

# **European judicial systems**

**Edition 2008 (data 2006):  
Efficiency and quality of justice**

**AN OVERVIEW**

**European Commission for the Efficiency of Justice  
(CEPEJ)**

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

The European Commission for the Efficiency of Justice (CEPEJ) is entrusted by the Committee of Ministers of the Council of Europe with proposing concrete solutions, suitable for use by Council of Europe member states for promoting the effective implementation of existing Council of Europe instruments relating to the organisation of justice (normative "after sale 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. The CEPEJ is today 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.

The CEPEJ website: [www.coe.int/CEPEJ](http://www.coe.int/CEPEJ)

## Presentation

In the Action Plan adopted in Warsaw (May 2005) within the framework of their 3<sup>rd</sup> Summit, the Heads of State and government of the Council of Europe's member states have expressed their support for and their wish to strengthen the process for evaluating judicial systems set up by the CEPEJ.

The CEPEJ presents today the 2008 Edition of its report, drawn on the 2006 data<sup>1</sup>. The report has been adopted by the CEPEJ in July 2008<sup>2</sup>. It is unique in the number of subjects and countries that are covered. Such reports will be published regularly, thus enabling assessment of evolutions of the public services of justice for 800 million Europeans.

The methodology used, with the great contribution and support of the member states of the Council of Europe, makes it possible to present a picture, which is more and more detailed from one edition to another, of the judicial systems of 45 European states<sup>3</sup>. Some main trends have been identified, as well as reform processes that have been initiated. Relying on those data, the CEPEJ can now propose concrete solutions to evaluate and improve the quality and efficiency of justice in Europe.

The CEPEJ highly encourages policy makers and researchers to use this unique information to develop studies and feed the indispensable European debate and the reforms, the necessity for which is regularly reminded by the case-law of the European Court of Human Rights and the events in our member states. From this particularly rich database, the CEPEJ has started, in conjunction with universities and research institutes, to undertake in between every exercise, a series of in-depth analysis on specific issues, published within the series: "CEPEJ Studies".

**The purpose of this document is not a synthesis of a bulky report, but is only to highlight, in an easily readable format, some of its elements to give desire for taking time "to go further". In this overview, only brief comments follow the graphs and tables extracted from the report, but they refer to the full report which enables an approach deepened with all the necessary methodological elements for rigorous analysis and comparisons (see [www.coe.int/CEPEJ](http://www.coe.int/CEPEJ)).**

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<sup>1</sup> This Edition follows the report of the pilot exercise conducted in 2004 and the 2006 Edition of the Report, based on the 2004 data.

<sup>2</sup> The report is based on a draft prepared by the CEPEJ working group chaired by Jean-Paul JEAN (France) and composed of Fausto de SANTIS (Italy, President of the CEPEJ), Elsa GARCIA-MALTRAS DE BLAS (Spain), Beata Z. GRUSZCZYŃSKA (Poland), Adis HODZIC (Bosnia and Herzegovina), Georg STAWA (Austria), Dražen TRIPALO (Croatia), Frans van der DOELEN (The Netherlands), Mikhail VINOGRADOV / Konstantin KOSORUKOV (Russian Federation) and the scientific expert Marta ZIMOLAG (Poland).

<sup>3</sup> 45 member states out of 47 have participated to the evaluation process. Only Liechtenstein has not been able to provide data for this report. Data from San Marino have not been received in due time to be processed in the report. 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.

All the data given by the member states are available on the CEPEJ website. The national answers also contain descriptions of the judicial systems and explanations which contribute to a large extent to the comprehension of the given data. Thus, a genuine database of the judicial systems of the Council of Europe's member states is easily accessible to citizens, policy makers, legal practitioners, academics and researchers.

## **Warning**

Throughout its report, the CEPEJ has highlighted the numerous methodological problems encountered and the choices which have been made. It is advisable to refer to them constantly to avoid hasty analyses and meaningless conclusions. Comparing quantitative figures from different countries, with different geographical, economic, and judicial situations is a difficult task which must be addressed cautiously. To compare the judicial systems of various states, it is in particular necessary to highlight the specificities which explain biases and variations from one country to another (level of wealth, different judicial structures, data collection). A detailed attention was paid to the terms used and to the definition and use of concepts, which were specified with the national correspondents entrusted with the coordination of data collection in the countries. Only an attentive reading of the report and a rigorous crossing of data can make it possible to draw analyses and conclusions. Figures cannot be passively taken one after the others, but must be interpreted in the light of the methodological notes and comments.

Comparing is not ranking. But each rigorous reader has with this report a huge sum of data and methodological elements for an in-depth study by choosing relevant clusters of countries: according to the characteristics of the judicial systems (for instance civil law and common law countries; countries in transition or with old judicial traditions), geographical criteria (size, population) or economic criteria (for instance within or outside the Euro zone). The size of the countries is also a discriminating element. Thus, the smallest states of the Council of Europe (Andorra or Monaco) cannot be compared according to a scale "for 100.000 inhabitants". Other complementary methods are proposed, by using ratios such as the GDP and the average gross annual salary per inhabitant.

## **1. Public expenditures allocated to courts, prosecution system and legal aid**

According to the states, there are common or distinct modalities for funding courts, public prosecution systems and legal aid. These three elements have been broken up as much as possible so as to allow comparisons, both of the means allocated to prosecution or judgement activities (despite the differences between the organisation of the systems) and of the amounts allocated to access to justice. This information thus gives an overall view of the budgets concerning most of the member states of the Council of Europe.

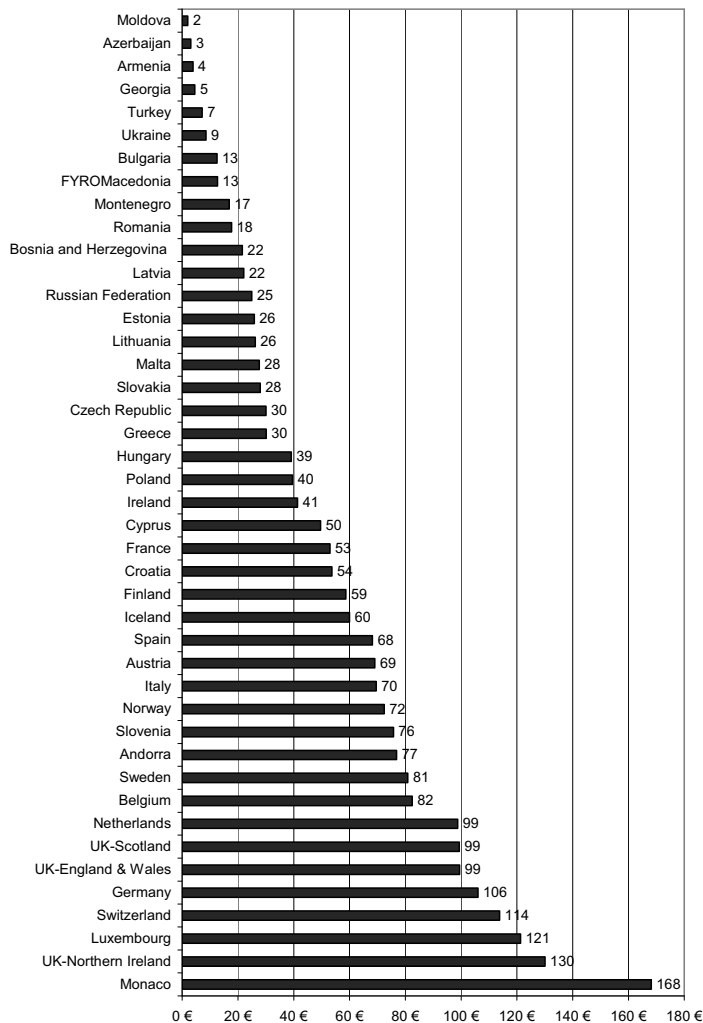
**Table 1. Public budget allocated to courts, legal aid and public prosecution in 2006, in €**

Country	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 public budget allocated to all courts and legal aid	Total annual approved public budget allocated to all courts and public prosecution	Total annual approved public budget allocated to all courts, public prosecution and legal aid
Albania	na	na	na	na	na	na
Andorra	5 396 607	300 000	544 858	5 696 607	5 941 464	6 241 464
Armenia	4 189 496	129 925	4 193 973	4 319 421	8 383 469	12 702 890
Austria	na	17 700 000	na	na	554 313 000	572 013 000
Azerbaijan	11 339 059	226 484	14 812 092	11 565 543	26 151 151	26 377 635
Belgium	na	43 137 000	na	na	823 600 000	866 737 000
Bosnia and Herzegovina	65 293 506	1 606 129	16 144 684	66 899 635	81 438 190	83 044 319
Bulgaria	64 532 705	1 804 100	29 853 310	66 336 805	94 386 015	96 190 115
Croatia	na	na	32 241 063	206 261 500	na	238 502 563
Cyprus	na	na	12 555 469	25 778 787	na	38 334 256
Czech Republic	223 477 624	15 672 575	69 619 179	239 150 199	293 096 803	308 769 378
Denmark	183 000 000	2 869 941	na	185 869 941	na	na
Estonia	24 220 267	2 567 320	7 933 295	26 787 587	32 153 562	34 720 882
Finland	221 971 000	55 105 000	31 324 000	277 076 000	253 295 000	308 400 000
France	2 377 000 000	303 000 000	670 000 000	2 680 000 000	3 047 000 000	3 350 000 000
Georgia	11 760 558	53 000	8 000 000	11 813 558	19 760 558	19 813 558
Germany	na	557 000 000	na	na	8 174 000 000	8 731 000 000
Greece	na	1 700 000	na	na	332 875 000	334 575 000
Hungary	277 551 019	198 981	116 005 000	277 750 000	393 556 019	393 755 000
Iceland	12 300 000	1 500 000	4 200 000	13 800 000	16 500 000	18 000 000
Ireland	81 687 000	63 600 000	30 154 000	145 287 000	81 687 000	175 441 000
Italy	2 665 347 471	86 562 704	1 336 199 023	2 751 910 175	4 001 546 494	4 088 109 198
Latvia	32 416 128	1 072 771	17 113 881	33 488 899	49 530 009	50 602 780
Lithuania	58 150 487	3 226 245	27 638 149	61 376 732	85 788 636	89 014 881
Luxembourg	na	2 949 983	na	na	54 384 465	57 334 448
Malta	8 701 000	15 000	2 569 000	8 716 000	11 270 000	11 285 000
Moldova	3 002 838	126 614	4 135 134	3 129 452	7 137 972	7 264 586

Country	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 public budget allocated to all courts and legal aid	Total annual approved public budget allocated to all courts and public prosecution	Total annual approved public budget allocated to prosecution and legal aid
Monaco	4 111 500	220 000	1 219 300	4 331 500	5 330 800	5 550 800
Montenegro	na	na	1 762 362	8 664 682	na	10 427 044
Netherlands	774 368 000	344 666 748	494 335 000	1 119 034 748	1 268 703 000	1 613 369 748
Norway	175 013 040	151 635 000	12 384 000	326 648 040	187 397 040	339 032 040
Poland	1 190 027 000	21 724 000	295 928 000	1 211 751 000	1 485 955 000	1 507 679 000
Portugal	506 493 713	35 829 192	na	542 322 905	na	na
Romania	261 911 826	6 065 759	114 927 466	267 977 585	376 839 292	382 905 051
Russian Federation	2 401 660 110	85 020 103	1 060 382 372	2 486 680 213	3 462 042 482	3 547 062 585
Serbia	156 098 339	na	13 864 244	na	169 962 583	na
Slovakia	108 697 924	2 779 410	39 331 000	111 477 334	148 028 924	150 808 334
Slovenia	131 981 456	1 858 859	17 893 000	133 840 315	149 874 456	151 733 315
Spain	na	167 331 526	na	na	na	2 983 492 000
Sweden	452 000 000	150 764 128	134 529 613	602 764 128	586 529 613	737 293 741
Switzerland	626 145 213	47 203 730	175 402 199	673 348 943	801 547 412	848 751 142
FYROMacedonia	21 341 001	900 277	3 592 283	22 241 278	24 933 284	25 833 561
Turkey	na	na	na	na	na	522 486 876
Ukraine	276 961 140	294 730	120 125 950	277 255 870	397 087 090	397 381 820
UK-Northern Ireland	89 229 990	95 772 010	41 600 000	185 002 000	130 829 990	226 602 000
UK-Scotland	120 852 210	239 947 427	147 511 549	360 799 637	268 363 759	508 311 186
UK-England and Wales	1 504 095 309	3 020 104 244	819 000 000	4 524 199 553	2 323 095 309	5 343 199 553

n.a.: non available (non disponible)

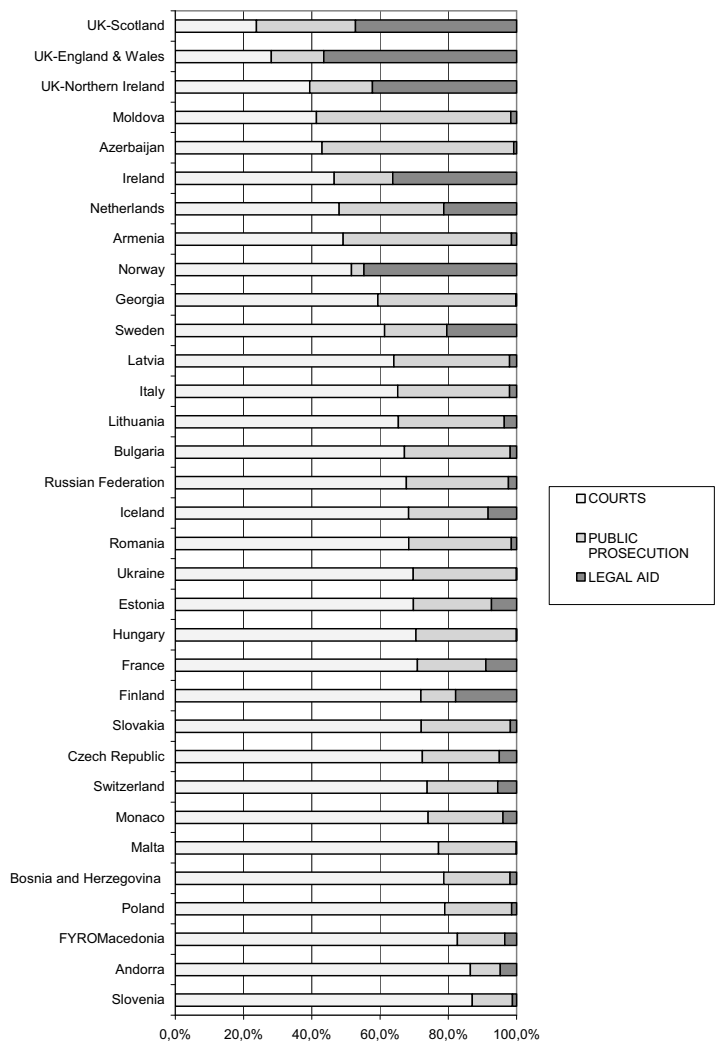
**Figure 1. Total public budget allocated to the judicial system (courts, prosecution and legal aid) per inhabitant in 2006, in €**



NB: see also in the full report the budget expressed as a percentage of the GDP per capita.



**Figure 2. Relative distribution between the budget of the courts, prosecution and legal aid**



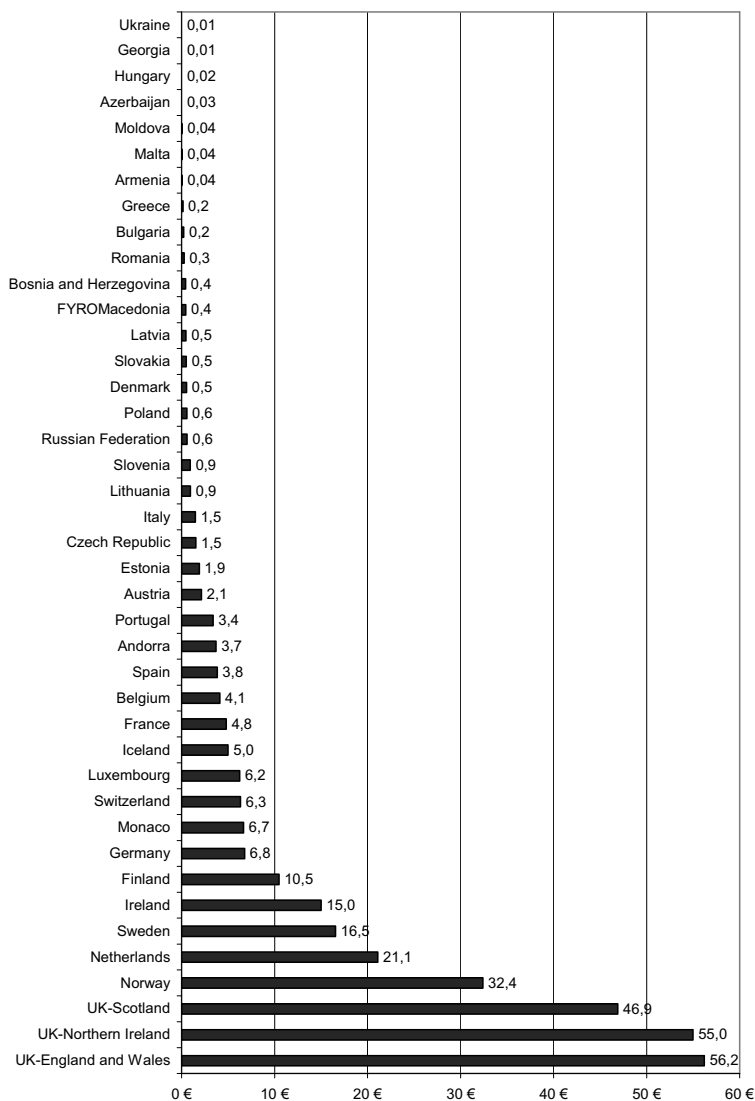
In most of the member States of the Council of Europe, the budget allocated to the courts has increased over the last five years. Reasons for this increase are related in particular to the rise in personnel costs, higher costs for renting, the functioning and/or maintenance of court buildings, inflation or a rise in the living standards, or the implementation of a judicial reform programme.

Concerning the budgetary components of the court budget, most of the costs are related to the payment of the salaries of judges and court staff. To a much lesser extent, judicial expenses contribute to the court budget. Maintenance and investment in court buildings is a substantial share of the total court budget in Cyprus, Ireland, Georgia and UK-Scotland. With a growing computerization of society, it is expected that courts will invest more in IT. Large shares of the IT budget related to the total court budget can be found in the Netherlands, Ireland, Austria, Denmark and Romania. In the majority of the countries, a budget for legal aid is available. As it is the case with the court budget, this budget varies from country to country. In the Netherlands, Norway, Ireland and in the United Kingdom, a relatively high budget for legal aid is available. As regards the budget for public prosecutions a high proportions of budgets are allocated to this end, especially in the central and eastern European countries. A high number of public prosecutors, the organisation of the public prosecution in a given country, differences in the powers of the public prosecutor may lead to variations in the budget.

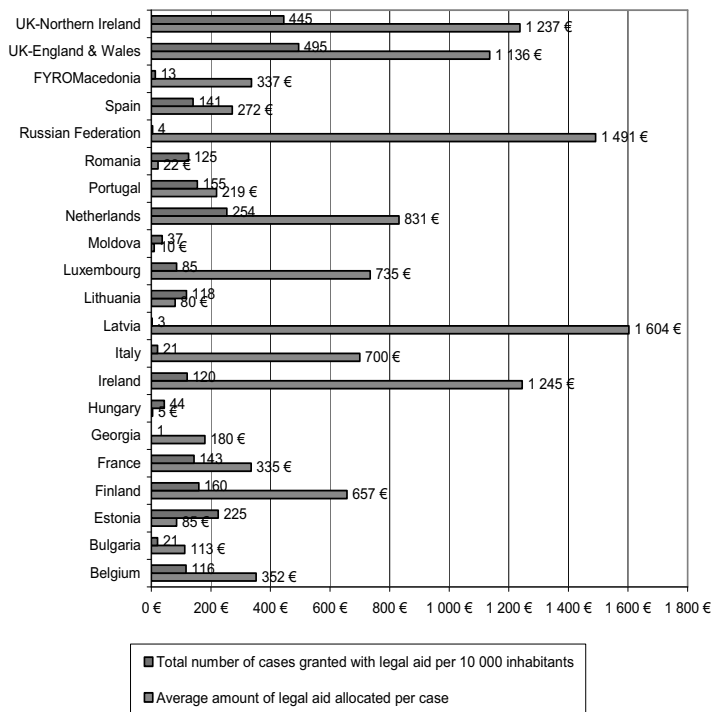
## **2. Access to justice**

When the 2006 data of the budget allocated to the legal aid system are compared with the 2004 data, a sharp increase of the budget (more than 50% vis-à-vis 2004 data) can be noticed in Armenia, Estonia, Greece, Latvia, Lithuania and Romania. Legal aid budgets in these countries represented a very small part of State expenditure. An increase of between 20% and 40% can be seen in 11 countries: Andorra, Belgium, Czech Republic, Iceland, Ireland, Italy, Poland, Portugal, Slovakia, Spain and Sweden. In some of these countries, the increase is explained by a recent policy for implementing legal aid systems and / or extending such systems (Estonia, Slovakia, Slovenia). In the other countries, such an increase is the result of a policy aimed at improving access to justice. In contrast, a trend can be noticed for the stabilization of these budgetary components or the decrease in the legal aid budget in the following countries: Bosnia and Herzegovina, Georgia, Malta, the Netherlands and Norway. As it was the case in the year 2004, a relatively high budget for legal aid (gross data per inhabitant) is spent in: Norway, UK-Scotland, UK-Northern Ireland and UK-England and Wales (figure 8). A relatively high amount can also be seen in the Netherlands, Sweden, Ireland and Finland. There again, 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 those people who do not have sufficient means.

**Figure 3. Annual public budget allocated to legal aid per inhabitant in 2006, in €**



**Figure 4. Number of legal aid cases per 10.000 inhabitants and average amount of legal aid granted per case in 2006, in €**



Some countries have chosen to define a strictly limited number of cases which can benefit from legal aid but allocate high amounts per case (Russian Federation or Italy for example), whereas other states, on the contrary, have chosen to limit the amounts allocated per case but in opening more widely the conditions for acceding to legal aid (for example Belgium, France, Portugal, Spain). Other states are both generous as regards the amounts allocated per case and the number of cases which can benefit from legal aid (UK-Northern Ireland, UK-England and Wales, Netherlands). The budget for legal aid is strongly weighing down on the budget of these countries.

### **3. Users of the courts (rights and public confidence)**

#### ***The protection of vulnerable persons***

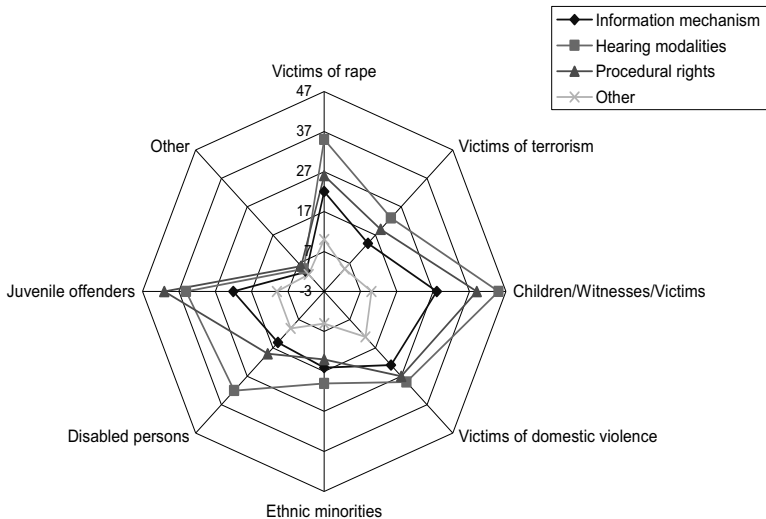
Special mechanisms may be used to protect and to strengthen their legal rights during court proceedings, by introducing specific information mechanisms (telephone hotlines, internet sites, leaflets, etc), the use of special hearing procedures (minor offenders or other victims can be protected by holding closed-door court session). For ethnic minorities this

can be related to use of court interpreters and the freedom to speak in their own language.

**Table 2. Number of positive answers on special arrangements to be applied during judicial proceedings to categories of victims and vulnerable persons**

Category of vulnerable person	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	22	35	26	10
Victims of terrorism	14	23	19	5
Children/Witnesses/Victims	28	45	39	10
Victims of domestic violence	23	30	27	13
Ethnic minorities	16	20	14	5
Disabled persons	15	32	20	10
Juvenile offenders	22	36	41	10
Other	4	6	7	3

**Figure 5. Special arrangements for vulnerable groups and victims by type of mechanism**



#### 4. The Courts

In this part, all the relevant basic facts concerning the organisation of the courts in Europe can be found. As part of this description, a difference is made between a court (first instance courts of general jurisdiction), a geographical court location and specialised first instance courts.

Courts perform different tasks according to the competences that are ascribed in law. In the majority of cases, courts are responsible for dealing with criminal and civil law cases – and possibly administrative law: administrative law disputes are addressed by courts of general jurisdiction (for example in the Netherlands) or by specialized administrative courts (in France, for instance). In addition, courts may have a responsibility for the maintenance of registers: courts can have special departments for land registry, business registers and even for civil registers (birth, marriage, etc). This variety can influence the workload of the courts differently.

In 13 countries, there is a reduction in the number of *court locations* per 100.000 inhabitants, when comparing 2006 data and 2004 data. For 10 countries, there is an increase. In 18 countries it seems that there is no change in the number of court locations per 100.000 inhabitants.



information systems), more and more attention is given to the collection of performance data. What is unclear is the quality of the data and to what extent information on court performance is systematically collected. More accountability and the rationalisation of the functioning of courts may also be the subject of *"quality policies"*. The majority of countries replied that quality indicators have been defined and are applied. Only a very few countries have integrated quality-control systems for the courts.

### ***Method of dealing with small claims***

The question of the "judicial map", relating to the geographical court location, varies depending on the population density of each country and on the quality of the communications network. In order to have a better view of the accessibility to the jurisdictions for the court user, the "small claim" notion, different depending on the country, has been analyzed and allows to see from which amount simplified procedures exist for dealing with such cases (complete table of the report). The dealing of small claims falls within the competence of specialised tribunals (for example municipal courts), specialised judges (such as judges of the peace) or of a unit within a first instance court of general jurisdiction. A significant number of courts competent for dealing with small claims can be found in: Austria, Belgium, Croatia, France, Germany, Italy, Poland, Portugal, Romania, Russian Federation, Spain, Switzerland, Turkey and UK-England and Wales.

### ***Information and communication technology in the courts***

In most of the countries, computer facilities for the direct assistance of judges and staff can be found in the courts. Less applied are case registration systems, court management information systems and financial information systems. The last area of use is the communication between courts, legal professionals and (potential) court users. In 14 countries all the courts have a special website. In 11 countries electronic forms can be downloaded and uploaded to all the courts. An identical score (14 countries) can be found for the 'other' exchange of information.

The level of implementation of computer technology for the direct assistance of a judge or non-judge staff can be shown. The countries with a very high or high level of implementation are coloured in orange (four computer symbols) or in yellow (three computer symbols).



**Table 3. Classification of countries on the level of computerization of courts for the three areas of application<sup>4</sup>**

Very high level of computerization >39 points	High level of computerizations (32-38)	Moderate level of computerizations (26-31)	Low level of computerisation (less than 25)
Austria	Czech Republic	Belgium	Cyprus
Denmark	Romania	Italy	Ukraine
Estonia	Slovenia	Georgia	FYROMacedonia
Finland	Iceland	Luxembourg	Serbia
Hungary	UK-Northern Ireland	Poland	Armenia
Malta	Germany	Andorra	Monaco
UK England and Wales	Lithuania	Ireland	Russian Federation
Switzerland	France	Azerbaijan	Bosnia and Herzegovina
Portugal	Latvia	Croatia	Montenegro
Slovakia	Netherlands	Greece	Moldova
UK-Scotland	Sweden		
Norway	Bulgaria		
Spain			
Turkey			
14	12	10	10

<sup>4</sup> On the way to calculate these classifications, see report Chapter 5.5.

**Figure 7. Level of implementation of computer equipment for the direct assistance of a judge or non-judge staff**



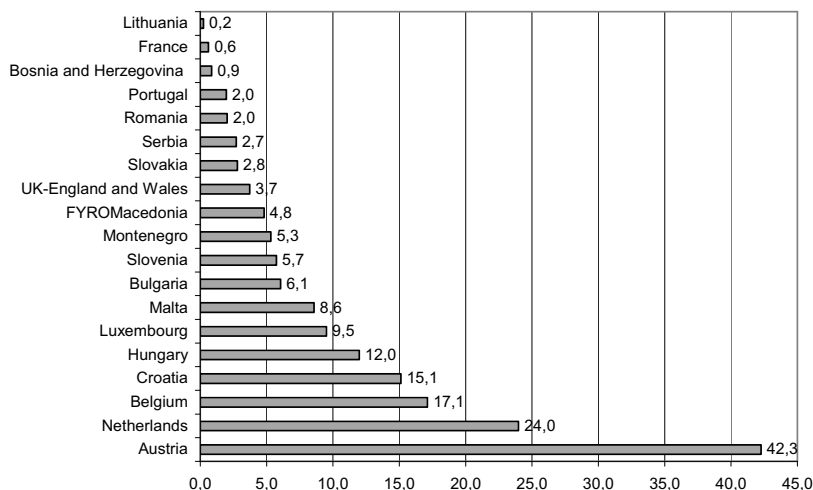
## **5. Alternative Dispute Resolution**

Judicial mediation is being developed in a growing number of European countries: 38 countries have implemented a judicial mediation procedure. In 22 countries, it is possible to receive legal aid in mediation procedures. Areas where conciliation is often used are consumer disputes and family disputes. Arbitration is used in at least 33 countries and is mainly used in the field of commercial disputes (contracts and (intellectual) property rights).

To have an overview of the number of cases and mediators that are involved in mediation, countries were invited to submit details on this issue. In the Netherlands, there are a large number of mediation cases relating to family law (divorce) and to dismissal from employment. In Austria, France, Hungary, Poland and Slovenia mediation is often used in criminal law cases. In the following diagram, the number of accredited mediators per 100.000 inhabitants is given. In particular, in Belgium, Croatia, the Netherlands and

Austria there are large numbers of mediators. For the Netherlands, the high figures can be explained by the fact that the Ministry of Justice introduced mediation several years ago through specific ADR programmes, especially in the area of civil law (commercial cases), family law (divorce cases) and administrative law.

**Figure 8. Number of accredited mediators per 100.000 inhabitants in 2006**



Compared with the 2006 Edition of the Evaluation report, more information is available on mediation. There is a trend by which mediation is applied in a growing number of countries: in 38 countries mediation procedures are used. In civil law cases (commercial disputes, family law, and employment dismissal cases), it is often a private mediator (for example a lawyer) or a judge who mediates. Where administrative law is a separate area of law, it is often a private mediator who intervenes in disputes between citizens and the government. With respect to criminal law cases there can be various types of people responsible for the mediation: a judge, a prosecutor or a private mediator.

To guarantee access to justice in mediation procedures, a legal aid scheme may be introduced. In 22 countries, it is possible to receive legal aid in mediation procedures.

**6. Criminal cases addressed by the prosecutor**

In the next table the number of cases addressed by the public prosecutor is given. In the second column, the number of cases received by the prosecutor is displayed followed by three modalities concerning an early termination of a case by a public prosecutor (due to unknown identity of the offender, legal reasons (for example lack of evidence) or reasons of opportunity). In 19 countries there is a possibility that a prosecutor decides on a sanction or negotiates with the offender. In the last column the number of cases charged before the court are presented.

**Table 4. Number of cases managed by the public prosecutor in 2006**

Country	Received by the public prosecutor	Discontinued by the public prosecutor:				for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
		Total of discontinued cases	because the offender could not be identified	due to the lack of an established offence or a specific legal situation				
Andorra	36							21
Armenia	2 857	3 658	1 693	698		1 267		2 857
Austria	616 304			179287				77 118
Azerbaijan	2 203	2 281	1 890	203		188		9 770
Belgium	737 963	535 689	212 926	132 686		173 897	7 537	20 091
Bosnia and Herzegovina	71 435	24 948					2 280	18 507
Bulgaria	158 242						7 707	29 035
Croatia	92 511		37 295	19 447				
Czech Republic	83 319	11 059		94		10 965	0	58 863
Denmark	506 556							416 488
Estonia	14 571	27 555	19 162	5 065		3 328	5 128	
Finland	85 716	10 730					2 305	62 596
France	5 305 394	3 725 528	2 988 204	438 465		298 859	519 110	707 827
Georgia	36 304	16 709					5 008	12 974
Germany	4 917 575	1 294 402				1 294 747	241 102	1 187 323
Hungary	149 749			29 810				76 835
Iceland	7 701			1 916				5 723
Ireland	15 214	3 722					0	6 445
Italy	2 938 649		1 247 516				*	572 887
Latvia	12 783	1 173	25	300		848	740	12 977
Lithuania	16 108			14 836				17 927
Luxembourg	46 673						507	12 430
Moldova		3 459						13 001
Monaco	2 639	966	638	163		165	0	707

Country	Received by the public prosecutor	Discontinued by the public prosecutor:				Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
		Total of discontinued cases	because the offender could not be identified	due to the lack of an established offence or a specific legal situation	for reason of opportunity		
Montenegro	14 459		2 723	5 251			
Netherlands	267 710			17 812	16 325	77 861	150 000
Poland	1 556 611	680 343	519 591	160 752	0	244 399	428 625
Portugal	491 505	411 835				3 006	85 098
Romania	108 367					0	27 139
Serbia	173 838		23 717			6 817	59 108
Slovakia	121 579	71 308	52 787	18 521	0	2 481	22 468
Slovenia	93 462			9 620	3 937		12 726
Spain	4 101 736	2 756 207	2 224 309	531 898	0		590 260
Sweden	201 274	55 491				51 689	189 546
Switzerland	153 439	19 807	2 468	16 780	559	55 930	12 152
FYROMacedonia	32 082	15 693	11 308	4 171	214		12 721
Turkey	2 733 767	1 694 588					725 210
Ukraine	546 178						
UK-Scotland	316 377			2517		35539	168 690
UK-England and Wales	1 054 882	225 142	5 408	107 163	112 571	884 482	1 009 067

## 7. Judges

To better take into account the diversity in the status and functions which can be linked with 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 as "those who have been trained and who are paid as such". *Professional judges who sit in a court on an occasional basis* (and who are paid as such). *Non-professional judges* (volunteers who are compensated for their expenses) give binding decisions in courts. This takes into account the posts effectively occupied and in full time equivalent for professional judges, practicing full time or on an occasional basis.

Table 5. Type and number of judges in 2006

Country	Professional judges (fte)		Professional judges occasionally presiding over a hearing (gross figure)		Non-professional judges (lay judges) (gross figure)		Nbr of non professional judges / Nbr of professional judges
	Number	Per 100.000 inhabitants	Number	Per 100.000 inhabitants	Number	Per 100.000 habitants	
Andorra	22	27,1	2	2,5			
Armenia	179	5,6					
Austria	1 674	20,2					
Azerbaijan	494	5,8					
Belgium	1 567	14,9			2 557	24,3	1,63
Bosnia-Herzegovina	846	22	58	1,5	167	4,3	0,20
Bulgaria	1 821	23,7					
Croatia	1 924	43,3			5 268	118,6	2,74
Cyprus	98	12,7					
Czech Republic	2 995	29,1			6 893	67,0	2,30
Denmark	359	6,6					
Estonia	239	17,8			802	59,7	3,36
Finland	901	17,1			3 689	70,2	4,09
France	7 532	11,9	570	0,9	3 299	5,2	0,44
Georgia	272	6,2					
Germany	20 138	24,5	na		98 002	119,0	4,87
Greece	3 163	28,4					
Hungary	2 838	28,2			4 382	43,5	1,54
Iceland	47	15,7	na				
Ireland	132	3,1					
Italy	6 450	11,0			7 321	12,5	1,14
Latvia	510	22,2			2 525	110,0	4,95
Lithuania	732	21,5					
Luxembourg	174	36,8			127	26,9	0,73
Malta	34	8,3					

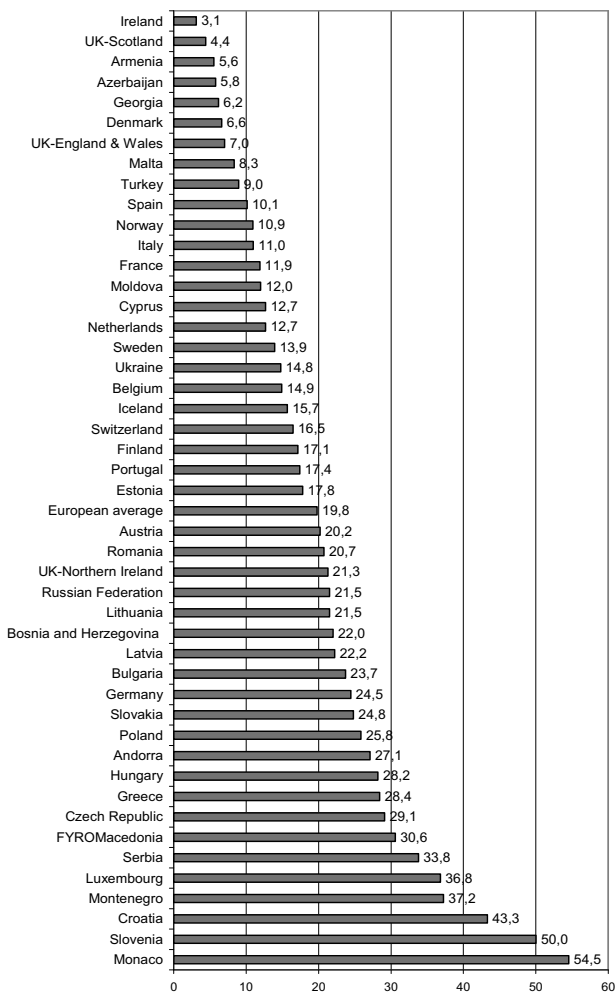


Country	Professional judges (fte)		Professional judges occasionally presiding over a hearing (gross figure)		Non-professional judges (lay judges) (gross figure)		Nbr of non professional judges / Nbr of professional judges
	Number	Per 100.000 inhabitants	Number	Per 100.000 inhabitants	Number	Per 100.000 habitants	
Moldova	431	12,0					
Monaco	18	54,5	14	42,4	118	357,6	6,56
Montenegro	231	37,2					
Netherlands	2 072	12,7	900				
Norway	512	10,9	61	5,5	70 000	1 495,4	136,72
Poland	9 853	25,8			43 613	114,4	4,43
Portugal	1 840	17,4			454	4,3	0,25
Romania	4 482	20,7					
Russian Federation	30 539	21,5					
Serbia	2 506	33,8			4 678	63,1	1,87
Slovakia	1 337	24,8			na		
Slovenia	1 002	50,0			4 065	202,9	4,06
Spain	4 437	10,1	na		7 681	17,6	1,73
Sweden	1 270	13,9			8 500	93,3	6,69
Switzerland	1 229	16,5	697		2 613		
FYROMacedonia	624	30,6			2 480	121,7	3,97
Turkey	6 593	9,0					
Ukraine	6 893	14,8					
UK-Northern Ireland	371	21,3			788	45,2	
UK-Scotland	227	4,4			749	14,6	3,30
UK-England and Wales	3 774	7,0	8920	16,6	28 865	53,7	7,65

### ***Professional judges***

The number of professional judges presiding in a jurisdiction per 100.000 inhabitants varies considerably according to countries and judicial systems. A distinction can be made, at the two extremes, between the systems where all judges are professional (Andorra, Armenia, Austria, Azerbaijan, Bulgaria, Cyprus, Denmark, Georgia, Greece, Ireland, Iceland, Lithuania, Malta, Montenegro, Moldova, Netherlands, Romania, Russian Federation, Turkey, Ukraine) and the systems of the United Kingdom where the role of the *lay judges / magistrates* is essential in all legal fields.

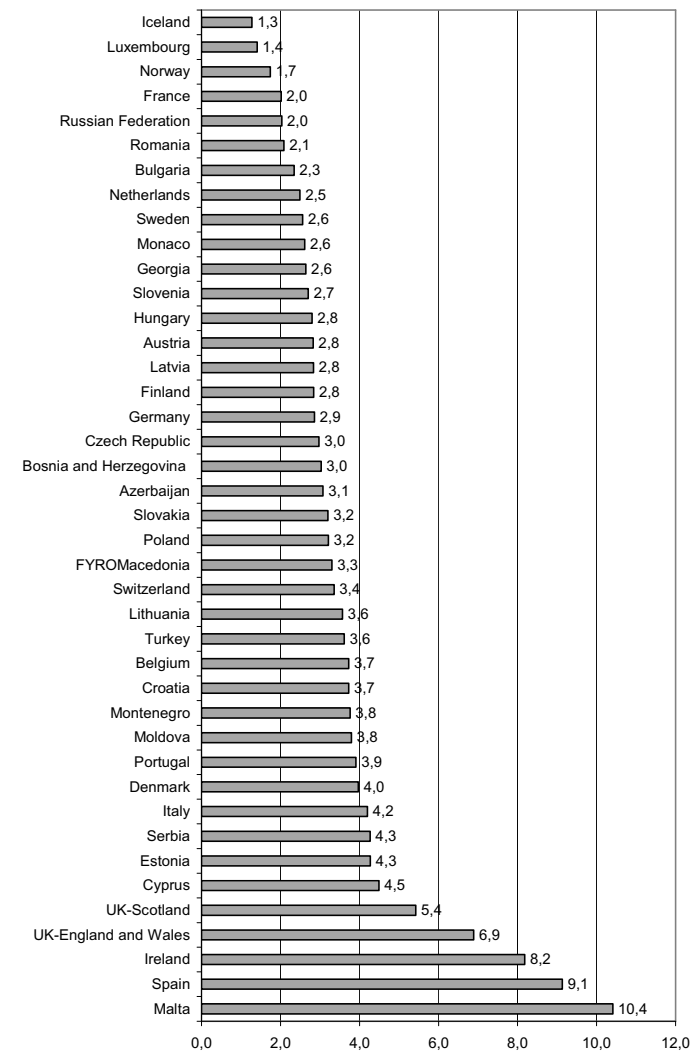
**Figure 9. Number of professional judges sitting in courts (full time equivalent) per 100.000 inhabitants in 2006**



## 8. Non-judge staff

A distinction is made between four types of non-judge staff. A specific category of non-judge staff are the "Rechtspfleger", inspired by the German system. Non-judge staff whose task it is to assist judges directly. The third category concerns staff that is responsible for different administrative matters, as well as court management. The last category relates to technical staff in the courts.

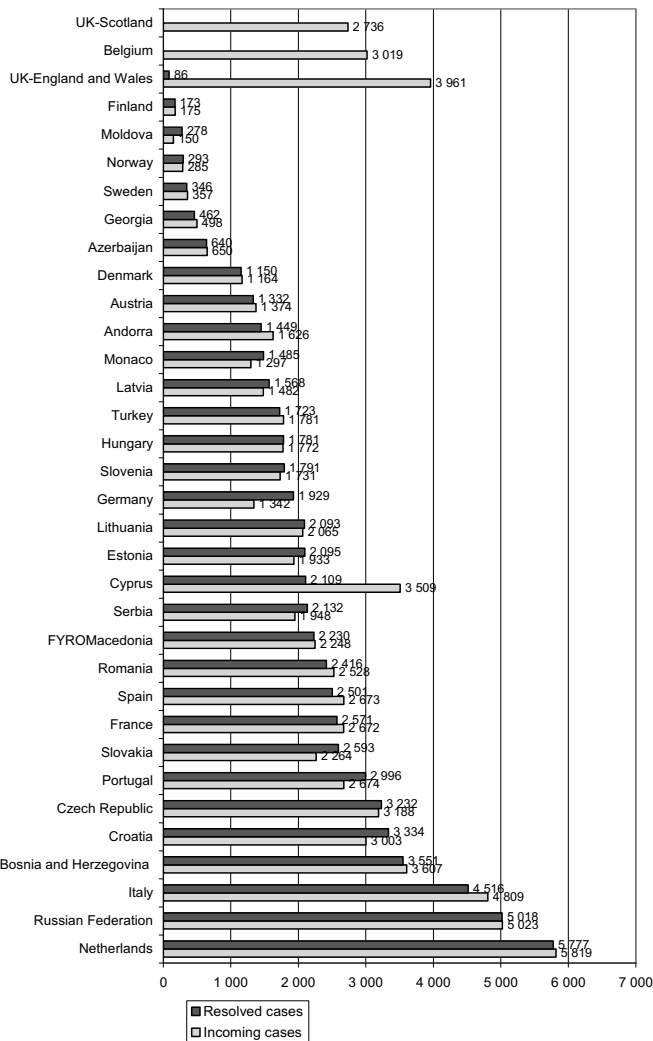
**Figure 10. The number of non-judge staff for each professional judge**



## 9. Court activity and fair trial

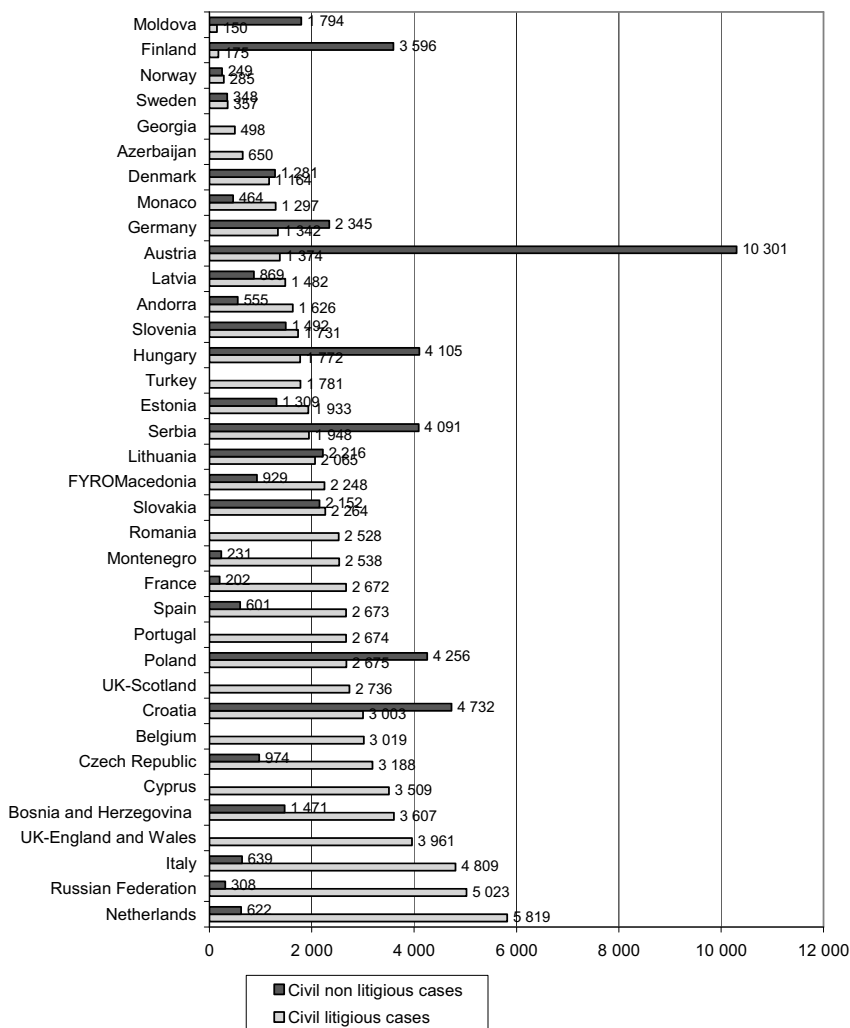
The measurement of the length of proceedings and the variation in definitions in the criminal law cases remain a difficulty. Significant progress has been made concerning the measurement of court performance since two performance indicators at a European level have been introduced. The *clearance rate* allows a useful comparison even though the perimeters of the cases concerned are not identical in all respects. This indicator can be used to see if the courts are keeping up with the number of incoming cases without increasing the backlog of cases. The second indicator is the *calculated disposition time*. By making use of a statistical method of calculation, it is possible to generate data concerning the time that is needed to bring a case to an end. This method can provide relevant information on the overall functioning of the courts of a country. Gradually, the report of the CEPEJ will enable to follow, using comparable data, the functioning of judicial systems in dealing with case flows.

**Figure 11. Number of first instance incoming and resolved litigious civil cases per 100.000 inhabitants in 2006**



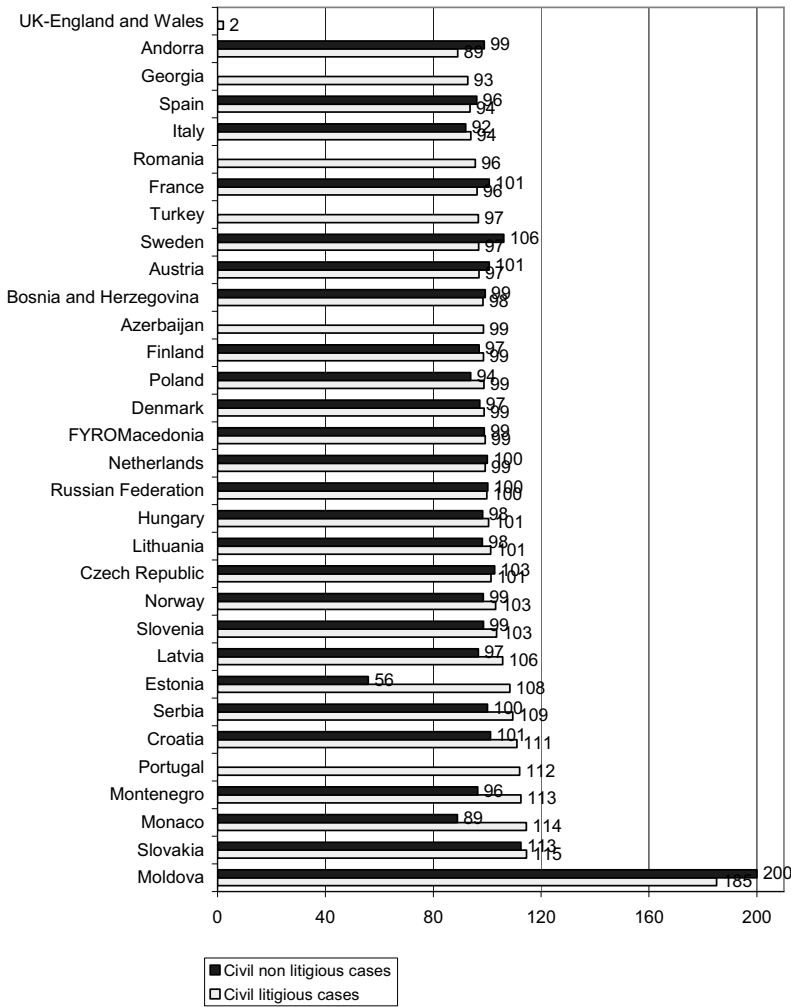
The respective parts of litigious and non litigious cases allow to better understand the structure of the activity of the countries' jurisdictions (in particular registry cases).

**Figure 12. Number of incoming first instance civil litigious and non litigious cases in first instance courts per 100.000 inhabitants in 2006**



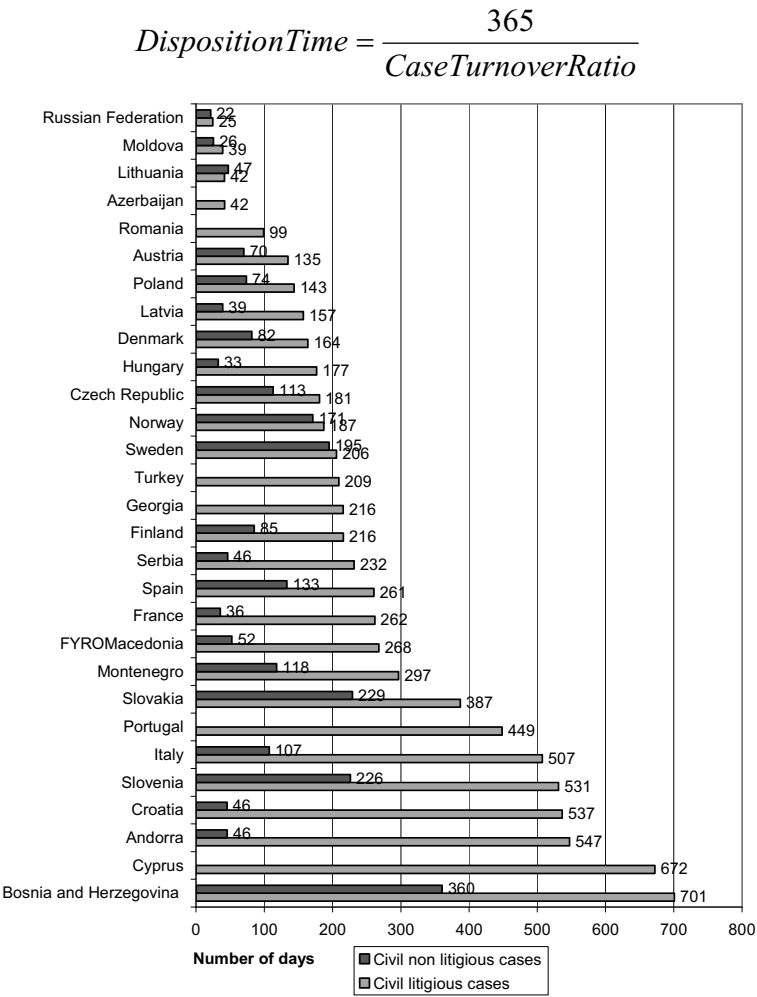
**Figure 13. Clearance rate of litigious and non litigious civil cases in 2006 (in %)**

$$\text{Clearance Rate (\%)} = \frac{\text{resolved cases}}{\text{incoming cases}} \times 100$$





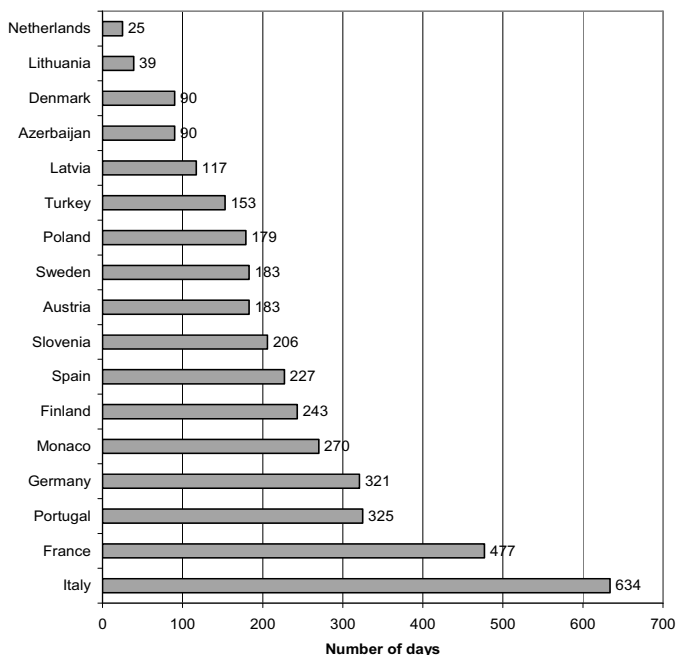
**Figure 14. Disposition time of litigious and non litigious civil cases at first instance courts in 2006 (in days)**



## ***Litigious divorces***

Beyond the specificities of each national legislation, still too few countries were able to give precise information on the length of proceedings.

**Figure 15. Average length of proceedings for litigious divorce cases at first instance courts in 2006, in number of days**



## **10. Status and career of judges and prosecutors**

### ***Salaries of judges and prosecutors***

Data which are presented in the next table must be taken with caution. Since the allocated salaries depend on several factors which are connected with the living standards, modalities of recruitment, seniority, etc. As a result, a "new" judge / prosecutor in countries of *common law* are actually legal professionals who benefit from long working experiences, therefore it is not surprising that they benefit from high salaries (100.000 € per year) and are not easy to be compared with junior judges in other countries. The main

remuneration may not be linear during the career. It varies considerably between the beginning and the end of career, but also according the age of access to the function.

**Table 6. Gross and net annual salaries of judges and prosecutors at the Supreme Court (or at the level of the highest instance) in 2006, in €**

Country	Judge – gross salary (€)	Judge – net salary (€)	Gross salary of a judge in regard of average gross annual salary	Prosecutor – gross salary (€)	Prosecutor – net salary (€)	Gross salary of a prosecutor in regard of the average gross annual salary
Andorra	36 430	34 244	1,8	100 100	94 000	4,9
Armenia	11 594	6 601	7,9			0,0
Austria	105 251		2,6	105 251		2,6
Azerbaijan	11 968		7,7	7 540		4,8
Belgium	122 196	60 184	3,2	122 169	60 184	3,2
Bosnia and Herzegovina	41 223	25 646	7,7	41 223	25 646	7,7
Bulgaria	11 136		5,0	11 136		5,0
Croatia	52 054	27 337	4,8	52 054	27 337	4,8
Cyprus	93 525		4,1			0,0
Czech Republic	42 760		4,9	39 579		4,5
Denmark	130 341		2,7	80 537		1,7
Estonia	34 115	26 259	4,7	23 846	18 361	3,3
Finland	105 000	61 000	3,1	63 000	41 000	1,8
France	105 317	90 087	3,5	105 317	90 087	3,5
Georgia	8 580	7 550	5,8	6 192	5 460	4,2
Germany	86 478		2,1	86 478		2,1
Greece	73 716	65 000	3,2	73 716	65 000	3,2
Hungary	42 154	19 119	5,2	42 154	19 119	5,2
Iceland	130 000	87 105	3,1			0,0
Ireland	222 498		7,2			0,0
Italy	122 278	100 405	3,6	122 278	100 405	3,6
Latvia	31 686	22 151	6,1	29 689	20 443	5,8

Country	Judge – gross salary (€)	Judge – net salary (€)	Gross salary of a judge in regard of average gross annual salary	Prosecutor – gross salary (€)	Prosecutor – net salary (€)	Gross salary of a prosecutor in regard of the average gross annual salary
Lithuania	30 852	21 900	5,9	27 366	18 584	5,3
Luxembourg	140 201		3,5	140 201		3,5
Malta	32 480		2,5	32 630		2,5
Moldova	4 390	3 621	3,6	2 502	2 026	2,0
Monaco				118 616	111 960	
Montenegro	19 005	12 480	4,2	21 994	14 400	4,9
Netherlands	115 000	60 000	2,5	115 000	60 000	2,5
Norway	125 000		2,8			0,0
Poland	37 403	25 537	4,9	37 403	25 537	4,9
Portugal	80 478		5,4	78 134		5,2
Romania	34 082	23 760	9,3	28 153	19 628	7,7
Russian Federation	35 220	30 642	7,5	24 982	21 734	5,3
Serbia	22 258	13 249	4,9	22 258	13 249	4,9
Slovakia	27 438	20 450	4,2	26 458	20 406	4,0
Slovenia	48 660		3,3	48 036		3,3
Spain	115 498	72 764	4,3	115 498	72 764	4,3
Sweden	152 000	53 000	3,2	143 500	50 000	3,1
Switzerland	204 968	192 546	4,8	131 000	105 000	3,1
FYROMacedonia	14 870	8 749	3,3	14 870	8 749	3,3
Turkey	28 988	22 991	3,4	28 988	22 991	3,4
Ukraine	35 259	34 388	16,1	8 160	6 528	3,7
UK-Northern Ireland	288 905	191 500	11,9	50 003	81 900	2,1
UK-Scotland	255 000		7,2	46 000		1,3
UK-England and Wales	233 742		6,5	128 774		3,6

### ***Disciplinary proceedings against judges and prosecutors***

Judges and prosecutors have series of responsibilities which may lead to disciplinary proceedings in case of non-fulfilment. The legacy principle impose that disciplinary actions only can be imposed on judges in cases expressly determined by the status which must determinate as well the sanctions that can be imposed. In the majority of member states, the ethic rules concerning disciplinary misconducts are not determined and only Spain provides for a catalogue of faults and sanctions that can be imposed on judges. In the other countries the responsibilities of judges / prosecutors are not detailed and they are in the majority of cases they have been established by the case law of the authorities dealing with the disciplinary proceeding.

**Table 7. Disciplinary proceedings initiated and sanctions pronounced per 1.000 judges and prosecutors in 2006**

Country	Total number of disciplinary proceedings initiated against:		Total number of sanctions pronounced against:		Ratio - number of disciplinary proceedings initiated:		Ratio - number of sanctions pronounced:	
	Judges	Prosecutors	Judges	Prosecutors	Per 1000 judges	Per 1000 prosecutors	Per 1000 judges	Per 1000 prosecutors
Andorra	0	0	0	0	0	0	0	0
Armenia	na	3	na	13	-	-	-	31
Austria	22	0	26	0	13	0	16	0
Azerbaijan	41	43	34	42	83	37	69	36
Belgium	22	3	6	1	14	4	4	1
Bosnia and Herzegovina	17	na	20	na	20	-	24	-
Bulgaria	3	6	3	3	2	4	2	2
Croatia	22	2	9	4	11	3	5	7
Cyprus	1	na	na	na	10	-	-	-
Czech Republic	40	10	22	6	13	8	7	5
Estonia	2	1	1	1	8	5	4	5
Finland	12	2	12	2	13	6	13	6
France	3	3	12	2	0	2	2	1
Georgia	84	145	36	145	309	300	132	300
Germany	55	26	25	4	3	5	1	1
Hungary	14	5	9	5	5	3	3	3
Iceland	0	0	0	0	0	0	0	0
Ireland	0	0	0	0	0	0	0	0
Italy	68	24	51	15	11	11	8	7
Latvia	15	21	15	21	29	38	29	38
Lithuania	4	32	4	15	5	37	5	18
Luxembourg	1	0	1	0	6	0	6	0
Moldova	9	38	6	45	21	49	14	58
Montenegro	0	0	0	0	0	0	0	0
Monaco	0	0	0	0	0	0	0	0

Country	Total number of disciplinary proceedings initiated against:		Total number of sanctions pronounced against:		Ratio - number of disciplinary proceedings initiated:		Ratio - number of sanctions pronounced:	
	Judges	Prosecutors	Judges	Prosecutors	Per 1000 judges	Per 1000 prosecutors	Per 1000 judges	Per 1000 prosecutors
Norway	56	na	9	na	109	-	18	-
Poland	60	76	44	41	6	13	4	7
Portugal	26	24	25	16	14	18	14	12
Romania	11	10	4	6	2	4	1	2
Russian Federation	530	na		na	17	-	0	-
Serbia		na	103	0	0	-	41	0
Slovakia	18	6	1	5	13	8	1	7
Slovenia	1	2	1	2	1	11	1	11
Spain	71	155	19	5	16	79	4	3
Sweden	3	0	3	0	2	0	2	0
Switzerland*	28	7	4	2	-	-	-	-
FYROMacedonia		na		na	0	-	0	-
Ukraine	117	1305	110	1305	17	133	16	133
UK-England and Wales		5	32	5	0	2	8	2

\* data from 13 cantons

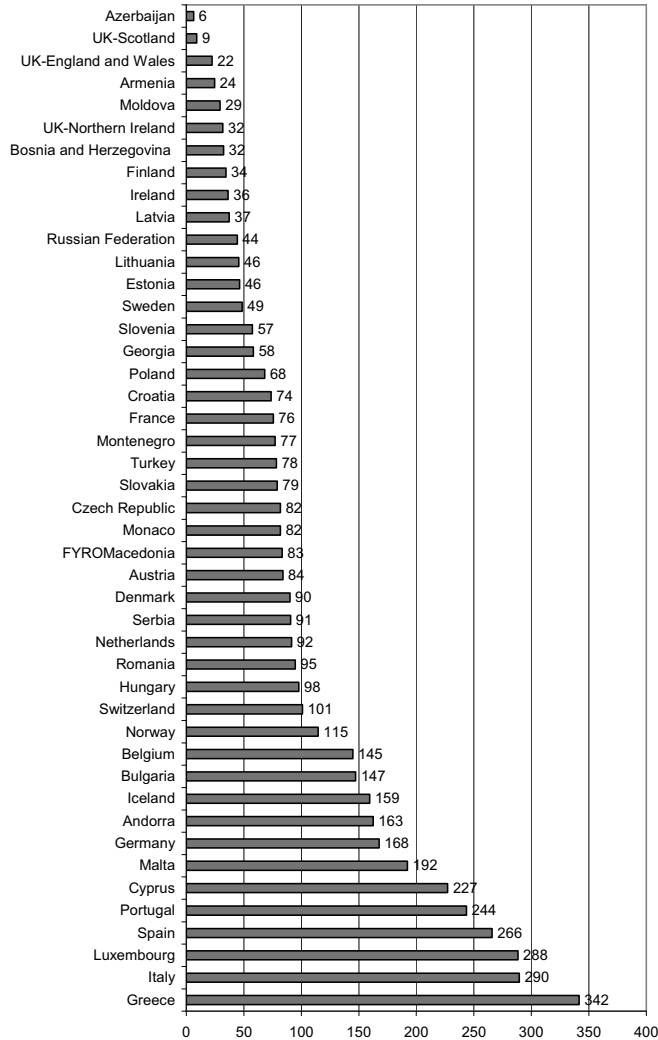


## 10. Lawyers

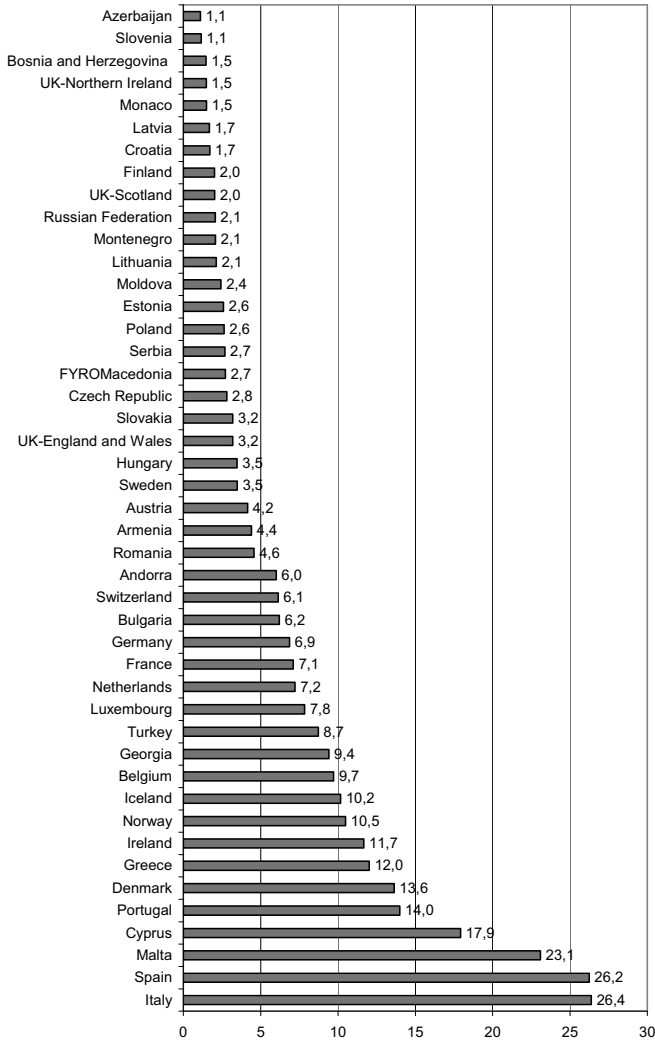
The word "lawyer" is used according to Recommendation Rec2000(21) of the Council of Europe namely: "... a person qualified and authorised according to the national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters". In certain countries, other definitions are used, such as *solicitors* (a person who gives legal advice and prepares legal documents) and *barristers* (a person who represents his/her clients in court). The word *attorney* is also used and is similar to the term "lawyer" as mentioned in this report (a person authorized to practice law, conducts lawsuits or gives legal advice).

A great difference can be noticed between the countries as regards the number of lawyers per 100.000 inhabitants, from Greece (342) to Azerbaijan (6). The same remark can be made concerning the ratio of lawyers per professional judge. There are on average 7 lawyers per professional judge in the member states of the Council of Europe. But Cyprus, Malta, Spain and above all Italy (with 26,4 lawyers per professional judge) boost the figures higher than the norm. These differences could be attributed to the level of "judiciarisation" of the society but also to the different functions entrusted to lawyers.

**Figure 16. Number of lawyers per 100.000 inhabitants in 2006**



**Figure 17. Number of lawyers per professional judge in 2006**



## 11. Execution of court decisions

The status of enforcement agents is very variable. In the majority of cases (27 states or entities), an enforcement agent has a public status. This task is given to the judge in Spain, Croatia and in Switzerland. With the exception of Spain, where the task is entrusted to the judge in the Constitution, the competency of the judge in matters concerning the execution of decisions is shared with court bailiffs in Croatia and with other enforcement agents in Switzerland. Out of the 47 states or entities, 19 indicated that enforcement agents exercise liberally. In certain countries, bailiffs benefit from a monopoly of decision enforcement in civil matters: Estonia, Hungary, Latvia, Monaco and the Netherlands. In certain countries, public and private status co-exists. This is the case in countries where tax collection is the responsibility of state agents (for example debts arising from tax in Belgium and in France), in countries which have transfers within their organisation, like it is the case in the Czech Republic.

It is difficult to assess the smooth execution of court decisions in civil or commercial matters on the basis of relevant statistics, as execution is not automatic: it is for the parties who have won the case to decide, where appropriate, whether to request or not the execution of the court decision. Therefore, this report does not focus on the rate of execution of court decisions, but mainly on the organisation of the execution and the role of enforcement agents. The CEPEJ has however tried to assess the length of enforcement procedures, which is part of the reasonable time of proceedings considered by the case-law of the European Court of Human Rights.

The extent of the efficiency of the enforcement measures implies the determination of a standard allowing to define, according to the case, the result expected. Out of 46 countries or entities having replied to the question, 29 have indicated that they have quality standards for the executions of judicial decisions. In the case of 15 countries, these standards are directly or indirectly established by the Ministry of Justice, and for 10 countries, by a professional body of enforcement agents and in 3 cases, by the legislative power. The measure of this efficiency is satisfied both in terms of the timeframe for the enforcement and in terms of cost. 13 countries implement a specific procedure for the execution of decisions given against public authorities: Austria, Belgium, Bulgaria, France, Germany, Greece, Netherlands, Portugal, Romania, Spain, UK-Northern Ireland, UK-England and Wales, UK-Scotland.

22 countries have indicated that they benefit from a rule allowing them to measure the timeframe of the execution procedure in civil matters and 20 countries mentioned the same in decisions given against a public authority.

**Tableau 8. Timeframe for the notification of a court decision on debt recovery to a person living in the city where the court is sitting**

**Between 1 and 5 days:** Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Estonia, France, Georgia, Germany, Iceland, Lithuania, Luxembourg, Malta, Montenegro, Monaco, Russian Federation, Serbia, Switzerland, Turkey, UK-England and Wales

**Between 6 and 10 days:** Cyprus, Finland, Latvia, Moldova, Ukraine

**Between 11 and 30 days:** Bulgaria, Hungary, Monaco, Italy, Norway, Poland, Slovakia, Spain, Sweden, UK-Scotland, UK-Northern Ireland

**More than 30 days:** Czech Republic, Greece.

**The full report is available on the CEPEJ Web site:  
[www.coe.int/cepej](http://www.coe.int/cepej)**