

European Judicial Systems 2002

Facts and figures on the basis
of a survey conducted in 40 Council of Europe
Member States

European Commission for the Efficiency of Justice (CEPEJ)
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■ Preface

by Eberhard DESCH

President of the European Commission for the Efficiency of Justice

In setting up the European Commission for the Efficiency of Justice (CEPEJ) in September 2002, the Committee of Ministers of the Council of Europe wanted to establish an innovative body to ensure the implementation of European standards and improve the quality and efficiency of our judicial systems.

Thus the CEPEJ is focused on an essential field for the development of the rule of law and democracy in Europe. It is entrusted with the task of proposing to the 46 member States of the Council of Europe pragmatic solutions as regards judicial organisation, taking fully into account the users of justice, and to contribute towards relieving the case-load of the European Court of Human Rights by offering to States effective solutions to prevent violations of the right to a fair trial within a reasonable time.

A better knowledge of the operation of European judicial systems and a comparative analysis of the information regarding the organisation of these systems can certainly contribute to achieving these objectives.

It is the first time in Europe that a report of this kind has been produced. Such a collection of data regarding some forty European States has never before been collated.

Thanks to the Pilot Scheme for evaluating judicial systems which it set up, the CEPEJ now has a genuine tool for analysing the functioning of justice in Europe. The collection and processing of essential data should enable the CEPEJ, as well as policy makers and the judicial community within European States, to understand the main trends and evolutions of judicial organisation, to identify difficulties, to propose reforms for improving the efficiency of justice and to support their implementation, on behalf of 800 million Europeans.

This report, which is the conclusion of a pilot exercise, obviously contains limits and shortcomings because of its experimental character. At this stage, we have chosen not to address the whole set of data collected, taking into account the existing difficulties for comparing judicial systems which are both complex and diverse.

Within these limits, we can be satisfied that we have initiated and carried out such a wide project. This first report proves that this evaluation exercise is both possible and above all useful. This is shown by the wealth of information that it

contains. Moreover, the elaboration of the Pilot Scheme and the processing of data have enabled the CEPEJ to build a solid scientific basis to develop an efficient knowledge tool, from an in-depth methodological reflection and relying on a network of national correspondents (which will grow) entrusted with the collection of data.

To that extent, this report is a forerunner of what could very well become a regular exercise carried out by the CEPEJ to evaluate the European judicial systems.

Our Commission would not have been able to produce such results without the exceptional work, both in quality and quantity, of a fully dedicated group of experts. Relying on the very high expertise and scientific rigour of Roland ESHUIS and his team from the Research Centre of the Dutch Ministry of Justice (WODC), with the efficient support of Hazel GENN (United Kingdom) and Beata GRUSZCZYŃSKA (Poland), the Working Group chaired by Jean-Paul JEAN (France) and also composed of Pim ALBERS (Netherlands), Jon JOHNSEN (Norway), Mario REMUS and Fausto de SANTIS (Italy), Ion POPA (Romania) and Alan UZELAC (Croatia), and which benefited from the active participation of Katarzyna GRZYBOWSKA (European Commission) and Klaus DECKER (World Bank), prepared the draft report which was then discussed and adopted by the CEPEJ at its 4th plenary meeting (December 2004). I would like to thank them warmly, on behalf of the Commission. I would also like to pay a tribute to the national correspondents within the Member States, who coordinated the collection of data, which are the source of this report.

Thanks to this collective effort, the CEPEJ is designing a tool for public policy in the field of justice and for European citizens. It is thus contributing to building a more human Europe for individuals in their day-to-day life, with the aim of improving the values of the rule of law, which are those shared by all Europeans.

■ Introduction

This report presents the results of a survey conducted in 40 member States of the Council of Europe, issued by the European Commission for the Efficiency of Justice (CEPEJ). The results are based on self-report by the members of the CEPEJ. The work reported here is a pilot. It is unique in the number of subjects and countries that are covered, yet we are aware that there still are many shortcomings.

The data have been collected using the “Pilot Scheme for Evaluating Judicial Systems”, an instrument developed by the CEPEJ in 2003. The data, collected in the first half of 2004, mainly concern the year 2002. It is the first time the scheme has been used. The CEPEJ will evaluate this first trial and revise the scheme for future use.

The first stage of the data collection has been carried out by the Secretariat of the Council of Europe. The analysis and report on the data have been prepared by the Dutch research institute of the Ministry of Justice (WODC) in collaboration with University College London. Their work was funded by the Council of Europe, the British Department for Constitutional Affairs and the Dutch Ministry of Justice.

The Report has then been worked on by a CEPEJ Working Party¹ and further discussed by the 4th Plenary Meeting of the CEPEJ, which adopted the Report on 3 December 2004.

Comparative research on judicial systems is still at an early stage of development. The quality of the data in this report depend heavily on the type of questions asked in the data collection instrument, on the effort by national reporters, the national data available to them and on the way these data have been processed and analysed. It would be an understatement to say that none of these steps can be beyond any doubt. It is reasonable to assume that some amount of variation has occurred when national respondents interpreted the questions for their country and tried to match the questions to the information available to them. The reader should bear this in mind and view the experimental exercise as a first step in developing more robust comparative data.

The first chapter of this report presents a general picture of the work that has been done. This includes the work of the CEPEJ, the development of the scheme, the main methodological issues and the main choices made in the various stages of the research process. In chapters two to six a selection of results are presented.

1. For the composition of the CEPEJ working parties, see Appendix 1

The appendices include the evaluation scheme, various methodological issues and information regarding the contributing countries.

The work presented in this report is a joint effort that involved at least a hundred people, including the national correspondents in charge of answering the questionnaire, experts, members of the CEPEJ and the Secretariat of the Council of Europe. Without their efforts this report could never have been written.

■ 1. The evaluation process of the CEPEJ

This report presents the results of a comparative study of the judicial systems of the member states of the Council of Europe. The research was issued by the European Commission for the Efficiency of Justice (CEPEJ). It is a pilot study, in which the evaluation of the instrument and methods of data collection and analysis are a goal just as important as the outcomes of the comparative analysis itself.

In this first chapter, the research project itself is described. It relates the study to aims of the CEPEJ, and describes the steps this Commission took leading to this report. It makes explicit the main choices regarding the focus and the methods of the research. And it describes the way the research has actually been carried out, the responses, and the main methodological issues faced.

The chapter ends with a few notes to guide the reader through this report. They include notes on the way the data are presented, and the abbreviations used.

1.1. The European Commission for the Efficiency of Justice

The European Commission for the Efficiency of Justice (CEPEJ) was established by the Committee of Ministers of the Council of Europe in September 2002. It is made up of qualified experts from the 46 Council of Europe member States. The CEPEJ Statute (article 1) describes the aim of the commission as (a) to improve the efficiency and the functioning of the justice system of member States, with a view to ensuring that everyone in their jurisdiction can enforce their legal rights effectively, thereby generating increased confidence of citizens in the justice system and (b) to enable a better implementation of the international legal instruments of the Council of Europe concerning efficiency and fairness of justice.

Among its main tasks (article 2) are: (a) to examine the results achieved by the different judicial systems (...) by using, amongst other things, common statistical criteria and means of evaluation, (b) to define problems and areas for possible improvements and to exchange views on the functioning of the judicial systems, (c) to identify concrete ways to improve the measuring and functioning of the judicial systems of the member states, having regard to their specific needs. These tasks shall be fulfilled by, among others, (a) identifying and developing indicators, collecting and analysing quantitative and qualitative data, 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 emphasizes in this way the comparison of judicial systems and the exchange of knowledge on their functioning. The scope of this comparison is

broader than “just” efficiency in a narrow sense: it emphasizes the quality and the effectiveness of justice as well.

The evaluation scheme

The CEPEJ evaluation scheme, developed in 2003, and which is the basis for this report, can be understood as a tool for the comparison of judicial systems, and as a powerful means of developing new measures, indicators and methods of evaluation. It provides the member States with “benchmarks” regarding the functioning of their judicial system.

1.2. Developing the scheme and collecting the data

For the actual development of this comparative research project, the CEPEJ issues specific tasks to working parties, which consist of experts from various countries. The development of the pilot scheme has been in the hands of a working party in 2003. Another working party guided the analysis of the data and the report on the first trial in 2004. In 2005 a working party will revise the evaluation scheme in the light of the conclusions of the pilot exercise to ensure the relevance of the exercise for evaluating the European judicial systems as an ongoing process.

The 2003 working party

The 2003 CEPEJ working party has developed the first version of the CEPEJ evaluation scheme – the instrument that was used to collect the data in this report. This working party met three times between April and November 2003. For its first meeting a paper on past comparative research and data sources on the Internet had been prepared.² It proposed to focus on the judiciary – courts and judges – and on civil and administrative law. The focus on the judiciary was a practical choice; the work would have to start at some point, and it would not be wise to try to cover every inch of the judicial systems at once. Courts seemed the most logical place to start. The emphasis on civil and administrative law was due to the fact that these fields are less covered by past and current research than the field of criminal law. These principles are reflected in choices made during the development of the CEPEJ scheme, and in the process of analysis and report.

The 2003 working party chose to use the principles identified in the Resolution Res(2002)12 establishing the CEPEJ as a basis for their choice of topics. Another building block has been the Council of Europe's Resolutions and Recommendations in the field of efficiency and fairness of justice. This means that the scheme has been developed along a number of topics, and has not been based on an analytical framework regarding the efficiency or quality of justice.

2. P. Albers. “Evaluating Judicial Systems – A balance between variety and generalisation”. CEPEJ (2003)12

The work cannot be considered “value-free” (since it reflects the values shared within the Council of Europe) but it can be seen as “theory-free”. The data collected can be used within various analytical frameworks. The research is empirical in its nature. It gathers information on how the various systems actually work (law in practice) and not on how things ought to be (law in books).

In the composition of the evaluation scheme, the working party used a few practical criteria in addition to the ones already mentioned :

- the size of the questionnaire should be limited to about 100 items;
- questions were to be framed in such a way that as many countries as possible could answer them on the basis of available data;
- it was considered acceptable to add some questions that only a few countries could answer, in order to stimulate the measurement and collection of data on certain subjects.

In its first two meetings the working group developed its earliest version of the scheme. This version was used for a trial round, with the members of the working group reporting for their own countries. In the third meeting this trial was reviewed and a final list of items was made.

After the third meeting the CEPEJ bureau wrote explanatory notes for each question, which were sent for comments to the experts in the working group. After the adoption of the work by the CEPEJ plenary meeting (December 2003) and the Committee of Ministers (February 2004) the scheme was made ready for distribution, by improving the lay-out and adding standardized answers to the questions.

The collection of data

Methodologically, the collection of data is based on “self-report” by respondents of each country. This implies that respondents are the first people responsible for the quality of data used in the survey. The data these respondents supplied have not been changed unless the respondent explicitly agreed to such changes.

The scheme was distributed by the CEPEJ at the end of February 2004, with May 15th as deadline for response. Countries had been asked to appoint a respondent for the collection of national data. The deadline of May 15th was later been extended to July 1st. By August 2004, 36 countries had sent their replies to the Secretariat. After receipt, the Secretariat sent the replies to the WODC for data processing and analysis. Between June and September 2004 the WODC established contact with many of the respondents for validation or clarification on the replies received. In addition, some countries asked for changes on their own accord. The “cleaning” of the data has continued until shortly before the final version of the report. All changes to the data have been approved by the national respondents.

1.3. General methodological issues³

Research notes on the efficiency and quality of justice

The concept of efficiency of justice places an emphasis on costs. Comparing costs is, in itself, hardly satisfying if some idea of quality, effectiveness, or outcome is not taken into account. Although the CEPEJ statute underlines the importance of the functioning and of results, issues on quality and effectiveness are much harder to quantify and compare than the amount of money spent. While we can easily scale the costs of different judicial systems, scaling quality or effectiveness is more difficult.

In recent years, some attempts have been made to use measures of satisfaction or “trust” to review the functioning of judicial systems. So far, the results are limited: at best, they provide some general indication of quality. Trust scores, in general, vary substantially among cultures, while satisfaction mainly seems to reflect the level at which people are adjusted to the situation they are in. Finally, this type of measurement is highly sensitive to the way questions are phrased – which makes it very hard to phrase the same question for different languages.

Another problem in comparing judicial systems concerns (the variance in) the things these systems do. A common feature of courts and judges may be that they decide on legal disputes. But there is substantial variance in the other things that courts do. Tasks that are in the private sector in many countries – for instance the work of the notary or bailiffs – are performed by courts and judges in other countries. There is little doubt that this has consequences for the size of the judiciary, its budgets and the number of cases that they handle. It is a logical choice in comparative studies to focus on the (most) common tasks; however, the explanation for differences in size, budgets and caseload may be in the factors that are being ignored. A court may seem less efficient than it really is, if important parts of their work are not taken into consideration. In general, when costs are compared regardless of outcomes, courts that spent the least will seem the most “efficient”. Clearly, such a conclusion would not be justified.

It should also be taken into consideration that the scheme looks at public expenditure only. Public expenditure can be presumed to be lower if more tasks are left to the private sector (e.g. the notary, bailiffs). However, this does not necessarily reduce costs for citizens who seek justice. It could just as well lead to higher costs. High private costs may again be reflected in the public expenditure on legal aid. In general, for a broader view on the costs of justice, private costs for legal help would have to be taken into account as well.

3. See also Appendix 3.

The comparability of concepts

One common question in international comparative research is whether the things that are being compared are really the same things. We can talk about courts, and people from various states and cultures will have some shared concept of what a court is. It will probably include courtrooms, judges and decisions. However, as soon as we try to count courts, different notions occur. Is the “court” that old building in the centre of town, where the judges sit? Is it a body defined in the law that decides on a certain type of disputes? Should bodies defined by law that decide on a certain type of disputes, but without the involvement of judges, be considered “courts”?

The analytical approach to such problem will be to define precisely what should be counted as “a court”. However, if the notion of “a court” in your country is substantially different from the thing that is being counted, the numbers will have little meaning: they do not represent your notion of a court. The count itself may be a problem as well, for there are no statistics available that count courts in the way they are now defined. For international comparative research the best definition might not be the one with the highest precision, but the one that deviates the least, on average, from the notions in the countries involved. In general, data quality becomes better the more these data are meaningful and usable to the one that collects them.

A second question involves the scaling of our comparisons. Countries differ in population, wealth, crime rates etc. Comparing the expenditure on courts makes little sense unless some kind of scaling takes place. It becomes interesting when we compare expenditure per inhabitant, or as a percentage of the total state budget. Other possibilities would be – at least in theory – to scale per judge, per court or per case. However, this kind of scaling is more dangerous. Court size can vary substantially, and there is great variation in what is considered “a case”. In general, three main variables have been used in the current report to scale and compare results: the number of inhabitants, the gross average salary and total state expenditure.

Financial values are reported in euro. Some problems occur here in the use of exchange rates for countries outside the euro zone. Exchange rates are not stable over the years. Since the report focuses on the year 2002, exchange rates for 2002 have been used. For countries with high inflation this may lead to some strange figures. This problem becomes even more apparent when figures for 2002 were not available and figures from another year have been used.

The evolution of judicial systems

Some Council of Europe's member States have implemented since 2002 essential institutional and legislative reforms as regards their legal systems after 2002. For such States, the state of things described in this report may deviate substantially

from today's state of things. These reforms are mentioned, when appropriate, in Appendix 5. They will be taken into account in the next evaluation exercise.

1.4. Analysis and report

The analysis and report on the data have been done by the Dutch research institute WODC in collaboration with University College London. Next to the report, a data set (in SPSS and Excel) has been made available to all reporting countries.

The report has been revised and updated several times. Updates have continued until shortly before the final version. The early versions of the report have been subject of discussion within the 2004 CEPEJ working party. Apart from the formal meetings of the working party, in September and November 2004, a few members have met at the WODC in August 2004, discussing the very first version of the report.

The working party has, thanks to an initiative of the Italian delegation, discussed the collection of the data with the national respondents. In the future, the national respondents will be constituted as a CEPEJ network, to be closely associated to the evolution of the ongoing evaluation process.

Responses

The following countries have replied to the questionnaire: Andorra, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italia, Latvia, Liechtenstein, Lithuania, Malta, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, Federation of Russia, Serbia and Montenegro⁴, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and the United Kingdom⁵.

The following countries did not reply for this report: Albania, Bosnia and Herzegovina, Cyprus, Luxembourg and San-Marino. Hopefully, they will be included in the next exercise.

It is clear that respondents had to invest considerable time and effort to complete the questionnaire. Only a few succeeded in providing relevant information on (almost) every item. At the other end of the scale, a few countries left most of the questionnaire open, responding to only a small number of items.

4. The data provided to the CEPEJ concern only Serbia, excluding the region under the administration of the United Nations Mission in Kosovo (UNMIK).

5. 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.

Some replies could not be used. This occurred with 5 countries responding on an older version of the scheme, without the pre-coded answers of the final version. In a few cases, respondents rephrased the question in a way that they could give an answer; unfortunately, those answers are no longer comparable and can not be presented.

Federal states, United Kingdom, small countries

Federal states, in general, have had a hard time responding to the pilot scheme. In these states, data collection on national level is limited, while at the level of entities in the federation, both the type and the quantity of data collected may vary. In practice, several federations have sent the questionnaire to each of its entities. The problem, however, is even if 90% does reply, within the necessary limits of time and quality, it still leaves the data incomplete, and therefore not valid for the federation as a whole. Switzerland, which for many questions received between 10 and 20 responses from a total of 26 Cantons, has estimated the answers for the whole country from these responses, taking into account the number of inhabitants of each Canton.

A to some extent comparable problem has been encountered by the United Kingdom. England and Wales, Northern Ireland, Scotland are to a large extent functioning as three separate judicial systems. In this case, it was decided the best solution would be to report on each of these separately. The main considerations behind this choice have been that it concerns a limited number of extra jurisdictions and that the social-economical situation varies strongly in each of these jurisdictions.

The CEPEJ scheme has been applied by a few very small states. Liechtenstein (34 000 inhabitants), Andorra (67 000 inhabitants) and even Malta (383 000 inhabitants) are jurisdictions functioning on a scale not quite comparable to the other countries in this report. This may lead to erratic results. For instance, many data are being compared on a “per 100 000” or “per 1 000 000 inhabitants” scale.

Revising the scheme

Owing to the experimental nature of the evaluation, not all of the data collected could be processed, as some were not interpreted in the same way by all States while other data were patently unreliable. Therefore the first application of the scheme made it clear that only few items fully stood the test.

Many respondents have supplied good comments on the various items, on the choices they made when applying the questions to their national situation, and the difficulties they encountered. A number of them have voiced their hesitations as well at a meeting of the national correspondents in charge of answering the questionnaire, on September 21st. These inputs will be of great value during the revision of the scheme, due in 2005.

Figure 0 – Responding Countries



1.5. Notes for the reader

In the main text of this report, a selection of results is presented. In Chapter two the public expenditure on courts and legal aid are compared. Chapter three focuses on courts and judges, chapter four on the functioning of the court system. Chapter five looks at the public prosecutors office and chapter six at other legal professionals, like lawyers and bailiffs. These chapters are descriptive in nature. The CEPEJ has tried to avoid producing a text filled with footnotes and amendments. To those who want to use the report and the data collected for more specific reasons than to get the general picture, it is important to check the appendices. For deeper understanding of what is being presented, one should take into consideration how the questions were put, what the various countries have counted as “courts”, “judges” and the like, as well as the general methodological issues raised. All of these issues are handled in the appendices.

Not all the material that has been collected is included in the report. The full qualitative information and comments, the explanatory notes that went with the research can be downloaded from the CEPEJ website: www.coe.int/CEPEJ.

Keys

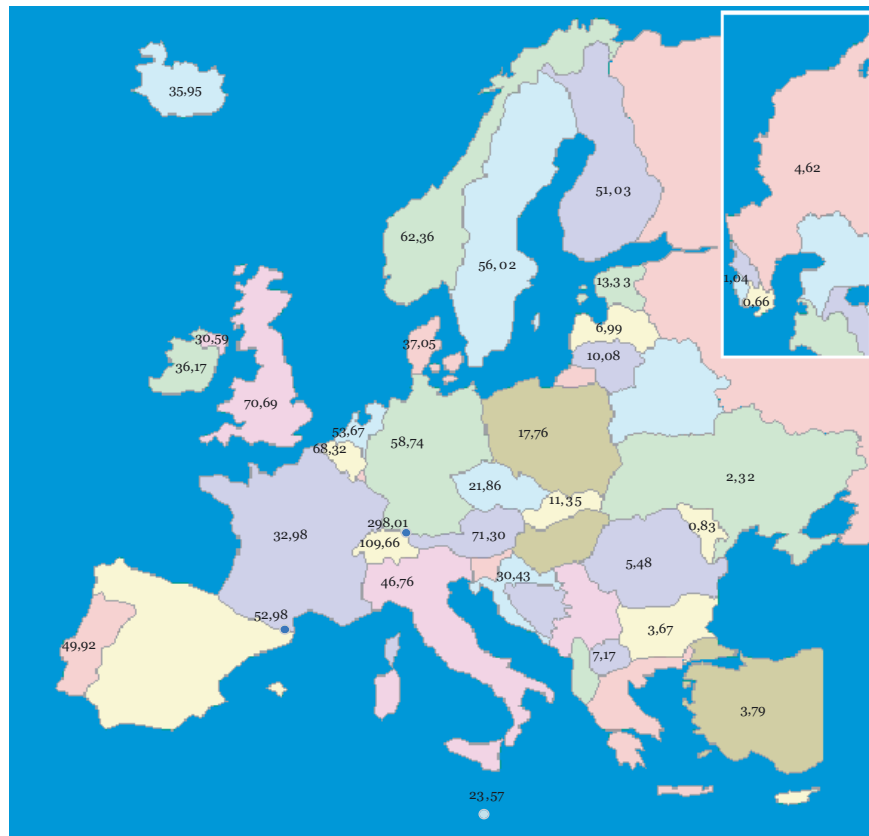
In the report – especially in the tables presented – a number of abbreviations have been used:

- “Q” refers to the (number of the) question in the pilot scheme which appears in Appendix II, by which the information has been collected.
- If a certain country left a question open, this is shown as “n.r.” (no reply).
- If there was a reply, saying no (valid) information was available, this is shown as “n.a.” (not available).
- In some cases, a question could not be replied to, for it referred to a situation that does not exist in the responding country. These cases, and cases in which an answer was given that clearly did not match the question, are shown as “nap” (not applicable).
- In some tables, the cases in which no usable reply was available are shown in a less detailed way, as “-” (unknown).
- “SM – Serbia”: Serbia and Montenegro – the data concern Serbia only (without the region under the administration of the United Nations Mission in Kosovo).
- “FYROMacedonia”: “the former Yugoslav Republic of Macedonia”.
- “UK – England and Wales” / “UK – Scotland” / “UK – Northern Ireland” correspond to the territories of the United Kingdom concerned by the data reported.

■ 2. Public Expenditure on Courts and Legal Aid

In this chapter the focus is on money. In the first section the public expenditure on courts and legal aid in the member states of European Council is compared. In the second section we take a closer look at the expenditure on legal aid. In the third section the focus shifts from public expenditure to the financial consequences that court procedures may have for the parties involved. These costs include court fees as well as reimbursements that one party may have to pay to the other party.

Figure 1 – Public expenditure on courts and legal aid, in euro, per inhabitant



See Table 1 for the specified numbers under laying Figure 1

The court budget, reported by the various countries, has not been strictly defined in the first CEPEJ evaluation scheme. This means that some countries may include, for instance, the maintenance of court buildings, while others do not. So court budget is what the reporting countries consider their court budget. The definition of the legal aid budget has been more restricted: this budget includes only the money that has been given to the parties in a dispute (or to their legal representatives) to cover the costs related to their case.

Table 1 – Public expenditure on courts and legal aid, per inhabitant

	Court budget per inhabitant in euro	Legal aid budget per inhabitant in euro
Andorra	49,58	3,40
Armenia	1,03	0,01
Austria	69,63	1,67
Azerbaijan	0,64	0,02
Belgium	64,41	3,90
Bulgaria	3,53	0,14
Croatia	30,43	included in court budget
Czech Republic	21,02	0,84
Denmark	29,80	7,25
Estonia	12,24	1,09
Finland	41,05	9,98
France	28,35	4,64
FYROMacedonia	6,95	0,22
Georgia	0,83	not reported
Germany	53,15	5,59
Hungry	27,00	not reported
Iceland	32,39	3,56
Ireland	22,21	13,96
Italy	45,98	0,78
Latvia	6,70	0,30
Liechtenstein	224,08	53,92
Lithuania	9,63	0,46
Malta	23,53	0,04
Moldova	0,80	0,03
Netherlands	41,01	12,66
Norway	39,33	18,03
Poland	17,33	0,43
Portugal	46,98	2,94
Romania	5,40	0,08
Russian Federation	4,62	0,01
Slovak Republic	11,24	0,11
Slovenia	51,42	not reported

SM-Serbia	20,01	not reported
Spain	23,52	not reported
Sweden	44,44	11,59
Switzerland	102,66	7,00
Turkey	3,66	0,13
Ukraine	2,31	0,01
UK- England & Wales	16,89	53,8
UK- Northern Ireland	11,87	18,73
UK- Scotland	not reported	43,11

Data: this table uses the answers to questions 28 (court budget), 4 (legal aid budget) and 2 (inhabitants). Note that the legal aid budget only includes the money that is granted to parties or their lawyers, and excludes the costs of the legal aid administration. Details on what has been counted by various countries are in appendix 4.

2.1. Expenditure on courts and legal aid

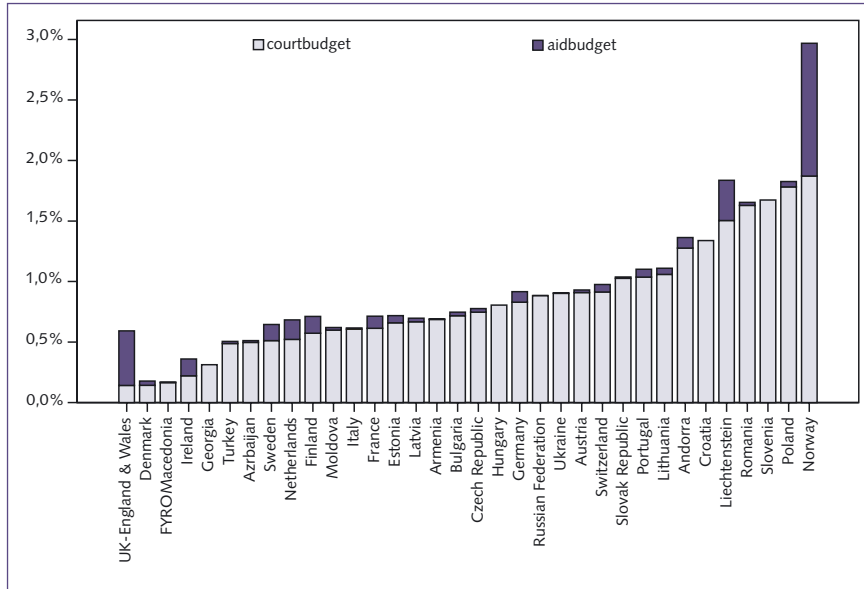
What factors determine the cost of judicial systems⁶? A general reply might be that it is the things the systems do and the resources it uses doing them. Considering the things the system does it should be noted that on the one hand, different judicial systems do things that are quite similar; for instance, deciding cases. On the other hand, there is a range of legal work that in some countries is done by the court system, while in others it is done by private parties. The division of public and private tasks will be reflected in public expenditure. Also, the way the system does the work, and the quality and speed of its operation will somehow be reflected in public expenditure. The efficiency of its operation will depend on the procedures for handling cases, the division of labour, economies of scale, and the like.

Public expenditure on the court system says quite little about the costs that those who seek justice have to make. To make justice available to all citizens, subsidies (legal aid) may be required.

Figure 1 shows the public expenditure on the courts and on legal aid, per inhabitant, in 36 countries. While this figure clearly differentiates between countries in different regions of Europe, it also shows substantial variation within the various regions. Table 1 shows the various budgets included in figure 1.

6. "Judicial systems" can be understood in very broad sense – all systems involved the making of law and its enforcement. The focus here, however, is on the court and judges – the institutions that decide whether laws have been violated and on the consequences for perpetrators and victims.

Table 2 – Public expenditure on courts and legal aid as a percentage of the national budget



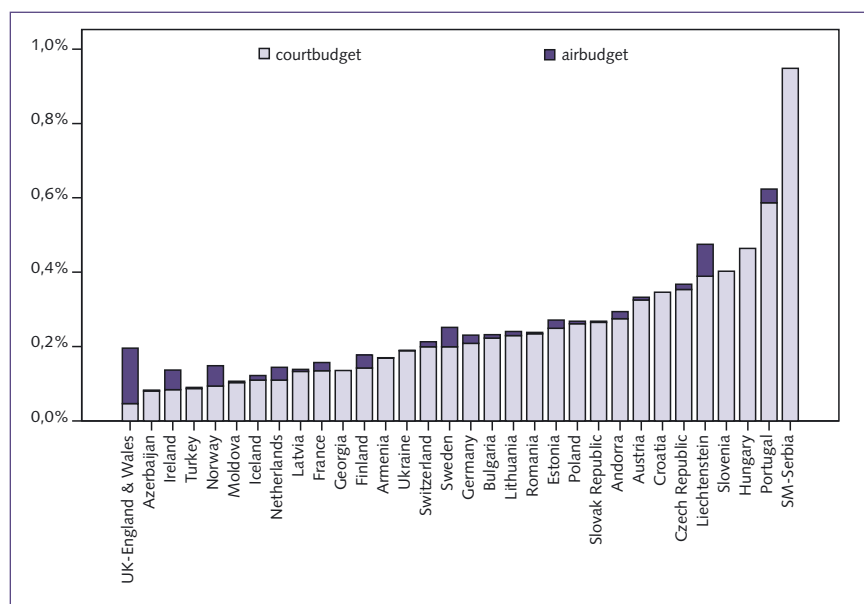
Data: Q2, Q4, Q28. For some countries table 2 does not show the budget for legal aid because it has not been reported or is not known. In some cases it is included in the court budget. See table 1 for details.

It should be noted that the comparison in figure 1 is on actual expenditure in euro. However, the intrinsic value, or spending power, of one euro varies among European countries and regions. Tables 2 and 3 present an alternative look at the costs or efforts spent on courts and legal aid. The measures presented in these tables are less sensitive for different standards of living by relating the expenditure on courts and legal aid to the total public expenditure, and to the average salary in the various states.

In table 2 the expenditure on courts and legal aid is shown as a percentage of the total public expenditure. Shown as percentage of the total public budget, it is the variation in court budget as well as the variation in legal aid expenditure that catch the eye.

Table 3 shows the public expenditure on courts and legal aid, per inhabitant, as percentage of the average salary. In this table, only those countries are included that were able to report on all underlying figures (court budget, aid budget, number of inhabitants, average salary).

Table 3 – Public expenditure on courts and legal aid, per inhabitant, as percentage of the gross average salary



Data: Q1, Q3, Q4, Q28; see table 1 for the figures underlying this table

This table clearly shows that if we adjust expenditure to take into account the standard of living in different countries, the picture becomes quite different. While the absolute expenditure, as shown in figure 1, is definitely higher in the west than in the east of Europe, this is not true for the relative expenditure. In most countries public expenditure per inhabitant is between 0,1 and 0,3 percent of the average gross salary.

2.2. A closer look at legal aid

Tables 4 and 5 summarize the main findings on the expenditure on legal aid. Both tables include only those countries that were able to report on the total legal aid budget and could provide some details on the number of cases granted as well. In appendix 4 notes on what has been reported by the various countries are included. In general, many countries report that the budgets or the count of cases do not include all types of legal aid. In some reports, the detailed figures on criminal and non criminal matters do not add up to the total that has been reported. In table 4 the legal aid budget is split between criminal and non-criminal cases.

Table 4 – Legal aid in criminal and non-criminal cases

	Legal aid criminal cases		Legal aid in non-criminal cases		Total annual budget for legal aid
	Annual Expenditure	Number of cases granted	Annual Expenditure	Number of cases granted	
Armenia	19 000	428	n.r.	n.r.	19 000
Moldova	104 088	1497	n.r.	n.r.	104088
Andorra	46 427	515	0	40	228 384
Latvia	689 400	1 181	n.r.	n.r.	689 400
Bulgaria	n.r.	28 403	n.r.	4 506	1 132 581
Turkey	7 133 991	238 544	1 982 333	3 708	9 116 324
UK- Northern Ireland	17 300 000	26 430	14 240 000	61 803	31 560 000
Belgium	n.r.	52	n.r.	60 022	40 225 000
Italy	44 612 853	73 305	122 325	203	44 735 178
Switzerland	21 139 168	24 948	30 020 522	11 767	51 223 771
Finland	n.r.	35 490	n.r.	12 665	51 600 000
Ireland	37 350 000	30 060	17 350 000	4 971	54 700 000
Norway	73 593 073	n.r.	37 433 518	5 600	81 577 131
Sweden	79 477 836	68 425	24 336 661	22 991	103 595 240
Netherlands	93 514 400	116 800	109 113 000	211 406	202 627 400
UK- Scotland	139 700 000	83 159	40 800 000	35 948	218 200 000
France	81 000 000	290 385	198 000 000	398 252	279 000 000
Germany	88 000 000	n.r.	374 000 000	495 686	462 000 000
UK- England & Wales	1 600 000 000	1 640 000	1 200 000 000	1 017 000	2 800 000 000

Data: Q4, Q5, Q7

Table 4 shows substantial differences in the budgets, as well is in the allocation. In some countries legal aid can only be provided for criminal cases. In general, most of the budget is spent on legal aid in criminal cases. France, Germany, the Netherlands and Switzerland however spent most of their legal aid budgets on non-criminal cases.

It should be noted that some countries have programs that reduce the cost of legal aid for certain people, but do not show in public budgets. See appendix 3, “What’s in a budget?”.

Table 5 shows the average amount of money that is granted for legal aid in the various systems. Included in this table are those countries that provided the full data on the public budget for legal aid and the number of cases in which legal aid was granted.

Table 5 – Legal aid: amount granted per case

	Annual public budget for legal aid	Number of legal aid cases	Average amount granted per case
Bulgaria	1 132 581	33 189	34
Turkey	9 116 324	242 252	38
Armenia	19 000	428	44
Moldova	104 088	1 497	70
UK- Northern Ireland	31 560 000	88 233	358
France	279 000 000	688 637	405
Andorra	228 384	555	412
Switzerland	51 223 771	117 191	437
UK- Scotland	218 000 000	381 391	572
Latvia	689 400	1 181	584
Finland	51 600 000	83 585	617
Netherlands	203 000 000	328 206	617
Spain	95 864 422	149 956	639
Belgium	40 225 000	60 074	670
UK- England & Wales	2 800 000 000	2 658 000	1 053
Sweden	104 000 000	94 308	1 098
Ireland	54 700 000	35 031	1 561
Iceland	1 024 829	462	2 218
Denmark	38 935 860	16 000	2 433

Data : Q4, Q6

As the numbers of cases show, there is substantial difference between countries in the scale on which (state financed) legal aid is being given. In some countries, the number of cases granted is up to 5% of the population. The amount granted per case varies from 34 Euro to 2 433 Euro.

In the CEPEJ scheme, several questions address the legal aid issue in a more qualitative way. Table 6 summarizes some of these results. The main topic is whether legal aid can be refused, and who decides on granting or refusing legal aid.

As the table shows, most countries have set criteria for granting legal aid. In half of the countries that test, it is the court that decides whether an applicant should get legal aid. In the other half of the cases, the decision is taken outside the court, or by a mixed body (court and outsiders). Some countries could not give a general answer to this question, since the body that decides on granting legal aid varies with the type of procedure. In federal States that have an income test, the maximum income may vary between the entities within the federation.

In about half of the countries reporting to the CEPEJ scheme, insurance companies offer policies for individuals to insure themselves against legal expenses. See appendix 6, table A for details.

Table 6 – Granting legal aid: who decides, on what principle

	Is there an income and asset test regarding legal aid?	What, if any, is the maximum, income level/month?	Can legal aid be refused for a lack of merit?	What type of body can decide to refuse legal aid?
Andorra	yes	not fixed	no	-
Armenia	no	no maximum	no	mixed body
Austria	yes	varies	yes	court
Azerbaijan	no	no maximum	no	-
Belgium	yes	not reported	not reported	not reported
Bulgaria	no	no maximum	no	-
Croatia	yes	266,00	yes	external body
Czech Republic	no	no maximum	no	-
Denmark	yes	3 287,50	yes	external body
Estonia	no	no maximum	non	-
Finland	yes	1 400,00	yes	court or external
France	yes	1 223,00	no	mixed body
FYROMacedonia	yes	not reported	yes	court
Georgia	no	no maximum	yes	court
Germany	yes	varies	yes	court
Hungary	yes	174,00	yes	court
Ireland	yes	1 083,33	yes	court or external
Italy	yes	774,67	yes	mixed body
Latvia	no	no maximum	no	-
Liechtenstein	yes	not fixed	yes	court
Lithuania	yes	152,83	yes	court or external
Malta	yes	588,08	yes	external body
Moldova	yes	no maximum	no	-
Netherlands	yes	1 920,00	yes	external body
Norway	yes	2 405,00	yes	court or external
Poland	yes	not fixed	yes	court
Portugal	yes	522,00	no	-
Russian Federation	yes	60,00	no	-
SM-Serbia	yes	no maximum	no	-
Slovak Republic	yes	no maximum	yes	court
Slovenia	yes	asset test only	yes	court
Spain	yes	866,90	yes	external body
Sweden	yes	2 365,33	yes	court or external
Switzerland	yes	varies	yes	court
Turkey	yes	159,00	yes	court

UK- England & Wales	yes	3 317,60	yes	court or external
UK- Northern Ireland	yes	502,25	yes	ccourt or external
UK- Scotland	yes	1 189,67	yes	mixed body

Data: Q8, Q9, Q10.

Many states that have a maximum income for granting legal aid, have defined several maximum income levels for different types of households. The maximum levels in table 6 are the absolute maximum levels that are used. For many households, the effective level will be lower.

The decision on granting legal aid may be taken by the court, a body external to the court, or a mixed body with both members of the court and external stakeholders. In some systems, it depends on the type of case (criminal or non-criminal) and the stage the case is in (pre-trial, trial) what type of body will take the decision.

2.3. Court fees and reimbursements

In table 7 information on court fees and reimbursement is presented. Through the evaluation scheme, some basic information has been collected on financial thresholds regarding access to the court, and whether parties may have to reimburse the other party for the costs made during a court procedure. At this stage, the information collected is basic; no information has been collected regarding how much money this may involve, nor on the general rules. It should be noted that the question on court fees asked whether “in general” such fee should be paid. So, if court fees exist but are not frequently applied, the answer to this question will be “no”.

These data show that in non-criminal cases, it is common for people to have to pay to start a proceeding, and that the outcome of the procedure does have an impact on who has to pay the costs. In criminal cases, court fees are less common. It would seem sensible that court fees in criminal cases only exist in systems in which private parties can start a criminal proceeding. For most countries however, this is a monopoly for the public prosecutor. Here, as well as in non-criminal cases, the outcome of procedure generally has an impact on who has to pay the costs of the procedure.

Table 7 – Financial consequences of going to court

	Do litigants have to pay a court fee to start a proceeding?		Does the decision have an impact on who bears the costs of the proceeding?	
	In criminal cases	In non-criminal cases	In criminal cases	In non-criminal cases
Andorra	yes	yes	yes	yes
Armenia	yes	yes	yes	yes
Austria	no	yes	no	yes
Azerbaijan	no	yes	no	no
Bulgaria	no	yes	yes	yes
Croatia	no	yes	yes	yes
Czech Republic	no	yes	yes	yes
Denmark	no	yes	no	yes
Estonia	no	yes	yes	yes
Finland	no	yes	yes	yes
France	no	no	no	yes
FYROMacedonia	yes	yes	yes	no
Georgia	no	yes	yes	yes
Germany	no	yes	yes	yes
Hungary	no	yes	yes	yes
Iceland	no	yes	yes	yes
Ireland	no	yes	yes	yes
Italy	no	yes	yes	yes
Latvia	no	yes	yes	yes
Liechtenstein	no	yes	yes	yes
Lithuania	no	yes	yes	yes
Malta	no	yes	no	yes
Moldova	no	yes	no	no
Netherlands	no	yes	no	yes
Norway	no	yes	yes	yes
Poland	no	yes	yes	yes
Portugal	yes	yes	yes	yes
Romania	yes	yes	no	yes
Russian Federation	no	yes	yes	yes
SM-Serbia	yes	yes	yes	yes
Slovak Republic	no	yes	yes	yes
Slovenia	no	yes	yes	yes
Spain	no	no	yes	yes
Sweden	no	yes	yes	yes
Switzerland	no	yes	yes	yes
Turkey	no	yes	yes	yes
Ukraine	no	yes	yes	yes
UK-England & Wales	no	yes	yes	yes
UK-Northern Ireland	no	yes	yes	yes
UK-Scotland	no	yes	yes	yes

Data: Q11, Q13

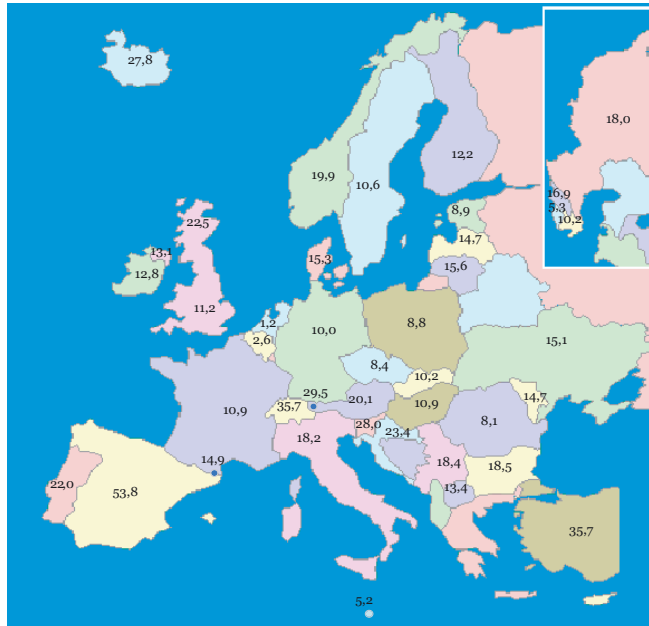
■ 3. The Judiciary and the Courts

This chapter summarizes the main findings on the court systems and judges. The first section is on the number – and size – of courts. The second section focuses on the number of judges. The third section presents data on recruitment, training and salaries of judges. Section four explores the provisions to correct possible malfunctioning of courts, such as complaints procedures and disciplinary measures.

3.1. The court systems

Through the CEPEJ scheme, information has been collected about the total number of courts in each country, the number of general jurisdiction courts at 1st instance and the number of specialized courts at 1st instance. Respondents were asked to count the “main seats” only (not sub-locations). The data collected allow us to compare court size as well as specialization issues. In this paragraph court size will be related to population numbers. In the next paragraph, court size will also be presented in terms of numbers of judges and court staff.

Figure 2 – The number of first instance courts of general jurisdiction, per 1 000 000 inhabitants



Data: number of general jurisdiction 1st instance courts (Q23) scaled by number of inhabitants (Q1).
For absolute number of courts, see table 9

In tables 9 to 11, the number of 1st instance courts, general and specialized, is reported. In table 9 the number of 1st instance courts can be found, in their original format as well is in relation to the number of inhabitants. These data presented in various ways in figure 2 and tables 10 and 11. Table 10 expresses court size through the number of inhabitants served by a court, while table 11 shows the number of 1st instance courts per one million inhabitants. The map in figure 2 shows the number of general jurisdiction first instance courts per one million inhabitants.

Table 9 – The scale of courts, related to numbers of population

	Number of general jurisdiction first instance courts	Number of inhabitants served by one general jurisdiction first instance court	Number of specialised first instance courts	Number of first instance courts, general and specialized, per 1 000 000 inhabitants
Andorra	1	67 159	0	14,89
Armenia	17	188 824	1	5,61
Austria	162	49 798	9	21,20
Azerbaijan	84	97 649	16	12,19
Belgium	27	381 842	n.c.	-
Bulgaria	145	54 109	6	19,25
Croatia	104	42 668	127	52,06
Czech Republic	86	118 616	0	8,43
Denmark	82	65 468	1	15,46
Estonia	12	113 004	4	11,80
Finland	63	82 079	4	12,96
France	657	91 608	611	21,07
FYROMacedonia	27	74 909	n.c.	-
Georgia	74	59 075	0	16,93
Germany	828	99 758	262	13,20
Greece	93	-	353	-
Hungary	111	91 369	20	12,92
Iceland	8	36 025	2	34,70
Ireland	50	78 344	0	12,76
Italy	1.042	55 011	153	20,85
Latvia	34	68 209	0	15,53
Liechtenstein	1	33 863	n.c	-
Lithuania	54	64 122	5	17,04
Malta	2	191 263	10	31,37
Moldova	52	69 362	3	15,25
Netherlands	19	842 105	2	1,31
Norway	90	50 278	2	21,44
Poland	337	113 442	25	9,47

Portugal	229	45 448	125	34,01
Romania	177	122 788	0	8,14
Russian Federation	2 609	55 654	n.c	-
SM-Serbia	138	54 333	18	20,81
Slovak Republic	55	97 803	3	10,78
Slovenia	55	35 710	5	30,55
Spain	2.249	18 603	545	66,78
Sweden	95	94 114	15	12,30
Switzerland	261	28 038	110	50,70
Turkey	2 508	27 980	1.440	56,26
Ukraine	723	66 127	27	15,69
UK-England & Wales	583	89 266	n.c	-
UK-Northern Ireland	22	76 603	2	14,24
UK-Scotland	114	44 404	0	22,52

Data: number of general jurisdiction 1st instance courts (Q23), number of specialized 1st instance courts (Q24), population (Q1)

Table 10 – The average number of inhabitants served by a first instance court of general jurisdiction

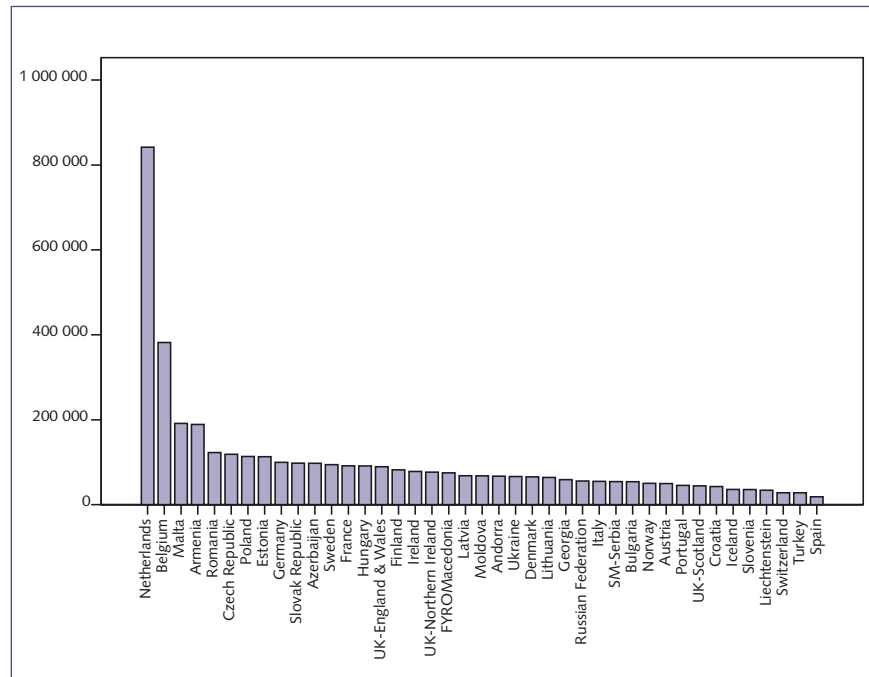
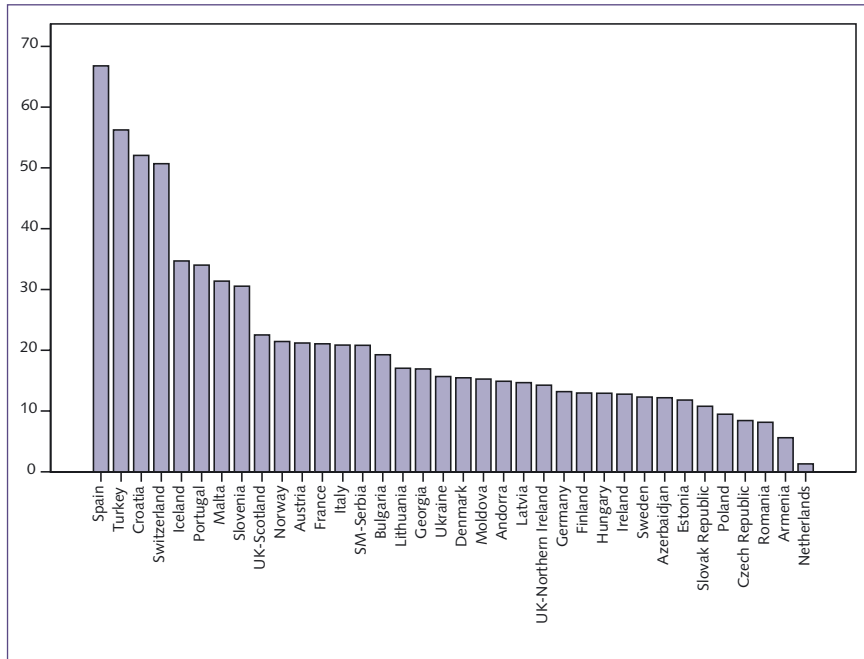


Table 11 – The number of first instance courts, general and specialized, per 1 000 000 inhabitants



Données: Q1, Q23, Q24

It should be noted that relating the number of courts to a million inhabitants leads to erratic results for small states like Andorra, Liechtenstein and Malta, with populations of (far) less than one million.

In most countries, the number of first instance courts per 1 000 000 inhabitants is in the range of 10 to 25. Slovenia, Malta, Portugal and Iceland have around 30 courts per 100 000 inhabitants, Switzerland, Croatia and Turkey have over 50. The average number of inhabitants served by one general jurisdiction first instance court ranges from 18 600 (Spain) to 842 000 (the Netherlands). The next paragraph will show a somewhat different picture of the size of courts, relating it to the number of judges and staff.

Details on the number of courts counted by the various states can be found in appendix 4, and a general comment in appendix 3. It has been noted that variation occurred in the way the smallest or most dispersed courts – for instance justice of the peace courts – were counted. In some states the smallest type of courts are within the definition of the CEPEJ scheme (“main seats”), while in other countries they are not. Regarding the special courts, some countries have courts that

suit all definitions of a court, but are not part of the normal court system (and its budget). This also leads to variation in what has been counted by the various countries.

The issue of court size and specialization was the subject of a 2003 CEPEJ study on territorial jurisdiction. The data presented in table 9 provide a good impression of the role of specialized courts within the various states. Croatia, France, Germany, Greece, Italy, Malta, Portugal, Spain, Switzerland and Turkey have significant numbers of specialized first instance courts.

Among the most common types of specialized courts in the various countries are labour courts, commercial courts, juvenile courts, administrative courts and tax courts. Spain and Turkey, having the highest number of general jurisdiction first instance courts, also have high numbers of specialized courts. Turkey reports 12 types of specialized first instance courts, including a highly dispersed system of 838 land registration courts.

3.2. Judges and court staff

Regarding the work of the courts, through the CEPEJ scheme information on three types has been collected: professional judges, non-professional judges and court staff.

Table 12 shows the number of judges and courts staff, (mostly) in full-time-equivalents (“fte”), in absolute numbers and per 100 000 inhabitants. For some countries, the number of “heads” instead of fte was reported. These numbers have been marked with an asterisk. Regarding the number of non professional judges, all countries have counted the number of “heads”. General notes on what has been counted in the various countries are in appendix 4, methodological issues are in appendix 3.

The number of judges per 100 000 inhabitants ranges from 3 (Ireland) to 41 (Croatia). The number of court staff ranges from 11 (Iceland) to 136 (Croatia).

The figures for non professional judges show that in many countries they come in significant numbers. It should be noted, however, that the role of non professional judges varies among systems. In some countries, non professional judges can take the place of professional judges and are a source of flexible – and often cheap – capacity to the courts. In other systems, non professional judges are required by law to handle certain cases as lay judges; these do not provide extra capacity. Both types of non-professional judges may, up to some point, overlap with (the notion of) “temporary judges”, addressed in question 76 of the CEPEJ scheme. Replying to that question, ten countries report having a system of temporary judges. They are: Denmark, England & Wales, Finland, France, Italy, Norway, Portugal, Scotland, Sweden, Switzerland. Denmark, Finland and Sweden do not pay these judges on the basis of their activity; all others do.

Table 12 – Number of judges and court staff (full time equivalent and per 100 000 inhabitants)









































	Number of professional judges	Number of professional judges per 100 000 inhabitants	Number of administrative staff	Number of administrative staff per 100 000 inhabitants	Number of non-professional judges **	Number of non-professional judges per 100 000 inhabitants**
Andorra	24*	35,74	84*	125,08	none	0
Armenia	171	5,33	475	14,80	n.a.	-
Austria	1 732	21,47	5 401	66,95	n.a.	-
Azerbaijan	333	4,06	1 410	17,19	n.a.	-
Bulgaria	1 550	19,76	4 028	51,34	n.r.	-
Croatia	1 819	40,99	6 020	135,66	6 804	153,33
Czech Republic	2 716	26,62	8 591	84,22	7 767	76,14
Denmark	368*	6,85	2 201	41,00	n.a.	-
Estonia	237	17,48	1 300	95,87	1 785	131,63
Finland	875	16,92	2 586	50,01	3708	71,71
France	6 240	10,37	16 076*	26,71	21 767	36,17
FYRO Macedonia	642	31,74	2 096	103,63	2 401	118,71
Georgia	306	7,00	1 558	35,64	none	0
Germany	20 901	25,30	60 087	72,74	35 781	43,32
Greece	3 571	n.a.	n.r.	n.r.	n.r.	-
Hungary	2 757	27,18	7 557	74,51	5 921	58,38
Iceland	47	16,31	31	10,76	none	0
Ireland	119	3,04	1 030	26,29	none	0
Italy	6 720	11,72	32 223	56,21	5 700	9,94
Latvia	396	17,08	700	30,18	none	0
Liechtenstein	28	82,69	34	100,40	23	67,92
Lithuania	672	19,41	803	23,19	none	0
Malta	35	9,15	374	97,77	2	0,52
Moldova	465	12,89	1 113	30,86	none	0
Netherlands	1 809	11,31	5 016	31,35	880	5,50
Norway	652	14,41	1 025	22,65	n.r.	-
Poland	7 771	20,33	22 655	59,26	44 372	116,07
Portugal	1.551	14,90	9.730	93,49	733	7,04
Romania	3.694	17,00	8.861	40,77	none	0
Russian Federation	17 144	11,81	52 892	36,43	n.a.	-
SM-Serbia	2 500	33,34	11 000	110,53	6 000	80,02
Slovak Republic	1 232	22,90	3 612	67,15	n.r.	-

Slovenia	774	39,41	2 171	110,54	n.a.	-
Spain	4 109	9,82	37 334	89,23	1 268	3,03
Sweden	1 693*	18,94	2 493*	27,88	7 558	84,53
Switzerland	948	12,95	3 235	44,21	1 640	22,41
Turkey	5 255	7,49	21 458	30,58	none	0
Ukraine	7 420	15,52	23 618	49,40	n.r.	-
UK-England & Wales	2 195*	4,22	8 631*	16,58	28 479	54,72
UK-Northern Ireland	62	3,68	537	31,86	1 100	65,27
UK-Scotland	227*	4,48	1 231*	24,32	749	14,80

Data: professional judges (Q25), court staff (Q27), non-professional judges (Q26), inhabitants (Q1)
 * = “heads” counted instead of full-time equivalents. ** = Regarding non-professional judges, all figures refer to the number of “heads”, not full-time equivalents

Table 13 depicts the number of judges per 20 000 inhabitants.

Table 13 – Number of professional judges per 20 000 inhabitants

Andorra		7,1*	Lithuania		3,9
Armenia		1,1	Malta		1,8
Austria		4,3	Moldova		2,6
Azerbaijan		0,8	Netherlands		2,3
Bulgaria		4,0	Norway		2,9
Croatia		8,2	Poland		4,1
Czech Republic		5,3	Portugal		3,0
Denmark		1,4*	Romania		3,4
Estonia		3,5	Russian Federation		2,4
Finland		3,4	Slovak Republic		4,6
France		2,1	Slovenia		7,9
FYROMacedonia		6,3	SM-Serbia		6,7
Georgia		1,4	Spain		2,0
Germany		5,1	Sweden		3,8*
Hungary		5,4	Switzerland		2,6
Iceland		3,3	Turkey		1,5
Ireland		0,6	Ukraine		3,1
Italy		2,3	UK-England & Wales		0,8*
Latvia		3,4	UK-Northern Ireland		0,7
Liechtenstein		16,5	UK-Scotland		0,9*

Data: Q25, Q1. * = judges counted by “head”, not fte.

Table 14 – Labour in the courts

	Number of professional judges per court	Number of non-judge staff per court	Number of judges and non-judge staff per court	Number of staff per professional judge
Andorra	*8,0	*28,0	36,0	3,5
Armenia	8,1	22,6	30,8	2,8
Austria	9,8	30,7	40,5	3,1
Azerbaijan	3,2	13,4	16,6	4,2
Bulgaria	10,3	26,7	36,9	2,6
Croatia	7,1	23,6	30,7	3,3
Czech Republic	28,9	91,4	120,3	3,2
Denmark	*4,3	25,6	29,9	6,0
Estonia	11,9	65,0	76,9	5,5
Finland	10,5	31,2	41,7	3,0
France	4,9	*12,7	17,6	2,6
FYROMacedonia**	20,7	67,6	88,3	3,3
Georgia	3,8	19,2	23,0	5,1
Germany	19,1	54,9	74,0	2,9
Hungary	17,8	48,8	66,5	2,7
Iceland	4,3	2,8	7,1	0,7
Ireland	2,3	20,2	22,5	8,7
Italy	6,1	29,3	35,4	4,8
Latvia	9,7	17,1	26,7	1,8
Liechtenstein**	5,6	6,8	12,4	1,2
Lithuania	10,0	12,0	22,0	1,2
Malta	3,5	37,4	40,9	10,7
Moldova	7,6	18,2	25,9	2,4
Netherlands	64,6	179,1	243,8	2,8
Norway	6,7	10,6	17,3	1,6
Poland	22,4	65,3	87,7	2,9
Portugal	4,3	26,9	31,2	6,3
Romania	15,1	36,3	51,5	2,4
Russian Federation**	6,3	19,5	25,8	3,1
SM-Serbia	13,3	58,5	71,8	4,4
Slovak Republic	18,1	53,1	71,2	2,9
Slovenia	11,7	32,9	44,6	2,8
Spain	1,3	12,1	13,4	9,1
Sweden	*13,9	*20,4	34,3	1,5

Switzerland	2,3	7,8	10,0	3,4
Turkey	1,2	5,0	6,2	4,1
Ukraine	9,6	30,7	40,4	3,2
UK-England & Wales**	*9,9	*39,1	49,0	3,9
UK-Scotland	*2,0	*10,7	12,7	5,4

Data: total number of courts (Q22), number of professional judges (Q25), number of court staff (Q27).

* = employees counted by “head”, not fte.

** = countries that did not report the number of specialised courts; their “per court” ratio presented may be too high.

Table 14 presents a closer look at the division of labour between judges and staff. Numbers of judges and staff are presented per court, relating the figures to court size as well. Relating court size to the number of people working in the courts shows more variation than relating it to the number of inhabitants (as shown in 3.1). The division of labour strongly varies as well. The number of staff per professional judge varies from 0,7 staff per judge (Iceland) and 1,2 (Lithuania) to 9,1 (Spain) and 10,7 (Malta).

3.3. Hiring and paying judges

Several questions in the CEPEJ scheme address the recruitment, training and payment of judges. Judges, in general, have a unique position in relation to these issues. It is important that judges be highly qualified professionals, and that conditions are created in which they can do their work in an independent and impartial way. At the same time, since societies generally want their judges to be impartial, effective and efficient, a need for some level of “control” is felt. This section focuses on the solutions that the various states have chosen regarding recruitment, training, payment and the like. The next section is to some extent complementary, focusing on procedures for complaints, disciplinary proceedings and the like.

The issue of recruitment and nomination was addressed in question 73 of the CEPEJ scheme. On the question whether judges are recruited and nominated by an independent institution, 5 countries – out of 32 countries reporting – said “no”. However, what is understood as “independent” may not be the same to all respondents. One may see recruitment by the judiciary itself as independent – since the judiciary is independent. The opposite position would be to view recruitment by a body external to the judiciary as independent – for it is independent of the professional group and may be helpful to recruitment from outside the established networks. From the answers to the second part of question 73 it can be seen that while most respondents state that recruitment is done by an independent body, this body is as likely to comprise only members of the judiciary, as it is to comprise only outsiders. In most of the reporting countries the recruitment and nomination

is carried out by a mixed body, with judges as well as outsiders. Table 15 summarizes the findings.

Regarding the transparency of the process of selection and nomination of judges, the CEPEJ scheme asked whether this process is carried out according to pre-established procedures. All countries that answered this question said “yes”.

Table – 15 Composition of the body responsible for recruitment and nomination of judges

Judiciary only	Both judiciary and non-judiciary				Non-judiciary only
Austria	Andorra	Finland	Liechtenstein	Portugal	FYROMacedonia
Latvia	Azerbaijan	France	Lithuania	Romania	Georgia
Sweden	Bulgaria	Germany	Moldova	Slovak Republic	Malta
	Croatia	Hungary	Netherlands	Spain	Switzerland
	Denmark	Ireland	Norway		Turkey
	Estonia	Italy	Poland		Ukraine

Data: Q73

Question 74 of the CEPEJ scheme addresses the issue of induction and continuation training of judges. Replying to this question most respondents said there is a system for induction and continuation training in their country. The second part of this question asked whether or not such system is compulsory. And the third part asked the percentage of judges that actually follows continuation training each year. The results – not conclusive as a result of the way these questions were framed – suggest that compulsory training does not necessarily mean that judges follow training each year. The percentage of judges attending continuation training each year was between 12 and 100% in compulsory systems, and between 13 and 100% in systems where such training is not compulsory.

Table 16 shows the percentage of judges following continuation training for those countries that were able to report this.

Table 16 – Average annual percentage of judges attending continuation training

Iceland	2%	SM-Serbia	47%	Sweden	90%
Portugal	12%	Turkey	47%	Finland	93%
Czech Republic	13%	UK-Scotland	50%	Ireland	98%
Norway	40%	Poland	55%	Austria	100%
Ukraine	40%	France	66%	Hungary	100%
Azerbaijan	44%	Slovak Republic	70%	Romania	100%
Italy	45%	Latvia	90%	Slovenia	100%
Bulgaria	47%	Moldova	90%		

Données : Q74

Judges, being highly trained professionals, are generally paid well. However, judges' salaries are not only a matter of supply and demand. Rewards may also serve to underline the special status of judges in society, and as a safeguard for their independence. Table 17 shows the range of judges' gross salaries in the various states, next to the average gross salary.

Table 18 shows how judges' salaries in the various systems compare to the average salary, and to the salaries of public prosecutors. This comparison is revealing in several ways. First, it shows that in many countries the career paths of judges and public prosecutors are more or less the same. In some countries they are very narrowly intertwined – up to a point where states can hardly distinguish budgets for the public prosecution from budgets for the judiciary. Second, in a few countries we see huge differences between the salary – and presumably the status – of judges and public prosecutors. This seems exclusive to the northern part of Europe: Scandinavia, the Baltic States and – the strongest example – the United Kingdom.

Table 17 – Judges' salaries, in euros

	National average gross salary	Salary of a judge at the start of his/her career	Salary of a judge of the Supreme or highest appellate court
Andorra	18 038	61 100	(part-time only) 32 139
Armenia	607	4 125	4 800
Austria	21 424	28 146	110 698
Azerbaijan	800	4 000	5 150
Bulgaria	1 585	3 200	7 169
Croatia	8 800	21 060	55 512
Czech Republic	5 950	15 153	47 100
Denmark	unknown	77 252	114 198
Estonia	4 915	18 744	25 776
Finland*	28 800	48 000	99 000
France	21 000	23 793	65 470
Georgia	612	2 724	3 432
Germany	25 500	35 542	82 787
Hungary	5 820	17 239	33 695
Iceland	29 512	76 071	86 413
Ireland	26 405	108 092	188 389
Italy	unknown	33 352	108 885
Latvia	5 041	6 377	9 407
Liechtenstein	62 745	111 586	not reported
Lithuania	4 198	12 714	32 348
Malta	unknown	31 627	36 530

Moldova	780	1 560	2 630
Netherlands	37 300	61 275	108 890
Norway	42 039	81 083	114 753
Poland	6 631	12 563	22 100
Portugal	8 005	32 272	77 583
Romania	2 304	8 406	13 017
SM-Serbia	2 110	9 122	12 427
Slovak Republic	4 236	10 366	15 292
Slovenia	12 780	22 084	44 165
Spain	17 104	42 850	111 836
Sweden	22 282	53 278	88 796
Switzerland	51 480	100 000	200 000
Ukraine	1 223	1 944	11 249
UK-England & Wales	36 166	167 672	265 960
UK-Scotland	36 166	218 664	247 180

Data: average gross salary (Q3), judges' salary – low (Q70), judges' salary – high (Q71). All of these are gross annual salaries.

* = Salaries reported by Finland exclude holiday remunerations.

Table 18 – Judges' and Public Prosecutors salaries, as a ratio of the average gross salary, in euros

	Judges' salary/average salary		Public prosecutors' salary/average salary	
	lowest	highest	lowest	highest
France	1,1	3,1	1,1	3,1
Latvia	1,3	1,9	1,3	2,2
Austria	1,3	5,2	2,0	5,3
Germany	1,4	3,3	1,6	3,7
Netherlands	1,6	2,9	2,1	2,9
Ukraine	1,6	9,2	not applicable	not reported
Finland	1,7	3,4	1,2	2,2
Liechtenstein	1,8	not applicable	1,8	2,2
Poland	1,9	3,3	1,9	3,5
Norway	1,9	2,7	1,4	1,5
Switzerland	1,9	3,9	1,2	2,7
Moldova	2,0	3,4	1,1	2,4
Bulgaria	2,0	4,5	2,0	4,5
Sweden	2,4	4,0	1,3	3,2
Croatia	2,4	6,3	2,4	6,3
Slovak Republic	2,4	3,6	1,9	3,5

Spain	2,5	6,5	2,5	6,5
Czech Republic	2,5	7,9	2,3	7,1
Iceland	2,6	2,9	not available	not available
Hungary	3,0	5,8	3,0	4,3
Lithuania	3,0	7,7	2,3	5,5
FYROMacedonia	3,1	4,3	3,1	4,3
Andorra	3,4	not applicable	3,4	not applicable
Romania	3,7	5,7	3,7	4,1
Estonia	3,8	5,2	1,6	2,9
Portugal	4,0	9,7	4,0	9,4
Ireland	4,1	7,1	not applicable	not applicable
SM-Serbia	4,3	5,9	4,3	5,9
Georgia	4,5	5,6	1,4	not reported
UK-England & Wales	4,6	7,4	1,1	2,5
Azerbaijan	5,0	6,4	2,9	not available
UK-Scotland	6,0	6,8	not reported	not reported
Armenia	6,8	7,9	3,8	7,7

Data: average salary (Q3), judges' salaries (Q70, 71), public prosecutors' salaries (Q81, 82)

A final point regarding guarantees of judicial independence concerns permission for judges to combine their work with other jobs. Question 72 is framed in such a way that it discriminates between systems that do not allow any sideline, and those that allow judges to combine at least some types of jobs with their work as a judge. However, the comments that came with the replies reveal that “no” to this question does not necessarily mean an absolute ban on additional jobs exists. Table 19 specifies the answers – and some comments – from the states reporting on this question. Most countries allow judges to do intellectual and educational work in the field of law, and allow cultural expression. Quite often a distinction is being made between paid and unpaid activities. Finally, in many countries judges will have to ask for approval for their additional offices.

Table 19 – Allowance, for judges, to combine their work with another profession

	Other professions allowed	Comments
Andorra	no	Only judges of superior jurisdiction are allowed to have other professions.
Armenia	yes	Judges are allowed to combine their work with scientific work.
Austria	yes	
Azerbaijan	yes	Judges are allowed to do scientific, pedagogical and creative work.
Bulgaria	yes	Judges are allowed to do scientific work, teach, and work on normative drafts.
Croatia	no	Judges are allowed to publish professional publications, participate in seminars and educational activity and act as an arbitrator.
Czech Republic	no	Scientific, pedagogical and artistic work are allowed, and work in consultative bodies of ministry, government and parliament.
Denmark	yes	
Estonia	yes	Paid jobs are prohibited, except for teaching and research work.
Finland	yes	Other jobs are possible in theory, in practice it is very rare.
France	yes	Work as an arbitrator or consultant is not allowed.
FYROMacedonia	no	Unpaid teaching or research work at an university is allowed.
Georgia	yes	
Germany	yes	Education and research work allowed. Work as an arbitrator is allowed under specified circumstances.
Greece	no	By exception membership of the Athens Academy and teaching is allowed.
Hungary	yes	Work as a professor is allowed, arbitrator or consultant are not allowed.
Ireland	no	
Italy	yes	Other work is allowed only upon authorization by the Judicial Council.
Latvia	yes	Work as a lector at university is allowed.
Liechtenstein	no	
Lithuania	no	Only work as an university professor and creative activity are allowed.
Malta	no	
Moldova	yes	
Netherlands	yes	All additional offices held by judges are in a public register.
Norway	yes	Any activity that might interfere with judicial work needs approval.

Poland	yes	Judges are allowed, with permission, to work as an academic professor.
Portugal	no	Unpaid teaching and legal research is allowed.
Romania	yes	Teaching in higher education is allowed.
Russian Federation	yes	Paid jobs are prohibited except scientific work, teaching and creative work.
SM-Serbia	no	
Slovak Republic	no	Scientific, pedagogical, lecturing, literary, publicist and artistic activity is allowed only if they do not infringe proper exercise of judicial duties.
Slovenia	yes	Teaching, publishing, scientific and research work are allowed.
Spain	no	Paid jobs are prohibited except teaching, artistic activities and publications.
Sweden	yes	Spare-time occupation is allowed.
Switzerland	yes	
Turkey	no	
Ukraine	yes	Paid jobs are prohibited except scientific work, teaching and creative work.
UK-England & Wales	yes	Salaried full time judges are not allowed other remunerated employment.
UK-Northern Ireland	no	

Data: Q72

3.4. Complaints and safeguards

A variety of questions in the CEPEJ scheme is related, directly or indirectly, to the provisions for users of judicial systems to correct possible malfunctions. Possible malfunctions come in a wide variety, as do the measures that should correct them. The right to appeal can be seen as the most central provision to correct possible malfunctioning. The disqualification of a judge is another.

This type of measure can be found at several levels in the system: regarding (specific) cases, judges, courts, or even the wider court system. Possible malfunctions do not only include erratic judgement, but may also include improper or untimely information, delays, or unsatisfactory treatment. Can users of the courts take appropriate action in such cases?

All countries, except Portugal and the Netherlands, report having an effective remedy to a superior jurisdiction for all cases. In Portugal and the Netherlands, some civil cases are excluded (certain types of cases and cases with a low financial value). The 2004 CEPEJ working group has noted that, although not reported, there are more countries known to exclude certain types of (small) cases.

The right to appeal is the most common facility to correct possible errors in the functioning of justice. Other facilities included in the evaluation scheme are procedures for complaints and disciplinary measures against judges.

Facilities for making complaints about the performance of the judiciary can be made at court level (for each court) or a national level (for all courts), or both. Another choice concerns who will handle and decide on these complaints: the judiciary, or an independent outsider like an ombudsman?

Table B, in appendix 6 shows the existence of complaints procedures at court level and at national level for each country. All countries reporting on this question, except for France, have a procedure for complaints at least at one of these levels. Internal procedures at court level are the most common type, and exist in 24 out of 32 countries reporting on this item. Seventeen (out of 30 countries reporting) have an external procedure at national level. In those cases complaints are handled by an external body, for instance an ombudsman.

Table 20 shows whether the institutions that handle complaints, in general, have time limits to respond to complaints, or time limits to deal with them.

Table 20 – Time limits for complaints

	Time limit for responding to complaints	Time limit for dealing with complaints		Time limit for responding to complaints	Time limit for dealing with complaints
Armenia	yes	yes	Moldova	yes	yes
Austria	non	no	Netherlands	yes	yes
Azerbaijan	yes	yes	Norway	yes	no
Bulgaria	yes	yes	Poland	yes	no
Croatia	non	no	Portugal	yes	yes
Czech Republic	yes	yes	Russian Federation	yes	yes
Denmark	no	no	Romania	no	yes
Estonia	yes	no	SM-Serbia	yes	yes
Finland	yes	no	Slovak Republic	yes	yes
France	no	no	Slovenia	no	no
FYROMacedonia	yes	yes	Spain	yes	yes
Georgia	yes	yes	Sweden	no	no
Germany	no	no	Switzerland	yes	yes
Italy	yes	no	Turkey	yes	yes
Latvia	yes	yes	Ukraine	yes	yes
Liechtenstein	no	no	UK-England & Wales	yes	yes
Lithuania	yes	yes	UK-Northern Ireland	yes	yes
Malta	no	no	UK-Scotland	yes	yes

Data: Q21

One of the possible courses of action in the case of malfunctions, would be to take sanctions against a judge. The CEPEJ scheme has explored this option, by collecting data on the annual number of disciplinary proceedings and the annual number of sanctions against judges. Table 21 shows the absolute numbers, as well as a “per judge” ratio. It should be noted that the “per judge” ratio has been calculated using the number of professional judges. It is possible however, that some of the disciplinary proceedings or sanctions concern non professional or temporary judges.

Table 21 – Disciplinary proceedings and sanctions against judges

	Number of disciplinary proceedings against judges	Number of sanctions against judges	Per 1 000 judges	
			Disciplinary proceedings	Sanctions
Armenia	7	5	40,9	29,2
Austria	33	18	19,1	10,4
Azerbaijan	30	29	90,1	87,1
Bulgaria	4	none	2,6	none
Croatia	24	8	13,2	4,4
Czech Republic	20	10	7,4	3,7
Denmark	57	not reported	154,9	-
Estonia	4	2	16,9	8,4
France	10	9	1,6	1,4
Georgia	77	74	251,6	241,8
Hungary	26	11	9,4	4,0
Italy	107	22	15,9	3,3
Latvia	13	11	32,8	27,8
Liechtenstein	3	none	107,1	none
Lithuania	4	2	6,0	3,0
Moldova	13	4	28,0	8,6
Netherlands	none	none	none	none
Norway	63	2	96,6	3,1
Poland	182	60	23,4	7,7
Portugal	24	9	15,5	5,8
Romania	14	9	3,8	2,4
Slovak Republic	25	3	20,3	2,4
Slovenia	3	none	3,9	none
Spain	52	17	12,7	4,1
Sweden	4	none	2,4	none
Turkey	252	72	48,0	13,7
Ukraine	181	70	24,4	9,4
UK-England & Wales	not available	3	-	1,4
UK-Northern Ireland	none	none	none	none
UK-Scotland	none	none	none	none

Data: Q77, Q78, Q25

The table shows a huge variety in numbers of disciplinary proceedings and sanctions among the reporting countries. At the high end is Georgia where, in 2002, one in every four judges has been subject of a disciplinary procedure – in most cases leading to a sanction. At the other end are the Netherlands, UK - Northern Ireland and UK - Scotland, where no disciplinary procedure was started, nor any sanction imposed.

A final provision to correct possible malfunctions in the court system that has been addressed by the CEPEJ scheme is the existence of a system for supervision and control. The explanatory note provides some examples: an inspection for the judiciary, or a system of evaluation of the judicial and non-judicial tasks of judges. Table 22 summarises the replies on this issue. A small majority among the countries replying report they have such a system.

Table 22 – Supervision and control of the Courts

Is there a system of supervision and control on the courts – other than through appeal?					
No			Yes		
Andorra	Ireland	Slovak	Armenia	Italy	Romania
Azerbaijan	Moldova	Republic	Austria	Latvia	SM-Serbia
Czech	Netherlands	UK-England	Bulgaria	Liechtenstein	Slovenia
Republic	Norway	& Wales	Croatia	Lithuania	Spain
Denmark	Russian	UK-Northern	France	Malta	Sweden
Estonia	Federation	Ireland	FYROMacedonia	Poland	Switzerland
Finland	Ukraine	UK-Scotland	Germany	Portugal	Turkey
Hungary					

Data: Q75

■ 4. Court Performance

The previous chapter presented a comparative view on the court systems of the countries reporting to the CEPEJ scheme. After examining matters like the size and the cost of the systems, the obvious next step is to look at the performance of the courts. Questions like “how many cases are being handled and how much time do these cases take” will be addressed in this chapter.

It should be noted that (the number of) cases that are brought before the courts – or are decided on by judges – is not a very satisfying reference for comparing the workload of courts. A “case” is not a standard amount of workload; the “weight” of various cases varies substantially within each system, and the average weight can be expected to vary in a similar way between the various systems.

As a first step towards a “fair” comparison, the CEPEJ has chosen to focus the effort on four specific types of cases. These include robbery, homicide⁷, divorce and employment dismissal cases. The number of cases brought to court is not simply a reflection of how often these problems occur in a society; it is just as much related to what laws say on in which situation a judge should decide on these matters and on the mechanisms that exist in a society to resolve matters without interference of a judge. Likewise, the length of proceedings reflects the functioning of a system that next to courts and judges, also includes parties, lawyers, public prosecutors and the like. The amount of time that is being measured and compared first and for all reflects the time that parties will have to wait for a decision. The amount and the nature of the work done during this time will, again, vary among the different systems.

The first part of this chapter summarizes the data collected on caseloads, including the amount of cases brought before the court, the number of judicial decisions and the appeal percentage. The second part is devoted to the length of court procedures.

4.1. Caseload, decisions and appeals

Table 23 summarizes the information collected on caseload. It presents the number of cases per 100 000 inhabitants. It includes the total caseload of criminal and

7. These types have been used for other comparisons in the European Sourcebook of Crime and Criminal Justice. It means these types of cases have been defined well, and could already be measured in many countries. The explanatory note with the CEPEJ scheme defines robbery as stealing with force or threat of force (including muggings, bag-snatching and theft immediately followed by violence). Homicide is defined as the intentional killing of a person. For both types of cases, attempts are not included.

non criminal cases that are brought before the courts. The caseloads in absolute numbers, as they were reported, are in appendix 6, table C.

It should be noted that the numbers of cases in different systems can not easily be compared. As noted in chapter 1, the tasks of judiciary vary among the states, and cases that are counted in one country may be outside the discretion of the judiciary in another. In general, the idea has been to count only the more serious cases. However, the instructions on what to count were very general. Concerning non criminal cases, the explanatory note that came with the CEPEJ scheme states that “litigious case only” should be counted. Regarding criminal cases, no specification was included. Misdemeanours have been counted by some countries, and left out by others. In criminal cases, several countries were unable to report on the number of cases, but did report on the number of suspects. These numbers were included in the table, and have marked with an asterisk (*). Detailed information on the what countries have counted – or have left out – is included in appendix 4.

In general, the data on the number of cases brought to court show a considerable amount of variation. It is hard to say to what extent these differences really reflect differences between the various systems, and to what extent they simply reflect that lack of definition. The comments in appendix 4 indicate that the latter has been a serious problem, and these numbers should be treated with caution.

Table 23 – The number of cases brought to court, per 100 000 inhabitants

	The annual number of cases brought before court, per type of case						
	criminal cases	robbery cases	homicide cases	non criminal cases	divorce cases	dismissal cases	total of criminal and non criminal cases
Andorra	1 184	39	0	4 257	85	37	5 441
Armenia	162	2	5	1 444	69	83	1 606
Austria	814	-	-	2 222	312	-	3 036
Azerbaijan	11	-	3	869	104	8	880
Belgium	-	19	1	6 787	301	-	-
Bulgaria	418	254	2	2 136	191	53	2 554
Croatia	628	-	-	2 817	134	782	3 445
Czech Republic	756	-	-	2 609	359	-	3 365
Denmark	2 376	-	-	2 394	118	-	4 770
Estonia	652	14	-	1 939	99	-	2 591
Finland	1 194	11	2	3 397	343	5	4 591
France	1.061	-	-	2 650	302	175	3 711
FYRO Macedonia	498*	109*	2*	3 242	-	-	3 740

Georgia	67	5	5	987	46	20	1 054
Germany	2.216	-	-	1 166	249	-	3 381
Hungary	1.039	-	-	5 261	350	324	6 300
Iceland	1.889	3	2	9 079	-	-	10 968
Ireland	113	-	1	6 619	101	-	6 732
Italy	904	95	5	6 241	91	2.706	7 145
Latvia	578	28	3	2 163	327	39	2 741
Liechtenstein	5.017	3	0	24 313	390	-	29 330
Lithuania	437	-	-	5 101	-	-	5 537
Malta	288	218	6	1 538	-	22	1 826
Moldova	513	5	8	4 611	381	13	5 125
Netherlands	1.556	32	1	2 641	220	427	4 197
Norway	1.933	-	-	284	-	-	2 217
Poland	1.024	-	-	6 970	132	715	7 994
Portugal	793	-	-	5 747	97	-	6 540
Romania	239	435	-	4 249	331	17	4 488
Russian Federation	577	163	16	3 574	380	23	4 151
Slovak Republic	452	1	2	17 545	279	-	17 997
Slovenia	737*	7*	3*	1 936	154	7	2 673
SM-Serbia	261	83	140	2 309	122	66	2 571
Spain	1.054	219	3	3 201	46	153	4 255
Sweden	1.835	-	-	1 731	301	-	3 567
Switzerland	-	20*	3*	4 171	230	-	-
Turkey	1.129	198	10	2 223	219	-	3 352
Ukraine	37	7	9	10 338	379	12	10 378
UK-England & Wales	3 000*	30	1	3 231	331	77	6 230
UK-Northern Ireland	-	-	1*	5 518	148	-	-
UK-Scotland	1.012	14	2	2 378	-	-	3 390

Data: Q1, Q37, Q38, Q41, Q44, Q47, Q50 * = number of suspects counted

Table 24 summarizes the number of judicial decisions in several types of cases. Again, the absolute numbers reported can be found in appendix 6 (table D). Table 24 shows the number of decisions per 100 000 inhabitants. There is no count included for the total number of decisions, since information on the all-over number of decisions in criminal cases has not been collected.

Table 24 – The number of judicial decisions, per 100 000 inhabitants

	The total number of judicial decisions, per type of case				
	robbery cases	homicide cases	non-criminal cases	divorce cases	dismissal cases
Andorra	46*	0	4 232	49	-
Armenia	1	3	1 260	51	76
Austria	7*	1*	940	-	-
Azerbaijan	-	3	709	70	5
Belgium	-	-	6 503	412	-
Bulgaria	19	2	2 265	194	62
Croatia	-	-	2 962	-	-
Czech Republic	-	1	-	311	2
Denmark	-	-	2 414	122	-
Estonia	14	-	1 703	73	-
Finland	8	2	3 113	347	8
France	9	1	2 580	214	157
FYROMacedonia	98*	2*	1 611	-	-
Georgia	5	3	848	38	12
Germany	-	-	-	249	-
Hungary	-	-	5 203	362	292
Iceland	3	2	9 079	-	-
Ireland	-	1	6 732	66	-
Italy	-	-	1 997	76	123
Latvia	28	3	1 621	276	19
Liechtenstein	3	0	24 611	372	-
Lithuania	-	-	5 053	-	-
Malta	224	3	1 847	-	9
Moldova	7	8	4 324	321	10
Netherlands	24	1	2 039	214	410
Norway	-	-	133	-	-
Poland	27	1	5 370	132	701
Portugal	19	2	5 111	96	27
Romania	339	-	3 581	266	13
Russian Federation	128	15	3 059	312	15
Slovak Republic	12*	1*	13 468	256	10
Slovenia	7*	2*	2 476	149	76
SM-Serbia	55	84	1 552	92	40
Spain	-	-	1 304	42	148
Sweden	9	1	1 718	307	-
Switzerland	8	1	4 248	224	-
Turkey	168	10	2 164	213	-
Ukraine	7	9	10 208	383	12
UK-England & Wales	17	1	191	277	7
UK-Northern Ireland	7*	1	5 518	148	-
UK-Scotland	14	2	1 918	214	-

Data: Q1, Q39, Q42, Q45, Q48, Q51

* = number of suspects counted

The collected data on judicial decisions are, generally, in line with those on cases brought to court. Information on judicial decisions in specific types of cases is slightly wider available than type-specific information on cases brought to court.

Table 25 shows the percentage of appeals in the various types of cases. In general, these appeal rates are the ratio between the annual number of cases going into appeal, and the number of cases settled in first instance. As the data show, appeal rates vary clearly with the type of case. In all reporting countries, the percentage of appeals is higher in homicide cases than in robbery cases, and higher in dismissal cases than it is in divorce cases.

Table 25 – Percentage of appeals, per type of case

	robbery cases	homicide cases	non criminal cases	divorce cases	dismissal cases
Andorra	6	10	10	-	-
Armenia	-	-	78	-	-
Azerbaijan	-	-	13	2	50
Belgium	-	-	4	2	-
Bulgaria	27	81	19	6	47
Croatia	-	-	27	-	-
Estonia	-	-	12	23	-
Finland	60	70	21	0	-
FYROMacedonia	-	-	45	-	-
Georgia	11	45	8	21	33
Germany	-	-	18	13	-
Hungary	-	-	8	4	11
Iceland	0	20	15	-	-
Ireland	-	22	1	-	-
Italy	-	-	17	2	30
Latvia	39	52	11	2	59
Liechtenstein	0	0	46	16	17
Lithuania	-	-	6	-	-
Malta	-	91	8	-	-
Moldova	55	71	4	0,5	41
Netherlands	-	59	7	5	-
Norway	-	-	31	-	-
Poland	-	-	-	-	7
Romania	-	-	6	8	49
Russian Federation	15	64	12	-	-
Slovak Republic	30	74	-	1	-
Slovenia	-	-	29	6	37
Spain	-	-	16	-	-
Sweden	-	-	16	-	-
Switzerland	-	-	7	-	-
Turkey	-	-	32	-	-
UK-England & Wales	-	-	-	-	28
Ukraine	-	-	2	0	40

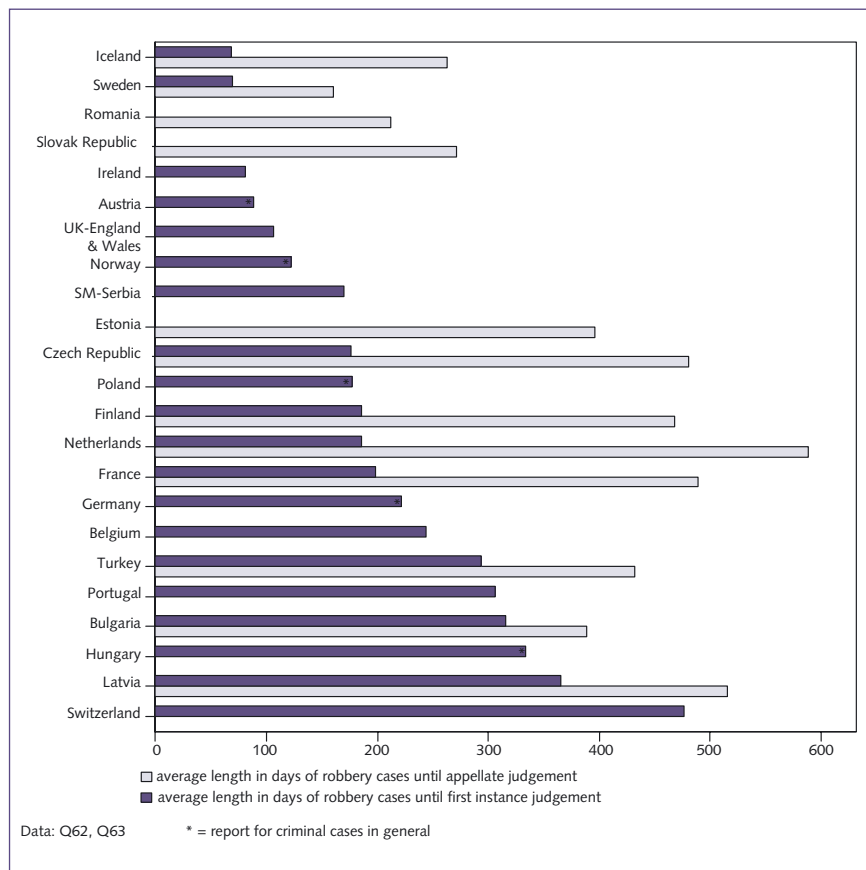
Data: Q40, Q43, Q46, Q49, Q52

4.2. The timeframe of judicial procedures

The processing time of cases brought to court has become one of the key issues regarding the efficiency of justice. It has been a main point of attention for the CEPEJ, which has adopted a Framework Programme on this issue.⁸

In order to compare the length of procedures in a justifiable way, the processing time of three common types of court cases will be compared in this survey: robbery cases in the field of criminal law, employment dismissal cases and divorce cases in the non-criminal field. What is being compared is how long it takes until the parties involved will get their judicial decision.⁹

Table 26 – The average length of robbery cases, from the start of prosecution



8. Framework Programme – “A new objective for judicial systems: the processing of each case within an optimum and foreseeable timeframe” (CEPEJ(2004)19 Rev)

9. Note that these procedures may lead to other outcomes than a judicial decision. For instance, a dismissal case may end with a friendly settlement. When measuring the length of procedures, it is the ending of the procedure that counts, not the type of outcome.

Table 27 – The average length of divorce cases, from their deposit

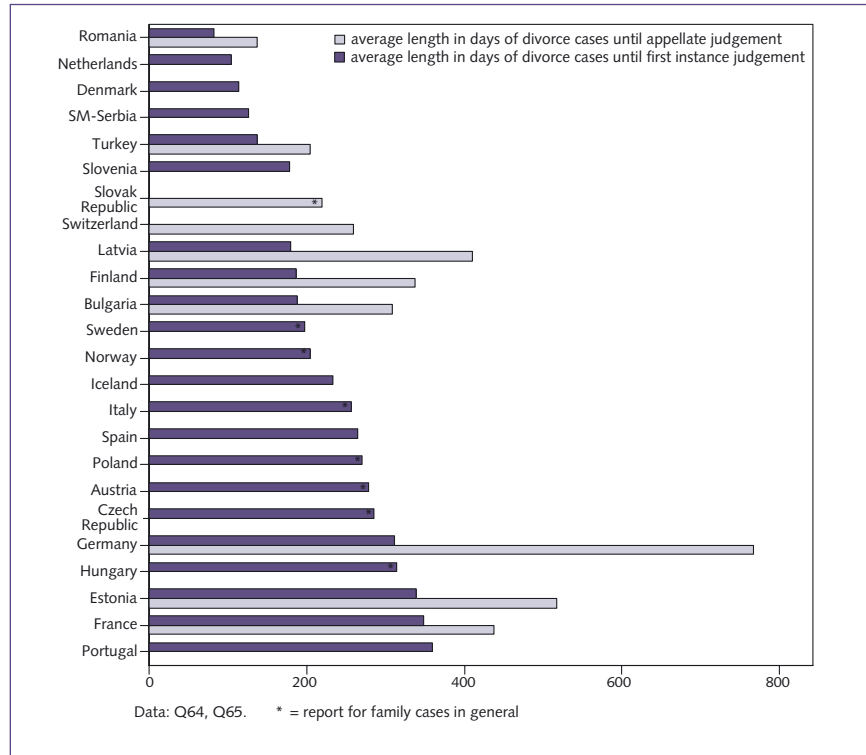
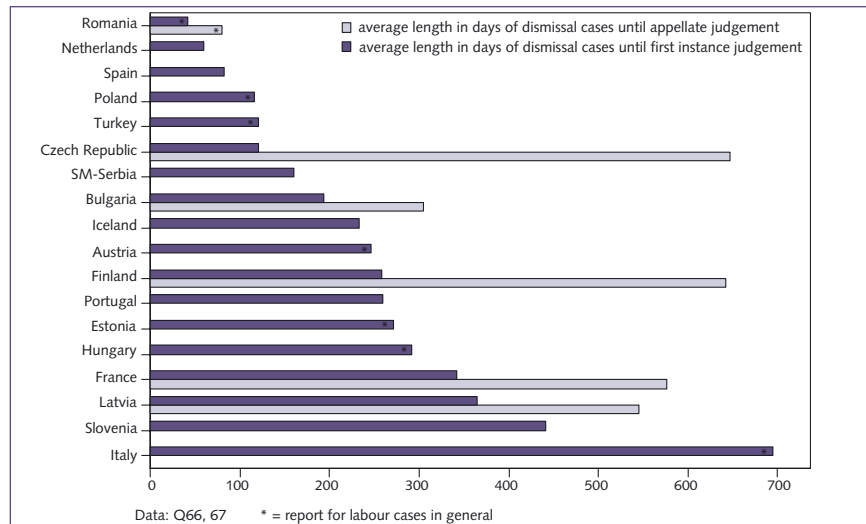


Table 28 – The average length of employment dismissal cases, from their deposit



The approach does not suggest that these types of cases will mean more or less the same amount of work for judges, court staff or lawyers; it is to be expected that the amount of work will vary substantially among systems.

Only a few countries were able to report on the length of all three types of cases. If a country was not able to report on these figures, it has been asked to report, when possible, on a somewhat broader category of cases. For instance, whilst not able to report on employment dismissal cases, some countries were able to report on labour cases in general. Details on what has been measured by the various countries are in appendix 4.

The tables show it is not necessarily so that countries are “fast” or “slow” on all types of cases. Among the four types of cases, employment dismissal cases tend to take the most time. However, within each category of cases, the variation in length is substantial. On the divorce figure for Sweden, it should be noted that it shows the length of the procedures in the case that a couple has children. If there are no children involved, the procedure is reported to last only three weeks. If children are involved, the parties will have to wait six months extra for the decision to be taken. This provides an rare example of the active use of “delay”, in order to prevent parties from taking a too hasty decision.

Regarding the control of timeframes, 33 out of 36 countries report to measure backlogs on a regular basis (Q68). Twelve countries replied “yes” to Q69, stating they had developed techniques to analyse queuing time during court procedures. The comments with these replies, however, learn that in most cases “queuing time” (time in which nothing happens, as the explanatory note says) has been confused with the general length or duration of the procedure. The comments are generally on the statistics regarding the length of procedures and the measurement of backlogs. A few are on systems signalling the expansion of certain time limits, and actions that will be taken as a response. One reply describes the analysis at case level that is being done after a complaint regarding “unreasonable time” has been filed.

In addition to the tables shown so far, some extra information is presented in tables 29 to 31. Several countries were not able to report on the total length of procedures from the start in first instance to a final decision in appeal. Some of them were able, however, to report on the average length in first instance and appeal separately. Tables 29 to 31 show the separate lengths that were reported for proceedings in appeal.

Table 29 – The average length of an appeal in robbery cases

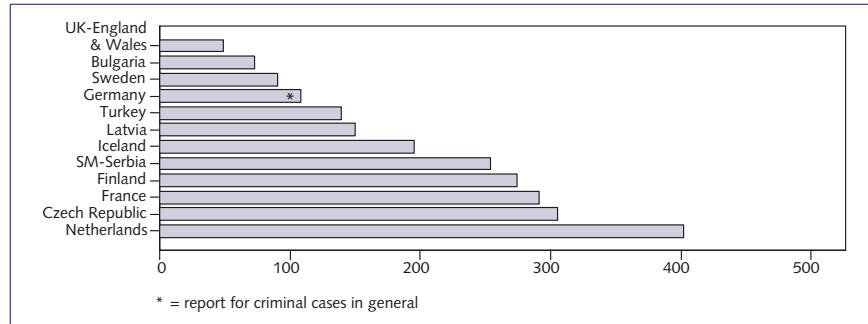


Table 30 – The average length of an appeal in divorce cases

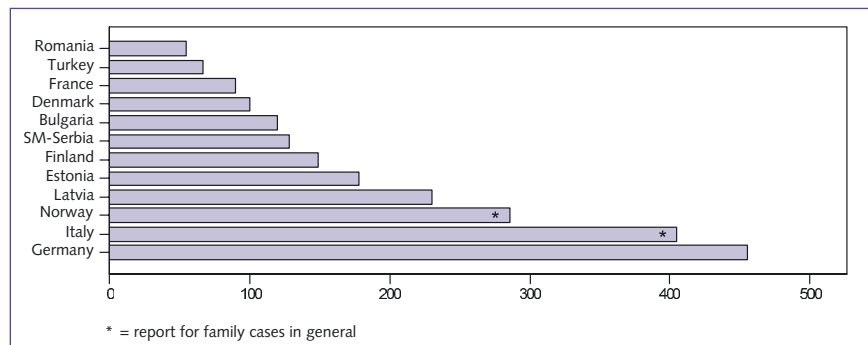
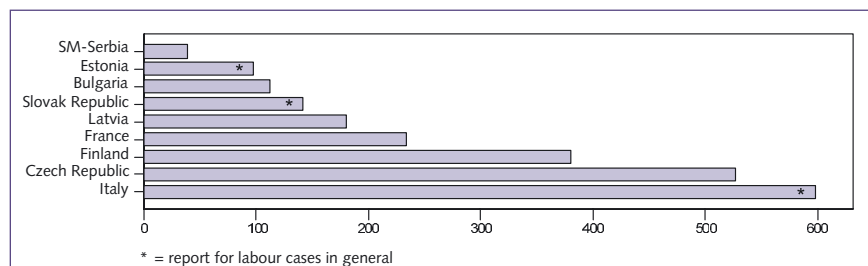


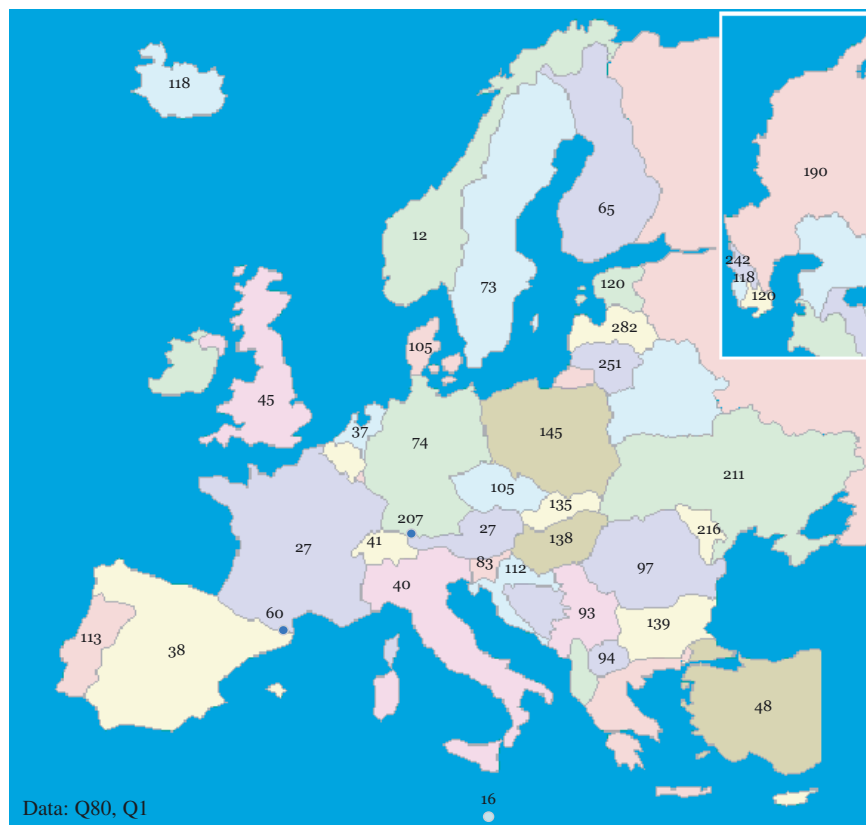
Table 31 – The average length of an appeal in employment dismissal cases



■ 5. Public Prosecutors

This chapter focuses on the work of the public prosecution. The first paragraph covers data regarding the institution (budgets, numbers) and the mechanisms that should guarantee the quality of its functioning (recruitment, supervision, disciplinary measures). The second paragraph presents data on the actual functioning of the public prosecutors office in the various states. It includes some specific data on the way criminal cases are dealt with by the various systems.

Figure 3 – The number of public prosecutors, per 1 000 000 inhabitants



5.1 Public prosecutors

A first note on public prosecutors should be that in quite a few countries, the organisation of the public prosecutors office and the careers of public prosecutors are – loosely or narrowly – intertwined with those of judges. In some countries the budgets of the public prosecutors office can hardly be separated from the court budgets, and judges and public prosecutors have similar training programs and salaries. Some of the variation in role and status of public prosecutors has been highlighted by table 18 in paragraph 3.3.

Yet, in all countries the basic role of the public prosecutor is the same: it is the person who – representing the larger society – will bring suspects of criminal offences before a court, and present the evidence for evaluation by the court. In a majority of countries, only prosecutors in public service can perform this function.

Table 32 presents the data collected on the budget for the public prosecution, in absolute amounts and scaled by the number of inhabitants. It should be noted that the Danish budget is the total budget for police and public prosecution – and therefore not comparable to any of the other budgets. The German figure covers the federal office only.

Table 32 – Budget of the public prosecutors office

	Budget for public prosecution			Budget for public prosecution	
	Total budget	Budget per inhabitant		Total budget	Budget per inhabitant
Andorra	395 645	5,89	Liechtenstein	1 312 103	38,75
Armenia	1 949 872	0,61	Lithuania	21 613 000	6,24
Austria	not available	-	Malta	1 000 000	2,61
Azerbaijan	11 185 000	1,36	Moldova	2 111 089	0,59
Belgium	not reported	-	Netherlands	422 587 000	26,41
Bulgaria	15 383 510	1,96	Norway	10 240 912	2,26
Croatia	23 213 000	5,23	Poland	217 303 886	5,68
Czech Republic	46 300 000	4,54	Portugal	75 568 266	7,26
Denmark	770 773 870	-	Romania	52 361 020	2,41
Estonia	4 964 235	3,66	Russian Federation	378 928 440	2,61
Finland	29 000 000	5,61	SM-Serbia	13 712 165	1,83
France	569 000 000	9,45	Slovak Republic	18 324 000	3,41
FYROMacedonia	2 500 000	1,24	Slovenia	14 731 946	7,50
Georgia	1 950 000	0,45	Sweden	81 779 952	9,15
Germany	45 550 000	-	Switzerland	not reported	-

Greece	not reported	-	Turkey	not available	-
Hungary	108 191 550	10,67	Ukraine	41 494 118	0,87
Iceland	916 940	3,18	UK-England & Wales	666 000 000	12,80
Ireland	31 100 000	7,94	UK-Northern Ireland	not reported	-
Italy	878 493 957	15,33	UK-Scotland	not reported	-
Latvia	11 340 187	4,89			

Data: Q79, Q1

Table 33 shows the budget for the public prosecution as percentage of the national budget. In table 35 the budget per inhabitant is scaled by the gross average salary. Analogue with tables 2 and 3 in chapter two, this type of comparison solves the problems that occur through money exchange rates and variation in levels of wealth.

What tables 33 and 34 show is that, even when compensating for different currencies and wealth levels, the expenditure on public prosecution varies substantially. It is likely that some of that variety stems from choices on the allocation of costs; budgets for the public prosecution may overlap with court budgets, police budgets or Ministry of Justice budgets. Still, different budgets do also relate to different practices and ways of organizing.

Table 33 – Public expenditure on the public prosecution, as a percentage of the national budget

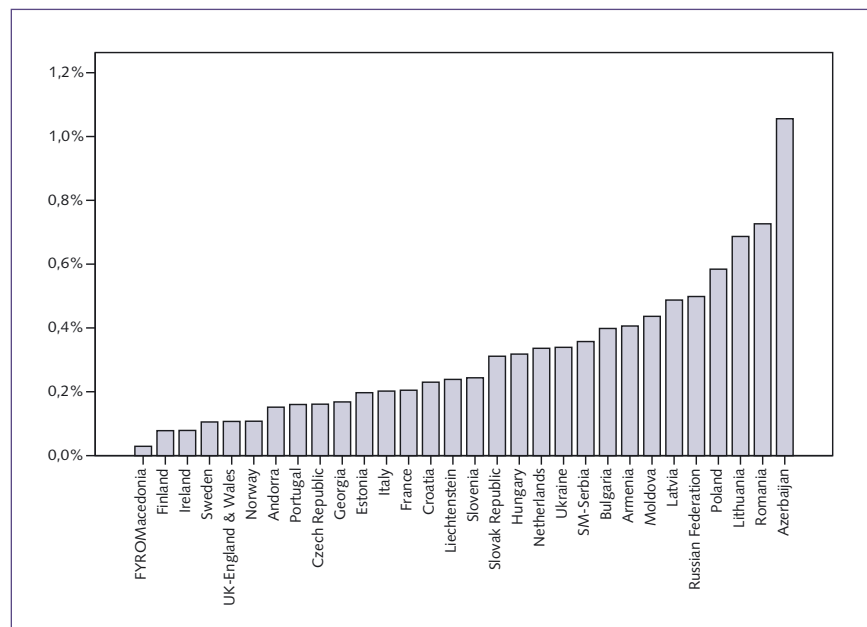


Table 34 – Public expenditure on the public prosecution, per inhabitant, as a percentage of the gross average salary

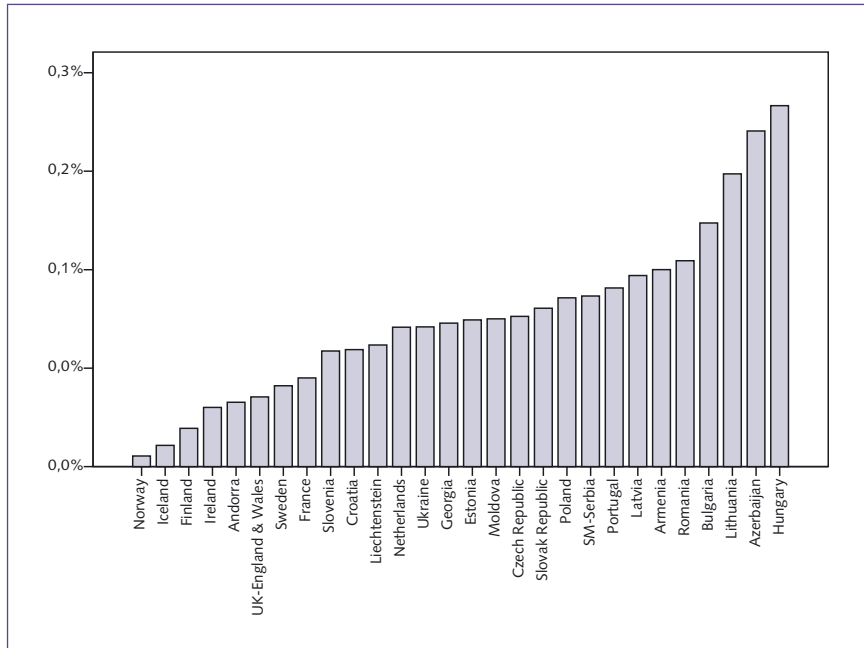







































Table 35 shows the number of public prosecutors, ranging from 0,2 (Norway) to 5,6 (Latvia) per 20 000 inhabitants. In general, the number of public prosecutors is higher in the east of Europe than it is in the west. In some countries, the function of the prosecutor can – for some types of cases – be performed by private agents. The clearest example of private “public” prosecution is provided by Ireland. The Irish report to the CEPEJ scheme left most questions on public prosecutors unanswered, since this function is preformed mainly by private barristers, who are paid on a fee-per-cases basis.

Table 35 – The number of public prosecutors per 20 000 inhabitants

Andorra		1,2	Lithuania		5,0
Armenia		2,4	Malta		0,3
Austria		0,5	Moldova		4,3
Azerbaijan		2,4	Netherlands		0,7
Bulgaria		2,8	Norway		0,2
Croatia		2,2	Poland		2,9
Czech Republic		2,1	Portugal		2,3
Denmark		2,1	Romania		1,9
Estonia		2,4	Russian Federation		3,8
Finland		1,3	Slovak Republic		2,7
France		0,5	Slovenia		1,7
FYROMacedonia		1,9	SM-Serbia		1,9
Georgia		4,8	Spain		0,8
Germany		1,5	Sweden*		1,5*
Hungary		2,8	Switzerland*		0,8*
Iceland		2,4	Turkey		1,0
Italy*		0,8*	UK-England & Wales*		0,9*
Latvia		5,6	Ukraine		4,2
Liechtenstein		4,1			

Data: Q80, Q1

* = data per capita, not in full-time equivalent

As shown in table 18 (chapter 3) in many countries public prosecutors' salaries are quite comparable to those of judges. It is very uncommon for public prosecutors to earn more than judges; slightly more common are public prosecutors that earn substantially less than judges. In all countries, the public prosecutors salary is well above the average gross salary. Table 36 shows the salaries of starting and high ranking public prosecutors in the various systems, next to the average salary over the whole population.

Regarding recruitment and training, again many similarities exist between judges and public prosecutors. Table 37 shows the composition of the body responsible for the recruitment and nomination of public prosecutors in the various countries. All countries that replied state that the process of selection is done according to pre-established procedures.

Ten respondents consider the body responsible for the recruitment of public prosecutors "not independent". As noted in paragraph 3.3, there can be various positions on what is viewed as "independent" recruitment. In the replies to question 84 some have labelled recruitment by a body in which only the public prosecutors office is represented as "independent", while others have labelled such a body a "not independent".

Table 38 shows the annual percentage of public prosecutors that follow continuation training. As was the case with judges, the percentage of public prosecutors is not necessarily higher in systems where such training is compulsory. In fact, the highest numbers reported (100%) are from systems where training is not compulsory, while the lowest numbers (5 – 7%) are from systems where continuation training is compulsory.

The data collected through the CEPEJ scheme show that, generally, restrictions on additional offices are as strict for public prosecutors as they are for judges.

Supervision and control on the public prosecutors have been addressed by question 86 of the CEPEJ scheme. Table 41 specifies the answer to the general question, whether such system exists, and shows some of the comments on how these systems are organised. It should be noted that this question was framed in somewhat different words than the question regarding supervision and control on the courts. While the latter referred to “courts” (as an institute or organization), question 86 refers to “public prosecutors” (persons). From the comments it is clear that many of the answers refer to the existence of hierarchical supervision.

Table 36 – Public prosecutors’ annual salaries, in euros

	Average gross salary (population)	Gross salary of public prosecutor at the start of career	Gross salary of public prosecutor at supreme or highest appellate court
Andorra	18 038	61 100	(only part-time) 32 139
Armenia	607	2 300	4 700
Austria	21 424	42 792	113 022
Azerbaijan	800	2 350	not available
Bulgaria	1 585	3 200	7 169
Croatia	8 800	21 060	55 512
Czech Republic	5 950	13 770	42 450
Denmark	unknown	36 027	127 637
Estonia	4 915	7 861	14 111
Finland	28 800	35 000	63 000
France	21 000	23 793	65 470
Georgia	612	845	not available
Germany	25 500	40 366	94 169
Hungary	5 820	17 239	24 956
Italy	unknown	33 352	108 885
Latvia	5 041	6 626	11 008
Liechtenstein	62 745	111 586	135 591
Lithuania	4 198	9 847	22 880
Malta	unknown	15 000	31 000
Moldova	780	877	1 889
Netherlands	37 300	79 406	108 890
Norway	42 039	58 819	62 118

Poland	6 631	12 563	23 100
Portugal	8 005	32 272	75 323
Romania	2 304	8 406	9 425
SM-Serbia	2 110	9 122	12 427
Slovak Republic	4 236	8 023	14 928
Slovenia	12 780	25 656	46 440
Spain	17 104	42 850	111 836
Sweden	22 282	28 941	71 037
Switzerland	51 480	63 000	139 000
UK-England & Wales	36 166	38 320	91 740

Data: Q81, Q82, Q84

Table 37 – Composition of the body responsible for the recruitment and nomination of public prosecutors

Only public prosecutors represented		Public prosecutors and non public prosecutors represented			No public prosecutor represented
Austria	Latvia	Armenia	Germany	Romania	Azerbaijan
Finland	Moldova	Bulgaria	Italy	SM-Serbia	Lithuania
Hungary	Slovenia	Croatia	Malta	Spain	
		Estonia	Netherlands	Turkey	
		France	Portugal		

Data: Q84

Table 38 – Annual percentage of public prosecutors following continuation training

Bulgaria	5%	Moldova	40%	Hungary	75%
Denmark	7%	Turkey	40%	Finland	90%
Azerbaijan	12%	Italy	44%	Norway	90%
Ukraine	12%	Iceland	50%	Romania	90%
Czech Republic	13%	Lithuania	59%	Sweden	90%
Armenia	19%	France	68%	Austria	100%
Portugal	29%	Latvia	68%	Slovenia	100%
Poland	39%	Slovak Republic	72%		

Data: Q85

Table 39 – Allowance, for public prosecutors, to combine their work with another profession

	Other professions allowed	Comments
Andorra	no	
Armenia	yes	Prosecutors can combine their work with scientific work.
Austria	yes	
Azerbaijan	yes	Scientific, pedagogical and creative activity are allowed.
Bulgaria	no	Scientific work, teaching and participation in developing normative acts are allowed.
Croatia	no	Participation in conferences, studies and educational activities are allowed.
Czech Republic	no	Scientific, pedagogical and artistic work are allowed; as well as work in consultative bodies of ministry, government and parliament.
Denmark	no	
Estonia	yes	Training and research activity are allowed.
Finland	no	
France	yes	Work as an arbiter or consultant is forbidden.
FYROMacedonia	no	
Georgia	no	
Germany	yes	Education and research work allowed. Work as an arbitrator under specified circumstances.
Greece	no	By exception, teaching and membership of the Athens Academy are allowed.
Hungary	no	Scientific, tutorial, educational and artistic activities are allowed.
Italy	yes	Other work is allowed only with authorization of the Judicial Council.
Latvia	yes	Teaching, scientific and creative work are allowed.
Liechtenstein	yes	
Lithuania	no	Scientific, educational and creative activity, and participation in the drafting of legal acts are allowed.
Moldova	yes	Only didactic and scientific activities are allowed.
Netherlands	yes	
Norway	no	
Poland	yes	Work as an academic professor is allowed.
Portugal	no	Only unpaid activity in teaching or research in the legal field are allowed.
Romania	yes	Only didactic activity in higher education is allowed.
Russian Federation	no	Paid nor unpaid activities are allowed, except for teaching, scientific and creative work.
SM-Serbia	no	

Slovak Republic	no	Scientific, pedagogical, lecturing, literary and artistic activities are allowed.
Slovenia	yes	
Spain	no	Paid jobs are prohibited, except teaching, artistic activity and publications.
Sweden	no	
Switzerland	yes	The same rules as for judges apply.
Turkey	no	
Ukraine	yes	Paid jobs are prohibited, except teaching, scientific and artistic work.
UK-England & Wales	yes	
UK-Scotland	yes	

Data: Q83

Table 40 – Supervision and control on public prosecutors

	System of supervision on prosecutors	Comments
Andorra	no	The prosecutor general reports annually to the government.
Armenia	yes	There is a Department of supervision on the General Procuracy.
Austria	yes	
Azerbaijan	yes	Control over the public prosecutors office is undertaken by the Parliament, the President and the judiciary. The Prosecutor General informs the Parliament and the President periodically.
Bulgaria	yes	Public prosecutors are supervised by the Supreme Judicial Council.
Croatia	yes	There is a system of hierarchical control within the public prosecutors office. The Ministry of Justice exercises administrative control.
Czech Republic	yes	Superior prosecuting attorneys office supervises.
Denmark	yes	
Estonia	yes	There is supervisory control by the Ministry of Justice and hierarchical control within the public prosecutors office.
Finland	yes	Each public prosecutor is evaluated by the Prosecutor General.
France	yes	Hierarchical supervision by the Prosecutor General. The performance is subject to annual evaluation by the Ministry of Justice's general inspection.
FYROMacedonia	no	
Georgia	yes	
Germany	yes	As for all civil servants, inspection or monitoring can be conducted.
Hungary	yes	There is professional control by the Attorney General / Chief Prosecutor and regular evaluation of each prosecutors work.
Iceland	yes	Supervision by the Director of Public Prosecutors.
Italy	yes	There is hierarchical control by the Chief Prosecutors and inspection by the Ministry of Justice and the Judicial Council.

Latvia	yes	Control by prosecutors, certification and qualification committees.
Liechtenstein	yes	
Lithuania	yes	Control by parliament, the Prosecutor General and the court.
Malta	yes	
Moldova	yes	
Netherlands	yes	There is supervision by the board of Attorney Generals.
Norway	yes	Special unit for investigation (SEFO).
Poland	yes	Supervision by the Superior Prosecutor. There is a system of inspection and/or evaluation.
Portugal	yes	Supervision by the Public Prosecutors' High Council.
Romania	yes	Direct hierarchical supervision and supervision by prosecutors-inspector from higher offices.
SM-Serbia	yes	Direct hierarchical supervision.
Slovak Republic	no	
Slovenia	yes	
Spain	yes	Direct hierarchical supervision by the Prosecutor General through the Inspectorate General.
Sweden	yes	Supervision par le Procureur Général.
Switzerland	yes	Various solutions over the Cantons. Supervision by a Prosecutor General is common.
Turkey	yes	Direct hierarchical supervision and by the Ministry of Justices' inspection board.
Ukraine	yes	Hierarchical supervision, and by General Prosecutors of Ukraine.
UK-England & Wales	yes	There is regular inspection by a independent Inspectorate.
UK-Scotland	yes	The Crown office and Prosecutors Fiscal Service supervise on the basis of the Civil Service Code. Individual performance appraisal reports.

Data: Q86

The comments presented in table 40 are summarized selections of the comments that were made on this question. Table 40 shows the answers and comments from the reporting countries to the question whether public prosecutors are allowed to have other work next to being a public prosecutor.

Table 41 shows the annual number of disciplinary procedures and the number of sanction against public prosecutors.

Table 41 – Disciplinary proceedings and sanctions against public prosecutors

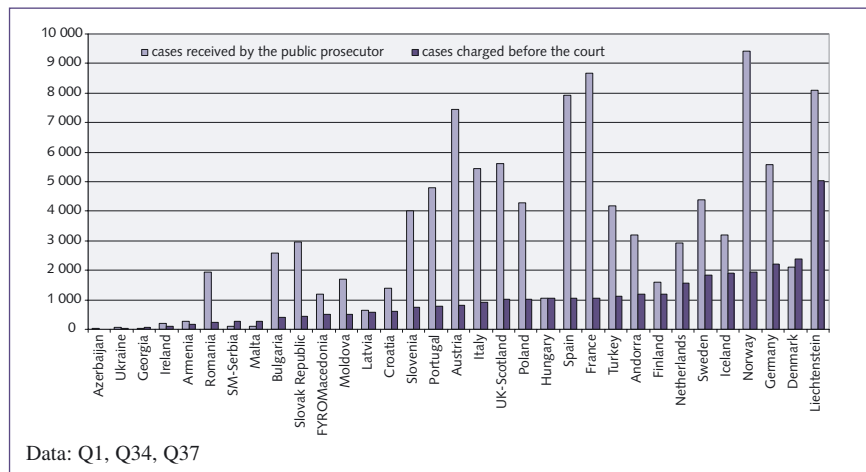
	Annual number of disciplinary proceedings against prosecutors	Annual number of sanctions against prosecutors	Per 1 000 publics prosecutors	
			Annual number of disciplinary proceedings against prosecutors	Annual number of sanctions against prosecutors
Armenia	none	4	none	10,5
Austria	1	none	4,6	none
Azerbaijan	not available	31	unknown	31,4
Bulgaria	3	1	2,7	0,9
Croatia	6	6	12,0	12,0
Czech Republic	7	1	6,6	0,9
Denmark	5	none	8,9	none
Estonia	3	2	18,4	12,3
Finland	1	1	2,9	2,9
France	7	6	4,3	3,7
Georgia	74	not reported	70,1	unknown
Hungary	7	3	5,0	2,1
Iceland	none	none	none	none
Italy	36	8	15,6	3,5
Latvia	39	28	59,6	42,8
Liechtenstein	none	none	none	none
Lithuania	not available	15	unknown	17,2
Malta	not available	none	unknown	none
Moldova	38	38	48,7	48,7
Norway	none	none	none	none
Poland	74	27	13,3	4,9
Portugal	37	6	31,5	5,1
Romania	4	1	1,9	0,5
Russian Federation	3.335	39	120,9	1,0
Slovak Republic	17	6	23,4	8,2
Slovenia	none	none	none	none
Spain	4	1	2,5	0,6
Sweden	4	2	6,1	3,1
Turkey	161	54	47,9	16,1
Ukraine	848	not reported	84,0	unknown
UK-England & Wales	6	1	2,5	0,4

Data: Q80, Q87, Q88

5.2. The functioning of the Public Prosecutor Office

Over the various systems, there is considerable variation in the number of cases received by the public prosecutors office, and the number of cases charged before the courts. This variation is due for an important part to differences in professional discretion that public prosecutors have in the various systems. First, in some systems, the decision to drop a case when no clues or suspects are found is made by the police; in other systems, this type of decision can only be made by the public prosecutor. Hence, the number of cases received by the public prosecutor is much larger in the second than in the first type of system. Second, in some systems the public prosecutor has to bring every case with a known suspect before the court; in other systems the public prosecutor is allowed to select these cases – and may even have the discretion to impose or negotiate sanctions without interference of a court¹⁰. This leads to huge variations in the number of cases received by the public prosecutor as well as the numbers of case dropped (and especially, those dropped because there is no suspect). Table 42 shows some of the variance in these patterns in more detail. A few countries have reported a lower number of cases received by the public prosecutor than the number of cases charged before the court. This may be due to the fact that the cases received are not necessarily charged before the court in the same year. Also, a case received can lead to more than one court case. Table E in appendix 6 gives some complementary information regarding cases that are not brought to court. A few countries so far have been able to present consistent information on the various steps in this process. A general problem regarding the quantitative information on this process is that what is counted changes per step (for instance: number of cases, number of suspects, number of decisions), which makes it extremely hard to present a clear picture of the whole “chain”.

Table 42 – Caseload of the public prosecutors office (cases per 100 000 inhabitants)



10. This discretion may be limited to, for instance, simple cases with confessing suspects. It may include measures negotiated, and may also involve compensation for victims.

Table 43 – The percentage of convictions and acquittals

	In robbery cases		In homicide cases	
	suspects convicted	suspects acquitted	suspects convicted	suspects acquitted
Armenia	100	0	100	0
Bulgaria	92	8	92	8
Malta	n.a.	n.a.	82	18
Netherlands	96	3	91	8
Portugal	79	21	84	16
Russian Federation	99,7	0,3	98	2
SM-Serbia	85	15	unknown	unknown
UK-Northern Ireland	76	24	60	40
UK-Scotland	81	19	88	12

Data: Q39, Q42

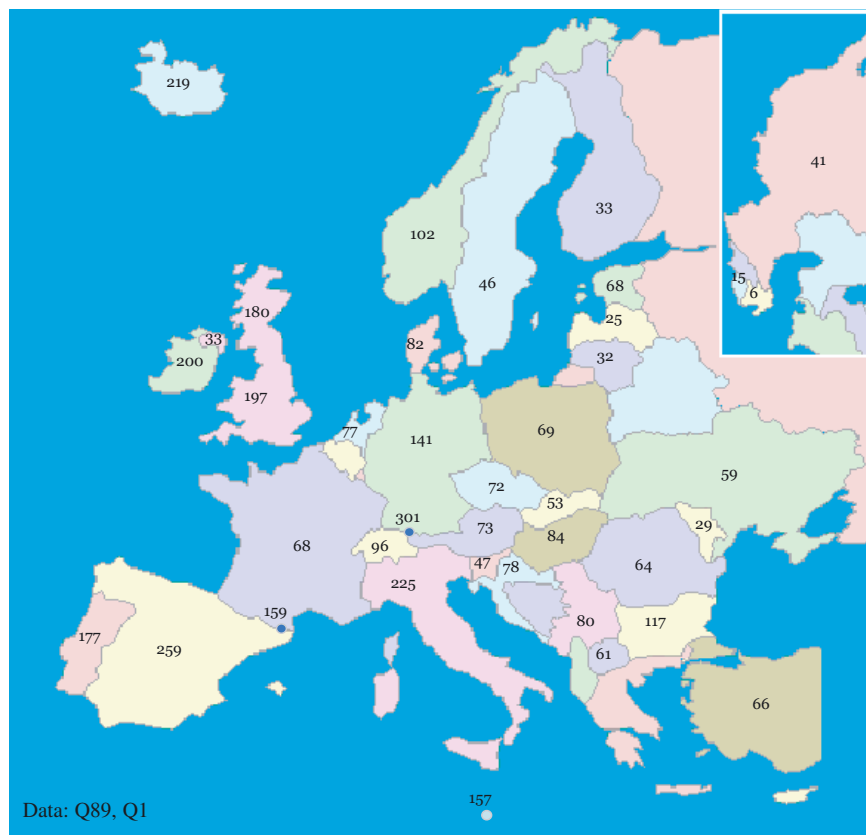
For criminal cases brought to court, table 43 shows the percentage of convicted and acquitted suspects. The percentages presented here have been calculated from the total number of suspects brought before the court (on the specific type of charge) and the number that was convicted or acquitted. Several countries have presented percentages calculated in different ways – like the ratio between the number of suspects convicted for robbery and the total number of convicted suspects.

Although presented in this chapter on the public prosecutors office' performance, this figure provides information on the functioning of the criminal system in a broader sense.

■ 6. Legal Professionals

This chapter presents a selection of information collected on legal professionals. Most of the information is on lawyers (paragraph 6.1). Two smaller sections are on enforcement officers in the civil field (6.2) and on mediators (6.3).

Figure 4 – The number of lawyers per 100 000 inhabitants



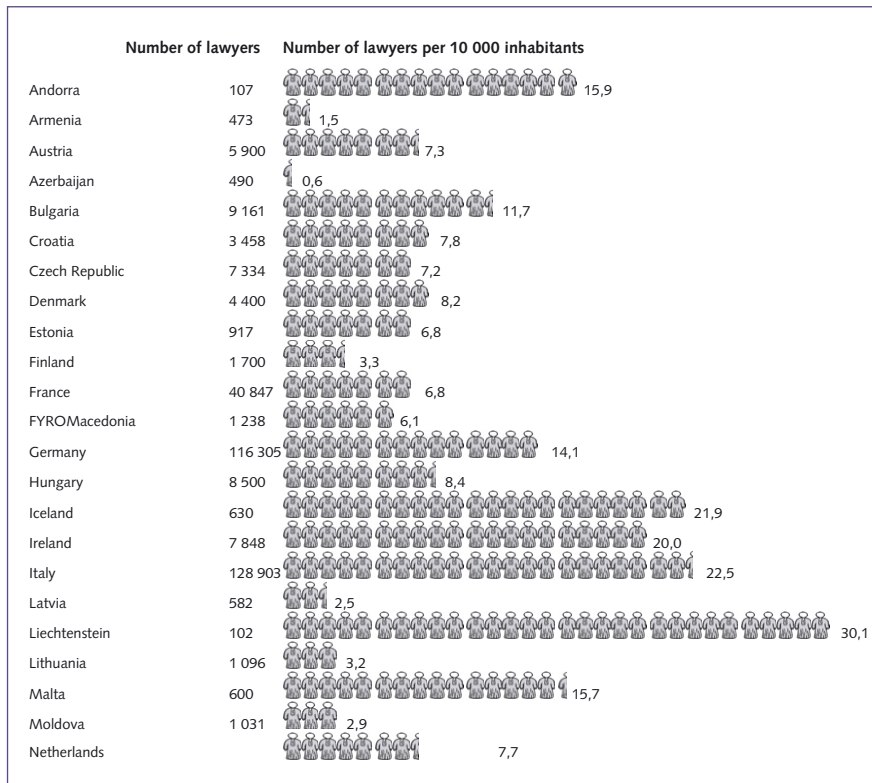
6.1. Lawyers

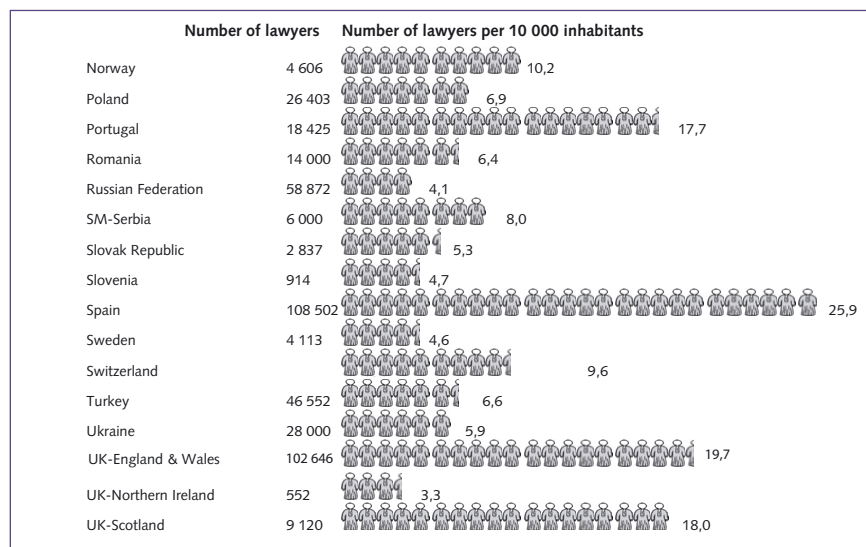
Through the CEPEJ scheme, data have been collected regarding the number of lawyers and the arrangements regarding the maintenance of quality within the professional group. An attempt to gather comparative data on the cost of lawyers' services failed.

Figure 4 shows the number of practicing lawyers per 100 000 inhabitants for the reporting countries. The number of lawyers per 100 000 inhabitants varies from 6 to 225. Regarding the question “who should be counted as ‘lawyers’”, the explanatory note with the scheme has used the definition contained in Recommendation Rec(2000)21 of the Committee of Ministers of the Council of Europe. Lawyers, according to this definition, are persons qualified and authorised according to the national law to plead and act on behalf of their clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters. Table 44 shows the number of lawyers per 10 000 inhabitants, and the absolute number for each country. Notes on which types of practitioners have qualified for this definition in the various countries are in appendix 4.

In all of the reporting countries but two, there is a professional bar association at national level. In the remaining two countries, these organisations exist at regional level. Table 46 shows the involvement of the bar association and the legislator in formulating quality standards for lawyers. In all reporting countries, except for France, such quality standards for lawyers have been formulated.

Table 44 – The number of lawyers, absolute number and per 10 000 inhabitants





Data: Q89, Q1

Table 45 – Involvement of the bar and the legislator in formulating quality standards for lawyers

Formulation of quality standards by:			
Legislator only	Bar association and legislator	Bar association only	
Austria	Armenia	Andorra	Netherlands
Azerbaijan	Estonia	Bulgaria	Portugal
Germany	Finland	Croatia	SM-Serbia
Lithuania	Hungary	Czech Republic	Slovenia
Slovak Republic	Latvia	Denmark	Spain
	Moldova	FYROMacedonia	Turkey
	Norway	Ireland	Ukraine
	Poland	Italy	UK-England & Wales
	Russian Federation	Liechtenstein	UK-Northern Ireland
	Sweden	Malta	UK-Scotland
	Switzerland		

Data: Q91

Table 46 – Disciplinary proceedings and sanctions against lawyers

	Disciplinary proceedings per 1 000 lawyers	Sanctions per 1 000 lawyers		Disciplinary proceedings per 1 000 lawyers	Sanctions per 1 000 lawyers
Andorra	84,1	93,5	Lithuania	82,1	63,9
Armenia	21,1	10,6	Moldova	140,6	3,9
Azerbaijan	not available	12,2	Netherlands	42,1	15,3
Bulgaria	10,6	9,2	Norway	37,8	21,3
Croatia	21,4	9,5	Poland	38,9	5,9
Czech Republic	18,0	25,9	Portugal	97,4	13,2
Denmark	193,4	38,9	Romania	7,1	2,1
Estonia	10,9	1,1	Russian Federation	0,1	4,8
Finland	217,6	51,2	Slovak Republic	27,1	20,8
FYROMacedonia	92,1	4,0	Slovenia	61,3	16,4
Germany	4,1	not available	Spain	16,1	3,4
Greece	43,9	2,9	Sweden	131,3	16,8
Hungary	47,3	37,6	Turkey	26,3	7,8
Ireland	8,0	6,0	Ukraine	89,3	64,3
Iceland	22,2	not available	UK-England & Wales	1,9	2,1
Italy	2,3	1,1	UK-Northern Ireland	39,9	25,4
Liechtenstein	49,0	0,0	UK-Scotland	not available	4,5

Data: Q93, Q94, Q1

All countries report that it is possible to complain about the performance of lawyers (Q95), and that disciplinary procedures can be instituted (Q92). Table 46 shows the number of disciplinary proceedings and sanctions against lawyers. Most countries have reported the annual number for 2002. Some have reported an average over three of five years. Their reports show that the number of proceedings and sanctions can vary substantially over the years.

6.2. Civil enforcement officers

Through the CEPEJ scheme various information has been collected regarding the execution of court decisions. In this paragraph, information is presented on professionals involved in the execution of court decisions in non criminal matters. These execution officers come in many different types, and the reports clearly show the various choices that can be made on public – private axis. Some countries have court employed execution officers, some are in public service outside the courts and in some countries they work as privately employed professionals.

Still, within the different modes, they perform tasks of public importance, regulated by law, and in most cases, public organisations have a role in the supervision of the professional group. In most countries, courts and judges have a role in the supervision on these professionals. No supervision exists in Denmark, Ireland and Norway.

Table 33 summarizes some of the findings. It should be noted that, while all the officers included in the table work on non criminal cases, they do not in all cases do so exclusively. The numbers on disciplinary procedures and sanctions may also include sanctions that concern the work on criminal cases.

All countries report complaints can be filed against execution officers.

Table 47 – Civil enforcement officers by type, supervision and disciplinary proceedings

	Type of officer	Supervision by:	Annual number of	
			Disciplinary proceedings	Sanctions
Azerbaijan	ushers and bailiffs of the Ministry of Justice	judges, Ministry of Justice	n.a.	128 *
Belgium	bailiffs	seizure judges, Public prosecutors office	64	8 *
Bulgaria	bailiffs	chairman of Court, inspection of the Ministry of Justice	4	3
Czech Republic	judicial executors	Chamber of executors, Ministry of Justice	5	2
Estonia	bailiffs	Chairman of Court, Ministry of Justice	18	14
Finland	bailiffs & associate bailiffs	County administrative Board, Ministry of Justice	5	1
France	bailiffs	local chamber of bailiffs, Prosecutor		
Germany	Gerichtsvollzieher	Director of the court		
Hungary	independent court bailiffs	Chamber of court bailiffs, Courts, Ministry of Justice	7	2
Iceland	Sheriffs	Ministry of Justice	0	n.a.
Ireland	county registrars/ sheriffs, revenue sheriffs	no supervision		
Italy	enforcement agents	President of Court	58	23
Latvia	court bailiffs	Ministry of Justice, Council of Court Bailiffs	19	n.a.

Liechtenstein	civil enforcement agents	Court of Justice	0	0
Lithuania	bailiffs	House of Bailiffs, court, Ministry of Justice	4	1
Moldova	judicial enforcement agents	Director of the Department	35	35 *
Netherlands	bailiffs, Added Bailiffs	Organization of Court Bailiffs	19	8
Poland	court enforcement officers	Council of Enforcement Officers, court, Ministry of Justice	16	13
Romania	private executors	National Union of Executors, court	9	6
Russian Federation	Bailiff servicemen of the Federal Bailiff Service	national authorities, federal authorities, Prosecutor-General		
Slovak Republic	judicial executors	Ministry of Justice	10	8
Slovenia	enforcement agents	Chamber of Enforcement Agents, courts, Ministry of Justice	0	0
Turkey	bailiffs	judges of civil enforcement courts, head of Inspection Board	674	96 *
UK-England & Wales	county court bailiffs, DCA authorised bailiffs, certificated bailiffs	the Court Service		

Data: Q102, Q103, Q104, Q105 * = disciplinary procedures and sanctions may include enforcement in criminal cases

6.3. Mediators

The information collected through the CEPEJ scheme regarding mediation practices is limited. Many countries have been able to report some numbers, but generally have included a comment that these numbers most probably cover only a part of the practices. For that reason, the information collected can not be used for cross country comparisons. Nevertheless, the information does show that many countries are in the process of developing mediation practices. For instance, twelve countries have reported amounts of public budget that are devoted to (the development of) mediation. Fifteen countries have reported numbers of accredited or registered mediators and seventeen countries have been able to report numbers of mediation cases.

This does show that in many countries some mediation practice exists, that public budget is used to stimulate such practices, and that some system of registration or accreditation has been set up regarding mediators. In appendix 6, the figures regarding public budget for mediation (table F) and the number of registered or accredited mediators (table G) are included.

■ Appendices

Appendix 1

The CEPEJ working groups of 2003 and 2004

Working Group No1 (CEPEJ-GT1)

1. 26-27 June 2004
2. 2-3 October 2003

Working Group No1 (CEPEJ-GT2004)

3. 22-24 September 2004
4. 8-10 November 2004

Croatia

Alan UZELAC, Ph.D. Professor at the Faculty of Law, University of Zagreb (3, 4)

France

Jean-Paul JEAN, *Substitut général*, Court of Appeal of Paris (Chair) (1,2,3, 4)

Odile TIMBART, Head of the Bureau of Statistics, Ministry of Justice (2)

Germany

Eberhard DESCH, Head of Division of International Law, Federal Ministry of justice, Berlin (Chair of the CEPEJ/Président de la CEPEJ) (1, 2, 3, 4)

Italy

Fausto DE SANTIS, Director General in the Bureau of Judicial organisation, Ministry of Justice, Rome (1, 2,3)

Mario REMUS, Judge of Cassation, Ministry of Justice, Rome, (3, 4)

Netherlands

Pim ALBERS, Senior Policy Advisor, Strategy Department for the Administration of Justice, Ministry of Justice, The Hague (1, 2, 3, 4)

Roland ESHUIS, Researcher of the WODC, Dutch ministry of Justice, The Hague (Scientific expert/expert scientifique) (1, 2, 3, 4)

Norway

Jon T. JOHNSEN, Professor in Law, Department of public law, University of Oslo (3, 4)

Poland

Beata Z. GRUSZCZYŃSKA, Institute of Justice, Ministry of Justice, Warsaw (1, 2, 3, 4)

Portugal

Maria Joao COSTA, Office of legislative and Planification policy, Ministry of Justice, Lisbon (1, 2)

Romania

Ion POPA, Director, Ministry of Justice, Direction of Organisation, Human Resources and Judiciary Statistics, Bucharest (4)

United Kingdom

Deirdre BOYLAN, Policy Officer, Department for constitutional Affairs, London (2)

Hazel GENN, Professor of Socio-Legal Studies, Faculty of Laws, University College London (1, 2, 3)

Richard MORTIMER, Head of Courts & Tribunals Bill Team, Clients & Policy Group, Department for Constitutional Affairs, London (1)

Judith SIDAWAY, Head of Research Unit, Clients & Policy Group, Department for Constitutional Affairs, Selborne House, London (1)

European Commission

Katarzyna GRZYBOWSKA, Seconded National Expert, DG JAI, Brussels (3, 4)

Observers

Japan

Pierre DREYFUS, Assistant, Genral Consulate of Japan, Strasbourg (2)

Naoyuki IWAI, General Consul of Japan, Strasbourg (2)

Mexico

Eduardo BACA, Chief of Staff / Office of the Deputy Minsiter for Human Rights and Democracy (1)

Ricardo SEPULVEDA, Director of the Unity of Promotion of Human Rights,
Minister of Interior (1, 2)

Juan SILVA MEZA, Minister, Member of the Supreme Court of Justice of
Mexico (2)

World Bank

Klaus DECKER, Programme adviser, Washington D.C. (1, 2, 3)

Appendix 2

The CEPEJ Pilot-scheme for evaluating judicial systems

Country :

Contact Name:

E-mail:

I. General information

1. Number of inhabitants

Number: Year of reference: Source:

2. Total annual State/regional public budget

Budget: Year of reference: Source:

3. Average gross annual salary

Salary: Year of reference: Source :

II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: Year : Source :

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: Year : Source :

- annual public budget spent on legal aid in other court cases

Annual budget: Year : Source :

6. Total number of legal aid cases (in a year)

Number of cases: Year : Source :

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: Year : Source :

- the total number of legal aid cases in other court cases (in a year)

Number of cases: Year : Source :

8. Does your country have an income and asset test for granting legal aid?

Yes / No:

9. If yes, what is the maximum income level for granting legal aid?

Income level: Year :

10. Is it possible to refuse legal aid for lack of the merit of the case?
(eg. for frivolous or vexatious actions, or cases without merit)
Yes / No:

If yes, is the decision taken by :

- the court
- a body external to the court
- a mixed decision-making body (court and external)
- other:

What factors are taken into account ?

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise:

If yes, is this true for :

- criminal cases? Yes / No
- other than criminal cases? Yes / No

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise:

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise:

If yes, is this true for :

- criminal cases ? Yes / No
- other than criminal cases? Yes / No

14. In your country, have studies been carried out on the costs of cases brought to courts concerning:

- users? Yes / No
- the State? Yes / No

If yes, please indicate the references of these studies published in the year 2002 or 2003:

(Author / instance) (Title) (Type of courts or costs reported on):

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? Yes / No
- internet address:

- to the case-law of the higher court/s? Yes / No

internet address:

- to other documents (for examples legal forms)? Yes / No

internet address:

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / No

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / No

Comments:

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary? Yes / No

If yes, are these surveys

- at national level Yes / No

- at court level Yes / No

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / No

Please specify:

- at court level/internal procedure Yes / No

- at court level/external procedure Yes / No

- at national level/internal procedure Yes / No

- at national level/external procedure Yes / No

Comments:

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complain within a certain time limit?

- time limit to respond: Yes / No

- time limit for dealing with the complaint: Yes / No

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts:

23. Number of general jurisdiction first instance courts

Number of courts:

24. Number of specialised first instance courts

Please specify the different areas of specialisation

(area of specialisation)

(number of courts)

25. Number of professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)
Number of judges: fte Year :
Source :
26. Number of non-professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)
Number of judges: fte Year :
Source :
Please give details:
27. Number of non-judge administrative staff who are working in courts
(present the information in full time equivalent and for permanent posts)
Number of staff: fte Year :
Source :
28. Annual budget allocated to all courts
Annual budget: Year : Source :
29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts
Annual budget: Year : Source :
30. Has the budget for justice increased during the last 5 years? Yes / No
What are the figures?
Budget: Year:
31. Which institution is formally responsible for setting up the budget devoted to courts?
- the ministry of Justice (or equivalent) Yes / No
- the Government Yes / No
- the Parliament Yes / No
- the Judicial Council Yes / No
- the Courts Yes / No
- other:
32. Who manages the budget of the courts?
- the President of the Court Yes / No
- the person administratively responsible for the court Yes / No
- other:
33. Which institution is responsible for arranging and scheduling the court hearings/sessions?
- in criminal cases: the court/public prosecuto/lawyer/other:
- in other than criminal cases the court/public prosecutor/lawyer/other:

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: Year : Source :

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: Year : Source :

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: Year : Source :

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: Year : Source :

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: Year : Source :

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: Year : Source :

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: Year : Source :

Please indicate, if possible:

Number of convicted persons: % of convicted persons:

Number of acquitted persons: % of acquitted persons:

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: Year : Source :

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: Year : Source :

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: Year : Source :

Please indicate also if possible:

Number of convicted persons: % of convicted persons:

Number of acquitted persons: % of acquitted persons:

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: Year : Source :

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: Year : Source :

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: Year : Source :

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: Year : Source :

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: Year : Source :

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: Year : Source :

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: Year : Source :

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: Year : Source :

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: Year : Source :

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: Year : Source :

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: Year : Source :

54. In general, do the courts in your country have computer facilities?

- for judges Yes / No

- for non-judges court staff Yes / No

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary ? Yes / No

If yes, please specify the name and the address of this institution

(Name)

(Address)

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone Yes / No

- Mail Yes / No

- Fax Yes / No

- E-mail Yes / No

- Internet Yes / No

57. Is there an electronic form to carry out certain procedural steps? Yes / No

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: Year : Source :

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / No

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No

61. Are reasons given for all prison sentences? Yes / No

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: days Year : Source :

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: days Year : Source :

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: days Year : Source :

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: days Year : Source :

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: days Year : Source :

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: days Year : Source :

68. Do you, on a regular basis, measure the size of backlog cases in the courts? Yes / No

69. Do you have a way of analysing queuing time during court procedures? Yes / No

If yes, please specify:

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary : Year : Source :

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary : Year : Source :

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes / No

If yes, please specify:

73. Are judges recruited and nominated by an independent institution? Yes / No (if yes), who are represented in this institution:

- the members of the judiciary Yes / No

- officials not part of the judiciary Yes / No

- a mixture of the two categories referred to above Yes / No

Is the process of selection and nomination of judges carried out according to pre-established procedures ? Yes / No

74. Is there a system of induction and continuation training for judges? No/Yes, but not compulsory/Yes, compulsory

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: Year : Source :

75. Is there a system of supervision and control on the courts - other than through appeal ? Yes / No

If yes, please specify:

76. Is there in your country a system of temporary judges? Yes / No

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify:

77. Annual number of disciplinary proceedings against judges

Number of proceedings: Year : Source :

78. Annual number of sanctions against judges

Number of sanctions: Year : Source :

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: Year : Source :

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: Year : Source :

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary : Year : Source :

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : Year : Source :

83. Can public prosecutors combine their work with other professions? Yes / N

If yes, please specify:

84. Are public prosecutors recruited and nominated by an independent institution?
Yes / No

(If yes), who are represented in this institution:

- the public prosecutors ? Yes / No
- other stakeholders outside? Yes / No
- a mixture of the two categories referred to above? Yes / No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes / No

85. Is there a system of induction and continuation training for public prosecutors
No / Yes, but not compulsory / Yes, but compulsory

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: Year : Source :

86. Is there a system of supervision and control on public prosecutors? Yes / N
If yes, please specify:

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: Year : Source :

88. Annual number of sanctions against public prosecutors

Number of sanctions: Year : Source :

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: Year : Source :

90. Is there a national bar association? Yes / No

91. Have quality standards been formulated for lawyers? Yes / No

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No
- the legislature Yes / No
- other Yes / No

92. Can disciplinary proceedings be instituted against lawyers? Yes / No

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: Year : Source :

94. Annual number of sanctions against lawyers

Number of sanctions: Year : Source :

95. Is it possible to complain about the performance of lawyers? Yes / No

If yes, please specify:

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: Year : Source :

IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

Number of mediators: Year : Source :

98. How much public budget is devoted to mediation?

Amount: Year : Source :

99. Number of incoming mediation cases (in a year)

Number of cases: Year : Source :

100. Number of cases solved through mediation (in a year)

Number of cases: Year : Source :

If possible, please specify:

- number of criminal cases solved through mediation:

- number of cases other than criminal solved through mediation:

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No

- in other than criminal cases? Yes / No

Year : Source :

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

(Type) (Number) (Year) (Source)

- in other than criminal cases:

103. Is there an institution to supervise or control the activities of enforcement agents? Yes / No

If yes, please specify:

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: Year : Source :

105. Annual number of sanctioned enforcements agents

Number of agents: Year : Source :

106. Is it possible to file a complaint against an enforcement agent? Yes / No

If yes, please specify:

107. Does the court play a role in the execution of court decisions? Yes / No

If yes, please specify:

108. Are the courts competent to decide against public authorities? Yes / No

Are the courts involved in executing decisions against public authorities? Yes / No

Explanatory note

I. Introduction

In conformity with the Programme of activity of the CEPEJ for 2003, the Working Party N° 1 (CEPEJ-GT1) of the CEPEJ elaborated and finalised by consensus the “Scheme for the evaluation of judicial systems”.

The main aim of this Scheme is to enable States to compare the functioning of (key elements of) their systems with that of other States, and provide the benchmarks to evaluate this functioning.

This Scheme contains both qualitative and quantitative indicators for evaluating each judicial systems’ performances.

This Scheme has already been tested by the members of the CEPEJ-GT1, which were able to answer most of the questions. Should a State/jurisdiction not be able to answer all the questions, this will not be a problem. It is hoped that the Scheme will also stimulate States to collect data where this is not yet the case.

It should also be noted that the Scheme does not intend to contain an exhaustive list of indicators nor does it intend to be an academic or scientific study. It contains indicators which, in all the aspects of the functioning of the judicial system, have been considered really necessary for States to understand better the functioning of their judicial system. Some of these benchmarks, for example on information technologies and mediation, will allow an in-depth work of the European Commission for the efficiency of justice in these questions which is very promising in terms of improving.

The present explanatory note has the sole purpose of assisting those who will ultimately be responsible for filling the Scheme.

II. Comments to the questions contained in the Scheme

a. General considerations

Please indicate the sources of your data when possible.

The year of reference for this first application of the scheme will be 2002. We’d like to ask you to, where possible, use figures on the year 2002. If not (yet) available, please use the most recent figures. In all cases, please indicate the year of reference used.

In case of questions on numbers, year of reference and source, you can enter your reply above the dots. For instance, a reply on the first question may look like this:

1. Number of inhabitants

Number: 16 000 000

Year of reference: 2002

Source: National Statistics Office

About half of the questions in the list, a choice between “yes” or “no” is offered. It may, however, not always be possible to choose between these answers. Please feel free to enter an alternative answer of your choice. If certain information is not available, please use “NA”.

If a certain question cannot be answered, is not clear, or seems ambiguous, please comment on it. Your comments will be used not only for a right interpretation of your reply, but also to improve the questionnaire itself.

b. Comments question by question

Question 1

Question 1 requires States to indicate the number of inhabitants in the country. If the data requested concern 2002, the number of inhabitants should be calculated on 1 January 2003.

Question 2

Question 2 requires States to indicate, if possible in Euros, the total annual State or regional budget. The term « regional » has been added to include the situation of federal States or States having a distribution of power between central and regional authorities. The answer to this question, will enable ratios to be made with respect to the real “investment” made by States in the functioning of justice (see, for instance, questions 4, 5, 27, 28 and 29).

Question 3

Question 3 requires States to indicate the average gross annual salary. This information will be important to make ratios with respect to salaries of all the main “actors” of the judicial system, particularly judges and prosecutors.

Question 4

Question 4 requires States to indicate, if possible in Euros, the annual public budget spent on legal aid. The budget covers all the public budget of the Ministry of justice and/or local communities devoted to legal aid (both legal representation and legal advice). This number concerns exclusively the amounts received by the beneficiaries or by their lawyers (administrative costs excluded).

For the purposes of this scheme, legal aid means assistance by the States to persons who lack the financial means enabling them to protect their rights in court. As regards the characteristics of legal aid, see Resolution Res(78)8 of the Committee of Ministers of the Council of Europe on legal aid and advice. Legal aid may concern all the parties in a proceeding (eg. victims, defendants, etc...).

Question 5

Question 5 requires States to indicate, if possible, the annual public budget spent on legal aid in criminal and in other (non-criminal) court cases. This amount should be indicated if possible in Euros. This number concerns exclusively the amounts received by the beneficiaries or by their lawyers (administrative costs excluded).

When answering the part of the question concerning other (non-criminal) court cases, please specify, if possible, which cases are concerned.

Question 6

Question 6 requires States to indicate the total number of legal aid cases (yearly). This question refers to the number of decisions granting legal aid to people involved in court cases. It does not include legal aid matters that are not brought to court.

Question 7

Question 7 requires States to indicate, if possible, the total number of legal aid cases in criminal matters and in other (non-criminal) court cases (yearly). When answering the part of the question concerning other (non-criminal) court cases, please specify, if possible, which cases are concerned. The remark above (question 6) also applies here.

Question 8

Question 8 requires States to indicate whether they have an income and asset test for granting legal aid.

Question 9

Should the answer to question 8 be affirmative, Question 9 requires States to indicate the maximum income level for granting legal aid. This refers to the annual income for a single person and should be indicated, if possible, in Euros.

Question 10

Question 10 requires States to indicate whether it is possible, under their legal system, to refuse legal aid for lack of the merit of the case (eg. concerning the abusive character of legal actions). If so, States should also indicate who takes such a decision of [according or] refusing legal aid, choosing one of the offered proposals. Please also indicate what factors are taken into account.

Question 11

Question 11 requires States to indicate whether exists a general rule according to which a person has to pay a court tax or fee to start a proceeding at a general jurisdiction court, for criminal matters and for other than criminal matters.

For the purposes of this scheme, courts of general jurisdiction means those courts which deal with all those issues which are not attributed to specialised courts owing to the nature of the case.

Question 12

Question 12 requires States to indicate whether your country has a private system of legal expenses insurance for the individuals. This question does not refer to companies. For the purposes of this scheme, “legal expenses insurance” covers the costs of legal proceedings and other services relating to settlement of the claim. If possible, please give some indications about the development of such insurances in your country. Please also specify whether this is a growing phenomenon.

Question 13

Question 13 requires States to indicate whether the judicial decision given by the judge has an impact on who carries judicial costs. In other words, States should indicate whether for instance in a civil case, the losing party has to bear the costs of the winning party. In the affirmative case, States should indicate whether this concerns criminal cases, other (non-criminal cases) or both.

For the purposes of this scheme, judicial costs include all costs of legal proceedings and other services relating to the case paid par the parties during the processing (taxes, legal advice, representation, travel expenses, etc).

Question 14

Question 14 requires States to indicate whether studies have been done, in their country, on the costs of cases brought to courts for users, for the State or for both. If so, please specify the references of these studies [for the reference’s year].

Question 15

Question 15 requires States to indicate whether there are official internet sites/portals (eg. of the Ministry of justice) on which the general public may have free access to (i) legal texts (eg. codes, laws, regulations, etc..), (ii) to the case-law of the higher court/s, (iii) to other documents (for example legal forms). In the affirmative case, States are required to indicate the Internet address.

Question 16

While question 15 concerns the general public, Question 16 requires States to indicate, more specifically, whether there exists a public and free-of-charge for victims specific information system to inform and help victims of crimes.

Question 17

Question 17 is yet more specific as compared to questions 15 and 16. It requires States to indicate whether there exists a public, free-of-charge and personalised information system, managed by the police or the justice system, on the follow up

given to complaints by victims of crimes. Such a system must be able to inform the person whether the complaint was dealt with, by whom, whether it has been transmitted, to which institution, what is the “state of affairs” of this deal, etc.

Question 18

Question 18 requires States to indicate whether they have a public compensation fund to compensate the victims of crime. If such a fund exists, please indicate for what kind of crimes/or damages the compensation can be obtained, and what is the maximum amount of this compensation.

Question 19

Question 19 requires States to indicate whether they have users’ or legal professionals’ (eg. judges, lawyers, officials) inquiries to measure the public trust and the satisfaction of the services delivered by the judiciary.

Please note that this question concerns inquiries of real users, directly involved in the judiciary (eg. Parties) and does not concern general public surveys.

If the country concerned has such inquiries, please specify whether they are carried out at a national or a court level.

Question 20

Question 20 requires States to indicate whether there is a national or local procedure for complaints regarding the bad functioning of the judiciary. This question refers to both internal and/or external handling (eg. through an ombudsman) of complaints. Please choose between the four possibilities proposed.

Question 21

Question 21 requires States to indicate whether there is an obligation for the institution which receives a complaint to respond and/or to deal with the request within a certain time limit.

Question 22

Question 22 requires States to indicate the total number of courts on their territory. Please specify, if possible, the different kinds of courts concerned. For this question, please count only the principal seats of common and specialised courts.

Question 23

Question 23 requires States to indicate the number of general jurisdiction first instance courts. For the purposes of this scheme, courts of general jurisdiction means those courts which deal with all those issues which are not attributed to specialised courts owing to the nature of the case (see the next question).

When providing this information, please count only the main seats of the court.

Question 24

Question 24 requires States to indicate the number of specialised first instance courts, if any. The definition of specialised courts is meant a contrario of the definition of general jurisdiction courts contained above.

Question 25

Question 25 requires States to indicate the number of professional judges sitting in courts. The information should be presented in full time equivalent and for permanent posts.

For the purposes of this scheme, professional judges are those trained and paid as such. Please refer to the number of actually filled posts and not the theoretical budgetary posts.

Question 26

Question 26 requires States to indicate the number of non-professional judges sitting in courts. The information should be presented in full time equivalent and for permanent posts. If this data is not available, you can indicate for each category of non professional judges the average number of days worked every month.

For the purposes of this scheme, non-professional judges are those giving binding decisions in a public forum, but who do not fall in the category of the preceding question. Arbitrators are not concerned by this question.

Question 27

Question 27 requires States to indicate the number of non-judge administrative staff (eg. court clerks, secretaries, etc..) who are working in courts. The information should be presented in full time equivalent and for permanent posts.

Question 28

Question 28 requires States to indicate the annual budget allocated to all courts. This budget concerns neither the penitentiary system nor the Ministry of Justice itself and the bodies related to it. It should be indicated, if possible, in Euros.

Question 29

Question 29 is complementary to the previous question. It requires States to indicate, if possible in Euros, the annual budget allocated to the Ministry of justice or the institution which is responsible for the functioning of courts (for example the Judicial Council).

Question 30

Question 30 requires States to indicate whether the budget for justice has increased during the last 5 years and where possible amounts should be indicated showing this trend. Please indicate the global budget for justice and the ratio budget for justice/budget for State. Does this budget include the budget of the

police ? Of the penitentiary ? Of the other organs linked to the Ministry of justice/Ministry of the Interior (for example probation officers) ?]

Question 31

Question 31 requires States to indicate which institution is formally responsible to set up the amount of budget allocated to the courts.

Question 32

Question 32 is related to question 31 and requires States to indicate who manages the budget of the courts (The President of the Court ? The person administratively responsible for the Court).

Question 33

Question 33 requires States to indicate which institution is responsible for arranging and scheduling the court hearings/sessions in criminal cases and in cases other than criminal cases.

Question 34

Question 34 requires States to indicate the total number of criminal cases received by the public prosecutor (in a year).

Question 35

Question 35 requires States to indicate the total number of criminal cases dropped by the public prosecutor (in a year). A dropped criminal case is a case, received by the public prosecutor, that is not taken to court and is concluded without any sanction or measure. If the answer cannot be given in terms of cases, it can be given in terms of individuals concerned (as in a single case, there might be more individuals concerned, whose situation may be considerably different.

Out of this total, States are also required to indicate those dropped because the author has not been identified.

Question 36

Question 36 requires States to indicate the total number of criminal cases which are concluded by a sanction/measure imposed/negotiated by the public prosecutor (in a year).

Question 37

Question 37 requires States to indicate the total number of criminal cases charged by the public prosecutor before the courts (in a year).

Question 38

Question 38 requires States to indicate the total number of incoming cases in the courts concerning robbery cases. This question refers only to the first instance. For the purposes of this scheme, robbery means stealing from a person with force

or threat of force. Where possible, these figures include: muggings (bag-snatching) and theft immediately followed by violence (see the European Sourcebook of crime and criminal justice statistics). This notion does not include attempts.

Question 39

Question 39 requires States to indicate the total number of judicial decisions in robbery cases (in a year). This question refers only to the first instance. Please also indicate the number or % of convicted persons, and the number or % of acquitted persons.

Question 40

Question 40 requires States to indicate the percentage of decisions concerning robbery which are subject to an appeal to a higher court (yearly).

Question 41

Question 41 requires States to indicate the total number of incoming criminal cases in the courts concerning intentional homicide (yearly). This question refers only to the first instance.

For the purposes of this scheme, intentional homicide means intentional killing of a person (see the European Sourcebook of crime and criminal justice statistics). This notion does not include attempts.

Question 42

Question 42 requires States to indicate the total number of judicial decisions concerning intentional homicide (yearly). This question refers only to first instance cases. Please indicate also the number or % of convicted persons, and the number or % of acquitted persons.

Question 43

Question 43 requires States to indicate the percentage of decisions concerning intentional homicide subject to an appeal to a higher court (yearly).

Question 44

Question 44 requires States to indicate the total number of incoming civil and administrative cases in the courts (yearly). This includes only litigious disputes (this remark also applies to questions 45 and 46). This question refers only to first instance cases.

Question 45

Question 45 requires States to indicate the total number of judicial decisions in civil and administrative matters (yearly). This refers to judgments actually pronounced by courts. This question refers only to first instance cases.

Question 46

Question 46 requires States to indicate the percentage of decisions concerning civil and commercial matters subject to an appeal to a higher court (yearly).

Question 47

Question 47 requires States to indicate the total number of incoming divorce cases in the courts (yearly). This question refers only to first instance cases. This includes only litigious divorces judged by courts and not those divorces which are mutually agreed by the parties and only require an administrative registration procedure.

Question 48

Question 48 requires States to indicate the total number of judicial decisions in divorce cases (yearly). This question refers only to first instance cases.

Question 49

Question 49 requires States to indicate the number of divorce cases other than those pronounced by mutual agreement subject to an appeal to a higher court (yearly).

Question 50

Question 50 requires States to indicate the total number of incoming dismissal cases in the courts (yearly). This question refers only to first instance cases. For the purposes of this scheme, dismissal means a termination of employment at the initiative of the employer (Appendix II to the Revised European Social Charter, Part II, Article 24).

Question 51

Question 51 requires States to indicate the total number of judicial decisions of dismissal cases (yearly). This question refers only to first instance cases.

Question 52

Question 52 requires States to indicate the percentage of decisions concerning dismissal cases subject to an appeal to a higher court (yearly).

Question 53

Question 53 requires States to indicate, if possible in Euros, the annual IT budget allocated to the courts. This budget shall include both human and material resources.

Question 54

Question 54 requires States to indicate whether, in general, the courts in the country have computer facilities for judges and for non-judges court staff.

Question 55

Question 55 requires States to indicate whether there is a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts. If yes, please specify its name and address.

Question 56

Question 56 requires States to indicate the what kind of facilities can be used by the clients of the courts to communicate with the courts (multiple choices are possible):

- Telephone
- Mail
- Fax
- E-mail
- Internet

Question 57

Question 57 requires States to indicate whether there is an electronic form to carry out certain procedural steps (eg. e-filing system).

Question 58

Question 58 requires States to indicate the percentage of adversary judgements in criminal cases in first instance. For the purposes of this scheme, the right to an adversarial trial means the opportunity for the parties to have knowledge of and comment on the observations filed or evidence adduced by the other party (see amongst others Ruiz-Mateos vs. Spain, judgment of 23 June 1993, Series A no. 262, p.25, para. 63).

Question 59

Question 59 requires States to indicate whether there is a right to an interpreter for all those within their jurisdiction if the persons cannot understand or speak the language used in court.

Question 60

Question 60 requires States to indicate whether there is an effective remedy to a superior jurisdiction for all cases.

Question 61

Question 61 requires States to indicate whether all judgments to prison are given or reason for or are duly motivated. For the purposes of this scheme, a decision is motivated when it indicates those de jure and de facto considerations which are at the basis of the sentences and is understandable for users.

Question 62

Question 62 requires States to indicate the average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment. This period excludes the period of police investigation.

Question 63

Question 63 requires States to indicate the average length, in days, of robbery cases from the formal beginning of the prosecution until the judgment of appeal (when there is an appeal).

Question 64

Question 64 requires States to indicate the average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment. This includes only litigious divorces judged by a court.

Question 65

Question 65 requires States to indicate the average length, in days, of divorce cases from the deposit of the complaint until the judgment of appeal (when there is an appeal). This includes only litigious divorces judged by a court.

Question 66

Question 66 requires States to indicate the average length, in days, of dismissal cases from the deposit of the complaint until the first instance judgment.

Question 67

Question 67 requires States to indicate the average length, in days, of dismissal cases from the deposit of the complaint until the judgment of appeal (when there is an appeal).

Question 68

Question 68 requires States to indicate whether they measure, on a regular basis, the size of backlog cases in the courts.

Question 69

Question 69 requires States to indicate whether they have a way of analysing the queuing time (i.e. time when nothing happens) during judicial procedures. If so, please specify.

Question 70

Question 70 requires States to indicate the gross annual salary of a first instance professional judge at the beginning of his/her career – working full time.

Question 71

Question 71 requires States to indicate the average gross annual salary of a judge of the Supreme Court or of the highest appellate court. If the answer to this question causes difficulties, you can indicate the minimum and maximum gross annual salary.

Question 72

Question 72 requires States to indicate whether judges can combine their work with other professions (eg. university professors, arbitrators, consultants, etc.). If so, please specify.

Question 73

Question 73 requires States to indicate whether judges are recruited and nominated by an independent institution, and, if so, to give the composition of this institution (please choose between the three proposed possibilities). It asks also to indicate whether the process of selection and nomination is carried out according to pre-established procedures.

Question 74

Question 74 requires States to indicate whether they have a system of initial and/or continuous training of judge and, if so, whether it is compulsory for judges. Please specify also the average annual percentage of judges who followed a continuous training session.

Question 75

Question 75 requires States to indicate whether they have a system of supervision and control on the judiciary - other than through appeal - for example an inspection for the judiciary or a system of evaluation of the judicial and non-judicial tasks of judges. If so, please specify.

Question 76

Question 76 requires States to indicate if they have a system of temporary judges? And, if any, whether these judges are paid on the basis of their activity. If so, please specify.

Question 77

Question 77 requires States to indicate the annual number of disciplinary proceedings lodged against judges.

Question 78

Question 78, which is related to the previous question, requires States to indicate the annual number of sanctions against judges (following disciplinary proceedings).

Question 79

Question 79 requires States to indicate the annual budget for the public prosecution. For the purposes of this scheme, the terms “Public prosecutors” is meant in accordance with the definition contained in Recommendation Rec (2000)19 of the Committee of Ministers of the Council of Europe on the role of public prosecution in the criminal justice system: they are public authorities who, on behalf of society and in the public interest, ensure the application of the law where the breach of the law carries a criminal sanction, taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system.

If the budget is the same for judges and prosecutors, please show the ratio indication of the results.

Question 80

Question 80 requires States to indicate the number of professional public prosecutors (in fulltime equivalent).

Question 81

In parallel to the similar questions on judges, Question 81 requires States to indicate the gross annual salary of a public prosecutor at the beginning of his/her career.

Question 82

In parallel to the similar questions on judges, Question 82 requires States to indicate the average gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court. If the answer to this question causes difficulties, you can indicate the minimum and maximum gross annual salary.

Question 83

In parallel to the similar questions on judges, Question 83 requires States to indicate whether public prosecutors can combine their work with other professions. If so, please specify.

Question 84

In parallel to the similar questions on judges, Question 84 requires States to indicate whether public prosecutors are recruited and nominated by an independent institution, and, if so, to give the composition of this institution (please choose between the three proposed possibilities). It asks also to indicate whether the process of selection and nomination is carried out according to pre-established procedures.

Question 85

In parallel to the similar questions on judges, Question 85 requires States to indicate whether they have a system of initial and continuous training for public pros-

ecutors and, if so, whether it is compulsory for them. Please specify also the average annual percentage of prosecutors who followed a continuous training session.

Question 86

In parallel to the similar questions on judges, Question 86 requires States to indicate whether they have a system of supervision and control on the public prosecutors – for example an inspection or a system of evaluation. If so, please specify.

Question 87

In parallel to the similar questions on judges, Question 87 requires States to indicate the annual number of disciplinary proceedings against public prosecutors.

Question 88

In parallel to the similar questions on judges, Question 88 requires States to indicate the annual number of sanctions against public prosecutors (following disciplinary proceedings).

Question 89

Question 89 requires States to indicate the number of practising lawyers. For the purposes of this scheme, the term “Lawyers” is meant in accordance with the definition contained in Recommendation Rec(2000)21 of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyers: they are persons qualified and authorised according to the national law to plead and act on behalf of their clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters.

If possible, indicate also the evolution of the number of lawyers in the last 5 years.

Question 90

Question 90 requires States to indicate whether they have a national bar association.

Question 91

Question 91, which is related to the previous question, requires States to indicate, if quality standards have been formulated for lawyers. If yes, please indicate who is responsible for the formulating of these standards choosing from one of the specified options.

Question 92

Question 92 requires States to indicate whether disciplinary proceedings exist for lawyers.

Question 93

Question 93 requires States to indicate the annual number of disciplinary proceedings against lawyers.

Question 94

Question 94 requires States to indicate the annual number of sanctions against lawyers (following disciplinary proceedings).

Question 95

Question 95 requires States to indicate whether there is an official way of complaining on the lawyers' performances. If so, please specify.

Question 96

Question 96 requires States to indicate the amount paid by the State in respect of legal aid for a first instance divorce case.

Question 97

Question 97 requires States to indicate the number of persons registered as mediators. For the purposes of this scheme, the term "Mediation" is meant in accordance with the definition contained in Recommendation Rec(2002)10 of the Committee of Ministers of the Council of Europe on mediation in civil matters: it is a dispute resolution process whereby parties negotiate over the issues in dispute in order to reach an agreement with the assistance of one or more mediators.

Question 98

Question 98 requires States to indicate how much public budget is devoted to mediation. This refers to both human and material resources, at the State and/or local level.

Question 99

Question 99 requires States to indicate the number of incoming mediation cases (yearly) in criminal cases and in cases other than criminal cases as defined by Recommendation Rec (2002)10 referred to above.

Question 100

Question 100 requires States to indicate the number of cases solved through mediation (yearly) in criminal cases and in cases other than criminal cases.

Question 101

Question 101 requires States to indicate in which area of law is mediation most practiced and successful in criminal cases and in cases other than criminal cases.

Question 102

Question 102 requires States to indicate the number and type (eg. bailiffs, sheriffs, tax officials, etc...) of enforcement agents in criminal cases and in cases other than criminal cases. For the purposes of this scheme, the term "Enforcement agent" is meant in accordance with the definition contained in Recommendation Rec(2003)17 of the Committee of Ministers of the Council of Europe on enforce-

ment: it is a person authorised by the state to carry out the enforcement process irrespective of whether that person is employed by the state or not. The information provided under this section concerns civil matters, including commercial, consumer, labour and family law matters. The information provided under this section does not apply to administrative matters. The information provided under this section may apply to those criminal matters which do not concern the deprivation of liberty.

Question 103

Question 103 requires States to indicate whether they have an institution responsible for supervise or control the activity of enforcement agents. If so, please specify. Yet again a distinction might be made between criminal cases and cases other than criminal cases.

Question 104

Question 104 requires States to indicate the annual number of disciplinary proceedings against enforcement agents, if possible with a distinction between the different categories of agents.

Question 105

Question 105 requires States to indicate the annual number of sanctioned enforcement agents (following disciplinary proceedings).

Question 106

Question 106 requires States to indicate whether there exists a possibility of filing complaints against enforcements agents. If so, please specify.

Question 107

Question 107 requires States to indicate whether courts have a role to play in the execution of court decisions. If so, please specify.

Question 108

Question 108 requires States to indicate whether the courts have the competence to decide against public authorities, and if they are involved in the execution of decisions against public authorities.

Appendix 3

Methodological issues

This appendix summarizes the methodological issues regarding the pilot of the CEPEJ scheme. These include problems regarding the interpretation of specific items as well as problems regarding the scaling and comparison of results.

Scaling by average salary

In the analysis, the average salary has been used to compensate for the variation in wealth between states. For instance, the expenditure on courts, per inhabitant, has been compared by presenting it as a percentage of the average salary. A second application of the average salary has been its use as a comparison for the salaries of judges and public prosecutors.

Various indicators for wealth can be used in this type of study. Among them are gross national product per inhabitant and the purchasing power parities. None of these indicators are completely satisfactory.

Alternatives close to scaling by average salary are scaling by average income or by household income. It should be noted that average salary does not take into account the unemployed – which may vary substantially between countries – while average income does. Household income has the disadvantage that the size of households varies between countries. In countries with large informal economies, “official” income or salary may be substantially lower than what people really earn.

Gross average salary (or income) also has the disadvantage that tax levels (and other obligatory expenditure) vary between countries. And as for every measure, there may be variance in the way it is defined and measured in the various countries. For instance, average salary can be calculated over all workers (including part time workers) or may be adjusted to show the earnings of full time workers only. It may include the self-employed or may include employees only.

The concept of “a case”

Regarding the caseload of the courts, the general idea of the CEPEJ working party has been to count only the type of cases that, in general, mean “serious work” for judges. The basic idea of a case is that it involves two parties, one party bringing the case to the court and the other party defending itself. The explanatory note defined this, for non criminal cases, as “litigious cases only”. For criminal cases, no further definition was included.

This means it has been left to the discretion of national reporters to decide which cases to count, and which not to count. Some have reported in detail what they did (not) count, and some have left the final decision whether to count certain cases to the research team. For criminal cases, some countries have reported on the

numbers of suspects rather than cases. Details on what has (not) been counted by various countries can be found in appendix 4.

In general, it should be clear that “a case” in this report can not be seen as a standardised unit of work(load).

Counting courts

Main problems in the counting of courts have been the specialised courts, the very small courts, and courts that are not generally considered as part of the justice system.

Regarding the specialised courts, several countries have courts with a general function within their territory, and one or more specialized functions for a wider territory (sometimes for the whole state). Should such courts be counted only as (one) general jurisdiction court, or be counted as specialised court as well? Some countries tend to count them more times, others do not. The numbers in this report are those the national respondents reported. They have not been adjusted to one general definition.

Regarding the very small courts, the scheme asked to count “main seats” only. The idea was to exclude the sub locations, that are not fully staffed. However, this seems not have been done by all countries. Some countries have only very small courts, by choice.

Finally, in several countries there are courts or tribunals, mostly for administrative decisions, that are not under the competence of the justice department. This situation has not been described in the scheme, leaving the choice whether to count these courts to the respondents. The numbers in this report are what the respondents have counted. This will generally be what within their systems is understood as “a court”, and has not been adjusted to a highly specified definition of what should be considered a court (and what shouldn't). Details on the choices the various countries made can be found in appendix 4.

What's in a budget?

Through several items in the CEPEJ scheme information has been collected on various budgets: state budget, court budget, legal aid budget, ICT budget, mediation budget, Ministry of Justice and/or Judicial Council budgets. It is not clear however, what these budgets do and do not include. The most extreme example is the Ministry of Justice budget which shows enormous variation for it may cover little more than the courts, or may include all “justice” in the broadest sense (prisons, police et cetera). For ICT, there may be a “dedicated” budget, but the absence of such budget does not necessarily mean no money is spent on ICT. Nor does a dedicated budget necessarily mean that no other money is spent on ICT.

Regarding the court budget, it should first be noted that there is variation in tasks and caseload of courts; for instance, it may or may not include tasks in the execution of court decisions. Some countries can not make a clear distinction between

the budget for the judiciary and the budget for the public prosecution. Further, court budgets may include the housing of the courts and the costs of the court service, but not necessarily do so.

In respect to the budget for legal aid, in some countries this is included in the court budget. There are several other problems that occurred when comparing legal aid budgets. For instance, there may not be one, but there can be several ways in which legal aid is financed. Budgets may not only include public expenditure, but may also include private budgets (including bar associations and NGO's). Laws may prescribe lawyers to do a certain amount of unpaid cases each year. This will not show in (public) expenditure, but well may be just as effective regarding the access to justice.

Court capacity

The numbers regarding professional judges and court staff are in full time equivalents – which compensates for problems regarding part time workers. This, however, still is only a very general indicator of court capacity. “Full time”, in the various countries, may be somewhere between 35 and 45 hours in a week, and the number of working days in a year varies as well. According to OECD research, employees in Poland work over 1900 hours a year, employees in Italy and the U.K. around 1600 hours, and employees in France and Germany work less than 1500 hours a year.

Appendix 4

Variations in counting and computing

This appendix presents, based on the comments provided by the national respondents, an overview, by topic, of what has been counted on various occasions and how things have been calculated. The appendix covers a selection of quantitative data. A full list of comments, per item, can be downloaded from the CEPEJ website (www.coe.int/CEPEJ).

First Instance Courts (Q23 – 24)

Austria: The number of courts reported refers to the date of January 1st, 2002. Austria is closing courts at a steady pace. By January 1st, 2003 the number of general jurisdiction first instance courts had dropped from 204 to 162. Specialised courts – for commercial cases, civil cases, labour cases and juvenile cases – are also being reduced in number.

Azerbaijan: The specialised courts reported include Military Courts (9), Local Economic Courts (4), an Economic Court for Disputes arising from International Agreements (1), a Court of Serious Crimes (1) and a Court of Serious Military Crimes (1).

Bulgaria: Specialised courts include Military Courts (5) and the Supreme Administrative Court (1).

Croatia: The general jurisdiction first instance courts are Municipal Courts (104) and County Courts (20). The latter are first instance courts only for some cases. The specialised courts include Misdemeanour Courts (115) and Commercial Courts (12).

Estonia: The specialised courts reported (4) are all Administrative Courts.

Finland: Specialised courts include the Labour Court, Market Court, Insurance Court and the High Court of Impeachment. The latter is convened only when necessary.

France: The number of specialised first instance courts reported includes Administrative Courts (33), Labour Courts (271), Commercial Courts (191) and Social Security Courts (116).

Germany: Local Courts (687), Regional Courts (116) and Higher Regional Courts (25) have been counted as general jurisdiction 1st instance courts. Specialised courts include Labour Courts (122), Tax Courts (19), Social Courts (69) and Administrative Courts (52). The total number of courts includes 5 Federal Courts as well.

Greece: The number of general jurisdiction first instance courts refers to the Court and Prosecution office (63) and Administrative Courts (30). The specialised courts include Magistrate's Courts (312) and Courts of Minor Offences (41).

Hungary: All specialised courts reported (20) are Labour Courts.

Iceland: The specialised courts reported are a Labour Court and a Court of Impeachment.

Ireland: District, Circuit and High Court have been counted as general jurisdiction first instance courts. As "main seats" the 23 Districts and 26 Principle locations of the Circuit Courts have been counted. The District Courts actually sit in 199 locations. No specialised courts have been counted, although there are specialised sections in the High Court and there are non-judicial tribunals – for instance for employment matters – whose decisions are subject to appeal to the Circuit Court and High Court.

Italy: The count of general jurisdiction first instance courts includes 165 Courts, 848 Justice of the Peace Courts and 29 Minors Courts. As specialised first instance courts the Regional Administrative Tribunals (29), Regional Audit Commissions (21) and Provincial Tax Commissions (103) have been counted.

Lithuania: The number of general jurisdiction first instance courts (54) includes District Courts only. However, some cases are handled in first instance by the Regional Courts (5). All specialised courts (5) are Regional Administrative Courts.

Malta: The number of specialised courts reported includes First Hall (2), Family Courts (2), Courts of Voluntary Jurisdiction (2), Criminal Courts (2) and Juvenile Courts (2).

Moldova: Specialised courts include an Economical Court and a Military Court (1).

Netherlands: In 2002 the former "Canton Courts" became sub locations of the District Courts, reducing the number of "main seats" of general jurisdiction first instance courts from 80 to 19. The count for specialised courts excludes specialised chambers within the general jurisdiction courts. These specialised chambers do have jurisdiction for the whole country and could be considered specialised courts.

Norway: The specialised courts reported (7) are in fact specialised branches of the ordinary courts of first instance. Conciliation Boards (434 in number) – which can, under some definitions, be viewed as courts – have not been included in the count. Norway is in the process of reducing the number of specialised courts.

Poland: The number of general jurisdiction first instance courts reported includes District Courts (296) and Circuit Courts (41). The specialised courts include

Military Courts (12), Subordinate branches of the High Administrative Court (11), the High Administrative Court (1) and the Antitrust Court (1).

Portugal: Specialised first instance courts include Juvenile Courts (18), Labour Courts (47), Enforcement Courts (4), Maritime Courts (1), Administrative and Tax Courts (27), Commerce Courts (2), Criminal Instruction Courts (5) and other (civil/criminal) courts (21).

Romania: The number of general jurisdiction first instance courts reported (177) excludes 10 courts not operational in 2002. After 2002, several specialised courts have been created.

Russian Federation: District Courts and Garrison Military Courts have been counted as general jurisdiction first instance courts. Besides that general system, there is a system of arbitration courts that deal with economic disputes between legal persons.

Slovenia: Specialised courts include Labour and Social Disputes Courts (4) and an Administrative Court (1).

Slovakia: All specialised courts reported (3) are Military Courts.

SM-Serbia: All specialised courts reported (18) are Commercial Courts.

Spain: The number of specialised courts reported includes Juvenile Courts (71), Administrative Courts (174) and Labour Courts (300).

Sweden: District Courts (72) and County Administrative Courts (23) have been counted as general jurisdiction first instance courts. The count of specialised courts does not include the special functions of some District Courts, as Land Courts, Environmental Courts and Maritime Courts.

Switzerland: The number of courts reported – for general and specialised courts – is an estimate based on reports of 14 to 18 cantons (out of 26).

Turkey: Specialised courts include State Security Courts (22), Juvenile Courts (10), Intellectual Property Criminal Courts (4), Traffic Courts (5), Criminal Enforcement Courts (140), Civil Enforcement Courts (130), Labour Courts (71), Land Registration Courts (838), Family Courts (95), Consumer Courts (4), Administrative Courts (59) and Tax Courts (62).

Ukraine: The number of specialised courts reported (27) are all Commercial Courts.

UK-England and Wales: County Courts (218), Magistrates Courts and the High Court have been counted as general jurisdiction first instance courts. The number of specialised courts has not been reported. There are Tribunals that deal with employment matters, pensions, finance and tax, immigration, social security, child support and transport. They are not seen as “courts” as they are not presided over by a judge.

UK-Scotland: The number of general jurisdiction first instance courts includes Sheriff Courts (49), District Courts (64) and the Stipendiary Magistrates Court (1).

Court budget (Q 28)

See general comment in appendix 3, “what’s in a budget?”.

Croatia: The court budget reported includes salaries and running costs. The budget does not include capital investments in new buildings or ICT-innovations.

Germany: Court budget reported includes the public prosecutors office. The budget for prisons, which was also included in the original German figures, has been left out.

Italy: The court budget has been estimated. It is part of a general budget covering courts, the public prosecution and the Ministry.

Latvia: The court budget reported includes the separate budget of the Supreme Court.

Spain: The budget reported consists of a central budget and the budget of eight autonomous communities. It is included in the Ministry of Justice budget, which covers salaries of all judges, prosecutors and clerks. The budgets of the autonomous communities cover all material means and salaries of court officials other than judges, prosecutors and clerks.

UK- England and Wales: The figure that has been reported is the court service budget. This does not cover the magistrates’ courts.

Professional Judges (Q25)

Italy: The number of judges reported relates only to the Civil and Criminal Courts that fall under the Ministry of Justice. Other tribunals are excluded.

Malta: The number of judges includes the Chief Justice (1), Judges (17) and Magistrates (17).

Romania: The number of judges relates only to post that are actually occupied.

SM-Serbia: The number reported (2 500) has been estimated.

Switzerland: The number reported (947) has been estimated on the basis of reports from 18 Cantons (out of 26).

UK-Scotland: The number of judges reported includes Supreme Court Judges (34), full-time Sheriffs (136), part-time Sheriffs (53) and Stipendiary Magistrates (4).

Non-professional Judges (Q26)

Croatia: The number reported refers to citizens that serve as judge assessors at various courts. The participation of lay judges in civil cases is being scaled down.

Czech Republic: The number reported refers to lay judges. According to the statute they should meet in session 20 days a year. In a number of civil and criminal cases, a panel of one professional judge and two lay judges is used.

Finland: 8 land engineers work in the District Courts in permanent post, hearing land cases. The District Courts also have 3 700 lay members. Some administrative and special courts have expert and interest members (not included in the number reported).

Germany: The number reported is restricted to lay judges ruling in the full bench of the Local Court and penal chambers and in the Juvenile Court and youth divisions. No figures are available for the remaining jurisdictions.

Italy: The number reported includes Justices of the Peace (4.700) and non-professional judges at the Courts (1 000). Another 1.980 sit in non-permanent posts.

Liechtenstein: The numbers reported are judges on permanent posts. For judges not working full time, no full time equivalent could be calculated.

Netherlands: There are no lay judges in the Netherlands, but there is a system of substitute judges. In 2002, 880 of those were committed by the courts.

Norway: There is strong participation of lay judges. They participate in most criminal cases, in first instance and appeal. Lay judges are selected from a panel and no lay judge is employed by the court on a permanent basis. There are also temporary judges in Norway, who have more or less the same authority as professional judges.

Poland: The number reported refers to non-professional members of the jury appointed to each case. A group of lay judges is elected every 4 years, sitting up to 12 days a year.

Portugal: The number reported refers to social judges and substitute social judges.

SM-Serbia: The number reported refers to juror judges.

Spain: The number reported refers to lawyers that can replace judges when no professional judge is available.

Sweden: The number reported refers to lay judges.

Switzerland: The number reported is estimated on the basis of 19 Cantons (out of 26).

UK - Northern Ireland: There are 78 deputy judges who may be called upon on ad hoc basis. Also, there are 879 Justices of the Peace and 143 Lay Panel Members. The latter two functions will be consolidated in a new Lay Magistracy role in 2004.

UK - Scotland: The number reported refers to Justices of the Peace.

Budget for the public prosecution (Q79)

Austria: There is no separate budget for the public prosecution. It is included in the Court budget.

Denmark: The budget reported covers both police and prosecution.

Germany: The budget reported is the federal budget. It does not include the budgets of the various states within the federation.

Ireland: The budget reported is the budget of the Director of Public Prosecutors. Much of the work is carried out by barristers in private practice.

Italy: The budget reported has been estimated.

Spain: There is no separate budget for the public prosecution. It is included in the budget of the Justice Administration.

UK-England and Wales: The budget reported is the budget of the Crown Prosecution Service. Other prosecution agencies administer their own budgets.

Public prosecutors (Q80)

Croatia: The number reported includes chief prosecutors and deputy prosecutors.

FYROMacedonia: Both prosecutors (26) and deputies (165) have been counted.

Ireland: There is no Irish equivalent to the salaried officials known as “public prosecutors” that exist in other member states of the Council of Europe.

Italy: Non-professional public prosecutors on non-permanent posts have been excluded. The number of “heads” has been reported, not full time equivalents.

Norway: In some of the smaller cases (misdemeanours and small felony cases) police-officers who are lawyers as well have the authority to institute a prosecution and represent the prosecution in court. Although they have, for these cases, a function comparable to that of the public prosecutor, they are not included in the number reported.

SM-Serbia: The number of public prosecutors has been estimated at around 700.

Sweden: The number of “heads” has been reported, not full time equivalents.

Switzerland: The number of “heads” has been reported, not full time equivalents.

UK-England and Wales: The number of “heads” has been reported, not full time equivalents.

Legal Aid budgets and cases (Q 4 – 7)

Bulgaria: Data concern official defences.

Croatia: Number of cases relates only to civil cases handled by the Croatian Bar Association

Finland: 33,8 mill. Euro paid to private advocates who provide legal aid; 17,8 mill. Euro direct cost of state legal aid offices. Numbers of cases relate only to cases of legal aid offices.

Germany: Expenditure for the whole State has been estimated, based on survey reports by individual Länder (not all of them reported).

Italy: Data on the number of legal aid cases are incomplete; they do not include legal aid cases handled by local bar associations.

Netherlands: Number of civil cases with legal aid includes legal advice.

Norway: Budget for civil cases includes legal aid outside the court. Number of cases only for civil cases and matters in which there is a recipient payment.

Portugal: The budget for 2002 includes some expenses that concern 2001. The number of non criminal cases includes legal aid in matters outside the courts.

Slovenia: Available data concern the Free Legal Aid Act, which covers all legal fields. Not covered is legal aid based on the Criminal Procedure Act.

Ukraine: The legal aid budget concerns criminal cases only.

Criminal cases (Q34 – 37)

Belgium: Excluded are “affaires de police” in 1st instance and juvenile cases. Numbers of one public prosecutors office (out of 27) are missing.

Croatia: Misdemeanours are excluded.

Finland: From the number of cases reported fines, given in a summary proceeding and decided by the public prosecutor (for instance, traffic fines) have been excluded.

FYROMacedonia: “Cases” are counted by person (suspect, defendant).

Ireland: Criminal cases brought to the court do not include cases prosecuted in the lower courts by the police.

Netherlands: Misdemeanours are excluded.

Romania: The count of new cases, received during 2002, has been used.

Slovenia: Data are per person, except cases with unknown perpetrator.

UK-England and Wales: “Cases” are counted by defendant.

Robbery Cases (Q38 – 40)

Belgium: First instance police cases and youth cases are not included in this count.

FYROMacedonia: The number of suspects has been counted.

Poland: The number of decisions includes only valid and final sentences, by state courts, against adults prosecuted for robbery.

Slovenia: The number of suspects has been counted. These cases include robbery, and theft immediately followed by violence. Data on bag-snatching are not available.

Switzerland: Number of suspects has been counted.

UK-Northern Ireland: Decisions have been counted per suspect. They include robbery, hijacking property and conspiracy to rob; attempts are excluded.

UK-Scotland: Judicial decisions include suspects not found guilty.

Average length of robbery cases (Q62, 63)

Austria: Reported length is for criminal cases in general, handled by the “Landesgericht” (Courts of 1st instance). The reported length for appeals is an overall general for appeals in criminal cases, which do include appeals against simple court orders.

Belgium: Police cases and youth cases have been excluded from the calculated length.

Ireland: Reported length is an estimate for District Courts. No data are available for Circuit Courts.

Norway: Table 27 shows the average length of criminal cases at the 1st instance courts (4 months). Summary trials on a plea of guilty take only 0,6 month on average.

Poland: Criminal cases at 1st instance are shown. At District Courts they take 6 months, at Circuit Courts 5,8 months on average.

Homicide Cases (Q41 – 43)

Poland: Decisions include only valid and final decisions of state courts.

Switzerland: Only sentences against adults have been counted.

UK-Northern Ireland: Counted are not the incoming cases, but cases that result in a finding. They are counted by suspect, and include aiding and abetting murder.

Civil and administrative cases (Q44 – 47)

Austria: Automated payment orders are excluded from this count.

Croatia: Excluded from the number of cases are probate cases, enforcement cases and non-contentious proceedings.

Finland: Number of cases includes applications for summary proceedings – undisputed claims.

Italy: Count includes first instance courts, justice of the peace courts and appeal courts.

Netherlands: The number of cases does not include asylum and immigration cases. In civil cases, non-contentious proceedings have been excluded.

Poland: In the number of cases used Land and Mortgage Registers cases have been excluded. Included are cases at District courts and Circuit courts.

Portugal: It is not possible to differentiate litigious cases from cases in which the court ratifies or authorizes certain acts of facts. The count includes labour cases, juvenile cases, maritime cases, other civil cases, administrative cases and tax cases.

Romania: Count includes first instance courts, high instance courts (as 1st instance) and courts of appeal (as 1st instance).

UK-Scotland: Count of decisions includes Sheriff Courts and the Court of Session

Divorce Cases (Q47 – 49), Average length of Divorce Cases (Q64, 65)

Portugal: Regarding the number of cases, both divorces and judicial separation of spouses and properties have been counted. It was not possible to detach these data.

Norway: the length reported is for all civil cases.

Poland: The reported length concerns all civil cases handled by Circuit Courts.

Sweden: The length of divorce cases depends on whether the spouses have children. If not, the judgement can be delivered immediately. If there are children involved, there is a period for consideration of 6 months, after which the judgement is delivered in 7 to 21 days.

Employment Dismissal Cases (Q50 – 52)

Croatia: The number of cases includes all labour relation disputes. A vast majority of the cases are dismissal cases.

Italy: The number of cases includes all employment matters.

Poland: The number of cases includes all employment cases.

Portugal: The number of decisions does not include collective dismissal cases.

Length of Employment Dismissal Cases (Q66, 67)

Austria: The length reported is for all labour cases.

Estonia: The length reported is for all labour cases.

Hungary: The length reported is for all labour cases.

Italy: The length reported is for all employment matters.

Poland: The length reported is for all employment cases handled by District Courts.

Turkey: The length reported is for all labour cases in 2003.

Appeal rates (Q40, 43, 46, 49, 52)

Azerbaijan: (Q49) 52 appeal rate has been calculated by the dividing the number of appeals through the number of 1st instance decisions.

Croatia: (Q46) Appeal rate has been calculated by dividing the number of appeals by the number of cases decided in 1st instance. Appeals in enforcement cases and non-contentious cases have been excluded.

Finland: (Q46) The appeal rate for civil cases has been calculated by dividing the number of appeals by the number of 1st instance decisions in “large application for a summons” cases and “disputed summary” cases. If all civil 1st instance decisions were taken into account, the appeal rate would drop from 26,4% to 1,36%. (Q49) 63 appeals on 13.716 appeal able decisions leaves appeal rate at zero.

France: (Q52) Appeal rates are calculated by type of court (not type of case). The appeal rate of the CPH – which decides in dismissal cases – is 59,3%.

Italy: (Q52) Appeal rate reported is for all employment matters.

FYROMacedonia: (Q46) Percentage concerns civil cases. (Q49) 52 appeals on 11.594 decisions leaves appeal rate at zero.

Moldova: (Q46) Percentage computed by dividing the number of 2nd instance decisions by the number of 1st instance decisions.

Netherlands: (Q52) For dismissal cases, no right to appeal exists.

Poland: (Q40) District courts as 1st instance 15,6% appeal; circuit courts as 1st instance 62,7% appeal. (Q46) district courts 4,5% appeal; circuit courts 14,4% appeal. (Q52) the reported appeal rate concerns all employment matters.

Romania: (Q46) High instance courts (grande instance): “appeals” 11,2%, “recourse” 7,1% ; Appeal Courts: “appeal” 5,7%. (Q49) “appeal” rate at high instance courts 7,6% ; “recourse” rate at Appeal Courts 7,8%.

Slovenia: (Q46) Percentage concerns civil cases only.

UK-England and Wales: (Q52) Computed by dividing the number of appeals through the number of 1st instance cases.

Lawyers (Q89)

Austria: The number of lawyers reported has been estimated.

Azerbaijan: The number of lawyers reported includes attorneys (400) and licensed lawyers (90). Since September, 2002, it is no longer demanded to obtain a license for delivering paid legal services.

Croatia: The number of lawyers reported includes licensed attorneys (2.493) and apprentices (965). Both qualify for the definition of lawyers used. In-house counsels – who have limited rights of representation in court – have not been included.

Estonia: The number of lawyers reported includes sworn advocates (262), sworn advocates' senior clerks (75), sworn advocates' clerks (80) and lawyers that are not advocates (about 500). All of these qualify for the definition of lawyers used. Only sworn advocates are qualified to defend before the Supreme Court.

Finland: The number of lawyers reported includes the members of the Bar Association and Public Defenders. Practicing lawyers that do not belong to the Bar – around 1 000 – are not included.

Ireland: The number of lawyers reported includes barristers (1 412) and solicitors (6 436).

Poland: The number of lawyers in the report includes both advocates (5 415) and legal advisors (20 988). It should be noted that legal advisors are not qualified to represent natural persons in criminal and family cases.

Portugal: The number of lawyers reported does not include trainee lawyers (4 400), solicitors (2 197) and trainee solicitors (387).

SM-Serbia: The reported number of lawyers is “over 6 000”. In chapter 6 the number of 6 000 has been used.

UK-England and Wales: The number of lawyers reported includes solicitors (89 045) and barristers (13 601).

UK-Northern Ireland: The number of lawyers reported is the number of barristers.

Appendix 5

General information on the reporting countries

Andorra

Inhabitants: 67 159

National correspondent to the CEPEJ: C. Obiols

Data collection on the functioning of justice: -

Legal texts: -

Case law of the higher courts: -

Other documents/legal forms: -

Armenia

Inhabitants: 3 210 000

National correspondent to the CEPEJ: A. Sanoyan

Data collection on the functioning of justice: Ministry of justice

Legal texts: www.parliament@am

Case law of the higher courts: -

Other documents/legal forms: -

Austria

Inhabitants: 8 067 300

National correspondent to the CEPEJ: G. Stawa

Data collection on the functioning of justice: Federal Ministry of justice

Legal texts: www.ris.bka.gv.at; www.bmj.gv.at

Case law of the higher courts: www.ris.bka.gv.at; www.bmj.gv.at

Other documents/legal forms: www.ris.bka.gv.at; www.bmj.gv.at

Azerbaijan

Inhabitants: 8 202 500

National correspondent to the CEPEJ: A. Djafarov

Data collection on the functioning of justice: Ministry of justice, Department of organisation and analysis

Legal texts: -

Case law of the higher courts: -

Other documents/legal forms: www.justice.gov.az

Belgium

Inhabitants: 10 309 725

National correspondent to the CEPEJ: J. Matthys, M. Demir

Data collection on the functioning of justice: SPF justice, Service de logistique et statistique

Legal texts: -

Case law of the higher courts: -

Other documents/legal forms: -

Bulgaria

Inhabitants: 7 845 841

National correspondent to the CEPEJ: Ms. K. Lazarova

Data collection on the functioning of justice: Ministry of justice, Department of judicial statistics

Legal texts: www.justice.government.bg; www.lex.bg

Case law of the higher courts: <http://www.constcourt.bg>; <http://www.sac.government.bg>; <http://www.vss.justice.bg>; <http://www.sac.government.bg>

Other documents/legal forms: www.justice.government.bg; www.justice.governmentn.bg/registers.aspx;

Croatia

Inhabitants : 4 437 460

National correspondents to the CEPEJ: A. Uzelac, K. Zlatec

Data collection on the functioning of justice: Ministry of justice

Legal texts: www.nn.hr (official state gazette); www.pravosudje.hr

Case law of the higher courts: www.vsrh.hr (supreme court); www.usud.hr (constitutional court)

Other documents / legal forms: www.odvj-komora.hr (bar association); www.uhs.hr (association of judges); <http://sudreg.pravosudje.hr> (on-line company register of the Croatia)

Czech Republic

Inhabitants: 10 201 000

National correspondent to the CEPEJ: I. Borzova

Data collection on the functioning of justice: Ministry of justice

Legal texts: www.mvcr.cz

Case law of the higher courts: www.nsoud.cz

Other documents/legal forms: www.justice.cz

Denmark

Inhabitants: 5 368 364

National correspondent to the CEPEJ: J. E. Hvam

Data collection on the functioning of justice: The Danish Court Administration

Legal texts: www.retsinfo.dk; www.folketinget.dk

Case law of the higher courts: www.domstol.dk; www.oestrelandsret.dk;
www.hoejestret.dk; www.vestrelandsret.dk

Other documents/legal forms: www.domstol.dk

Estonia

Inhabitants: 1 356 045

National correspondent to the CEPEJ: A. Värv

Data collection on the functioning of justice: Ministry of justice

Legal texts: <http://www.riigiteataja.ee>; www.legaltext.ee

Case law of the higher courts: www.nc.ee; <http://kola.just.ee/>

Other documents/legal forms: <http://www.just.ee/index.php3?cath=3718>

Finland

Inhabitants: 5 171 000

National correspondent to the CEPEJ: S. Laukkanen

Data collection on the functioning of justice: Statistics Finland - www.stat.fi

Legal texts: www.finlex.fi, www.eduskunta.fi, www.om.fi

Case law of the higher courts: www.finlex.fi

Other documents/legal forms: www.oikeus.fi

2002/2003 studies costs of court proceedings:

- Evasti, Kaijus: Oikeudenkäyntikulut uudessa alioikeusmenettelyssä.

Oikeuspoliittisen tutkimuslaitoksen julkaisuja 124/1994 (publications of the national research institute of legal policy 124/1994)

- Jaakkola, Risto- Vuorinen, Sami: Mitä riitelemine maksaa? Oikeuspoliittisen tutkimuslaitoksen tutkimustiedonantoja 32/1997 (Publications of the national Research Institute of Legal Policy 32/1997)

- Ervasti, Kaijus: Riitaprosessi uudistuksen arvionointi. (Publications of the National Research Institute of Legal Policy 154/1998 English summary: an assessment of the reform of civil procedure in Finland)

France

Inhabitants: 60 186 184

National correspondent to the CEPEJ: O. Timbart

Data collection on the functioning of justice: Ministry of Justice, Under-Directorate of statistics, studies and documentation (sdsed)
Legal texts: www.legifrance.com; www.justice.gouv.fr
Case law of the higher courts: www.legifrance.com; www.justice.gouv.fr
Other documents / legal forms: www.legifrance.com; www.justice.gouv.fr
2002/2003 studies on costs of court proceedings: Ministry of justice (sdsed) - Coût moyen d'une procédure – réponse a la question de M. Floch, Député

Georgia

Inhabitants: 4 371 535
National correspondent to the CEPEJ: I. Kvashilava
Data collection on the functioning of justice: Supreme court statistics department
Legal texts: www.parliament.ge
Case law of the higher courts: www.supremecourt.ge
Other documents/legal forms: www.court.gov.ge

Germany

Inhabitants: 82 600 000
National correspondent to the CEPEJ: M. Heger
Data collection on the functioning of justice: Federal Ministry of Justice
Legal texts: -
Case law of the higher courts: -
Other documents/legal forms: -

Greece

Inhabitants: 11 043 798
National correspondent to the CEPEJ: E. Xenou
Data collection on the functioning of justice: Ministry of Justice, General Direction of Justice Administration
Legal texts: -
Case law of the higher courts: -
Other documents/legal forms: -

Hungary

Inhabitants: 10 142 000
National correspondent to the CEPEJ: E. Vajdovits
Data collection on the functioning of justice: Office of the national council of

Justice of Hungary

Legal texts: www.mkogy.hu; www.complex.hu

Case law of the higher courts: www.birosag.hu, www.lb.hu

Other documents/legal forms: www.birosag.hu

Iceland

Inhabitants: 288 201

National correspondent to the CEPEJ: H.T. Hauksson

Data collection on the functioning of justice: Ministry of Justice

Legal texts: -

Case law of the higher courts: -

Other documents/legal forms: -

Ireland

Inhabitants: 3 917 203

National correspondent to the CEPEJ: B. Hamilton

Data collection on the functioning of justice: The court service

Legal texts: www.irishstatutebook.ie

Case law of the higher courts: -

Other documents/legal forms: www.courts.ie

Italy

Inhabitants: 57 321 070

National correspondent to the CEPEJ: F. De Santis

Data collection on the functioning of justice: Ministry of Justice, General

Directorate of statistics Legal texts: www.governo.it; www.giustizia.it;

www.parlamento.it; www.normeinrete.it

Case law of the higher courts: www.giustizia-amministrativa.it; www.cortecostituzionale.it

Other documents/legal forms: -

2002/2003 studies costs of court proceedings: Marchesi Daniela: "Litiganti avvocati e magistrati", about the civil courts.

Latvia

Inhabitants: 2 319 100

National correspondent to the CEPEJ: A. Branta

Data collection on the functioning of justice: Ministry of justice

Legal texts: www.likumi.lv; www.mk.gov.lv; www.saeima.lv; www.vestnesis.lv; www.ttc.lv Case law of the higher courts: www.tiesas.lv; www.at.gov.lv; www.satv.tiesa.gov.lv

Other documents/legal forms: www.legal.lv; www.juridica.lv

Liechtenstein

Inhabitants: 33 863

National correspondent to the CEPEJ: H. Wachter

Data collection on the functioning of justice: Ministry of Justice

Legal texts: -

Case law of the higher courts: -

Other documents/legal forms: -

Lithuania

Inhabitants: 3 462 00

National correspondent to the CEPEJ: J. Undraitiene

Data collection on the functioning of justice: National court administration

Legal texts: www.lrs.lt

Case law of the higher courts: www.lat.litlex.lt; www.lvat.lt

Other documents/legal forms: -

Malta

Inhabitants: 382 525

National correspondent to the CEPEJ: G. Vella

Data collection on the functioning of justice: MITTS

Legal texts: www.justice.gov.mt

Case law of the higher courts: www.justice.gov.mt

Other documents/legal forms: www.justice.gov.mt

Moldova

Inhabitants: 3 606 800

National correspondent to the CEPEJ: V. Vintu

Data collection on the functioning of justice: Section statistics and control, coordinated by the Ministry of justice

Legal texts: -

Case law of the higher courts: -

Other documents/legal forms: -

The Netherlands

Inhabitants: 16 000 000

National correspondent to the CEPEJ: P. Albers

Data collection on the functioning of justice: - Centraal bureau voor de statistiek
www.cbs.nl / Raad voor de rechtspraak

Legal texts: www.wetten.overheid.nl

Case law of the higher courts: www.rechtspraak.nl (case law since 2000)

Other documents / legal forms: none

2002/2003 studies on costs of court proceedings:

- jaarverslag 2003 raad voor de rechtspraak (judicial council annual report)

- “met recht gefinancierd. Ontwikkelingsgericht onderzoek financiering rechtspraak.” (2003). By andersson, elffers, felix. (study on the budgeting process regarding the judiciary and the courts)

Norway

Inhabitants: 4 525 000

National correspondent to the CEPEJ: E. Wittemann

Data collection on the functioning of justice: National courts administration

Legal texts: www.lovdato.no

Case law of the higher courts: www.lovdato.no

Other documents / legal forms: blanketter.ft.dep.no

Poland

Inhabitants: 38 230 000

National correspondents to the CEPEJ: C. Dziurkowski

Data collection on the functioning of justice: Ministry of justice

Legal texts: www.sejm.gov.pl

Case law of the higher courts: none

Other documents / legal forms: www.ms.gov.pl

Portugal

Inhabitants: 10 407 500

National correspondent to the CEPEJ: P. Duro

Data collection on the functioning of justice: Gabinete de política legislativa e planeamento

Legal texts: web portals: www.mj.gov.pt and www.portalcidadao.pt

Websites: www.digesto.gov.pt and www.dr.incm.pt

Case law of the higher courts: www.dsgi.pt

Other documents/legal forms: www.tribunaisnet.mj.pt

Romania

Inhabitants : 21 733 556

National correspondent to the CEPEJ: I. Popa

Data collection on the functioning of justice: - Ministry of justice

Legal texts: www.just.ro, www.guv.ro

Case law of the higher courts:

Other documents / legal forms: www.just.ro, www.guv.ro

Observations

The law no. 92/1992 on judicial organisation have been replaced by:

- the law no. 303/2004 on the status of judges;
- the law no. 304/2004 on the organisation of justice;
- the law no. 317/2004 on the High Council of Justice.

These laws have completely modified the status of judges (recruitment, promotion in executive or managing duties, etc.), so as all decisions in this field are taken by the High Council of Justice, which becomes the representative of the judicial authority and guarantees judicial independence. The Ministry of Justice has no more jurisdiction as regards judges' career.

Federation of Russia

Inhabitants: 145 200 000

National correspondent to the CEPEJ: M. Vinogradov

Data collection on the functioning of justice: State Legal Directorate of the President of the Russian Federation (GGPU)

Legal texts: -

Case law of the higher courts: -

Other documents/legal forms: -

Serbia and Montenegro (Serbia)

Inhabitants: 7 498 001

National correspondent to the CEPEJ: M. Vlašić-Koturović

Data collection on the functioning of justice: Supreme court of the Republic of Serbia

Legal texts: www.propisi.com

Case law of the higher courts: -

Other documents/legal forms: -

Slovakia

Inhabitants: 5 379 161

National correspondent to the CEPEJ: I. Belko

Data collection on the functioning of justice: Ministry of justice of Slovak Republic, Division of judicial informatics and statistics - www.justice.gov.sk

Legal texts: www.justice.gov.sk

Case law of the higher courts: www.jaspi.justice.gov.sk

Other documents/legal forms: -

Slovenia

Inhabitants: 1 964 036

National correspondent to the CEPEJ: J. Marinko

Data collection on the functioning of justice: Ministry of justice

Legal texts: http://www.dz-rs.si/si/aktualno/spremljanje_zakonodaje/sprejeti_zakoni/sprejeti_zakoni.html

Case law of the higher courts: <http://www.sodisce.si>

Other documents/legal forms: <http://www.sodisce.si>

Spain

Inhabitants: 41 837 894

National correspondent to the CEPEJ: E. Garcia-Maltras de Blas

Data collection on the functioning of justice: Ministry of Justice

Legal texts: -

Case law of the higher courts: -

Other documents/legal forms: -

Sweden

Inhabitants: 8 940 788

National correspondent to the CEPEJ: J. Sangborn

Data collection on the functioning of justice: National courts administration / National council for crime prevention

Legal texts: www.lagrummet.se

Case law of the higher courts: www.rattsinfo.dom.se

Other documents/legal forms: www.dom.se

Switzerland

Inhabitants: 7 317 873

National correspondent to the CEPEJ: D. Fink/ F. Schuermann

Data collection on the functioning of justice: At the federal level, Federal office of Statistics; on the Cantonal level', courts on monitoring authorities.

Legal texts: www.admin.ch/ch/f/rs/rs.html

Case law of the higher courts: www.bger.ch

Other documents/legal forms: www.ofj.admin.ch

“the former Yugoslav Republic of Macedonia”

Inhabitants: 2 022 547

National correspondent to the CEPEJ: N. Penova

Data collection on the functioning of justice: Ministry of justice, Supreme court, Republic judicial council, State statistical office

Legal texts: www.mrlc.org.mk , www.finance.gov.mk , www.ukim.edu.mk , www.slvesnik.com.mk

Case law of the higher courts: www.mrlc.org.mk , www.finance.gov.mk , www.ukim.edu.mk , www.slvesnik.com.mk

Other documents/legal forms: www.mrlc.org.mk , www.finance.gov.mk , www.ukim.edu.mk , www.slvesnik.com.mk

Turkey

Inhabitants: 70 173 000

National correspondent to the CEPEJ: M. Aytac

Data collection on the functioning of justice: General directorate of judicial registration and statistics, Ministry of justice

Legal texts: www.adalet.gov.tr

Case law of the higher courts: www.adalet.gov.tr

Other documents/legal forms: www.adalet.gov.tr

2002/2003 studies costs of court proceedings:

- Hasan Ozkan: Judicial in the civil cases

- Zekeriya Yilmaz: Costs and charges in the civil law

Ukraine

Inhabitants: 47 809 700

National correspondent to the CEPEJ: L.V. Falfushinskiy

Data collection on the functioning of justice: Administration of President of Ukraine, Kyiv

Legal texts: -

Case law of the higher courts: -

Other documents/legal forms: -

UK- England and Wales

Inhabitants: 52 041 916

National correspondent to the CEPEJ: D. Boylan

Data collection on the functioning of justice: Economic & statistics division,
Department for constitutional affairs

Legal texts: <http://www.hmsso.gov.uk>

Case law of the higher courts: <http://www.hmsso.gov.uk>

Other documents / legal forms: <http://www.hmsso.gov.uk>

2002/2003 studies on costs of court proceedings:

- Cost for users: court service – annual report and accounts 2002/2003

- Cost to the state: court service – annual report and accounts 2002/2003

UK- Northern Ireland

Inhabitants: 1 685 267

National correspondent to the CEPEJ: D. Boylan

Data collection on the functioning of justice: Northern Ireland court service

Legal texts: <http://www.courtsni.gov.uk>

Case law of the higher courts: <http://www.courtsni.gov.uk>

Other documents/legal forms: <http://www.courtsni.gov.uk>

2002/2003 studies costs of court proceedings: Northern Ireland Court Service-
Annual Report 2003/2003

UK- Scotland

Inhabitants: 5 062 011

National correspondent to the CEPEJ: D. Boylan

Data collection on the functioning of justice: -

Legal texts: <http://www.hmsso.gov.uk> ; <http://www.parliament.uk>

Case law of the higher courts: <http://www.dca.gov.uk>

Other documents/legal forms: <http://www.scotcourts.gov.uk/index1.asp>

2002/2003 studies costs of court proceedings: Scottish court service –annual
report and accounts 2002/2003

Appendix 6

Additional tables

This appendix presents some of the information that has not been included in the main text of the report. The main text has focused on the key findings only, while much more information has been collected through the CEPEJ scheme. Some tables had to be excluded, some because the consistency of the data was questioned, some for the incomparability of the figures reported by the various countries and others because only few countries were able to report. Still, some of this information does give some degree of insight on issues that have not been covered – or only for a small part – by comparative research so far. For that reason, it was decided to include these data in this appendix.

Table A – Insurance policies against legal expenses

replies to Q12 “Does your country have a private system of legal expenses insurance for individuals?”				
yes			no	
Austria	Liechtenstein	Sweden	Andorra	Georgia
Denmark	Lithuania	Switzerland	Armenia	Latvia
Finland	Netherlands	Ukraine	Azerbaijan	Malta
France	Norway	UK-England&Wales	Bulgaria	Moldova
Germany	Portugal	UK-Northern Ireland	Croatia	Poland
Hungary	Slovak Republic	UK-Scotland	Czech Republic	SM-Serbia
Island	Slovenia		Estonia	
Italy	Spain		FYROMacedonia	

Table B – Complaints procedure at court level – complaints handled within the court

replies to Q20 “Is there a procedure for making complaints about the performance of the judiciary – at court level – internal procedure?”			
yes			no
Armenia	Georgia	Slovenia	Andorra
Azerbaijan	Ireland	Spain	Finland
Bulgaria	Latvia	Sweden	Italy
Croatia	Liechtenstein	Switzerland	Malta
Czech Republic	Lithuania	Turkey	Norway
Denmark	Moldova	Ukraine	Portugal
Estonie	Romania	UK-England&Wales	Slovak Republic
Netherlands	Russian Federation	UK-Northern Ireland	
Poland	SM-Serbia	UK-Scotland	
FYROMacedonia			

Table C – Complaints procedure at national level – complaints handled by body external to the court

replies to Q20 “Is there a procedure for making complaints about the performance of the judiciary – at national level – external procedure?”					
yes			no		
Andorra	FYROMacedonia	SM-Serbia	Bulgaria	Malta	
Armenia	Georgia	Slovak Republic	Czech Republic	Netherlands	
Azerbaijan	Moldova	Slovenia	Ireland	Romania	
Croatia	Norway	Spain	Italy	Turkey	
Denmark	Poland	Sweden	Latvia	UK-England & Wales	
Estonia	Portugal	Switzerland	Liechtenstein	UK-Northern Ireland	
Finland	Russian Federation		Lithuania	UK-Scotland	

Table D – Number of cases brought before the courts (absolute numbers reported)

	Criminal cases	Robbery cases	Homicide cases	Civil/ administrative cases	Divorce cases	Dismissal cases
Andorra	795	26	0	2 859	57	25
Armenia	5 202	60	170	46 341	2 203	2 649
Austria	65 698	-	-	179 241	25 199	-
Azerbaijan	920	-	268	71 253	8 570	686
Belgium		1 938	71	699 712	31 065	-
Bulgaria	32 787	19 906	172	167 571	14 982	4 185
Croatia	27 887	-	-	124 994	5 956	34 697
Czech Republic	77 165	-	-	266 101	36 665	-
Denmark	127 548	-	-	128 513	6 339	-
Estonia	8 841	190	-	26 295	1 337	-
Finland	61 751	549	80	175 660	17 740	252
France	638 602	-	-	1 594 700	182 000	105 486
FYROMacedonia	10 081*	2 200*	43*	65 562*	-	-
Georgia	2 949	240	211	43 140	1 993	867
Germany	1 830 270	-	-	962 709	205 897	-
Hungary	105 406	-	-	533 585	35 453	32 910
Iceland	5 443	10	5	26 166	-	-
Ireland	4 412	-	55	259 297	3 945	-
Italy	518 000	54 437	3 061	3 577 307	52 096	1 551 028
Latvia	13 401	652	67	50 164	7 591	906
Liechtenstein	1 699	1	0	8 233	132	-
Lithuania	15 120	-	-	176 617	-	-
Malta	1 101	835	24	5 884	-	85
Moldova	18 519	167	306	166 319	13 744	466
Netherlands	248 949	5 173	196	422 600	35 153	68 331
Norway	87 466	-	-	12 864		
Poland	391 487	-	-	2 664.634	50 424	273 300
Portugal	82 539	-	-	598 138	10 115	-

Romania	51 877	94 508		923 535	71 972	3 656
Russian Federation	837 327	236 973	23 932	5 189 909	552 363	33 397
SM-Serbia	19 628	6 218	10 504	173 109	9 163	4 979
Slovak Republic	24 299	1 012	132	943 781	14 984	
Slovenia	14 484*	131*	58*	38 017	3 025	135
Spain	441 001	91 540	1 199	1 339 425	19 147	64 094
Sweden	164 100	-	-	154 797	26 918	-
Switzerland	-	1 500*	232*	305 197	16 835	-
Turkey	791 992	138 951	7 191	1 559 963	153 409	-
UK-England & Wales	1 561 104*	15 644	713	1 681 322	172 311	39 882
UK-Northern Ireland	-	-	10*	93 000	2 500	-
Ukraine	17 809	3 391	4 202	4 943 800	181 000	5 700
UK-Scotland	51 222	730	101	120 385	-	-

Data: Q37, Q38, Q41, Q44, Q47, Q50

* = number of suspects counted

Table E – Number of judicial decisions, per type of case (absolute numbers reported)

	Robbery cases	Homicide cases	Civil/ administrative cases	Divorce cases	Dismissal cases
Andorra	31*	0	2 842	33	-
Armenia	44	94	40 455	1 640	2 426
Austria	543*	57*	75 844	-	-
Azerbaijan	-	229	58 183	5 768	438
Belgium	-	-	670 481	42 472	-
Bulgaria	1 476	172	177 713	15 247	4 855
Croatia	-	-	131 452	-	-
Czech Republic	-	146	-	31 758	254
Denmark	-	-	129 568	6 547	-
Estonia	186	-	23 090	995	-
Finland	425	90	160 961	17 962	419
France	5 576	529	1 552 700	128 971	94 726
FYROMacedonia	1 980*	34*	32 592*	-	-
Georgia	215	149	37 090	1 658	522
Germany	-	-	-	205 897	-
Hungary	-	-	527 666	36 722	29 655
Iceland	10	6	26 166	-	-
Ireland	-	46	263 693	2 591	-
Italy	-	-	1 144 446	43 456	70 419
Latvia	651	75	37 598	6 411	445
Liechtenstein	1	0	8 334	126	-
Lithuania	-	-	174 952	-	-
Malta	857	11	7 064	-	36
Moldova	242	275	155 966	11 594	344
Netherlands	3 780	201	326 200	34 245	65 537

Norway	-	-	6 024	-	-
Poland	10 248	572	2 052 936	50 424	267 932
Portugal	1 937	219	531 972	10 007	2 810
Romania	73 660		778 201	57 817	2 811
Russian Federation	185 388	21 166	4 442 317	452 872	22 404
SM-Serbia	4 100	6 267	116 379	6 924	2 985
Slovak Republic	657*	78*	724 484	13 752	554
Slovenia	128*	31*	48 639	2 920	1 485
Spain	-	-	545 752	17 695	61 976
Sweden	827	89	153 568	27 415	-
Switzerland	570	56	310 856	16 363	-
Turkey	118 116	6.677	1 518 847	149 613	-
Ukraine	3 538	4 172	4 880 400	182 900	5 700
UK-England & Wales	8 883	362	99 483	144 408	3 824
UK-Northern Ireland	123*	10	93 000	2 500	-
UK-Scotland	729	101	97 096	10 826	-

Data: Q39, Q42, Q45, Q48, Q51

* = number of suspects counted

Table F – Cases processed under the discretion of public prosecutors (absolute numbers reported)

	Cases received by public prosecutor	Cases dropped by public prosecutor	Cases dropped since no offender identified	Cases sanctioned or negotiated by public prosecutor	Cases charged before the courts
Andorra	2 149	-	-	-	795
Armenia	9 221	924	1 721	4 908	5 202
Austria	600 451	477 891	370 570	42 126	65 698
Azerbaijan	1 406	-	-	768	920
Belgium	906 023	719 522	409 393	8 068	-
Bulgaria	204 033	37 846	97 687	34 241	32 787
Croatia	61 889	38 620	27 070	19 040	27 887
Czech Republic	-	16 761	-	-	77 165
Denmark	114 095	22 564	-	82 512	127 548
Estonia	-	38 327	-	-	8.841
Finland	82 310	23 800	-	3 634	61 751
France	5 230 255	3 996 819	3 248 172	318 018	638 602
FYROMacedonia	24 147	3 090	-	-	10.081
Georgia	2 024	451	-	6 011	2 949
Germany	4 616 508	2 591 304	-	-	1.830 270
Hungary	106 688	18 377	617	10 855	105 406
Iceland	9 196	3 618	-	-	5 443
Ireland	7 569	2 127	-	-	4 412
Italy	3 114 773	2 613 898	1 432 501	80 721	518 000
Latvia	15 029	1 389	296	734	13 401

Liechtenstein	2 743	1 016	925	0	1 699
Lithuania	-	-	-	-	15 120
Malta	375	0	-	845	1 101
Moldova	60 857	5 155	-	-	18 519
Netherlands	466 097	57 985	-	113 296	248 949
Norway	426 053	241 046	183 762	185 007	87 466
Poland	1 644 763	968 924	681 937	45 416	391 487
Portugal	499 798	388 755	-	1 399	82 539
Romania	420 487	-	-	-	51 877
Russian Federation	183 240	19 020	-	-	837 327
SM-Serbia	8 022	1 968	320	5 936	19 628
Slovak Republic	158 301	149 086	41 670	1 829	24 299
Slovenia	78 623	10 224	43 369	2 001	14 484
Spain	3 321 829	2 690 845	2.268.978	-	441 001
Sweden	393 200	160 800	-	68 300	164 100
Switzerland	-	-	-	94 289	-
Turkey	2 935 300	779 691	124 079	-	791 992
UK-England & Wales	-	-	-	-	1 561 104
Ukraine	31 070	94 425	6 308	20 377	17 809
UK-Scotland	284 191	42 898	-	46 736	51 222

Data: Q34, Q35, Q36, Q37

Table G – Public budget for mediation (in euro)

Andorra	165 809	Czech Republic	2 500 000
France	170 000	Hungary	79 207
Ireland	5 470 000	Malta	23 000
Moldova	57 087	Netherlands	5 274 000
Norway	4 420 192	Portugal	237 570
Slovenia	10 14		

Dats: Q98

Table H – Number of registered or accredited mediators

Andorra	1	Moldova	3
Austria	0	Netherlands	3 980
Bulgaria	30	Norway	800
Croatia	69	Portugal	94
Czech Republic	188	Romania	0
France	410	Russian Federation	5.850
Hungary	817	Slovak Republic	0
Ireland	214	Slovenia	22
Lithuania	0	UK-Northern Ireland	50
Malta	35	UK-Scotland	50

Data: Q97

Table I – ICT budget for the courts (in euro)

Austria	31 124 000	Lithuania	1 160 000
Azerbaijan	104 957	Netherlands	32 627 000
Belgium	15 565 000	Norway	14 000 000
Bulgaria	277 108	Poland	3 588 083
Croatia	2 400 000	Portugal	6 412 211
Czech Republic	6 260 000	Russian Federation	14 285 700
Denmark	9 404 557	Slovak Republic	1 500 000
Estonia	524 000	Slovenia	2 752 055
Finland	9 000 000	Spain	4 358 319
FYROMacedonia	1 620 000	Sweden	9 396 288
Hungary	6 732 567	Turkey	15 276
Iceland	224 295	Ukraine	1 151 000
Ireland	9 300 000	UK-England & Wales	103 000 000
Italy	161 400 289	UK-Northern Ireland	7 007 751
Liechtenstein	34 404	UK-Scotland	2 500 000

Data: Q53

Table J – The role of courts in the execution of court decisions

Answer to Q107 “Does the court play a role in the execution of court decisions?”				
yes				no
Andorra	Estonia	Lithuania	Slovak Republic	Armenia
Austria	Finland	Malta	Slovenia	France
Azerbaijan	FYROMacedonia	Moldova	SM-Serbia	Ireland
Belgium	Germany	Norway	Spain	Netherlands
Bulgaria	Hungary	Poland	Sweden	Ukraine
Croatia	Italy	Portugal	Switzerland	UK-Northern Ireland
Czech Republic	Latvia	Romania	Turkey	UK-Scotland
Denmark	Liechtenstein	Russian Federation	UK-England & Wales	

Table K – The role of courts in the execution of decisions against public authorities

Answer to Q108 Are courts involved in executing decisions against public authorities?				
yes				no
Andorra	Germany	Moldova	Spain	Armenia
Austria	Hungary	Poland	Sweden	Bulgaria
Azerbaijan	Ireland	Portugal	Switzerland	Estonia
Belgium	Italy	Romania	Turkey	Netherlands
Croatia	Latvia	Russian Federation	UK-England & Wales	Norway
Czech Republic	Liechtenstein	Slovak Republic	UK-Northern Ireland	Ukraine
Denmark	Lithuania	Slovenia		UK-Scotland
Finland	Malta	SM-Serbia		

Note: to the first part of Q108 “Are the courts competent to decide against public authorities?” All countries answering this question, except for Armenia, said “yes”.

Table L – Availability of financial compensation for the victims of crimes

Q18 “Does your country have a public compensation fund to compensate financially the victims of crimes?”					
yes			no		
Andorra	Germany	Spain	Armenia	Lithuania	SM-Serbia
Austria	Hungary	Sweden	Bulgaria	Moldova	Turkey
Azerbaijan	Ireland	Switzerland	Croatia	Poland	Ukraine
Denmark	Italy	UK-England & Wales	Czech Republic	Romania	
Estonia	Malta	UK-Northern Ireland	FYROMacedonia	Russian Federation	
Finland	Netherlands	UK-Scotland	Latvia	Slovak Republic	
France	Norway		Liechtenstein	Slovenia	
Georgia	Portugal				

Note: in many cases, compensation funds are reported to be limited to specific types of crime.

Table M – Availability of trust and satisfaction surveys on the services of the judiciary

Q19 “Does your country have surveys to measure public trust and satisfaction with the services of the judiciary? If yes, are these surveys at national level or at court level?”					
yes		yes		no	
Austria	not specified	Netherlands	court & national	Andorra	Malta
Bulgaria	court & national	Russian Federation	not specified	Armenia	Moldova
Denmark	court & national	Slovak Republic	court & national	Azerbaijan	Norway
Estonia	national	Slovenia	national	Croatia	Poland
Finland	national	Spain	court & national	Czech Republic	Portugal
France	national	Sweden	court	Germany	Romania
FYROMacedonia	not specified	Turkey	national	Ireland	SM-Serbia
Georgia	court & national	Ukraine	national	Italy	
Hungary	national	UK-England & Wales	court & national	Liechtenstein	
Latvia	national	UK-Northern Ireland	not specified		
Lithuania	national	UK-Scotland	court & national		

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