

2024 CEPEJ Evaluation Report (2022 data)

Trends and Conclusions

Established by the Council of Europe in 2002, the European Commission for the Efficiency of Justice (CEPEJ) aims to enhance the efficiency and quality of public justice services across its member States. Its mission includes promoting the effective implementation of Council of Europe justice instruments, ensuring public policies consider the needs of justice system users, and helping prevent violations of Article 6 of the European Convention on Human Rights. Composed of experts from 46 member States, the CEPEJ has been conducting a biennial evaluation of judicial systems since 2004 that allows to better understand the functioning of the justice in Europe and beyond, in order to improve its efficiency and its quality in the interest of close to 700 million Europeans.

The 2024 CEPEJ Evaluation Report on European judicial systems, based on 2022 data, **marks the tenth evaluation cycle and analyses the judicial systems of 44 member States of the Council of Europe as well as two observer States to the CEPEJ**, Israel and Morocco. This is also the first edition of the report using post-COVID data, the pandemic having also affected the functioning of justice in Europe.

This edition remains faithful to the CEPEJ methodology of data collection and quality control that relies on a network of national correspondents and ensures a high level of quality as well as the comparability of the data presented and analysed.

The Report has three parts:

- **general analyses** reviewing trends and highlighting good practises implemented in the different countries in various topics such as budget, justice professionals, access to justice, efficiency of courts and public prosecution services and information and communication technology. Specific CEPEJ indicators are used to analyse data relating to efficiency (Clearance Rate -CR- and Disposition Time -DT-) and ICT;
- **country profiles**, summarizing key data and indicators for each country and making possible to situate a state within European context by comparing its key data with the European medians. The country profile contains also a synthetic analysis of the most notable elements of each judicial system;
- **CEPEJ-STAT**, an online database containing CEPEJ data since 2010, and making available to policymakers, legal professionals, and researchers various dashboards (synthesis of data, efficiency, budget of judicial systems, new technologies, gender in courts, judges and prosecutors), allowing comparisons between states.

Main Trends and Conclusions

Budget

- Despite the judiciary's significance, the portion of the budget allocated to it remains a small percentage of GDP compared to other public sectors, even though there have been some increases over the years. European countries spent on average almost 1,1 billion Euros on their judicial systems, equal to 85,4€ per inhabitant (7,31 € more than in 2020) and 0,31% of GDP.
- Between 2014 and 2022, the budget allocated to the judicial system exhibited steady but uneven growth, rising from 59,1 € in 2014 to 85,4 € in 2022. Wealthier countries typically allocate a higher judicial system budget per capita, sometimes exceeding 200 € per inhabitant. In contrast, less wealthy countries dedicate a larger percentage of their GDP to justice, reflecting a greater effort relative to their economic resources.
- On average, member States and entities spend about 2/3 of their judicial system budget on courts, around 25% on public prosecution services and the remaining on legal aid (11%).
- The average implemented courts' budget increased from 35,4 € in 2014 up to 46,8 € in 2022. Significant increases were observed across various budget areas, including training (+54% from 2020 to 2022), that are partly a recovery from the significant decreases in these areas during 2020 due to the COVID-19 pandemic.
- Most countries experienced an increase in annual court fee income compared to 2020, partly due to a lower court fee income during the COVID-19 period, when court operations were disrupted by prevention measures.
- In 2022, states and entities spent on average 18,6 € per inhabitant on public prosecutors' services, which corresponds to 0,09% of GDP. The average expense per inhabitant in 2022 was 18,75% higher than that for 2020 (16,0 €).
- Between 2020 and 2022, the average expenditure on legal aid decreased from 120 million euros to 100 million euros (-16%). Wealthier countries (with a GDP per capita over 20,000 €) generally invest more in legal aid, with an average of 24% of the judicial budget allocated to legal aid, compared to only 3% in less wealthy countries.

Justice Professional

- In 2022, Europe had an average of 22 judges per 100 000 inhabitants (from a minimum of 3 judges per 100 000 inhabitants in **UK-England** and **Wales** to a maximum of 42,4 in **Croatia** and **Montenegro**), marking a slight increase from 2012. However, significant disparities exist between countries namely due to specific national characteristics of judicial systems, the existence of non-professional judges (in 54% of member States and entities), the role of *Rechtspfleger* (in 35% of member States and entities), the number and tasks of non-judge staff supporting judges.
- The number of public prosecutors per inhabitant also varies greatly from one country to another (from 3 in **France** and **Ireland** to 24 in **Bulgaria**, **Latvia**, and **Moldova**). On average, it

has slightly increased since 2012, to stand at around 12 prosecutors per 100 000 inhabitants in 2022. 16 countries have other staff with duties comparable to those of prosecutors, providing support to the latter.

- There are more women judges and prosecutors than men in Europe (57% of the professional judges and 54% of the public prosecutors are female) and the percentage of newly recruited female judges is even higher than the existing proportion in 24 out of 32 countries (in 17 out of 27 concerning public prosecutors). However, the glass ceiling, i.e., the under-representation of women in the highest positions, is still present, although it seems to have begun to crack. Indeed, the proportion of women occupying these highest positions has increased again. Nevertheless, in 2022, on average, 57% of judges and 54% of public prosecutors exercising their functions within the Supreme Courts, 58% of court presidents and 62% of heads of public prosecution offices are men.
- The absolute ban on giving instructions in individual cases is a guarantee of the independence of public prosecutors which is only ensured in a minority of states and entities (28%).
- From 2012 to 2022, the salaries of judges and prosecutors in relation to average salary increased slightly in Europe, though there are significant disparities, with some countries seeing decreases. On average, judges' gross salary is 2,5 times the average national salary at the beginning of their career and 4,9 times at the end of career. On the other hand, the gross salary of prosecutors at the beginning of the carrier is, on average 1,9 times the average national salary, this ratio being of 3,7 at the Supreme Court level. Judges typically earn more than prosecutors throughout their careers, but it should be borne in mind that prosecutors' salaries are inevitably affected by the diversity that characterises their statutory position within member States.
- In 2022, there were an average of 180 lawyers per 100 000 inhabitants (from 23 in **Azerbaijan** to 505 in **Cyprus**). Most lawyers in Europe are men (56%), but the percentage of women has grown since 2018 in several countries. By 2022, 12 member States have a majority of women lawyers.

Access to Justice

- Acknowledging the importance of court users' perception and needs, as well as their trust in the system, 44 states and entities provide to a greater or lesser extent, through their court websites, free online access to legal texts, higher courts jurisprudence, information about the judicial system along with a range of other information. In 2022, 34 member States and entities and one observer State have also conducted at either national or court level, annual, regular, or ad hoc satisfaction surveys, some of them being in the process of evaluating, piloting, expanding or developing surveys.
- Affordability being an integral component of access to justice, legal aid is available in all 46 member States and entities and the two observer States for criminal, civil and administrative cases, most of the time following an evaluation of the applicant's income and assets. Some

states and entities automatically grant legal aid to specific categories of individuals such as victims of domestic or sexual violence, immigrants, or asylum seekers.

- Only in 3 member States access to court is free of charge. Court fees payment is otherwise a common feature of European justice systems, often covered by legal aid.
- The downward trend in the number of courts in Europe has been confirmed in 2022. At the same time, the existence of alternative mechanisms to resolve disputes, as well as digital solutions appear more and more as a mean to enhance access to justice. On the one hand, court-related mediation exists in all member States and entities (mandatory in half of them in respect of specific legal fields). On the other hand, digital tools make it possible to file a case (in over 70% of the states) and submit relevant documents (in over 80%); communicate with the court (in over 70%); and participate in hearings (in over 75%), but their real usage in the justice field is low, presenting an opportunity to further enhance accessibility.
- Adapted procedures, specialist expertise and additional protections are available across Europe to empower and protect some of the society's most vulnerable groups, namely minors and victims of domestic and/or sexual violence. Multidisciplinary approaches such as the *Barnahus* (Children's Houses) regarding minors, or the *Safe Houses*(shelters) with regard to domestic violence victims prove to be highly effective. Besides, member States are increasingly aware of the importance of training of judges and prosecutors in the field of child-friendly justice and domestic violence.

Efficiency and Quality

- Overall, European judicial systems have shown significant improvement in 2022, compared to the 2020 data, indicating that they were able to take on more work once the pandemic measures subsided. Indeed, the theoretical time needed to process a case, as measured by the Disposition Time indicator, decreased overall compared to 2020. However, the time taken to process civil, criminal and administrative cases has not returned to its pre-pandemic level and the length of proceedings increased in first and second instances for civil and commercial cases. On the other hand, processing times improved for first instance criminal cases, with more cases resolved despite an increase in the number of incoming cases. Administrative cases saw the biggest decrease in length of proceedings but stayed above pre-pandemic levels.
- Criminal justice remained the most efficient area of law, while administrative matters were the least efficient. Streamlined processes and stricter time limits in criminal cases contribute to their efficiency.
- In 2022, third-instance courts were the most efficient in all case types. First-instance courts, despite improvements, remained the least efficient, with longer processing times.

- Court-related mediation remains underutilised, for the one quarter of states providing data. Despite the generally low impact, some countries have made significant progress in promoting mediation and alternative dispute resolution (ADR) through legislative reforms and institutional developments. Mediation outside the courts remains very difficult to evaluate, and therefore does not provide an overall picture of mediation in a country.
- Prosecutorial efficiency continues to be a challenge across Europe with a general decline since 2020. Only some countries have made progress processing more cases in 2022.

Information and communication technologies (ICT)

- The investment in ICT is continuously present and almost all states have increased their average ICT budget per inhabitant but also its participation in the judicial system budget. This shows the increasing relevance of ICT for judiciary.
- For the first time a new experimental ICT Usage index accompanies the existing ICT Deployment index and provides more complete measurement of the role of ICT in judiciary.
- The ICT Deployment varies significantly between states, from as low as 0 to maximum 8 points of 10. The Usage index on the other side is lower than deployment and ranges from 0 to maximum 6 of 10. Interestingly some countries that scored highest in Deployment index have still somewhat lower usage index which suggest recent development in ICT or inability to measure the usage at this point. In both cases it is expected to have increase in its usage in the next period.
- The European average of the ICT Deployment index is clearly highest in the category “case management” (5,66) and lowest in “decision support” (2,64) which shows that countries are still occupied with setting up basic digital infrastructure like e-filing and case registration.
- Similar trend applies for the Usage rate being also highest in the category “case management” (5,27) but lowest in “digital access” (1,69), meaning that usage of e-communication still needs encouragement.
- Since the last cycle and after COVID, many states and entities have made notable progress in introducing remote hearings in courts and in 33 states this is possible in criminal matter.
- New innovative tools to assist judges are emerging in this evaluation cycle, signalling a start of a significant developments to be visible in the next evaluation cycle. Early efforts focus on areas like class actions, automatic anonymization of judgments, and specialized translation, where AI is used.
- Grouping countries by digitalization levels shows that countries that have higher ICT index have in average lower case processing times
- Even if the majority of states (32) organise some type of evaluation of the impact of the implementation of ICT projects, this continues to be a complex and perhaps premature task for European judiciary. It is also visible by the difficulties of some countries to provide an estimate on the deployment or usage rate of some tools.