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Council of Europe's evaluation report on European judicial systems: the judiciary is unaffected by the crisis

Paris, 09.10.2014 – In a report published today, the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) draws on quantitative and qualitative data to outline the main trends observed in 46 European countries (*).

Among the findings to emerge from this report, the fifth of its kind since the CEPEJ was set up in 2002, are the following:

- contrasting effects of the economic crisis on the budgets of judicial systems: despite the crisis, the European trend is still upward. In half of the states, justice seems to have been shielded in budgetary terms from the effects of the crisis. The crisis has, however, had a clear impact on the development of the budgets in other states, where human resources are often affected;

- European states spend on average €60 per capita and per year on the functioning of the judicial system; this observation needs to be weighted by relating it to the respective levels of wealth in these states;

- increased participation by users in the funding of the public service of justice: the tax payer is no longer the only one to finance the system, as court users are requested to contribute too. Only France and Luxembourg provide access to court free of fees. For the majority of states, this revenue accounts for a significant resource. In some states (such as Austria), indeed, it far exceeds the operating cost of the judicial system as a whole. Such a system is part of the current trend in public management to balance, to a certain extent, the burden of the operating costs of public services between users and tax payers;

- trend towards outsourcing non-judicial tasks within courts;

- access to justice is improving in Europe:
  - ✓ all member states now have legal aid mechanisms for both criminal and civil procedures. This is to be welcomed in light of the requirements and the spirit of the European Convention on Human Rights;
  - ✓ e-justice and e-courts are gaining ground;
  - ✓ more consideration is being given to the needs of court users, in terms of the information provided to them, developing compensation procedures, implementing quality systems and the attention paid to victims;

- in terms of numbers:
  - ✓ there are fewer courts in Europe: this downward trend in the number of courts seems to be continuing;
  - ✓ there is a stabilised but uneven number of judges depending on the country; judges' salaries are increasing overall, although the crisis has had an impact in some states;

- the "glass ceiling" remains a reality in the judiciary: a progressive feminisation of the judiciary can be observed but it is not yet sufficient to ensure equal access to the judicial hierarchy;

- the courts are generally able to cope with the volume of cases: a large majority of the member states are able to manage without increasing their backlogs. Variations can be observed, depending on the case categories involved. This could encourage states to review the organisation of the judiciary in order to balance the judicial management of the various case categories: reallocation of financial and human resources among different legal areas and among the courts, diversification of judicial procedures;

- difficulties in processing criminal cases lie mainly at the level of prosecution services;

- functional independence of prosecutors is not a principle shared by all states;

- Europe-wide trend towards privatisation and greater professionalisation in terms of the execution of judgments.

Link to the report
Video presentation

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(*) Of the 47 Council of Europe member states, only Liechtenstein and San Marino were unable to provide data. Israel, as an observer to the CEPEJ, participated in the present report.