EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009
Country: Ukraine

National correspondent

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Job title: 
Organisation: 
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Phone Number: +38(044) 279-54-51
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 €)

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State level</td>
<td>25267874720</td>
</tr>
<tr>
<td>Regional / entity level</td>
<td></td>
</tr>
</tbody>
</table>

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:
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
  - 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)
  - Yes
  - 5503109

- Annual public budget allocated to investments in new (court) buildings
  - Yes
  - 1818182

- Annual public budget allocated to training and education
  - Yes
  - 3540627

- Other (please specify):
  - 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?
  - No
- for other than criminal cases?
  - Yes

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:
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):

<table>
<thead>
<tr>
<th>Annual public budget allocated to legal aid in criminal law cases</th>
<th>Annual public budget allocated to legal aid in non criminal law cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount</td>
<td>178264</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th></th>
<th>budget</th>
<th>budget</th>
<th>of the budget among the individual courts</th>
<th>budget at a national level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Justice</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----</td>
<td>----</td>
<td>----</td>
<td>-----</td>
</tr>
<tr>
<td>Parliament</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Supreme Court</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Judicial Council</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Courts</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Inspection body</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Other</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

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 concern:

<table>
<thead>
<tr>
<th></th>
<th>Criminal cases</th>
<th>Other than criminal cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representation in court</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Legal advice</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Other</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

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):

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>in criminal cases</td>
<td></td>
</tr>
<tr>
<td>Other than criminal cases</td>
<td>NAP</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Amount in €</th>
</tr>
</thead>
<tbody>
<tr>
<td>for criminal cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>for other than criminal cases</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th></th>
<th>Yes (the decision has an impact on who bears the legal costs)</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>criminal cases?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>other than criminal cases?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 Administration, the Border Services Agency

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Information mechanism</th>
<th>Hearing modalities</th>
<th>Procedural rights</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victims of rape</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Victims of terrorism</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Children/Witnesses/Victims</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Victims of domestic violence</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Ethnic minorities</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Disabled persons</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Juvenile offenders</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Other</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Comment:

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

☐ Yes
36) If yes, does this compensation procedure consist in:
   - [ ] a public fund?
   - [x] 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
   - [x] 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
   - [x] 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
   - [x] 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?
   - [x] wrongful arrest?
   - [x] 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 be 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:

<table>
<thead>
<tr>
<th>Yes (surveys at a regular interval: for example annual)</th>
<th>Yes (incidental surveys)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveys at national level</td>
<td>No</td>
</tr>
<tr>
<td>Surveys at court level</td>
<td>No</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Time limit to respond (Yes)</th>
<th>Time limit for dealing with the complaint (Yes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court concerned</td>
<td>No</td>
</tr>
<tr>
<td>Higher court</td>
<td>No</td>
</tr>
<tr>
<td>Ministry of Justice</td>
<td>No</td>
</tr>
<tr>
<td>High Council of the Judiciary</td>
<td>No</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----</td>
</tr>
<tr>
<td>Other external organisations (e.g. Ombudsman)</td>
<td>No</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th></th>
<th>Total number</th>
</tr>
</thead>
<tbody>
<tr>
<td>First instance courts</td>
<td>726</td>
</tr>
<tr>
<td>of general jurisdiction</td>
<td></td>
</tr>
<tr>
<td>Specialised first</td>
<td>54</td>
</tr>
<tr>
<td>instance Courts (legal</td>
<td></td>
</tr>
<tr>
<td>entities)</td>
<td></td>
</tr>
<tr>
<td>All the Courts (geographic</td>
<td>783</td>
</tr>
<tr>
<td>locations) *) (this includes</td>
<td></td>
</tr>
<tr>
<td>Supreme Courts and/or High</td>
<td></td>
</tr>
<tr>
<td>Courts)</td>
<td></td>
</tr>
</tbody>
</table>

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):

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>a debt collection for small</td>
<td>Na</td>
</tr>
<tr>
<td>claims</td>
<td></td>
</tr>
<tr>
<td>a dismissal</td>
<td>Na</td>
</tr>
<tr>
<td>a robbery</td>
<td>Na</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>gross figure</td>
<td>NAP</td>
</tr>
<tr>
<td>if possible, in full time equivalent</td>
<td>NAP</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Do you have non-professional judges?</th>
<th>Yes</th>
<th>Number</th>
</tr>
</thead>
</table>

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)
  NAP

- 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
3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

<table>
<thead>
<tr>
<th></th>
<th>Preparation of the budget</th>
<th>Arbitration and allocation</th>
<th>Day to day management of the budget</th>
<th>Evaluation and control of the use of the budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management Board</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Court President</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Court administrative director</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Head of the court clerk office</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Other</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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?

<table>
<thead>
<tr>
<th></th>
<th>100% of courts</th>
<th>+50% of courts</th>
<th>-50% of courts</th>
<th>-10% of courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Word processing</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Electronic data base of jurisprudence</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Electronic files</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>E-mail</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Internet connection</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>100% of courts</th>
<th>+50% of courts</th>
<th>-50% of courts</th>
<th>-10% of courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case registration system</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Court management information system</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Financial information system</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

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

3.2.1 Monitoring and evaluation

<table>
<thead>
<tr>
<th>Electronic web forms</th>
<th>100% of courts</th>
<th>+50% of courts</th>
<th>-50% of courts</th>
<th>-10% of courts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Special Website</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Other electronic communication facilities</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

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-a)

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

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
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)?**
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?
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).

<table>
<thead>
<tr>
<th>Cases declared inadmissible by the Court</th>
<th>Friendly settlements</th>
<th>Judgements establishing a violation</th>
<th>Judgements establishing a non violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil proceedings - Article 6§1 (duration)</td>
<td>NA</td>
<td>23</td>
<td>0</td>
</tr>
<tr>
<td>Civil proceedings - Article 6§1 (non-execution)</td>
<td>NA</td>
<td>1</td>
<td>53</td>
</tr>
<tr>
<td>Criminal proceedings - Article 6§1 (duration)</td>
<td>Na</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>

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

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:

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.

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

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 possibly the existence of appeal rates for some case categories):

<table>
<thead>
<tr>
<th>Pending cases on 1 Jan. '08</th>
<th>Incoming cases</th>
<th>Resolved cases</th>
<th>Pending cases on 31 Dec. '08</th>
</tr>
</thead>
<tbody>
<tr>
<td>180771</td>
<td>248848</td>
<td>95023</td>
<td>NAP</td>
</tr>
</tbody>
</table>

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):

<table>
<thead>
<tr>
<th>Pending cases on 1 Jan. '08</th>
<th>Incoming cases</th>
<th>Resolved cases</th>
<th>Pending cases on 31 Dec. '08</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>102500</td>
<td>27500</td>
<td>NA</td>
</tr>
</tbody>
</table>

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
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.

<table>
<thead>
<tr>
<th>cases**</th>
<th>NAP</th>
<th>NAP</th>
<th>NAP</th>
<th>NAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Administrative law cases</td>
<td>NA</td>
<td>48100</td>
<td>14100</td>
<td>NA</td>
</tr>
<tr>
<td>7 Other</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Total criminal cases (8+9)</td>
<td>NA</td>
<td>16800</td>
<td>16200</td>
<td>NA</td>
</tr>
<tr>
<td>8 Criminal cases (severe criminal offences)</td>
<td>NAP</td>
<td>NAP</td>
<td>NAP</td>
<td>NAP</td>
</tr>
<tr>
<td>9 Misdemeanour cases (minor offences)</td>
<td>NAP</td>
<td>NAP</td>
<td>NAP</td>
<td>NAP</td>
</tr>
</tbody>
</table>

Pending cases on 1 Jan. '08

<table>
<thead>
<tr>
<th>Cases</th>
<th>Pending cases on 1 Jan. '08</th>
<th>Incoming cases</th>
<th>Resolved cases</th>
<th>Pending cases on 31 Jan. '08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Litigious divorce cases*</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment dismissal cases*</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robbery cases</td>
<td>NA</td>
<td></td>
<td></td>
<td>36000</td>
</tr>
<tr>
<td>Intentional homicide</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 tale. 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:

<table>
<thead>
<tr>
<th>% of decisions subject to appeal</th>
<th>% pending cases more than 3 years</th>
<th>1st instance (average length)</th>
<th>2d instance (average length)</th>
<th>Total procedure (average total length)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Litigious divorce cases*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment dismissal cases*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robbery cases</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intentional homicide</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

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

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?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Duration of the probation period (in years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation period for judges</td>
<td></td>
</tr>
</tbody>
</table>

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?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Duration of the probation period (in years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation period for prosecutors</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Annual</th>
<th>Regular</th>
<th>Occasional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial training</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General in-service training</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-service training for specialised judicial functions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-service training for management functions of the court</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-service training for the use of computer facilities in the court</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Annual</th>
<th>Regular</th>
<th>Occasional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial training</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General in-service training</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specialised in-service training (specialised public prosecutor)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th></th>
<th>Gross annual salary (€)</th>
<th>Net annual salary (€)</th>
</tr>
</thead>
<tbody>
<tr>
<td>First instance professional judge at the beginning of his/her career</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judge of the Supreme Court or the Highest Appellate Court</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public prosecutor at the beginning of his/her career</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public prosecutor of the Supreme Court or the Highest Appellate Instance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comment :

119) Do judges and public prosecutors have additional benefits?

<table>
<thead>
<tr>
<th></th>
<th>Judges</th>
<th>Public prosecutors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduced taxation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special pension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other financial benefit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

120) If other financial benefit, please specify:

121) Can judges combine their work with any of the following other functions ?
### 122) If other function, please specify:

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

<table>
<thead>
<tr>
<th>Function</th>
<th>Yes with remuneration</th>
<th>Yes without remuneration</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teaching</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and publication</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arbitrator</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural function</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other function</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 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:

<table>
<thead>
<tr>
<th></th>
<th>Judges</th>
<th>Prosecutors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1+2+3+4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Breach of professional ethics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Professional inadequacy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Criminal offence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

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
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?
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:

<table>
<thead>
<tr>
<th>Annual number</th>
<th>Breach of professional ethics</th>
<th>Professional inadequacy</th>
<th>Criminal offence</th>
<th>Other</th>
</tr>
</thead>
</table>

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:

<table>
<thead>
<tr>
<th>Annual number</th>
<th>Reprimand</th>
<th>Suspension</th>
<th>Removal</th>
<th>Fine</th>
<th>Other</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Possibility for private mediation proposed by the judge or court annexed mediation</th>
<th>Private mediator</th>
<th>Public authority (other than the court)</th>
<th>Judge</th>
<th>Prosecutor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil and commercial cases</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family law cases (ex. Divorce)</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Administrative cases</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment dismissals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal cases</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

民事案件?
☑  是
家庭案件?
☑  是
行政案件?
☑  是
雇用退休案件?
☑  是
刑事案件?
☑  是

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:
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: number:
- For breach of professional ethics: number:
- For professional inadequacy: yes, number:
- For criminal offence: number:
- Other: 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: number:
- Reprimand: number:
- Suspension: number:
- Dismissal: number:
- Fine: number:
- Other: 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)? ☐ number
- a status of private worker ruled by the public authorities? ☐ number
- a public one? ☐ number
- other? ☐ 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: