



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Ukraine

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

46337340

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	25267874720
Regional / entity level	

3) Per capita GDP (in €)

1889

4) Average gross annual salary (in €)

1971

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

11

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

The Law of Ukraine On State Budget for 2008 year.

Internet sites of the State Statistics Committee of Ukraine and the National Bank of Ukraine (www.ukrstat.gov.ua and www.bank.gov.ua) provide official statistic information.

100 UAH - 1085.5 Euro

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

248517182

7) Please specify

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA

(not available) in case that the information cannot be supplied**Please provide comments to explain the data provided under question 8:**

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	136091227
Annual public budget allocated to computerisation (equipment, investments, maintenance)		NA
Annual public budget allocated to justice expenses		NA
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	5503109
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	1818182
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	3540627
Other (please specify):	<input type="checkbox"/> Yes	

Comment :

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

- Yes
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions? Please specify:

persons recognised as:

- Category I and II disabled status (the gravest one); or
- falling within

disabled status on account of their service during the Second World War; or

- suffered from the Chernobyl disaster

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)

2392218

12) Total annual approved budget allocated to the whole justice system (in €)

Please provide information concerning the budgetary elements that included in the whole justice system budget:

.

Amount

Comment :

13) Total annual approved public budget allocated to legal aid (in €)

Please provide comments to explain the figure provided under question 13:

. Amount 178264

Comment :

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	178264	

Comment :

Legal aid for account of State budget funds is provided only in criminal cases, in which legal aid is obligatory according to the domestic law

15) Is the public budget allocated to legal aid included in the court budget ?

- Yes
 No

16) Total annual approved public budget allocated to the public prosecution system (in €)

Please provide comments to explain the figure provided under question 16:

. Amount 103562627

Comment :

Funds allocated to the public prosecution system is the separate part of State budget

17) Is the budget allocated to the public prosecution included in the court budget?

- Yes
 No

18) Authorities formally responsible for the budget allocated to the courts:

	budget	budget	of the budget among the individual courts	budget at a national level
Ministry of Justice	No	No	No	No

Other ministry	Yes	No	No	Yes
Parliament	No	Yes	No	No
Supreme Court	Yes	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	Yes	Yes
Other	Yes	No	No	No

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

"Other Ministry" - the Ministry of Finance

"Other" - the State Court Administration (the central authority which provides appropriated conditions for the courts of general jurisdiction, controls administration in the courts of general jurisdiction etc).

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

The State Court Administration makes "budget requests" (information about total annual funds needed by all courts (with the exception of The Supreme Court, the Higher Administrative Court and the Higher Commercial Court), main areas of appropriate expenses, grounds for such expenses etc). The Supreme Court, the Higher Administrative Court and the Higher Commercial Court make their "budget requests" by oneself. Budget requests are submitted to the Ministry of Finance. It drafts the Law On the State Budget for an appropriate year taking into account the budget requests and budget resources. The Law On the State Budget approved by the Parliament.

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

The Law of Ukraine on State Budget for 2008 year.

Official information available on Internet site of Ukrainian judicial authority (www.court.gov.ua)

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	No
Legal advice	Yes	No
Other	Yes	No

21) If other, please specify (in regards to question 20):

Participation in investigation actions within pretrial investigation

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	
in criminal cases	
Other than criminal cases	NAP

Comment :

NA

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

- Yes
 No

26) Does your country have an income and asset test for granting legal aid:

	Yes	Amount in €
for criminal cases		
for other than criminal cases?		

Comment :

No

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

NAP

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	No
other than criminal cases?	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering the questions 24 and 26

The Civil Procedure Code
the Criminal Procedure Code

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes www.court.gov.ua
- case-law of the higher court/s? Internet address(es): Yes www.scourt.gov.ua
- other documents (for examples forms)? Internet address(es): Yes www.court.gov.ua

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
- No

If yes, please specify:

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

- Yes
- No

If yes, please specify:

Hot-lines (services) of the Ministry of Interior Affairs, the National Security Service , the State Tax Administarton, the Border Services Agency

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	No	No	No	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	No	Yes	Yes	No
Victims of domestic violence	No	No	No	No
Ethnic minorities	No	No	Yes	No
Disabled persons	No	No	Yes	No
Juvenile offenders	No	Yes	No	No
Other	No	No	No	No

Comment :

35) Does your country have a compensation procedure for victims of crimes?

- Yes

No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 a private fund?

If yes, which kind of cases does this procedure concern?

If victims suffered damage from a crime they have right to institute a civil claim against an accuser within a criminal trail.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

Victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case only in criminal cases which insinuated solely by a victim: insignificant cases concerning slight body injury can be discontinued in connection with reconciliation of the parties (Article 27 and §6 Article 6 the Criminal Procedure Code)

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
 non execution of court decisions?
 wrongful arrest?
 wrongful condemnation?

If yes, please specify (fund, daily tariff):

The Law on Procedure for Compensation of Damage Caused to Citizen by Unlawful Actions of Bodies of Inquiry, Pre-trial Investigation, Prosecutors and Courts provides a right for compensation shall be guaranteed in case of: the court acquittal; unlawful charge, unlawful detention, unlawful search while criminal investigation or court consideration, unlawful seizure, unlawful property arrest, unlawful removal from the office and other procedural actions restricting or infringing the civic rights and freedoms, unlawful operational search actions what is duly found in the acquittal or other court judgment (except the decision or the ruling of the court to remit the case for additional investigation or fresh consideration).

An amount of compensation is defined by a court in an each isolated instance.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	No
Surveys at court level	No	No

43) Is there a national or local procedure for making complaints about the functioning (for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?

- Yes
- No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No

High Council of the Judiciary	No	No
Other external organisations (e.g. Ombudsman)	No	No

Comment :

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	726
Specialised first instance Courts (legal entities)	54
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	783

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

Commercial courts - 27

Administrative courts - 27

Military courts - 15

47) Is there a change in the structure in the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	Na
a dismissal	Na
a robbery	Na

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

Please indicate the sources for answering the questions 45 and 48:

Official information available on Internet site of Ukrainian judicial authority (www.court.gov.ua)

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 7205

Comment :

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	NAP
if possible, in full time equivalent	NAP

51) Please provide comments to explain the answer under question 50:

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?		

Comment :

No

53) Does your judicial system include trial by jury with the participation of citizens?

- Yes
- No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

NA

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number NA

Comment :

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP
- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars NA
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) NA
- technical staff NA

Comment :

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

No

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number NA

Comment :

59) Do any other persons have similar duties as public prosecutors?

- Yes
- No

If yes, please specify:

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please

indicate it (NA).

Please provide comments to explain the answer under question 60:

Number

NA

Comment :

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	No	No	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	No	Yes

62) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

"Other" - State Court Administration and its local representations

63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	No	Yes	No	No
Electronic files	No	No	No	Yes
E-mail	No	Yes	No	No
Internet connection	No	Yes	No	No

64) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	No	No	No	No
Court management information system	No	No	No	No
Financial information system	No	No	No	No

65) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	No	No	No	No
Special Website	No	No	No	No
Other electronic communication facilities	No	No	No	No

66) 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:

The Statecourt Administration - 01601, Ukraine, st. Lypska 18/5, Kyiv (м. Київ, вул. Липська 18/5); inbox@court.gov.ua

The Supreme Court of Ukraine 01024, Ukraine, st. P.Orlyka 4a (м. Київ, вул. П. Орлика, 4-а)

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

67) Are the courts required to prepare an annual activity report?

- Yes
 No

68) Do you have a regular monitoring system of court activities concerning the

- number of incoming cases?
 number of decisions?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

Please specify:

69) Do you have a regular system to evaluate the performance of each court?

- Yes
 No

Please specify:

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
 No

71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are treated by a single sitting judge
 enforcement of penal decisions
 satisfaction of employees of the courts
 satisfaction of clients (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

Please specify:

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- Yes
 No

73) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court
 other

If other, please specify:

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
 No

75) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court)
 other

If other, please specify:

76) Please specify the main targets applied

77) Which authority is responsible for the evaluation of the performances of the courts:

- High Council of judiciary
 Ministry of justice
 inspection authority
 Supreme Court
 external audit body
 other

If other, Please specify:
The State Court Administration

78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
 No

If yes, please specify:

79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
 No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

- civil cases?

- criminal cases?
 administrative cases?

81) Do you have a way of analysing waiting time during court procedures?

- Yes
 No

If yes, please specify:

82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

83) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
 No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 the characteristics of your court monitoring and evaluation system

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

Na

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA		23	0
Civil proceedings - Article 6§1 (non-execution)	NA	1	53	0
Criminal proceedings - Article 6§1 (duration)	Na		10	0

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

Please specify:

88) Are there simplified procedures for:

civil cases (small claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

89) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Yes

No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	2246138	2749654	2626449	
1 Civil (and commercial) litigious cases*	NA	NA	NA	NA
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	242672	568996	406955	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	579177	522332	576850	34100
8 Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour and / or minor offences cases	NAP	NAP	NAP	NAP

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	180771	248848	95023	
1 Civil (and commercial) litigious cases*	NAP	NAP	NAP	NAP
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	43995	117312	27773	73700
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	46082	46427	46463	NA
8 Criminal cases (Severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour and/or minor offences cases	NAP	NAP	NAP	NAP

Comment :

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	NA	102500	27500	NA
1 Civil (and commercial) litigious cases*	NAP	NAP	NAP	NAP
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register				

cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	NA	48100	14100	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	NA	16800	16200	NA
8 Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour cases (minor offences)	NAP	NAP	NAP	NAP

Comment :

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	NA			
Employment dismissal cases*	NA			
Robbery cases	NA			36000
Intentional homicide				

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*					
Employment dismissal cases*					
Robbery cases					
Intentional homicide					

Comment :

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

to conduct or supervise police investigation

- to conduct investigation
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

99) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

Please specify:

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	NA	NA	NA	NA	NA	NA

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Please indicate the sources for answering the questions 90 to 95 and 100:

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

103) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

104) Which procedures and criteria are used for promoting judges? Please specify.

105) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

106) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of prosecutors only?
- An authority composed of non-prosecutors only?

An authority composed of prosecutors and non-prosecutors?

107) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors:

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

109) Is the mandate given for an undetermined period for judges?

- Yes
- No

Are there exceptions? Please specify:

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges		

111) Is the mandate given for an undetermined period for prosecutors?

- Yes
- No

Are there exceptions? Please specify:

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors		

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

- for judges? Yes
- for prosecutors? Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

114) Nature of the training of judges. Is it compulsory?

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president)
- In-service training for the use of computer facilities in the court

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training			
General in-service training			
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)			
In-service training for management functions of the court (e.g. court president)			
In-service training for the use of computer facilities in the court			

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training			
General in-service training			
Specialised in-service training (specialised public prosecutor)			

In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)			
In-service training for the use of computer facilities in the public prosecution service)			

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court**
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years**

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career		
Judge of the Supreme Court or the Highest Appellate Court		
Public prosecutor at the beginning of his/her career		
Public prosecutor of the Supreme Court or the Highest Appellate Instance		

Comment :

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation		
Special pension		
Housing		
Other financial benefit		

120) If other financial benefit, please specify:

121) Can judges combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching			
Research and publication			
Arbitrator			
Consultant			
Cultural function			
Other function			

122) If other function, please specify:

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching			
Research and publication			
Arbitrator			
Consultant			
Cultural function			
Other function			

124) If other function, please specify:

125) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for answering the question 118

5. 2. 2. Disciplinary procedures

126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

127) Which authority has the disciplinary power on judges and prosecutors? Please specify:

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 128:

	Judges	Prosecutors
Total number (1+2+3+4)		
1. Breach of professional ethics		
2. Professional inadequacy		
3. Criminal offence		
4. Other		

Comment :

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	Judges	Prosecutors
Total number (total 1 to 9)		
1. Reprimand		
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
 No
 Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- Civil cases*?
 Criminal cases - Defendant*?
 Criminal cases - Victim*?
 Administrative cases*?

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

134) Is the lawyer profession organised through?

- a national bar?
 a regional bar?
 a local bar?

Please specify:

Please indicate the source for answering the questions 130 and 132:

6. 1. 2. Training

135) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes

No

136) Is there a mandatory general system for lawyers requiring continuing professional training?

Yes

No

137) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

Yes

No

If yes, please specify:

6. 1. 3. Fees

138) Can users establish easily what the lawyers' fees will be?

Yes

No

Please provide comments to explain the answer under question 138

139) Are lawyers fees

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

Yes

No

141) If yes, who is responsible for formulating these quality standards:

the bar association?

the legislature?

other?

Please specify (including a description of the quality criteria used):

142) Is it possible to complain about

the performance of lawyers?

the amount of fees?

Please specify:

143) Which authority is responsible for disciplinary procedures

the judge?

the Ministry of justice?

a professional authority or other?

Please specify:

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				

Comment :

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number					

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

- Yes
 No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases					
Family law cases (ex. Divorce)					
Administrative cases					
Employment dismissals					
Criminal cases					

148) Is there a possibility to receive legal aid for mediation procedures?

- Yes
 No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

- civil cases? Yes
family cases? Yes
administrative cases? Yes
employment dismissals? Yes
criminal cases? Yes

Please indicate the source for answering the question 150:

7. 1. 2. Other forms of alternative dispute resolution

151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

154) Are enforcement agents (multiple options are possible):

- judges?
 bailiff practising as private profession ruled by public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

155) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

157) Can users establish easily what the fees of the enforcement agents will be?

- Yes
 No
 Not applicable

158) Are enforcement fees:

- regulated by law?
- freely negotiated?
- not applicable

Please indicate the source for answering the question 153:

8. 1. 2. Supervision

159) Is there a body entrusted with the supervision and the control of the enforcement agents?

- Yes
- No
- Not applicable

160) Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Please specify:

161) Have quality standards been formulated for enforcement agents?

- Yes
- No
- Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
- No

if yes, please specify

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

8. 1. 3. Complaints and sanctions**164) What are the main complaints of users concerning the enforcement procedure?
Please indicate a maximum of 3.**

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

165) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
 No

If yes, please specify:

166) Is there a system measuring the timeframes of the enforcement of decisions :

- for civil cases?
 for administrative cases?

167) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court sits:

- between 1 and 5 days
 between 6 and 10 days
 between 11 and 30 days
 more

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	<input type="checkbox"/> number:
for breach of professional ethics	<input type="checkbox"/> number:
for professional inadequacy	<input type="checkbox"/> yes, number:
for criminal offence	<input type="checkbox"/> number:
Other	<input type="checkbox"/> number:

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input type="checkbox"/> number:
Reprimand	<input type="checkbox"/> number:
Suspension	<input type="checkbox"/> number:
Dismissal	<input type="checkbox"/> number:
Fine	<input type="checkbox"/> number:
Other	<input type="checkbox"/> number:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

Please indicate the source for answering the questions 167, 168 and 169:

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) Is there a judge who is in charge of the enforcement of judgments?

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

171) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes

No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

- | | |
|---|---------------------------------|
| a private one (without control from public authorities)? | <input type="checkbox"/> number |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> number |
| a public one? | <input type="checkbox"/> number |
| other? | <input type="checkbox"/> number |

Comment :

174) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Please indicate the source for answering the question 173

9. 1. 2. Supervision

175) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes
 No

176) Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
 the judge?

- the Ministry of justice?
- the prosecutor?
- other?
- not applicable

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify: