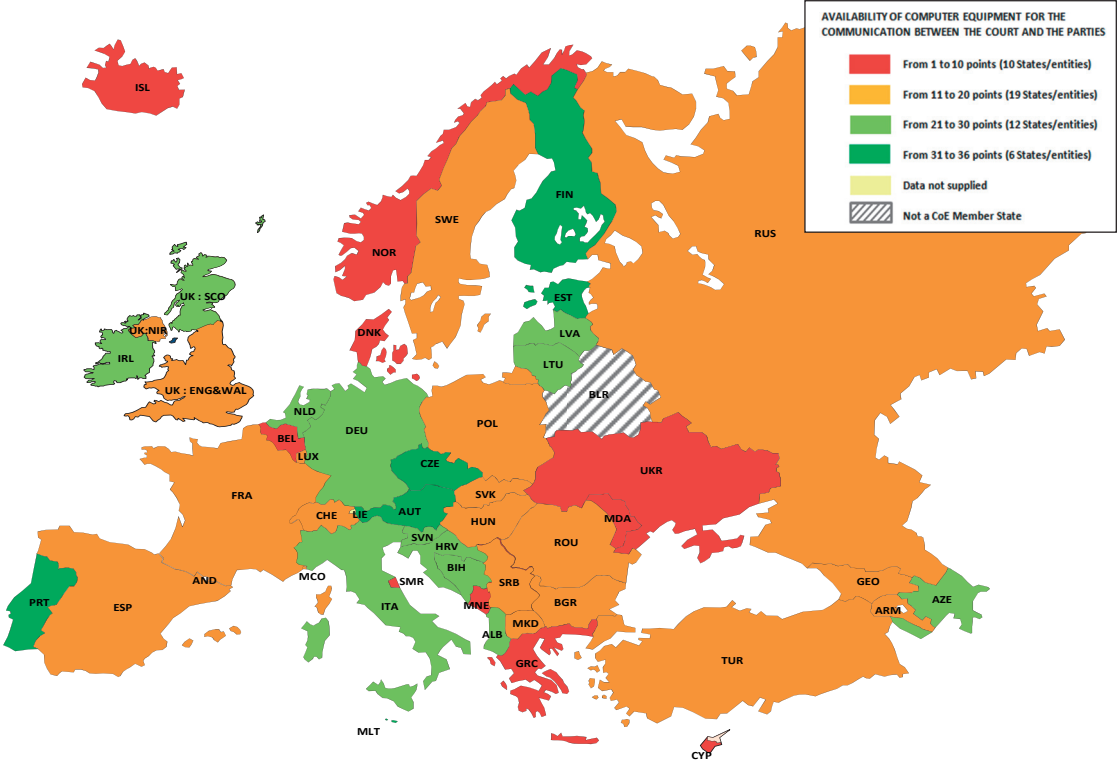
**Figure 4.12. Level of availability of computer equipment for the direct assistance of judges and/or court clerks (Q62)**



The level of IT equipment for the direct assistance of judges and non-judge staff is relatively high. The majority of states or entities (31) scores high (19 to 20 points) on having computer. 9 states scored 17 to 18 points. 5 states scored 15 to 16 points, though data should be read with care as in for **Andorra, Cyprus** and **Sweden** due to a missing answer and on maximum values for all other replies. Finally, **Montenegro** scored 14, **San Marino** 12 and **Greece** scored 10.

A great part of the states or entities (apart from those who have 100% of equipment = 20 points) stated that the main problem is the lack (or insufficiency) of electronic files at the disposal of judges and court clerks, scoring an average (considering only countries who responded) of 2,9 points against an average of 3,8 for electronic database of jurisprudence and 3,9 for the other three categories.

**Figure 4.13. Availability of computer equipment for the communication between the court and the parties (Q64)**



Given the greater complexity of the task from a technological, organisational and normative perspective, normally it can be noted that scores concerning computer equipment for facilitating the communication between the parties and the courts are lower than those of computer facilities used for the direct assistance of judges and court clerks and of systems for the registration and management of cases. Nevertheless, the trend is encouraging.

**Table 4.14. Level of computerisation of courts for the three areas of application (Q62, Q63, Q64)**

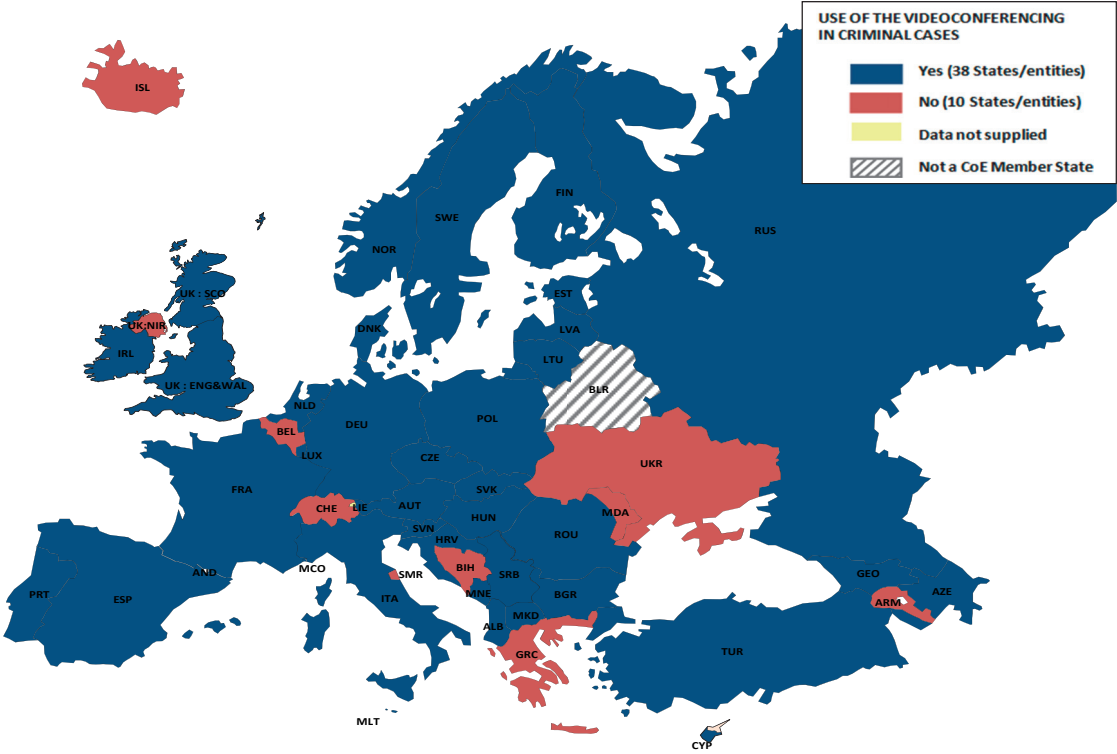
<p>&lt; 35 points (6 States/entities)</p>	<p>35 to &lt; 50 points (17 States/entities)</p>	<p>50 to &lt; 60 points (16 States/entities)</p>	<p>60 points and over (9 States/entities)</p>
<p>Andorra Cyprus Greece Moldova San Marino Ukraine</p>	<p>Armenia Belgium Bulgaria Denmark Georgia Iceland Monaco Montenegro Norway Poland Russian Federation Serbia Slovakia Sweden Switzerland The FYROMacedonia UK-Northern Ireland</p>	<p>Albania Azerbaijan Bosnia and Herzegovina Croatia France Germany Hungary Ireland Italy Latvia Luxembourg Netherlands Romania Spain Turkey UK-England and Wales</p>	<p>Austria Czech Republic Estonia Finland Lithuania Malta Portugal Slovenia UK-Scotland</p>

EPC: Regarding the use of ICT concerning supporting the work of judges, the management of the court and the communication with parties it appears that - on a scale of 72 points - **Ukraine** and the **Republic of Moldova** score less than 30 points. **Armenia** and **Georgia** belong to the biggest group of countries with 35-50 points. **Azerbaijan** is doing well in this respect and scores between 50-60 points.

#### **Use of videoconferencing**

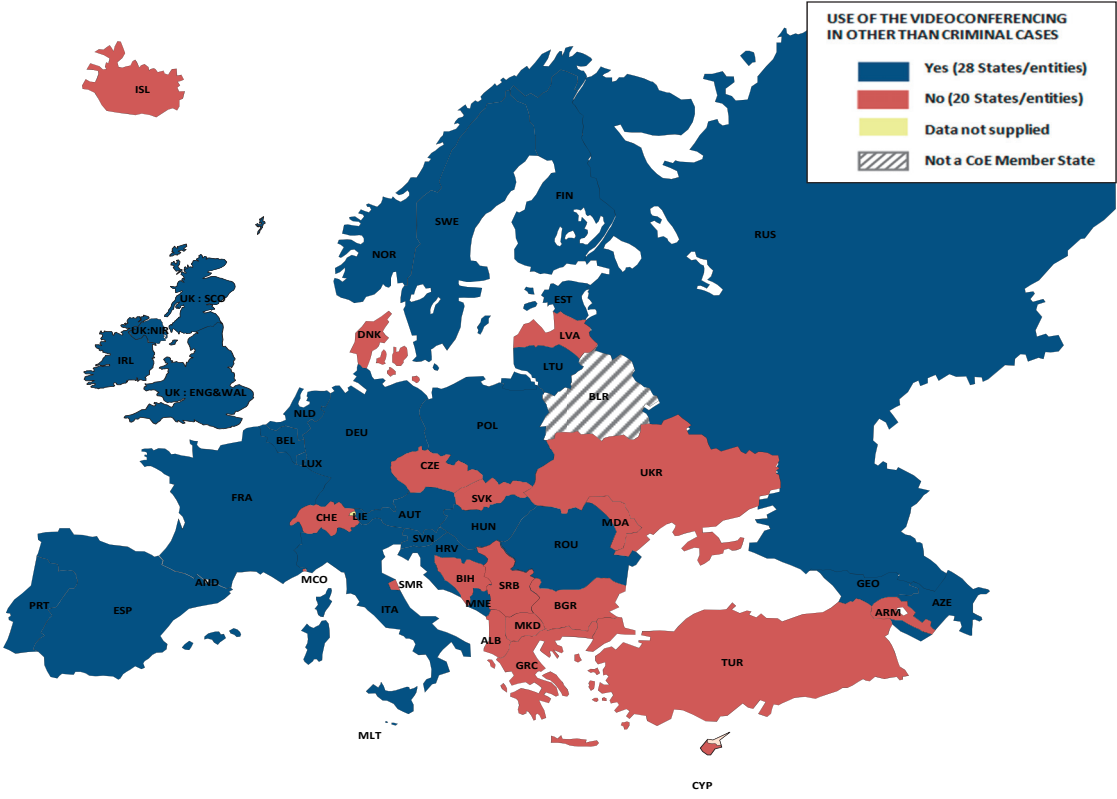
The use of videoconferencing is increasing in European judiciaries, to speed up procedures and reduce costs in non-criminal cases, to interview parties, experts and witnesses, but also when particular conditions of security or privacy arise in criminal cases, in order to allow victims and witnesses (especially victims of violent crimes, children and witnesses who are otherwise vulnerable), accused/convicted persons who are in custody, to safely attend hearings or being interviewed from safe locations.

Figure 4.15. Use of the videoconferencing in criminal cases (Q65)



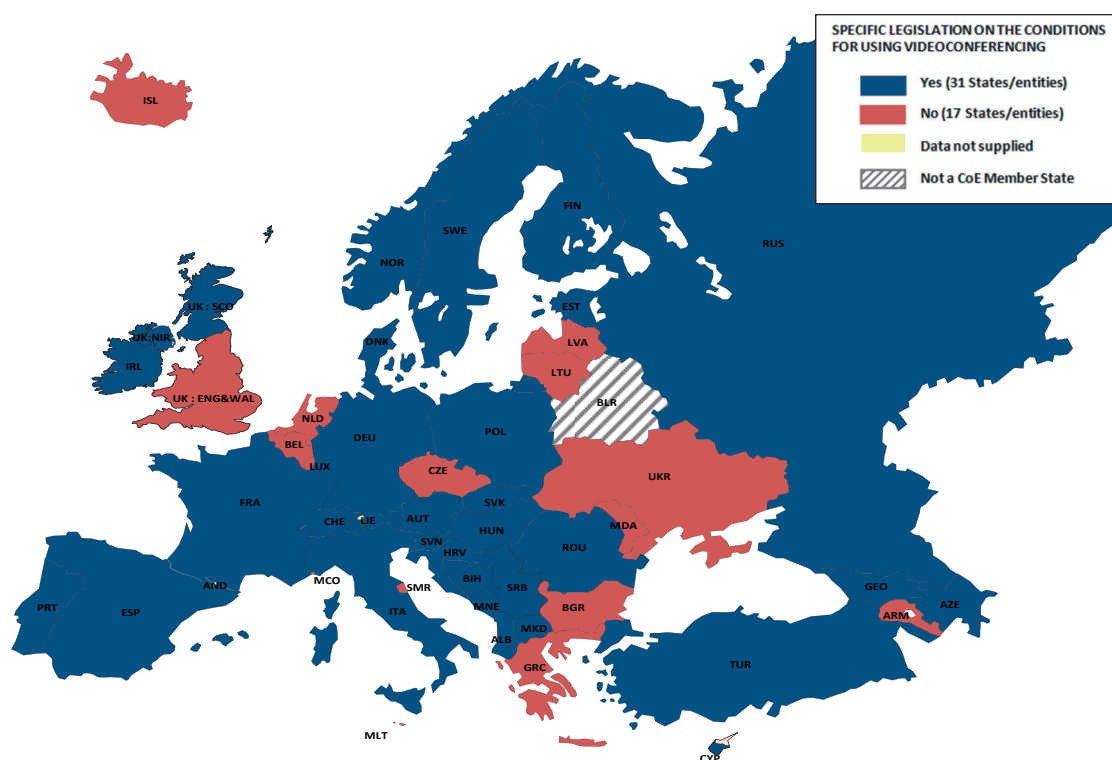
In almost 80% of the state of legal entities videoconferencing is used in criminal cases. Child victims and witnesses of violent crime are increasingly questioned in specially-equipped questioning rooms (**Azerbaijan**). In other cases, questioning of undercover investigators can be carried out in a secret location in criminal proceedings by disguising the voice and face (**Azerbaijan**).

**Table 4.16. Use of the videoconferencing in other than criminal cases (Q65)**



Video-conferencing is less widely used in other than criminal cases, with less than 60% of the states or entities actively using it. Interesting experiences are being made in the field of cross border judicial proceedings (**Austria, Azerbaijan, Czech Republic and Germany**) or when a witness lives outside the country (**Azerbaijan and Portugal**).

**Table 4.17. Specific legislation on the conditions for using videoconferencing (Q65)**



While nowadays video-conferencing is becoming more and more available to the general public through the use of PCs, webcams and more or less freely downloadable software applications, the use of video-conferencing in a context such as that of the courts require the introduction of norms to define the range of applications of the new tools and govern their use. Specific legislation is needed in order to allow the use of video-conference technologies during judicial proceedings.

EPC: **Ukraine, the Republic of Moldova and Armenia** don't use or have specific legislation concerning video-conferencing. **Georgia and Azerbaijan** do use and have regulated video-conferencing.

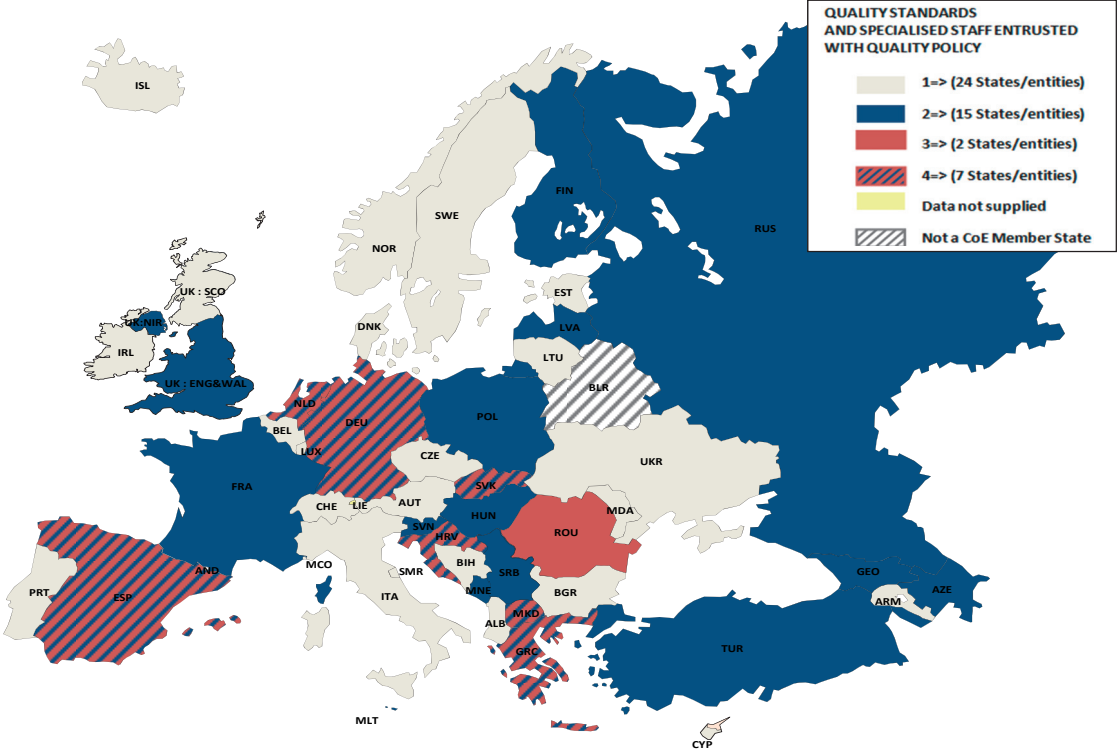
#### 4.4 Quality and performance of the courts – Evaluation

##### 4.4.1 Quality standards and performance targets

To underline the growing importance of the development of a quality policy for the courts and the judiciary, the CEPEJ has created a special working group and has adopted a checklist for the promotion of quality of justice and courts: a practical tool that can be used by the courts to introduce specific quality measures. Another important area is the use of court user (satisfaction) surveys. A specific handbook for setting up and implementing such surveys aimed at court users was drafted and published by the CEPEJ. Furthermore, a specific study on quality systems with courts in Europe has been published by the CEPEJ (see: [www.coe.int/cepej](http://www.coe.int/cepej)).



**Figure 4.18. States or entities which have defined quality standards and specialised staff entrusted with quality policy and/or quality systems (Q78, Q79)**



Reading keys for map 4.18:

- (1) **No quality standards defined and no specialised staff entrusted with quality policy (24 states or entities)**
- (2) **Specific quality standards defined, but no specialised court staff for dealing with these standards (15 states or entities)**
- (3) **Specialised court staff but no general quality policy (2 states or entities)**
- (4) **Quality standards defined and specialised court staff (7 states or entities).**

Most of the responding states or entities (24) have not defined quality standards and do not have any qualified staff entrusted with this task. However, 22 states or entities reported having quality standards for the courts (18 in 2008) and 9 have specialised staff. **Armenia** and **Ukraine** have indicated that they have not regular systems to evaluate the performance of the courts (Q69). The **Republic of Moldova, Georgia** and **Azerbaijan** do have such systems.

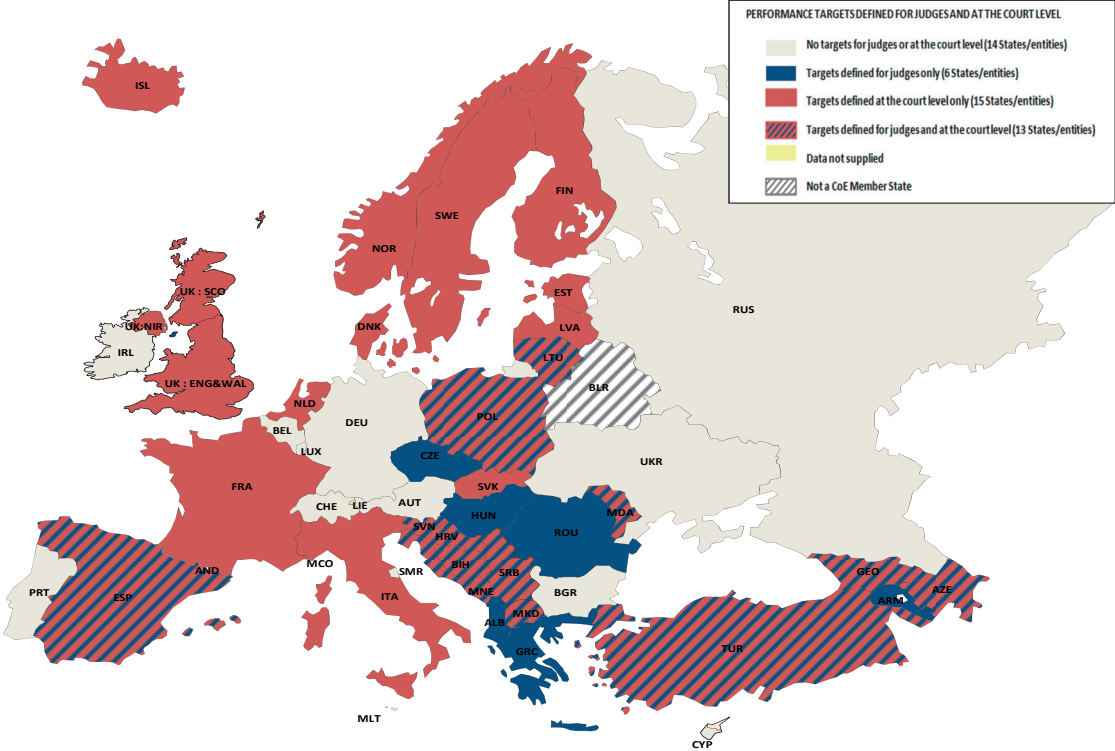
**Table 4.19. Performance and quality indicators for a proper functioning of courts (Q71)**

States/entities	Incoming cases	Length of proceedings (timeframes)	Closed cases	Pending cases and backlogs	Productivity of judges and court staff	Percentage of cases that are processed by a single sitting judge	Enforcement of penal decisions	Satisfaction of court staff	Satisfaction of users	Judicial quality and organisational quality of the courts	Costs of the judicial procedures	Other	Performance and quality indicators per state/entity
Albania													5
Andorra													4
Armenia													4
Austria													4
Azerbaijan													4
Bosnia and Herzegovina													4
Bulgaria													8
Croatia													5
Cyprus													4
Czech Republic													4
Denmark													4
Estonia													7
Finland													4
France													4
Georgia													5
Germany													4
Greece													4
Hungary													4
Iceland													4
Ireland													5
Italy													4
Latvia													6
Lithuania													4
Moldova													4
Monaco													4
Montenegro													4
Netherlands													4
Norway													4
Poland													4
Portugal													4
Romania													4
Russian Federation													5
Serbia													4
Slovakia													4
Slovenia													4
Spain													5
Sweden													4
Switzerland													4
The FYROMacedonia													4
Turkey													4
UK-England and Wales													4
UK-Northern Ireland													4
UK-Scotland													4
<b>TOTAL</b>	<b>28</b>	<b>37</b>	<b>36</b>	<b>36</b>	<b>20</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>7</b>	<b>7</b>	<b>2</b>	<b>2</b>	European Average : 4 performance and quality indicators

There are five main indicators highlighted by the responding states or entities:

1. indicator of the length of proceedings (37 states or entities),
2. indicator of the number of closed cases (36 states or entities),
3. indicator of pending cases and backlogs (36 states or entities),
4. indicator of the number of incoming cases (28 states or entities), and
5. indicator of the productivity of judges and court staff (20 states or entities – only 11 in 2008).

**Figure 4.20. Performance targets defined for an individual judge and at the court level (Q72, Q74)**



13 states or entities reported having defined performance targets for individual judges and at the court level while in another 15 they are defined at court level only. 6 states or entities have defined performance targets for individual judges while 14 still do not have any targets.

**4.4.2 Evaluation and monitoring**

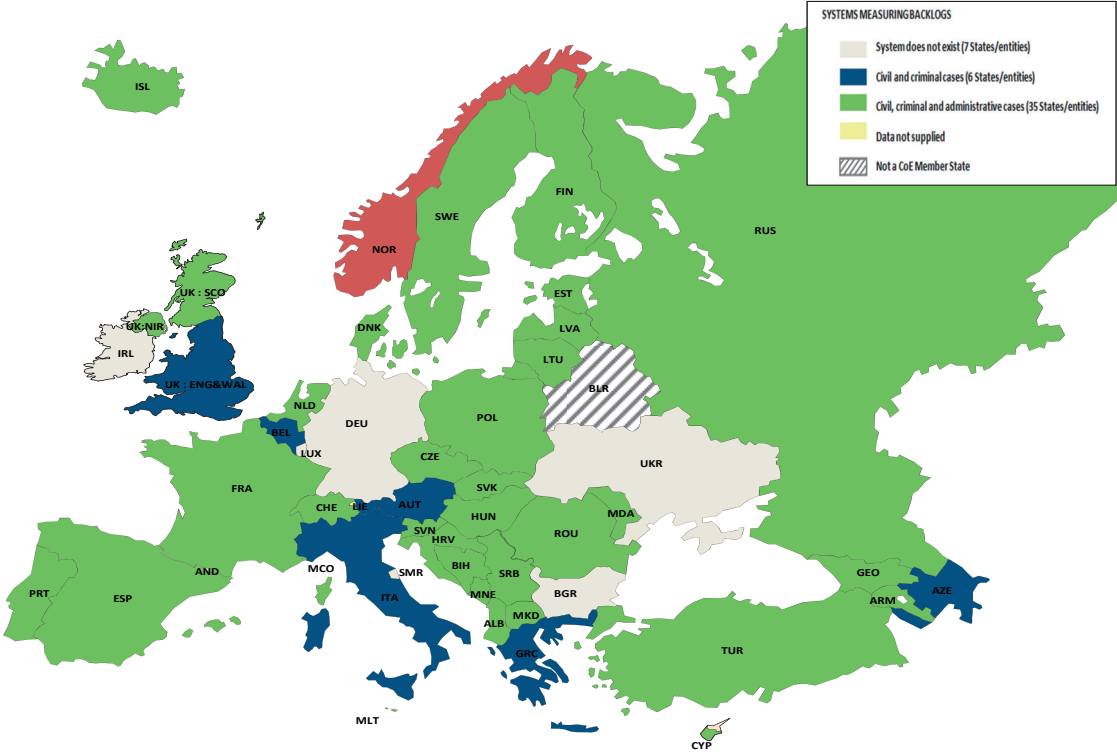
As part of the management of courts, a periodic evaluation and monitoring of the quality of justice and of the court performance is recommended. Also, for the external orientation of the judiciary, annual (public) reports should be produced and provided to the public.

**Table 4.21. Modalities of monitoring systems (Q67, Q68)**

States/entities	Annual activity report	Monitoring of the number of incoming cases	Monitoring of the number of decisions	Monitoring number of postponed cases	Monitoring length of proceedings (timeframes)	Monitoring of the other elements	Modalities of monitoring systems per state/entity
Albania							6
Andorra							3
Armenia							5
Austria							6
Azerbaijan							5
Belgium							5
Bosnia and Herzegovina							5
Bulgaria							5
Croatia							5
Cyprus							4
Czech Republic							4
Denmark							6
Estonia							6
Finland							5
France							6
Georgia							5
Germany							5
Greece							4
Hungary							6
Iceland							5
Ireland							3
Italy							5
Latvia							6
Lithuania							6
Luxembourg							3
Malta							4
Moldova							5
Monaco							5
Montenegro							6
Netherlands							5
Norway							5
Poland							6
Portugal							5
Romania							6
Russian Federation							6
San Marino							5
Serbia							4
Slovakia							6
Slovenia							5
Spain							6
Sweden							4
Switzerland							5
The FYROMacedonia							5
Turkey							6
Ukraine							1
UK-England and Wales							5
UK-Northern Ireland							6
UK-Scotland							5
<b>TOTAL</b>	<b>44</b>	<b>47</b>	<b>47</b>	<b>39</b>	<b>43</b>	<b>20</b>	<b>European average : 5 modalities of monitoring systems</b>

**EPC: Armenia, Azerbaijan, Georgia and the Republic of Moldova** monitor in general every relevant aspect of the court: annual activity report, incoming cases, number of decisions, number of postponed cases and length of proceedings. Asked for the implementation of more specific instruments (measuring backlogs, analysing waiting time during court procedures, defining performance indicators) it appears that **Georgia** and **Azerbaijan** are in most aspect more active than **Armenia**, the **Republic of Moldova** and **Ukraine**.

Figure 4.22. Systems measuring backlogs (Q80)



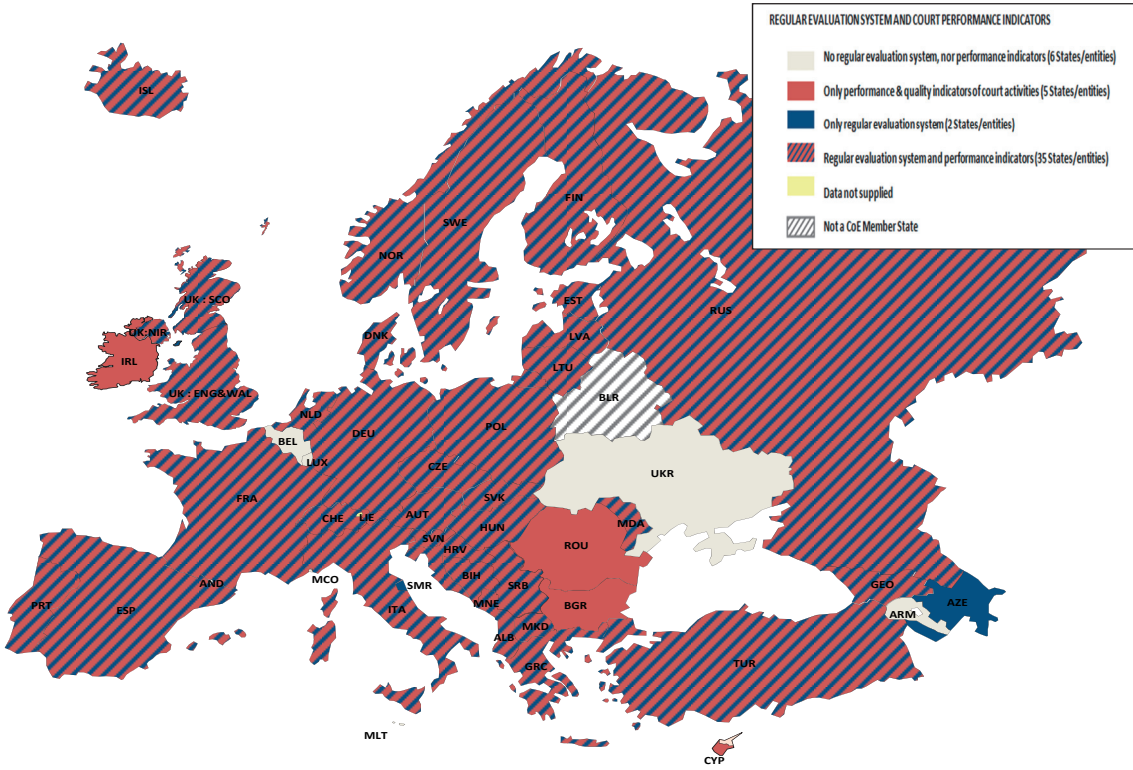
In addition to the previously described modalities of monitoring the justice system performance, a large majority of states or entities use also specific systems in order to measure the backlogs. 35 states or entities have a system to measure the backlogs in civil, criminal and administrative matters. In 6 states or entities, (among which there is **Azerbaijan**), the backlogs are measured in civil and criminal cases. 7 states (among which there is **Ukraine**), do not have any measurement system. However, considering the few answers still given to the specific question on average length of proceedings (Q102 see Chapter 5), such systems deserve to be further developed. To this end, the CEPEJ SATURN Centre could play an important role in the sharing of information on positive experiences and also on possible problems that can be avoided or better managed when properly anticipated.

**Table 4.23. States or entities that use a way of analysing the waiting time during court procedures (Q81)**

Yes (25 States/entities)	No (23 States/entities)
Albania	Andorra
Armenia	Austria
Azerbaijan	Belgium
Bosnia and Herzegovina	Bulgaria
Croatia	Cyprus
Estonia	Czech Republic
Finland	Denmark
France	Germany
Georgia	Greece
Hungary	Iceland
Ireland	Italy
Latvia	Luxembourg
Lithuania	Moldova
Malta	Norway
Monaco	Portugal
Montenegro	Romania
Netherlands	San Marino
Poland	Serbia
Russian Federation	Slovakia
Slovenia	Sweden
Spain	Switzerland
The FYROMacedonia	Ukraine
Turkey	UK-Northern Ireland
UK-England and Wales	
UK-Scotland	

More than 50% of countries mentioned explicitly the use of management information systems for analysing the length of proceedings, backlogs, waiting times or other steps in the proceedings. Statistics of individual performance of judge allows also the effective monitoring of the duration of court proceedings, while in **Azerbaijan and Georgia** the High Council of Justice studies the reasons of excessive length of time-frames through monitoring of the statistical data, as well as by on-site visits.

**Figure 4.24. Defined performance indicators concerning court activities and regular evaluation systems of each court's performance (Q69, Q70)**



A great majority of the states or entities (35) have a regular system to evaluate the performance of each court and court performance indicators. **Azerbaijan** reported that there is regular systems to evaluate the performance of each court but does not have performance indicators. **Ukraine** does not use any regular evaluation system and does not have defined performance indicators.

#### 4.4.3 Responsible authorities

Table 4.25. Authorities responsible for setting the targets for each judge and for the courts (Q73, Q75)

States/entities	Authorities setting targets for each judge				Authorities setting targets for the courts			
	Executive power (for example : Ministry of Justice)	Legislative power	Judicial power (for example : High Judicial Council or a Higher Court)	Other	Executive power (for example : Ministry of Justice)	Legislative power	Judicial power (for example : High Judicial Council or a Higher Court)	Other
Åland								
Armenia								
Armenia								
Australia								
Azerbaijan								
Bahrain								
Bosnia and Herzegovina								
Bulgaria								
Croatia								
Cyprus								
Czech Republic								
Denmark								
Estonia								
Finland								
France								
Georgia								
Germany								
Greece								
Hungary								
Iceland								
Ireland								
Italy								
Latvia								
Lithuania								
Luxembourg								
Malta								
Moldova								
Morocco								
Montenegro								
Netherlands								
Norway								
Poland								
Portugal								
Romania								
Russian Federation								
San Marino								
Serbia								
Slovakia								
Slovenia								
Spain								
Sweden								
Switzerland								
The FYROMacedonia								
Turkey								
Ukraine								
UK-England and Wales								
UK-Northern Ireland								
UK-Scotland								
TOTAL	2	4	17	5	11	5	18	8

It is mainly the judicial power itself that sets up targets for individual judges (17 states or entities) and at the court level (18 states or entities). The executive power can also set targets for the courts (11 states or entities), but typically does not for individual judges to avoid the risk of interfere with the individual work of judges.

In the EPC the judicial power sets targets for individual judges, while in **Armenia** and **Azerbaijan** they are even set by the legislative power. **Ukraine** doesn't set targets at all.



**Table 4.26. Authorities responsible for the evaluation of the performances of the courts (Q77)**

States/entities	High Council of judiciary	Ministry of Justice	Inspection authority	Supreme Court	External audit body	Other	Total number of authorities per state/entity
Albania							2
Andorra							1
Armenia							1
Austria							2
Azerbaijan							1
Belgium							0
Bosnia and Herzegovina							1
Bulgaria							1
Croatia							2
Cyprus							1
Czech Republic							1
Denmark							1
Estonia							4
Finland							2
France							1
Georgia							1
Germany							1
Greece							1
Hungary							1
Iceland							4
Ireland							1
Italy							3
Latvia							3
Lithuania							1
Luxembourg							1
Malta							1
Moldova							1
Monaco							1
Montenegro							1
Netherlands							1
Norway							2
Poland							2
Portugal							1
Romania							1
Russian Federation							3
San Marino							3
Serbia							2
Slovakia							2
Slovenia							4
Spain							2
Sweden							1
Switzerland							3
The FYROMacedonia							1
Turkey							1
Ukraine							1
UK-England and Wales							3
UK-Northern Ireland							2
UK-Scotland							1
<b>TOTAL</b>	<b>25</b>	<b>17</b>	<b>6</b>	<b>9</b>	<b>5</b>	<b>16</b>	<b>European Average : 2 authorities</b>

In all the EPC the judicial power sets the targets for the courts (excepting **Armenia** and **Ukraine**). In all the EPC (except **Ukraine**: other) judiciary itself is responsible for evaluation of the performances of courts.

#### **4.5 Assessment of the satisfaction of users**

Information on the level of court users' and court personnel (judges and staff) satisfaction (and trust) in the courts are relevant tools for the policies of quality of judicial systems. Within the framework of the CEPEJ working group on the quality of justice, a report and a model questionnaire and its subsequent guide of methodology have been prepared by Jean-Paul Jean and H el ene Jorry.<sup>17</sup> The use of these documents has been tested by the CEPEJ with its Network of Pilot Courts before being provided to the member states for their courts in 2011. Also a court coaching programme aimed at voluntarily participating courts is offered by CEPEJ.

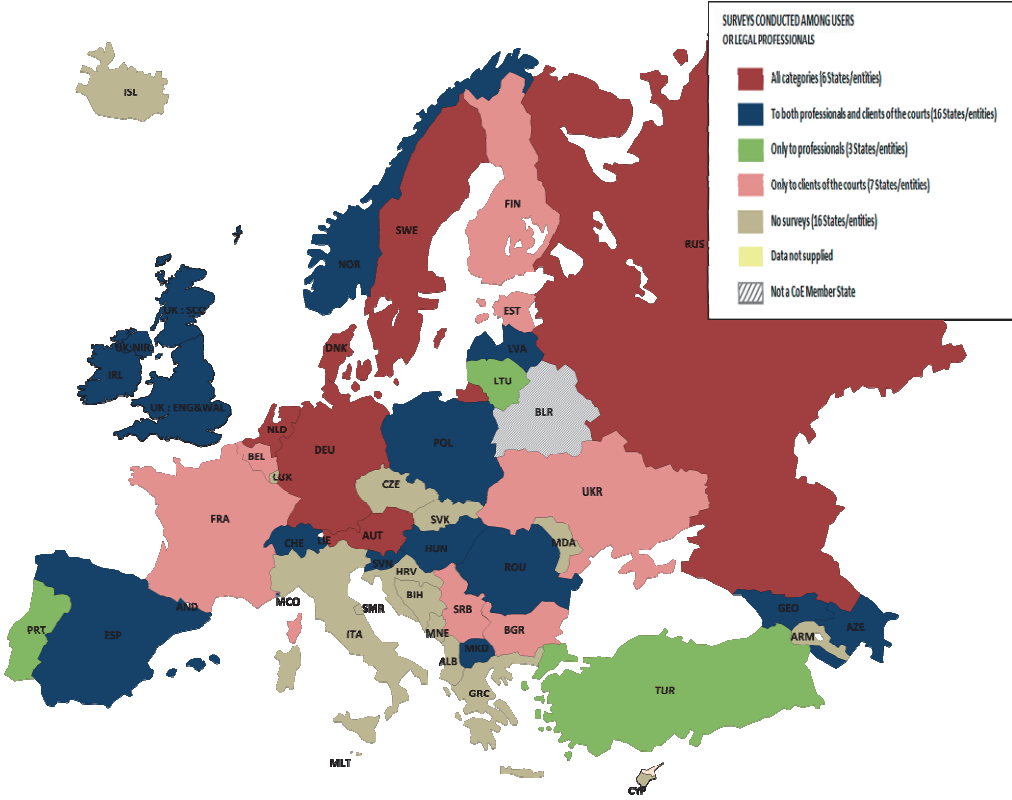
Surveys to measure the level of satisfaction are conducted with people who have actually had contact with a court (litigants, victims, lawyers, other legal professionals - legal experts, interpreters, representatives of government agencies, etc.), and directly involved in the procedure (e.g. parties, victims). General surveys of opinion which measure only general representations of justice at a given time are not feasible. This also applies to satisfaction surveys conducted among court staff (judges and non-judge court) or the public prosecution system (prosecutors or non-prosecutor staff).

33 countries have indicated that they use such surveys aimed at court users or legal professionals. In 15 countries this is not the case (see next figure). There is consequently an increase in the number of states or entities which perform such investigations (28 states or entities in the 2008-2010 exercise) and it is hoped that the spread of these investigations may still grow with the new tool set up by the CEPEJ, available to states and their courts. Small states do not often organise satisfaction surveys (**Andorra, Cyprus and San Marino**); this may be due to greater proximity between court users, professionals and the courts.

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<sup>17</sup> CEPEJ(2010)1 and CEPEJ(2010)2.

**Figure 4.27. Surveys conducted among users or legal professionals to measure public confidence and/or satisfaction (Q38)**



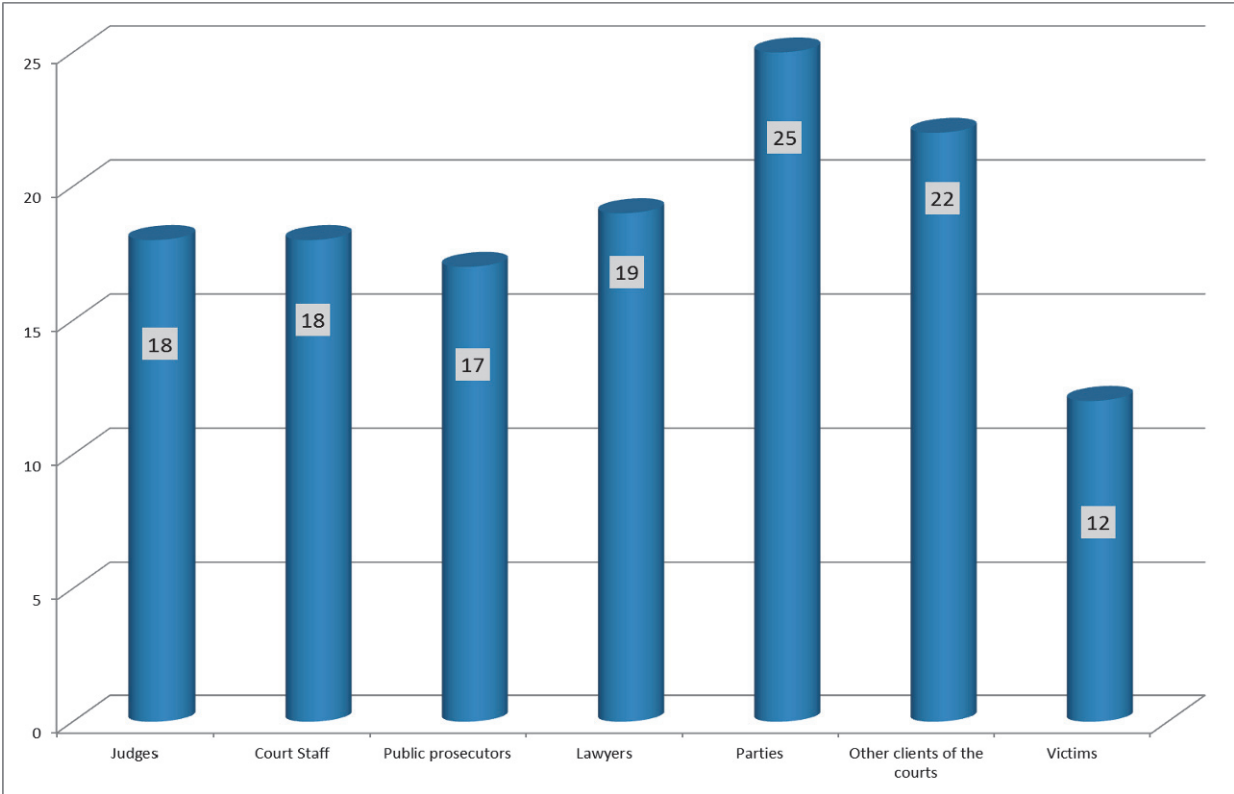
Note: **Andorra, Malta and San Marino**: No surveys; **Monaco**: both professionals and clients of the courts.

It may be noted that 6 states have indicated that they organise surveys at all levels (court users, professionals, citizens). This demonstrates their efforts to ensure that the service of justice is consistent with the expectations of users and those who work there daily.

In 7 countries (**Belgium, Bulgaria, Estonia, Finland, France, Serbia and Ukraine**) only users are involved in the investigations, while in 3 states (**Lithuania, Portugal and Turkey**) surveys are only for justice professionals.

The largest category of those who organise surveys are the states or entities that conduct surveys not only aimed at court users (parties, victims, other users) but also at the professionals who are "attached" to the court (judges, court staff) and those who may not be, such as lawyers and prosecutors (16 states or entities). These professionals involved in the surveys vary from state to state: **Lithuania and Turkey** (judges and prosecutors), **Austria, Denmark, Germany, Netherlands, Russian Federation and Sweden** (all professionals), **Spain** (judges and lawyers).

**Figure 4.28. Number of states or entities in which target groups of legal professionals or users of the courts are concerned by satisfaction surveys (Q38)**



**Comment**

In the figure above, a balance can be found between the different groups of professionals or users covered by satisfaction surveys. The category of victims is the least concerned with user satisfaction surveys. Logically, parties are the most consulted. The professional group the least consulted is the group of prosecutors. This figure gives no indication on the frequency of surveys, thus a state may appear in the table having completed only one survey occasionally, in the same category as other states which have conducted frequent surveys.

In the following table, the frequency and the level of surveys are presented. 33 states or entities in Europe have indicated in 2010 that surveys exist. More than half of the states conduct regular surveys at national as well as at court levels. **Georgia** has on a regular basis surveys on national and court level. **Azerbaijan** has these both on an occasional level, while **Ukraine** has occasional surveys on a national level (table 4.29).

**Table 4.29. Frequency and level of the satisfaction surveys (Q39)**

REGULAR SURVEYS			OCCASIONAL SURVEYS		
Both national level and court level	National level	Court level	Both national level and court level	National level	Court level
7 States / Entities	10 States / Entities	1 State	9 States / Entities	6 States / Entities	6 States / Entities
Austria	Azerbaijan	Switzerland	Austria	Estonia	Belgium
France	Belgium		Azerbaijan	Hungary	Italy
Georgia	Bulgaria		Finland	Latvia	Serbia
Netherlands	Estonia		Monaco	Spain	Slovenia
Russian Federation	Ireland		Norway	Turkey	Switzerland
Spain	Lithuania		Poland	Ukraine	UK-Scotland
UK-England and Wales	Slovenia		Portugal		
	Turkey		Russian Federation		
	UK-Northern Ireland		Sweden		
	UK-Scotland				

#### 4.6 Conclusion concerning the EPC

##### Number of courts

**Armenia**, **Azerbaijan** and **Georgia** have less than 1 court per 100.000 inhabitants. The **Republic of Moldova** and **Ukraine** have between 1 and 2 courts per 100.000 inhabitants, which is in line with the European and EPC-median. The number of locations is somewhat bigger, but not very much and often a location is a legal entity. Concerning developments in the judicial map it appears that, between 2006 and 2010, the total variation of the absolute numbers of first instance courts has decreased significantly in **Georgia** (-39%) and slightly in **Armenia** (-6%). In comparison with 2006, the situation in **Azerbaijan** and the **Republic of Moldova** is relative stable. Only **Ukraine** experienced an increase (6%).<sup>18</sup> It is important to highlight that data for several states or entities should be interpreted very carefully, considering the small absolute numbers of courts.

##### Budgetary power within courts

In general in the European countries the court president is the most involved authority in all stages of the budget's management. The president is in the lead, while the head of the clerks office and administrative director are relatively more involved in day-to-day management. The EPC has a special position in this respect because often "other" authorities are involved in the court management. Among the "other" authorities which can be involved, can be noted the Ministry of Justice or one of its agencies (**Azerbaijan** for the budget for the 1st instance courts), the Ministry of Finances (**Azerbaijan** and **Ukraine**) and the national court administration (**Azerbaijan**, **Georgia** and **Ukraine**).

##### Monitoring and evaluation

**Armenia**, **Azerbaijan**, **Georgia** and the **Republic of Moldova** monitor in general every relevant aspect of the court: annual activity report, incoming cases, number of decisions, number of postponed cases, length of proceedings. Asked for the implementation of more specific instruments (measuring backlogs, analysing waiting time during court procedures, defining performance indicators) it appears that **Georgia** and **Azerbaijan** are in most aspect more active than **Armenia**, the **Republic of Moldova** and **Ukraine**. However, considering the few answers still given to the specific question on average length of proceedings (Q102 see Chapter 5), such systems deserve to be further developed. To this end, the SATURN Centre of CEPEJ could play an important role in the sharing of information on positive experiences and also on possible problems that can be avoided or better managed when properly anticipated.

In the EPC the judicial power sets targets for individual judges, while in **Armenia** en **Azerbaijan** they are even set by the legislative power. **Ukraine** doesn't set targets at all. In all the EPC the judicial

<sup>18</sup> Absolute number of geographic locations per inhabitant in **Armenia** increased with 29% (figure 4.7), while absolute number of courts of general jurisdiction per inhabitant declined with 3.6%, figure 4.3.

power sets the targets for the courts (excepting **Armenia** and **Ukraine**). It appears that in all the EPC judiciary itself is responsible for evaluation of the performances of courts.

## **ICT**

EPC: Regarding the use of ICT concerning supporting the work of judges, the management of the court and the communication with parties it appears that - on a scale of 72 points - **Ukraine** and the **Republic of Moldova** score less than 30 points. **Armenia** and **Georgia** belong to the biggest group of countries with 35-50 points. **Azerbaijan** is doing well in this respect and scores between 50-60 points. (figure 4.17: **Ukraine, Moldova** and **Armenia** don't use or have specific legislation concerning video-conferencing. **Georgia** and **Azerbaijan** do use and have regulated video-conferencing).

## **Quality and Performance - evaluation**

Most of the responding states or entities (24) have not defined quality standards and do not have any qualified staff entrusted with this task. Among these countries there are **Armenia, Moldova** and **Ukraine**. However, 22 states or entities reported having quality standards for the courts (compared to 18 in 2008). Among them there are **Azerbaijan** and **Georgia**. 9 of them have specialised staff [17 in 2008], which counts (7 states/entities) 3 more than in 2008.

## **Satisfaction surveys**

33 states or entities in Europe have indicated in 2010 that surveys exist. More than half of the states conduct regular surveys at national as well as at court levels. **Georgia** has on a regular basis surveys on national and court level. **Azerbaijan** has these both on an occasional level, while **Ukraine** has occasional surveys on a national level (table 4.29).

## **Conclusion and recommendations**

- 1) **Azerbaijan and Georgia seem very active in professionalising the management of courts (better use of ICT in the courts, use of videoconferencing, quality standards, performance monitoring and evaluation). In Ukraine, Armenia and the Republic of Moldova a professional management of courts that uses modern tools for improving the functioning is not yet well developed.**
- 2) **Professionalisation and self-governance of court management in the EPC should be stimulated in order to be able to modernise the courts (introducing ICT, monitoring and evaluation and quality policy) and improve performance.**

## Chapter 5: Court performance: clearance rate and disposition time

In this chapter we focus on the backlogs, clearance rate and disposition time of the courts. Table 1 contains a summarising table of the main figures from this chapter.

**Table 5.1. Clearance rate and disposition time on civil, administrative, criminal and some more specific cases (summarising table of chapter five of the report)**

Nr.	Title	ARM	AZE	GEO	MDA	UKR	Median EPC
9.3	Number of cases regarding Article 6 of the European Convention of Human Rights: length of proceedings, in 2010	NA	9	NA	10	71	
9.4	Number of cases regarding Article 6 of the European Convention of Human Rights: civil proceedings – non-execution of court decisions, in 2010	NA	9	NA	9	6	
<b>CIVIL CASES</b>							
9.6	Variation incoming litigious cases per inhabitant between 2008/2010	-15.8%	34.1%	106.5%	18.4%	NA	
	Variation resolved litigious cases per inhabitant between 2008/2010	-1.2%	32.6%	44.6%	18.9%	NA	
9.10	Civil litigious and non-litigious cases in 2010						
	Clearance rate of civil non-litigious cases (%)	97.4%	99.9%	100.1%	NA	NA	
	Clearance rate of civil litigious cases (%)	101.0%	98.2%	96.2%	94.8%	103.0%	98.2%
9.11	Evolution of the clearance rate of civil litigious cases between 2006 and 2010, in %	NA	-0.2%	1.8%	28.4%	NA	
9.12	Disposition Time of civil (and commercial) non-litigious cases	58	2	25	na	na	
9.12	Disposition Time of civil (and commercial) litigious cases	163	43	94	110	47	94
<b>ADMINISTRATIVE LAW CASES</b>							
9.24	Clearance rate of administrative law cases in 2010, in %	89.4%	na	108.2%	91.9%	95.7%	
9.25	Evolution of the clearance rate of administrative law cases between 2006 and 2010, in %	16.2%	na	18.1%	32.2%	17.2%	
9.26	Disposition time of administrative law cases in 2010, in days	163	35	58	114	55	58
<b>CRIMINAL CASES</b>							
9.31	Clearance rate of criminal cases (severe criminal offences) and misdemeanour cases (minor						

	offences) in 2010, in %						
	Misdemeanour and/or minor offences cases (%)	97%	99%	NA	NA	NA	
	Criminal cases (Severe criminal offences) (%)	63%	102%	NA	NA	NA	
9.33	Clearance rate of the total number of criminal cases in 2010, in %	97.3%	99.3%	143.6%	94.2%	98.9%	98.9
9.34	Evolution of the clearance rate of the total number of criminal cases between 2006 and 2010, in %	-1.0%	7.6%	25%	-31.4%	NA	
9.x	Disposition time of criminal cases in 2010, in days	78	50	36	103	95	78
DIVORCE CASES							
9.35	Clearance rate of litigious divorce cases first instance in 2010	95.6%	96.5%	94.1%	97.1%	100.9%	96.5
9.36	Evolution of the clearance rate of litigious divorce cases 1st instance in 2006-2010	-4.3%	11.1%	15.9%	-1.5%	10.3%	10.3
9.37	Calculated disposition time litigious divorce proceedings in 2010	98	76	76	60	46	76
9.38	Average length of proceedings for litigious divorce cases at first instance courts in 2010, in days	NAP	180	NA	NA	NA	
EMPLOYMENT DISMISSAL CASES							
9.39	Clearance rate of employment dismissal cases in first instance, in 2010 (%)	111.6%	100.6%	101.2%	88.7%	97.1%	100.6
9.40	Evolution of the clearance rate of employment dismissal cases between 2006 and 2010 (%)	81.6%	22.2%	0.6%	-2.9%	NA	
9.41	Calculated disposition time employment dismissal cases in 2010	114	29	77	169	125	114
9.42	Average length of proceedings for dismissal employment cases at first instance courts between 2006 and 2010	NAP	30	NA	NA	NA	
ROBBERY CASES							
9.43	Clearance rate of robbery cases in first instance courts, in 2010 (%)	97.0%	98.1%	126.7%	91.9%	98.8%	98.1
9.44	Evolution of the clearance rate robbery cases between 2006 and 2010 (%)	0.6%	5.2%	17.7%	-9.6%	4.5%	4.5
9.45	Calculated disposition time for robbery cases in 2010 (%)	114	128	65	142	80	114
9.46	Average length proceedings for robbery 1st inst. between 2006 and 2010	NAP	NAP	NA	NA	NA	
HOMICIDE CASES							



9.47	Clearance rate of homicide cases in first instance, in 2010	116.1 %	99.3%	154.8 %	98.5%	97.2%	99.3
9.48	Evolution of the Clearance rate between 2006 and 2010 (%)	13.3%	4.5%	24.9%	10.7%	NA	9
9.49	Calculated disposition time for cases of intentional homicides in 2010	117	86	104	135	175	117
9.50	Average length of proceedings for intentional homicide 1st instance 2006/2010	NAP	NAP	NA	NA	NA	

### Civil law cases

Concerning the civil cases, it appears that **Georgia** has a good performance on the clearance rate and on the disposition time on nearly every type of cases. It is probably an important result of the successful judicial system reform. In **Georgia** people gained more trust in the judicial system and bring more civil cases to court, while on the other hand criminal cases have decreased. Within the courts a system of case flow management leads to more finished cases and better court performance. **Ukraine** has civil court that does not produce backlog, (103%) and can quickly resolve a filed case in 47 days. **Azerbaijan** has a clearance rate of nearly 100% and deals with non-litigious cases in 2 days and with litigious ones in 57 days. In **Armenia** the disposition time for civil litigious cases is quite long: 163 days. In order to decrease it to a reasonable level, the clearance rate should be much higher than 101%. The **Republic of Moldova** seems to face serious problems concerning the performance of the courts, though there are also positive signs: the clearance rate has strongly decreased in 2008 but remained stable in 2010 (95%).

### Administrative law cases

Concerning administrative law cases there are significant fluctuations in the clearance rates in the European countries. This indicates that responding countries may have difficulties to reach or maintain a 100% clearance rate on a regular basis. **Armenia** has a rather modest clearance rate of 89 %, which declined with 16% last year. This illustrates that it is struggling to stabilise the clearance rate around the benchmark of 100%. **Ukraine** has a high workload in terms of administrative cases per capita, but on the other hand succeeds to improve substantially the clearance rate with 17% since 2006. **Georgia** has improved its clearance rate with 18% since 2006 to a good performance of 144%. In the **Republic of Moldova** there is a quite high workload concerning administrative law cases, but also should be noted the improvement of the clearance rate registered between 2006 and 2010.

### Criminal law cases

In **Armenia** the clearance rate for severe criminal cases is 63%, which is a signal for a rather big problem. In the long run, it will lengthen the disposition time for criminal cases, which is now at the median of 78 days. **Azerbaijan** registered 99% for minor offences cases and 102% - for severe criminal law cases. The system seems in balance. **Ukraine** only delivers total criminal cases, with a clearance rate below 100% and a disposition time higher than the median. **Georgia's** clearance rate for the total criminal cases is 144%, while the evolution of the clearance rate is between 2006 and 2010 is calculated at 25%, so there is a great potential for fighting backlogs and improving timeliness. Among the EPC, **Georgia** is also the country where disposition time is the shortest (36 days).

### Land registers, business registers, enforcement cases

Data on land registers, business registers and enforcement cases are missing. The ECP did not provide data on land register cases because they were not available and applicable (**Armenia** and **Ukraine**) or available (**Azerbaijan**, **Georgia** and the **Republic of Moldova**). This also accounts for business register cases, which is in most countries also not a task for courts. In the ECP the courts don't deal with enforcement cases.

Specific cases: litigious divorce, employment dismissal, robbery, intentional homicide

The report on judicial systems also contains some figures on specific cases: divorce, employment dismissal, robbery, intentional homicide. For these cases the average length of the proceedings is measured. Concerning the EPC, these data are mostly not available. For countries who delivered the data, it is striking that the calculated disposition time sometimes differs significantly from the reported average length of the proceeding. In the next meeting of EVAL this topic has to be explored, in order to have a consistent collecting data process in the near future.

**Conclusion and recommendations:**

**Using the EPC-median as a benchmark, the red flags in the table indicate that concerning clearance rate and disposition time:**

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

## CHAPTER 6: COMPARATIVE ANALYSIS (28 INDICATORS)

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

### **Indicators**

The use of statistical model and the set of carefully selected quantitative input (four indicators), workload (eight indicators) and output (16 indicators), enables raising of instructive questions and leads to an improved 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).

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

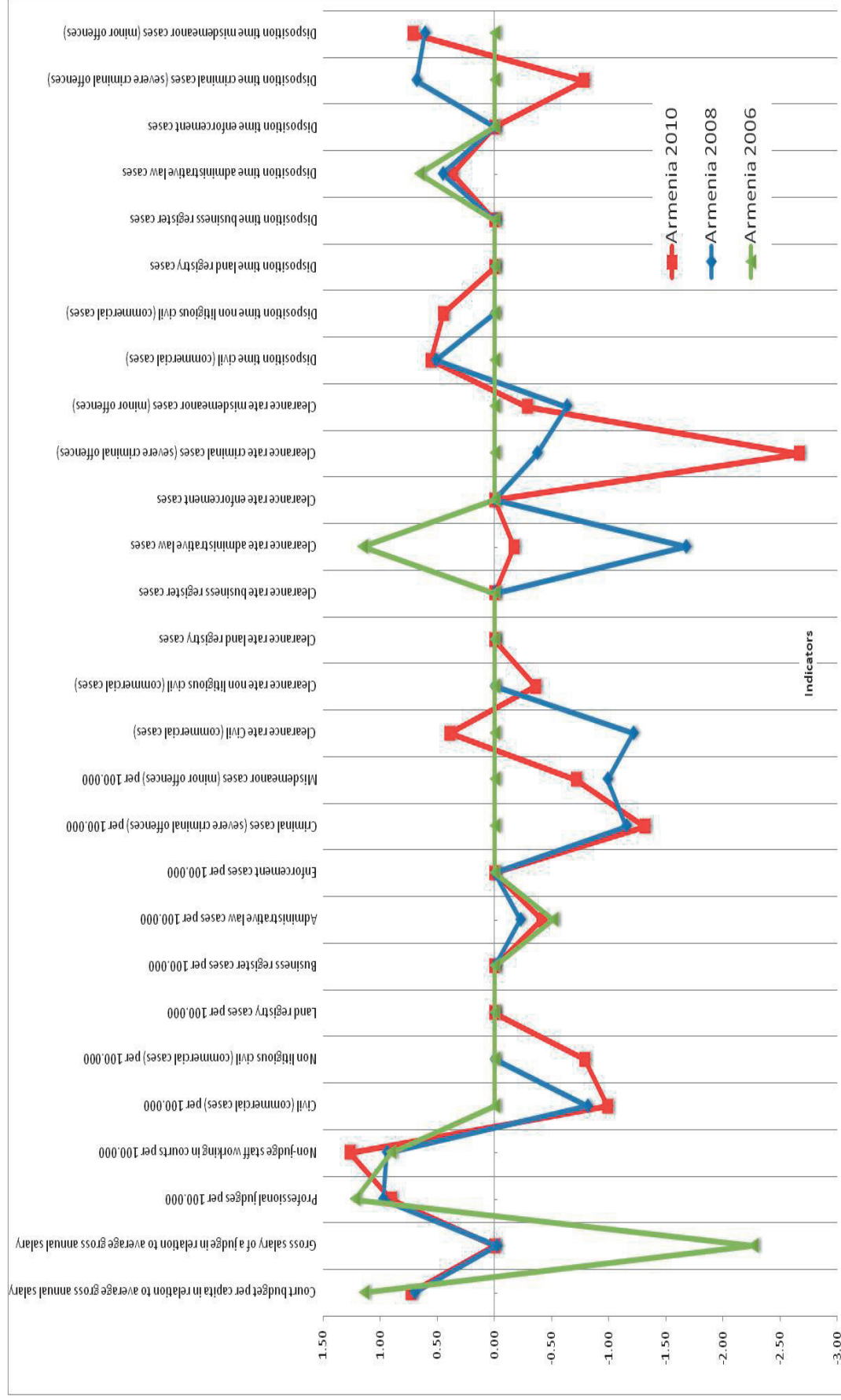
### **ARMENIA**

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

**TABLE: 6.1. Calculated indicators for Armenia**

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

FIGURE 6.2. Standardised indicators for Armenia



Based on the standardised Z score and deviations from the calculated average, Armenia 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) judicial system of Armenia operates with less<sup>19</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.

⇒ Less than average workload (or inflow of cases)

The annual inflow of cases (or workload) is below the average in 2006, 2008 and 2010, when compared to judicial systems of the Council of Europe's 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 and clearance rate for administrative cases in 2006, all other 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).

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

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<sup>19</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 the more the number of staff working in courts exceeds the average - the lower the overall efficiency of the judicial system is.

**AZERBAIJAN**

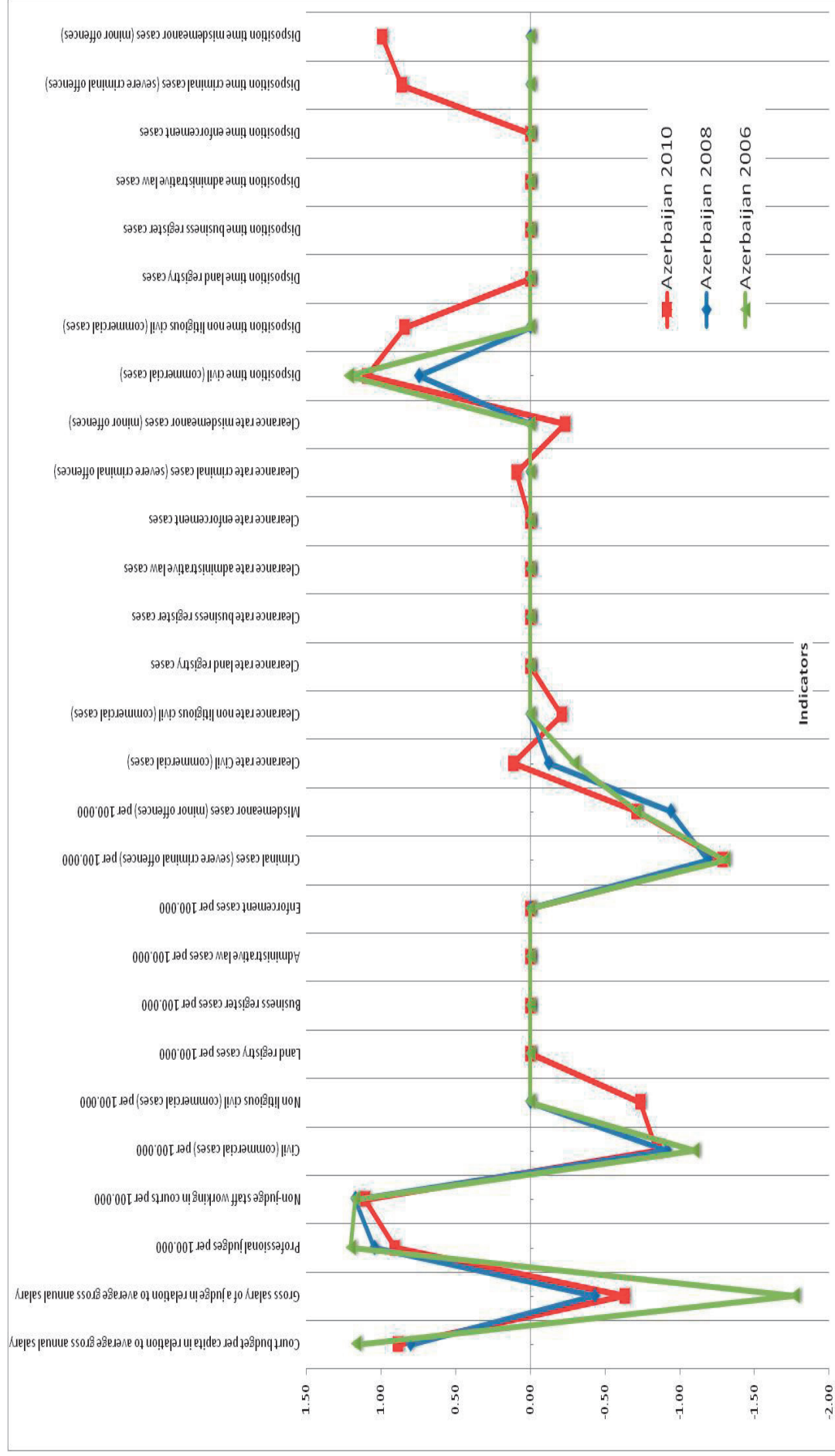
Based on data provided by Azerbaijan, out of 28 described indicators, it was possible to calculate 9, 19 and 16 indicators for 2006, 2008 and 2010 respectively.

**TABLE: 6.3. Calculated indicators for Azerbaijan**

Indicators	Azerbaijan 2006	Azerbaijan 2008	Azerbaijan 2010
<b>Input indicators</b>			
Court budget per capita in relation to average gross annual salary	0.09%	0.12%	0.12%
Gross salary of a judge in relation to average gross annual salary	4.6	2.9	3.0
Professional judges per 100.000	5.8	5.7	6.7
Non-judge staff working in courts per 100.000	20.2	20.3	25.5
<b>Workload indicators</b>			
Civil (commercial cases) per 100.000	650	818	1,097
Non litigious civil (commercial cases) per 100.000	-	0	268
Land registry cases per 100.000	-	-	-
Business register cases per 100.000	-	-	-
Administrative law cases per 100.000	-	-	-
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%
Clearance rate non litigious civil (commercial cases)	-	-	99.9%
Clearance rate land registry cases	-	-	-
Clearance rate business register cases	-	-	-
Clearance rate administrative law cases	-	-	-
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
Disposition time non litigious civil (commercial cases)	-	-	2
Disposition time land registry cases	-	-	-
Disposition time business register cases	-	-	-
Disposition time administrative law cases	-	-	35
Disposition time enforcement cases	-	-	-
Disposition time criminal cases (severe criminal offences)	-	-	79
Disposition time misdemeanour cases (minor offences)	-	-	46



FIGURE 6.4. Standardised indicators for Azerbaijan



Based on the standardised Z score and deviations from the calculated average, Azerbaijan judicial system 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) 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 is closer to the average values.

⇒ Less than average workload (or inflow of cases)

The annual inflow of cases (or workload) is below the average in 2006, 2008 and 2010, when compared to inflow of cases per 100.000 inhabitants in judicial systems of the Council of Europe's member states.

⇒ Average ability to handle annual inflow of cases

Clearance rates in 2006, 2008 and 2010 are close or above 100% and are in line with average values of judicial systems in the CoE member states.

⇒ Better than average case disposition time

Judicial system of Azerbaijan has better than average case disposition time and according to data provided; all cases are dealt within 100 days, in average.

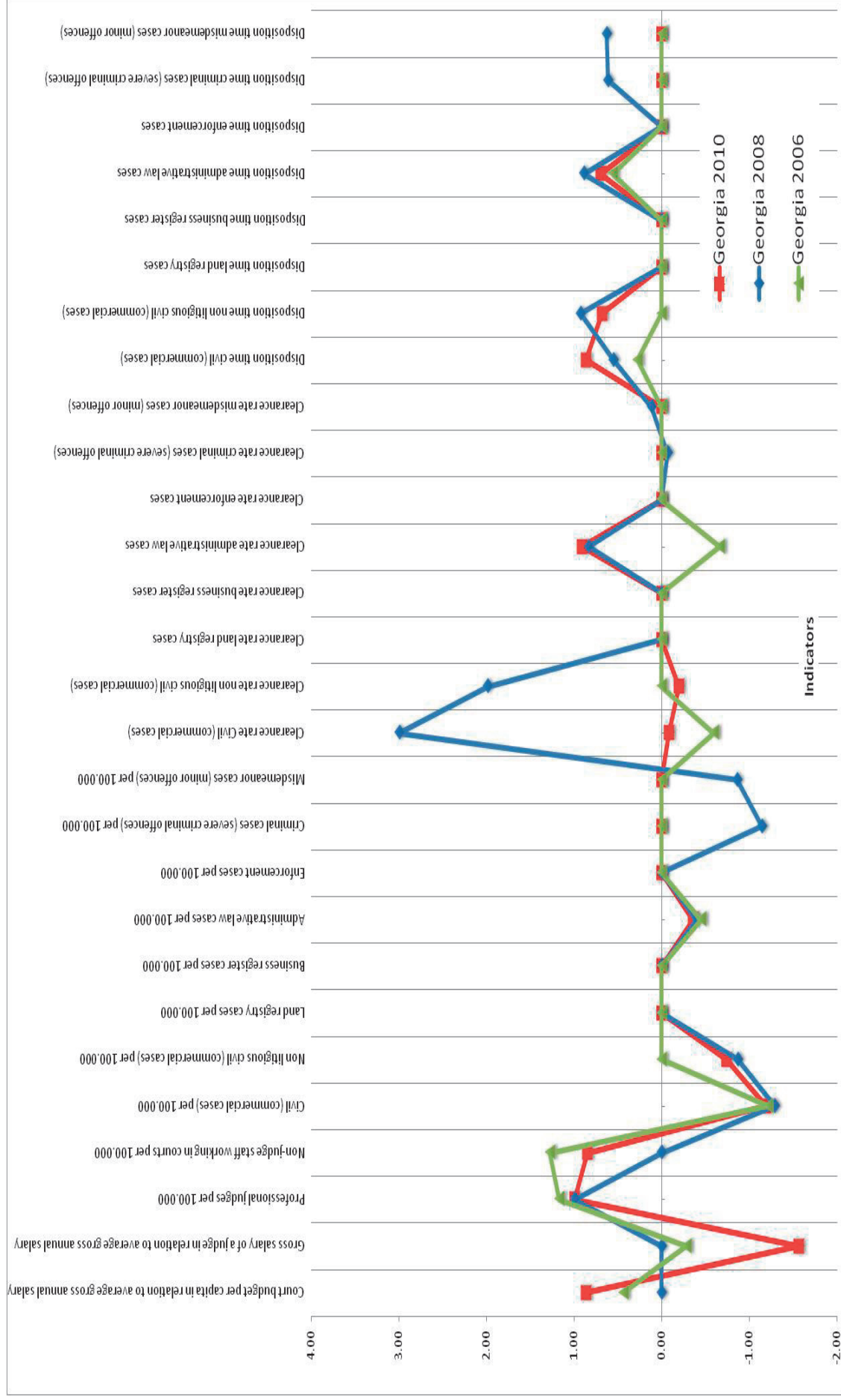
## GEORGIA

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

**TABLE: 6.5. Calculated indicators for Georgia**

Indicators	Georgia 2006	Georgia 2008	Georgia 2010
<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
Non-judge staff working in courts per 100.000	16.3	-	36.3
<b>Workload indicators</b>			
Civil (commercial cases) per 100.000	498	208	429
Non litigious civil (commercial cases) per 100.000	-	180	260
Land registry cases per 100.000	-	-	-
Business register cases per 100.000	-	-	-
Administrative law cases per 100.000	274	184	261
Enforcement cases per 100.000	-	-	-
Criminal cases (severe criminal offences) per 100.000	-	45.3	-
Misdemeanour cases (minor offences) per 100.000	-	301.2	-
<b>Output indicators</b>			
Clearance rate civil (commercial cases)	93%	137.4%	96.2%
Clearance rate non litigious civil (commercial cases)	-	114.5%	100.1%
Clearance rate land registry cases	-	-	-
Clearance rate business register cases	-	-	-
Clearance rate administrative law cases	77.6%	110.7%	108.2%
Clearance rate enforcement cases	-	-	-
Clearance rate criminal cases (severe criminal offences)	-	116%	-
Clearance rate misdemeanour cases (minor offences)	-	119%	-
Disposition time civil (commercial cases)	216	121	94
Disposition time non litigious civil (commercial cases)	-	16	25
Disposition time land registry cases	-	-	-
Disposition time business register cases	-	-	-
Disposition time administrative law cases	107	82	58
Disposition time enforcement cases	-	-	-
Disposition time criminal cases (severe criminal offences)	-	105	-
Disposition time misdemeanour cases (minor offences)	-	76	-

FIGURE 6.6. Standardised indicators for Georgia



Based on the standardised Z score and deviations from the calculated average, Georgia judicial system 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) 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 and 2010, when compared to inflow of cases per 100.000 inhabitants in judicial systems of the Council of Europe's member states.

⇒ Better than average ability to handle annual inflow of cases

Clearance rates in 2008 and 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 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)

Judicial system of Georgia has better than average case disposition time and according to data provided; all cases are dealt within 100 days, in average. It needs to be noted that 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, administrative law cases disposition time was cut by two thirds (from 107 days in 2006 to 36 days in 2010).

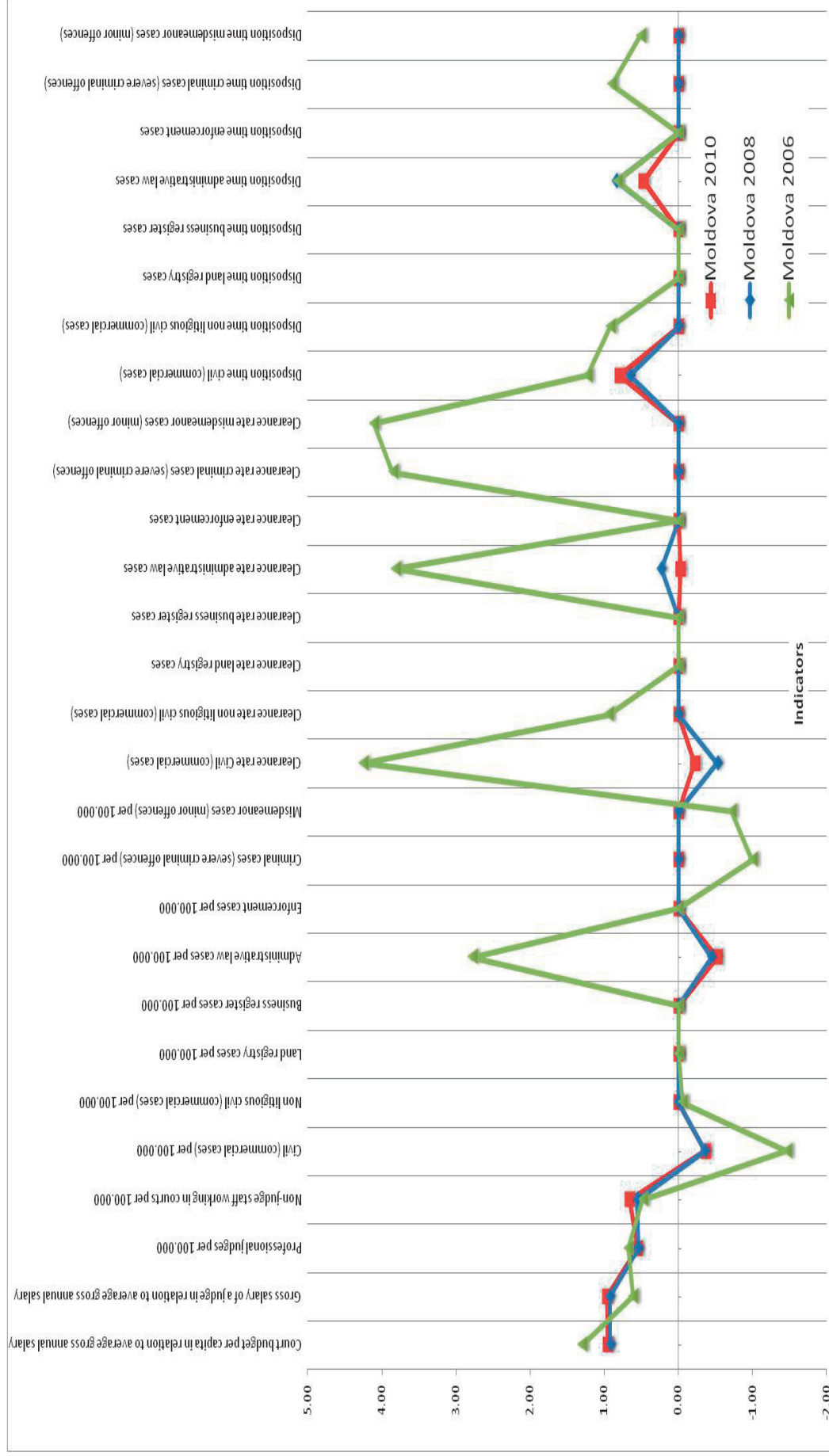
**REPUBLIC OF MOLDOVA**

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

**TABLE: 6.7. Calculated indicators for the Republic of Moldova**

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

FIGURE 6.8. Standardised indicators for the Republic of Moldova



**Note:** It needs to be noted that 2006 data provided by the Republic of Moldova resulted in unusual extremely 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 Republic of Moldova judicial system 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) 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 and 2010, when compared to inflow of cases per 100.000 inhabitants in judicial systems of the Council of Europe's member states.

⇒ Less than average ability to handle annual inflow of cases

While 2006 clearance rate indicators show extremely high values, clearance rates declined sharply in 2008 and decline continued in 2010. Actually, clearance rates in 2010 are all below 100%.

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

Even though judicial system of the Republic of Moldova still has better than average case disposition time, worrying negative trend is present due to inability to handle annual inflow of cases. 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.



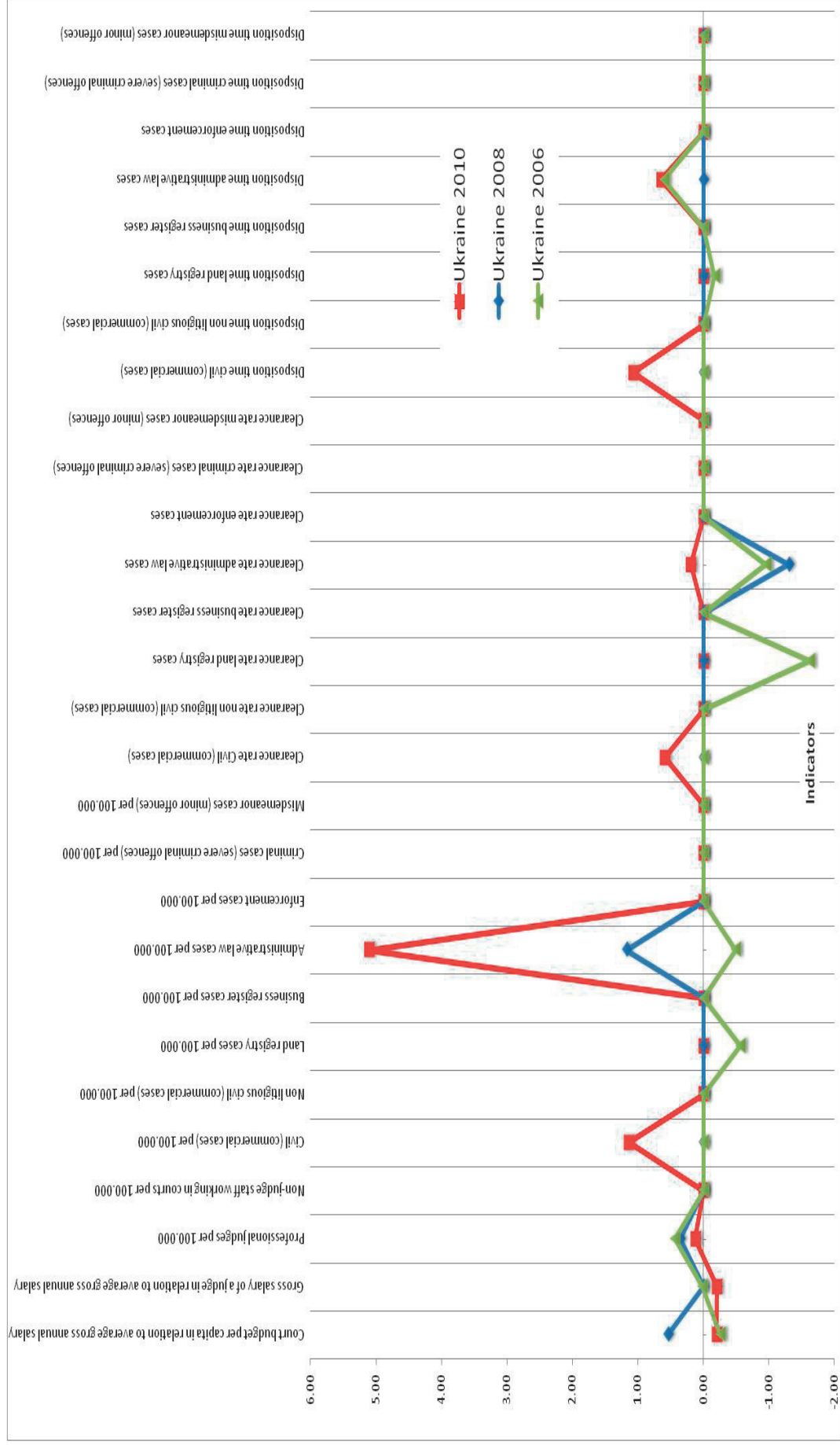
## UKRAINE

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

**TABLE: 6.9. Calculated indicators for Ukraine**

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

FIGURE 6.10. 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.

⇒ Above the average workload (or inflow of cases)

Annual inflow of cases (or workload) is above the average when compared to inflow of cases per 100.000 inhabitants in judicial systems of the Council of Europe's member states. More specifically, number of administrative cases is rapidly increasing since 2006.

⇒ Average ability to handle annual inflow of cases

Clearance rates in 2010 are close or above 100% and are in line with average values of judicial systems in the CoE member states. It is noteworthy to mention that in spite of surge of administrative law cases in 2006-2010 period, judicial system of Ukraine managed to improve clearance rate from 70% to 96% within the same period.

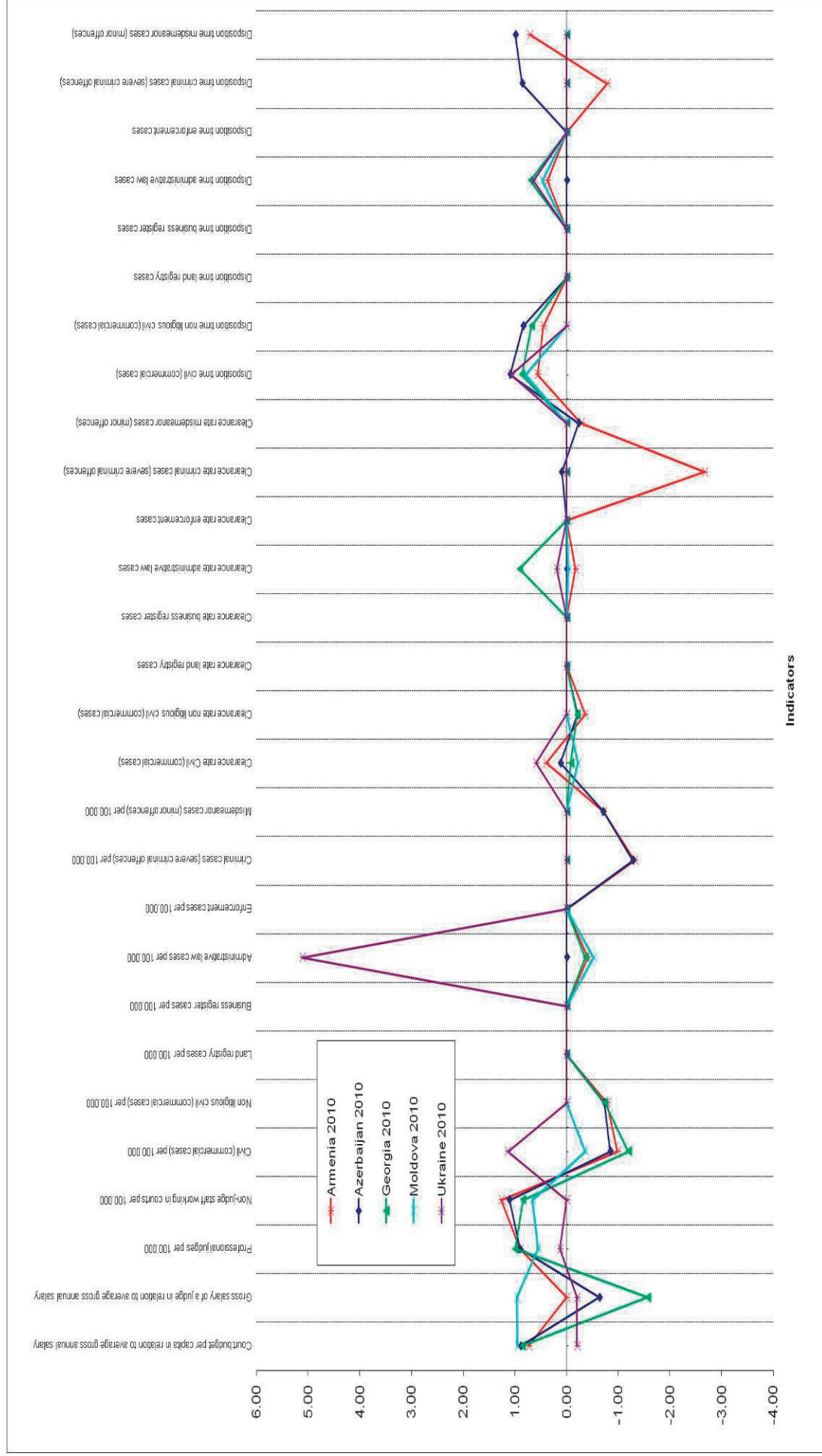
⇒ Better than average case disposition time

Judicial system of Ukraine has better than average case disposition time and according to data provided; all cases are dealt within 100 days, in average.

## **FIVE EPC**

Based on 2010 data provided by Armenia, Azerbaijan, Georgia, the 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 five EPC.

**FIGURE 6.11. Standardised 2010 indicators for five EPC**



⇒ Resources

With the exception of Ukraine that 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 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, Georgia performs better than average concerning ability to handle annual inflow of cases; Azerbaijan and Ukraine demonstrate average ability to handle annual inflow of cases while Armenia and the Republic of Moldova face difficulties in handling annual inflow of cases.

⇒ Case disposition time

In general, all five EPC demonstrate better than average case disposition time; however positive trend in reducing length of proceedings is noted in Georgia, while negative trend in protracting case disposition time is observed in Armenia and the Republic of Moldova, as a direct consequence of inability to handle annual inflow of cases.



**Part II - COMPARING COURTS: CASE  
FLOW, 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 inspection or personal evaluation of the courts nor the judges, prosecutors, clerks or staff nor has to be understood as some kind of competition, but to collect findings and to exchange with experts looking for improvements for the judicial systems in general and the five countries especially. Based on these findings the European judicial community especially in the frame of the Council of Europe's recent project will be enabled further on to develop tailored solutions to fight 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. For 2009, 2010 and 2011 per judicial unit the budget, amount of judges, amount of pending cases at the beginning and the end of a period, amount of incoming and resolved cases (split up per different branches) were collected by the National Correspondents and checked for plausibility.

Preliminary findings were discussed and reflected in a meeting of National Correspondents and experts held on October 11th/12th 2012 in Strasbourg.

The following findings were evaluated per country:

### ***Indicators***

The performance of courts should be examined from various aspects. CEPEJ (CEPEJ, 2008) employs two basic indicators, clearance rate and disposition time.

### **Clearance Rate**

Clearance rate is one of the most commonly used indicators in monitoring the court case flow. 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 percent indicates the ability of the court or a judicial system to resolve cases received within the given period of time. Clearance rate above 100 percent 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 percent. When clearance rate goes below 100 percent, the number of unresolved cases at the end of a reporting period (backlog) will rise.

The CEPEJ-TF-DEL developed the Time Management Checklist - "Checklist of indicators for the analysis of lengths of proceedings in the justice system"<sup>20</sup> prepared as a tool for internal use of its stakeholders whose purpose is to help justice systems to collect appropriate information and analyse relevant aspects of the duration of judicial proceedings with a view to reduce undue

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<sup>20</sup> CEPEJ (2005) 12 REV Time Management Checklist – Checklist of indicators for the analysis of the lengths of proceedings in the justice system and the other relevant documents by the CEPEJ.

delays, ensure effectiveness of the proceedings and provide necessary transparency and foresee ability to the users of the justice systems.

Inability of courts or judiciary to produce data needed for calculation of clearance rate could clearly demonstrate insufficiently developed tools described in parts one, three, four and five of the CEPEJ Time Management Checklist, referring to the ability to assess the overall length of proceedings, sufficiently specified typology of cases, ability to monitor course of proceedings and means to promptly diagnose delays and mitigate their consequences.

### **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.

### **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 can be reduced or is increasing.

### **Calculated Disposition Time 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>21</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

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<sup>21</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.

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 reality. Shorter version of Calculated Disposition Time formula is also available:

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

### Cost per Case (or Cost Efficiency)

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 or the number of judges may serve as a proxy for the resources. This brings us to the third measure, Cost per Case which indicates average cost of processing a case, by case type.

At a first hand "easy" approach the efficiency is shown as relation of budget per resolved case per period.

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 or 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 year data (2011-2009). The case flow 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 per Case is to indicate difference in efficiency among courts rather than to show the average cost of processing a case. The efficiency of courts is indicated by difference between the actual budget and the modelled budget (i.e. average cost per case x number of resolved cases). Three scenarios are possible:

1. average efficiency, i.e. there is no difference between the actual budget and the modelled budget;
2. above average performance, i.e. the actual executed budget is smaller than the modelled budget (i.e. the difference is negative). In this case, court's expenditures are low given number of resolved cases;
3. underperformance, i.e. the actual budget is bigger than the modelled budget (i.e. the difference is positive). In this case, court's expenditures are high given the number of resolved cases.

### **Productivity**

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

### ***Data collected***

Under the Joint Programme funded by the European Union and co-financed by the Council of Europe "Enhancing judicial reform in the Eastern Partnership countries" and through the "Questionnaire for evaluating court efficiency", data on 2011, 2010 and 2009 case flow 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 cases and other cases) in first-instance courts were requested from the five participating beneficiary countries: Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine. In addition, data on number of judges and the court budget as de facto allocated to the functioning of the corresponding court in the respective year, and not the annual approved budget were collected.

### ***Benchmarking***

#### **Disclaimer, limits and frames**

It again has clearly be stated that applying CEPEJ indicators and benchmarks is and can never be done to achieve some kind of "ranking" of different countries. It is only valid to identify possible problems and best-practices among various courts of same type, indicating a picture of how well a judicial system is able to cope with the workload in an efficient manner.

Applying indicators to the five EPC, benchmarks have been taken into account within their following frames:

#### Clearance Rate

<b>alarming</b>	<b>84%</b>
<b>alert</b>	<b>85%</b>
	<b>95%</b>
<b>neutral</b>	96%
	102%
<b>best practise</b>	<b>103%</b>

Even if the overall standard deviation is around 10% of an average clearance rate of 96% (median 98%), a clearance rate at or below 95% is considered an alerting warning, at or below 85% an alarm. Clearance rates up from 103% are considered a best practice.

#### Caseload

<b>alarming</b>	<b>26%</b>
<b>alert</b>	<b>25%</b>
	<b>20%</b>
<b>neutral</b>	19%
	11%
<b>best practise</b>	<b>10%</b>

Being one standard deviation above average of all the countries' average is considered alarming, the range between 20%-25% alerting and despite a neutral zone a caseload at or below 10% considered a best practice.

#### Backlog Change

<b>alarming</b>	<b>50%</b>
<b>alert</b>	<b>49%</b>
	<b>25%</b>
<b>neutral</b>	24%
	0%
<b>best practise</b>	<b>-1%</b>

The average median of backlog change of all countries for 2011 was 22% with extreme deviation ranges. Therefore an increase of 50% is considered alarming, above 25% alerting, a decrease as best practice.

#### Average Disposition Time in days

<b>alarming</b>	<b>120</b>
<b>alert</b>	<b>119</b>
	<b>90</b>
<b>neutral</b>	89
	41
<b>best practise</b>	<b>40</b>

According a very low average of 66 days and despite an average deviation of only 40 days, a duration up to 40 days is considered excellent, up from 90 days alerting and more than 120 days alarming. This rather tight frame allows useful benchmarking in the five EPC. But it has to be underlined, that in comparison to other European countries even duration of 120 days might be considered a suitable timeframe.

#### Efficiency (Budget/resolved cases)

<b>alarming</b>	<b>200</b>
<b>alert</b>	<b>199</b>
	<b>100</b>
<b>neutral</b>	89
	41
<b>best practise</b>	<b>40</b>

Taking into account a total median of 64 Euros/case, a budgetary input of 40 Euros or below is considered remarkable efficient, up from 100 Euros it is considered an alert, an input of 200 Euros or more an alarm, as it is more than three times the input of total median. The mathematically huge deviation has to be noted, but mainly driven by data from Azerbaijan running a higher level of input.

**Productivity (resolved cases/judge)**

<b>alarming</b>	<b>400</b>
<b>alert</b>	<b>401</b>
	<b>550</b>
<b>neutral</b>	551
	899
<b>best practise</b>	<b>900</b>

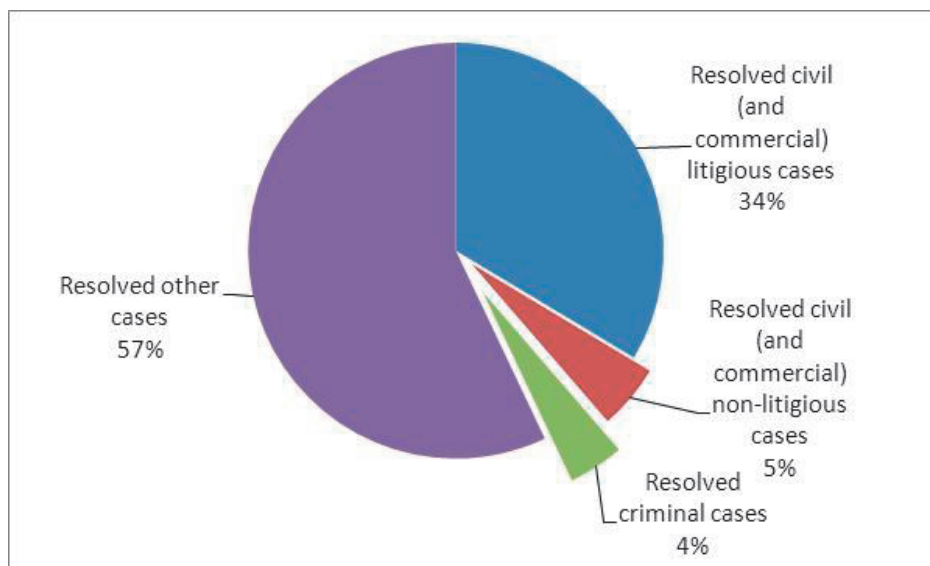
According an overall average of 654 cases per judge, a performance at or below 400 cases is considered alarming, up to 550 an alert and from 900 and above (considering the average standard deviation from average and the average of standard deviation around 250 cases) as excellent.

**Armenia**

**Quality of data**

Out of 17 first instance courts that delivered data on the three year case flow, one court (Administrative Court) was not included into analysis due to incompatible incomparable structure of resolved cases. Moreover, administrative law cases and administrative offences were not presented in the returned “questionnaire for evaluating court efficiency”.

**FIGURE 1.1. Structure of resolved cases in period 2011-2009 in the first instance courts in Armenia**



Based on data provided by the first instance courts, majority of resolved cases were other cases (57%) followed by civil and commercial litigious cases (34%), civil and commercial non-litigious cases (5%) and criminal cases (4%).

**Cost Efficiency**

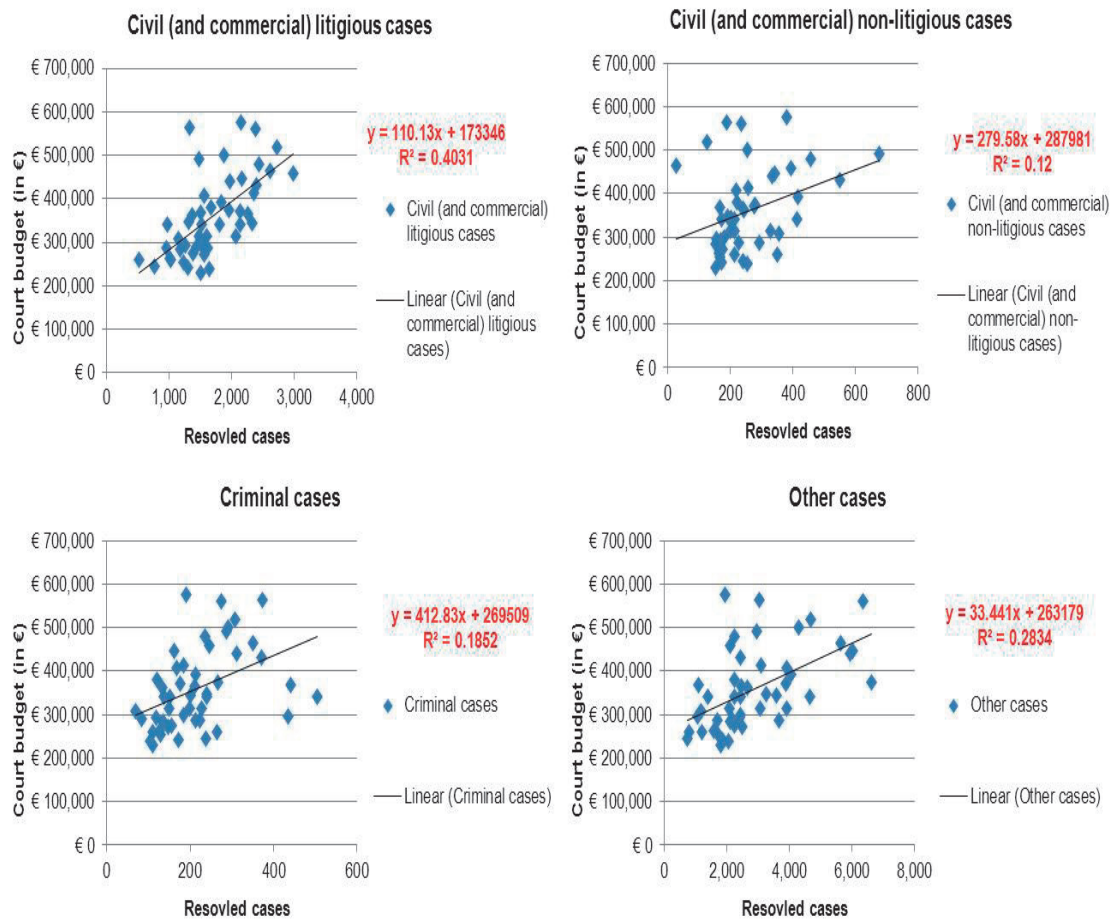
Estimated Cost per Case indicators for first-instance courts in Armenia are reported in the following table. The model is estimate based on data from 2009 to 2011 (48 observations in total).

**TABLE 1.2. Estimate of Cost per Case for first-instance courts in Armenia**

Variable/Cases	Coefficient / Avg. Cost per Case	Std. Error	t-Statistic	Prob. P-value
Civil and comm. litigious cases	68.13	21.71	3.14	0.00
Civil and comm. non-litigious cases	173.53	81.56	2.13	0.04
Criminal cases	305.23	95.44	3.20	0.00
Other cases	14.96	7.65	1.96	0.06
Intercept	91,324.20	36,460.74	2.50	0.02
R-squared	58.8%		F-statistic	15.32
Adjusted R-squared	54.9%		Prob (F-statistic)	0.00

Taking into account coefficient of determination ( $R^2$ ), the model explains only 58.8% of differences in first-instance courts' budgets and two (civil and comm. litigious cases and civil and commercial non-litigious cases) out of four estimated coefficients of all case categories 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 1.3. Simple linear regressions per budget and case type in the first-instance courts in Armenia**



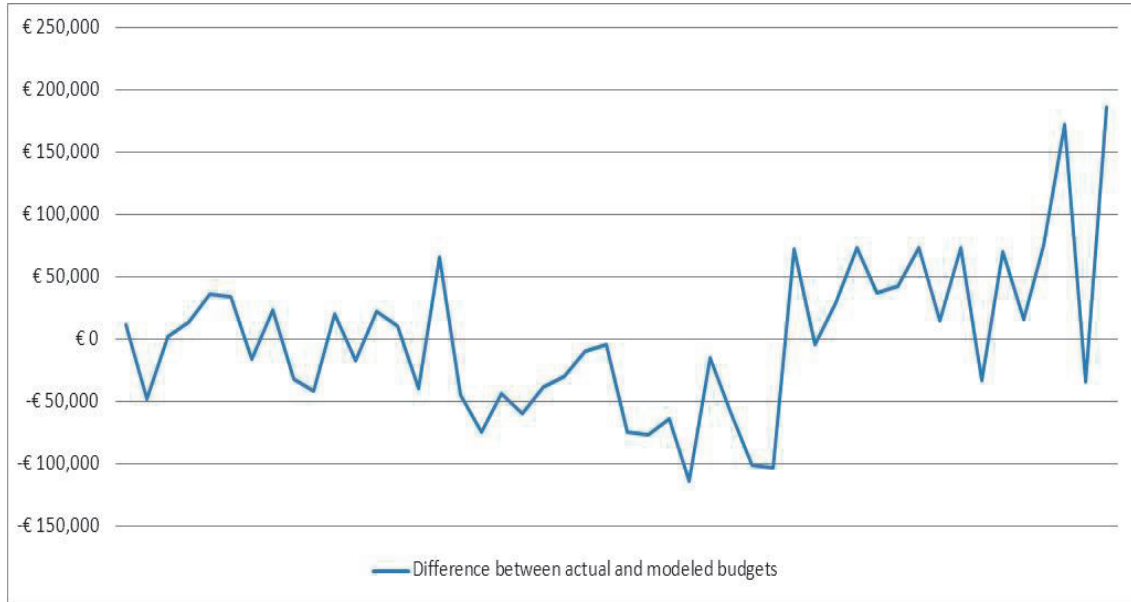
Simple linear regressions per case type in the first-instance courts in Armenia show that coefficients of determination ( $R^2$ ) are ranging from 12% in civil and commercial non-litigious cases to 40% in civil and commercial litigious cases. In other words, simple linear regression applied on “civil and commercial litigious cases” accounts (or explains) for 40% of variability in court budgets. Even when multiple regressions are applied on all four case groups, combined coefficient of determination reaches only 59% as seen in the above table. Clearly, this level of explanatory power of a model would not be of significant use for building modelled court budgets.

To circumvent this issue, alternative approach was used to estimate cost efficiency of courts. Since coefficients of determination ( $R^2$ ) are 78% for estimated number of judges (see next sub-chapter “Estimated number of judges”), meaning that the variation of work volume (or number of resolved cases) explains 78% of variation in the number of judges, the court funding could be estimated on a basis of a number of judges. In this way, court funding would indirectly (through the number of judges) be estimated by 78% certainty by the work volume and performance on resolving cases. In other words, modelled budgets could be built on a basis of modelled number of judges. This approach would not allow estimation of average cost per various case types in first instance courts, but it would enable modelling of court budgets. Modelled court budget would be estimated in a way that the average actual cost per judge would be calculated and then



multiplied by the modelled number of judges. Following described approach, modelled budgets were built and the difference between the actual and the modelled budgets is plotted below:

**FIGURE 1.4. Difference between the actual and modelled budget for first-instance courts in Armenia**



The model indicates wide difference in cost efficiency of first-instance court. The biggest positive difference, which indicates a low level of efficiency, is 185,785€ or 33% of the actual operating budget. The biggest negative difference, which indicates a high level of efficiency, is 114,305€ or 33% of the actual operating budget.

#### **Estimated number of judges**

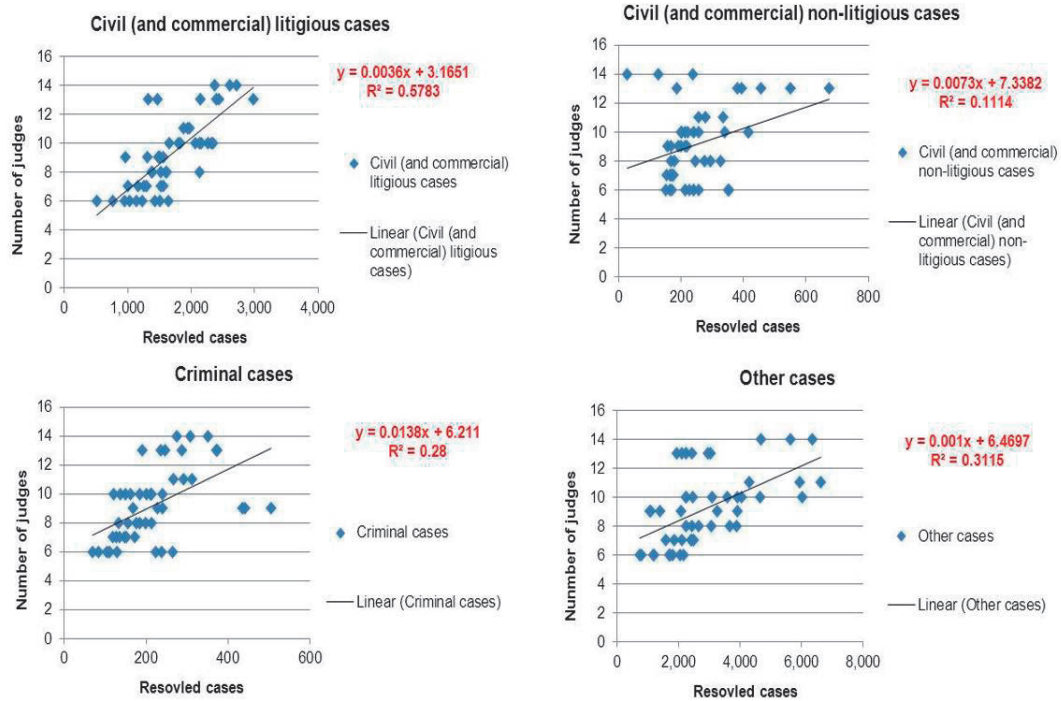
Similar regression approach can be used to determine required number of judges given the number and type of resolved cases.

**TABLE 1.5. Estimate of Number of Judges per Case for the first-instance courts in Armenia**

Variable/Cases	Coefficient / Avg. Number of Judges per Case	Std. Error	t-Statistic	Prob. P-value
Civil and comm. litigious cases	0.0027	0.0004	6.27	0.00
Civil and comm. non-litigious cases	0.0036	0.0016	2.23	0.03
Criminal cases	0.0105	0.0019	5.63	0.00
Other cases	0.0003	0.0001	1.74	0.09
Intercept	0.7767	0.7141	1.09	0.28
R-squared	78.8%		F-statistic	39.20
Adjusted R-squared	76.5%		Prob (F-statistic)	0.00

Taking into account coefficient of determination ( $R^2$ ), the model explains 78.8% of differences in first-instance courts' number of judges 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:

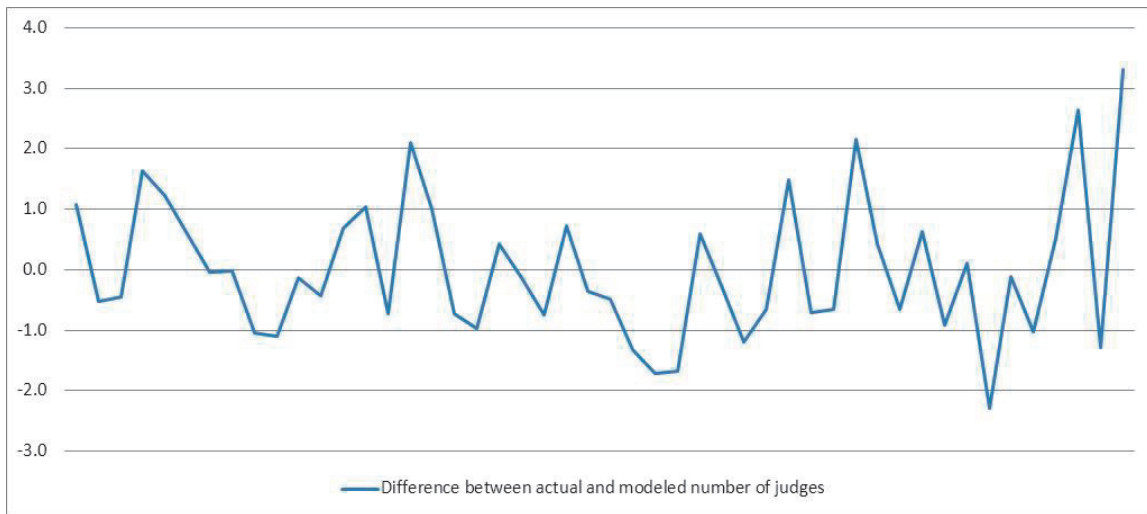
**FIGURE 1.6. Simple linear regressions per number of judges and case type in the first-instance courts in Armenia**



Simple linear regressions per case type in the first-instance courts in Armenia show that coefficients of determination ( $R^2$ ) are ranging from 11.1% in civil and commercial non-litigious cases to 57.8% in civil and commercial litigious cases. In other words, simple linear regression applied on “civil and commercial litigious cases” accounts (or explains) for 57.8% of variability in the number of judges. However, when multiple regressions are applied on all four case groups, combined coefficient of determination reaches 78.8% as seen in the above table. The model explains 78.8% 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 1.7. 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 biggest positive difference, which indicates a low level of productivity, is 3.3 or 25% of the actual number of judges. The biggest negative difference, which indicates a high level of productivity, is 2.3 or 29% of the actual number of judges.

Assuming all given numbers are correct, there is a statistically mismatch between work volume and availability of funding.

As mentioned, Administrative Court is dealt separately due to its different business: In the following statistical relations regarding average, median and standard-deviation are given for all other courts not including the Administrative Court.

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

	Name of Court (please enter data only for first instance courts)	Clearance Rate	Clearance Rate	Clearance Rate
	I	2011	2010	2009
1	Kentron and Nork-Marash	87%	96%	98%
2	Arabkir and Kanaker-Zeytun	88%	101%	84%
3	Achapniak and Davidashen	89%	101%	91%
4	Avan and Nor-Nork	103%	105%	88%
5	Malatia-Sebastia	94%	101%	95%
6	Shengavit	92%	106%	86%
7	Erebuni and Nubarashen	89%	100%	93%
8	Tavush Region	99%	94%	94%
9	Ararat Region	107%	96%	81%
10	Armavir Region	85%	100%	99%
11	Aragatsotn Region	64%	101%	90%
12	Kotayk Region	95%	93%	92%
13	Ghegarkunik Region	98%	99%	99%
14	Shirak Region	101%	96%	93%
15	Synik Region	96%	107%	84%
16	Lori Region	97%	104%	84%
17	Administrative court	42%	54%	59%
	Average	90%	97%	89%
	Median	94%	100%	91%
	Deviation from average	9,9%	6,3%	6,6%
	Standard-deviation	15,5%	11,8%	9,6%
	Average (without administration court)	93%	100%	91%
	Median (without administration court)	95%	100%	92%
	Deviation from average (without administration court)	7,0%	3,2%	4,7%
	Standard-deviation (without administration court)	9,7%	4,1%	5,7%

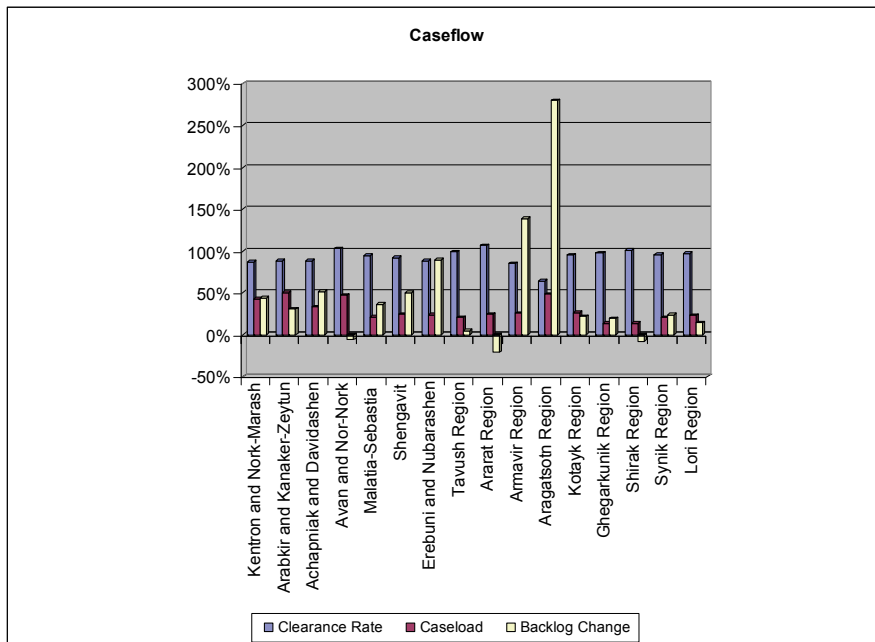
At most of the courts clearance rate is at least satisfying over the last three years. As the average (leaving administration court aside) developed from 92% (2009) increasing to 100% (2010) but dropped to 93% (2011) and according median reads 92% - 100% - 95%, it shows the system would be able to handle the workload, as excellently done in 2010. Though the amount of judges was reduced per 1.8% from 167 in the years 2009/10 to 164 in the year 2011 this is not explaining the 7%-drop of clearance rate in 2011.

Regarding caseload it has to be pointed out, that on average it is in the meanwhile about alarming 29% (without administration court) increased from neutral 19% in 2009. That means almost a third of yearly caseload is waiting on the desk to be resolved.

At the same time backlog change – from 2009 to 2010 dramatically improved – again has risen to 48% on average and should alert judicial management.

**Recommendations:**

- Look into the reasons for the 7%-drop of clearance rate in 2011;
- Develop special measures to reduce increased backlog of 29% of yearly cases;
- Monitor and fight backlog-change-rate of 48%.



**Special cases**

Especially the drop from 101% to recently 64% at Aragatsoin Region is not correlating with the same amount of systemized number of judges and has to be elaborated separately.

Remarkable is the increase of clearance rate at the Ararat Region from 81% (2009) to 96% (2010) up to 107% in 2011. Though influenced by the amount of incoming cases (8.293 (2009) - 9.461 (2010) - 8.024 (2011)), all indicators were improved strongly as well. Some good practice might be identified there at a closer look.

Administrative Court itself performs dramatically since years, decreasing clearance rate from only 59% in 2009 to 42% in 2011, backlogging in two years the whole amount of yearly incoming cases. The measure decreasing the amount of judges at this court from 20 to 17 did not help to improve the situation either.

**Recommendations:**

- Study the drop of clearance rate from 101% to recently 64% at Aragatsotn region;
- Identify, obviously good, practise in the Ararat Region increasing clearance rate;
- Carry out a special investigation and develop strong measures to support performance of Administrative Court.

**Disposition Time**

Armenian disposition time around 100 days (118 on average at a median of 98) - though the longest among the five countries – in absolute values is not considered to be bad in comparison to other European countries.

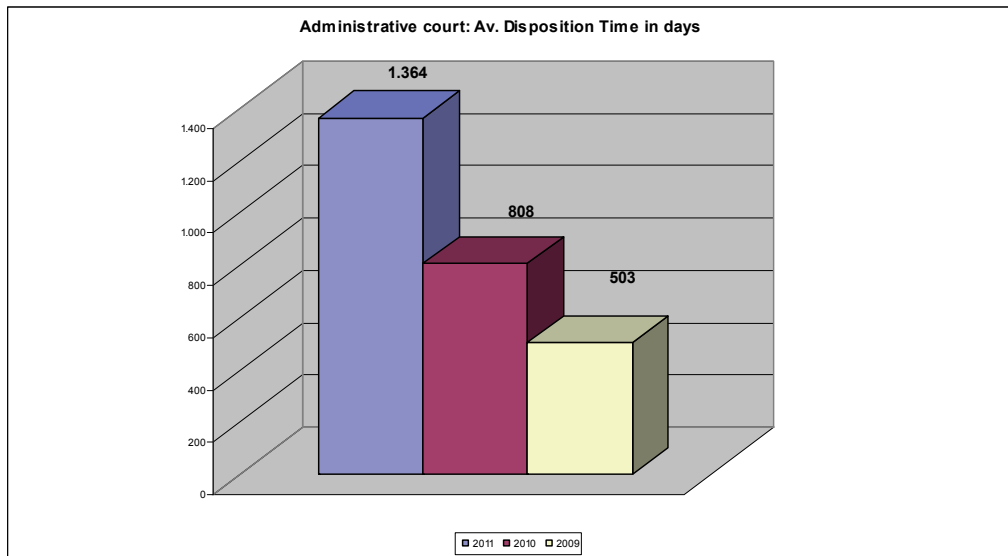
	<b>Name of Court</b> (please enter data only for first instance courts)	<b>Average Disposition Time in days</b>	<b>Average Disposition Time in days</b>	<b>Average Disposition Time in days</b>
	I	2011	2010	2009
1	Kentron and Nork-Marash	181	114	94
2	Arabkir and Kanaker-Zeytun	209	131	143
3	Achapniak and Davidashen	138	83	79
4	Avan and Nor-Nork	168	123	209
5	Malatia-Sebastia	82	50	47
6	Shengavit	97	53	75
7	Erebuni and Nubarashen	100	57	50
8	Tavush Region	76	80	35
9	Ararat Region	84	100	116
10	Armavir Region	111	42	36
11	Aragatsotn Region	275	41	67
12	Kotayk Region	102	73	40
13	Ghegarkunik Region	52	55	35
14	Shirak Region	51	52	46
15	Synik Region	78	62	83
16	Lori Region	88	72	101
17	Administrative court	1.364	808	503
	Average	192	117	104

Median	100	72	75
Deviation from average	149,83	83,60	65,58
Standard-deviation	307,94	180,16	112,61
Average (without administration court)	118	74	79
Median (without administration court)	98	67	71
Deviation from average (without administration court)	47,46	23,30	34,45
Standard-deviation (without administration court)	61,33	29,02	47,24

What is more alarming is the negative trend: Average duration to deliver a case increased of 50% from 2009 to 2011. Even courts with excellent disposition time in 2009 (green marked above) doubled or tripled the time it needs for delivery.

Another issue (but in all the EPC) is the rather huge average deviation of values of courts of same type: From 51 days at the Shirak region to 275 days at Aragatsotn region (according to recent backlog change of 280%).

Special case again is the administrative court: Along the piled up unsolved cases the disposition time increased almost three times within three years (!!!) from 503 days to 1.364 days in 2011:



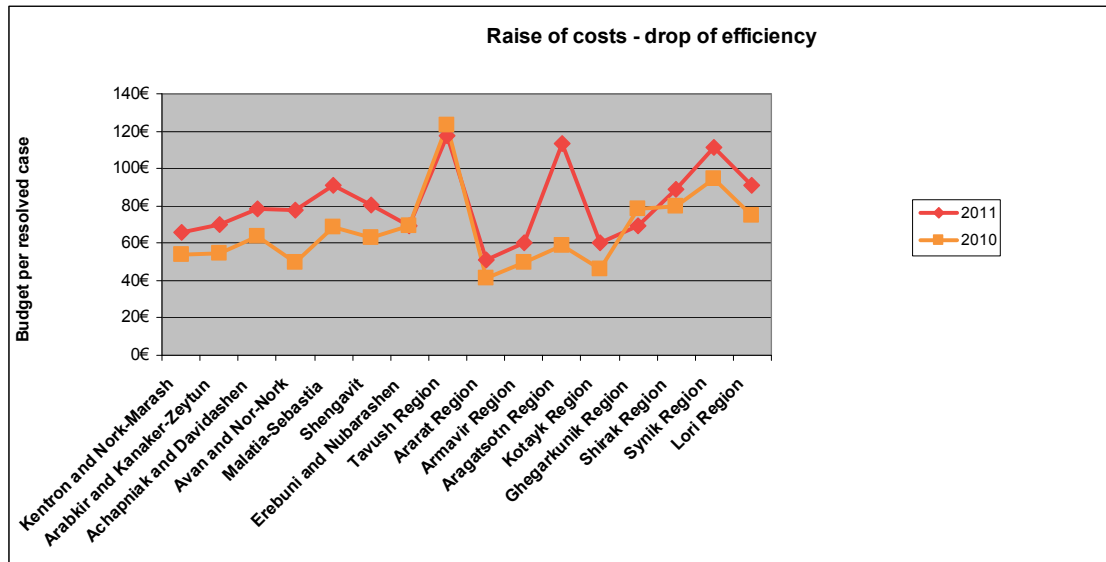
#### Recommendations:

- Explore the reason for significant drop of average duration to deliver a case; and
- Explore the reason for significant average deviation of values of average duration to deliver a case of courts of same type.



## Efficiency

In general the level of efficiency as relation between budget invested per resolved case is considered to be satisfying. Although from 2010 to 2011 the average level of efficiency dropped at almost every court from around 65 Euros per case to around 80 Euros a case on average:



At the Tavush, Synik and Aragatsotn regions cases are much more “expensive”, as a budget of more than 110 Euros a case is needed to solve a case. Especially Aragatsotn region has to be given an extra look, as it seems not only less efficient, but also less productive and quick.

The Administrative Court can not be compared with the other courts due to complete different structure and types of cases.

### Recommendations:

- To achieve an equal relation between budget invested and performance per courts of same type;
- Pay special attention to special cases like in the Aragatsotn region.

## Productivity

	Name of Court (please enter data only for first instance courts)	Productivity (resolved cases/judge)	Productivity (resolved cases/judge)	Productivity (resolved cases/judge)
		2011	2010	2009
1	Kentron and Nork-Marash	558	616	660
2	Arabkir and Kanaker-Zeytun	517	629	589
3	Achapniak and Davidashen	540	597	642
4	Avan and Nor-Nork	439	632	425
5	Malatia-Sebastia	411	499	564
6	Shengavit	507	622	608
7	Erebuni and Nubarashen	540	495	548
8	Tavush Region	366	329	517
9	Ararat Region	777	828	612
10	Armavir Region	648	722	807
11	Aragatsotn Region	382	674	454
12	Kotayk Region	651	745	869
13	Ghegarkunik Region	555	443	650
14	Shirak Region	414	441	357
15	Synik Region	341	350	353
16	Lori Region	415	441	378
17	Administrative court	2.098	1.899	1.890
	Average	598	645	643
	Median	517	616	589
	Deviation from average	209,77	193,40	195,73
	Standard-deviation	403,58	351,85	352,59
	Average (without administration court)	504	566	565
	Median (without administration court)	512	606	576
	Deviation from average (without administration court)	94,92	120,81	115,01
	Standard-deviation (without administration court)	119,66	143,79	149,47

Available figures for 2010 and 2011 show productivity (relation between resolved cases per judge) dropped about 10%. Productivity of the Aragatsotn region almost cut a half, now only at 4/5 of the average of all courts except the Administrative court.

For achieving a clearance rate of 100% and handling the full load of 165.375 incoming cases, productivity per judge of 1.008 cases per judge and year or almost the double amount of resources would be necessary.

Positively to be mentioned in that case is the Administrative Court: Productivity was raised from 2010 to 2011 for almost 20%. But more than 5.000 cases per judge or 2,5 times the productivity of 2011 would be necessary to handle the recent incoming workload, levelling clearance rate at 100%.

**Recommendations:**

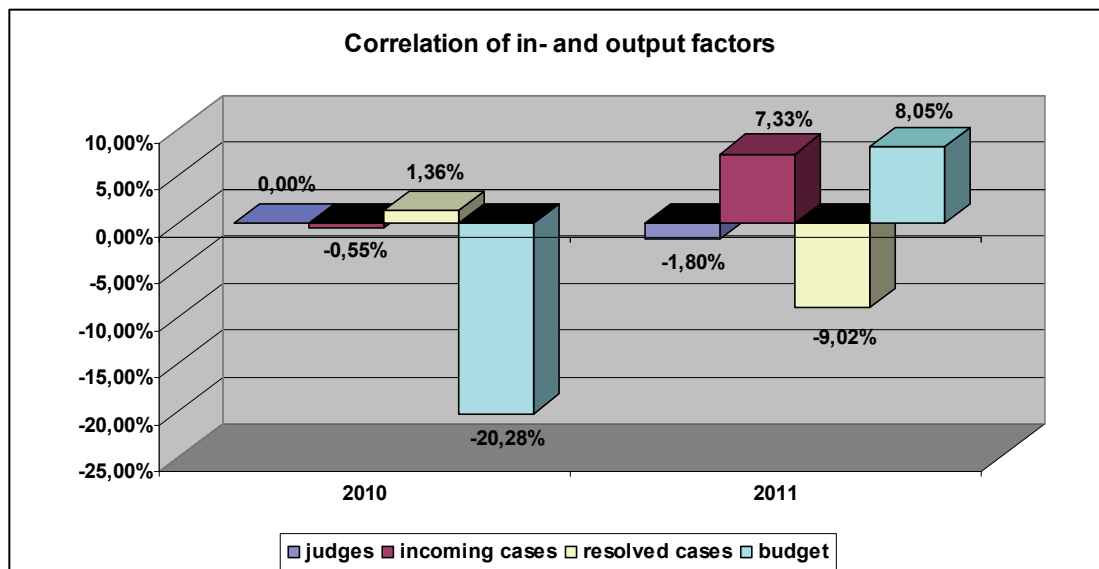
- Achieve equal productivity at courts of same type;
- Administrative Court has to be staffed sufficiently or measures (by amending the relevant law) have to be undertaken to decrease amount of incoming cases.

**Summary**

In general it has to be noted that neither the amount of judges nor the invested budget is correlating with either the amount of incoming cases (input-oriented steering) nor with the amount of resolved cases (output-oriented management).

Year	judges		incoming cases		resolved cases		budget	
2011	164	-1,80%	165.375	7,33%	110.583	-9,02%	€ 6.284.300	8,05%
2010	167	0,00%	154.082	-0,55%	121.545	1,36%	€ 5.816.300	-20,28%
2009	167		154.933		119.915		€ 7.295.900	

Especially from 2010 to 2011 (see “2011” in the following graph) the absence of relation between raised budget and achieved output is obvious:



The all-over trend of development is negative on almost all indicators as the amount of input of judges and budget was cut since 2009, but the amount of incoming workload increased. In parallel the productivity dropped, causing backlogs and longer disposition times.

**Recommendations:**

- Focus also on judicial management by figures to identify difficulties on time and react properly; and
- Get equals of in- and output factors.

***Azerbaijan*****Quality of data**

It is known from recent peer-review on evaluation in the frame of CEPEJ that statistical data on court level should be available on semi-annual basis. Unfortunately, it appears that Azerbaijan numbers are not useable for regression analysis. Further on there are some inconsistencies, especially regarding first line in provided data marked with "XXX district court, city XXX". Either this is meant as example how to fill in the table (but real figures for 2009?) or district is totally out of trim or resolved cases are missing in the statistics. The figures given for 2010 and 2011 in that line (almost "1.000" cases) definitely do not meet the reality.

Further on it has to be checked if last line "total" is really meant as the total of all data-lines given (which it is mathematically definitely not) or summing up any kind of different court-types. It is therefore not included in calculation of indicators like averages, medians etc.

**Recommendations:**

- Check the integrity of court-statistics

Beyond that the following analysis and conclusions might be drawn:

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

	Name of Court (please enter data only for first instance courts)	Clearance Rate	Clearance Rate	Clearance Rate
	I	2011	2010	2009
1	XXX district court, city XXX	30%	30%	60%
2	Administrative-Economic Courts -7	86%	98%	99%
3	Baku Administrative-Economic Court no 1	85%	98%	101%
4	Shirvan Administrative-Economic Court	92%	99%	102%
5	Courts on Serious Crimes -5	98%	102%	92%
6	Baku Court on Serious Crimes	114%	102%	92%
7	Lankaran Court on Serious Crimes	83%		
8	Military Courts-6	95%	101%	101%
9	Baku Military Court	98%	98%	101%
10	Ganja Military Court	95%	98%	103%
11	City (district) courts -85	98%	99%	99%
12	Yasamal District Court of Baku City	99%	97%	98%
13	City Court of Sumgayit	100%	97%	101%
14	Ganja city Nizami District Court	98%	99%	99%
15	Geichai District Court	96%	97%	98%
16	Gabala District Court	95%	104%	94%
	Average	91%	95%	96%
	Median	96%	98%	99%
	Deviation from average	10,1%	8,6%	6,1%
	Standard-deviation	17,9%	18,0%	10,5%

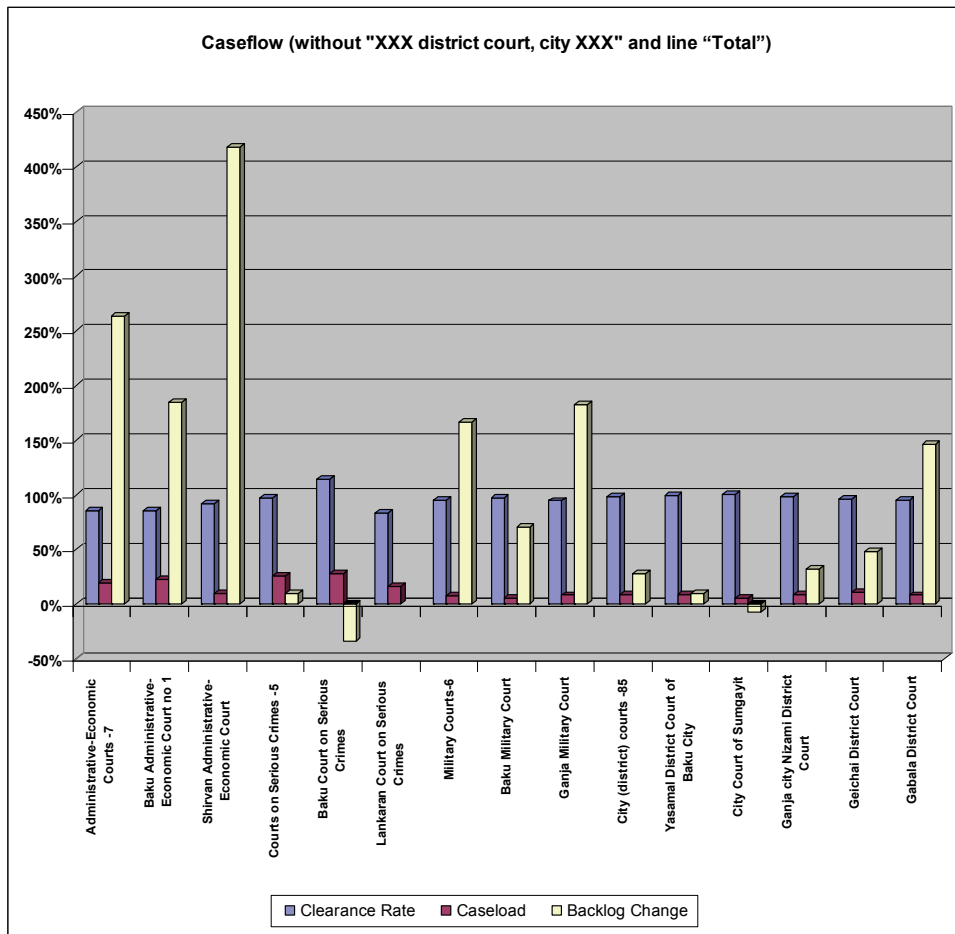
On average clearance rate is developing less satisfying over the last three years. As the average dropped from 96% (2009) to 95% (2010) down to 91% (2011) and according median reads 99% - 98% - 96%, all values are below average of all examined countries.

Caseload itself, on the other hand, is rather stable over years on excellent levels, whereas backlog change increased dramatically (on average from 20% in 2009 to 111% in 2010 up to 195% again in 2011)!

**Recommendations:**

- Look into the reasons for the drop of clearance rate between 2009 and 2011 and define measures against this trend; and
- Fight dramatic increase of backlog-change-rate after identifying the reason for.

The following graph shows the case-flow in the year 2011 (without "XXX district court, city XXX", which is not proved to be given correct figures resulting in 30% clearance rate and 1.400% backlog-change-rate and without line "total", to keep general readability of chart):



**Special cases – three groups of courts**

In particular three different groups of courts can be identified: Administrative-Economic Courts (lines 2-4 in the table above) with rather limited clearance rate, still fair caseload but dramatic increase of backlog change.

The Courts for Serious Crimes (lines 5-7) with partially excellent clearance rates, still very high caseload but very good backlog-change data. Clearance rate of the Lankaran Court on Serious

Crimes has to be considered problematic (83%) but maybe reflecting problems of first year after the court was established.

The Military and District courts (lines 8-16) perform excellent at fair clearance rates, very low caseload and mostly fair backlog-change-rates (sometimes looking dramatically due to absolute low level of caseload).

**Recommendations:**

- Improve the clearance rate of Administrative-Economic Courts (lines 2-4 in the table above).

**Disposition Time**

	Name of Court (please enter data only for first instance courts)	Average Disposition Time in days	Average Disposition Time in days	Average Disposition Time in days
		2011	2010	2009
1	XXX district court, city XXX	913	913	852
2	Administrative-Economic Courts -7	82	44	46
3	Baku Administrative-Economic Court no 1	97	57	57
4	Shirvan Administrative-Economic Court	40	12	11
5	Courts on Serious Crimes -5	98	82	93
6	Baku Court on Serious Crimes	90	82	93
7	Lankaran Court on Serious Crimes	74		
8	Military Courts-6	31	22	22
9	Baku Military Court	21	17	9
10	Ganja Military Court	33	22	15
11	City (district) courts -85	32	31	30
12	Yasamal District Court of the city of Baku City	34	38	35
13	City Court of Sumgait	19	29	21
14	Nizami District Court of the city of Ganja	32	31	28
15	Geichai District Court	41	37	31
16	Gabala District Court	32	18	34
	Average	104	96	92
	Median	37	31	31
	Deviation from average	101,04	108,92	101,61
	Standard-deviation	217,32	226,98	211,76

Remarkable is the general positive low level of disposition time in Azerbaijan. The median of 37 days (considering the average as not representative due to figures given in line “XXX district court, city XXX”) is extremely quick.

Only concern that has to be addressed regarding the Administrative-Economic courts (lines 2-4 in the table above) as their disposition time doubled or tripled from 2010 to 2011.

**Recommendations:**

- Explore what causes disposition time at Administrative-Economic Courts (lines 2-4 in the table above) multiplied from 2010 to 2011; and
- Find immediate measures against.



## Efficiency

While efficiency in comparison to other EPC is on a costly but acceptable level (110€ per case median), the average is driven by expensive Courts on Serious Crimes (lines 5-7):

	Name of Court (please enter data only for first instance courts)	Efficiency (Budget/resolved cases)	Efficiency (Budget/resolved cases)	Efficiency (Budget/resolved cases)
	I	2011	2010	2009
1	XXX district court, city XXX	17€	15€	18€
2	Administrative-Economic Courts -7	161€	100€	112€
3	Baku Administrative-Economic Court no 1	92€	57€	52€
4	Shirvan Administrative-Economic Court	127€	110€	53€
5	Courts on Serious Crimes - 5	2.333€	1.533€	1.412€
6	Baku Court on Serious Crimes	1.654€	922€	829€
7	Lankaran Court on Serious Crimes	1.854€		
8	Military Courts-6	753€	505€	387€
9	Baku Military Court	326€	374€	232€
10	Ganja Military Court	364€	361€	240€
11	City (district) courts -85	69€	69€	63€
12	Yasamal District Court of Baku City	36€	30€	40€
13	City Court of Sumgayit	37€	39€	44€
14	Ganja city Nizami District Court	55€	55€	68€
15	Geichai District Court	67€	74€	101€
16	Gabala District Court	56€	59€	96€
	Average	500€	287€	250€
	Median	110€	74€	96€
	Deviation from average	574,25	301,43	250,44
	Standard-deviation	752,35	425,63	383,19

But the rather low level of efficiency of the Courts on Serious Crimes (lines 5-7) displayed is given only in mathematical relation to the other courts. Within their type of court the results are homogeneous.

The Military and District courts are mostly producing at a very high efficient and therefore cheap level of “case-production”. Majority of them even improved their results.

### Productivity

Though the amount of judges was consequently increased (at last per more than 10% from 2010 to 2011) this was not enough to tackle the rise of incoming cases (increase of 25% in the same period).

	Name of Court (please enter data only for first instance courts)	Productivity (resolved cases/judge)	Productivity (resolved cases/judge)	Productivity (resolved cases/judge)
	I	2011	2010	2009
1	XXX district court, city XXX	600	667	667
2	Administrative-Economic Courts -7	433	485	379
3	Baku Administrative-Economic Court no 1	453	271	511
4	Shirvan Administrative-Economic Court	434	277	574
5	Courts on Serious Crimes -5	25	38	36
6	Baku Court on Serious Crimes	31	43	40
7	Lankaran Court on Serious Crimes	28		
8	Military Courts-6	80	71	79
9	Baku Military Court	142	101	78
10	Ganja Military Court	108	56	96
11	City (district) courts -85	690	579	583
12	Yasamal District Court of Baku City	771	631	617
13	City Court of Sumgayit	812	591	578
14	Ganja city Nizami District Court	563	453	450
15	Geichai District Court	715	529	490
16	Gabala District Court	1.041	732	616
	Average	433	368	386
	Median	443	453	490
	Deviation from average	272,86	229,36	214,57
	Standard-deviation	329,15	256,48	245,24

Therefore in a lot of the courts the productivity dropped. Again Military and District courts increased the average of productivity.

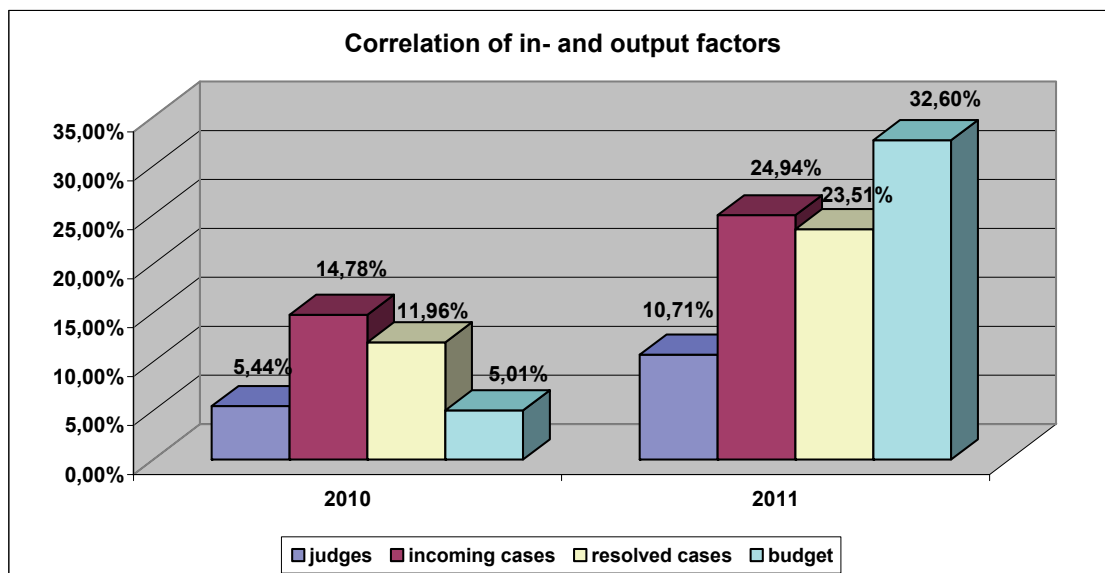
Remarkable is the fact that the increase of incoming cases of almost 25% was along with an increase of resolved cases of more than 23%, though the number of judges only increased about 10% in the same period. It showed there was room for improvement of performance.

For achieving a clearance rate of 100% and handling the full load of 460.865 incoming cases, productivity per judge of 537 cases per judge and year or around 24% more of resources would be necessary.

Year	judges		incoming cases		resolved cases		budget	
2011	858	10,71%	460.865	24,94%	432.994	23,51%	€ 55.492.628	32,60%
2010	775	5,44%	368.866	14,78%	350.580	11,96%	€ 41.849.839	5,01%
2009	735		321.361		313.123		€ 39.854.110	

### Summary

A rough correlation between in- and output factors has to be noted (see graph below), although the increase of judges is not related to the raise of incoming cases obviously due to the fact, judges cannot be hired immediately on the market but need longer training.



For longer time the amount of resolved cases increased as well keeping clearance rate almost levelled above 95%. Since 2011 this was not longer the case, creating the risk of sustainable backlogs.

Regarding the group of courts the following can be summarised: Administrative- Economic Courts (lines 2-4 in the table above) performed at rather stable level up to 2010, definitely reducing performance since 2011, which has to be given special attention.

The Courts on Serious Crimes (lines 5-7) - their rather low efficiency/productivity is displayed only in mathematical logic in relation to other courts, but it is homogeneous in its type. Even if their caseload is slightly high, a proper disposition time can be achieved.

Baku Court on Serious Crimes is best performing in relation to the Courts on Serious Crimes and Lankaran Court on Serious Crimes. Lankaran Court on Serious Crimes itself is new in 2011 and

still less productive considering a clearance rate of only 83%. 34 instead of 28 resolved cases per judge a year would solve this problem.

The Military and District Courts (lines 8-16) perform excellently; slight attention should be given to backlog-change rate.

**Recommendations:**

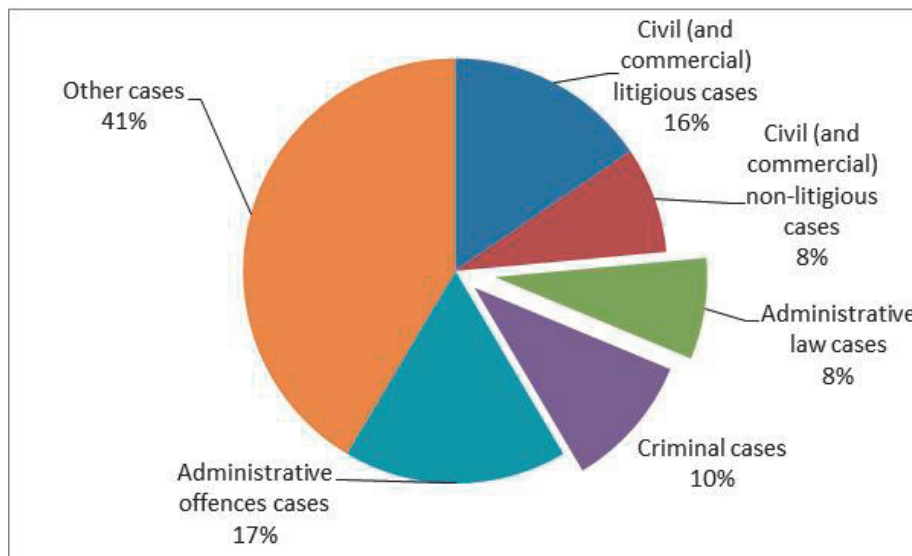
- Be aware of limited clearance rate and potential risk of backlog;
- Pay special attention to decreasing performance of Administrative- Economic Courts (lines 2-4 in the table above);
- Look into the best practise executed at Baku Court on Serious Crimes;
- Staff the Lankaran Court on Serious Crimes sufficiently to address the workload.

**Georgia**

**Quality of data**

As a reply to “questionnaire for evaluating court efficiency”, Georgia provided data for 63 courts for period 2011-2009. However, due to recent reforms in the Georgia, 41 courts were functioning in 2011 including some newly established and some courts closed during 2011. Moreover, budget related data were not provided due to the fact that courts are financed from a single source.

**FIGURE 1.8. Structure of resolved cases in 2011 in the first instance courts in Georgia**



Based on data provided by the first instance courts, majority of resolved cases were other cases (41%) followed by administrative offences cases (17%), civil and commercial litigious cases (16%), criminal cases (10%), civil and commercial non-litigious cases (8%) and administrative law cases (4%).

Estimated cost per case indicators for first-instance courts in Georgia was not possible to calculate due to missing budget data.

**Estimated number of judges**

In order to utilise provided data on the three year case flow and number of judges, several regression models were produced and tested. Finally, due to the fact that significant changes occurred in the first instance court structure in the Georgia in the 2009 – 2011 period, it was

decided to produce the model based on the 2011 data. In that regard, 2011 case flow data from 36 courts were used in building regression model, while data from five courts (Gurjaani, Kvareli, Lagodekhi, Abasha and Martvili) were disregarded due to the significant changes that occurred in these courts in 2011. Estimated number of judges per case for the first-instance courts in Georgia is reported in the following table. The model is an estimate, based on 2011 data (36 observations in total).

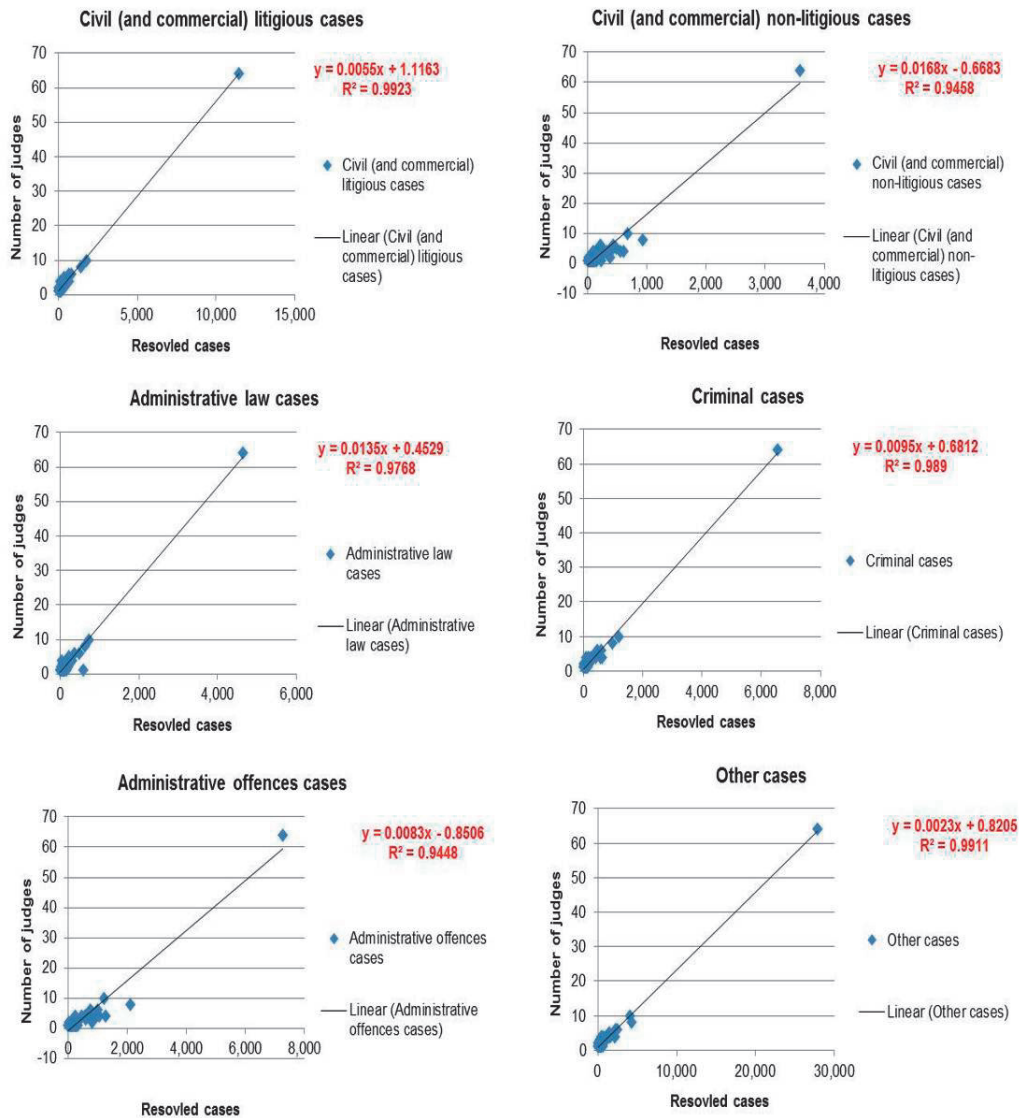
**TABLE 1.9. Estimate of Number of Judges per Case for the first-instance courts in Georgia**

Variable/Cases	Coefficient / Avg. Number of Judges per Case	Std. Error	t-Statistic	Prob. P-value
Civil and comm. litigious cases	0.00260	0.00139	1.87	0.07
Civil and comm. non-litigious cases	0.00058	0.00138	0.42	0.68
Administrative law cases	0.00088	0.00139	0.63	0.53
Criminal cases	0.00147	0.00236	0.62	0.54
Administrative offences cases	-0.00060	0.00091	-0.66	0.51
Other cases	0.00078	0.00066	1.19	0.25
Intercept	0.94884	0.22763	4.17	0.00
R-squared	99.4%		F-statistic	934.07
Adjusted R-squared	99.3%		Prob (F-statistic)	0.00

Taking into account coefficient of determination ( $R^2$ ), the model explains 99.3% of differences in 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. However, none of the coefficients (except intercept) is statistically significant. Case flow data from future years could be used to increase the number of observations and calibrate the 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:

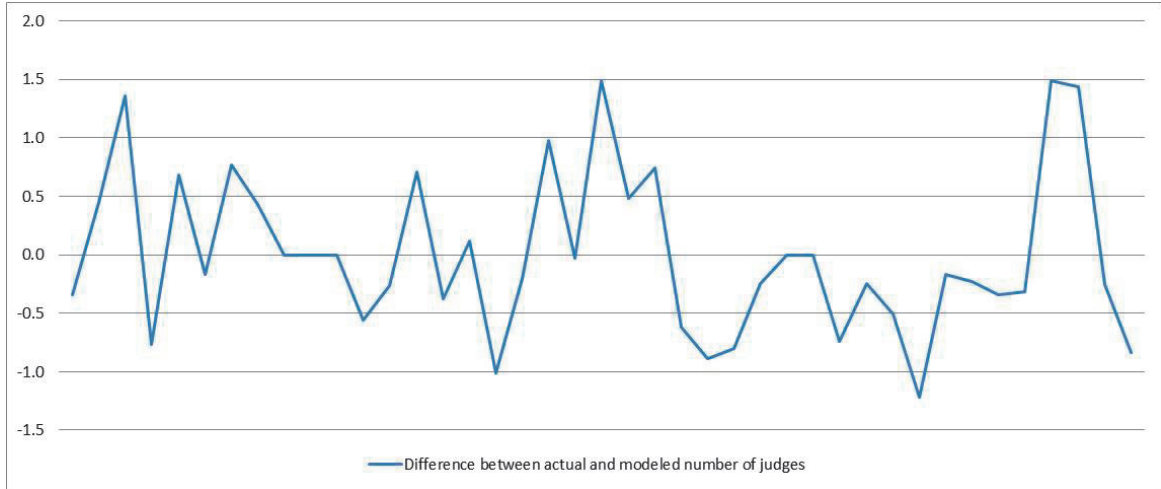
**FIGURE 1.10. Simple linear regressions per number of judges and case type in the first-instance courts in Georgia**



Simple linear regressions per case type in the first-instance courts in Georgia show that coefficients of determination ( $R^2$ ) are for all case types are above 90% with the maximum of 99.2% for civil and commercial litigious cases. In other words, simple linear regression applied on “civil and commercial litigious cases” accounts (or explains) for 99.2% of variability in the number of judges. However, when multiple regressions are applied on all four case groups, combined coefficient of determination reaches 99.4% as seen in the above table. The model explains 99.4% of differences in number of first-instance judges and the overall model is statistically significant. All case types have outlier for the Tbilisi court data due to high number of judges (38% of the first instance court judges work in Tbilisi), but the outlier is close to linear function of every case type and does not distort the results.

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

**FIGURE 1.11. Difference between the actual and modelled number of judges for first-instance courts in Georgia**



The model indicates difference in productivity of the first-instance court judges. The biggest positive difference, which indicates a low level of productivity, is 1.5 or 30% of the actual number of judges. The biggest negative difference, which indicates a high level of productivity, is 1.2 or 15% of the actual number of judges.

Data are consistent and of relevant quality as far as delivered, variety of data (not for productivity) is less than of other EPC.

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

	Name of Court (please enter data only for first instance courts)	Clearance Rate	Clearance Rate	Clearance Rate
		2011	2010	2009
1	Ambrolauri	100%	103%	95%
2	Oni			<b>104%</b>
3	Akhaltzikhe	100%	102%	98%
4	Adigeni			<b>113%</b>
5	Aspindza			102%
6	Borjomi			<b>108%</b>
7	Akhalkalaki	103%	99%	100%
8	Batumi	100%	103%	100%
9	Kobuleti			<b>106%</b>
10	Bolnisi	100%	100%	<b>92%</b>
11	Dmanisi			102%
12	Marneuli			<b>111%</b>
13	Gali-Gilrifshi			97%
14	Ochamchire-Tkvarcheli			<b>92%</b>
15	Gali-Gulrifshi and Ochamchire Tkvarcheli	102%	101%	<b>114%</b>
16	Gardabani	100%	101%	99%
17	Gori	102%	100%	<b>104%</b>
18	Gurjaani	97%		102%
19	Kvareli	<b>108%</b>	99%	99%
20	Lagodekhi	102%	101%	100%
21	Dedoplistskaro	<b>104%</b>	97%	99%
22	Vani	100%	101%	100%
23	Zestafoni	101%	99%	97%
24	Terjola			102%
25	Kharagauli			100%
26	Zugdidi	103%	99%	100%

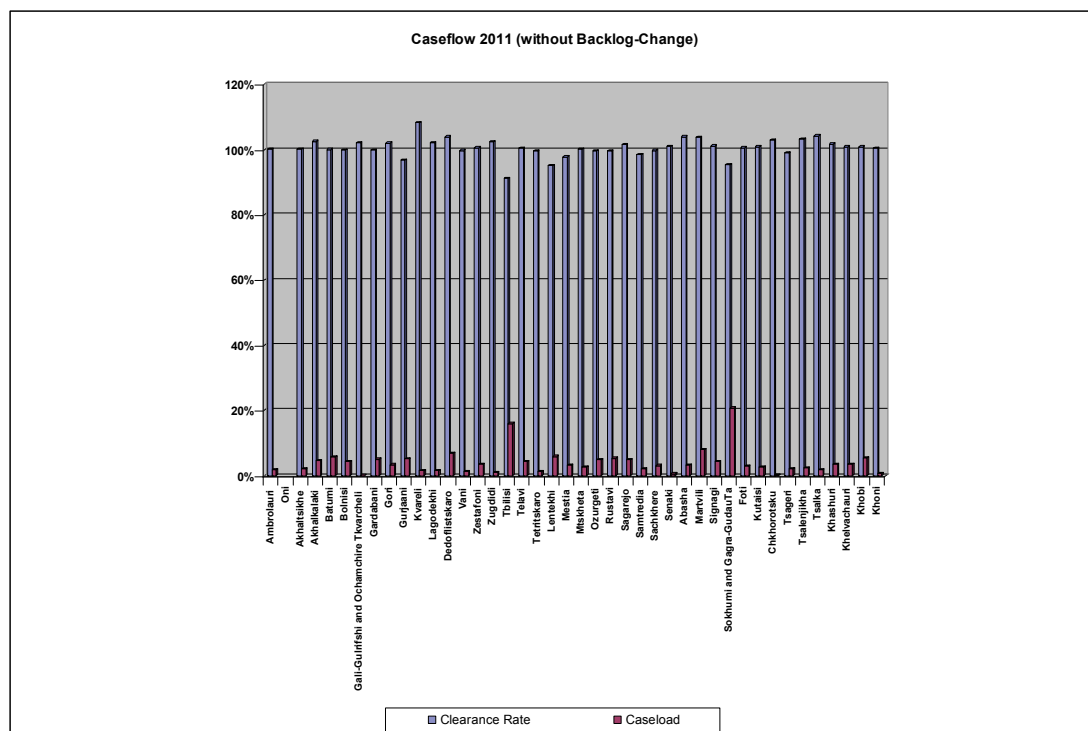


27	Tbilisi	91%	101%	101%
28	Telavi	100%	100%	95%
29	Akhmeta			105%
30	Tetritskaro	100%	101%	100%
31	Lentekhi	95%	100%	101%
32	Mestia	98%	100%	101%
33	Mtskheta	100%	100%	102%
34	Ozurgeti	100%	100%	98%
35	Lanchkhuti			105%
36	Chokhatauri			105%
37	Rustavi	100%	102%	98%
38	Sagarejo	102%	99%	99%
39	Samtredia	99%	102%	101%
40	Sachkhere	100%	101%	99%
41	Senaki	101%	100%	94%
42	Abasha	104%	100%	100%
43	Martvili	104%	101%	100%
44	Signagi	101%	101%	102%
45	Sokhumi			95%
46	Gagra-Gudauta			91%
47	Sokhumi and Gagra-Gudauta	95%	110%	72%
48	Poti	101%	101%	100%
49	Kutaisi	101%	101%	102%
50	Bagdadi		102%	100%
51	Tkibuli		103%	100%
52	Tskaltubo		102%	100%
53	Chkhorotsku	103%	98%	120%
54	Tsageri	99%	99%	101%
55	Tsalenjikha	103%	99%	98%
56	Tsalka	104%	95%	102%

57	Khashuri	102%	<b>104%</b>	100%
58	Khelvachauri	101%	101%	<b>103%</b>
59	Keda			<b>109%</b>
60	Shuakhevi			<b>104%</b>
61	Khulo			<b>110%</b>
62	Khobi	101%	99%	99%
63	Khoni	100%	100%	100%
Average		101%	101%	101%
Median		101%	101%	100%
Deviation from average		1,9%	1,4%	3,9%
Standard-deviation		2,8%	2,2%	6,3%

Clearance rate of Georgia in general is outstanding, namely of 101% on average, stable over the last three periods. Only underperforming is the court of Tbilisi at 91%, facing the risk of piling up backlogs since 2011. Regarding clearance rate Georgia is performing above average and all the courts show improving or stable conditions at high level.

Caseload is also very low and stable. In the following graph both indicators are showing (without backlog change due to huge logical variation without added value of information):



Backlog change is also on low level, has improved in the past and is now considered stable. The mathematical high increases are due to extreme low level of pending cases.

To keep the overall perspective (light and shadow are close) a special reference has to be made to analysis of productivity below!

**Recommendations:**

- Identify the reasons for the clearance rate drop between 2009 and 2011 in Tbilisi and define measures against this trend.

**Disposition Time**

	Name of Court (please enter data only for first instance courts)	Average Disposition Time in days	Average Disposition Time in days	Average Disposition Time in days
	I	2011	2010	2009
1	Ambrolauri	6	7	30
2	Akhalsikhe	8	8	18
3	Akhalkalaki	17	23	22
4	Batumi	21	19	35
5	Bolnisi	16	14	40
6	Gali-Gulrifshi and Ochamchire Tkvarcheli		9	
7	Gardabani	18	17	20
8	Gori	12	18	22
9	Gurjaani	20		5
10	Kvareli	5	22	24
11	Lagodekhi	6	13	17
12	Dedoplistskaro	24	33	31
13	Vani	5	4	6
14	Zestafoni	13	18	21
15	Zugdidi	3	11	9
16	Tbilisi	64	25	29
17	Telavi	16	17	34
18	Tetritskaro	4	3	10
19	Lentekhi	23	2	3
20	Mestia	12	6	5
21	Mtskheta	10	13	13

22	Ozurgeti	18	19	22
23	Rustavi	19	18	22
24	Sagarejo	18	16	13
25	Samtredia	8	3	11
26	Sachkhere	11	10	15
27	Senaki	2	11	30
28	Abasha	11	7	8
29	Martvili	28	10	13
30	Signagi	16	16	23
31	Sokhumi and Gagra-Gudauta	79	43	156
32	Poti	10	11	14
33	Kutaisi	9	13	19
34	Chkhorotsku	1	17	10
35	Tsageri	8	4	2
36	Tsalenjikha	8	13	11
37	Tsalka	7	25	9
38	Khashuri	12	16	30
39	Khelvachauri	12	10	15
40.	Khobi	20	21	15
41.	Khoni	2	4	1
	Average	15	14	18
	Median	12	13	14
	Deviation from average	8,76	6,49	12,35
	Standard-deviation	14,79	8,51	21,69

All the courts deliver decisions on average within a fortnight. Only Sokhumi and Gagra-GudauTa need in relation to other countries much acceptable 79 days, but cut disposition time within last two years in a half.

**Recommendations:**

- Find out reason for positive decrease of disposition time within last two years in Sokhumi and Gagra-Gudauta courts, (if identified as best practise) is transferrable to other courts.

### Efficiency

As there is no coherent budget related to the single courts relevant to the workload, no indicator on efficiency according to budget can be calculated.

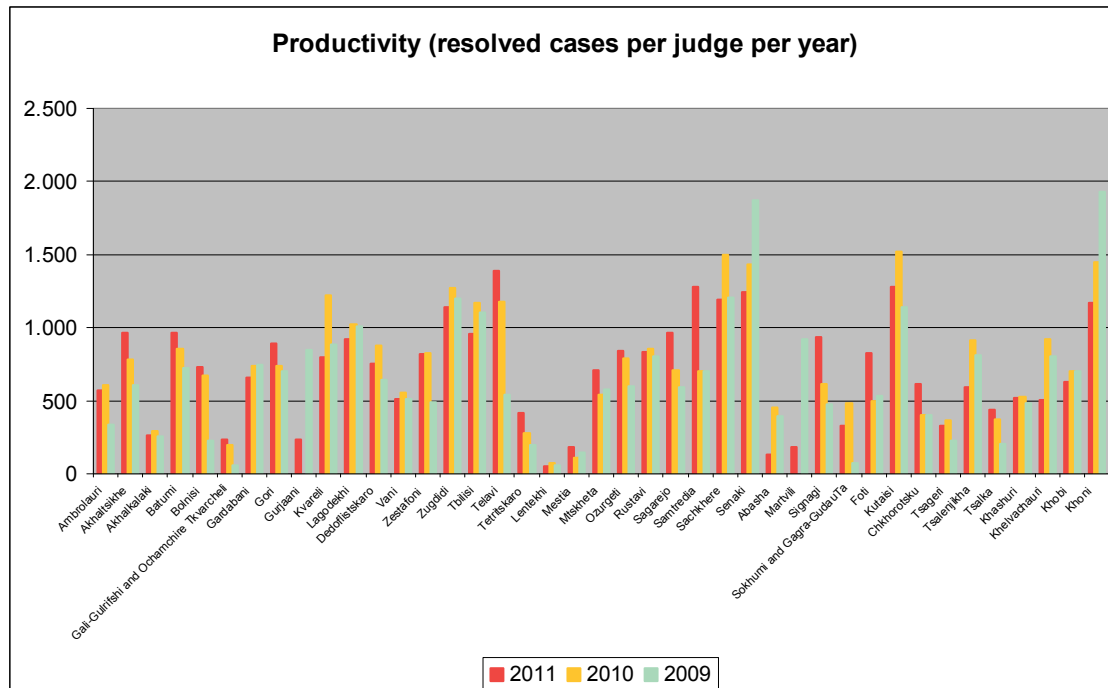
### Productivity

Regarding productivity a mixed picture is displayed:

	Name of Court (please enter data only for first instance courts)	Productivity (resolved cases/judge)	Productivity (resolved cases/judge)	Productivity (resolved cases/judge)
	I	2011	2010	2009
1	Ambrolauri	570	605	337
2	Akhaltsikhe	965	779	605
3	Akhalkalaki	261	294	257
4	Batumi	964	854	721
5	Bolnisi	734	672	227
6	Gali-Gulrifshi and Ochamchire Tkvarcheli	237	200	56
7	Gardabani	658	735	745
8	Gori	895	737	705
9	Gurjaani	233		848
10	Kvareli	799	1.219	883
11	Lagodekhi	924	1.021	1.009
12	Dedoflistskaro	753	875	644
13	Vani	510	552	513
14	Zestafoni	820	824	492
15	Zugdidi	1.137	1.273	1.196
16	Tbilisi	958	1.172	1.101
17	Telavi	1.386	1.174	544
18	Tetritskaro	415	278	197
19	Lentekhi	49	74	57
20	Mestia	183	113	145
21	Mtskheta	711	544	581
22	Ozurgeti	843	790	603

23	Rustavi	830	858	807
24	Sagarejo	964	709	595
25	Samtredia	1.278	699	705
26	Sachkhere	1.194	1.500	1.207
27	Senaki	1.241	1.433	1.872
28	Abasha	129	455	398
29	Martvili	183		923
30	Signagi	937	611	474
31	Sokhumi and Gagra-Gudauta	331	485	75
32	Poti	826	495	533
33	Kutaisi	1.282	1.520	1.138
34	Chkhorotsku	616	405	400
35	Tsageri	328	368	229
36	Tsalenjikha	590	914	808
37	Tsalka	437	374	207
38	Khashuri	516	526	484
39	Khelvachauri	505	924	805
40.	Khobi	631	704	704
41.	Khoni	1.170	1.446	1.932
	Average	707	745	566
	Median	734	707	513
	Deviation from average	295,33	307,01	311,99
	Standard-deviation	356,31	387,43	402,43

While improving the productivity by median from 2009 (513 cases per judge a year) up to 734 cases in 2011, the range of deviation is huge: 295 cases of deviation from an average of 707 and a standard deviation of 356 shows a lot of inconsistency. The productivity of courts varies from 49 cases per judge a year (Lentekhi) up to 1.386 (Telavi) resolved cases per judge in 2011. Not all of the courts improved their performance; special attention has to be given to those becoming less productive over the last three years:



Especially regarding the excellent case-flow indicators (clearance rate at or above 100%), the huge variation of productivity indicates still court-locations maybe candidates for merger or partially overstaffed.

For achieving a clearance rate of 100% and handling the full load of 149.039 incoming cases, productivity per judge of 887 cases per judge and year or around 25% more of resources would be necessary.

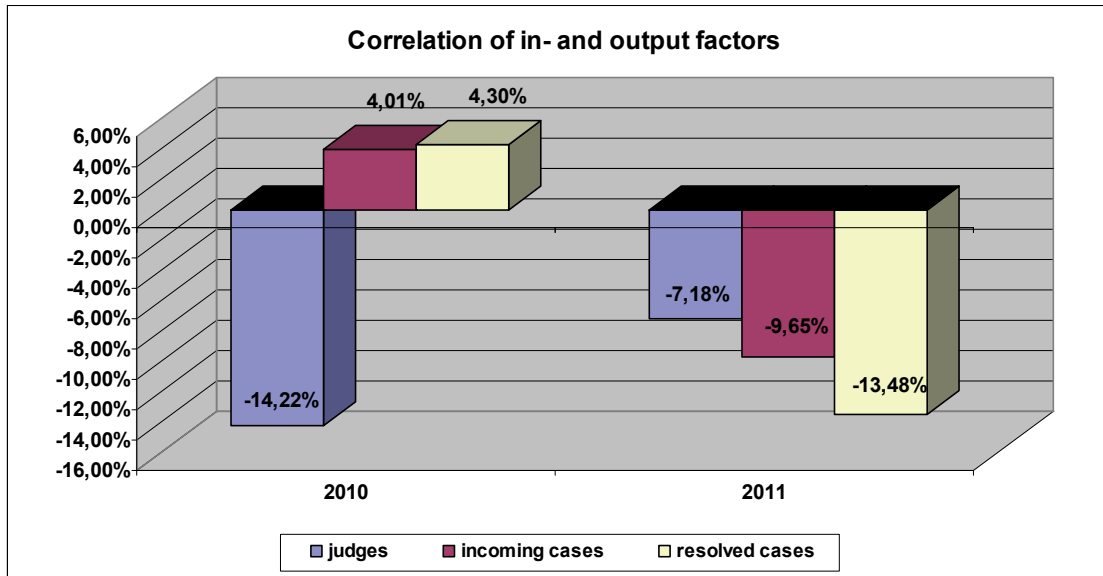
**Recommendations:**

- Be aware of unbalanced productivity: there is a limited logic between amount of cases and invested personnel.

**Summary**

Georgia displays best case-flow indicators at very low level of calculated disposition time. Along with a huge variety of productivity high attention has to be drawn to ideal distribution of personnel and workload. Even if the general trend of reducing judges reflects the reduced number of incoming cases, a lot of courts perform “less productive/inefficient” in relation to invested personnel.

Year	judges		incoming cases		resolved cases	
2011	168	-7,18%	149.039	-9,65%	143.853	-13,48%
2010	181	-14,22%	164.951	4,01%	166.273	4,30%
2009	211		158.586		159.415	



Regarding still the overstaffed/less productive courts continuation of court-merger (or reduction of personnel and dematerialisation and distribution of workload) might be highly indicated to rebalance productivity in relation to invested personnel.

**Recommendations:**

- Pay high attention to ideal distribution of personnel and workload; and
- A lot of courts perform "less productive/inefficient" in relation to invested personnel.

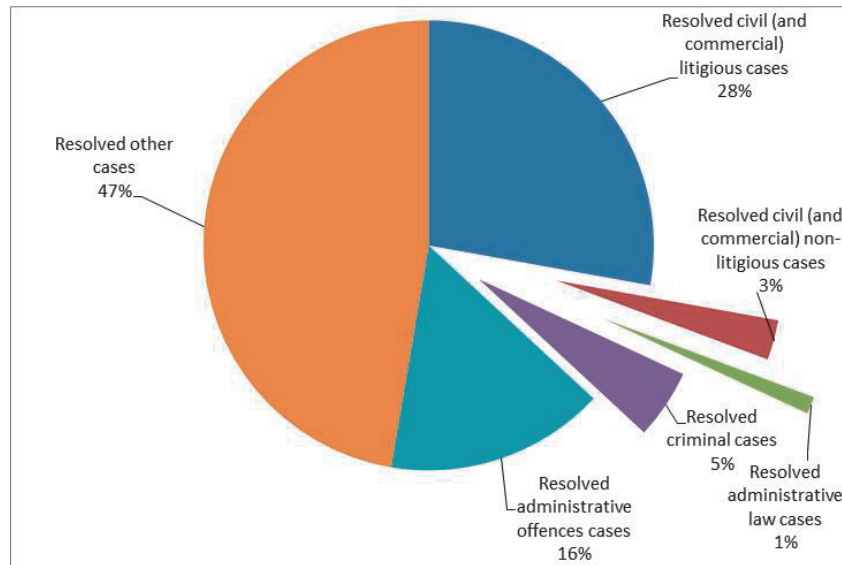


## Republic of Moldova

### Quality of data

Out of 47 first instance courts that delivered data on the three year case flow, five courts (Grigoripol, Ribnitsa, Slobozia, District Commercial and Military Courts) were not included into analysis due to incompatible incomparable structure of resolved cases.

**FIGURE 1.12. Structure of resolved cases in period 2011-2009 in the first instance courts in the Republic of Moldova**



Based on data provided by the first instance courts, majority of resolved cases were other cases (47%) followed by civil and commercial litigious cases (28%), administrative offences cases (16%), criminal cases (5%), civil and commercial non-litigious cases (3%) and finally administrative law cases (1%).

### Cost Efficiency

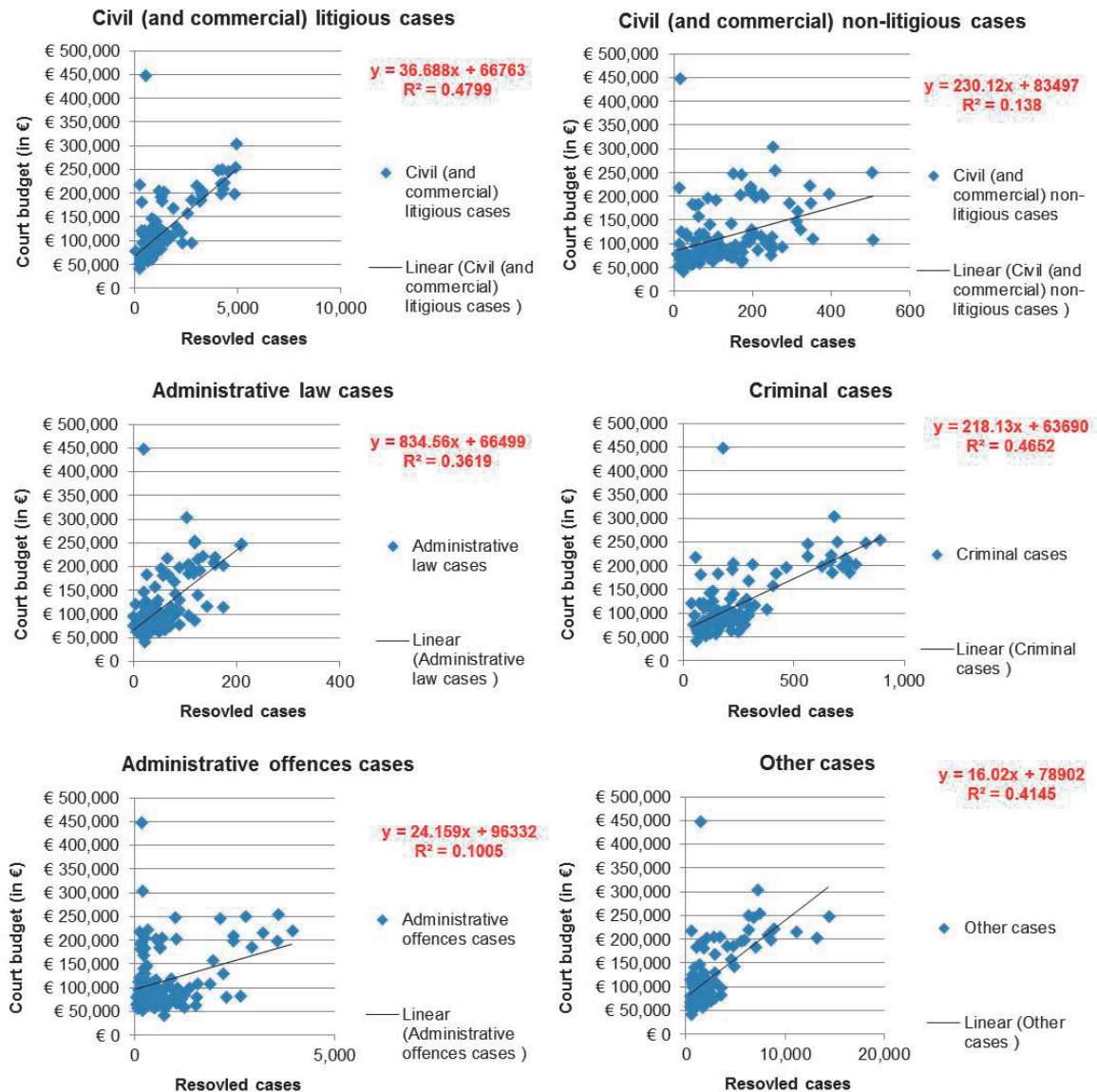
Estimated cost per case indicators for first-instance courts in the Republic of Moldova are reported in the following table. The model is estimate based on data from 2011 to 2009 (126 observations in total).

**TABLE 1.13. Estimate of Cost per Case for first-instance courts in Republic of Moldova**

Variable/Cases	Coefficient / Avg. Cost per Case	Std. Error	t-Statistic	Prob. P-value
Civil and commercial litigious cases	20.85	9.47	2.20	0.03
Civil and commercial non-litigious cases	-12.20	47.82	-0.26	0.80
Administrative law cases	284.91	125.59	2.27	0.03
Criminal cases	53.95	65.41	0.82	0.41
Administrative offences cases	-10.56	6.06	-1.74	0.08
Other cases	2.81	3.23	0.87	0.39
Intercept	61675.81	7198.63	8.57	0.00
R-squared	53.3%		F-statistic	22.61
Adjusted R-squared	50.9%		Prob (F-statistic)	0.00

Taking into account coefficient of determination ( $R^2$ ), the model explains only 53.3% of differences in first-instance courts' budgets and only two (civil and commercial litigious cases and administrative law cases) out of six estimated coefficients of all case categories 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 1.14. Simple linear regressions per budget and case type in the first-instance courts in the Republic of Moldova**

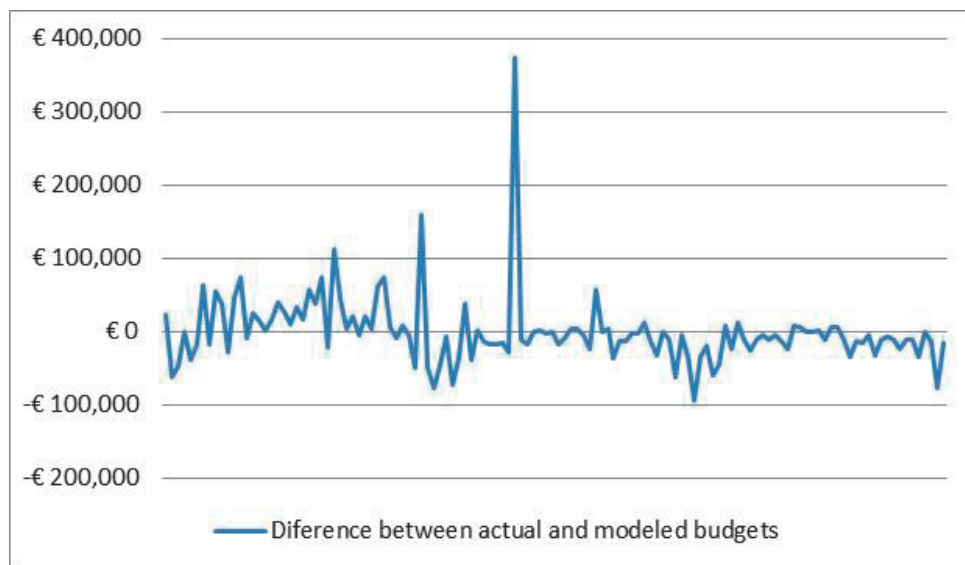


Simple linear regressions per case type in the first-instance courts in Republic of Moldova show that coefficients of determination ( $R^2$ ) are ranging from 10% in administrative offences cases to 48% in other cases. In other words, simple linear regression applied on “civil and commercial litigious cases” accounts (or explains) for only 48% of variability in court budgets. Even when multiple regressions are applied on all six case groups, combined coefficient of determination reaches only 53% as seen in the above table. Clearly, this level of explanatory power of a model would not be of significant use for building modelled court budgets.

To circumvent this issue, alternative approach was used to estimate cost efficiency of courts. Since coefficients of determination ( $R^2$ ) is rather high (92%) for estimated number of judges (see next subchapter “Estimated number of judges”), meaning that the variation of work volume (or number of resolved cases) explains 92% of variation in the number of judges, the court funding could be estimated on a basis of a number of judges. In this way, court funding would indirectly

(through the number of judges) be estimated by 92% certainty by the work volume and performance on resolving cases. In other words, modelled budgets could be built on a basis of modelled number of judges. This approach would not allow estimation of average cost per various case types in first instance courts, but it would enable modelling of court budgets. Modelled court budget would be estimated in a way that the average actual cost per judge would be calculated and then multiplied by the modelled number of judges. Following described approach, modelled budgets were built and the difference between the actual and the modelled budgets is plotted below:

**FIGURE 1.15. Difference between the actual and modelled budget for first-instance courts in the Republic of Moldova**



The model indicates wide difference in cost efficiency of first-instance court. The biggest positive difference, which indicates a low level of efficiency, is 374,447€ or 84% of the actual operating budget. The biggest negative difference, which indicates a high level of efficiency, is 94,211€ or 47% of the actual operating budget.

#### **Estimated number of judges**

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

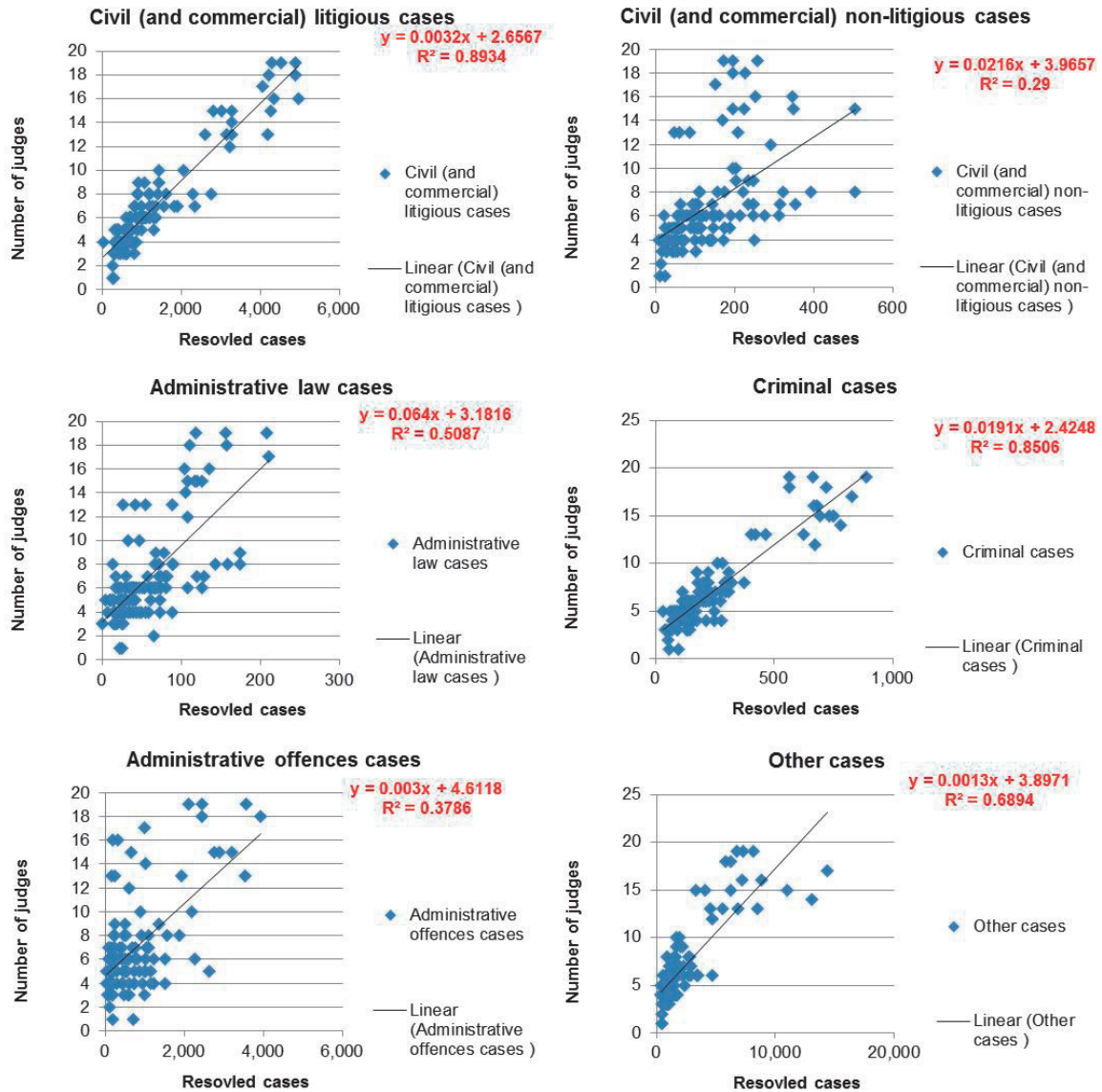
**TABLE 1.16. Estimate of Number of Judges per Case for the first-instance courts in the Republic of Moldova**

Variable/Cases	Coefficient / Avg. Number of Judges per Case	Std. Error	t-Statistic	Prob.
Civil and comm. litigious cases	0.00200467	0.00025663	7.81	0.00
Civil and comm. non-litigious cases	0.00187463	0.00129585	1.45	0.15
Administrative law cases	0.00842442	0.00340344	2.48	0.01
Criminal cases	0.00328066	0.00177249	1.85	0.07
Administrative offences cases	0.00041998	0.00016429	2.56	0.01
Other cases	0.00014408	0.00008750	1.65	0.10
C (Intercept)	2.14077135	0.19507273	10.97	0.00
R-squared	91.8%		F-statistic	222.11
Adjusted R-squared	91.4%		Prob (F-statistic)	0.00

The model explains 92% of differences in number of first-instance judges and the overall model is statistically significant. The three coefficients (Civil and comm. non-litigious cases, Administrative offences cases and other cases) are not considered statistically significant at a confidence level of 95%, but their P-values are not extremely high.

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:

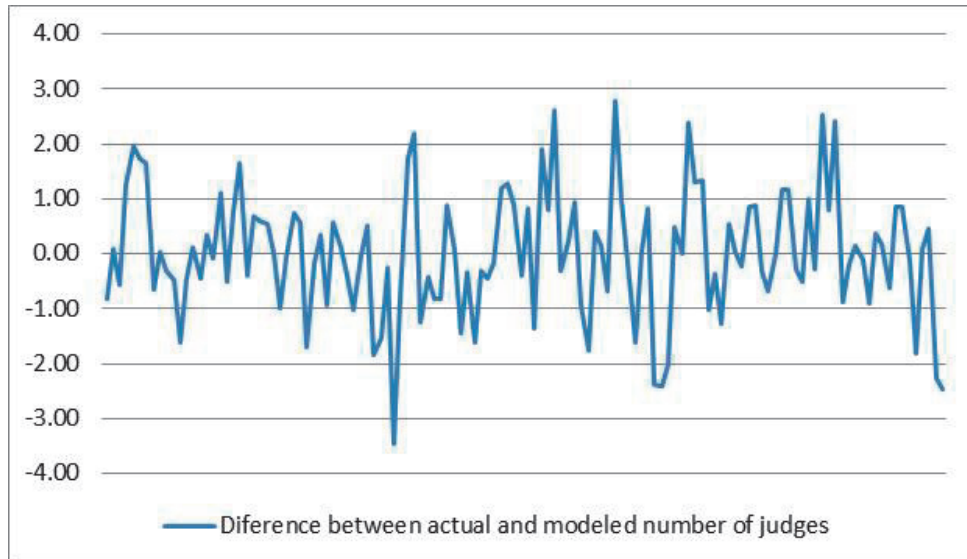
**FIGURE 1.17. Simple linear regressions per number of judges and case type in the first-instance courts in the Republic of Moldova**



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 29% in civil and commercial non-litigious cases to 89% in civil and commercial litigious cases. In other words, simple linear regression applied on “civil and commercial litigious cases” accounts (or explains) for 89% of variability in the number of judges. However, when multiple regressions are applied on all six case groups, combined coefficient of determination reaches 92% as seen in the above table. The model explains 92% 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 1.18. 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 biggest positive difference, which indicates a low level of productivity, is 2.79 or 28% of the actual number of judges. The biggest negative difference, which indicates a high level of productivity, is 3.46 or 27% of the actual number of judges.

Assuming all given numbers are correct, there is a noted statistically mismatch between work volume and availability of funding.

In the following Chisinau courts (lines 1-5), to some extent the District Commercial (line 47) and military courts (line 48) have to be considered separately due to different general situation/type of cases in regard to the other courts.

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

Clearance rate is on average at a well acceptable and stable level of 98% with very low deviations:

	Name of Court (please enter data only for first instance courts)	Clearance Rate	Clearance Rate	Clearance Rate
	I	2011	2010	2009
1	Botanica Court, Chisinau municipality	95%	99%	99%
2	Buiuani Court, Chisinau municipality	92%	96%	101%
3	Chentru Court, Chisinau municipality	92%	98%	96%
4	Ciocana Court, Chisinau municipality	94%	97%	98%
5	Rîșcani Court, Chisinau municipality	85%	98%	96%
6	Court Bălți	96%	97%	99%
7	Court Bender	101%	103%	104%
9	Anenii Noi	98%	98%	99%
10	Basarabeasca	102%	97%	103%
11	Briceni	102%	92%	99%
12	Cahul	95%	95%	98%
13	Cantemir	96%	100%	96%
14	Calarasi	99%	94%	98%
15	Causeni	96%	96%	96%
16	Ceadrîr-Lunga	96%	101%	100%
17	Cimislia	100%	100%	101%
18	Comrat	98%	100%	98%
19	Criuleni	98%	97%	97%
20	Donduseni	98%	97%	102%
21	Drochia	95%	95%	97%
22	Dubasari	98%	98%	99%
23	Edinet	99%	96%	101%
24	Falesti	108%	90%	100%
25	Floresti	69%	98%	101%
26	Glodeni	97%	97%	100%



28	<u>Hîncești</u>	94%	97%	101%
29	Ialoveni	97%	98%	101%
30	Leova	98%	98%	101%
31	Nisporeni	100%	98%	104%
32	Ocnita	101%	99%	98%
33	Orhei	98%	99%	98%
34	Rezina	100%	100%	99%
36	<u>Rîșcani</u>	99%	102%	97%
37	Sîngerei	98%	97%	99%
39	Soroca	100%	95%	98%
40	Straseni	95%	98%	98%
41	Soldanesti	95%	97%	100%
42	Stefan-Voda	99%	101%	101%
43	Taraclia	95%	99%	99%
44	Telenesti	99%	100%	100%
45	Ungheni	98%	96%	96%
46	Vulcanesti	92%	106%	98%
47	District Commercial Court	158%	97%	87%
48	Military Court	105%	100%	100%
	Average	98%	98%	99%
	Median	98%	98%	99%
	Deviation from average	4,7%	1,9%	1,9%
	Standard-deviation	10,9%	2,7%	2,7%

Only courts in Chisinau (lines 1-5) – before 2011 at the same level of clearance than the other Moldavian courts - show less level of clearance rate between 85% (Rîșcan Court) up to 95%, suffering huge cut from 2010 to 2011. Although the number of judges has been increased at Buiucani (13 to 19) and Chentru Courts (14 to 17) this was not enough to tackle the additional workload.

At Floresti (line 25) the massive increase of incoming cases along with a decrease of personnel reduced clearance rate to hardly acceptable 69% only. Courts in Cakhul, Hîncești, Soldanesti and Vulcanesti show a negative trend, which should be under further observation on time.

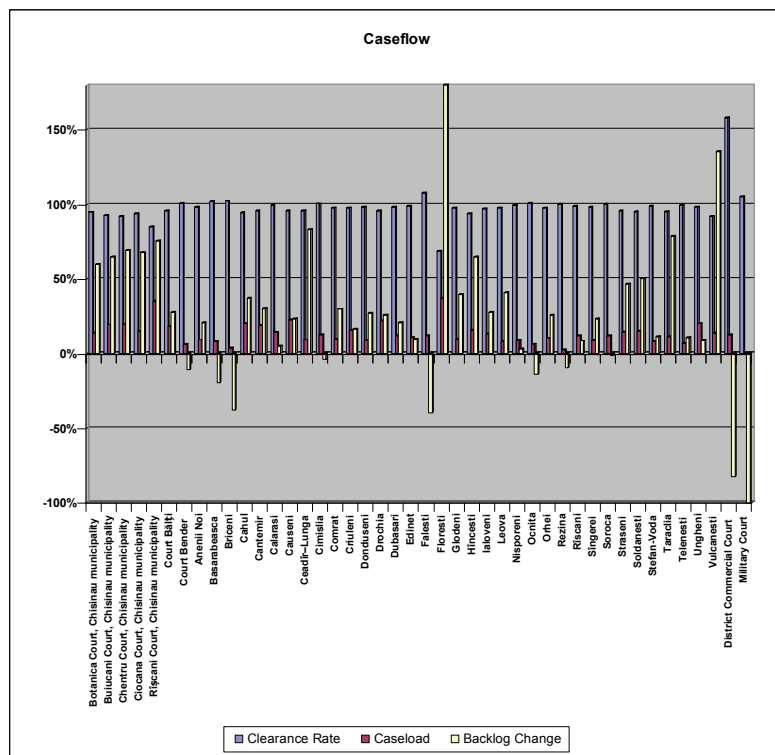
It is also remarkable the ability of District Commercial Court (line 47) to perform at a clearance rate of 158% in 2011, improving a lot since 2009 in order to reduce of amount of incoming cases but as well to increase of productivity per judge (see below)!

The situation is similar concerning the caseload: in general at an excellent low or fair level only Rîscani Court, Chisinau municipality and the court in Floresti show an alerting trend to be observed.

Backlog-change has to be reviewed in different groups of courts: Courts in Chisinau (lines 1-5) show a rather huge pile-up of cases (60%-76% in 2011), courts in Hîncești, Soldanesti, and Taraclia following close along with reduced clearance rate. Vulcanesti displays a very variable level of performance, producing backlog again after resolving a lot of it in 2010.

At Floresti (line 25) the situation has to be considered a special (negative) one: all case-flow indicators have a dramatic negative development since 2010, after showing perfect indicators in 2010. Backlog-change in 2011 was at top of 524%. Certain measures have to be addressed and the detailed reason examined immediately.

The following graph shows the complete situation of case-flow (backlog-change of Floresti court cut, value reads 524%):



**Recommendations:**

- Identify the reasons for the drop of clearance rate in 2011 especially at the Chisinau courts and Rîscani court;
- Further observe trends of clearance rate at Cakhul, Hîncești, Soldanesti and Vulcanesti courts;
- Observe trend of caseload at Rîscani court, Chisinau municipality and the Floresht court;
- Backlog-change has to be monitored especially at courts in Hîncești, Soldanesti, Taraclia and Vulcanesti;
- Develop immediate special measures to resolve situation in Floresti.

## Disposition Time

	Name of Court (please enter data only for first instance courts)	Average Disposition Time in days	Average Disposition Time in days	Average Disposition Time in days
		2011	2010	2009
1	Botanica Court, Chisinau municipality	54	31	28
2	Buiuani Court, Chisinau municipality	76	46	37
3	Chentru Court, Chisinau municipality	77	51	44
4	Ciocana Court, Chisinau municipality	58	31	23
5	Rîscani Court, Chisinau municipality	150	77	72
6	Court Belts	69	47	32
7	Court Bender	23	23	29
9	Anenii Noi	34	24	18
10	Basarabasca	30	37	17
11	Briceni	14	41	9
12	Cakhul	77	61	31
13	Cantemir	72	49	33
14	Calarasi	52	51	27
15	Causeni	87	56	44
16	Ceadr-Lunga	35	17	20
17	Cimislia	45	47	33
18	Comrat	34	23	23
19	Criuleni	59	59	37
20	Donduseni	33	28	10
21	Drochia	85	53	29
22	Dubasari	44	32	24
23	Edinet	40	27	11
24	Falesti	40	54	13
25	Floresti	198	31	22
26	Glodeni	35	25	15
28	Hîncești	62	32	18

29	Ialoveni	50	40	26
30	Leova	31	22	14
31	Nisporeni	31	43	19
32	Ocnita	23	23	15
33	Orhei	39	30	27
34	Rezina	10	12	12
36	Rîscani	44	20	36
37	Sîngerei	33	29	10
39	Soroca	45	44	19
40	Straseni	55	38	34
41	Soldanesti	58	39	25
42	Stefan-Voda	31	21	22
43	Taraclia	43	19	14
44	Telenesti	24	18	16
45	Ungheni	76	64	45
46	Vulcanesti	56	22	31
47	District Commercial Court	29	183	169
48	Military Court		15	14
	Average	53	39	28
	Median	44	32	24
	Deviation from average	22,04	16,22	12,90
	Standard-deviation	33,54	26,80	24,92

Calculated disposition time in Moldova is considered still to be excellent, but it is increasing (almost doubling since 2009) to very acceptable 53 days on average (at a median of 44 days).

Only Rîscani court, Chisinau municipality (150 days) and Floresti court (198 days) show an extreme negative deviation.

#### Recommendations:

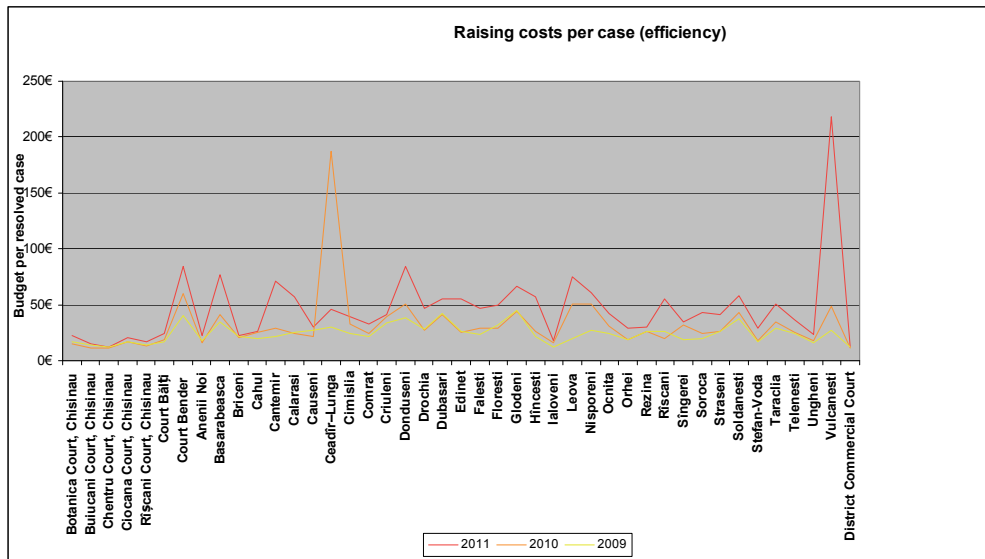
- Identify reasons for the increase of calculated disposition time (almost doubling since 2009); and
- Pay special attention to increased calculated disposition time in Rîscani Court, Chisinau municipality (150 days) and Floresti court (198 days).

## Efficiency

Moldavian courts perform on average at a very “efficient” level (56 Euro per case on average, 42 Euro per case median), but show a negative trend.

Only Vulcanesti court is much costly above the average (also in relation to the other EPC) at 218 Euro per case.

The military court is structurally different and therefore not comparable with its 478 Euro per case. Therefore the following table is showing the raising level of costs per case (efficiency) excluding the military court. Mind the three levels of efficiency, indicating the general trend of raising costs per case each year:



## Recommendations:

- Explore the reasons for the increase of calculated disposition time (almost doubling since 2009).

## Productivity

In general productivity is around a level close to other EPC at 516 cases per judge a year:

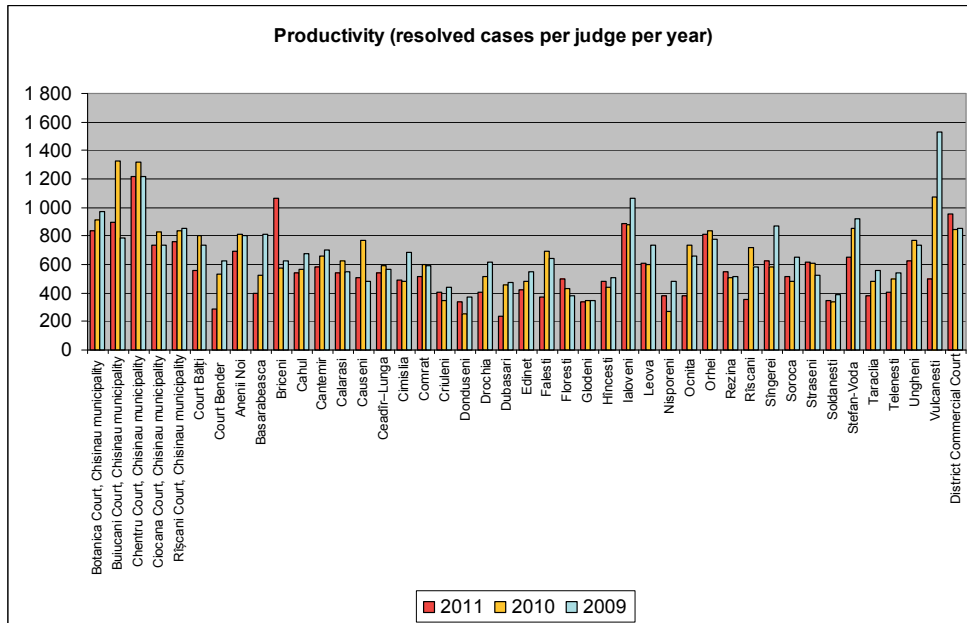
	Name of Court (please enter data only for first instance courts)	Productivity (resolved cases/judge)	Productivity (resolved cases/judge)	Productivity (resolved cases/judge)
		2011	2010	2009
1	Botanica Court, Chisinau municipality	838	917	976
2	Buiucani Court, Chisinau municipality	898	1.323	789
3	Chentru Court, Chisinau municipality	1.214	1.319	1.221
4	Ciocana Court, Chisinau municipality	739	831	736

5	Rîscani Court, Chisinau municipality	756	838	852
6	Court Belts	560	807	734
7	Court Bender	<b>284</b>	<b>531</b>	629
9	Anenii Noi	696	813	800
10	Basarabasca	<b>395</b>	<b>524</b>	809
11	Briceni	<b>1.064</b>	573	627
12	Cakhul	<b>538</b>	568	675
13	Cantemir	586	656	705
14	Calarasi	<b>538</b>	623	<b>546</b>
15	Causeni	<b>507</b>	765	<b>478</b>
16	Ceadir-Lunga	<b>543</b>	595	565
17	Cimislia	<b>487</b>	<b>483</b>	686
18	Comrat	<b>517</b>	600	588
19	Criuleni	<b>402</b>	<b>346</b>	<b>441</b>
20	Donduseni	<b>342</b>	<b>256</b>	<b>369</b>
21	Drochia	<b>407</b>	<b>516</b>	619
22	Dubasari	<b>240</b>	<b>459</b>	<b>470</b>
23	Edinet	<b>421</b>	<b>484</b>	551
24	Falesti	<b>374</b>	692	645
25	Floresti	<b>495</b>	<b>430</b>	<b>383</b>
26	Glodeni	<b>336</b>	<b>345</b>	<b>346</b>
28	Hîncesti	<b>478</b>	<b>442</b>	<b>506</b>
29	Ialoveni	888	875	<b>1.067</b>
30	Leova	606	604	733
31	Nisporeni	<b>378</b>	<b>267</b>	<b>484</b>
32	Ocnita	<b>379</b>	739	662
33	Orhei	812	838	781
34	Rezina	551	<b>503</b>	<b>516</b>
36	Rîscani	<b>359</b>	715	581
37	Sîngerei	624	585	872

39	Soroca	<b>518</b>	<b>481</b>	649
40	Straseni	619	611	<b>521</b>
41	Soldanesti	<b>343</b>	<b>337</b>	<b>386</b>
42	Stefan-Voda	654	855	<b>923</b>
43	Taraclia	<b>379</b>	<b>479</b>	557
44	Telenesti	<b>405</b>	<b>496</b>	<b>545</b>
45	Ungheni	623	769	739
46	Vulcanesti	<b>501</b>	<b>1.072</b>	<b>1.526</b>
47	District Commercial Court	<b>953</b>	848	851
48	Military Court	<b>19</b>	<b>24</b>	<b>27</b>
	Average	<b>516</b>	592	620
	Median	<b>507</b>	585	627
	Deviation from average	189,81	216,34	204,00
	Standard-deviation	259,53	292,16	290,08

It is remarkable that Chisinau courts, even if their case-flow is backlogging, show a high productivity, much above average. Especially the Chentru court and Chisinau municipality is the Republic of Moldova's best performing court with 1.214 cases per judge a year.

General courts, handling their workload easily (see case-flow), show a significant deviation (standard deviation of 260 cases at an average of 516 cases). This might indicate an improper distribution of resources and some room for improvement to be examined. Mind also in the following graph (showing productivity from 2009 to 2011 of all courts except the military court), that Briceni court is the only (!) court that achieved a higher productivity in 2011 than in either 2010 or 2009!



For achieving a clearance rate of 100% and handling the full load of 202.487 incoming cases, productivity per judge of 649 cases per judge and year or around 26% more of resources would be necessary.

**Recommendations:**

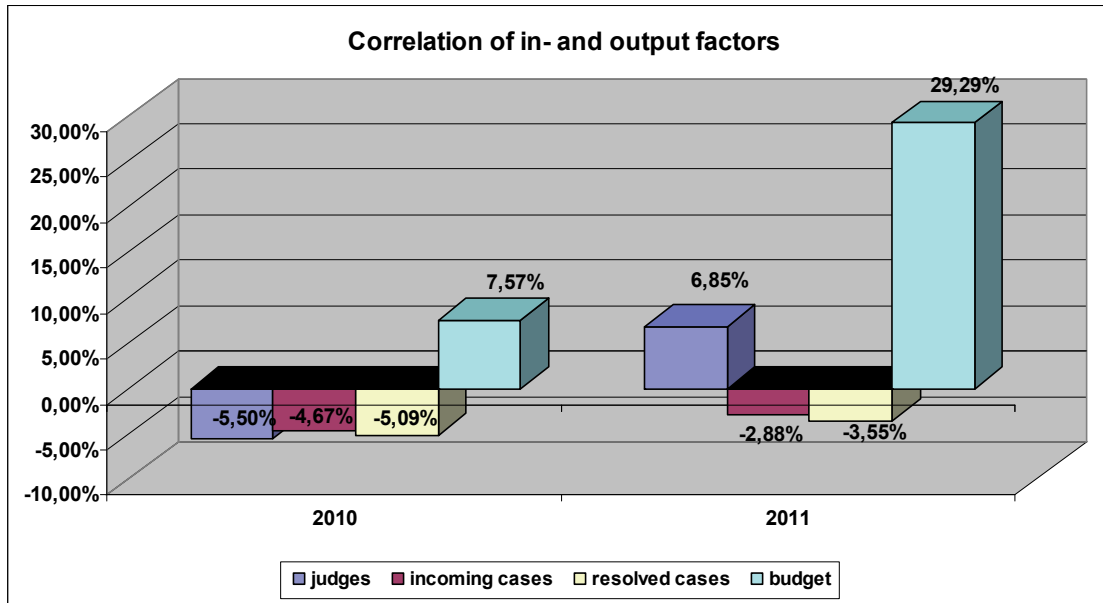
- Try to balance distribution of resources and look for some improvement; and
- Understand the reasons for the continuous decrease of productivity since 2009.

**Summary**

Handling most of the case-flow with only a few exceptions properly, backlog-change sets a few alarms. Delivering still on time and efficiently, a negative trend on all indicators has to be noted. Productivity is of huge deviation and indicates room for improvement of resources' use. The increase of investment in budget and personnel within last two years has shown no effect on the amount of resolved cases up to now (may be invested mainly in infrastructure?).

Year	judges		incoming cases		resolved cases		budget	
2011	312	6,85%	202.487	-2,88%	196.075	-3,55%	€ 5.973.884	29,29%
2010	292	-5,50%	208.489	-4,67%	203.285	-5,09%	€ 4.620.635	7,57%
2009	309		218.704		214.192		€ 4.295.512	





The mentioned mismatch between work volume and availability of funding in the Republic of Moldova indicates strengthening of performance based budgeting could be considered.

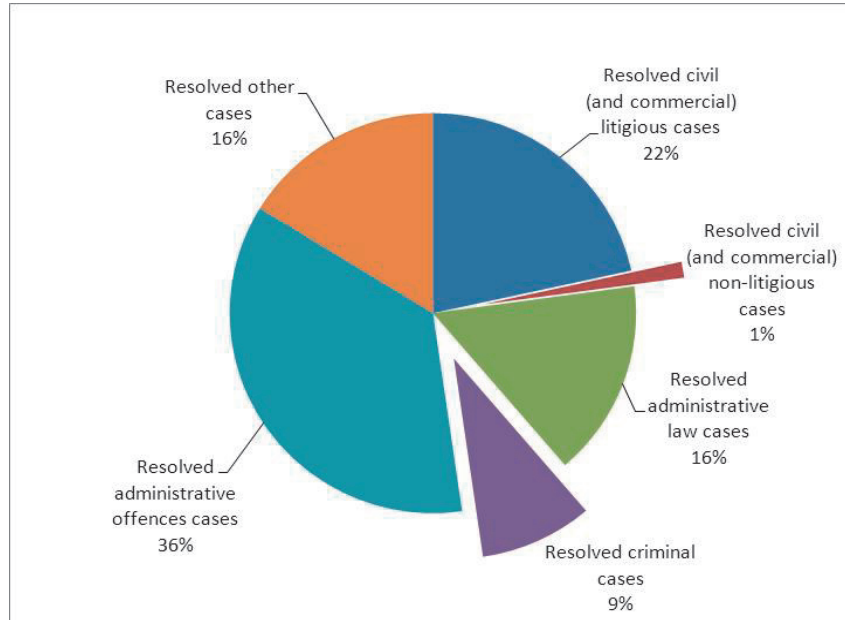
**Recommendations:**

- Be aware of increasing backlog-change;
- Though still being efficient and on time, pay special attention to negative trend on all indicators;
- Take care of balanced productivity and relation between in- and output-factors.

## Ukraine

### Quality of data

**FIGURE 1.19. Structure of resolved cases in period 2011-2009 in the first instance courts (Kiev and Odessa)**



Based on data provided by courts in the two districts in Ukraine (Kiev 10 courts and Odessa 33 courts), majority of resolved cases were administrative offences cases (36%), followed by civil and commercial litigious cases (22%), administrative law cases (16%), other cases (16%) and finally civil and commercial non-litigious cases (1%).

### Cost Efficiency

Estimated Cost per Case indicators for first-instance courts are reported in the following table. The model is estimate based on data from 2011 to 2009 (126 observations in total).

**TABLE 1.20. Estimate of cost per case for first-instance courts (Kiev and Odessa)**

Variable/Cases	Coefficient / Avg. Cost per Case	Std. Error	t-Statistic <sup>22</sup>	Prob. P-value
Civil and com. (non) litigious cases <sup>23</sup>	32.45	5.92	5.43	0.00
Administrative law cases	26.98	3.79	7.11	0.00
Criminal cases	5.20	7.06	0.74	0.46
Administrative offences cases	18.73	3.89	4.81	0.00
Other cases	15.09	2.98	5.07	0.00
C (Intercept)	24,445.34	11,220.15	2.18	0.03
R-squared	91.7%		F-statistic	272.60
Adjusted R-squared	91.3%		Prob (F-statistic)	0.00

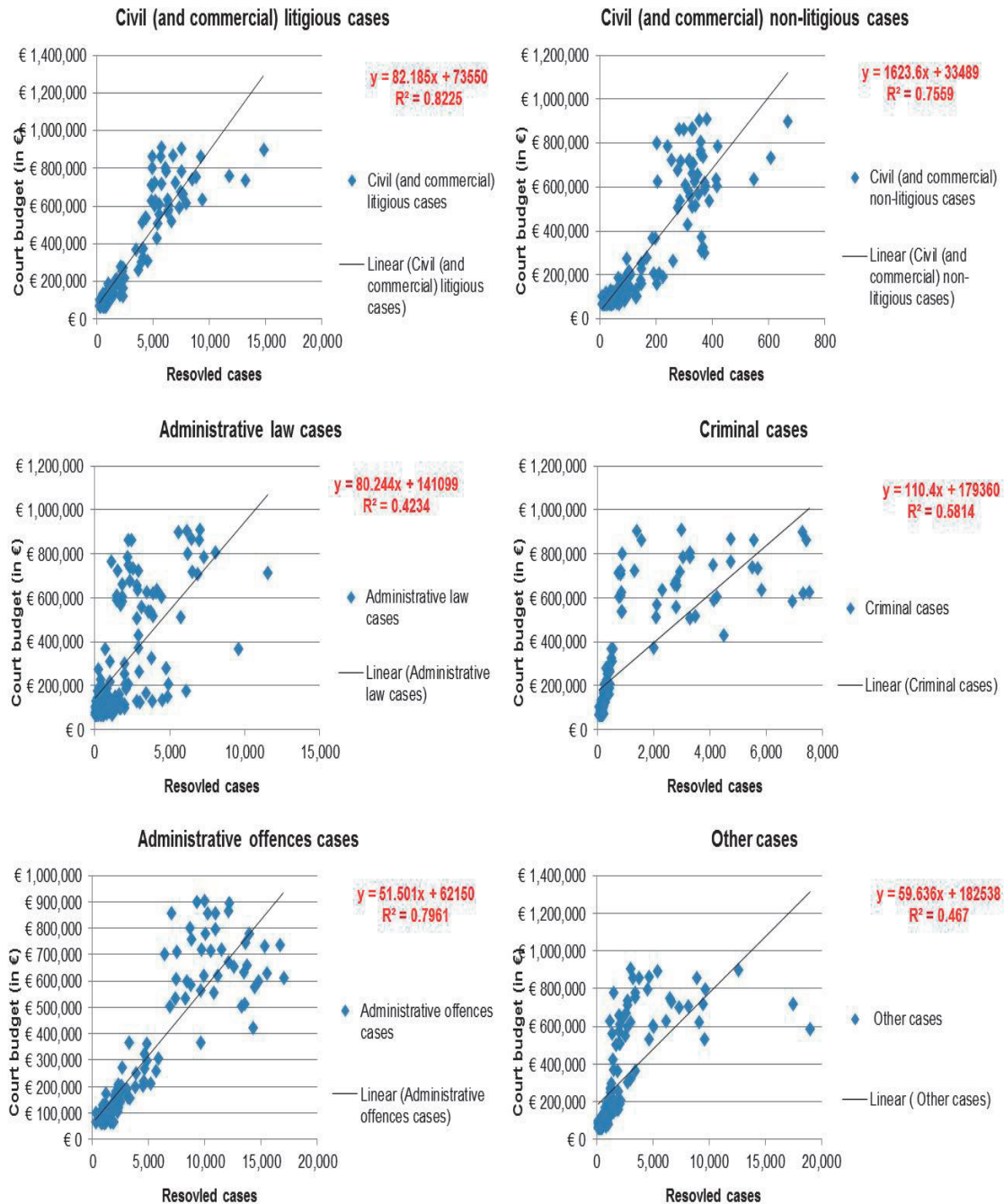
Taking into account the coefficient of determination (R-squared), the model explains 92% of differences in first-instance courts' budgets and overall model is statistically significant<sup>24</sup>. Estimated coefficients of all case categories, except the criminal cases category, are statistically significant.

<sup>22</sup> For t-Statistic from least squares regression, the t-Statistic is the regression coefficient (of a given independent variable) divided by its standard error. The standard error is essentially one estimated standard deviation of the data set for the relevant variable. To have a very large t-statistic implies that the coefficient was able to be estimated with a fair amount of accuracy. If the t-stat is more than 2 (the coefficient is at least twice as large as the standard error), you would generally conclude that the variable in question (court cases) has a significant impact on the dependent variable (court budgets). High t-statistics (over 2) mean the variable is significant.

<sup>23</sup> Civil and commercial litigious and non-litigious cases are observed together since if observed separately, results for civil (and commercial) non-litigious cases would not be statistically significant. In addition, if observed separately, coefficient (or average cost per case) for civil (and commercial) non-litigious cases would be negative. Furthermore, civil (and commercial) non-litigious are making only 1% of resolved cases in the first instance courts, and possible misclassification of these case types in case registers could have taken place in court registries. Taking into account these factors, and taking into account that coefficient of determination of the model would be affected by only 0.4% with this change, it was decided that Civil and commercial litigious and non-litigious cases should be observed together. On the other hand, resolved criminal cases were observed separately since they are making 9% of the total number of resolved cases and their coefficient (or average cost per case) was positive.

<sup>24</sup> In statistical significance testing, the **p-value** is the probability of obtaining a test statistic at least as extreme as the one that was actually observed, assuming that the null hypothesis is true. In our case, null hypothesis is that solving court cases does not affect court budgets. One often "rejects the null hypothesis" when the p-value is less than the significance level, which is often 0.05 or 0.01. When the null hypothesis is rejected, the result is said to be statistically significant.

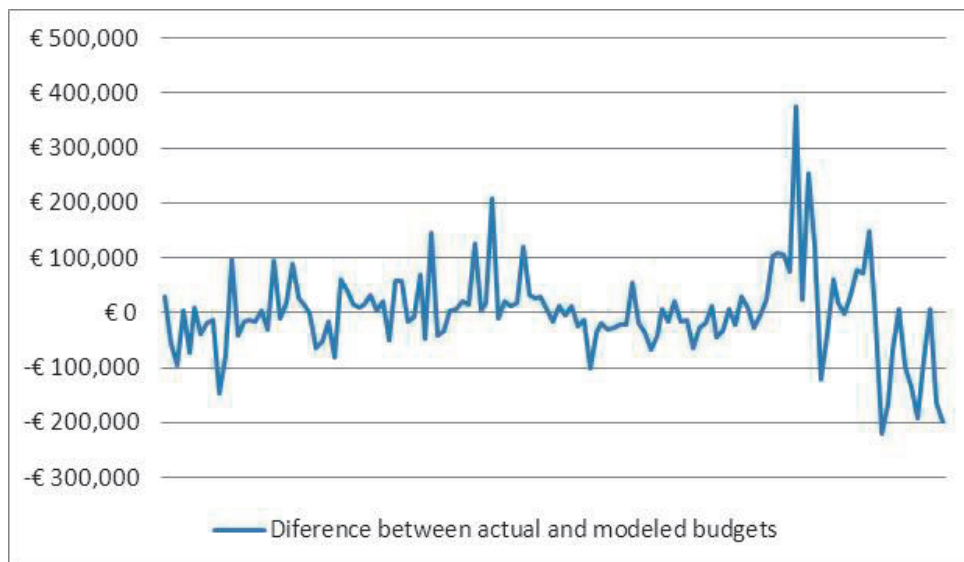
**FIGURE 1.21. Simple linear regressions per budget and case type in the first-instance courts (Kiev and Odessa)**



Simple linear regressions per case type in the first-instance courts show that coefficients of determination ( $R^2$ ) are ranging from 42% in administrative law cases to 82% in civil and commercial litigious cases. In other words, simple linear regression applied on “civil and commercial litigious cases” accounts (or explains) for 82% of variability in the variability of court budgets. However, when multiple regressions are applied on all six case groups, combined

coefficient of determination reaches 92% as seen in the above table. The difference between the actual and the modelled budget is plotted below:

**FIGURE 1.22. Difference between the actual and modelled budget for first-instance courts (Kiev and Odessa)**



The model indicates wide difference in cost efficiency of first-instance court. The biggest positive difference, which indicates a low level of efficiency, is 376,611€ or 44% of the actual operating budget. The biggest negative difference, which indicates a high level of efficiency, is 219,847€ or 30% of the actual operating budget.

#### **Estimated Number of Judges**

Similar regression approach can be used to determine required number of judges given the number and type of resolved cases. There is no trivial way to calculate number of judges needed to solve given number of cases of a certain type. Again, to circumvent this issue, we utilize the regression.

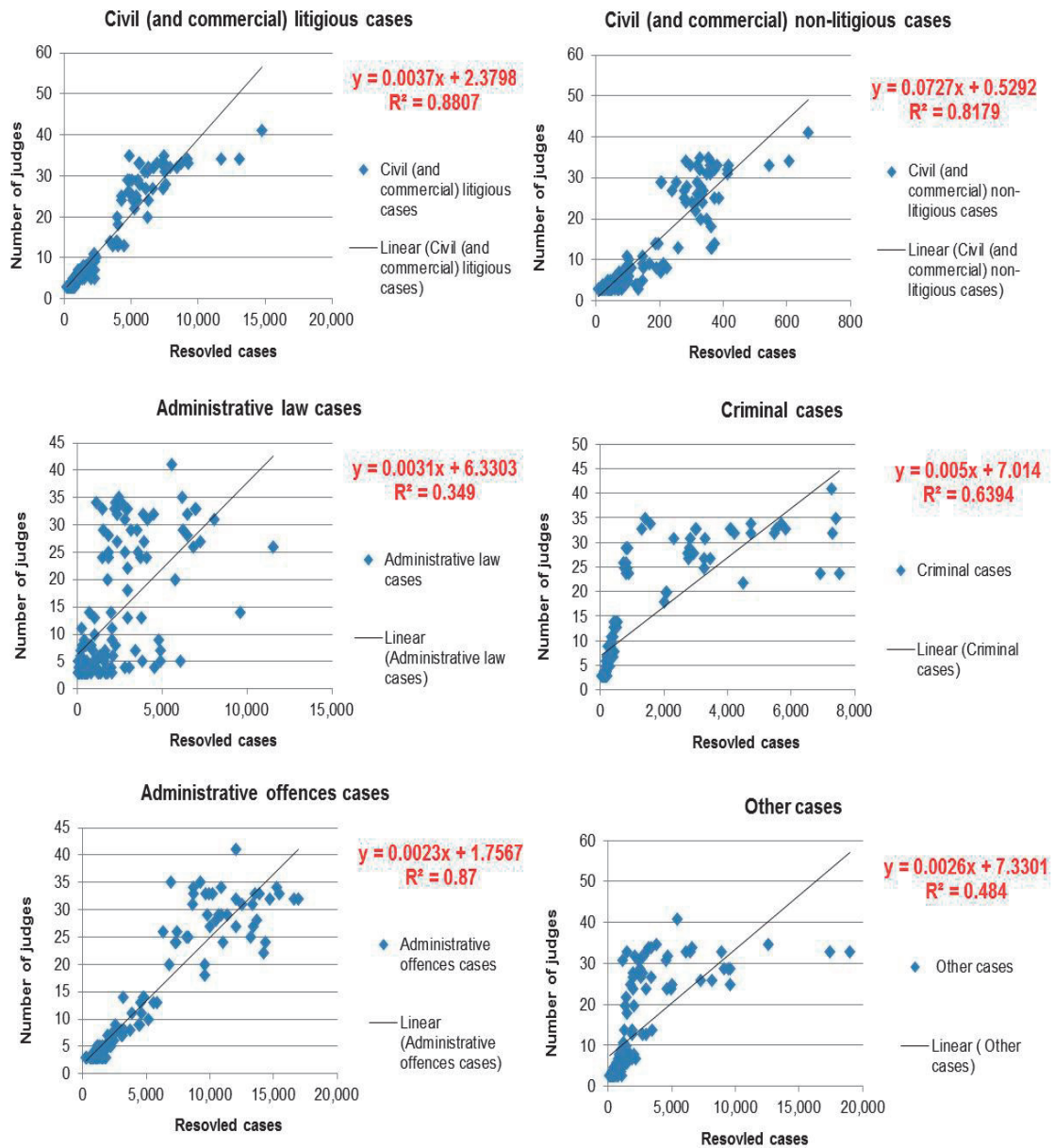
**TABLE 1.23. Estimate of Number of Judges per Case for the first-instance courts (Kiev and Odessa)**

Variable/Cases	Coefficient / Avg. Number of Judges per Case	Std. Error	t-Statistic	Prob.
Civil and comm. litigious cases	0.001317	0.0002299	5.73	0.00
Civil and comm. non-litigious cases	0.001704	0.0041394	0.41	0.68
Administrative law cases	0.000586	0.0001212	4.84	0.00
Criminal cases	0.000351	0.0002170	1.62	0.11
Administrative offences cases	0.001006	0.0001222	8.23	0.00
Other cases	0.000727	0.0000916	7.94	0.00
C (Intercept)	0.744012	0.3632207	2.05	0.04
<hr/>				
R-squared	95.8%		F-statistic	465.50
Adjusted R-squared	95.6%		Prob (F-statistic)	0.00

The model explains 96% of differences in number of first-instance judges and the overall model is statistically significant. Estimated coefficients of all case categories except the civil and commercial (non) litigious cases and criminal cases category 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:

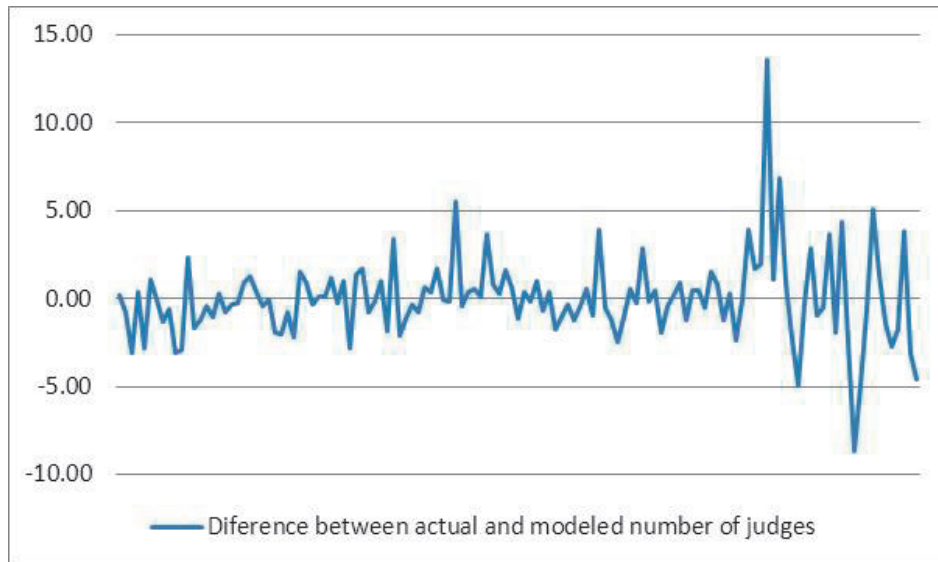
**FIGURE 1.24. Simple linear regressions per number of judges and case type in the first-instance courts (Kiev and Odessa)**



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 88% in civil and commercial litigious cases to 34.9% in administrative cases. In other words, simple linear regression applied on “in civil and commercial litigious cases” accounts (or explains) for 88% of variability in the number of judges. However, when multiple regressions are applied on all six case groups, combined coefficient of determination reaches 95.6% as seen in the above table. The model explains 95.6% 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 1.25. Difference between the actual and modelled number of judges for first-instance courts**



The model indicates wide difference in productivity of the first-instance court judges. The biggest positive difference, which indicates a low level of productivity, is 13.56 or 39% of the actual number of judges. The biggest negative difference, which indicates a high level of productivity, is 8.69 or 26% of the actual number of judges.



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

	Name of Court (please enter data only for first instance courts)	Clearance Rate	Clearance Rate	Clearance Rate
	I	2011	2010	2009
1	Ananievskiy District Court Odessa	97%	98%	97%
2	Artsizskiy District Court Odessa	101%	109%	96%
3	Baltskiy District Court Odessa	101%	101%	98%
4	Berezovskiy District Court Odessa	95%	102%	95%
5	Belgorod - Dnestrovskiy District Court Odessa	108%	108%	86%
6	Belyaevskiy District Court Odessa	97%	98%	100%
7	Bolgradskiy District Court Odessa	102%	99%	99%
8	Velikomikhaylovskiy District Court Odessa	106%	94%	103%
9	Ivanovskiy District Court Odessa	96%	100%	95%
10	Izmailskiy District Court Odessa	95%	103%	136%
11	Ilichovskiy City Court Odessa	104%	123%	77%
12	Kyivsky District Court of City of Odessa	100%	102%	93%
13	Kiliyskiy District Court Odessa	103%	105%	97%
14	Kodimskiy District Court Odessa	101%	99%	98%
15	Kominternovskiy District Court Odessa	99%	104%	106%
16	Kotovskiy City District Court Odessa	96%	104%	96%
17	Krasnooknyanskiy District Court Odessa	95%	100%	95%
18	Lyubashevshkiy District Court Odessa	99%	97%	97%
19	Malynovskiy District Court of the City of Odessa	102%	100%	96%
20	Nikolaevskiy District Court Odessa	99%	106%	95%
21	Ovidiopolskiy District Court Odessa	96%	99%	93%
22	Prymorskiy District Court of the City of Odessa	97%	75%	95%
23	Reniyanskiy District Court Odessa	86%	120%	83%
24	Razdelninskiy District Court Odessa	97%	98%	98%
25	Savranskiy District Court Odessa	98%	132%	72%
26	Saratskiy District Court Odessa	75%	101%	99%
27	Suvorovskiy District Court of the City of Odessa	102%	96%	97%

28	Tarutynskiy District Court Odessa	99%	100%	95%
29	Tatarbunarskiy District Court Odessa	99%	99%	101%
30	Teplodarskiy City Court Odessa	99%	99%	94%
31	Frunzenskiy District Court Odessa	94%	128%	78%
32	Shiraevskiy District Court Odessa	120%	109%	87%
33	Iuzhniy City Court Odessa	101%	99%	91%
1	Goloseevskiy Court Kyiv	102%	99%	97%
2	Darnitskiy Court Kyiv	92%	96%	95%
3	Desnianskiy Court Kyiv	102%	99%	97%
4	Dnipropetrovskiy Court Kyiv	101%	101%	99%
5	Obolonskiy Court Kyiv	101%	100%	96%
6	Pecherskiy Court Kyiv	100%	103%	99%
7	Podolskiy Court Kyiv	104%	99%	93%
8	Svyatoshinskiy Court Kyiv	100%	99%	96%
9	Solomianskiy Court Kyiv	102%	100%	102%
10	Shevchenkovskiy Court Kyiv	106%	101%	94%
Average		99%	102%	95%
Median		100%	100%	96%
Deviation from average		4,0%	5,7%	5,0%
Standard-deviation		6,4%	9,2%	9,2%

Clearance rate is performed at high level of almost 100%, deviation is stunning low. General trend shows improvement from 95% in 2009 via 102% in 2010 to recent balanced performance.

Similar optimal the caseload: Only around 10% with even small deviations from average and significantly improved over the last three periods.

Backlog-change is different: After a pile-up in 2009 it was reduced in 2010 ending up around 40%, which is considered acceptable due to rather limited caseload.

### Special cases

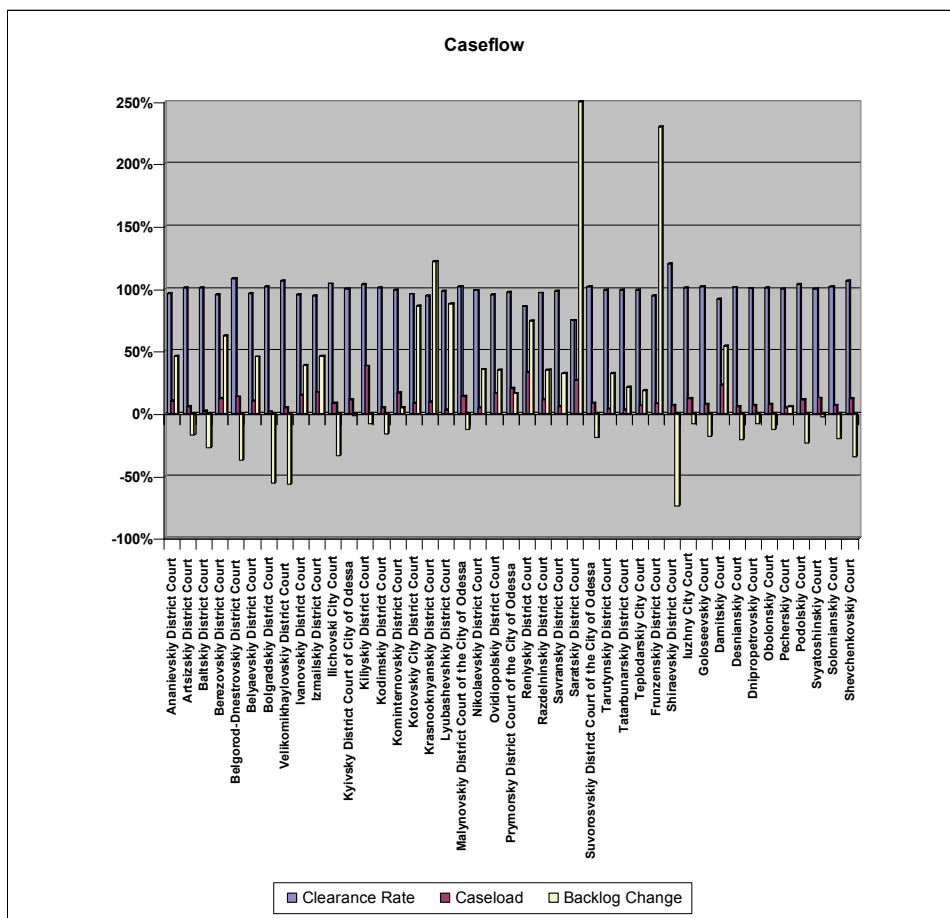
Special attention should be given to the Saratskiy District Court in Odessa: Performing quite well on previous periods, all indicators show dramatic development in 2011: Clearance rate dropped to 75% only, whereas backlog occurs heavily (backlog-change at 1.105%) and procedures slowed down. In Kiev, the Darnitskiy Court starts to show the same negative trend, yet not that worse, but alerting.

On the other hand, the Velikomikhailovski District Court in Odessa performance is outstanding, recovering from short declined performance in 2010: all indicators on top level, also including disposition time, efficiency and productivity, show a best practise. But also Belgorod-Dnestrovski District, Ilichovskiy City, Kyivsky Regional, Shiraevskiy District Courts in Odessa oblast, as well as Podolskiy Court in Kiev oblast are good examples of excellent performance.

**Recommendations:**

- Be aware of dramatic development at Saratskiy District Court in Odessa and the Darnitskiy Court in Kiev; and
- Give a special attention to Velikomikhaylovskiy District Court in Odessa as best practise of performance (amongst others too).

The following graph shows all case-flow indicators at once (scale cut at 250%):



## Disposition Time

	Name of Court (please enter data only for first instance courts)	Average Disposition Time in days	Average Disposition Time in days	Average Disposition Time in days
	I	2011	2010	2009
1	Ananievskiy District Court Odessa	39	38	32
2	Artsizskiy District Court Odessa	22	70	106
3	Baltskiy District Court Odessa	8	33	34
4	Berezovskiy District Court Odessa	47	55	54
5	Belgorod - Dnestrovskiy District Court Odessa	46	81	183
6	Belyaevskiy District Court Odessa	40	37	27
7	Bolgradskiy District Court Odessa	6	24	17
8	Velikomikhaylovskiy District Court Odessa	17	53	26
9	Ivanovskiy District Court	57	77	63
10	Izmailskiy District Court	67	78	85
11	Ilichovskiy City Court	30	61	160
12	Kyivskiy District Court of City of Odessa	43	65	76
13	Kiliyskiy District Court Odessa	136	113	229
14	Kodimskiy District Court Odessa	19	32	29
15	Kominternovskiy District Court Odessa	62	74	77
16	Kotovskiy City District Court Odessa	33	22	34
17	Krasnooknyanskiy District Court Odessa	37	36	52
18	Lyubashevshkiy District Court Odessa	11	32	27
19	Malynovskiy District Court of the City of Odessa	51	70	75
20	Nikolaevskiy District Court Odessa	19	21	38
21	Ovidiopolskiy District Court Odessa	63	69	77
22	Prymorskiy District Court of the City of Odessa	77	237	85
23	Reniyskiy District Court Odessa	141	72	139
24	Razdelninskiy District Court Odessa	44	55	48
25	Savranskiy District Court Odessa	23	54	174

26	Saratskiy District Court Odessa	133	33	28
27	Suvorovskiy District Court of the City of Odessa	32	66	46
28	Tarutynskiy District Court Odessa	15	31	41
29	Tatarbunarskiy District Court Odessa	11	27	22
30	Teplodarskiy City Court Odessa	24	39	41
31	Frunzenskiy District Court Odessa	32	14	133
32	Shiraevskiy District Court Odessa	22	71	114
33	Iuzhniy City Court Odessa	45	66	56
1	Goloseevskiy Court Kyiv	29	34	36
2	Darnitskiy Court Kyiv	93	67	53
3	Desnianskiy Court Kyiv	21	29	27
4	Dnipropetrovskiy Court Kyiv	24	27	33
5	Obolonskiy Court Kyiv	29	34	31
6	Pecherskiy Court Kyiv	17	14	19
7	Podolskiy Court Kyiv	41	52	53
8	Svyatoshinskiy Court Kyiv	47	49	45
9	Solomianskiy Court Kyiv	26	31	28
10	Shevchenkovskiy Court Kyiv	42	67	78
	Average	42	54	66
	Median	33	52	48
	Deviation from average	22,11	22,93	37,39
	Standard-deviation	32,07	36,05	49,61

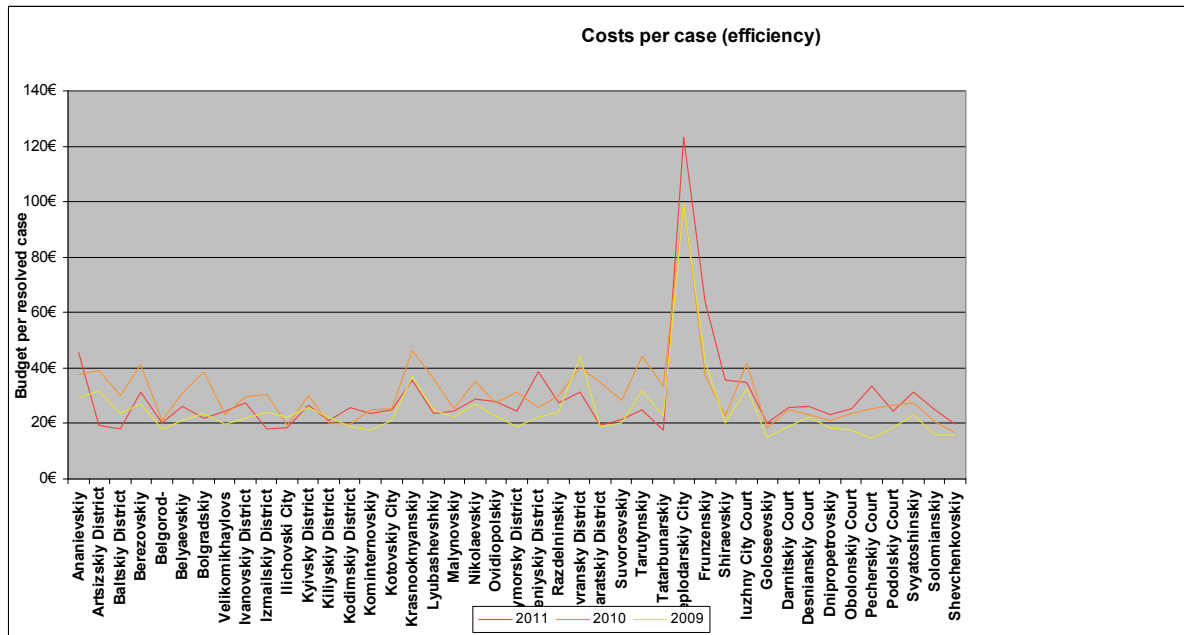
The Ukrainian courts deliver their decisions within a very quick calculated disposition time at an average of 42 days (median 33 days). Only Kiliiski and Reniyskiy District Courts and lately Saratskiy District Court need special attention as they deliver not before 130 days. The vast majority of the courts listed perform extremely quickly, around or below 30 days of deliverance.

#### Recommendations:

- Pay special attention to disposition time at Kiliyskiy and Reniyskiy District Courts and recently Saratskiy District Court.

## Efficiency

Level of efficiency can be considered as very good (around 25 to 30 Euro per resolved case), only Teplodarskiy City Court needs four times the average financial input (123 Euro). As seen on the following graph the cost-per-case level in most of the courts (Odessa oblast) could be decreased almost to level of 2009, in Kiev oblast at least keeping the level of efficiency of 2010:



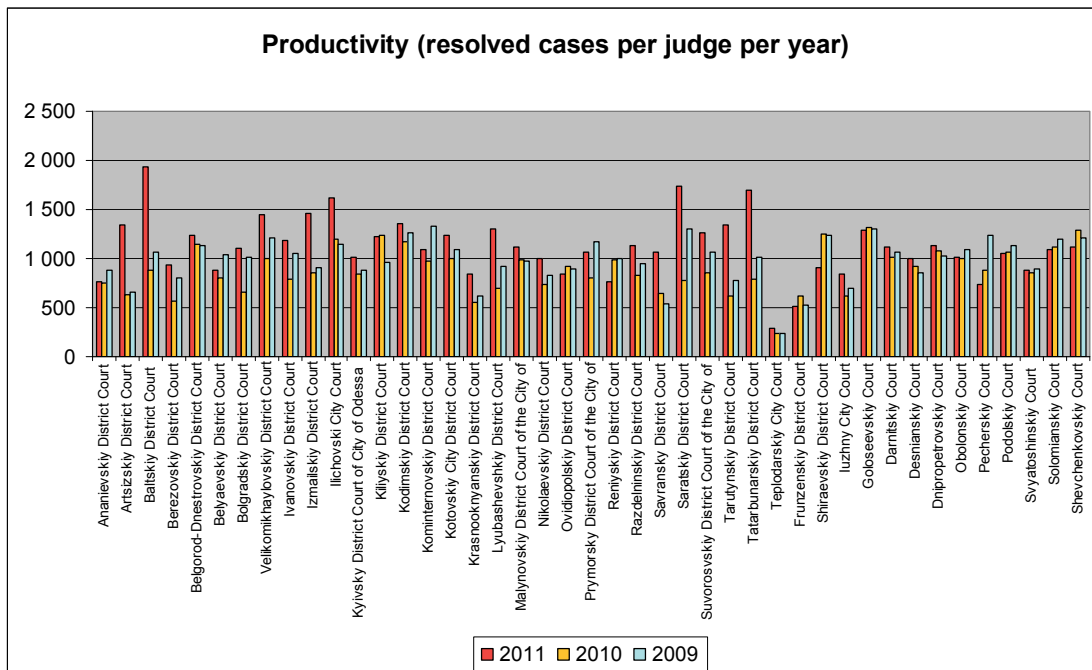
## Productivity

	Name of Court (please enter data only for first instance courts)	Productivity (resolved cases/judge)	Productivity (resolved cases/judge)	Productivity (resolved cases/judge)
		2011 r.	2010 r.	2009 r.
1	Ananievskiy District Court Odessa	767	748	880
2	Artsizskiy District Court Odessa	1.340	634	652
3	Baltskiy District Court Odessa	1.933	886	1.072
4	Berezovskiy District Court Odessa	929	569	799
5	Belgorod - Dnestrovskiy District Court Odessa	1.243	1.145	1.129
6	Belyaevskiy District Court Odessa	882	801	1.042
7	Bolgradskiy District Court Odessa	1.099	658	1.019
8	Velikomikhaylovskiy District Court Odessa	1.446	1.001	1.215
9	Ivanovskiy District Court Odessa	1.185	789	1.050
10	Izmailskiy District Court Odessa	1.456	856	903
11	Ilichovskiy City Court Odessa	1.624	1.195	1.140
12	Kyivskiy District Court of City of Odessa	1.019	848	879
13	Kiliyskiy District Court Odessa	1.224	1.240	958
14	Kodimskiy District Court Odessa	1.357	1.173	1.268
15	Kominternovskiy District Court Odessa	1.086	976	1.331
16	Kotovskiy City District Court Odessa	1.231	994	1.090
17	Krasnooknyanskiy District Court Odessat	844	556	617
18	Lyubashevshkiy District Court Odessa	1.309	700	925
19	Malynovskiy District Court of the City of Odessa	1.123	981	972
20	Nikolaevskiy District Court Odessa	994	738	831
21	Ovidiopolskiy District Court Odessa	847	924	889
22	Prymorskiy District Court of the City of Odessa	1.063	805	1.168
23	Reniyskiy District Court Odessa	764	988	1.006
24	Razdelninskiy District Court Odessa	1.127	824	952
25	Savranskiy District Court Odessa	1.066	641	545

26	Saratskiy District Court Odessa	1.741	779	1.305
27	Suvorovskiy District Court of the City of Odessa	1.266	854	1.072
28	Tarutynskiy District Court Odessa	1.340	621	777
29	Tatarbunarskiy District Court Odessa	1.695	792	1.015
30	Teplodarskiy City Court Odessa	283	233	238
31	Frunzenskiy District Court Odessa	508	624	532
32	Shiraevskiy District Court Odessa	914	1.254	1.235
33	Iuzhniy City Court Odessa	841	623	694
1	Goloseevskiy Court	1.295	1.319	1.301
2	Darnitskiy Court	1.119	1.014	1.064
3	Desnianskiy Court	995	915	860
4	Dnipropetrovskiy Court	1.135	1.074	1.026
5	Obolonskiy Court	1.019	1.004	1.098
6	Pecherskiy Court	736	884	1.236
7	Podolskiy Court	1.047	1.069	1.131
8	Svyatoshinskiy Court	876	861	889
9	Solomianskiy Court	1.091	1.124	1.200
10	Shevchenkovskiy Court	1.117	1.289	1.214
	Average	1.116	884	982
	Median	1.099	861	1.019
	Deviation from average	226,84	180,90	179,69
	Standard-deviation	312,31	229,52	233,71

With exception of Teplodarskiy City and Frunzenskiy District Courts all courts perform at a high level of productivity. More importantly, this level could have been improved over the last three periods in Odessa oblast while Kiev oblast courts were able to keep their productivity at high level:





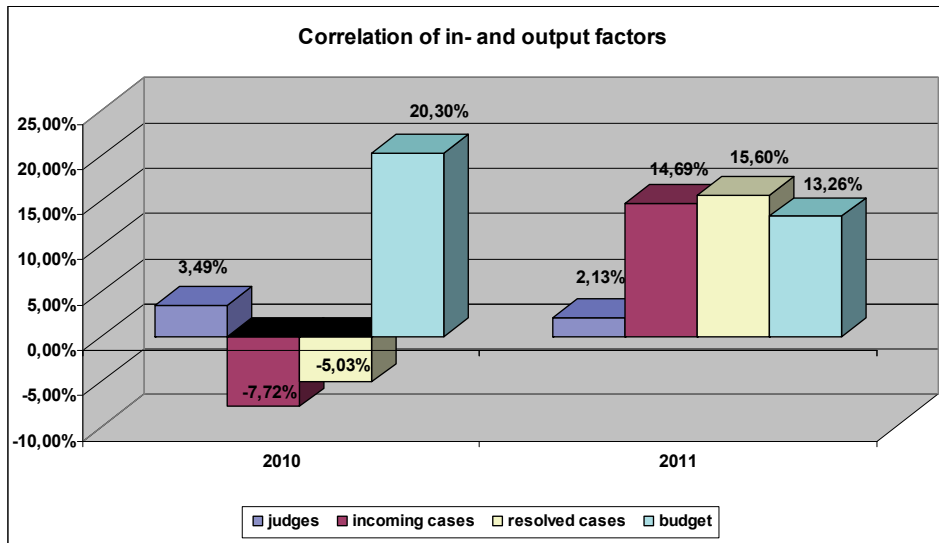
For achieving a clearance rate of 100% and handling the full load of 628.274 incoming cases, already the same productivity per judge and resources is necessary (at a clearance rate of 99% statistical deviations and impossibility to trigger exactly refrains from further calculations here).

**Recommendations:**

- Further balance productivity in all courts.

Year	judges		incoming cases		resolved cases		budget	
2011	576	2,13%	628.274	14,69%	628.120	15,60%	€ 15.443.821	13,26%
2010	564	3,49%	547.798	-7,72%	543.366	-5,03%	€ 13.635.217	20,30%
2009	545		593.629		572.170		€ 11.334.359	

## Summary



As seen above, the increase of financial investment goes along – at least in 2011 – with the increase of the amount of incoming and resolved cases increasing productivity in parallel, which was not the case in 2010. As all the indicators followed show a balanced system and accurate data, assumption has to be drawn that management is keeping a lot an eye on an input-output balanced judicial performance.

## Part III: POLICY MAKING CAPACITIES



## Introduction<sup>25</sup>

Starting from the late 1980s the increase role of judiciaries in democratic countries social life<sup>26</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.<sup>27</sup> 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.

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>28</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.<sup>29</sup> 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>30</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.

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<sup>25</sup> Based on: Gar Yein Ng, Marco Velicogna and Cristina Dallara, *“Monitoring and Evaluation of Court System: A Comparative Study”*, CEPEJ.

<sup>26</sup> C. Guarnieri and P. Pederzoli, *‘The Power of Judges’*, Oxford University Press, Oxford 2001.

<sup>27</sup> H. R. v. Gunsteren, ‘The Ethical Context of Bureaucracy and Performance analysis’, in *Guidance, control, and evaluation in the public sector : the Bielefeld interdisciplinary project*, F.-X. Kaufmann, G. Majone, V. Ostrom and W. Wirth (eds), De Gruyter, Berlin 1986, p. 267.

<sup>28</sup> Ibid., p.266.

<sup>29</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>30</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.

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-orientates 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 productivity. The general idea behind this movement is that quality in services and products will lead to satisfaction of the clients/customers/citizens.<sup>31</sup> It has been suggested that such satisfaction could in turn lead to public trust<sup>32</sup> and to legitimacy of government.<sup>33</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>34</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.<sup>35</sup> 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.<sup>36</sup> In both cases, data concerning the activities of the public organisation is required to be collected and made available.

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.

### ***Stages in the Development of the Monitoring and Evaluation System***<sup>37</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>38</sup> New public management stems from ideas about quality organisations, learning organisations and quality indicators from organisation theories.<sup>39</sup> The core idea is that

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<sup>31</sup> EFQM, 2006 'Mission' available at <http://www.efqm.org/Default.aspx?tabid=60>

<sup>32</sup> G. Bouckaert and S. van de Walle, *Government and trust in government*, at EGPA Conference Finland 2001.

<sup>33</sup> Ibid.

<sup>34</sup> M. J. C. Vile, *'Constitutionalism and the separation of powers'*, Liberty Fund, Indianapolis 1998 p3; P. Selznick, *'The moral commonwealth: Social theory and the promise of community'*, University of California Press, Berkeley, California 1992 ch. 9, U. Rosenthal, 'Macht en controle op de macht: de dringende behoefte aan publieke controle', *Nederlands Juristen Blad* 2000, 34 vol., 1703 p., p.1703.

<sup>35</sup> M. A. P. Bovens, *'The quest for responsibility, accountability and citizenship in complex organisations'*, Cambridge University Press, 1998 ch. 3.

<sup>36</sup> For more on the concept of participation see: P. Selznick, *'The moral commonwealth: Social theory and the promise of community'*, University of California Press, Berkeley, California 1992 p.314-318

<sup>37</sup> Based on: Gar Yein Ng, Marco Velicogna and Cristina Dallara, *'Monitoring and Evaluation of Court System: A Comparative Study'*, CEPEJ.

<sup>38</sup> G. Y. Ng, 'Quality of Judicial Organisation and Checks and Balances', Law, Utrecht 2007, p.25.

<sup>39</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*

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>40</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>41</sup> and public trust.<sup>42</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.

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:

#### 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.

#### 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>43</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

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*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>40</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.

<sup>41</sup> EFQM, 'Mission' available at <http://www.efqm.org/Default.aspx?tabid=60> 2006.

<sup>42</sup> G. Bouckaert and S. van de Walle, *Government and trust in government*, at EGPA Conference Finland 2001.

<sup>43</sup> G. Y. Ng, 'Quality of Judicial Organisation and Checks and Balances', Law, Utrecht 2007 pp.17-18.

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.

### 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.

### 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 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.

### 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.

However, prerequisite for effective policy making is development of monitoring and evaluation system that also takes into account costs of the judiciary. This is done through the development of results-based budgeting arrangements.

### ***Results-based Budgeting***

In general, accountability in the public administration has been traditionally based on compliance with laws and regulations. Over the last decade, in virtually all the developed countries the accountability focus has moved from the compliance to the performance of the government. This fundamentally changed all aspects of accountability arrangements as public officials are held accountable for their results, not only for the compliance with the rules and procedures.

Countries have adopted different approaches in implementation of results-based accountability arrangements. In the Unites States, for example, public institutions develop performance plans and set performance targets. Similarly, in Denmark, all public institutions are required to set “clear targets for user-oriented tasks in order to secure the greatest possible transparency as to what enterprises and citizens can expect from the service of state institutions” (Ginnerup et al., 2007), and regularly publish achievements against those targets. The United Kingdom goes a step further by making objectives and performance targets an integral part of the budgeting process. Public expenditures plans are linked to commitments of meeting specific objectives and measurable targets.

The Organisation for Economic Co-operation and Development (OECD, 2002) identifies presentation of non-financial performance data, including performance targets, for all government programmes and activities as a best practice. Curristine (2005) reports that 72% of the OECD member countries routinely include non-financial performance information in budget documentation with an objective to improve horizontal and vertical accountability as well as to clarify roles and responsibilities of public officials.

It is important to highlight that the results-based budgeting is the most advanced policy on performance reporting. Its implementation is complex and requires setting up systems for associating public expenditures with declared objectives of public institutions. Due to this complexity, no country has implemented the results-based budgeting as one-off project but come to it gradually. Comparatively, it took decades for its full implementation in the United Kingdom.

In line with the OECD recommendations (OECD, 2001) and common practices in developed countries (e.g. Noman, 2008; Shea, 2008; Ginnerup et al., 2007; Kuchen and Nordman 2008; Kraan, 2007), the policy should be based on the following principles:

- Objectives in terms of clear and measurable outputs and outcomes should be set for each institution and programme;
- Each institution should have the authority and resources to meet declared objectives;
- Performance measures and targeted levels of performance should be clearly defined;

- Performance in achieving declared objectives should be regularly, specifically and clearly reported.
- Performance reports should be submitted to the Parliament as well as make available to the general public.
- Good performance should be rewarded and underperformance should be sanctioned.

### **Judicial Performance Aspects**

Any attempt at deploying or improving the result-based budgeting within any judicial system will certainly raise the question as to which performance aspects should be measured and monitored and how. In general, countries that implemented normative framework for results-based budgeting are focusing on four key judicial performance aspects of interest for managers, stakeholders, policy makers, policy implementers and public in general.

Mainly, judicial performance aspects are related to:

- timeframes;
- case flow;
- productivity (number of cases, quotas and/or time measurement ); and
- quality.

Normative frameworks (for results based budgeting) in France and the Netherlands are described below:

#### **France**

More than a decade ago, proponents of the Organic Act endorsed on 1 August 2001 on budget acts reforming the "financial constitution" of France wanted to base the allocation of public funds not on a "logic of spending", but on a "logic of the performance" (Loi organique aux lois de finances – LOLF) . It was with this objective that the Organic Act amended the budget framework and categories of public policy by developing a complex architecture of missions, programs and actions with indicators designed to measure cost-effectiveness, public policies and the level of performance achieved by managers of public resources. In parallel, the reform of public accounting, largely inspired by the accounting standards of the private sector, was implemented, in principle, in order to measure the cost of state policy. Many analysts have seen in these reforms a radical change of French administrative culture, with a great step made towards the principles of the New Public Management.

The "Mission Justice" is divided into five programs, each of them including a series of objectives associated with performance indicators. It is not possible to provide here due to a lack of space a complete presentation of the totality of indicators. I focus instead on the main program of the Mission Justice: the Judicial Justice Program (Program 166). As shown in the following table (table 1), the list of indicators has been modified since the first Budget Law project set-up in the LOLF framework.

**Table 2.1. Indicators in the Budget Law**

1. Issuing decision in reasonable time in civil case	1.1. Average duration of cases adjudication, by level of jurisdiction  1.2. Percentage of courts exceeding a ceiling
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	<p>duration of case processing</p> <p>1.3. Average seniority of the backlog, by kind of jurisdiction backlog, by kind of jurisdiction</p> <p>1.4. Average time for delivering of the judgment</p> <p>1.5. Rate of reversal by the higher court in civil cases</p> <p>1.6. Number of civil cases handled by the judge or by the reporting judge</p> <p>1.8. Number of cases handled by civil servant in charge within the courts</p> <p>1.7. Number of cases handled by civil servant in charge within the courts</p>
<p>2. Issuing quality decision in reasonable time in criminal cases</p>	<p>2.1. Average duration of criminal procedures</p> <p>2.2. Rate of non-admittance of criminal recording by the national criminal register (<i>Casier judiciaire national</i>)</p> <p>2.3. Rate of reversal by the higher court in criminal cases prosecutors department officers</p> <p>2.4. Amount of offences that may be prosecuted by public prosecutors department officers</p> <p>2.5. Number of criminal cases handled by the judge or by the reporting judge</p>

## Netherlands

In the Netherlands the funding of the judiciary is performance based. This paragraph describes briefly the system of performance budgeting and the way efficiency and quality are monitored.

### The price of ten types of court cases

Since 2002 the Dutch judiciary is financed on the basis of the number of handled cases a year. In the funding system the prices of ten types of cases are determined. The annual budget of the judiciary is a result of the performance of the judiciary: more handled cases a year, more annual budget. The price of the ten types of cases is determined every three years in negotiations between the Ministry of Justice and the Council for the Judiciary. The negotiations start with an in-depth analysis concerning the development of the cost of certain case types, buildings, ICT, etc. Also more qualitative aspects are analysed. Based on this empirical information, the prices for the next three years are fixed. The results of the negotiations between the Ministry of Justice and the Council for the Judiciary concerning the prices for ten types of cases for 2011-2013 are shown in the next table

Table: Negotiated price per type of court case in the Netherlands 2011-2013

Type of case	Price
Sub-district court	140€
Civil law	894€
Administrative law	2,015€
Criminal law	874€
Immigration law	855€
Tax law	1105€
Appeal civil law	3615€
Appeal criminal law	1316€
Appeal tax law	3057€
Central appeals tribunal	3321€

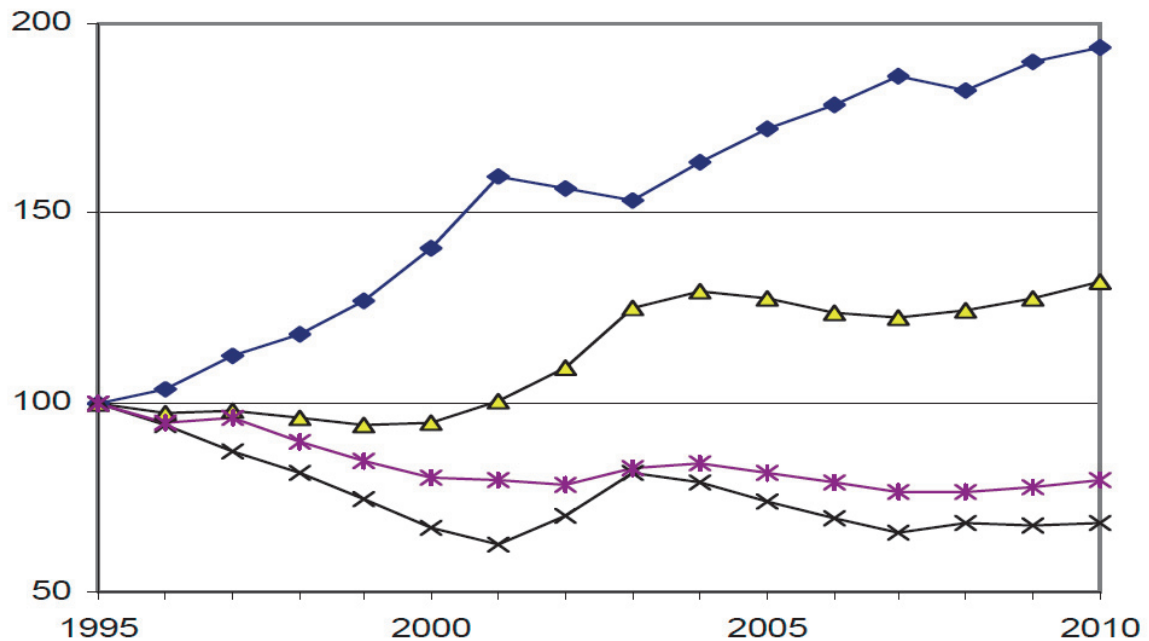
Source: The funding of the Judiciary, [www. rechtspraak.nl](http://www.rechtspraak.nl), publications (September 2012)

The Council for the Judiciary uses a more differentiated system of costs for 48 categories of cases for funding the courts. The annual inflow of cases is predicted by a model that is managed by an independent research institute. The funding system includes financial incentives to encourage courts to handle cases as productive as possible. If a court handles more cases in a year than expected, they may receive additional funds. If the court faces financial difficulties - for example because it is not efficient enough in handling the cases – a court should in first instance solve the problems itself. These solutions are discussed in a periodic meeting between a member of the Council for the Judiciary and the President of the court.

### Monitoring efficiency

An important element in the negotiations of the cost/price is the development of efficiency during the years as is shown in the next figure.

Figure: Indexed development of budgets, produced cases, labour productivity and total productivity of the Dutch judiciary 1995-2010



blue = index budget volume yellow = index production volume; purple = index labour productivity; black = index total productivity

Source: Council for the Judiciary, Factsheet productiviteitsontwikkeling Rechtspraak, [www.rechtspraak.nl](http://www.rechtspraak.nl), factsheets (September 2012)

The costs of the Dutch judicial system, as the figure shows, have increased in the last 15 years. The costs increase (budget volume, blue line) was far greater than the increase of the number of cases (production volume, yellow line). An important explanation for the increase of the budget is the fact that that the labour cost per employee have increased, also like in the rest of the Netherlands has been the case. It is 2010 much more expensive to have a similar amount of staff than in 1995.

In the figure it is shown that between 1995 - 2000 the situation was quite dramatic regarding the efficiency of the judiciary. As the budget increased rapidly and the number of cases even decreased, the total productivity (black line) and labour productivity (purple line) was negative. Against this historical background a modernised organisation of the judiciary was introduced in 2002, and subsequent a new funding system in 2005. The result is that the labour productivity of the judiciary is rather stable in the period 2004-2010.

### Monitoring quality

To avoid undue emphasis on only efficiency and productivity the Council for the Judiciary has formulated various quality standards. The Netherlands have developed a quality system RechtspraakQ, of which important aspects are every four year a repeated survey of the satisfaction of the users and the judges. Also every four year a visitation committee of independent stakeholders scrutinizes and reports on the functioning of all the courts of the Netherlands. Besides this four year audits, the Council for the Judiciary publishes every year figures concerning several quality indicators for each and every court in the Netherlands. The indicators are:

1. length of proceedings of several types of cases
2. proportion of cases handled by multi panel judges
3. hours of permanent education of judges
4. number of important publications
5. number of mediations,
6. number of complaints and number of challenges of a judge
7. the percentage of appeal cases.

By means of example the next table describes the results for number 4: the number of important publications 2009-2011. In this example for the five appeal courts is calculated the number of published decisions - on the jurisprudence-site of the Council of the Judiciary, ([www.rechtspraak.nl](http://www.rechtspraak.nl)) - per 1000 decisions an appeal court has made. Non relevant cases like absentia cases, withdrawals and settlements without pronouncement are not included. Deviations of at least 30 points per mille of the average are displayed in blue (higher than average) or red (lower than average).

Table: Published decisions per 1000 judicial decisions of five Dutch appeal courts 2009-2011

Publicatie van uitspraken						
Gerechtshoven	Amst	Arnh	Leeuw	sGrav	sHert	Gem.
<i>Gepubliceerde uitspraken</i>	<i>promille van het aantal uitspraken</i>					
2009	67‰	92‰	158‰	61‰	64‰	80‰
2010	92‰	67‰	188‰	108‰	55‰	94‰
2011	102‰	61‰	256‰	106‰	93‰	114‰

The table shows that the average (**Gem**) of the publication ratio increased from 80 to 114 per mille between 2009 and 2011. So the appeal courts have made relatively more important legal decisions in the last years. Of all the appeal courts **Leeuw**(arden) has relatively a larger number of published decisions on the website with jurisprudence than the other courts: 265 per mille in 2011. In this period in **Amst**(erdam) the publication ratio increased from 67 per mille to 102 per mille, while at the same time the publication ratio in **Arnh**(em) decreased to a minimum of 61 per mille. This is interesting because the efficiency figures (not shown here) in the same publication of the Council for the Judiciary show that – compared to the other appeal courts - the labour productivity in **Arnh**(em) is relative high and the operational management relative efficient. Of course other factors (specialisation of appeal courts) might also be relevant in explaining differences in the publication ratio of an appeal court.

This example illustrates that by the yearly systematic publication of quality indicators the Council for the Judiciary and courts can demonstrate with hard facts the development of the quality. Quality is made as visible as efficiency, which makes a balanced approach possible towards performance based budgeting possible.

#### Transparency, efficiency and quality

The overall picture is that the Dutch judicial systems manages the real cost in the last ten years, despite of the increasing workload and investments in improving quality. Moreover, the transparency of a performance based budgeting system provides argumentations and opportunities to make more rational choices concerning the long term development of the judiciary. It helps in deciding in connected questions concerning the budgets, the disposition times, the workload of judges, the relation judges-staff-ICT or the reduction in the number of incoming cases.

#### ***Efficiency Related Policy Making Process***

A critical impediment to utilising performance information for policy making is the significant learning curve associated with the four key judicial performance aspects: dealing with timeframes, case flow, productivity (number of solved cases, quotas and/or time measurement) and quality. The steepness of the learning curve may be as much a function of the need to view the world through a different mental model, as the newness of the information. As we begin to analyse the results, the information often brings more questions than answers, thus generating further investigation and analysis. In example, even when indicators relating to productivity of and quality of work show more than satisfying results (set quota achieved and number of revised and reversed decisions kept at the minimum), it can still happen that backlog of unresolved cases is rising (clearance rate below 100%) and that the duration of proceeding is getting longer.

Sometimes this information challenges conventional wisdom or indicates that alternative strategies are necessary. In example, in the case described above, judicial administrators have five possible courses of action in order to keep four key judicial performance aspects in the equilibrium:

1. increase number of judges,
2. increase productivity (i.e. increase quota targets),
3. reduce inflow of cases,
4. introduce BPR (Business Processes Re-engineering) in order to increase efficiency, or to
5. implement all (or some) measures described above in combination.

Resulting information which challenges conventional wisdom will likely be rejected unless information recipients (who are usually decision-makers) are confident in the accuracy of the data and open to the possibility of change.

This is why it is of crucial importance that the monitoring and evaluation system be constantly updated and the quantity and the quality of input, workload and output data constantly controlled and improved.





## **Annex I : Country Tables**



Armenia

Court name (please insert data only related to the first instance courts)	2011										2010										2009									
	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days/solved cases	Efficiency (Budgets)	Efficiency (Relative difference between modeled budgets)	Productivity (resolved cases/judge)	Productivity (Relative difference between modeled number of judges)	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days/solved cases	Efficiency (Budgets)	Efficiency (Relative difference between modeled budgets)	Productivity (resolved cases/judge)	Productivity (Relative difference between modeled number of judges)	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days	Efficiency (Budgets)	Efficiency (Relative difference between modeled budgets)	Productivity (resolved cases/judge)	Productivity (Relative difference between modeled number of judges)						
Kenton and Vork-Mharash	87%	43%	44%	181	66€	2.35%	538	7.70%	85%	30%	13%	114	54€	-9.76%	618	7.13%	99%	25%	8%	81€	12.85%	660	10.65%							
Araikir and Kanaker-Zeylun	88%	51%	31%	209	70€	-13.16%	517	-5.29%	101%	36%	-2%	131	55€	-21.69%	629	-7.23%	84%	33%	92%	70€	-1.04%	588	-7.09%							
Achpatak and Davitashen	89%	33%	51%	138	76€	0.66%	540	-7.46%	101%	23%	-2%	83	64€	-19.05%	597	-16.20%	91%	20%	86%	79	10.24%	642	-10.66%							
Avan and Yerevan	103%	47%	-6%	168	77€	4.08%	438	16.44%	105%	35%	-12%	123	50€	-18.98%	632	4.10%	89%	50%	31%	208	19.32%	425	21.54%							
Malatia-Sevastia	94%	21%	36%	82	91€	13.82%	411	17.40%	101%	14%	-7%	50	66€	-15.90%	488	-1.95%	93%	12%	77%	47	12.46%	584	5.95%							
Shengavit	92%	24%	50%	97	80€	12.06%	507	8.41%	105%	15%	-26%	53	63€	-10.86%	622	-10.55%	86%	18%	374%	75	80€	12.33%	608	-9.32%						
Erduni and Nubarashen	89%	24%	89%	100	69€	-5.27%	540	-0.36%	100%	16%	3%	57	69€	-3.65%	495	9.01%	93%	13%	103%	50	82€	20.28%	548	7.83%						
Tavush Region	98%	21%	5%	76	106€	9.20%	366	-0.37%	94%	21%	46%	80	126€	-1.96%	325	-6.00%	94%	9%	254%	35	92€	5.37%	517	-15.36%						
Arazat Region	107%	25%	21%	84	51€	-7.19%	777	-9.54%	96%	29%	16%	100	41€	-19.93%	828	-4.50%	81%	26%	271%	118	74€	14.75%	612	10.59%						
Armenai Region	85%	26%	139%	111	61€	-13.32%	648	-13.75%	100%	11%	3%	42	50€	-26.49%	722	-16.43%	99%	10%	7%	36	57€	-8.34%	807	-26.66%						
Aragsotshi Region	64%	48%	280%	275	146€	7.92%	382	-2.18%	101%	11%	-9%	41	59€	-26.75%	674	-28.47%	90%	17%	138%	67	113€	22.73%	454	-1.89%						
Kotayk Region	95%	27%	22%	102	80€	-4.23%	651	-4.33%	93%	19%	39%	73	46€	-33.14%	745	-16.87%	92%	10%	309%	40	51€	3.55%	868	-10.20%						
Ghegharkunik Region	98%	14%	19%	52	69€	6.31%	555	7.66%	99%	15%	7%	55	79€	-4.73%	443	6.62%	99%	9%	11%	33	69€	18.54%	630	5.76%						
Shirak Region	107%	14%	-8%	51	89€	2.31%	414	8.00%	96%	14%	39%	52	80€	-13.07%	441	-2.05%	93%	12%	134%	48	124€	29.85%	357	20.33%						
Syunik Region	96%	21%	24%	78	111€	-11.40%	341	-8.11%	107%	18%	-27%	62	94€	-34.23%	350	-13.20%	84%	19%	458%	83	116€	-9.17%	353	-14.22%						
Lori Region	97%	23%	14%	88	91€	13.46%	415	16.22%	104%	21%	-16%	72	75€	-24.09%	441	-4.99%	84%	23%	214%	101	115€	32.91%	378	25.40%						
Administrative court	42%	157%	59%	135	96€		2,199		54%	127%	61%	608	96€		1,899		59%	81%	106%	593	72€		1,891							
Average	90%	36%	49%	192	77€	1.10%	538	1.88%	97%	26%	8%	117	64€	-17.76%	645	-6.33%	89%	23%	157%	104	80€	12.26%	643	0.06%						
Median	94%	25%	31%	100	77€	2.33%	517	-0.46%	100%	19%	3%	72	63€	-19.02%	616	-5.52%	91%	19%	106%	75	75€	12.67%	588	-0.42%						
Deviation from average	9.9%	19.3%	44.1%	149.93	10.09	7.7%	209.77	8.6%	6.3%	13.8%	21.6%	83.60	16.01	8.1%	193.40	8.1%	6.0%	120%	109.7%	65.59	19.89	9.2%	195.73	12.3%						
Standard-deviation	15.5%	33.2%	70.7%	307.94	24.63	9.3%	403.58	10.0%	11.8%	25.4%	27.6%	180.16	23.23	10.0%	351.05	10.3%	9.6%	18.3%	134.9%	112.61	26.39	12.1%	362.59	16.0%						

Azerbaijan

Court name (please, insert data only related to the first instance courts)	2011										2010										2009									
	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days	Efficiency (Budget/resolved cases)	Productivity (resolved cases/judge)	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days	Efficiency (Budget/resolved cases)	Productivity (resolved cases/judge)	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days	Efficiency (Budget/resolved cases)	Productivity (resolved cases/judge)	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days	Efficiency (Budget/resolved cases)	Productivity (resolved cases/judge)						
XXX district court, city XXX	30%	75%	1400%	913	17€	600	30%	75%	1400%	913	15€	667	60%	140%	40%	852	19€	667	60%	140%	40%	852	19€	667						
Administrative-Economic Courts-7	86%	19%	263%	82	161€	433	98%	12%	21%	44	100€	485	99%	12%	13%	46	112€	379	99%	12%	13%	46	112€	379						
Baku Administrative-Economic Court no 1	85%	23%	185%	97	92€	453	98%	15%	16%	57	57€	271	101%	16%	-8%	57	52€	511	101%	16%	-8%	57	52€	511						
Shirvan Administrative-Economic Court	92%	10%	417%	40	127€	434	99%	3%	35%	12	110€	277	102%	3%	-33%	11	53€	574	102%	3%	-33%	11	53€	574						
Courts on Serious Crimes-5	98%	26%	10%	98	2 333€	25	102%	23%	-7%	82	1 533€	38	92%	23%	52%	93	1 412€	36	92%	23%	52%	93	1 412€	36						
Baku Court on Serious Crimes	114%	28%	-34%	90	1 654€	31	102%	23%	-7%	82	922€	43	92%	23%	51%	93	829€	40	92%	23%	51%	93	829€	40						
Lankaran Court on Serious Crimes	83%	17%		74	1 854€	28																								
Military Courts-6	95%	8%	166%	31	753€	80	101%	6%	-12%	22	505€	71	101%	6%	-18%	22	387€	79	101%	6%	-18%	22	387€	79						
Baku Military Court	98%	6%	71%	21	326€	142	98%	5%	50%	17	374€	101	101%	3%	-33%	9	232€	78	101%	3%	-33%	9	232€	78						
Ganja Military Court	95%	8%	182%	33	364€	108	98%	6%	42%	22	361€	56	103%	4%	-43%	15	240€	96	103%	4%	-43%	15	240€	96						
City (district) courts -65	98%	9%	28%	32	69€	690	99%	8%	16%	31	69€	579	99%	8%	21%	30	63€	583	99%	8%	21%	30	63€	583						
Yasamal District Court of Baku City	99%	9%	10%	34	36€	771	97%	10%	42%	38	30€	631	98%	10%	19%	35	40€	617	98%	10%	19%	35	40€	617						
City Court of Sumgayit	100%	5%	-7%	19	37€	812	97%	8%	54%	29	39€	591	101%	6%	-8%	21	44€	578	101%	6%	-8%	21	44€	578						
Ganja city Nizami District Court	98%	8%	32%	32	55€	563	99%	8%	15%	31	55€	453	99%	8%	18%	28	68€	450	99%	8%	18%	28	68€	450						
Gechai District Court	96%	11%	49%	41	67€	715	97%	10%	39%	37	74€	529	98%	8%	27%	31	101€	490	98%	8%	27%	31	101€	490						
Gabala District Court	95%	8%	146%	32	56€	1 041	104%	5%	-41%	18	59€	732	94%	9%	205%	34	96€	616	94%	9%	205%	34	96€	616						
<b>Total: (http://cbr.az/other/ann-rates)</b>	97%	10%	46%	37	161€	523	99%	8%	16%	31	155€	483	99%	8%	20%	30	179€	432	99%	8%	20%	30	179€	432						
Average	91%	17%	195%	104	50€	433	95%	14%	111%	96	287€	368	96%	19%	20%	92	256€	368	96%	19%	20%	92	256€	368						
Median	96%	10%	71%	37	110€	443	98%	6%	21%	31	74€	453	99%	6%	18%	31	96€	490	99%	6%	18%	31	96€	490						
Deviation from average	10,1%	10,8%	199,6%	101,04	574,25	272,86	8,6%	10,4%	171,9%	108,92	301,43	229,36	6,1%	17,5%	36,6%	101,61	250,44	6,1%	17,5%	36,6%	101,61	250,44	214,57							
Standard-deviation	17,9%	17,1%	354,8%	217,32	752,35	329,15	18,0%	17,8%	357,6%	226,98	425,63	256,48	10,5%	34,2%	69,4%	211,76	383,19	10,5%	34,2%	69,4%	211,76	383,19	245,24							

Georgia

Court name (please, insert data only related to the first instance courts)	2011						2010						2009					
	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days (over cases)	Efficiency (Budget/hrs over cases)	Efficiency (Relative difference between actual and modeled budgets)	Productivity (resolved cases/judge)	Productivity (Relative difference between actual and modeled number of judges)	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days	Efficiency (Budget/hrs over cases)	Efficiency (Relative difference between actual and modeled budgets)	Productivity (resolved cases/judge)	Productivity (Relative difference between actual and modeled number of judges)		
1)Amroaur	100%	2%	9%	570	103%	2%	-61%	7	615	95%	8%	133%	31	337				
2)Akhaltskhe	100%	2%	43%	98	1123%	2%	-46%	8	173	96%	5%	79%	18	608				
3)Akhaltskhi	103%	5%	58%	261	4541%	5%	27%	22	294	100%	6%	-4%	22	291				
4)Batumi	100%	6%	-2%	95	103%	5%	-34%	19	854	100%	9%	-2%	35	721				
5)Bonisi	100%	4%	-1%	734	1706%	100%	4%	-6%	672	92%	10%	547%	40	227				
6)Gat-Curfish and Ochamchire Ivarecheli	102%	0%	-10%	237	-1635%	107%	3%	-17%	9	200	114%	0%	-100%	58				
7)Gardabani	100%	5%	-1%	658	2559%	105%	5%	-16%	17	719	5%	37%	21	749				
8)Gori	102%	3%	38%	883	718%	100%	5%	-6%	18	737	184%	6%	-39%	22	705			
9)Gurjaani	97%	5%	13%	233						102%	1%	-8%	5	848				
10)Kareli	108%	1%	-8%	793	99%	6%	30%	22	1219	99%	6%	12%	24	883				
11)Laxodkhi	102%	2%	-8%	92	101%	4%	-2%	13	1021	100%	5%	-6%	17	1008				
12)Dzhepsiskano	104%	7%	37%	753	5616%	97%	8%	44%	33	873	96%	15%	31	644				
13)Yeni	100%	1%	17%	810	-2603%	101%	1%	30%	4	852	100%	2%	29%	513				
14)Zestafoni	100%	3%	-16%	820	1771%	99%	5%	26%	18	824	97%	6%	130%	492				
15)Zugdidi	103%	1%	-74%	1137	-942%	99%	3%	30%	11	1273	100%	3%	4%	5	1198			
16)Tbilisi	91%	16%	18%	958	018%	101%	7%	-10%	25	1172	101%	8%	-8%	23	1101			
17)Telavi	100%	4%	-10%	1388	-2526%	100%	5%	-4%	17	1174	95%	9%	118%	544				
18)Tetisvazo	100%	1%	25%	418	-2024%	100%	1%	-64%	3	278	100%	3%	-8%	19	167			
19)Lenekhi	99%	6%	50%	49	4686%	100%	1%	0%	2	74	101%	1%	-8%	57				
20)Mestia	98%	3%	20%	183	-327%	100%	2%	0%	6	113	101%	1%	-5%	148				
21)Mtskheta	100%	3%	-9%	711	2980%	100%	4%	-11%	13	844	102%	4%	-39%	13	861			
22)Dargisi	100%	5%	7%	843	1207%	100%	5%	1%	19	790	96%	6%	69%	22	603			
23)Rucavi	100%	5%	6%	830	1239%	102%	5%	-24%	18	868	96%	6%	69%	22	807			
24)Sagrapo	102%	5%	-25%	98	-6184%	100%	4%	47%	16	703	99%	3%	80%	595				
25)Samtredia	99%	2%	211%	1273	-8916%	102%	1%	-74%	3	894	101%	3%	-17%	11	709			
26)Sachkhere	100%	3%	6%	1194	-8000%	101%	3%	-29%	10	1900	99%	4%	36%	15	1207			
27)Senaki	101%	1%	-67%	1241	-1235%	100%	3%	15%	11	1433	94%	8%	397%	31	1372			
28)Akhsha	104%	3%	65%	129		100%	2%	0%	7	465	100%	2%	0%	388				
29)Mtsvli	104%	8%	33%	183		101%	3%	-36%	10	103	100%	4%	6%	923				
30)Sygnagi	101%	4%	-22%	937	-7399%	101%	4%	-17%	18	811	102%	6%	-20%	23	474			
31)Skhum and Gagra-Gudauta	95%	21%	29%	331	-2480%	110%	13%	-69%	43	485	72%	31%	967%	155	79			
32)Foi	101%	3%	-19%	828	-2519%	101%	3%	-29%	11	495	100%	4%	-9%	14	533			
33)Kifisi	101%	3%	27%	1282	-1525%	101%	4%	-22%	13	1570	102%	5%	-25%	14	1138			
34)Chkhorotsku	103%	0%	85%	1616	-1656%	98%	5%	79%	17	465	102%	3%	86%	10	400			
35)Tsqalari	99%	2%	75%	828	-2276%	99%	1%	300%	4	368	101%	0%	-75%	2	228			
36)Tsalenikhta	100%	2%	-8%	590	-3388%	99%	4%	32%	13	914	98%	3%	108%	11	808			
37)Tsalka	104%	2%	-8%	437	-3125%	95%	7%	33%	25	374	102%	2%	-44%	3	207			
38)Kishvori	102%	3%	34%	516	3716%	104%	4%	-45%	16	528	100%	8%	3%	31	484			
39)Telavchauri	101%	3%	27%	508	-3508%	101%	3%	39%	10	824	103%	4%	44%	12	805			
40)Kobuleti	101%	5%	-15%	631	-2800%	99%	6%	39%	21	704	98%	4%	63%	19	704			
42)Ktovi	100%	1%	-38%	1179	-8410%	100%	1%	100%	2	1448	100%	0%	-43%	1	132			
Average	101%	4%	6%	707	-1376%	101%	4%	5%	14	745	101%	4%	-4%	18	563			
Median	101%	3%	16%	734	-1591%	101%	4%	-14%	13	707	100%	4%	-8%	14	513			
Deviation from average	1.96%	2.3%	61.3%	286.33	27.9%	1.48%	1.8%	47.5%	6.49	307.01	3.9%	3.1%	90.7%	31.68				
Standard-deviation	2.8%	3.6%	104.4%	386.31	36.0%	2.2%	2.4%	79.6%	8.51	387.43	6.3%	4.6%	165.1%	402.43				

Moldova

Court name (please, insert data only related to the first instance courts)	2011							2010							2009						
	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days	Efficiency (Budget/resolved cases)	Productivity (resolved cases/judge)	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days	Efficiency (Budget/resolved cases)	Productivity (resolved cases/judge)	Clearance Rate	Caseload	Backlog Change	Average Disposition Time in days	Efficiency (Budget/resolved cases/judge)	Productivity (resolved cases/judge)			
1 Buceaciu Court, Chisinau municipality	95%	14%	60%	54	234	838	99%	8%	8%	31	156	917	99%	8%	8%	22%	28	176	976		
2 Buneaciu Court, Chisinau municipality	92%	19%	65%	76	154	838	96%	12%	51%	46	116	1323	101%	10%	-7%	37	144	789			
3 Chetriu Court, Chisinau municipality	99%	19%	69%	77	124	1214	98%	14%	16%	51	98%	116	96%	12%	54%	44	121	1221			
4 Cococa Court, Chisinau municipality	94%	15%	68%	58	206	738	97%	8%	47%	31	176	831	98%	6%	34%	23	176	736			
5 Riscani Court, Chisinau municipality	85%	35%	76%	150	174	758	98%	21%	11%	77	138	838	96%	19%	28%	72	144	862			
6 Court Balti	96%	18%	28%	69	246	580	97%	13%	30%	47	194	807	99%	9%	16%	32	176	734			
7 Court Bender	101%	6%	-11%	23	854	284	103%	7%	-31%	23	166	531	104%	8%	-33%	29	406	628			
9 Alexei Noi	98%	9%	21%	34	226	696	99%	6%	33%	24	166	813	99%	5%	18%	18	176	800			
10 Basarabasca	102%	8%	-19%	30	776	395	97%	10%	42%	37	426	524	103%	5%	-35%	17	346	809			
11 Briceni	102%	4%	-38%	14	226	1064	92%	10%	300%	41	216	573	99%	3%	48%	9	226	627			
12 Cahul	95%	20%	37%	77	276	538	95%	16%	45%	61	296	588	98%	8%	24%	31	206	675			
13 Cantemir	96%	19%	30%	72	716	586	100%	13%	4%	49	296	656	96%	9%	83%	33	216	705			
14 Calarasi	99%	14%	5%	52	576	538	94%	13%	84%	51	246	623	98%	7%	34%	27	256	546			
15 Causeni	96%	23%	23%	87	306	507	96%	15%	44%	56	276	765	96%	12%	52%	44	276	476			
16 Ceafalu-Lunga	98%	9%	83%	38	466	543	103%	5%	-10%	17	1886	585	100%	6%	9%	20	306	565			
17 Cimislia	100%	12%	-4%	45	406	457	100%	13%	0%	47	336	483	101%	9%	-5%	33	246	686			
18 Comrat	98%	9%	30%	34	336	517	100%	6%	2%	23	246	600	98%	6%	48%	23	226	588			
19 Criuleni	98%	16%	16%	59	416	402	97%	16%	25%	59	396	346	97%	10%	55%	37	346	441			
20 Donatuseni	98%	9%	27%	33	846	342	97%	7%	83%	28	516	256	102%	3%	-39%	10	396	368			
21 Drobeta	95%	22%	26%	85	476	407	95%	14%	51%	53	276	516	97%	8%	57%	29	286	619			
22 Dubasari	98%	12%	21%	44	556	240	98%	33%	33%	32	416	459	99%	6%	17%	24	426	470			
23 Edinet	99%	11%	9%	40	566	421	96%	7%	128%	27	266	484	101%	3%	-20%	11	276	551			
24 Falesti	100%	12%	-40%	40	476	374	90%	13%	251%	54	296	692	100%	4%	-2%	13	246	645			
25 Ialoveni	69%	37%	524%	198	496	495	98%	8%	40%	31	296	430	101%	6%	-12%	22	326	383			
26 Glodeni	97%	9%	40%	35	676	338	97%	7%	69%	25	446	345	100%	4%	-3%	15	456	346			
28 Hincesti	94%	16%	65%	62	576	478	97%	8%	54%	32	266	442	101%	5%	-15%	18	226	506			
29 Illoveni	97%	13%	28%	50	186	838	98%	11%	25%	40	875	166	101%	7%	-11%	26	136	1067			
30 Izeva	98%	8%	41%	31	756	608	98%	6%	35%	22	506	604	101%	4%	-26%	14	196	733			
31 Nisporeni	100%	9%	3%	31	616	378	98%	12%	23%	43	516	287	94%	6%	-43%	19	276	484			
32 Orhei	101%	6%	-14%	23	426	379	99%	6%	28%	23	316	739	98%	4%	79%	15	246	662			
33 Orhei	98%	10%	26%	39	296	812	99%	8%	21%	30	196	838	98%	7%	46%	27	186	781			
34 Rezina	100%	3%	-10%	10	306	551	100%	3%	1%	12	266	503	99%	3%	38%	12	266	516			
36 Riscani	98%	12%	9%	44	556	358	102%	6%	-30%	20	196	715	97%	10%	39%	36	266	581			
37 Singerei	98%	9%	23%	33	396	624	97%	8%	50%	29	326	585	99%	3%	33%	10	196	872			
38 Soroca	100%	12%	-1%	45	436	518	95%	11%	71%	44	256	481	98%	5%	89%	19	206	649			
40 Strasseni	95%	14%	46%	55	416	619	98%	10%	32%	38	276	611	98%	9%	36%	34	266	521			
41 Saldanesti	95%	15%	50%	58	586	343	97%	10%	37%	39	436	337	100%	7%	-6%	25	386	386			
42 Stefan-Voda	99%	8%	12%	31	696	634	101%	6%	8%	21	186	855	101%	6%	6%	22	176	925			
43 Taraclia	95%	11%	79%	43	516	379	99%	5%	20%	19	356	479	99%	4%	32%	14	296	557			
44 Teleneesti	99%	7%	11%	24	366	405	100%	5%	5%	18	256	496	100%	4%	1%	16	246	545			
45 Ungleni	98%	20%	20%	76	236	623	96%	17%	29%	64	186	769	96%	12%	46%	45	166	739			
46 Vulcanesti	92%	14%	135%	56	2186	501	106%	6%	-60%	22	496	1072	98%	8%	40%	31	286	1576			
47 District Commercial Court	155%	12%	-82%	25	126	953	97%	48%	8%	183	116	848	97%	40%	49%	169	126	851			
48 Military Court	105%	0%	-100%	19	4786	19	100%	4%	0%	15	3446	24	100%	4%	0%	14	4076	27			
Average	98%	13%	25%	53	566	516	98%	11%	39%	39	396	592	99%	8%	20%	28	336	620			
Median	98%	12%	25%	44	426	507	98%	9%	29%	32	266	565	99%	6%	23%	24	246	627			
Deviation from average	4.7%	5.1%	42.5%	22.04	32.61	189.81	1.9%	4.2%	36.9%	16.22	24.17	216.34	1.9%	3.3%	26.0%	12.90	18.83	204.00			
Standard-deviation	10.9%	7.2%	66.5%	33.54	72.93	259.53	2.7%	7.0%	61.6%	26.80	54.15	292.16	2.7%	6.0%	33.4%	24.92	55.32	290.08			







## **Appendix II:**

**List of the participants of the Working  
Group 3 Meeting, 11-12 October 2012,  
Strasbourg**

**Agenda of the Working Group 3 Meeting,  
11-12 October 2012, Strasbourg**



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Funded  
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Implemented  
by the Council of Europe

**Joint Programme funded by the European Union  
and co-financed by the Council of Europe**

**“Enhancing judicial reform in  
the Eastern Partnership countries”**

***Working Group 3***

***Meeting in Strasbourg 11 and 12 October 2012***

***(Agora building, Room G01)***

**Armenia**

***Mr Karen Poladyan***

Chef of Department of Analysing of Judicial Practice, Judicial Department

**Azerbaijan**

***Mr Araz Huseynov***

Chair of the Sabail district Court of Baku city

***Mr Subhi Kazimov***

Deputy Head of the General Department on Organisation and Control, Ministry of Justice

**Georgia**

***Ms Shorena Gigauri***

Deputy Head of Department of Resource Management, High Council of Justice

**Republic of Moldova**

***Ms Lilia Grimalschi***

Senior specialist of the Office of the Government Agent, Ministry of Justice; CEPEJ national correspondent

***Mr Bragoi Constantin***

Acting Head of the Department for Judicial Administration, Ministry of Justice

**Ukraine**

***Ms Galina Kanygina***

Judge of the Supreme Court, Supreme Court

***Ms Victoria Kononchuk***

Senior specialist of the Office of the Government Agent, Ministry of Justice, CEPEJ national correspondent

## **CoE Consultants**

### ***Mr Frans van der Doelen***

Programme Manager of the Department of the Justice System, Ministry of Security and Justice, The Netherlands, CEPEJ member

### ***Mr Adis Hodzic***

Member of the Working Group on Evaluation of Judicial systems of the European Commission for the Efficiency of Justice

### ***Mr Georg Stawa***

Head of the Department for Projects, Strategy and Innovation, Federal Ministry of Justice, Austria, Vice-Chair of the CEPEJ

## **CoE Secretariat**

### ***Ms Clementina Barbaro***

Head of Unit, Justice and Legal Co-operation Department, Directorate General of Human Rights and Rule of Law

### ***Ms Sophio Gelashvili***

Project Officer, Justice and Legal Co-operation Department, Directorate General of Human Rights and Rule of Law

### ***Ms Fanny Detrez***

Administrative Assistant, Justice and Legal Co-operation Department, Directorate General of Human Rights and Rule of Law



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Implemented  
by the Council of Europe

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

***Working Group***

***“Efficient Judicial Systems”***

***Presentation of the Draft Report***

***11 October 2012 / 9.00 – 18.00***

***12 October 2012 / 9.00 – 12.30***

***Agora building, Room G01***

**Agenda**

1. Administrative matters
2. Welcome
3. Discussion of the draft report on Efficient Judicial Systems

(presentations by experts, followed by discussion with the participating countries)

- a. Part I: Budgets and backlogs of the judicial system
    - Chapter 1: The evaluation process of the CEPEJ
    - Chapter 2: Finance of the judicial system
    - Chapter 3: Judges, staff and salaries
    - Chapter 4: Court management
    - Chapter 5: Court Performance: clearance rate and disposition time
    - Chapter 6: Comparative analysis (28 indicators)
  - b. Part II: Comparing courts: case flow, productivity and efficiency
  - c. Part III: Policy making capacities
- 4. Overview of main issues, next steps for completing the report
  - 5. Any other business

**Working documents:**

Project Report on Efficient Judicial Systems (draft), Working Group on “Efficient Judicial Systems”, Joint Programme funded by EU and implemented by CoE “*Enhancing Judicial Reform in Eastern Partnership Countries*”