European judicial systems
CEPEJ Evaluation Report



Part 1
Tables, graphs and analyses

2022 Evaluation cycle (2020 data)

cepej
European Commission for the Efficiency of Justice
Commission européenne pour l'efficacité de la justice

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

European judicial systems
CEPEJ Evaluation Report

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Part 1
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Council of Europe

French edition:
Systèmes judiciaires européens
Rapport d'évaluation de la CEPEJ
Cycle d'évaluation 2022
Tableaux, graphiques et analyses (Partie 1)

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All other correspondence concerning this document should be addressed to:
cepej@coe.int

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The CEPEJ Report on the evaluation of European judicial systems is composed of three parts :

- Tables, graphs and analyses (Part 1)
- Country Profiles (Part 2)
- The CEPEJ-STAT dynamic database (https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems)

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Evaluation process of CEPEJ

The European Commission for the Efficiency of Justice (CEPEJ) was set up by the Committee of Ministers of the Council of Europe in September 2002. It is entrusted primarily with proposing concrete solutions suitable for the Council of Europe member States for:

- promoting the effective implementation of existing Council of Europe instruments used for the organisation of justice;
- ensuring that public policies concerning courts take into account the justice system users;
- contributing to the prevention of violations of Article 6 of the European Convention on Human Rights and, thereby, contributing to reducing congestion in the European Court of Human Rights.

The CEPEJ is today a unique body, made up of qualified experts from the 46 Council of Europe member States. It proposes practical measures and tools to improve the efficiency and quality of the public service of justice for the benefit of its users.

In order to fulfil these tasks, the CEPEJ has undertaken since 2004 a regular process for evaluating every two years the judicial systems of the Council of Europe member States and some observer States.

The following constitutes the 2022 CEPEJ Evaluation Report on the European judicial systems based on 2020 data. With this ninth biennial evaluation cycle, the CEPEJ aims to provide policy makers and justice professionals a practical and detailed tool for a better understanding of the functioning of justice in Europe, in order to improve its efficiency and its quality in the interest of close to 700 million Europeans, and beyond.

RESPONDING STATES IN 2022 EVALUATION CYCLE

By May 2022, 44 member States participated in the entire process[1]: **Albania**, **Andorra**, **Armenia**, **Austria**, **Azerbaijan**, **Belgium**, **Bosnia and Herzegovina**, **Bulgaria**, **Croatia**, **Cyprus**[2], the **Czech Republic**, **Denmark**, **Estonia**, **Finland**, **France**, **Georgia**[3], **Germany**, **Greece**, **Hungary**, **Iceland**, **Ireland**, **Italy**, **Latvia**, **Lithuania**, **Luxembourg**, **Malta**, **Republic of Moldova**[4], **Monaco**, **Montenegro**, the **Netherlands**, **North Macedonia**, **Norway**, **Poland**, **Portugal**, **Romania**, **Serbia**, the **Slovak Republic**, **Slovenia**, **Spain**, **Sweden**, **Switzerland**, **Türkiye**, **Ukraine**[5] and **United Kingdom**[6] (entities of England and Wales, Northern Ireland and Scotland)[7].

Liechtenstein and **San Marino** have not been able to provide data for this Report.

Israel, **Kazakhstan** and **Morocco**, observer States, have also participated in the evaluation cycle. It should be noted that the statistics presented in the summary graphs and indicated at the end of the tables (averages, medians, etc.) are always calculated only for the Council of Europe member States in order to provide a picture of the European situation of judicial systems.

Codes In order to improve visualisation of results, for example in the maps and graphs, codes which represent the names of the States and entities are used. These codes correspond to the official classification (ISO 3166-1 alpha-3 codes with three letters) published by the International Organisation of Normalisation. In absence of ISO codes for the entities of the **United Kingdom**, the codes ENG, WAL, NIR and SCO are used for England and Wales, Northern Ireland and Scotland, respectively.

Albania	ALB
Andorra	AND
Armenia	ARM
Austria	AUT
Azerbaijan	AZE
Belgium	BEL
Bosnia and Herzegovina	BIH
Bulgaria	BGR
Croatia	HRV
Cyprus	CYP
Czech Republic	CZE
Denmark	DNK
Estonia	EST
Finland	FIN
France	FRA
Georgia	GEO
Germany	DEU
Greece	GRC
Hungary	HUN
Iceland	ISL
Ireland	IRL
Italy	ITA
Latvia	LVA
Lithuania	LTU
Luxembourg	LUX
Malta	MLT
Republic of Moldova	MDA
Monaco	MCO
Montenegro	MNE
Netherlands	NLD
North Macedonia	MKD
Norway	NOR
Poland	POL
Portugal	PRT
Romania	ROU
Serbia	SRB
Slovak Republic	SVK
Slovenia	SVN
Spain	ESP
Sweden	SWE
Switzerland	CHE
Türkiye	TUR
Ukraine	UKR
UK-England and Wales	UK:ENG&WAL
UK-Northern Ireland	UK:NIR
UK-Scotland	UK:SCO
Israel	ISR
Kazakhstan	KAZ
Morocco	MAR

1. i.e. completed data collection and quality control procedure
2. The data provided by Cyprus do not include data of the territory which is not under the effective control of the Government of Cyprus.
3. The data provided by Georgia do not include data of the territory which is not under the effective control of the Government of Georgia.
4. The data provided by the Republic of Moldova do not include data of the territory which is not under the effective control of the Government of the Republic of Moldova.
5. The data indicated for Ukraine do not include the territories which were not under the effective control of the Ukrainian government in year 2020. All activities of the Council of Europe concerning the Autonomous Republic of Crimea and the City of Sevastopol aim at fostering human rights in the interest of the people living in this territory. They cannot be interpreted as recognising neither the authorities that exercise de facto jurisdiction nor any altered status of the territory in question.
6. The results for the United Kingdom are presented separately for England and Wales, Northern Ireland and Scotland. The three judicial systems are organised on a different basis and operate independently from each other.
7. Following the decision of the Committee of Ministers of 16 March 2022, the Russian Federation ceased to be a member State of the Council of Europe. Consequently, the 2020 data do not include data from the Russian Federation, and median and average values are calculated for the 44 member States participating in the present evaluation cycle, excluding the Russian Federation. On the other hand, data from previous cycles (2010-2018) include data from the Russian Federation, and the median and average values are calculated for the 45 member States concerned, including the Russian Federation.

GENERAL REMARKS

Comparing data and concepts

The comparison of data from different countries with various geographical, economic and legal situations is a delicate task. It should be approached with great caution by the readers when consulting, interpreting and analysing the information contained in the Report.

In order to compare the various States and their systems, it is necessary to bear in mind their peculiarities which may explain some of the differences between their data (different judicial systems, various approaches to courts organisation, different statistical classifications to evaluate the systems, etc.). Particular concern has been given to the definition of the terms used in order to ensure that the concepts have a common basis of understanding.

The Report aims to give an overview of the situation of the European judicial systems. Rather than ranking the judicial systems in Europe, which would be scientifically inaccurate, it allows comparison of comparable countries, or clusters of countries, and discerns trends. The Report offers readers the possibility of in-depth study by choosing relevant clusters of countries according to the indicator analysed (civil law and common law countries, countries of a certain region or other), geographical criteria (size, population) or economic criteria (level of GDP, within or outside the euro zone, etc.).

PRESENTING THE DATA

A few abbreviations deserve to be mentioned here given their frequent use throughout the Report:

- "Qx" refers to the number of the question (x=-number) in the CEPEJ Evaluation Scheme (see below under Methodology), based on which information was collected.
- If there was no (valid) information, the abbreviation "NA" ("not available") is used.
- In some cases, a question could not be answered because it referred to a situation that does not exist in the responding country or entity. In these cases, the abbreviation "NAP" ("not applicable") is used.
- The number of staff (judges, prosecutors, etc.) is given in full time equivalent ("FTE") in order to enable comparisons, when possible.

METHODOLOGY

The CEPEJ methodology is based on specific key documents, actors and processes.

KEY DOCUMENTS

The CEPEJ Scheme for Evaluating Judicial Systems (The Evaluation Scheme) was revised in 2020 by the CEPEJ Working Group on the Evaluation of judicial systems (CEPEJ-GT-EVAL) and adopted by the CEPEJ at its 34th plenary meeting on 8 December 2020 (Document CEPEJ(2020) 16rev). This scheme has been designed and used by the CEPEJ on the basis of the principles identified in Resolution Res(2002)12 of the Committee of Ministers setting up the CEPEJ, and relevant Resolutions and Recommendations of the Council of Europe in the field of efficiency and fairness of justice. It has a form of a questionnaire offering a unique approach aimed at covering all relevant aspects of judicial systems.

The Explanatory Note accompanies the Evaluation Scheme and provides detailed definitions and additional explanations of the questions and notions used in the Scheme (Document CEPEJ(2020)18rev). Its main purpose is to facilitate a common understanding of the questions by all national correspondents, with a view of ensuring the uniformity and comparability of the data collected. In order to accurately understand the Report, it is essential to read it in the light of this Explanatory Note.

KEY ACTORS

The CEPEJ national correspondents are persons designated by the member States to collect the relevant data in respect of their system and deliver them to the CEPEJ. They are the main interlocutors of the CEPEJ Secretariat in ensuring the quality of the data. The Report uses almost exclusively data provided by the national correspondents. If, exceptionally, data from other sources have been used, the full references of those sources are mentioned.

The CEPEJ Working Group GT-EVAL[8], under the chairmanship of Mr Jaša Vrabec (Slovenia), in close cooperation with the CEPEJ Secretariat was entrusted with the preparation of the Report.

KEY STAGES

Data collection - The national correspondents collect and submit replies to the questions in the Evaluation Scheme on behalf of the member States, entities and observer States through the online tool "CEPEJ COLLECT". For this evaluation cycle, the reference year is 2020 and the data collection period officially lasted from 19 March to 1 October 2021. National data are completed by descriptions of the judicial systems and comments, both of which contribute greatly to understanding of the data and constitute an essential complement. They are available in the frame of the "CEPEJ-STAT", the dynamic database of the judicial systems of the Council of Europe member States and participating observers. Readers should bear in mind the necessity of interpreting the statistics in the light of the comments and explanations provided by the States and entities.

Quality check is the process of ensuring the coherence and reliability of the data submitted. The CEPEJ Secretariat verifies the accuracy and consistency of all data submitted via CEPEJ-COLLECT by the national correspondents, through dialogue with them concerning replies which require additional clarifications. At the end of the process, the Secretariat validates the data. According to its methodology, no data is modified by the CEPEJ without the authorisation of the national correspondents. Only verified and validated data have been published in the Report.

SCOPE OF THE REPORT AND CEPEJ-STAT

The Report (1st and 2nd part) focuses on key issues and key data. It does not exploit exhaustively all the information provided by the States and entities but rather adopts an analytical approach, identifying main trends and issues common to the member States.

For a more detailed analysis, the CEPEJ has made available its dynamic internet database of statistics "CEPEJ-STAT" (https://www.coe.int/en/web/cepej/cepej-stat) which contains all the data collected by the CEPEJ since 2010. It also contains dashboards that give a comprehensive and synthetic overview of number of relevant indicators. CEPEJ-STAT is freely accessible to everyone, policy makers, legal practitioners, academics and researchers, and presents a complete set of data and information for possible further in-depth research.

This Report is based on 2020 data. Since then, several States have implemented fundamental institutional and legislative reforms of their legal systems, as indicated in the answers to the last question of the Evaluation Scheme (Q208). For these States, the situation described in this Report might differ from the current situation.

EFFECTS OF COVID – 19 PANDEMIC

Due to the global COVID-19 pandemic all judicial systems in Europe have faced many challenges in their functioning during 2020. For this reason, in most of the member States/entities, some measures were introduced (e.g. lockdowns, limitations of parties' attendance, postponement of hearings, remote work in judicial bodies, videoconferences etc.) that affected the work of judicial systems, which had an impact on large number of data presented in this Report. Consequently, large discrepancies might be identified when comparing 2020 data with previous years. In order to interpret the data correctly, readers should always observe the very specific situation caused by the pandemic.

8. The Working Group of the CEPEJ on the Evaluation of judicial systems (CEPEJ-GT-EVAL) is composed of:
Mr Juan Fernando Armengot Iborra, Advisor, Directorate General for International Legal Cooperation and Human Rights, Ministry of Justice, Madrid, Spain;
Ms Joanne Battistino, Officer in Scale 5, Department of Justice, Ministry of Justice, Culture & local Govt., Valletta, Malta;
Mr Christophe Koller, Project Manager ESEHA, Center for counselling and comparative analysis, Bern, Switzerland;
Ms Simone Kress, Judge, Vice-President of the Regional Court of Cologne, Germany;
Mr Jaša Vrabec, Head of the Office for Court Management Development, Supreme Court, Ljubljana, Slovenia;
Ms Martina Vrdoljak, Advisor to the Minister, Ministry of Justice and Public Administration of the Republic of Croatia Zagreb, Croatia;
The CEPEJ-GT-EVAL has benefited from the active support of scientific experts:
Ms Victoria Mertikopoulou, Partner, EU & Competition, Regulatory, Compliance, Kyriakides Georgopoulos Law Firm, Athens, Greece;
Ms Sophie Van Puyvelde, Magistrate, Deputy Head of the Statistics and Studies Department, Ministry of Justice, Paris, France;
Ms Ana Krnić Kulušić, Justice Reform Expert, Zagreb, Croatia;
Ms. Anna Skrjabina, Project Leader at Court Administration of Latvia, Riga, Latvia;
Mr Marco Velicogna, Researcher at IGSG-CNR, Bologna, Italy;
Mr Martin Viktora, Assistant Professor, Prague University of Economics and Business, FBA, Prague, Czech Republic;
Mr Jan Philipp Westhoff, Judge at the Higher Regional Court, Ministry of Justice of North Rhine-Westphalia, Düsseldorf, Germany.

The effects of the pandemic are addressed in different chapters of this Report. Surely, the efficiency of courts was affected as it will be presented in Chapter 5. However, not all levels of courts and not all areas of law were affected equally. It could be expected that these repercussions in different efficiency indicators will gradually settle with the ease of COVID measures and that courts will be able to function as before this crisis. On the other hand, the technological aspects of the day-to-day functioning of courts and ways of communication with court users seem to be irreversibly changed and transformed due to effects of the pandemic. Acknowledging this, in 2021, the CEPEJ Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST) prepared the *Guidelines on videoconferencing in judicial proceedings*[9] and the *Guidelines on electronic court filing (e-filing) and digitalisation of courts*[10]. A selection of good practices on videoconferencing in judicial proceedings is available and regularly updated on the CEPEJ website[11].

GENERAL DATA

The population, GDP (gross domestic product) per capita and average salary provide information about the general context in which this study was conducted. In particular, these data make it possible to standardise other figures facilitating the comparative approach between the different States/entities.

DEMOGRAPHIC DATA

The population (Q1) shows the number of inhabitants in the reference year. These figures enable readers to get an idea about diversities in the population and size of the countries involved: **Monaco** has about 38 000 inhabitants, while **Germany** and **Türkiye** have more than 83 million inhabitants.

Moreover, the population may vary in time in some of the member States and entities.

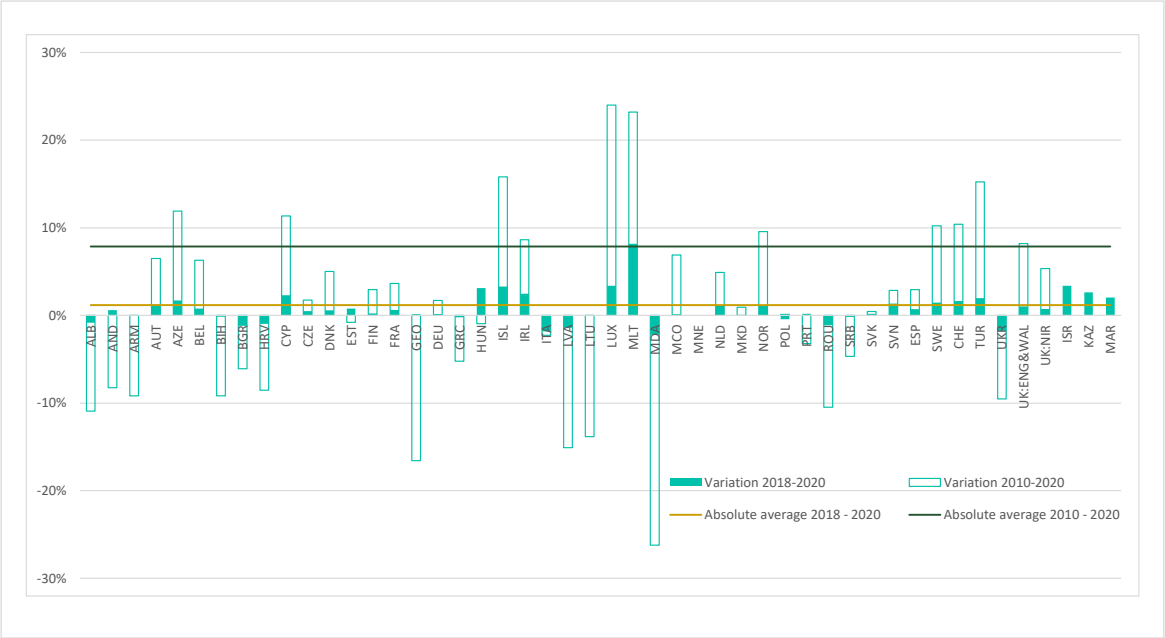
These demographic diversity and variations must always be kept in mind, considering that population data will be used for most of the standardizations.

Figure 1.1 **General data, 2020**

States / Entities	Population	GDP per capita	Average salary
ALB	2 845 955	4 460 €	5 200 €
ARM	2 963 300	3 739 €	4 237 €
AUT	8 932 664	42 502 €	35 072 €
AZE	10 067 100	3 477 €	4 066 €
BEL	11 521 238	39 160 €	41 938 €
BIH	3 491 000	5 168 €	9 056 €
BGR	6 916 548	8 845 €	8 509 €
HRV	4 036 355	12 170 €	14 681 €
CYP	896 000	23 397 €	24 882 €
CZE	10 701 777	20 278 €	16 279 €
DNK	5 840 045	53 470 €	40 872 €
EST	1 329 460	20 324 €	17 376 €
FIN	5 533 793	42 701 €	43 140 €
FRA	67 407 241	33 959 €	34 495 €
GEO	3 728 600	3 812 €	3 552 €
DEU	83 155 031	40 027 €	52 464 €
GRC	10 718 565	15 424 €	NA
HUN	9 890 640	13 940 €	12 901 €
ISL	368 792	18 823 €	60 987 €
IRL	4 977 400	74 912 €	40 283 €
ITA	59 257 566	27 815 €	31 233 €
LVA	1 893 223	15 431 €	13 716 €
LTU	2 795 680	17 510 €	17 143 €
LUX	634 730	101 056 €	63 015 €
MLT	514 565	24 634 €	18 923 €
MDA	2 626 942	3 839 €	4 928 €
MCO	38 350	69 380 €	43 889 €
MNE	620 029	7 959 €	9 396 €
NLD	17 475 415	45 900 €	62 700 €
MKD	2 076 255	5 187 €	8 214 €
NOR	5 391 369	59 159 €	54 784 €
POL	38 244 000	12 953 €	13 437 €
PRT	10 295 909	19 638 €	18 044 €
ROU	19 186 201	11 290 €	13 385 €
SRB	6 951 235	6 092 €	8 471 €
SVK	5 459 781	16 770 €	15 275 €
SVN	2 108 977	22 014 €	22 300 €
ESP	47 344 649	23 692 €	22 849 €
SWE	10 379 295	47 455 €	43 092 €
CHE	8 682 910	75 607 €	74 178 €
TUR	83 614 362	7 519 €	NA
UKR	41 418 717	3 262 €	4 520 €
UK:ENG&WAL	59 720 000	33 850 €	35 607 €
UK:NIR	1 895 500	28 524 €	31 491 €
UK:SCO	5 466 000	31 481 €	35 140 €
ISR	9 289 761	38 169 €	37 686 €
KAZ	18 879 552	7 991 €	5 424 €
MAR	36 313 189	2 785 €	NA

9. Guidelines on videoconferencing in judicial proceedings, available at: https://rm.coe.int/cepej-2021-4-guidelines-videoconference-en/1680a2c2f4
10. Guidelines on electronic court filing (e-filing) and digitalisation of courts – CEPEJ (2021)15, available at: https://rm.coe.int/cepej-2021-15-en-e-filing-guidelines-digitalisation-courts/1680a4cf87
11. For more information visit: https://www.coe.int/en/web/cepej/cepej-working-group-cyber-just

Figure 1.2 **Variation in population, 2010 - 2020 and 2018 – 2020**



ECONOMIC DATA (GDP PER CAPITA AND AVERAGE GROSS SALARY)

These economic data also demonstrate a great diversity of income represented by GDP per capita. The average annual gross salary gives an interesting view of the purchase power of the population in the countries. Though this indicator is not perfect, it nevertheless highlights, again, substantial disparities between the populations of different countries/entities.

GDP per capita (Q3) – This indicator shows large disparities which must be kept in mind when analysing financial data of different judicial systems. For instance, two extremes can be noted: countries with a GDP per capita at less than 3 500 € (**Azerbaijan** and **Ukraine**) and those with GDP per capita at over 70 000 €, a value more than 20 times higher (for example **Ireland**, **Luxembourg** or **Switzerland**).

National annual average gross salary (Q4) – This indicator is sometimes used as a standardisation variable, comparing it with the salaries of judges and prosecutors (Figure 1.1).

EXCHANGE RATE (Q5) AND INFLATION RATE

Figure 1.3 **Exchange rate**

States / Entities	Currency	Apreciation / Depreciation
country	Currency	
ALB	ALL (Lek)	-7,10%
ARM	AMD (Dram)	15,56%
AZE	AZN (Manat)	7,29%
BIH	BAM (Mark)	0,00%
BGR	BGN (Lev)	0,00%
HRV	HRK (Kuna)	1,80%
CZE	CZK (Koruna)	2,02%
DNK	DKK (Krone)	-0,39%
GEO	GEL (Lari)	31,47%
HUN	HUF (Forint)	12,03%
ISL	ISK (Krona)	16,94%
MDA	MDL (Leu)	8,23%
MKD	MKD (Denar)	0,31%
NOR	NOK (Krone)	8,22%
POL	PLN (Zloty)	7,33%
ROU	RON (Leu)	4,40%
SRB	RSD (Dinar)	-0,52%
SWE	SEK (Krona)	-1,44%
CHE	CHF (Franc suisse)	-1,83%
TUR	TRY (Lira)	48,12%
UKR	UAH (Hryvnia)	-2,90%
UK:ENG&WAL	GBP (Pound sterling)	0,22%
UK:NIR	GBP (Pound sterling)	0,22%
UK:SCO	GBP (Pound sterling)	0,22%
ISR	ILS (Shekel)	-8,15%
KAZ	KZT (Tenge)	17,62%
MAR	MAD (Dirham)	-0,57%

In order to improve comparisons, monetary values are reported in euros. For that reason, using exchange rates for States outside the euro zone causes some difficulties. Exchange rates vary from year to year, so the exchange rates of 1 January 2021 have been used in this Report. In case of high inflation rate and/or large variations in the exchange rate, the budget data must be analysed taking this information into account, since the variations in the budget in euros will not fully reflect reality.

Currency depreciation is a decrease in the value of a currency relative to Euro within two periods (ex. Turkish lira has depreciated by 48% against Euro).

Currency appreciation is an increase in the value of a currency relative to Euro within two periods (ex. Israel Shekel has appreciated by 8% against Euro).

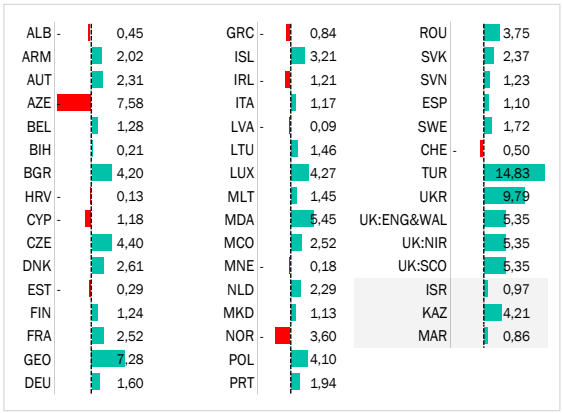
The variation in the exchange rate has a significant effect on monetary data of countries outside the euro zone, especially for **Armenia**, **Georgia**, **Hungary**, **Island**, **Türkiye** and **Kazakhstan** (all of which had more than 10% depreciations). For some of them, the exchange rate against the euro could have been more favourable in this cycle than in previous ones. It is therefore necessary to pay attention to this issue while comparing monetary figures of the 2020 and 2022 editions. Figure 1.3 shows the variation in the exchange rate for the countries outside the euro zone.

Between the 2020 and 2022 evaluation cycles, significant appreciations of the local currency were observed in **Albania** and **Israel**. Some appreciation, but to a lesser extent, were identified in **Denmark**, **Serbia**, **Sweden**, **Switzerland**, **Ukraine** and **Morocco**. While currencies in **Bosnia and Herzegovina** and **Bulgaria** remained stable, all other member States and entities (outside the euro zone) experienced depreciation.

The analysis of budget variations is carried out parallelly in euros and in local currencies (for non-euro area countries) because significant variations in the budget expressed in euros do not always give the complete view of the real situation. For example, a reduction of the value in euros does not necessarily reveal the reality experienced in the countries, as the budget in local currency might remain stable or can even increase.

Accordingly, both during the quality control process and when analysing the monetary data, the values in euro are construed in the light of the exchange rate variation.

Figure 1.4 **Inflation rate (GDP deflator) (Source: World Bank[12])**



Inflation measures the increase in price over time. It is a valuable indicator which has to be taken into account when analysing monetary data, namely budgets and salaries.

In 2020, the highest inflation was measured in **Georgia** (7,28%), **Türkiye** (14,83%) and **Ukraine** (9,79%). All other States and entities had an inflation rate lower than 6% and few of them recorded deflation, most notably **Azerbaijan** (-7,58%) and **Norway** (-3,60%).

12. https://databank.worldbank.org/reports.aspx?source=2&series=FP.CPI.TOTL.ZG

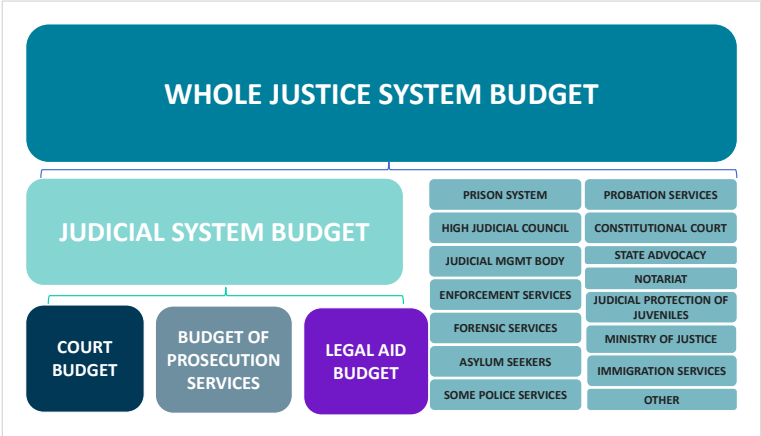
Budgets

Without sufficient budget, the judicial system cannot fulfil its essential functions. In compliance with Art.6 of the European Convention on Human Rights, justice must be delivered effectively and within a reasonable time. Access to justice should be equal for all citizens. These guarantees cannot be ensured without an adequate budget. Individual states spend funds on the judicial budget on the basis of their financial capabilities and political priorities.

One of the CEPEJ Evaluation Report goals is to describe and analyse the "budget allocated to judicial systems", as defined by the CEPEJ, namely: budgets allocated to courts, public prosecution services, and legal aid. These three elements provide a basis for consistent comparison among States and entities.

In addition, the "budget allocated to the whole justice system" encompasses that of the judicial system and may also include the budgets of the prison system, probation services, Councils for the Judiciary, Constitutional Court, judicial management body, State Advocacy, enforcement services, notary services, forensic services, judicial protection of juveniles, functioning of the Ministry of Justice, refugees and asylum seekers services, some police services, etc. Insofar as the components of the budget of the whole justice system vary from one state or entity to another, this Report will focus only on the "judicial system budget", as illustrated by the following figure.

Whole justice system and judicial system budgets



The CEPEJ collects data on both approved and implemented budget. The implemented budget refers to the actual expenditure throughout the reference year, while the approved budget refers to the projected expenditure as approved by Parliament, before the start of the reference year. In this Report, for the analysis of 2020 data, the implemented budget of the judicial system is analysed as a priority: in case this budget is not available the approved budget will be exceptionally used. Conversely, only the approved budgets will be compared for any longer time series (2010 or 2012), as the implemented budget is collected from 2014 onwards only.

To facilitate the analysis, member States and entities have been divided into four groups based on their GDP per capita, plus a fifth group (Group E) of observer countries:

- Group A: <10 000 €
- Group B: 10 000 € – 20 000 €
- Group C: 20 000 € – 40 000 €
- Group D: >40 000 €
- Group E: Observer States

The analysis could consider the comparison among these groups A, B, C and D, named as such throughout this chapter.

JUDICIAL SYSTEM BUDGET

Which countries invest the most in their judicial systems?

Figure 2.1 **Judicial system budget per inhabitant, as % of GDP in 2020 (Q1, Q3, Q6, Q12, Q13)**

	States / Entities	Per inhabitant (€)	As % of GDP
A: < 10.000 €	ALB	14,53 €	0,33%
	ARM	10,47 €	0,28%
	AZE	9,59 €	0,28%
	BGR	54,13 €	0,61%
	BIH	37,81 €	0,73%
	GEO	8,69 €	0,23%
	MDA	15,73 €	0,41%
	MKD	19,27 €	0,37%
	MNE	64,02 €	0,80%
	SRB	40,21 €	0,66%
	TUR	16,12 €	0,21%
	UKR	NA	NA
B: 10.000 - 20.000 €	GRC	45,23 €	0,29%
	HRV	64,32 €	0,53%
	HUN	55,29 €	0,40%
	ISL	116,04 €	0,62%
	LTU	47,45 €	0,27%
	LVA	56,49 €	0,37%
	POL	NA	NA
	PRT	NA	NA
	ROU	49,58 €	0,44%
	SVK	71,55 €	0,43%
C: 20.000 - 40.000 €	AND	158,40 €	0,44%
	BEL	87,00 €	0,22%
	CYP	63,51 €	0,27%
	CZE	64,50 €	0,32%
	ESP	87,90 €	0,37%
	EST	53,56 €	0,26%
	FRA	72,53 €	0,21%
	ITA	82,15 €	0,30%
	MLT	62,98 €	0,26%
	SVN	100,03 €	0,45%
	UK:ENG&WAL	NA	NA
	UK:NIR	111,86 €	0,39%
	UK:SCO	85,20 €	0,27%
D: > 40.000 €	AUT	137,99 €	0,32%
	CHE	217,31 €	0,29%
	DEU	140,73 €	0,35%
	DNK	92,35 €	0,17%
	FIN	79,11 €	0,19%
	IRL	NA	NA
	LUX	176,73 €	0,17%
	MCO	199,42 €	0,29%
	NLD	125,31 €	0,27%
	NOR	78,79 €	0,13%
	SWE	127,71 €	0,27%
E: Observer states	ISR	78,34 €	0,19%
	KAZ	10,04 €	0,02%
	MAR	14,72 €	0,03%
	Average	78,09 €	0,35%
	Median	64,50 €	0,30%

The budget allocated to the judicial system depends on many factors, primarily the size of the population and the country's wealth. The highest investments in the judicial system occur in Groups A and B (with an average investment of 0,43% of the GDP), whilst the lowest investments have been recorded in Groups C and D (average investment: 0,28% of the GDP).

Figure 2.2 **Average of judicial system budget by different groups of GDP per capita (Q1, Q3, Q6, Q12 and Q13)**

Group	Per inhabitant	As % of GDP
A: < 10.000 €	26,42 €	0,45%
B: 10.000 - 20.000 €	63,24 €	0,42%
C: 20.000 - 40.000 €	85,80 €	0,31%
D: > 40.000 €	137,54 €	0,25%
Average	**78,09 €**	**0,35%**
E: (Observer states)	34,36 €	0,08%

The judicial system's budget is standardised with population (€ per inhabitant) and as a percentage of the nominal Gross domestic product (GDP). The budget per inhabitant is logically higher in States and entities placed in the groups of wealthiest countries. By contrast, the same budget standardised as a percentage of GDP is relatively higher in the less affluent countries, showing that most of them prioritise the judicial system relative to other public services, but also that this priority presents significant effort to their state budget.

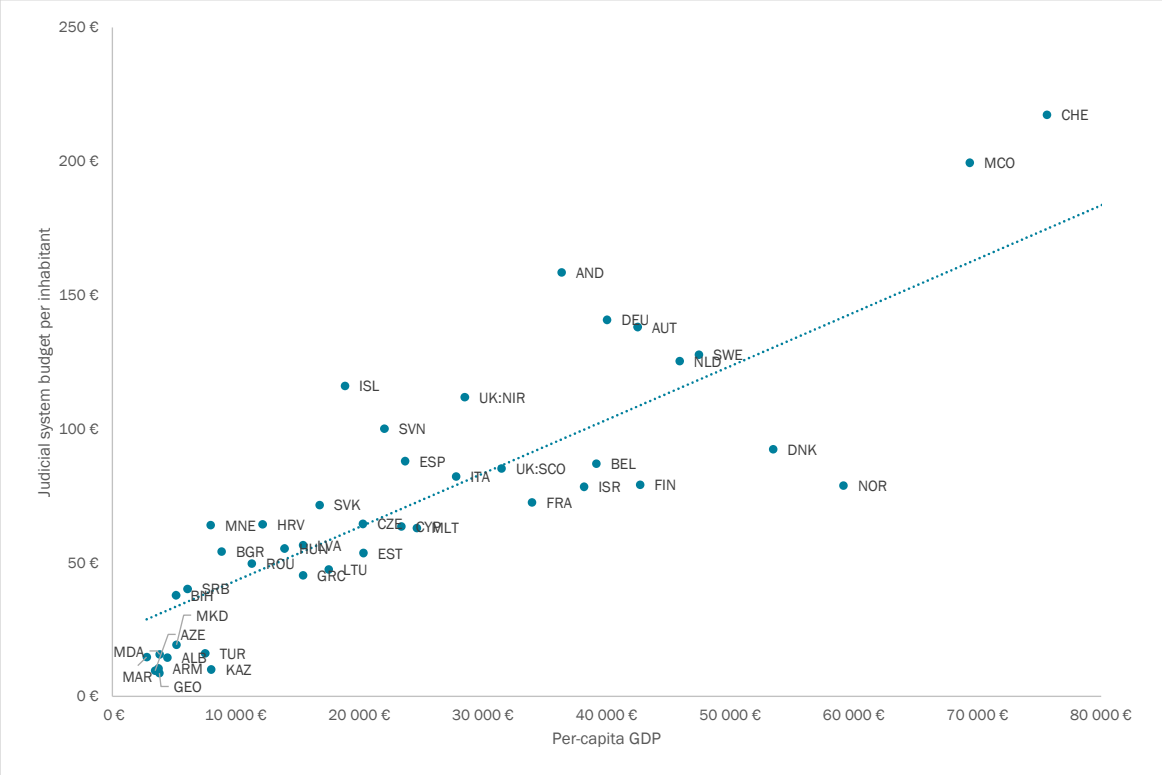
For example, **Bosnia and Herzegovina** (0,73%) and **Montenegro** (0,80%) in group A and **Iceland** (0,62%) in group B have a significantly higher budget percentage of GDP within their respective groups. On the contrary, in the same group A, **Türkiye** (0,21%) and **Georgia** (0,23%) have a considerably lower GDP judicial system budget percentage. In group D, **Norway** (0,13%), **Denmark** (0,17%) and **Finland** (0,19%) have a considerably lower GDP judicial system budget percentage but still equivalent to their cost per inhabitant. **Luxembourg**, on the other side, has a very high judicial system budget per inhabitant that is still only 0,17% of their GDP.

Is there a link between the level of wealth and the judicial system budget?

The Figures below put into perspective the judicial system budget allocated per inhabitant compared to GDP per capita, thereby giving a complete representation of each state and entity's actual budgetary effort for the judicial system.

Figure 2.3 shows a positive correlation between the level of wealth of the states and entities and the resources allocated to the judicial systems. A trend line represents this positive correlation. Countries with high GDP per capita have generally higher expenditures on the judicial system.

Figure 2.3 **Implemented budget allocated to the judicial system per inhabitant compared with GDP per inhabitant in 2020 (Q1, Q3, Q6, Q12 and Q13)**



All States situated along the trend line have a similar "budget per inhabitant / GDP per capita" ratio.

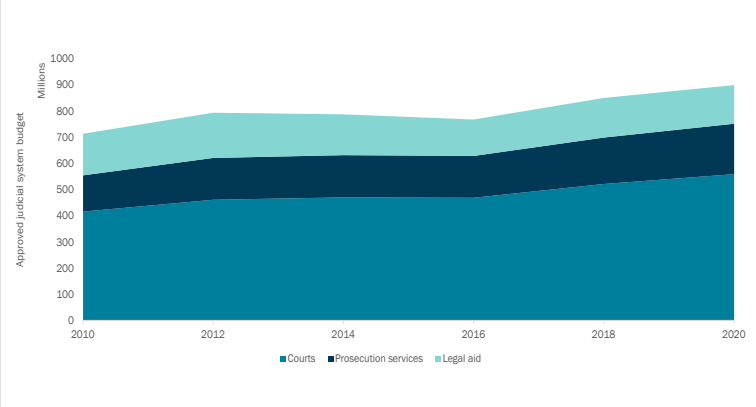
States and entities positioned above the trend line show a relatively high budgetary effort given their wealth. In contrast, States or entities set below the trend line show a moderate budgetary effort given their wealth. For example, the **Czech Republic** and **Slovenia** have similar GDP per capita, but **Slovenia** (100 €) spends much more on the judicial system per capita than the **Czech Republic** (65 €). It is noteworthy mentioning that the number of all incoming cases per 100 inhabitants in **Slovenia** is quite higher than in the **Czech Republic**, which could explain to a certain extent the need for **Slovenia** to invest more in the judicial system.

However, the graph shown above is insufficient to interpret the budget data on judicial systems in its entirety. The reality of the judicial systems is even more complex. Their specificities that may explain the variations from one State or entity to another should also be considered to avoid premature conclusions. Socio-political and cultural nuances, organizational aspects, a particular way of functioning, different procedures and legal tradition, and, more recently, reliance on ICT and on more and more digitalised justice may help explain the discrepancies observed.

How have the judicial system budgets evolved?

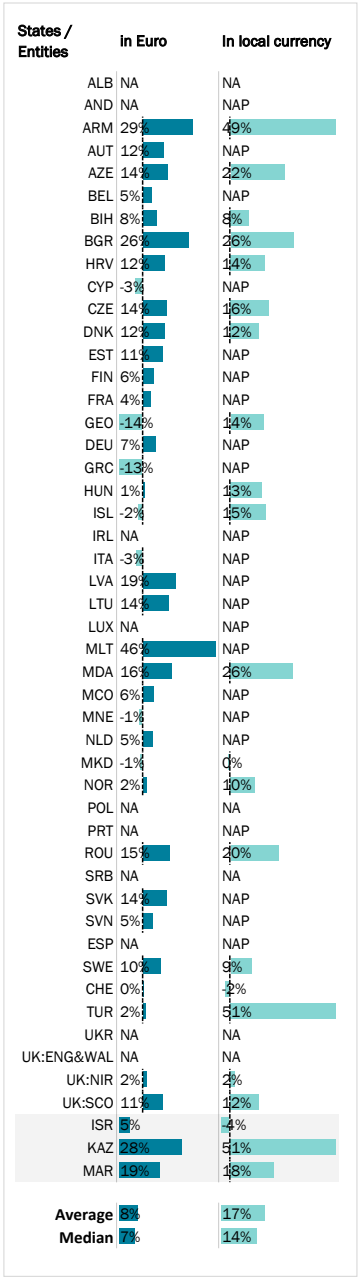
Between 2010 and 2020, the budget of the judicial system grew steadily but unevenly, as shown by the following figure. The smallest increase is between 2012 and 2014 and the largest between 2016 and 2020. The last two years (2018-2020) the increase is about half of the one of the previous periods (2016-2018). The budgets of courts and prosecution services are growing at a more significant rate than the one of legal aid.

Figure 2.4 **Evolution of average approved judicial system budget (2010 – 2020) – Q6, Q12, Q13**



Between 2018 and 2020, **Armenia**, **Bulgaria** and **Malta**'s judicial system implemented budgets grew the most. The big variations for these countries are mostly due to increases in court budget, analysed in the following section.

Figure 2.5 **Variation of the implemented budget of the judicial system 2018 – 2020 in Euro and in local currency (Q1, Q2, Q5, Q6, Q7, Q12, Q13)**



What are the components of a judicial system budget?

The judicial system budget is the sum of the budgets allocated to courts, prosecution services and legal aid. On average, member States and entities spend almost 2/3 of their judicial system budget on courts, around 25% on public prosecution services and the remaining on legal aid (Figure 2.6).

From figure 2.7, a regional trend can be observed, namely that the Northern countries and the UK entities spend proportionally more than the other countries on legal aid. In contrast, the South-Eastern and Eastern European States spend proportionally less on legal aid and relatively more on prosecution services. This aspect will be developed in the subsequent sections.

However, there are substantial differences among countries, as shown by Figure 2.7. In 2020 the **Czech Republic**, **Malta**, **Monaco**, **Slovenia**, **and Spain** dedicated more than 80% of their judicial system budget to courts. **Albania**, **Azerbaijan**, **Bulgaria**, **Cyprus**, **Georgia**, the **Republic of Moldova** and **UK - Scotland** (predominantly group A countries) spent more than 35% of their budget on prosecution services. **Iceland**, **UK- Northern Ireland**, **and Norway** dedicated more than 30% to legal aid.

Figure 2.6 **Composition of the judicial system budget by GDP categories in 2020 (Q6, Q12, Q13)**

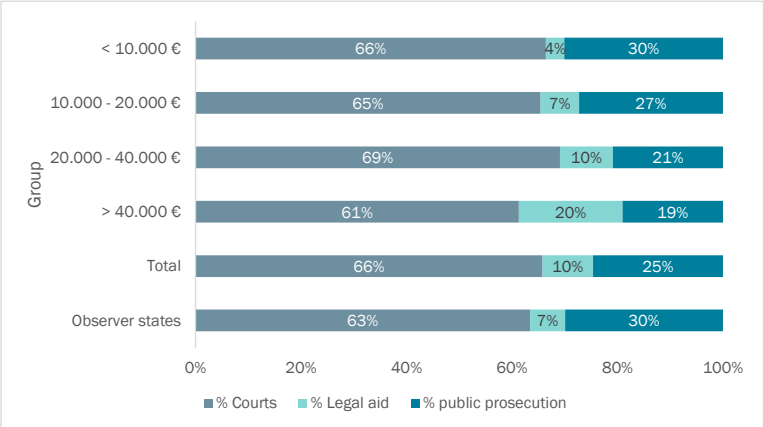
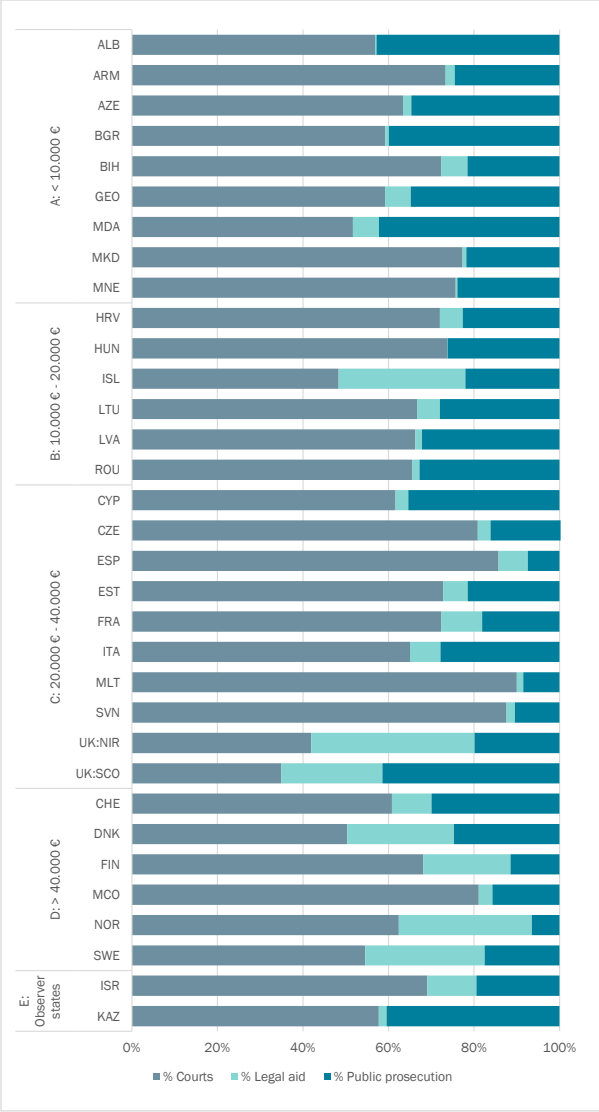


Figure 2.7 **Implemented budget of courts, legal aid and prosecution services – Q6, Q12, Q13**



BUDGET ALLOCATED TO COURTS

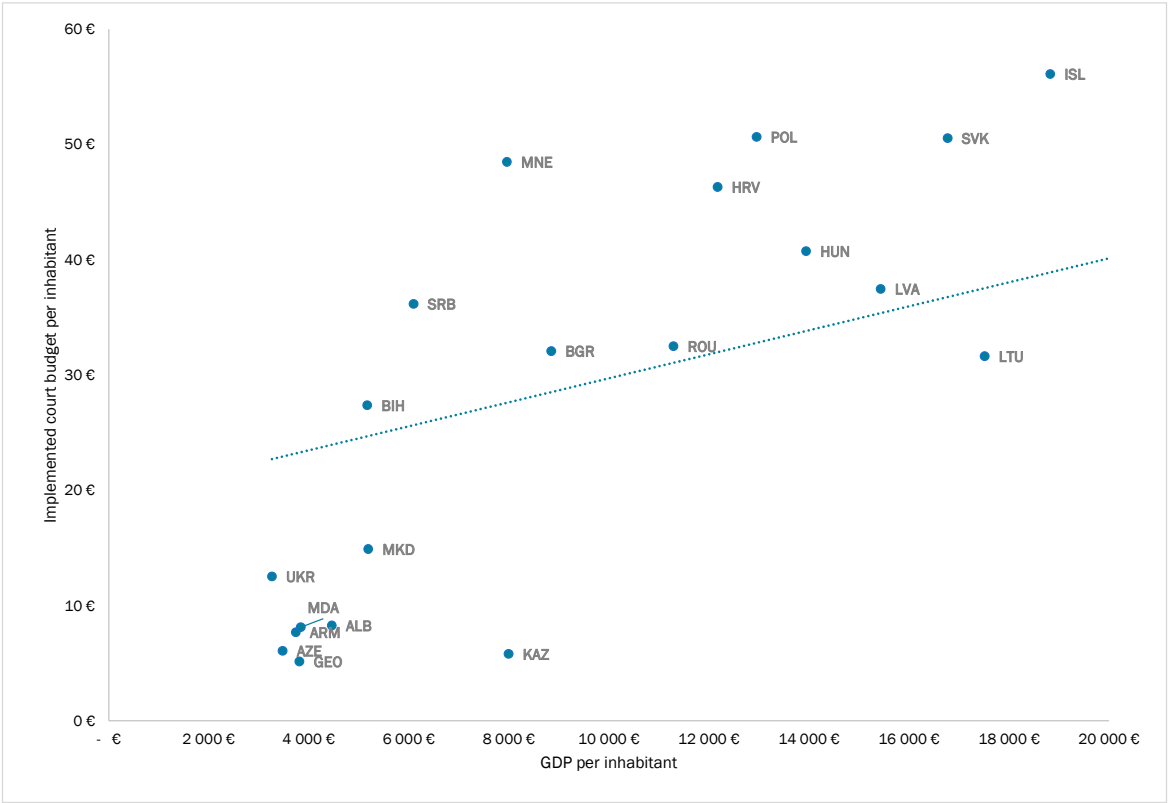
Does the courts' budget depend on the country's wealth?

In 2020, European countries spent on average 46 € per inhabitant on courts, 9% more than in 2018 (43 €). The expense is closely related to the GDP per capita: Group D countries spent on average 76 € per inhabitant, while group A spent 19 € on average (Figure 2.8). However, there are notable differences in courts' budgets between countries in the same group.

Figure 2.8. **Average courts' budget by different groups of GDP per capita in 2020 (Q1, Q3, Q6,Q12,Q13)**

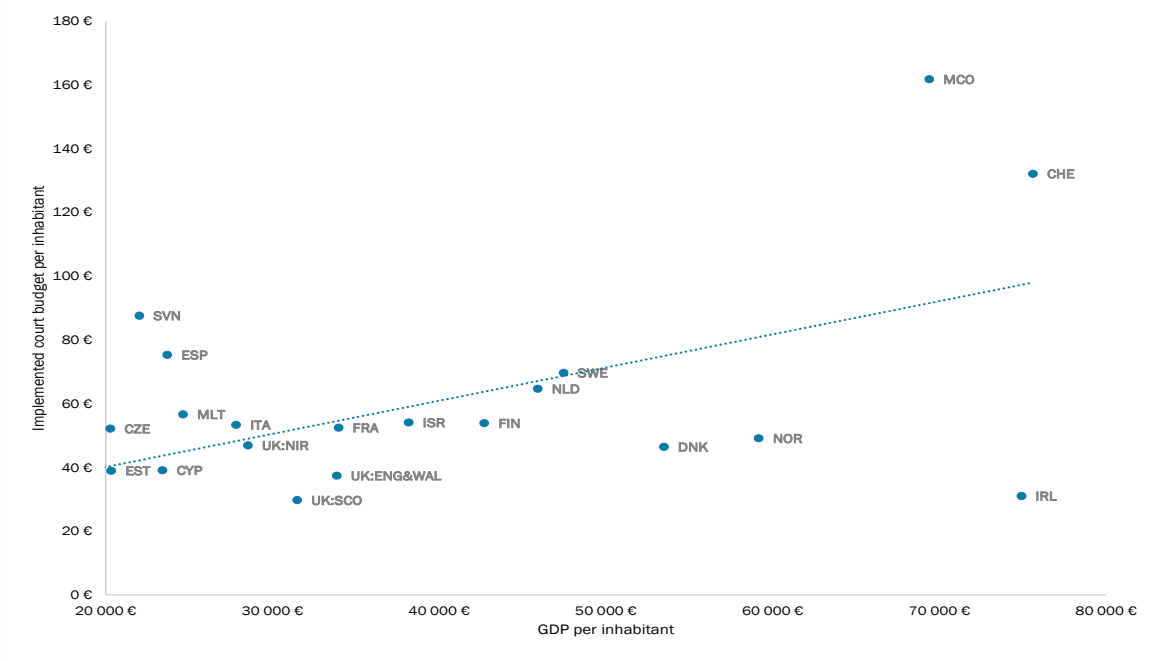
Group	Per inhabitant	As % of GDP
A: < 10.000 €	18,80 €	0,33%
B: 10.000 - 20.000 €	44,50 €	0,29%
C: 20.000 - 40.000 €	51,82 €	0,21%
D: > 40.000 €	76,11 €	0,13%
Average	**45,80 €**	**0,25%**
E: (Observer states)	29,96 €	0,11%

Figure 2. 9a **GDP and total implemented courts' budget, per capita in 2020 (Q1, Q3, Q6) below 20 000€**



Among countries with GDP per capita above 20 000 €. (Figure 2.9b), those above the line spend more on courts than countries below, relative to their wealth. **Monaco** and **Switzerland** are the States that invest the most in courts compared with countries with similar GDP per capita as **Norway** and **Ireland**. **Slovenia** and **Spain** invest heavily in the court system among the countries with lower GDP per capita.

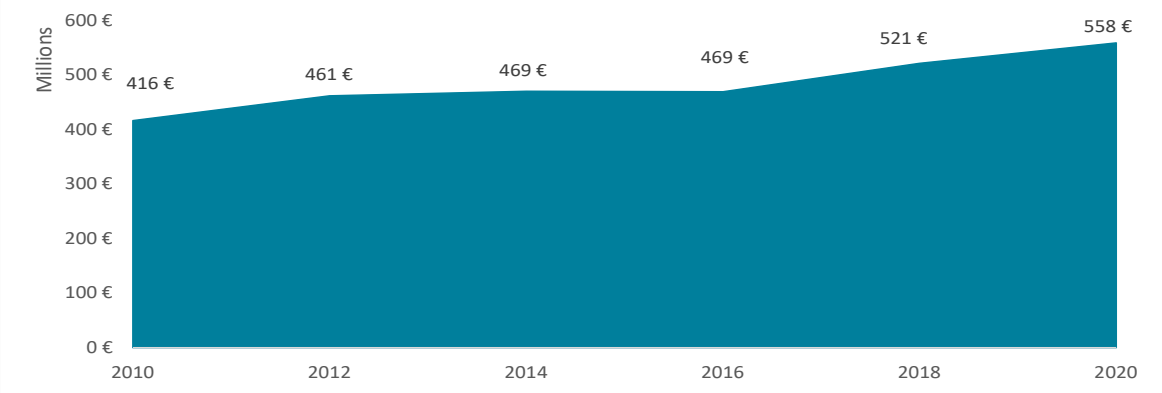
Figure 2. 9b **GDP and Total implemented courts' budget, per capita in 2020 (Q1, Q3, Q6) above 20 000 €**



How has the budget of the courts evolved?

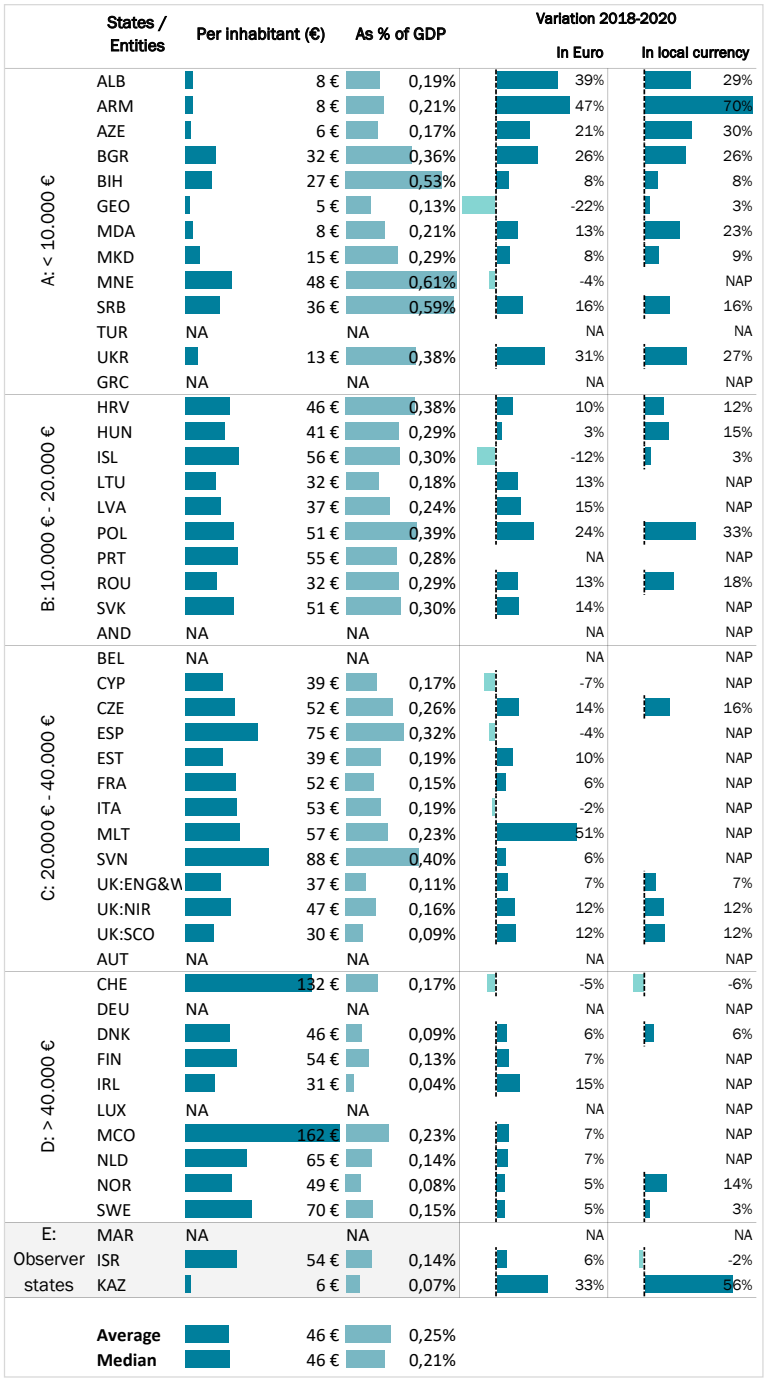
After relative stability, recorded from 2010 to 2016, the average budget allocated to courts increased constantly starting from 2016. This is probably due to the inflation. Furthermore, even if the COVID-19 pandemic has caused some changes in specific budget lines (as explained in the following paragraph), it did not affect the overall budget allocated to courts, because it is composed predominantly of salaries which did not change significantly.

Figure 2. 10 **Evolution of the approved courts' budget 2010-2020 in Euro (Q6)**



Generally speaking, countries with a lower GDP per capita tend to allocate a bigger budget to courts as a percentage of GDP (Group A - average 0,34%) compared with States and entities with a higher GDP per capita (Group D – average 0,13%), as shown in Figure 2.11.

Figure 2. 11 **Implemented budgets of courts per inhabitant and as % of GDP in 2020 and variation 2018 – 2020 (in Euro and local currency) (Q1, Q3, Q5, Q6)**



	States / Entities	Per inhabitant (€)	As % of GDP	Variation 2018-2020 In Euro	Variation 2018-2020 In local currency
A: < 10.000 €	ALB	8 €	0,19%	39%	29%
	ARM	8 €	0,21%	47%	70%
	AZE	6 €	0,17%	21%	30%
	BGR	32 €	0,36%	26%	26%
	BIH	27 €	0,53%	8%	8%
	GEO	5 €	0,13%	-22%	3%
	MDA	8 €	0,21%	13%	23%
	MKD	15 €	0,29%	8%	9%
	MNE	48 €	0,61%	-4%	NAP
	SRB	36 €	0,59%	16%	16%
	TUR	NA	NA	NA	NA
	UKR	13 €	0,38%	31%	27%
	GRC	NA	NA	NA	NAP
B: 10.000 € - 20.000 €	HRV	46 €	0,38%	10%	12%
	HUN	41 €	0,29%	3%	15%
	ISL	56 €	0,30%	-12%	3%
	LTU	32 €	0,18%	13%	NAP
	LVA	37 €	0,24%	15%	NAP
	POL	51 €	0,39%	24%	33%
	PRT	55 €	0,28%	NA	NAP
	ROU	32 €	0,29%	13%	18%
	SVK	51 €	0,30%	14%	NAP
	AND	NA	NA	NA	NAP
C: 20.000 € - 40.000 €	BEL	NA	NA	NA	NAP
	CYP	39 €	0,17%	-7%	NAP
	CZE	52 €	0,26%	14%	16%
	ESP	75 €	0,32%	-4%	NAP
	EST	39 €	0,19%	10%	NAP
	FRA	52 €	0,15%	6%	NAP
	ITA	53 €	0,19%	-2%	NAP
	MLT	57 €	0,23%	51%	NAP
	SVN	88 €	0,40%	6%	NAP
	UK:ENG&W	37 €	0,11%	7%	7%
	UK:NIR	47 €	0,16%	12%	12%
	UK:SCO	30 €	0,09%	12%	12%
	AUT	NA	NA	NA	NAP
D: > 40.000 €	CHE	132 €	0,17%	-5%	-6%
	DEU	NA	NA	NA	NAP
	DNK	46 €	0,09%	6%	6%
	FIN	54 €	0,13%	7%	NAP
	IRL	31 €	0,04%	15%	NAP
	LUX	NA	NA	NA	NAP
	MCO	162 €	0,23%	7%	NAP
	NLD	65 €	0,14%	7%	NAP
	NOR	49 €	0,08%	5%	14%
	SWE	70 €	0,15%	5%	3%
E: Observer states	MAR	NA	NA	NA	NA
	ISR	54 €	0,14%	6%	-2%
	KAZ	6 €	0,07%	33%	56%
	Average	46 €	0,25%		
	Median	46 €	0,21%		

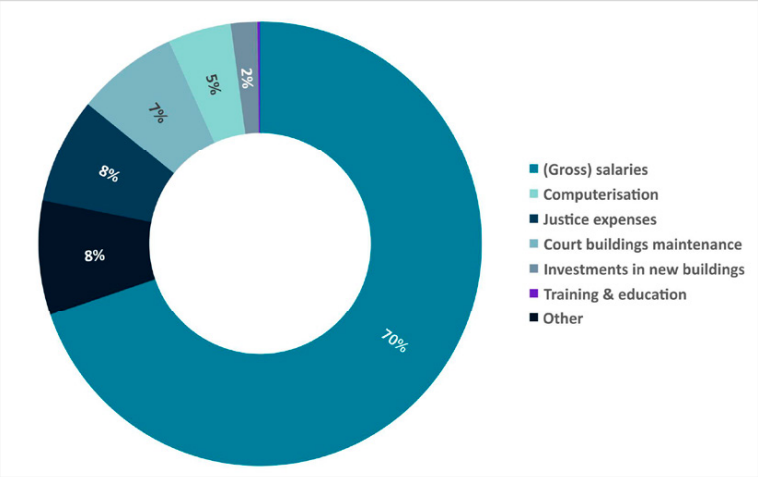
From 2018 to 2020, only seven countries reduced their budget, while the others increased it. For example, in **Cyprus**, the reduction of the implemented budget of courts between two cycles has been explained by the fact that some specific projects, namely related to court buildings, were not carried out, and training seminars and conferences were cancelled due to the COVID-19 crisis.

The strongest increases are registered in **Malta** (+51%), **Armenia** (+47%, +70% in local currency), **Albania** (+39%, +29% in local currency) and **Poland** (+24%, +33% in local currency). The increase in the case of **Malta** is due to several factors: mainly an increase in the number of court attorneys and judicial assistants and court cases requiring foreign expertise. The reimbursement of expenses for new court buildings built in recent years has also an influence. **Armenia**'s budget increased, namely due to the establishment of a bankruptcy court and the modernization of courts' computer equipment. **Bulgaria** has reported, among other things, an increase in the gross salaries of staff and the introduction of a court information system. The budget decreased in 2020 for **Georgia**, mainly due to a decrease in the salaries' budget (no bonus was paid to employees).

What are the components of the courts' budget?

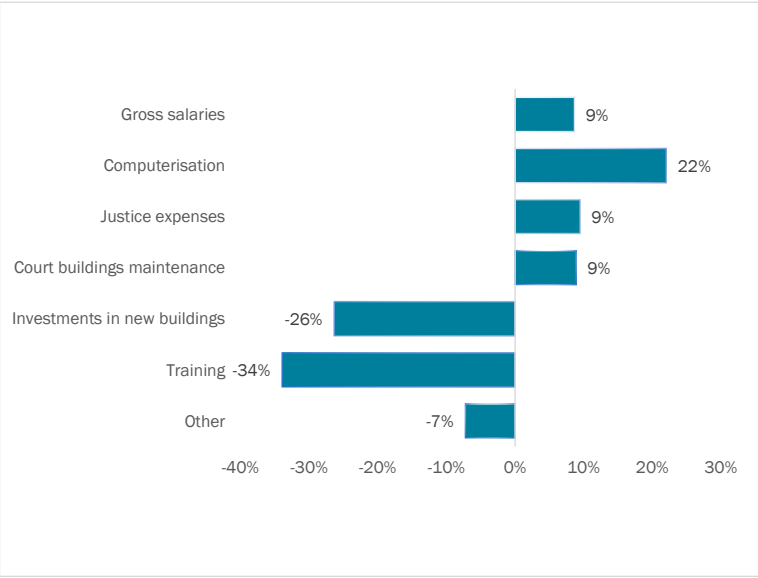
The budget allocated to courts includes salaries (of judges and non-judge staff), maintenance of court buildings, investments in new facilities, computerisation, justice expenses, training and education, and other expenses. On average, 70% of the budget allocated to courts is dedicated to salaries, 7% to court building maintenance, 8% to justice expenses, 5% to computerisation, 2% to investments in new buildings, 0,2% to training and education and 8% are other expenses.

Figure 2. 12 **Implemented courts' budget per category of expenses in 2020 (Q6)**



However, there are some differences among States. In 2020, **Azerbaijan**, **Finland** and the **Slovak Republic** invested about three times more than the average costs per inhabitant in computerization due to implementation of large-scale ICT development projects. **UK-Northern Ireland** and **Denmark** spent about 2,5 times more than the average on-court building maintenance.

Figure 2. 13 **Variation in implemented budget by category of expenses, 2018 -2020, in % (Q6)**



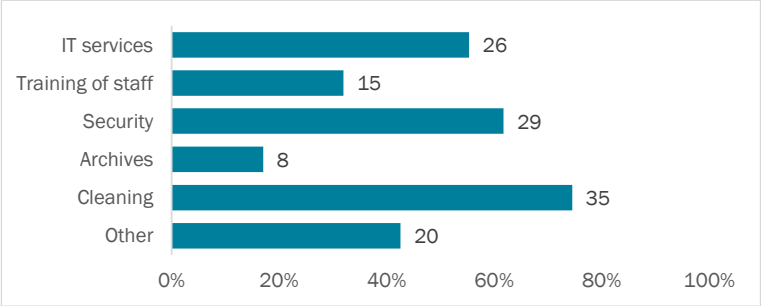
From 2018 to 2020, in general terms European States and entities had the most significant increase in the implemented budget allocated to computerisation (22%), gross salaries, justice expenses and court buildings maintenance (9%). The decline is evident in training (-34%) and investments in new buildings (-26%). The decrease in training budget is associated with the epidemic COVID-19. More specifically, it is due to the shift from in-person courses to online courses that are less expensive. Generally speaking, the pandemic caused an increase in the budget dedicated to computerisation, and a decrease in the training budget.

Do courts outsource some services?

Outsourcing involves carrying out activities through external sources or other entities (companies). In the judiciary case, this can significantly reduce costs and increase efficiency, especially in specialised activities such as ICT, education, and training. However, this procedure, as every externalisation, involves some risks related in particular to the quality of the service provider.

In 2020, 87% of States and entities outsourced at least one service. This percentage has been continually increasing since 2016 (79%). Only five countries are not delegating any services to the private sector: **Andorra**, **Belgium. Cyprus**, **Monaco and North Macedonia**. The most common outsourced services are cleaning, security and IT services, as shown in figure 2.14.

Figure 2. 14 **Outsourcing by category of service in 2020 (Q54-1)**



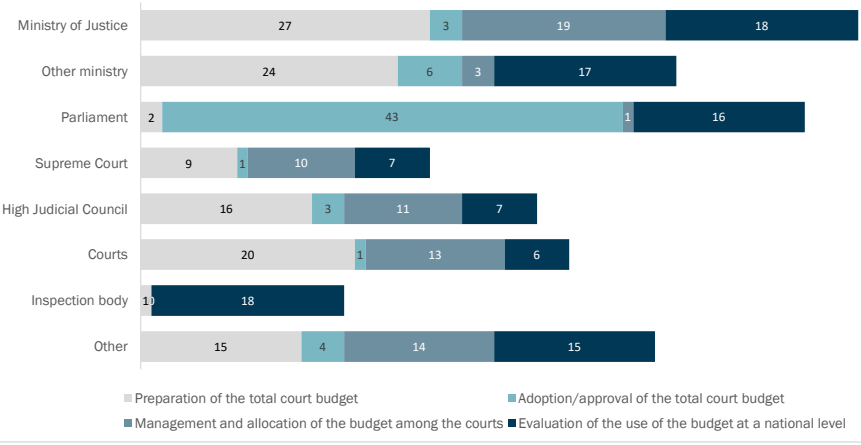
Who is responsible for the courts' budget?

The "budget cycle", meaning the procedure that governments follow to set the budget, is composed of several phases, notably: 1) preparation; 2) approval; 3) execution; 4) audit. The preparation of the budget is the phase in which the budget amount and its components are discussed and drafted. Once the budget has been drafted, it needs to be formally proposed and approved. The budget execution entails both budget allocation and day-to-day management of the budget. At the end of the budget cycle, the proper use of resources must be evaluated, normally by an auditing agency.

The authorities that are in charge or involved in the different phases vary from country to country. Generally speaking, the Ministry of Justice and/or the Ministry of Finance are responsible for the budget preparation, but other institutions can also be involved, notably the High Judicial Council (16 countries) or the courts (20 countries). In 6 countries, the High Judicial Council and courts are the only institutions in charge of the budget preparation, meaning that the executive is not involved at all.

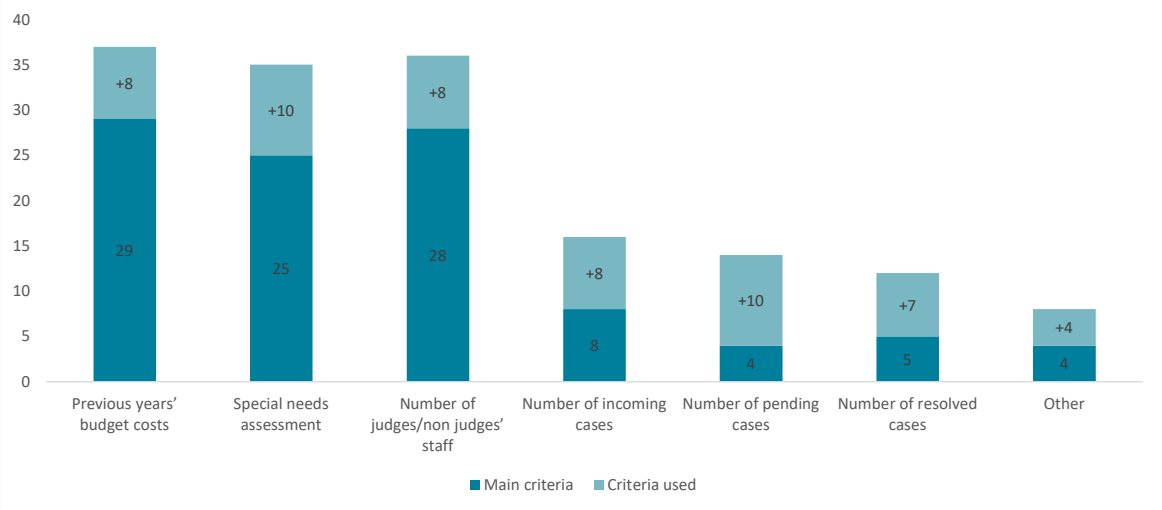
As regards the budget approval, the Parliament is always responsible for this phase, except in some common law countries, notably **UK – England and Wales** and **UK – Northern Ireland**. As to the management and allocation of the budget, the differences among States are more considerable: in 22 countries the executive is in charge, while in 28 countries the judiciary (High Judicial Council, Supreme Court or courts) is also involved. An inspection body mainly intervenes in the evaluation phase, together with the Ministry of Justice and the Ministry of Finance.

Figure 2.15 **Authorities formally responsible for the budgets allocated to courts (Q14)**



Concerning the allocation of the budget among courts, countries consider different parameters: previous years' budget expenses or the number of judges and non-judge staff. Some increases are possible to meet the demand for special needs and special requests. A few countries use more objective criteria such as the number of incoming and pending cases and the number of resolved cases. **Latvia**, **Republic of Moldova**, **the Netherlands** and **UK – England and Wales** are using the number of resolved cases as the main criteria, meaning that they are implementing some forms of performance-based budgeting.

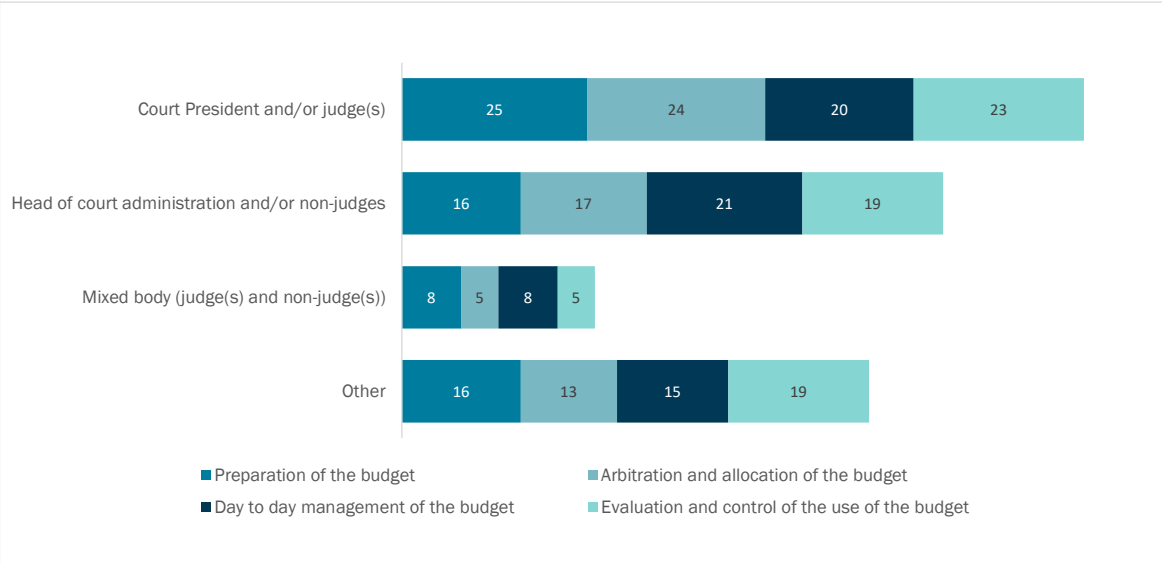
Figure 2.16 **Criteria used to allocate financial resources among courts (Q14-0)**



As regards the management of the budget inside a first instance court, generally speaking, the court's president or another judge, together with the Head of court administration, are both responsible for all 4 phases. On the other hand, the management is more rarely entrusted to a mixed team of judges and non-judge staff, while many other management structures or a mixture of structures obviously exist, since numerous countries have selected the option "other". More specifically and beyond the figure 2.17, it is worth noticing that in respect of day-to-day management of the budget, in 10 countries judges are uniquely involved, while in 14 countries the court administration head and staff are the only responsible.

The other professions that are responsible for the preparation of the budget are for instance the chief accounting of the courts, staff of the budget departments of the courts and boards composed of court representatives and the Ministry of Justice.

Figure 2.17 **Authorities entrusted with responsibilities related to the budget within a first instance court (Q14-1)**



BUDGET ALLOCATED TO PUBLIC PROSECUTION SERVICES

How do states fund public prosecution services?

The budget allocated to prosecution services is around 25% of the judicial system budget, with some differences from country to country. In particular, in the South-Eastern and the Eastern European States an important budget, of 30% or more of the total budget, is dedicated to the public prosecution services.

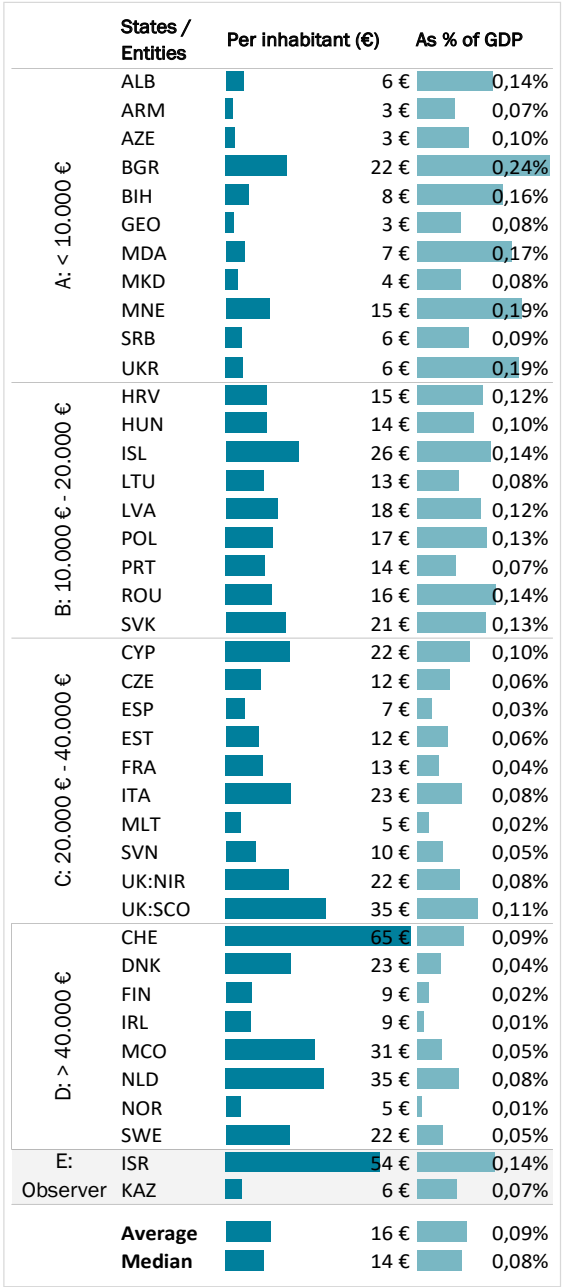
In 2020, States and entities spent on average 16 € per inhabitant on the prosecution services, which corresponds to 0,09% of GDP per capita. The average expense per inhabitant in 2020 is 12% higher than the average expense in 2018, which was 14 €. As to the average expense as percentage of GDP, it remained stable, due to inflation which influences both GDP and budget.

Countries with a level of GDP per capita between 10 000 € and 20 000 € (group B) dedicate higher amounts per inhabitant (17,1 € on average) and a higher percentage of the GDP to prosecution services (0,11%) than countries with a level of GDP per capita between 20 000 € and 40 000 € (Group C, 16,2 € on average). Less rich countries (Group A) dedicate lower amounts per inhabitant but invest more than the wealthier countries in prosecution services relative to the GDP. Countries in Groups C and D invest a lower percentage of their GDP in prosecution services, but their investment per inhabitant is sometimes very high.

Table 2.19. **Average budget of public prosecution services by groups of GDP per capita in 2020 (Q1, Q3, Q13)**

Group	Per inhabitant	As % of GDP
A: < 10.000 €	7,53 €	0,14%
B: 10.000 - 20.000 €	17,07 €	0,11%
C: 20.000 - 40.000 €	16,21 €	0,06%
D: > 40.000 €	24,90 €	0,04%
Average	**15,73 €**	**0,09%**
E: (Observer states)	29,96 €	0,11%

Figure 2.18 **Implemented public prosecution budget per inhabitant (€) and as % of GDP in 2020 (Q1, Q3, Q13)**

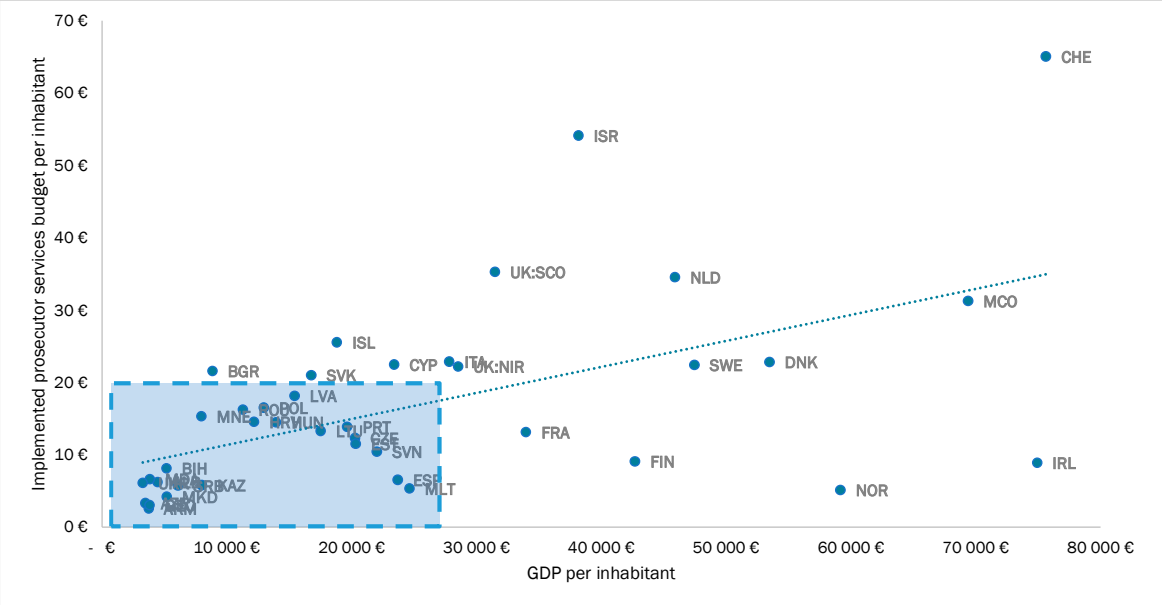


Inside the groups, there are some peculiarities, as shown in figure 2.18. For example, **Bulgaria** (group A) spent more than the average European amount per inhabitant and about three times the average amount of its group (22 €), while **Finland**, **Ireland**, and **Norway** (group D) spent less than the European average and one third of the average of their group. Within group B, almost 65% of the countries allocated a higher budget as a percentage of GDP relative to the CoE average. In group C, **Cyprus** and **UK-Scotland** reported the highest budget as a percentage of GDP relative to the European average.

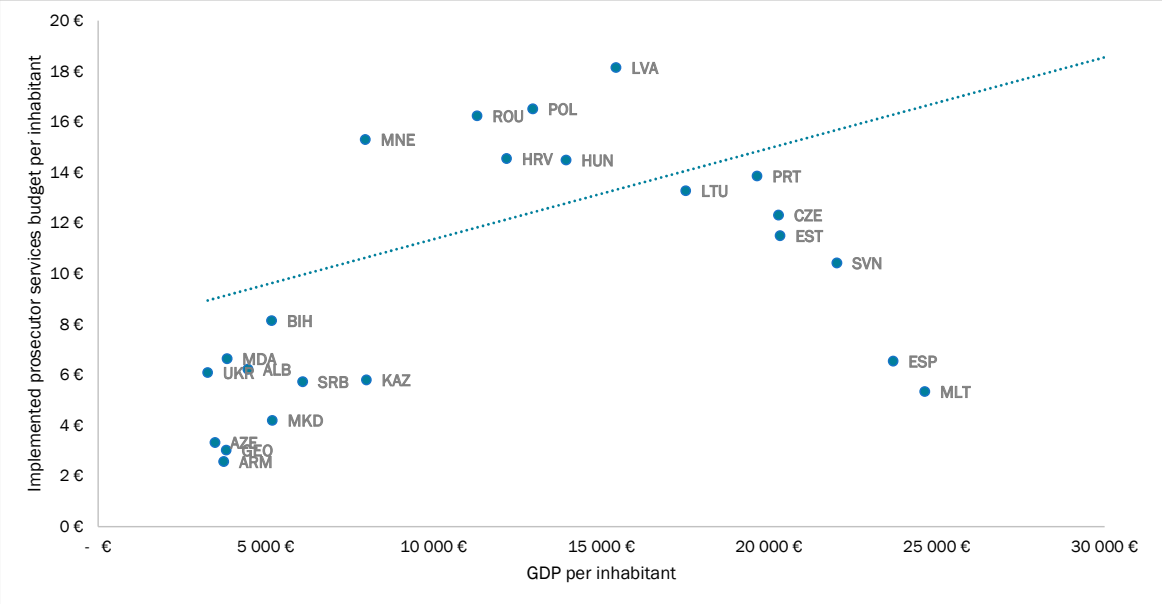
Does the budget of public prosecution depend on the country's wealth?

The trend line in figure 2.20 suggests a positive correlation: the budget per inhabitant allocated for public prosecution services increases with the increase in GDP per capita, even if this trend is not very strong. States located above the trend line make a more significant budgetary effort favouring public prosecution services. **Bulgaria**, **Iceland**, **Switzerland**, **UK- Scotland** and **Israel** are well above the trend line. They allocate a more considerable amount to prosecution services than countries with a similar GDP per capita. On the opposite, **Finland**, **Ireland**, **Malta** and **Norway** dedicate a lower amount to the prosecution services.

Figure 2. 20 PART A. **GDP vs Total implemented budget of prosecutor services, per capita in 2020 (Q1, Q3, Q13, Q55)**



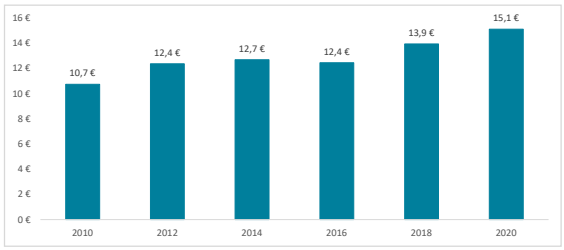
PART B. **Countries with less than 30 000 € GDP per capita**



How has the budget of public prosecution services evolved?

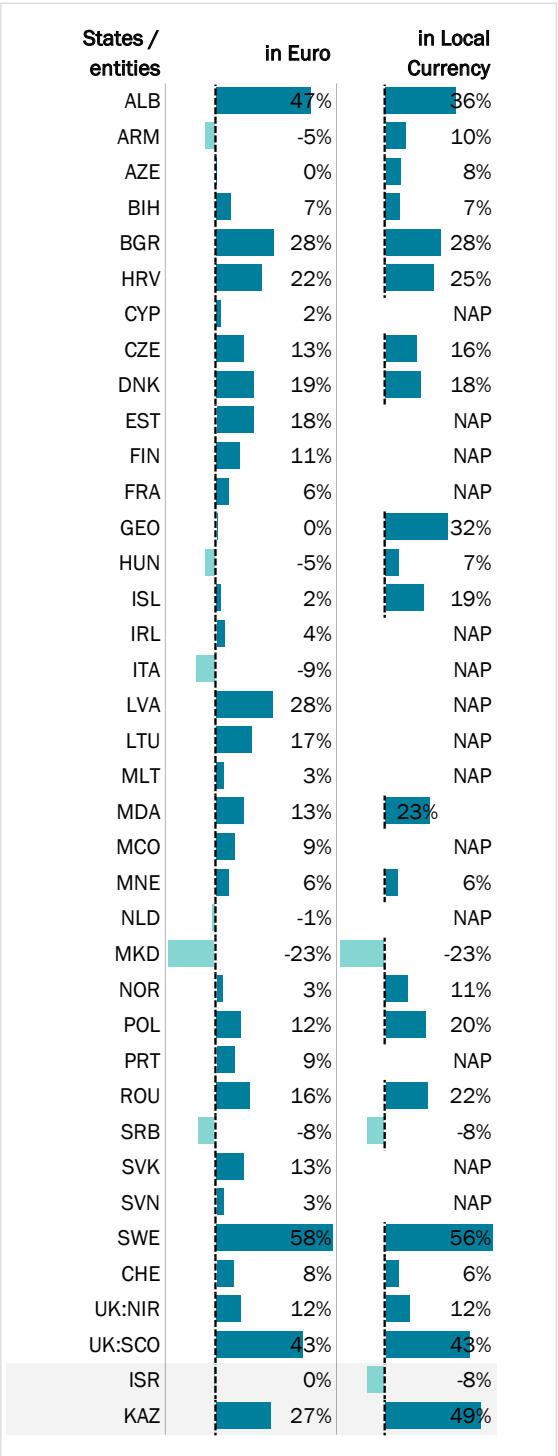
The average approved budget per inhabitant allocated to public prosecution services constantly increased from 2010 to 2020.

Figure 2.21 **Average approved budget of prosecution services per inhabitant, in Euro, 2012-2020 (Q1, Q13)**



If we look at the variation for each country in its currency for the period 2018 - 2020 (in Euro or in local currency depending on the country), only four member States and one Observer state have reduced the implemented budget of public prosecution services: **Italy**, the **Netherlands**, **North Macedonia**, **Serbia** and **Israel**. Other countries have increased their budgets. The more substantial increases can be found in **Sweden** (+58%, +56% in local currency) and **Albania** (+47%, +36% in local currency). A significant decrease is registered in **North Macedonia** (-23% in Euro and in local currency). In the case of **Sweden**, in contrast with previous cycles, 2020 data encompasses the Swedish Economic Crime Authority budget. **Albania** referred to the new salary scheme, part of the justice reform, which nearly doubled the salaries of judges and public prosecutors, especially at first instance level. The significant budget decrease in the case of **North Macedonia** is due to the fact that the Special Public Prosecution office is not a part of the justice system anymore.

Figure 2.22 **Variations 2018 - 2020 of the implemented budget of public prosecution in Euro and local currency (Q5, Q13)**



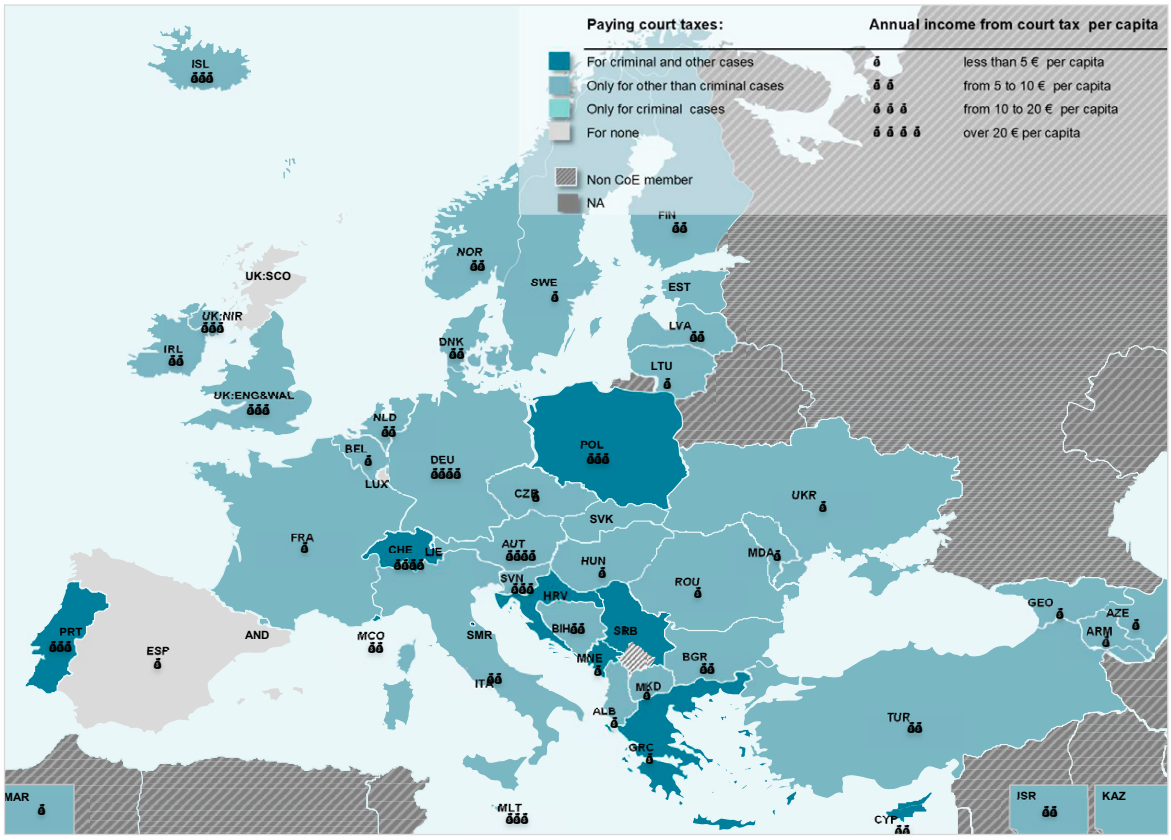
COURT FEES AND TAXES

Is access to justice free of charge in Council of Europe member States?

Payment of court fees or taxes is a characteristic of European judicial systems. A court fee is money collected for proceedings before the courts or for separate acts performed by the courts. Court users are required to partly contribute to the financing of proceedings. Most countries require a payment of court taxes to initiate a civil proceeding except **Luxemburg**, **Spain**, and **UK-Scotland**; few countries require court taxes also for criminal proceedings.

In **Belgium**, **Bosnia and Herzegovina**, and **Finland**, court fees are not collected at the beginning of the procedure but at a later stage. Since 2019, new court fees (commonly called "scheduling fees") apply in **Belgium** and the fee must be paid by the losing party at the end of the proceeding. In **France**, access to justice is most of the times free of charge; only a few exceptions are reported in certain civil matters at the appeal level. Natural persons are exempted from fees in **Spain**, and only companies are required to pay. In criminal matters in **Bulgaria** (in cases of private complaints of the victim), **Croatia**, **Cyprus**, **Greece**, **Monaco**, **Montenegro**, **Poland**, **Portugal**, **Serbia and Switzerland** (in appeal), parties must pay court fees, which are covered by legal aid when granted.

Figure 2.23 **Annual income from court taxes per capita and paying court taxes**



Do the court fees and taxes collected generate income to finance the judicial system?

The revenues generated by court fees vary significantly. In some States and entities, they correspond to more than 40% of the judicial system's budget while in others it is less than 5%. The median income from court fees and taxes is around only 8% of the judicial system budget. **Austria** still stands out for the highest percentage of court fees relative to the judicial system budget (97%), meaning that the court fees finance almost the entire Austrian judicial system budget. To a large extent, the high level of court fees can be explained by the fact that courts also charge fees for the services provided by their automated registers (mainly land and business registers). **Germany** and **Türkiye** also collect significant contributions from court fees that is around 40% of the judicial system budget. By contrast, the income received from taxes and fees in **Azerbaijan**, **Belgium**, **France**, **Hungary**, **Monaco**, **Montenegro**, **Spain**, and **Sweden** is low.

It is to be pointed out that the COVID-19 pandemic caused a reduction in the annual income of court fees for 2020 in the great majority of member States. Namely, the state of emergency and the related lock-down periods and operation restrictions in courts led to a decrease in the number of incoming cases and thus in the amount of State revenue collected from court fees. Most of the time the observed decreases are important, going till -70% in Greece.

Court fees and taxes	
Median as % of the judicial system budget	9%
Median as % of court budget	15%

Figure 2. 24 **Court fees and taxes as a percentage of the judicial system budget and the court budget in 2020 (Q6, Q9, Q12, Q13)**

States / Entities	As % of judicial system budget	As % of court budget
ALB	8%	15%
AND	NA	NA
ARM	10%	13%
AUT	97%	NA
AZE	1%	2%
BEL	2%	NA
BIH	15%	21%
BGR	11%	19%
HRV	NA	NA
CYP	15%	24%
CZE	6%	7%
DNK	11%	21%
EST	NA	NA
FIN	10%	14%
FRA	0%	1%
GEO	12%	20%
DEU	41%	NA
GRC	8%	NA
HUN	2%	2%
ISL	9%	19%
IRL	NA	21%
ITA	8%	12%
LVA	12%	18%
LTU	7%	11%
LUX	NA	NA
MLT	19%	21%
MDA	5%	10%
MCO	3%	4%
MNE	2%	3%
NLD	7%	13%
MKD	20%	25%
NOR	7%	11%
POL	NA	25%
PRT	NA	NA
ROU	6%	9%
SRB	14%	16%
SVK	NA	NA
SVN	12%	14%
ESP	1%	1%
SWE	1%	2%
CHE	12%	20%
TUR	40%	NA
UKR	NA	21%
UK:ENG&WAL	NA	36%
UK:NIR	10%	23%
UK:SCO	7%	20%
ISR	12%	17%
KAZ	21%	36%
MAR	11%	NA

LEGAL AID

Legal aid is the assistance provided to specific categories of persons in State-funded legal advice and/or representation. An adequate budget allocated to legal aid can guarantee access to justice for everyone, as envisaged by Article 6, paragraphs 1 and 3 of the European Convention on Human Rights. The CEPEJ distinguishes between legal aid granted in criminal matters and in other than criminal matters. There is also a difference between legal aid for cases brought to court and legal aid for cases not brought to court, preventing litigation or offering access to legal advice or information.

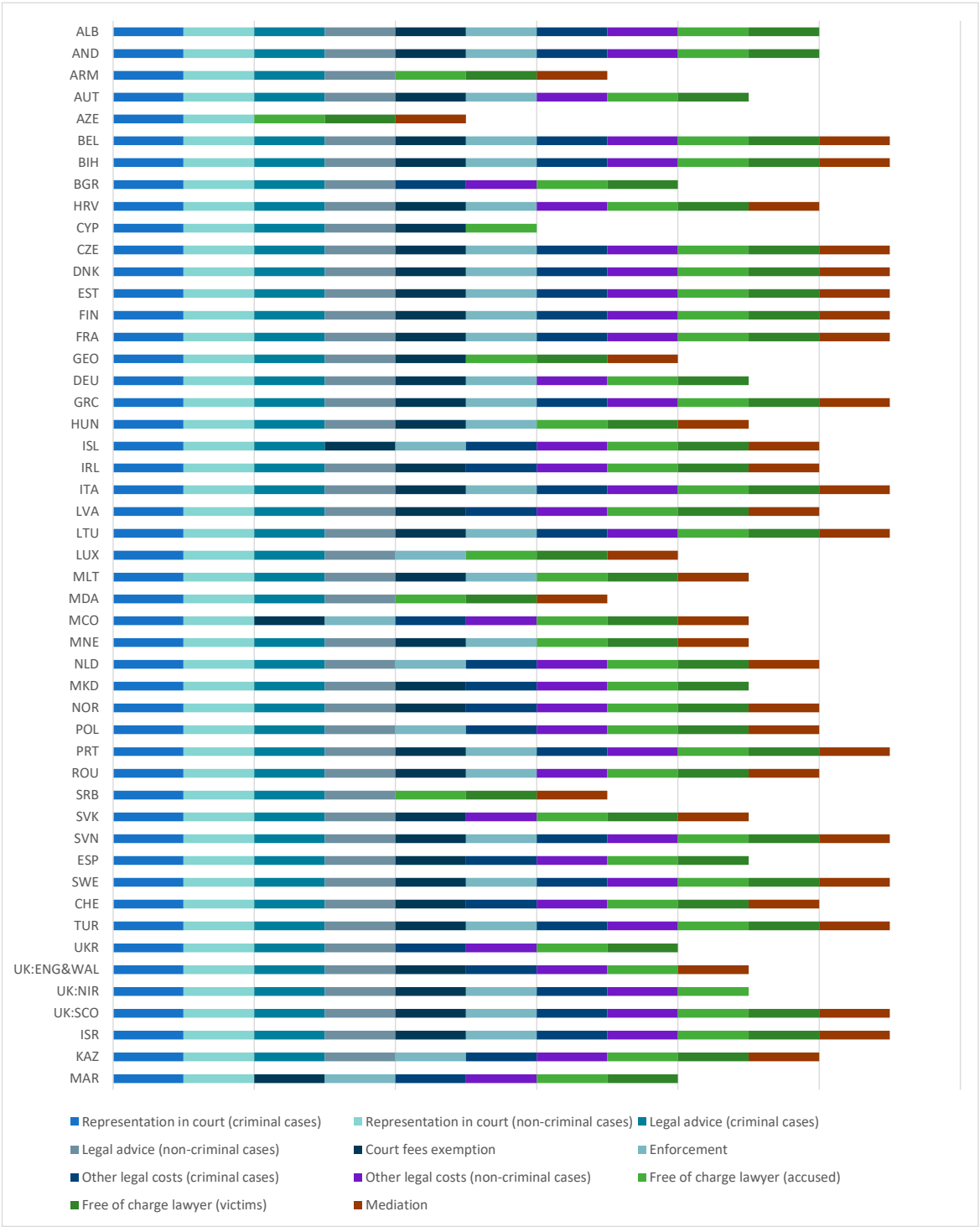
To the concept of legal aid has thus been given a broad interpretation, covering jurisdictional aid allowing litigants to finance fully or partially their court fees when they bring an action and appear before courts (access to justice), on the one hand, and access to information and legal advice to know one's rights and assert them, but not necessarily through judicial review (access to law), on the other hand.

”Is legal aid provided for all types of cases in Europe?

Almost all states and entities provide legal aid in criminal and other than criminal proceedings, complying with the European Court of Human Rights case law. Most often, the aid provided covers legal representation in courts. As shown in Figure 2.25, in most states or entities, the legal aid regime includes, but is not limited to, coverage of or exemption from paying court fees. For example, in 31 states or entities, legal aid covers expenses related to the enforcement of judicial decisions. Legal aid, in criminal and other than criminal matters, can also be granted for additional costs: fees of technical advisors or experts in the framework of judicial expertise, expenses related to the interpretation and/or translation, travel costs, costs associated with the preparation of documents and files necessary for the initiation of court proceedings, or coverage (full or partial) of fees concerning other professionals such as notaries, enforcement agents or even private detectives.

States and entities belonging to groups B, C, and D seem to have the broadest range of legal aid, while group A countries report fewer types of legal aid. Generally speaking, legal aid covers representation in court, a free of charge lawyer for the accused person and legal advice. In a smaller number of States and entities, legal aid includes fees related to enforcement of judicial decisions, mediation and other legal costs.

Figure 2. 25 **Types of legal aid in 2020 (Q16, Q17, Q18, Q19, Q21, Q65)**



How is legal aid organized in the different States/entities?

Legal aid in the member States is organized in different ways. A comparison of national legal aid schemes shows fundamental differences in the member States' philosophy, organization, and administration of legal aid systems. In terms of systems philosophy, the general goal in some countries seems to be to make legal services and justice generally more accessible. In contrast, legal aid may only be available to the poorest in others. It seems that the second philosophy prevails in Europe, since the majority of the countries have income and assets evaluation as a prerequisite for granting legal aid.

Legal aid is generally provided according to the individual's financial means. This may include an assessment of the individual's income and assets. In **Denmark**, legal aid is only provided to individuals who do not have a legal aid insurance or other insurance covering the costs of the proceedings. Nevertheless, comparing eligibility for legal aid across states and entities is difficult due to the wide diversity in admissibility rules and personal or family income thresholds. It may be the case that the law determines the amount of legal aid to be provided, which fully or partially covers the cost of legal services (**Belgium**, **France**) or defines the specific method for assessing the amount of legal aid to be granted (**Finland**, **Republic of Moldova**). This amount could, for example, depend on the amount of the minimum subsistence level (**Austria**, **Republic of Moldova**). In 37 countries, it is possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success).

Armenia, **Azerbaijan**, **Cyprus**, **the Czech Republic**, **Romania**, **Morocco**, and **Kazakhstan** do not evaluate assets and income when granting legal aid. Further to that, legal aid can as well be granted without prior examination of the means of the individuals, to socially vulnerable persons (for example in **Bosnia and Herzegovina**, **Croatia**, **Georgia**, **Latvia**, **Monaco**, **Montenegro**, **Spain**, **Türkiye**, and **Israel**). In **Hungary**, **Lithuania**, **Switzerland**, **UK - England and Wales** and **UK - Scotland**, the decision to grant legal aid is based on more comprehensive eligibility frameworks, which combine income thresholds and categories of beneficiaries in detail. In **Türkiye**, court users can be granted legal aid upon presenting a social certificate.

The decision to grant legal aid can be within the sole competence of the courts (12), given by other authorities external to the court (12) or by both types of authorities (19). In some states, an authority external to the court intervenes exclusively, as for instance the Centre for Granting of Secondary Legal Aid in **Ukraine**, the Legal Aid Board in the **Netherlands**, or the Bar Association in **Spain**. Most of the time, both courts and external bodies are endowed with this competence.

Once the legal aid has been granted, the legal service can be provided by the same public body (**Ireland**, **Malta**, **UK-Scotland**, **UK – Northern Ireland**) or by a lawyer appointed by the entity that approves the legal aid request (**Latvia**, **Israel**). Lawyers can be public, private, or there can be a mixed model where the person can choose a public or a private lawyer (**Finland**). Other professionals and institutions can provide some forms of legal aid ("primary legal aid", which consists of providing legal information, legal advice, and drafting of preliminary documents). Exemples are notaries, mediators and law faculties (**Serbia**), NGOs (**Hungary**), or they can be organized by municipalities (**Lithuania**).

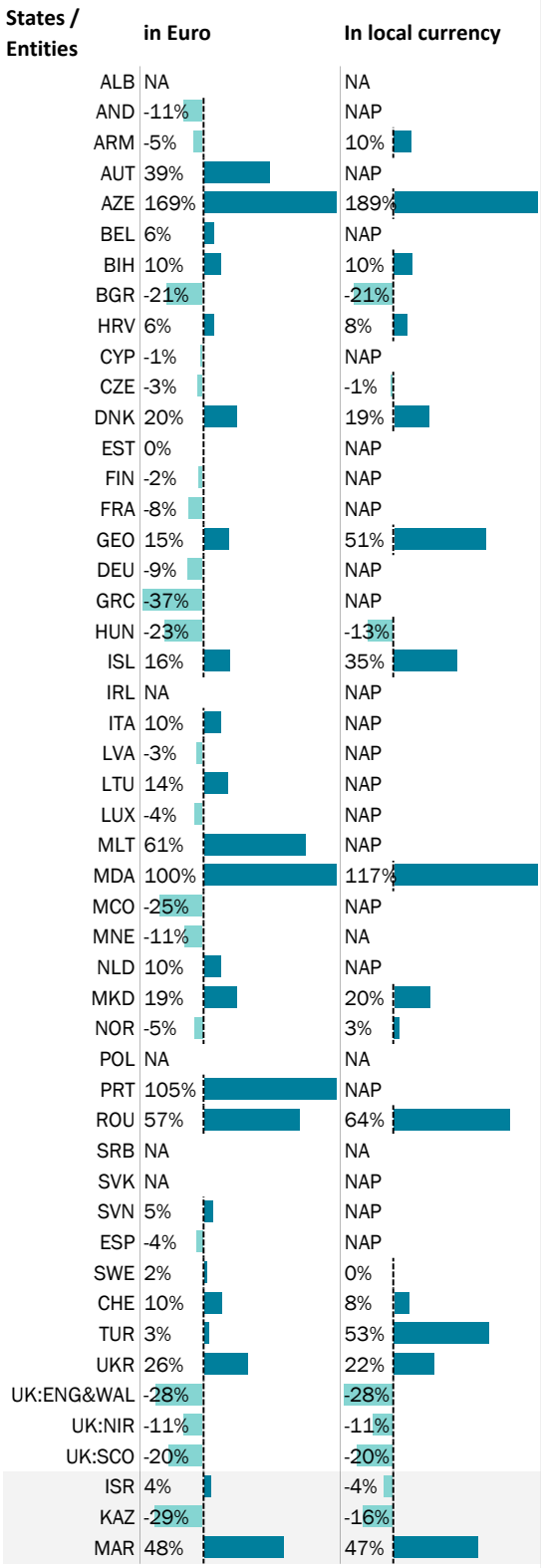
How have the budgets of legal aid evolved in Europe?

From 2018 to 2020, the average expense for legal aid dropped from 146 to 133 million €. Generally, the implemented budget of legal aid tends to fluctuate as it depends on the number of cases for which it is granted. In general, the COVID-19 Pandemic caused in many countries a drop in the number of cases granted with legal aid and, consequently, a decrease in the legal aid budget.

The implemented budget for legal aid has been increased between 2018 and 2020 in 22 states and entities and one observer state, while 20 countries and one observer have decreased it. A significant increase is registered in **Azerbaijan**, **Malta**, **the Republic of Moldova**, **Portugal**, and **Romania**, while a more important decrease is observed in **Greece**, **Monaco** and **UK-England and Wales**. Considering that this significant decrease is identified in countries that historically dedicate an important budget to legal aid, this affects the overall decreasing tendence.

The increase in the amount of the public budget implemented for legal aid in **Azerbaijan** and **Romania** is explained by the rise in the lawyers' fees. Since 2019, the public budget allocated to legal aid in **Portugal** includes the expenses of advances on procedural costs. The upward trend in the **Republic of Moldova** stems from the expansion of the legal aid system which implied diversified services and beneficiaries of legal aid and the promotion of the system. The decrease in **Monaco** and **Greece** is explained by the pandemic COVID-19, namely the closure of courts during the lockdown (**Monaco**) and the delay in the liquidation and repayment of liabilities (**Greece**).

Figure 2.26 **Variation in implemented legal aid budget, 2018 - 2020, in % (Q5, Q12)**



Is there a link between the level of wealth and the legal aid budget?

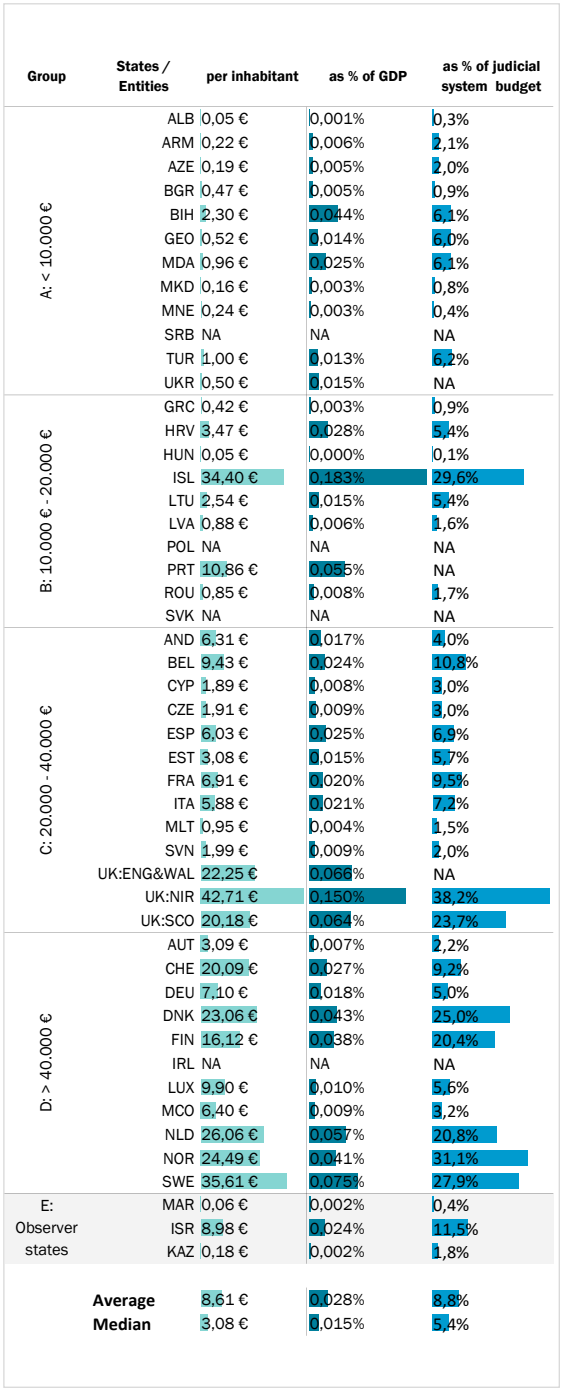
Generally, countries with a GDP per capita above 20 000 € have the highest budget allocated to legal aid concerning the GDP per capita and the most significant amounts per inhabitant. This fact shows that wealthier countries spend more on legal aid by any parameter examined, which differs from the trends in budgetary spending on courts and prosecution services. With **Iceland** moving from Group C to Group B, there has been a significant increase in the budget allocated to legal aid concerning the GDP per capita in group B (from 2 € to 6,82 €).

Table 2.28 **Average implemented budget for legal aid by different groups of GDP per capita in 2020 (Q1, Q3, Q12-1)**

Group	Per inhabitant	As % of GDP
A: < 10.000 €	0,60 €	0,01%
B: 10.000 - 20.000 €	6,68 €	0,04%
C: 20.000 - 40.000 €	9,96 €	0,03%
D: > 40.000 €	17,19 €	0,03%
Average	**8,61 €**	**0,03%**
E: (Observer states)	3,07 €	0,01%

Devised on the basis of the *Habeas Corpus* guarantees, judicial systems of the **United Kingdom** entities have always granted a special attention to legal aid. Accordingly, the legal aid budget represents 38% of the total budget allocated to the judicial system in the **UK – Northern Ireland**, and 24% in the **UK - Scotland**. The Northern European States also have a strong tradition of generous legal aid with a significant budgetary share within the total budget of the judicial system: **Norway** (31%), and **Sweden** (28%). Except for **Iceland**, the same countries spend more than 24 € per inhabitant per year.

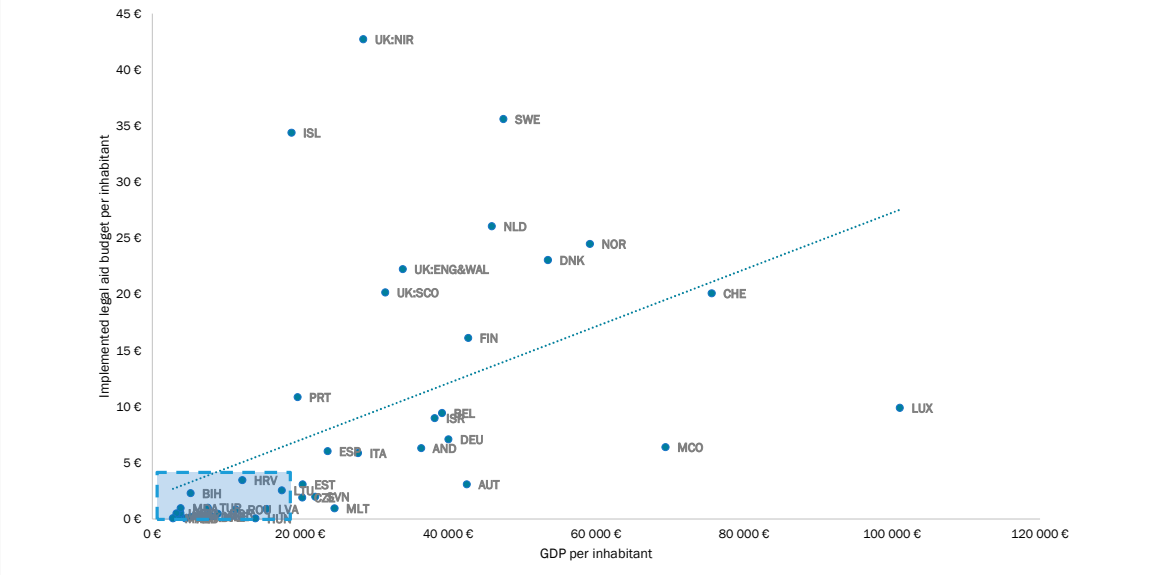
Figure 2.27 **Implemented legal aid budget per inhabitant and as % of GDP in 2020 (Q1, Q3, Q12-1)**



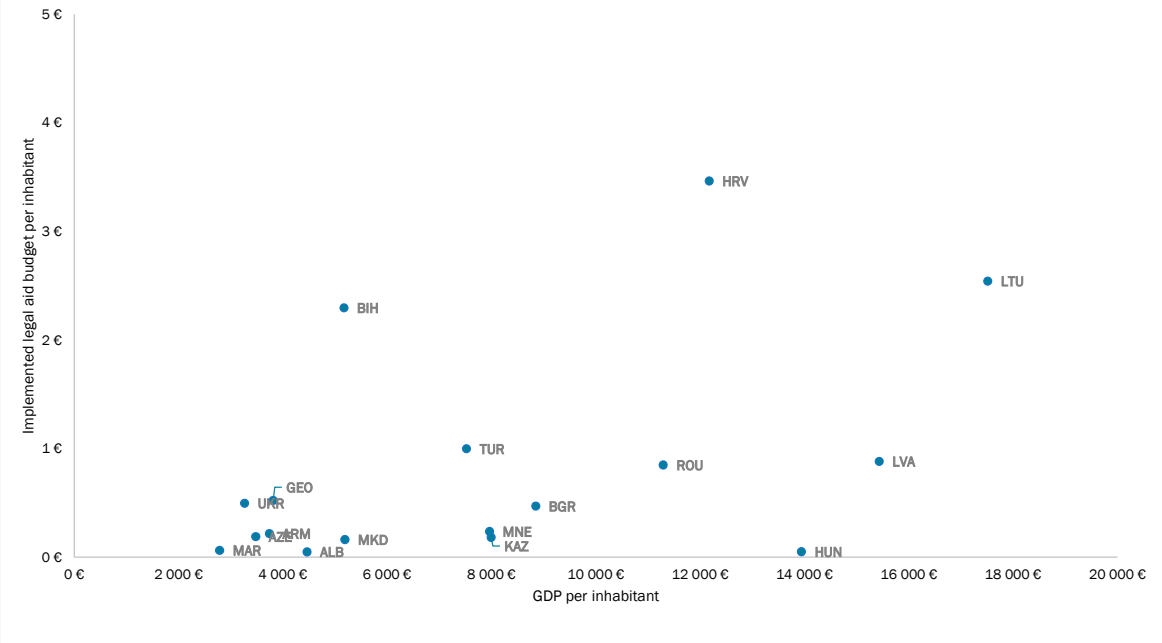
Which States and entities grant the most significant amount of legal aid compared with their GDP?

The figure 2.27 relates the legal aid budget per inhabitant to the GDP per capita. Given how the countries are scattered in this figure, a real corelation is not possible to determine. However, it reveals the significant effort of the Northern countries to enable litigants who do not have the necessary financial resources to have access to justice. Moreover, within the same group of wealthy countries, is noted the effort of **Iceland**, **Denmark**, the **Netherlands**, **Norway**, **Sweden**, and **UK – Northern Ireland** compared to **Austria**, **Belgium**, and **Germany**. **Bosnia and Herzegovina**, **Iceland**, and **Portugal** stand out for the higher budget allocated to legal aid within the first group with a lower GDP (less than 20 000 €). By contrast, **Greece**, **Hungary**, **Latvia**, **Montenegro** and **Romania** (in PART B) issued lower funding for legal aid than countries with a similar GDP per capita.

Figure 2.29 **Implemented Legal aid budget per inhabitant and GDP per capita in 2020 (Q1, Q3, Q12-1)**
PART A. **Emphasis on more than 20 000 € GDP per capita**

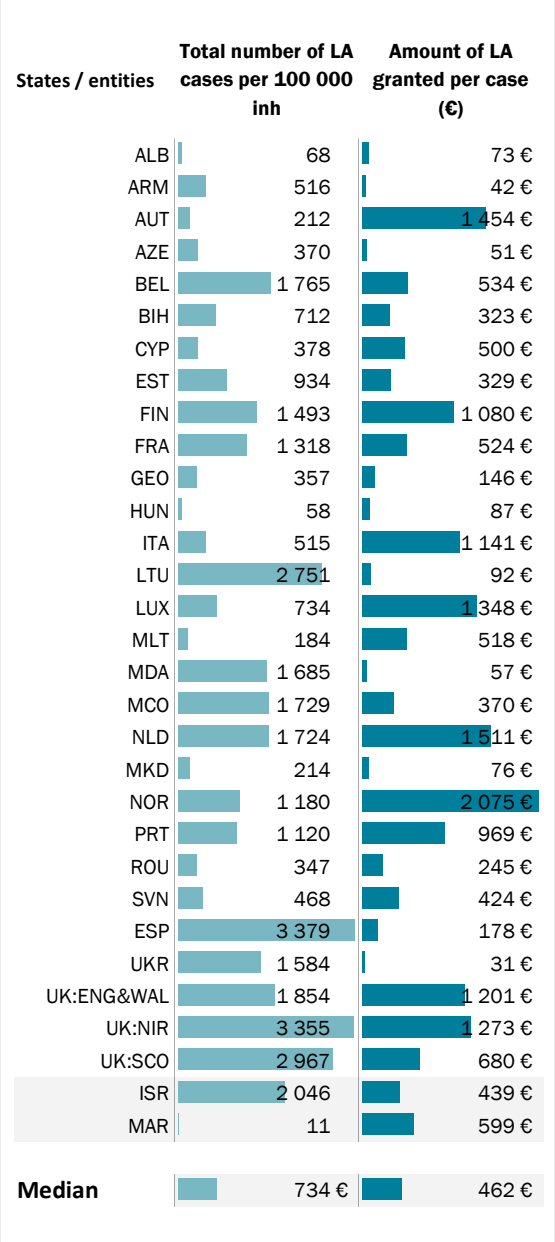


PART B. **Countries with less than 20 000 € GDP per capita**



Which States and entities grant legal aid for the largest number of cases?

Figure 2.30 **Amount of implemented legal aid per case (in €) and total number of cases per 100 000 inhabitants in 2020 (Q12-1, Q20)**



CEPEJ tries to refine the analysis of policies related to access to justice through legal aid. To this end, CEPEJ has linked the demand (the number of litigious and non-litigious cases granted with legal aid for 100 000 inhabitants) with the amounts allocated by case. The information is available for 33 states and entities.

Generally speaking, some states and entities grant a low cost per legal aid case for a high number of cases benefiting from legal aid, while other states allocate a higher amount per case for a smaller number of cases.

Denmark, **Norway**, the **Netherlands** and **Austria** provide the highest amount per case. **Denmark** is not presented in the Figure 2.30 because it is an outlier with much higher amount awarded per case compared to other countries. **Norway** and the **Netherlands** also offer legal aid for many cases. On the other hand, some countries such as **Lithuania**, the **Republic of Moldova** and **Spain** have many legal aid cases, but less amount allocated per case. **Hungary** and **Albania** are not generous both in the number of eligible cases and in the amount spent per case.

Trends and conclusions

As stated by the Venice Commission in its Report on the Independence of the Judicial System, Part 1 on the Independence of Judges, (2010, CDL-AD (2010)004-e.) *"It is the duty of the state to provide adequate financial resources for the judicial system. Even in times of crisis, the proper functioning and the independence of the judiciary must not be endangered". Adequate funding is necessary to "enable the courts and judges to live up to the standards laid down in Article 6 of the European Convention on Human Rights and national constitutions and perform their duties with the integrity and efficiency which are essential to the fostering of public confidence in justice and the rule of law"*. At the same time, as resources are by definition limited, they must be used efficiently.

Between 2010 and 2020, the budget of the judicial system grew steadily but unevenly. The smallest increase is between 2012 and 2014 and the largest between 2016 and 2018.

European countries spent on average almost 1,1 billion Euros on their judicial systems, equal to 79 € per inhabitant (7 € more than in 2018) and 0,35% of GDP. Countries with a higher GDP per capita invest more per inhabitant in judicial systems. In contrast, less wealthy countries allocate more budget as a percentage of GDP, showing a more significant budgetary effort for their judicial systems.

On average, member States and entities spend almost 2/3 of their judicial system budget on courts, around 25% on public prosecution services and the remaining on legal aid. From 2018 to 2020, nearly all member States and entities have increased the budget allocated to courts, prosecution services and legal aid. The most significant percentage increase, equal to 12% on average, has been recorded for the public prosecution budget. The budget allocated to courts seems to be related to the country's wealth but also to the number of courts.

Traditionally, East European countries spend proportionally more on prosecution services, while Northern European and Common Law countries invest relatively more in legal aid. Adequate legal aid coverage is essential to guarantee access to justice for all. Generally speaking, all the countries have implemented a legal aid system in criminal and other than criminal matters, complying with the European Convention on Human Rights requirements.

The COVID-19 Pandemic has not led to big variations in terms of overall budget. However, some variations can be noticed in specific budget lines such as: court buildings maintenance (decrease), justice expenses (decrease), training (decrease) and IT (increase). The legal aid budget was also affected by the Pandemic: due to the lower number of cases, the implemented budget dropped in many countries.

Justice professionals

JUDGES AND NON-JUDGE STAFF

Who are judges?

For the purposes of this chapter, the judge, defined according to the case law of the European Court of Human Rights (ECtHR, *Ali Riza and others v. Turkey*, Applications nos. 30226/10 and 4 others, 22 June 2020, § 195), decides, "on the basis of legal rules, with full jurisdiction and after proceedings conducted in a prescribed manner, on any issue within his/her jurisdiction". He/she is independent from the executive power. Judges dealing with administrative or financial matters (for instance) fall within this definition if they fulfil the above-mentioned criteria.

In order to better reflect the diversity of status and functions that can be associated with the word "judge" in the member States and entities, three types of judges have been defined by CEPEJ:

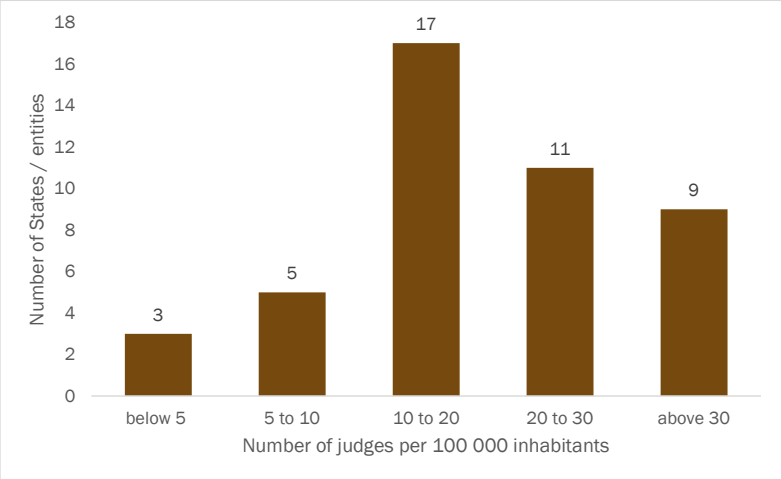
- professional judges, recruited, trained and paid as such and who perform their duty on a permanent basis;
- occasional professional judges who do not perform their duty on a permanent basis, but are paid for their function as judges;
- non-professional judges who sit in courts and whose decisions are binding but who do not belong to the professional judges, arbitrators or sit in a jury. This category includes namely lay judges, i.e. judges without initial legal training who are known in **France** as "*juges consulaires*".

For these three categories, the Report uses full time equivalents (FTE) for the number of judges' positions effectively occupied, whether they are practicing full time, part-time or on an occasional basis.

Is there an equal number of judges all over Europe?

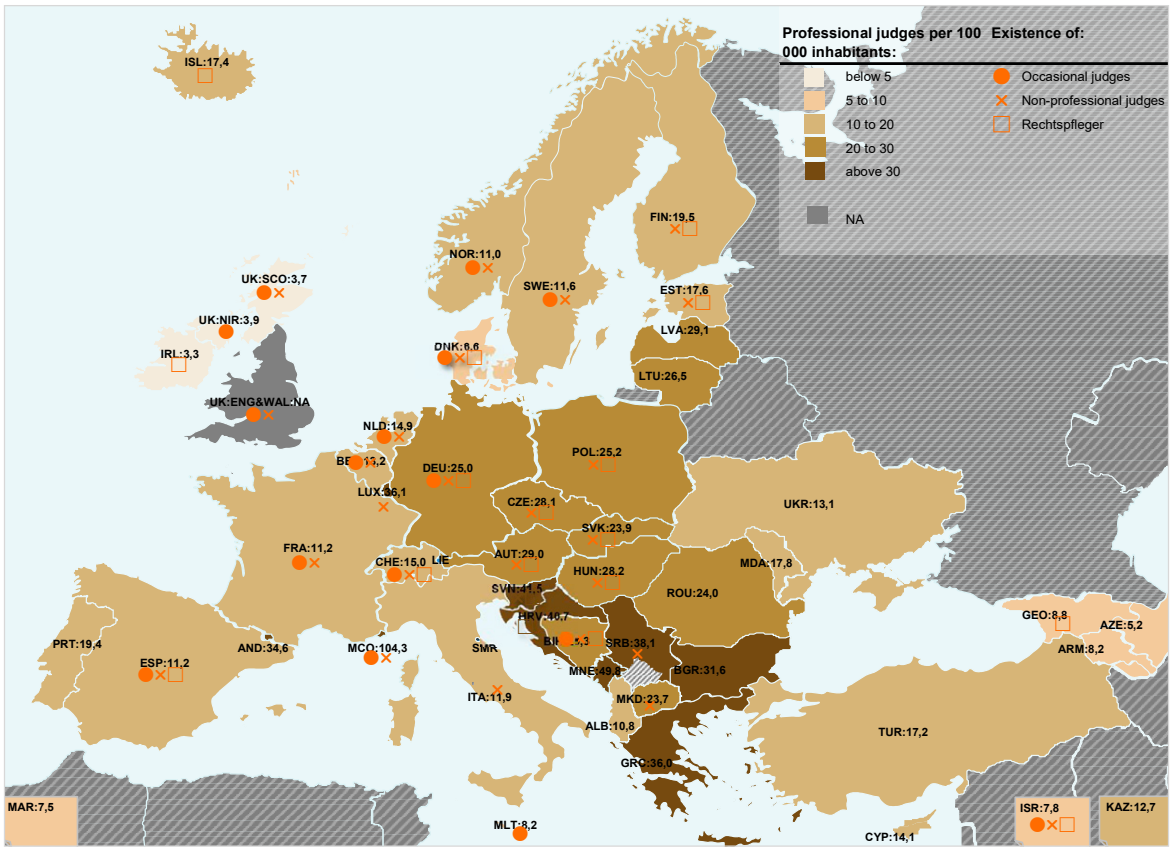
In 2020, there are still significant disparities in the number of professional judges between different countries. However, the distribution of the number of professional judges per 100 000 inhabitants shown in Figure 3.1 has been broadly stable over the years.

Figure 3.1 **Number of professional judges per 100 000 inhabitants in 2020 (Q1, Q46)**



Most states and entities have between 10 and 30 professional judges per 100 000 inhabitants. The figures range from a minimum of 3 in **Ireland** to a maximum of 104 in **Monaco**. As the following map shows, there are considerable differences even between countries of comparable size and income levels.

Map 3.2 **Number of professional judges per 100 000 inhabitants in 2020 (Q1, Q46)**



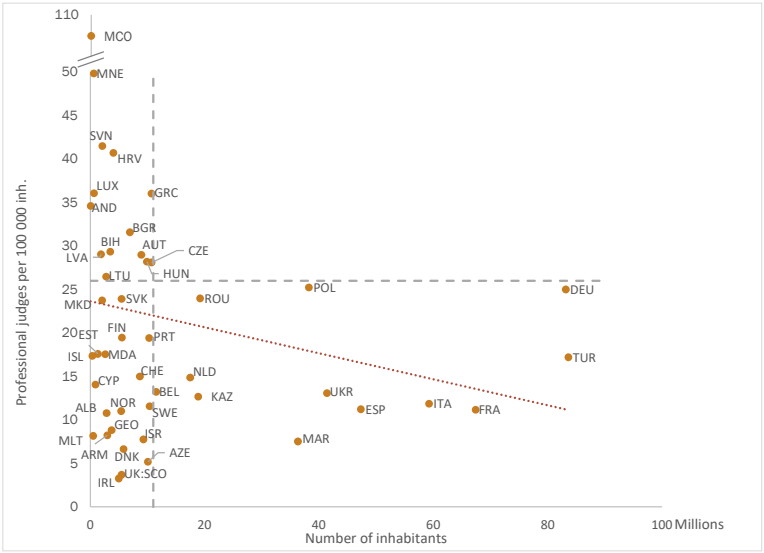
How can the disparities in the number of professional judges in Europe be explained?

The disparities can, at least to some extent, be explained by the diversity of judicial organisations, geographic factors and/or the evolution of European legal systems.

Judicial organisations in Europe vary considerably from one state to another. Professional judges deal with a very variable volume of cases. In certain number of countries, these cases can also be handled by occasional professional judges and/or non-professional judges. In **Malta**, **Spain** and **Switzerland**, professional judges sitting in courts occasionally are dealing with a significant part of the total volume of cases. The small number of professional judges per inhabitant in **UK - Northern Ireland** and **UK - Scotland** is due to the very high proportion of cases within the competence of non-professional *magistrates*. Some countries with 10 to 20 professional judges per 100 000 inhabitants resort to non-professional judges, for example for labour law and commercial law cases in **France**, for small claim civil and commercial disputes and for misdemeanour cases in **Italy**, for family law, labour law, social law, commercial law, insolvency law and misdemeanour criminal cases in the **Netherlands** or for civil issues of less than 90 € in **Spain**.

Map 3.2 suggests that the number of professional judges per 100 000 inhabitants may be affected by geographic factors and/or the evolution of European legal systems. A coherent area in Central and Southeast Europe has more than 20 judges per 100 000 inhabitants. These are essentially legal systems influenced by Germanic law, namely **Austria**, **Bosnia and Herzegovina**, **Bulgaria**, **Croatia**, the **Czech Republic**, **Germany**, **Greece**, **Hungary**, **Latvia**, **Lithuania**, **Montenegro**, **North Macedonia**, **Poland**, **Serbia**, the **Slovak Republic** and **Slovenia**. Furthermore, as already highlighted in the previous Reports, Eastern European countries count traditionally a very high per inhabitant number of judges and civil servants. In contrast, Western and Southern European countries with legal systems inspired by Nordic law, Common law or Napoleonic law, have a lower number of professional judges per 100 000 inhabitants.

Figure 3.3 **Number of professional judges per 100 000 inhabitants compared with the population size in 2020 (Q1, Q46)**



Another influencing factor for the number of judges per 100 000 inhabitants could be the population size, as Figure 3.3 shows. More than 26 judges per 100 000 inhabitants only occur in countries with less than 11 million inhabitants, from **Lithuania** with 26,5 judges per 100 000 inhabitants with about 2,8 million inhabitants to **Monaco** with about 104 judges per 100 000 inhabitants with 38 500 inhabitants. The red dotted trend line also indicates a slight negative correlation between the number of inhabitants and the number of judges per 100 000 inhabitants. It shows a downward tendency, which could suggest that countries with higher population tend to need fewer judges in relation to population than countries with smaller population, possibly due to economies of scale. However, this interpretation should be viewed with great caution because the values in the chart are very widely scattered.

How has the number of professional judges evolved over the years?

The average number of professional judges per 100 000 inhabitants increased from 20,9 to 22,2 between 2010 and 2020, and the median from 17,3 to 17,6. The total number of professional judges in the member States and entities has slightly increased. Although the countries covered are not completely identical, an increase in the number of judges can be observed.

Figure 3.4 **Number of professional judges per 100 000 inhabitants and variation, 2010 - 2020 (Q1, Q46)**

	State / entity	per 100 000 inh.	Variation 2010 - 2020
below -10%	AZE	5,2	-22,2%
	BEL	13,2	-10,8%
	MKD	23,7	-26,4%
	MLT	8,2	-12,6%
	SVN	41,5	-16,9%
	UKR	13,1	-22,5%
-10% to 0%	ALB	10,8	-7,6%
	CZE	28,1	-3,5%
	DNK	6,6	-0,7%
	HRV	40,7	-4,8%
	HUN	28,2	-2,6%
	NLD	14,9	-2,2%
	NOR	11,0	-1,2%
	POL	25,2	-9,3%
	SVK	23,9	-3,8%
0% to 10%	BGR	31,6	5,1%
	CHE	15,0	3,3%
	CYP	14,1	8,8%
	DEU	25,0	3,1%
	EST	17,6	5,3%
	FIN	19,5	8,2%
	FRA	11,2	4,5%
	IRL	3,3	2,1%
	ISL	17,4	6,3%
	ITA	11,9	8,0%
	MCO	104,3	4,0%
	PRT	19,4	5,6%
	SWE	11,6	0,7%
	UK:SCO	3,7	4,3%
above +10%	AND	34,6	22,6%
	ARM	8,2	22,1%
	AUT	29,0	63,0%
	BIH	29,3	20,2%
	ESP	11,2	10,2%
	GEO	8,8	68,5%
	GRC	36,0	23,0%
	LTU	26,5	10,7%
	LUX	36,1	12,6%
	LVA	29,1	37,2%
	MDA	17,5	41,0%
	MNE	49,8	18,8%
	ROU	24,0	25,9%
	SRB	38,1	13,2%
	TUR	17,2	61,5%
NA	UK:ENG&WAL	NA	NA
	UK:NIR	3,9	NA
Observer	ISR	7,8	NA
	KAZ	12,7	NA
	MAR	7,5	NA
Average		22,2	
Median		17,6	

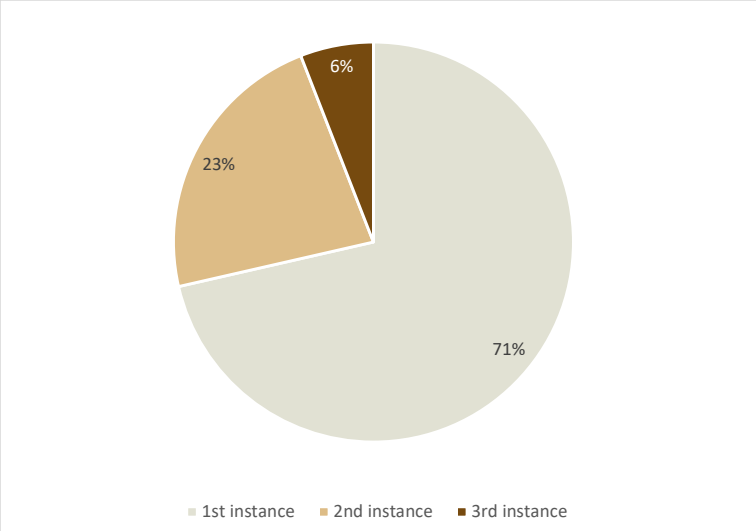
Over the years, there have been significant variations in many countries. Figure 3.4 illustrates that the number of professional judges per 100 000 inhabitants has increased between 2010 and 2020 in most States, while there is no uniform trend that could be identified. The evolutions observed have particular explanations, such as judicial reforms or decline or growth in the population (see Figure 1.2 in Chapter 1). The number of judges in **Austria** increased due to the creation of administrative courts in 2014, included in the statistics only as of 2016. In **Bosnia and Herzegovina**, the High Judicial Council has increased the number of judges in several courts in light of the number of cases to be dealt with and in order to avoid excessive delays in trials. In **Greece**, the methodology of the response was changed. In **Luxembourg**, a law came into force in 2017 that provided for a multi-year programme for the recruitment of judges and prosecutors in 2017 to 2020. In **Montenegro**, three Misdemeanour Courts and the High Misdemeanour Court were established in 2015. The increase in **Lithuania** and – to some extent – in **Andorra**, **Armenia**, **Bosnia and Herzegovina**, **Georgia**, **Latvia**, the **Republic of Moldova**, **Romania** and **Serbia** can be explained by population decline. In **Georgia**, the number of second instance and Supreme Court judges is also increasing due to the filling of positions which had been vacant until 2020. **Türkiye** shows a significant increase in the number of judges, prosecutors and judicial staff in recent years. One of the evoked explanations is the establishment of the courts of appeal that started functioning in 2016. The reason for the decrease in the number of judges in **North Macedonia** is insufficient number of candidates eligible in accordance with the newly introduced condition (completed initial training) for the appointment by the Judicial Council for the courts of first instance. The situation of **Ukraine** is also characterised by a significant decrease in the number of judges, due in particular to the implementation of an important judicial reform in 2016.

Professional judges per 100 000 inhabitants

Average	22,2
Median	17,6

How are judges distributed between the instances?

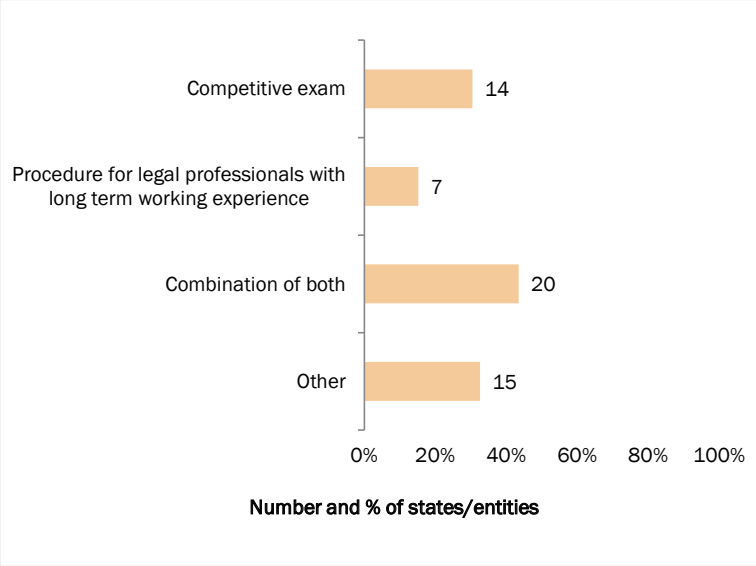
Figure 3.5 **Average distribution of professional judges by instance in 2020 (Q46)**



Judges are about two-thirds to 80% first instance judges, about 15% to 30% second instance judges, and about 2% to 7% Supreme court judges in most member States and entities. As regards the different levels of jurisdictions, there is a fairly uniform distribution of professional judges that has remained very stable over the years.

How are judges recruited?

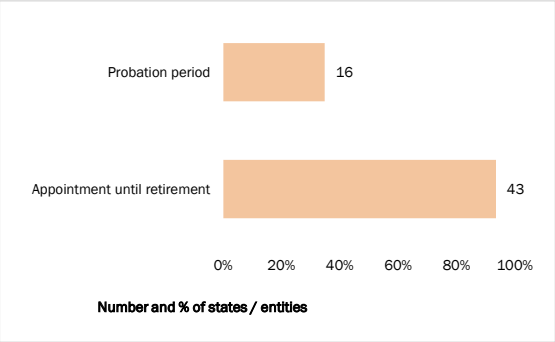
Figure 3.6 **Modalities for recruiting professional judges in 2020 (Q110)**



A competitive exam, common way of recruiting judges, is the option chosen by the majority of states and entities as a unique possibility or in combination with other modalities of recruitment. Some states and entities, in particular common law countries, have a procedure which relies only on experience and seniority among lawyers, without a competitive exam (**Austria**, **Ireland**, **Malta**, **Norway**, **Switzerland**, **UK - Northern Ireland**, **UK - Scotland** and **Israel**). Other recruitment procedures are used in 15 member States. As such other modalities, the member States have indicated the conduct of interviews, the involvement of a Judicial Appointment Council or similar body, the completion of preparatory training or a comprehensive assessment of the qualifications of applicants.

Are judges always appointed for life?

Figure 3.7 **Probation period and term of appointment of professional judges in 2020 (Q121, Q122)**

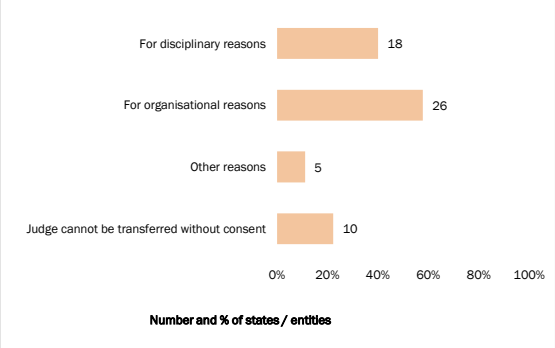


The principle of lifetime appointment of judges applies in almost all member States and entities. The Consultative Council of European Judges (CCJE) notes that full-time appointments until the legal retirement age constitute the general rule in European practice and that this is the least problematic approach from the point of view of independence (Opinion No. 1(2001) on standards concerning the independence of the judiciary and the irremovability of judges, paragraph 48). The situation in **Switzerland**, where judges might be elected, depending on the canton, by the people or the parliament or appointed by the appeal court is quite specific. As also noted by the CCJE, many civil law systems involve probation periods for new judges (Opinion No. 1 aforesaid, paragraph 49). There is a probation period in 16 member States. The duration varies from 10 months in **Greece** to a maximum of 5 years in **Bulgaria** and **Germany**.

Is the irremovability of judges guaranteed?

The irremovability of judges is guaranteed in principle, although there are often exceptions to this rule.

Figure 3.8 T**ransfer of judges without their consent in 2020 (Q121-1)**



The principle of irremovability implies that a judge cannot be assigned to another post without his/her consent. A transfer may, however, be made without consent but in that case a special consideration should be given to the modalities of such transfer. It can result from a disciplinary procedure before an independent body. That is a possibility in 40% of the States and entities. Furthermore, more than 55% of the States and entities allow the change in the judges' assignments without their consent for organisational reasons (closure, merger, restructuring of courts, etc.) framed by guarantees such as the right to appeal the decision before a court (**Hungary**, **Poland**). These numbers have stayed quite stable since the last Report.

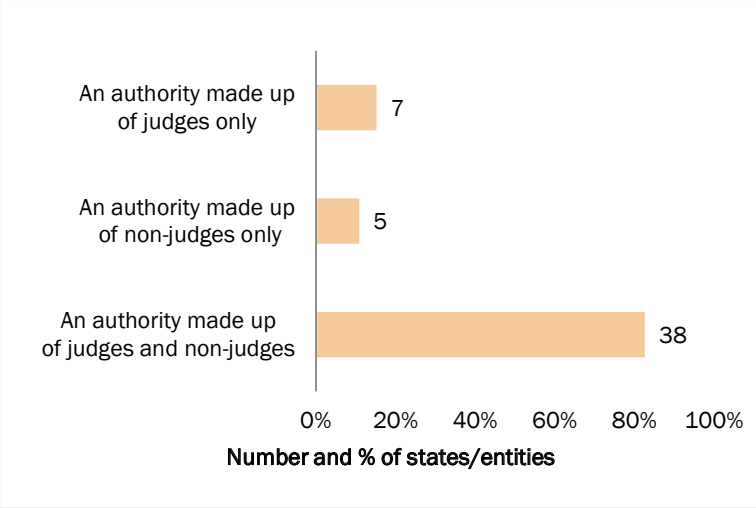
According to the replies, the transfer of judges is possible for reasons other than disciplinary or organisational ones. In **Austria**, judges are to be transferred if non-professional circumstances (which are not their own fault) damage their reputation and their ability to perform their function so that they would no longer be able to act as a judge in that court; furthermore, in cases of adoption or marital or non-marital relations between judges of the same district court. In **Denmark**, deputy judges may be transferred to another court without their consent for organisational, educational or health reasons or if they are considered unsuitable for the post. In **Germany**, apart from disciplinary and organisational reasons, judges may be transferred without their consent in judicial impeachment proceedings for a violation of the constitutional order or if facts outside their judicial activity imperatively require a measure of this kind in order to avert a serious impairment of the administration of justice.

In some States, a temporary transfer can be decided without the consent of the judge in the interest of the good administration of justice (e.g. in **Belgium**, **Bosnia and Herzegovina**, **Germany**, **Iceland**, **Ireland**, **Lithuania**, **North Macedonia** and **Slovenia**). Here again, specific guarantees are framing this type of reassignment through strict regulations concerning duration, authorities competent to decide, possibility to appeal the decision, salary level and benefits etc.

Who decides on the recruitment of judges?

In the large majority of member States and entities, an authority made up of judges and non-judges is responsible for the initial recruitment of professional judges.

Figure 3.9 **Authorities responsible for initial recruitment of professional judges in 2020 (Q111)**



Only few states and entities provide for an authority made up of judges only or for an authority made up of non-judges only. In most cases, the competent body is the High Judicial Council (or a similar body). In **Germany** and **Switzerland** all models exist depending on the federal entity.

To ensure the independence of the judiciary, the authority in charge of recruitment procedures for judges should be independent. Some States and entities distinguish the formal authority, which may be the one that appoints (for instance the President of the Republic or the Minister of Justice), from the authority actually in charge of the recruitment process, which must enjoy independence from the executive to guarantee full judicial independence.

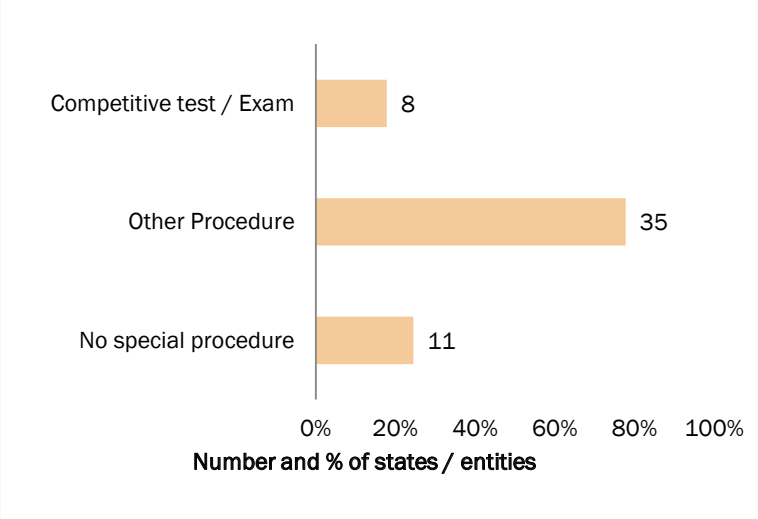
Who decides on the promotion of judges?

In 28 member States and entities and two observer States, the same authority competent for the initial recruitment is also competent for the promotion of judges. In five of these countries it is an authority composed only of judges, in one country it is an authority composed only of non-judges, and in 24 countries it is an authority composed of judges and non-judges. In **Germany**, all models exist, depending on the Land. In many countries the competent body is the High Judicial Council.

How are judges promoted?

In most countries, promotion decisions are based on evaluations. Interviews are also conducted in some cases, and sometimes seniority is required. In many countries, promotion decisions are made by the Judicial Council or a similar body, or at least it is involved in the decision.

Figure 3.10 **Procedure for the promotion of professional judges in 2020 (Q113)**

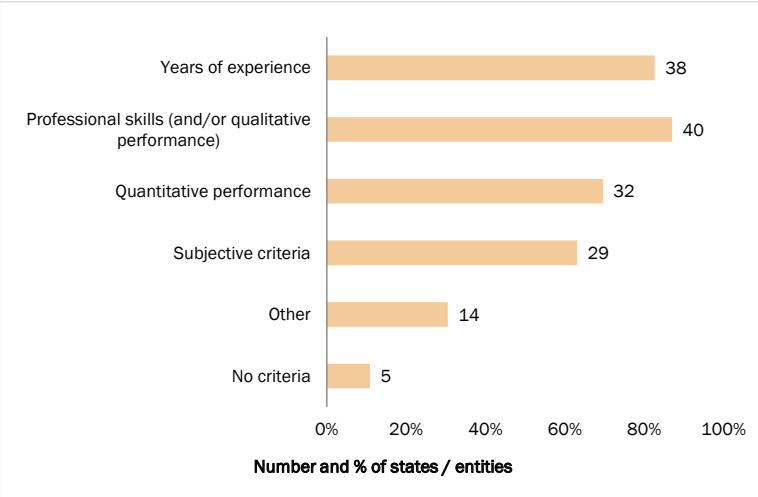


Only few States provide for a competitive test or exam for promotions. In most States and entities, another procedure is used or there is no special procedure. However, some States have chosen the option "no special procedure" because the normal application procedure is applied (**Denmark**, **Estonia**, **Ireland**, **Iceland**, **Norway** and **Switzerland**). Among States and entities that chose "competitive test / exam", there is a difference between internal competition (**Andorra**) and open competition as for the initial appointment (**UK-Northern Ireland**). The difference between a selection procedure and no special procedure is therefore delicate and the promotion criteria allow for a better nuance of promotion procedures when they imply a selection.

What are the criteria used for the promotion of a judge?

Most States use a wide range of criteria for the promotion of professional judges.

Figure 3.11 **Criteria used for the promotion of professional judges in 2020 (Q113-1)**

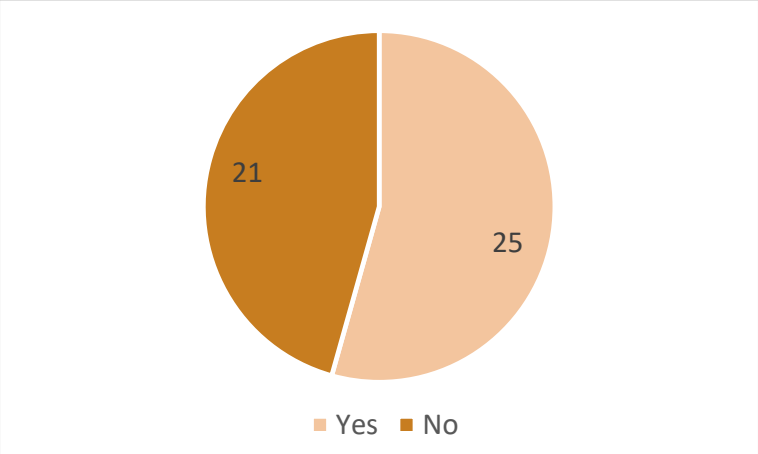


The most common of them are professional skills (and/or qualitative performance) and years of experience, used by 40 and 38 member States and entities, respectively, and two observer States each. There is not a single state that uses only subjective criteria (integrity, reputation, etc.), but 29 member States and entities and two observer States use them among others. Where "other" criteria are used, these are mostly assessment results. The option "no criteria" was selected by countries where the regular recruitment procedure is followed (**Estonia**, **Iceland**, **Ireland**, **Norway** and **Switzerland**).

Do non-professional judges exist in all countries?

Only slightly more than half of the States and entities make use of non-professional judges.

Figure 3.12 **Existence of non-professional judges in 2020 (Q49-1)**

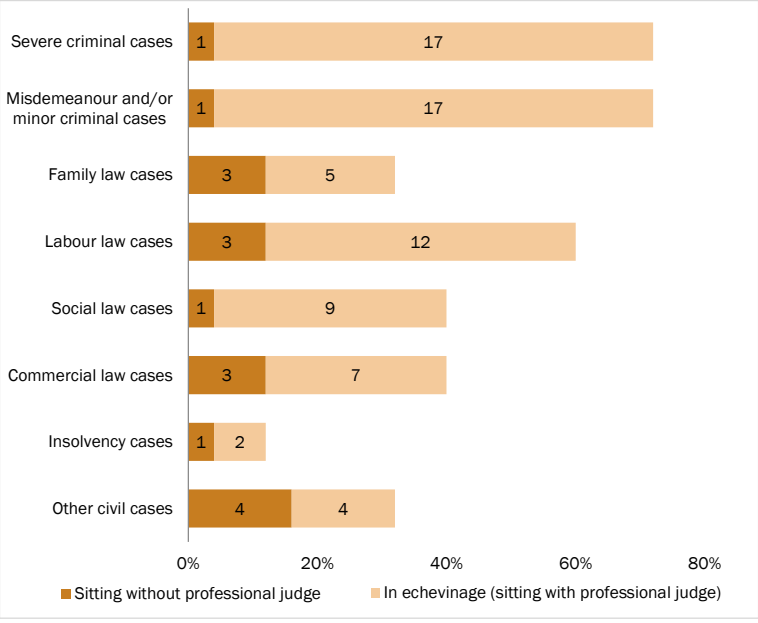


This does not seem self-evident, as in its Opinion No. 18, the CCJE highlighted that the appointment of lay judges can be seen as providing a helpful link between the judiciary and the public (Opinion n°18(2015) on the position of the judiciary and its relation with the other powers of state in a modern democracy, paragraph 32). In addition, it is true that non-professional judges can make a significant contribution to relieve professional judges of their caseload.

What are the tasks of non-professional judges in Europe?

In most countries, non-professional judges are not hearing and deciding cases alone, but are part of a panel composed of both professional judges (presiding the panel) and non-professional judge/s (mixed bench / échevinage).

Figure 3.13 **Tasks entrusted to non-professional judges in 2020 (Q49-1)**



The matters within their competence are broad, with and without échevinage: diverse civil law cases, as well as family law cases, labour law cases, social law cases and criminal law cases. Non-professional judges sitting without professional judges exist in the Napoleonic law-based or Napoleonic-influenced states such as **Belgium**, **France**, **Italy**, the **Netherlands** and **Spain**, as well as in **Norway**. It is interesting to note that, unlike in the other countries, in **Belgium**, these judges can act alone in misdemeanour, minor and even severe criminal cases. They are substitute judges who are not appointed on a permanent basis, but only to replace judges who are temporarily unable to act. Substitute judges have legal training and extensive legal experience and must undergo a rigorous examination before being appointed. Usually they are lawyers, notaries, university professors or retired judges.

What types of non-judge staff exist in Europe?

Having competent staff with defined roles and a recognised status alongside judges is an essential precondition for the efficient functioning of judicial systems. In the CEPEJ's Evaluation Scheme, a distinction is made between five types of non-judge staff:

- The ***Rechtspfleger*** is defined as an independent judicial body according to the tasks that were delegated to him/her by law. Such tasks can be connected to: family and guardianship law, law of succession, law on land register, commercial registers, decisions about granting a nationality, criminal law cases, enforcement of sentences, reduced sentencing by way of community service, prosecution in district courts, decisions concerning legal aid, etc.
- **Non-judge (judicial) staff** directly assist a judge with judicial support (assistance during hearings, (judicial) preparation of a case, judicial assistance in the drafting of the decision of the judge, legal counselling – for example court registrars).
- **Administrative staff** are not directly involved in the judicial assistance of a judge, but are responsible for administrative tasks (such as the registration of cases in a computer system, the supervision of the payment of court fees, administrative preparation of case files, archiving) and/or the organisation of some of the court services (for example a head of the court secretary, head of the computer department of the court, financial director of a court, human resources manager, etc.).
- **Technical staff** includes staff in charge of execution tasks or any technical and other maintenance related duties, such as cleaning staff, security staff, staff working at the courts' computer departments or electricians.
- **Other non-judge staff** includes all non-judge staff that are not included in the categories mentioned before.

What is the ratio of non-judge staff per professional judge and how has this ratio developed?

The average ratio of non-judge staff to professional judges is about 3,9 in 2020 (median: 3,3), the minimum being 1,0 (**Luxembourg**) and the maximum 9,4 (**Malta** and **UK - Northern Ireland**). These numbers show a very high stability over the years. This suggests that a certain number of non-judge staff per judge is constantly needed for the effective and efficient functioning of the courts and that this number has not changed significantly over the years despite the increased use of ICT.

How do the number of professional judges and the number of non-judge staff depend on each other?

Figure 3.14 **Number of non-judge staff per 100 000 inhabitants compared to the number of professional judges per 100 000 inhabitants; number of non-judge staff per professional judge (Q1, Q46, Q52)**

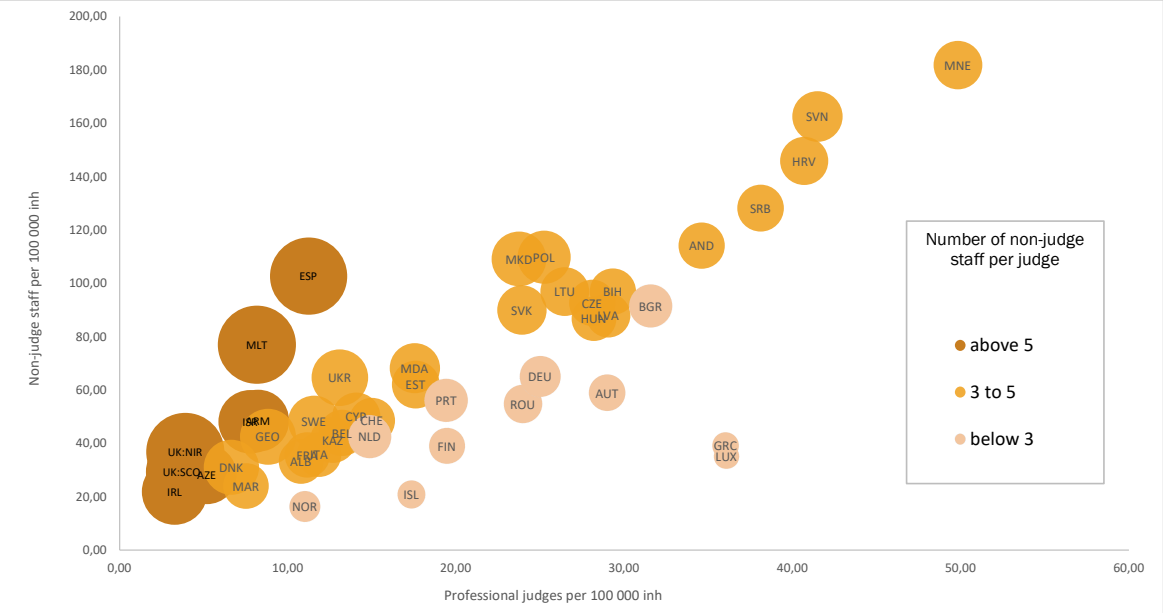


Figure 3.14 gives an overview of three different values: the number of professional judges per 100 000 inhabitants, the number of non-judge staff per 100 000 inhabitants and the ratio of the number of non-judge staff to the number of professional judges.[13] The number of non-judge staff per professional judge is illustrated by the colour and size of the bubbles: the darker and larger the bubble, the more non-judge staff there are in relation to one judge.

Because non-judge staff assist professional judges and relieve them of certain tasks, one might expect there to be a negative correlation between the number of professional judges per 100 000 inhabitants and the number of non-judge staff per 100 000 inhabitants. This would mean that the more non-judge staff there are, the fewer professional judges there are per 100 000 inhabitants, and vice versa. Figure 3.14 shows that this is not the case and that there is even a positive correlation between the two indicators, meaning that countries with more professional judges per 100 000 inhabitants also tend to have more non-judge staff per 100 000 inhabitants. This underlines the significant differences in the staffing of the judiciaries in Europe.

However, the bubbles' size and colour indicate that in states and entities with fewer professional judges per 100 000 inhabitants, there tend to be more non-judge staff per professional judge. All states and entities with more than 5 non-judge staff per professional judge have fewer than 12 professional judges per 100 000 inhabitants, while ratios of less than 3 non-judge staff per professional judge can only be found in states and entities with 10 or more professional judges per 100 000 inhabitants. This can be seen quite well in the figure from the positions of the dark and large bubbles on the one hand and the positions of the light and small bubbles on the other.

Consequently, there seems to be some dependency between the number of non-judge staff per professional judge and the number of professional judges per 100 000 inhabitants in the sense that fewer judges per 100 000 inhabitants tend to be needed when each judge is assisted by a larger number of non-judge staff. The exact interactions can be various: they depend on the degree of assistance provided to judges, the extent to which decisions are transferred to *Rechtspfleger* (see below) or the extent to which judges carry out administrative tasks and tasks related to the management of the courts.

13. For better visibility this Figure does not include **Monaco** which, because of its size, shows an extreme value.

Have the number of professional judges and the number of non-judge staff developed uniformly?

A uniform development of the number of professional judges and the number of non-judge staff can only be observed in part.

Figure 3.15 **Variation in the number of non-judge staff compared to the variation in the number of professional judges, 2010 - 2020 (Q46, Q52)**

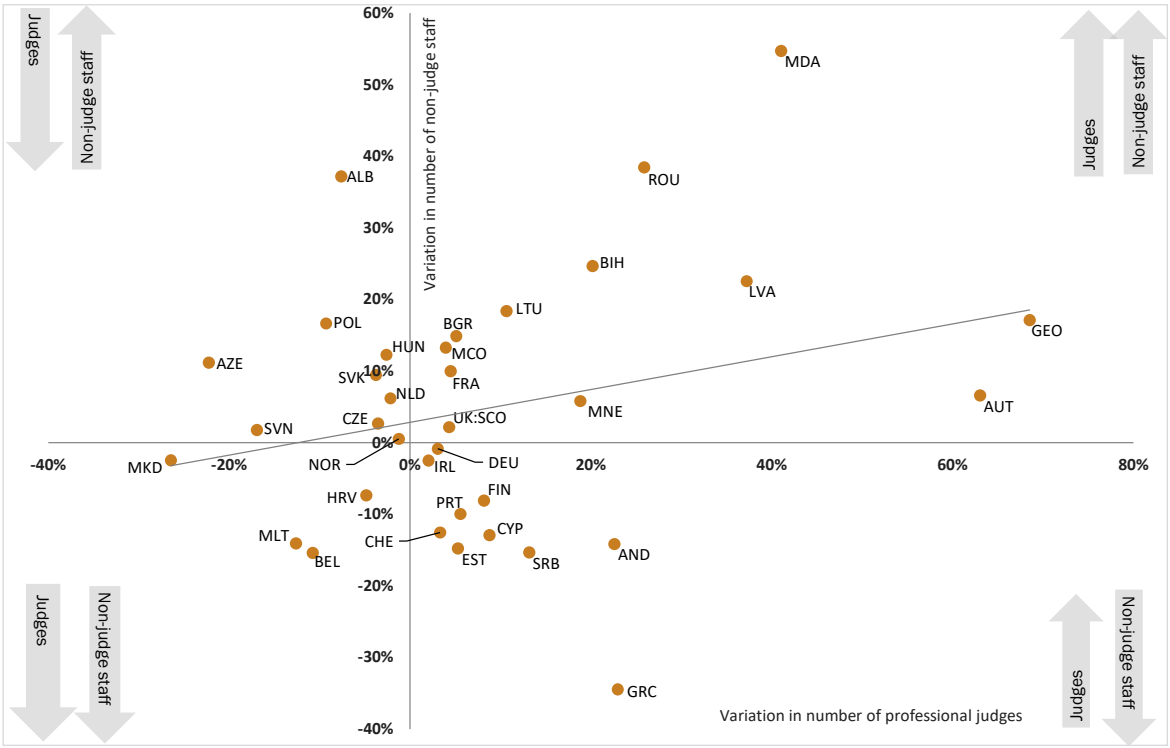
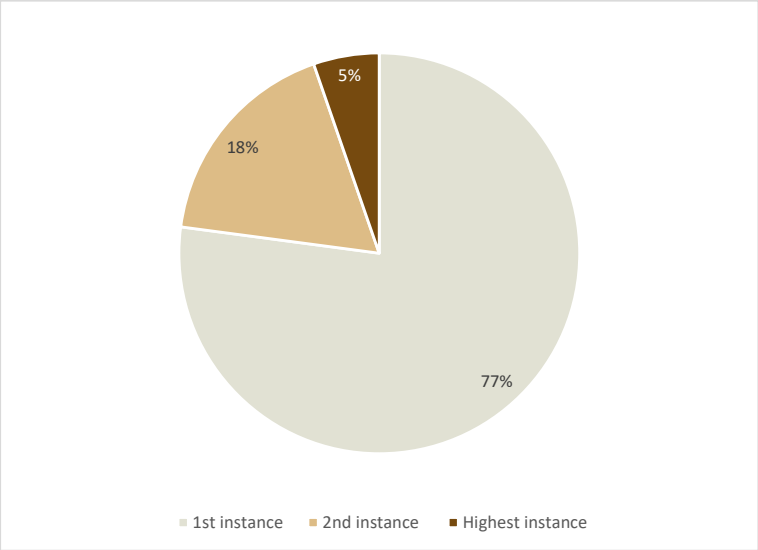


Figure 3.15 shows that the positive correlation between the number of professional judges and the number of non-judge staff described above is also reflected in the variation in these data between 2010 and 2020: as can be seen from the rising trend line, an increased number of judges is often accompanied by an increased number of non-judge staff and vice versa. However, this correlation is very low and there are a number of countries where the number of judges and the number of non-judge staff have developed in opposite directions.

To ensure the efficiency of the courts, the connection between the number of professional judges and the number of non-judge staff must be carefully considered when creating or reducing posts. Although the reasons for the developments are probably complex and must be assessed individually in each case, special caution appears to be necessary with regard to the conclusions to be drawn in terms of efficiency where the number of professional judges has increased while the number of non-judge staff has decreased. This is because the higher number of decisions to be expected with an increase in the number of judges usually also entails a higher workload for the non-judge staff.

How is non-judge staff distributed across instances?

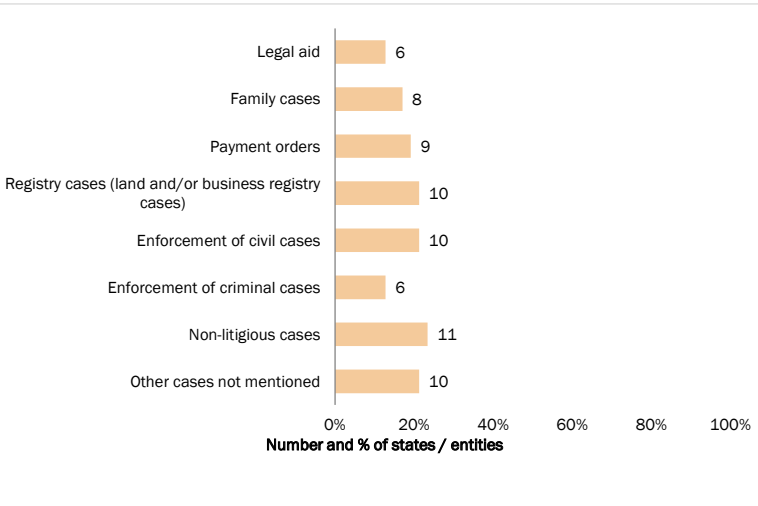
Figure 3.16 **Average distribution of non-judge staff by instance in 2020 (Q52-1)**



The average distribution of non-judge staff across instances is similar to that of judges (cf. Figure 3.5), but a higher ratio can be found at first instance (71% for judges) and a lower ratio at second instance level (23% for judges). The distribution has remained stable between 2018 and 2020.

How many States have set up *Rechtspfleger* and what are the roles entrusted to them?

Figure 3.17 **Summary of the different Roles of *Rechtspfleger* (or similar body) in 2020 (Q53)**



15 member States and one observer State have set up *Rechtspfleger* (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal. The roles entrusted to them in each country that are shown in Figure 3.17 have not changed since the previous Report. In addition to the areas expressly mentioned, they deal with, for example, insolvency matters, mutual legal assistance matters, non-judicial decisions in civil, family and criminal matters or proceedings on judicial costs and fees of lawyers.

PUBLIC PROSECUTORS AND NON-PROSECUTOR STAFF

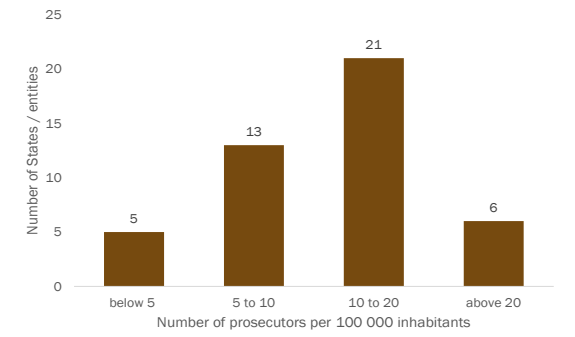
Who are public prosecutors?

According to the definition contained in Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe on the Role of public prosecution in the criminal justice system, public prosecutors are understood as *"public authorities who, on behalf of society and in the public interest, ensure the application of the law where the breach of the law carries a criminal sanction, taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system"*.

Is there an equal number of public prosecutors all over Europe?

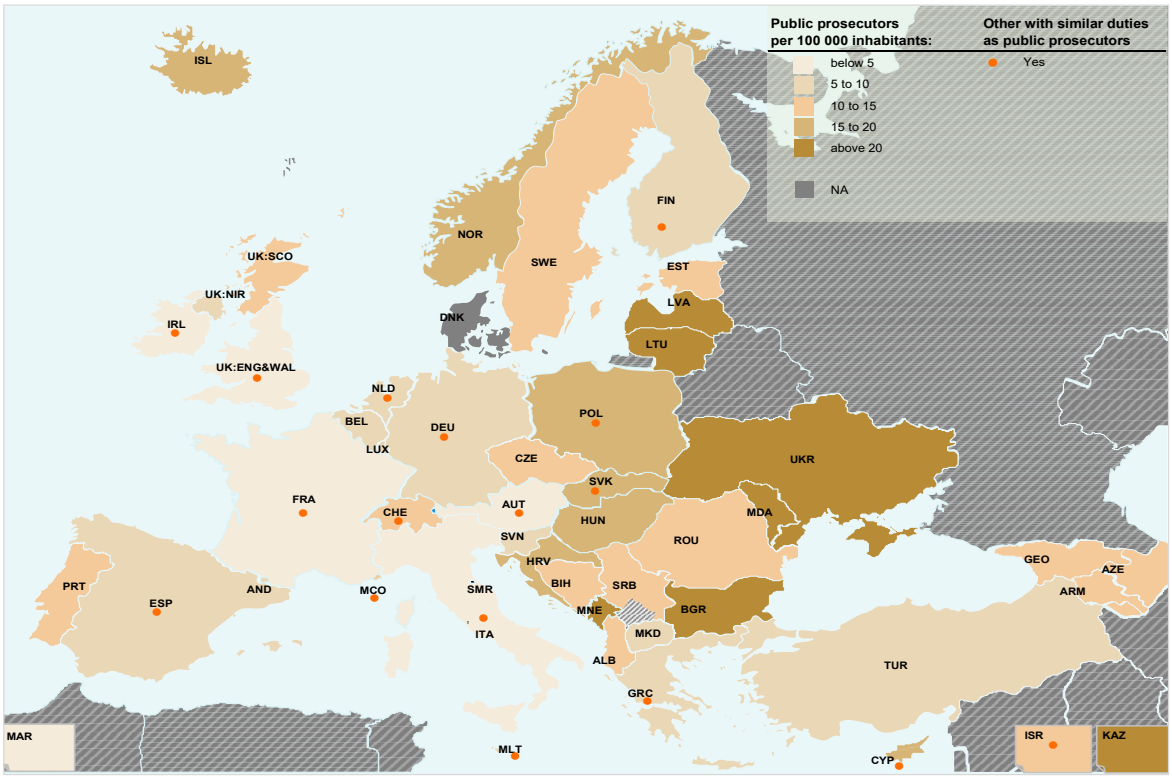
There are still significant disparities in the number of public prosecutors.

Figure 3.18 **Number of prosecutors per 100 000 inhabitants in 2020 (Q115)**



In 2020, most states and entities have between 5 and 20 public prosecutors per 100 000 inhabitants. The figures range from a minimum of 3 in **France**, **Ireland** and **Morocco** to a maximum of 24 in the **Republic of Moldova**. The exact values for the states and entities are shown in the following map.

Map 3.19 **Number of prosecutors per 100 000 inhabitants in 2020 (Q1, Q55)**



How can the disparities in the number of public prosecutors in Europe be explained?

The disparities can partly be explained by the diversity of judicial organisations, geographic factors and/or the evolution of European legal systems.

Map 3.19 illustrates the diversity in the number of public prosecutors per 100 000 inhabitants in Europe depending on the regions. While most states and entities in Northern, Western, Central and Southern Europe employ very low to average numbers of 2 to 15 prosecutors per 100 000 inhabitants, higher numbers of more than 15 or even 20 prosecutors per 100 000 inhabitants can be found mainly in more eastern areas.

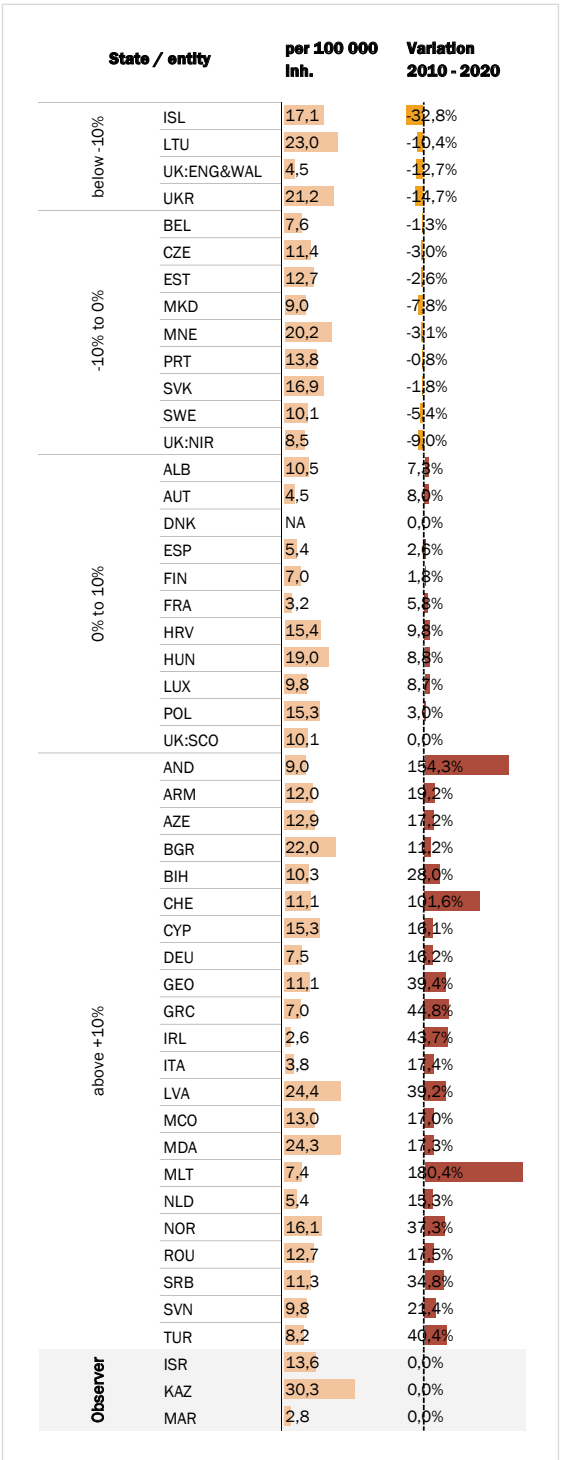
As visible on the Map 3.19 there are 17 member States and one observer that have other staff with duties similar as public prosecutors. In six of the states and entities this number is quite significant in proportion with the number of prosecutors (**Austria** 40%, **Italy** 76%, **Malta** 418%, **Monaco** 20% **Netherlands** 23% and **Switzerland** 33% of the number of prosecutors). In **Italy** "Vice Procuratore Onorario" assist the public prosecutors for hearings of misdemeanor criminal cases, jurisprudence studies, preparation of the request to discontinue cases and in **France** "Délégué du procureur" are in charge of implementing alternatives to prosecution and notify penal orders and participating in crime prevention policies at a local scale.

Similar to what was shown for judges in Figure 3.3, there seem to be lower numbers of prosecutors per 100 000 inhabitants in states with higher population size, also when including the number of other persons with similar duties to those of public prosecutors.

How has the number of public prosecutors evolved over the years?

The distribution shown in Figure 3.18 has been quite stable since 2010, but with a tendency towards the higher values.

Figure 3.20 **Number of public prosecutors and variation, 2010 - 2020 (Q55)**



Although there are some states and entities in which the number of prosecutors per 100 000 inhabitants has decreased between 2010 and 2020, there is a strong and ongoing up-ward trend. The average number of prosecutors per 100 000 inhabitants increased from 11,1 to 11,8 between 2010 and 2020, and the median from 9,9 to 11,1. The average increase in all states and entities was 19% and the median increase was 9%.

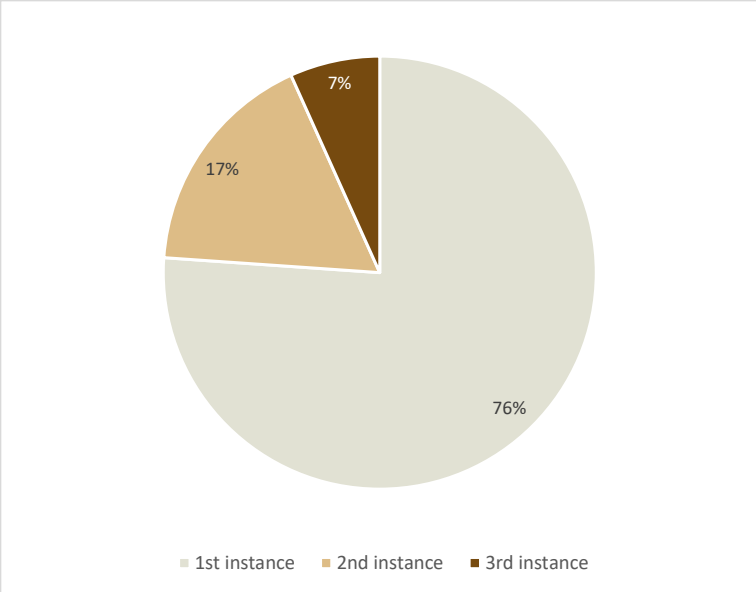
The very big increase for **Switzerland** can be explained by the change of the investigation system in some cantons (replacement of investigating judges with public prosecutors) and by the strengthening of the defence rights in 2011 with the new Penal procedure code. The large increase in **Malta** is attributed to a reform in 2020 by which the Attorney General takes on the role of Prosecutor General exclusively. Given this special focus, the Office of the AG has been recruiting more lawyers. There is no specific explanation for **Andorra**, but part of the large increase in percentage could be explained by the low absolute value of public prosecutors which varied from 3 in 2010 to 7 in 2020.

Public prosecutors per 100 000 inhabitants

Average	11,8
Median	11,1

How are public prosecutors distributed across instances?

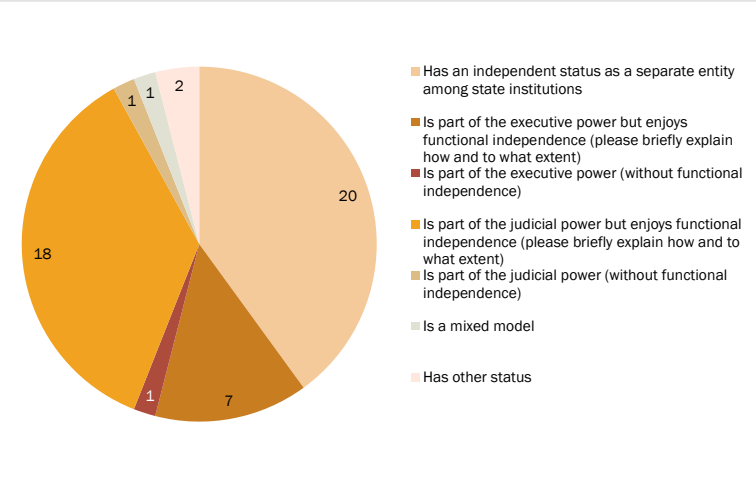
Figure 3. 21 **Average distribution of public prosecutors by instance in 2020 (Q55)**



In most states and entities, 65% to 90% of prosecutors work at first instance level, 5% to 30% at second instance level and 2% to 15% at the highest instance. These figures have remained stable over the years. When evaluating the numbers, it should be noted that only 24 states have provided data on the distribution of prosecutors by instance and that not all states have three instances in the public prosecutor's service. Besides, in a considerable number of states, public prosecutors are not tied to court instances (**Andorra**, **Estonia**, **Finland**, **Georgia**, **Ireland**, **Malta**, **Monaco**, **Spain**, **Sweden**, **Switzerland**, **Ukraine** and **Israel**).

What is the status of public prosecutors in Europe?

Figure 3. 22 **Status of public prosecutors in 2020 (Q115)**

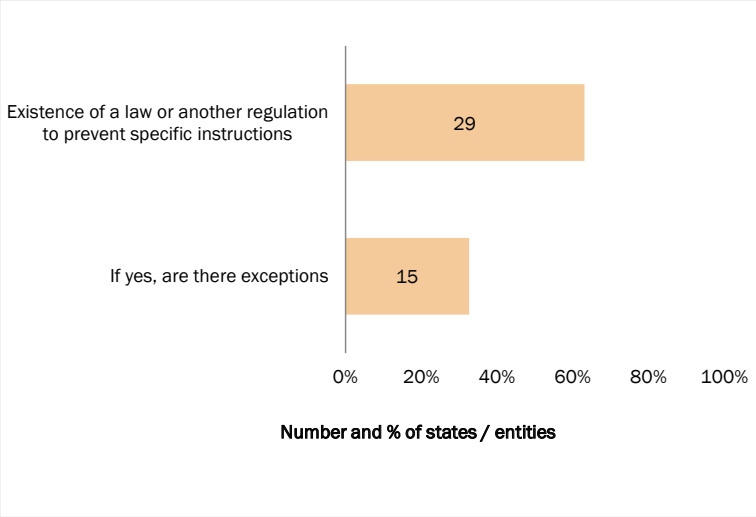


In the vast majtority of member States and entities and two observer States, the public prosecutor's office has an independent status as a separate entity among state institutions or at least enjoys functional independence as part of the executive or judicial power (in **Switzerland**, the system varies from canton to canton). Other models are the exception. The status of public prosecution may vary fundamentally from one member State to another. The CEPEJ has changed the question on the status of public prosecution services for this cycle, so that the replies can no longer be compared exactly with the answers from previous years. Nevertheless, the trend towards a strengthening of the independence of public prosecutors' offices noted in the last Report can be confirmed.

How independent are prosecutors?

In summary, it can be said that, on the one hand, complete independence from influence in the prosecution of individual cases is only guaranteed in the minority of states and entities, but on the other hand, instructions in individual cases, when they exist, have to be limitied with certain guarantees.

Figure 3.23 **Regulations to prevent specific instructions to prosecute or not and exceptions in 2020 (Q115-1, Q115-2)**

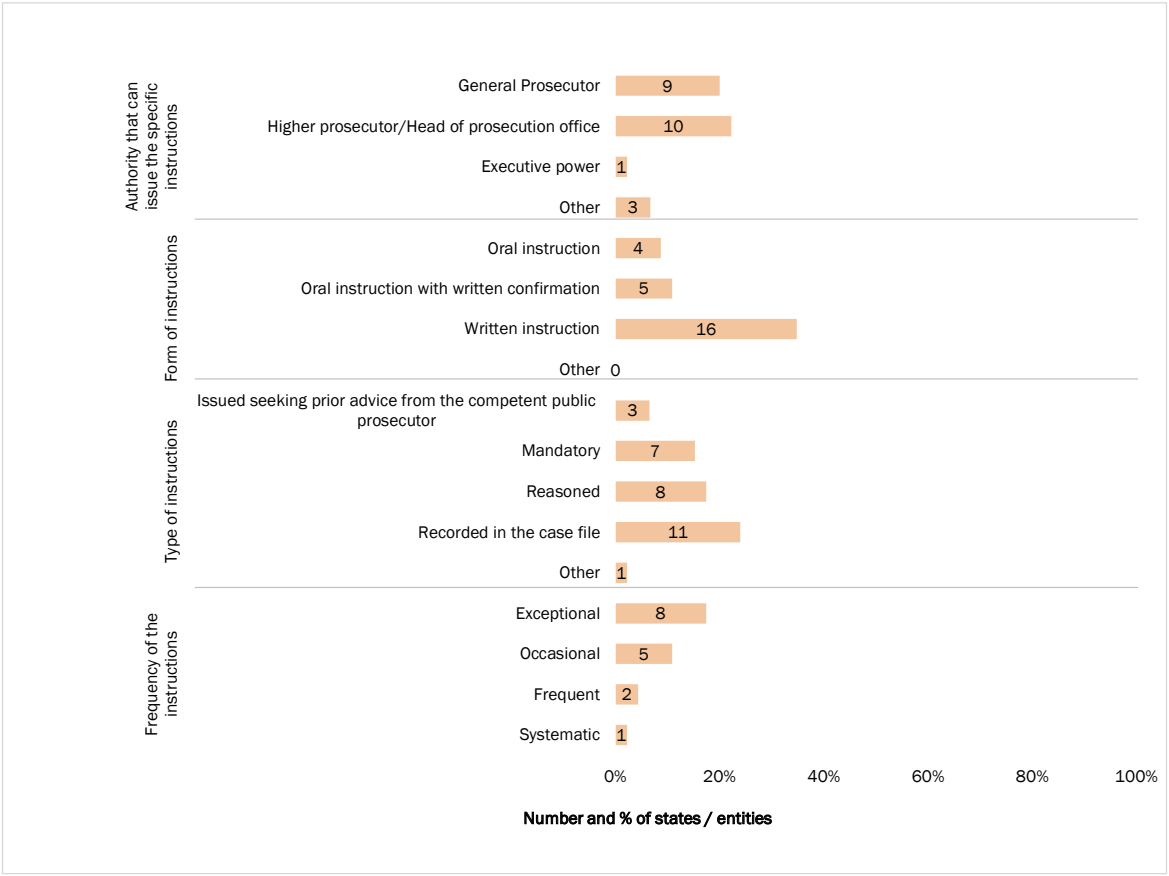


In addition to the status described above, the independence of prosecutors in their daily work is largely determined by the extent to which they are subject to influence in the prosecution of individual cases. In order to get a more accurate picture of this, the CEPEJ has added some questions to its questionnaire in this cycle. The analysis of the replies reveals considerable differences.

The sensitivity of the issue of prosecutorial independence is reflected in regulations designed to prevent specific instructions to prosecute or not to prosecute. For the year 2020, independence was assessed for the first time in relation to all types of influence, regardless of whether it occurs within or outside the prosecution services. 28 states and entities and one observer State report having such regulations in place. In 15 of these states and entities, however, this is only a principle, from which there are exceptions. An absolute ban on instructions in individual cases is thus only guaranteed in a minority of states and entities. At the same time, exceptions to regulations to prevent specific influence are often surrounded by guarantees of independence. For example, the Minister of Justice in **Belgium** and **Luxembourg**, and in **Luxembourg** also the Attorney General, may issue instructions to prosecute, but may not issue instructions not to prosecute a case. In **Germany**, the scope and limits of the right to issue instructions result from the statutory regulations. In **Albania** and **Croatia**, there is an obligation to issue reasoned written instructions. The right not to follow instructions exists if they are deemed illegal (**Croatia**, **Portugal**, **Spain**), inadmissible for other reasons (**Spain**), incorrect, unfounded to act in the case or inappropriate for achieving the expected legal effects and benefits of the procedure (**Croatia**), if they seriously offend the prosecutor's legal conscience (**Portugal**) or for other reasons (**Albania**).

Figure 3.24 shows the differences in the practical application of the specific instructions in those countries where they are not prevented by regulations. Predominantly, only the General Prosecutor and/or the Higher prosecutor/Head of prosecution office is authorised to issue the instructions. Only a few states provide for the possibility of instructions issued by the executive or the Minister of Justice. In most cases, instructions must be given in writing or at least confirmed in writing, and often they must also be recorded in the case file, which increases comprehensibility for the parties to the proceedings. Moreover, in the Napoleonic judicial systems, despite the written instructions, during the hearings, the prosecutor is independent in his/her plea in accordance with the saying: "The pen is served but the word is free." The vast majority of states and entities report that instructions are given only exceptionally or occasionally. In two states, the prosecutor has the option of opposing or reporting an instruction to an independent body. In some states it is possible to apply to the hierarchy. Besides, for example in **Germany**, courts may review the lawfulness of instructions during disciplinary proceedings against prosecutors, e.g. when they have to decide if non-compliance with instructions constitutes a breach of professional duties.

Figure 3.24 **Modalities of specific instructions in 2020 (Q115-3, Q115-4, Q115-5, Q115-6)**

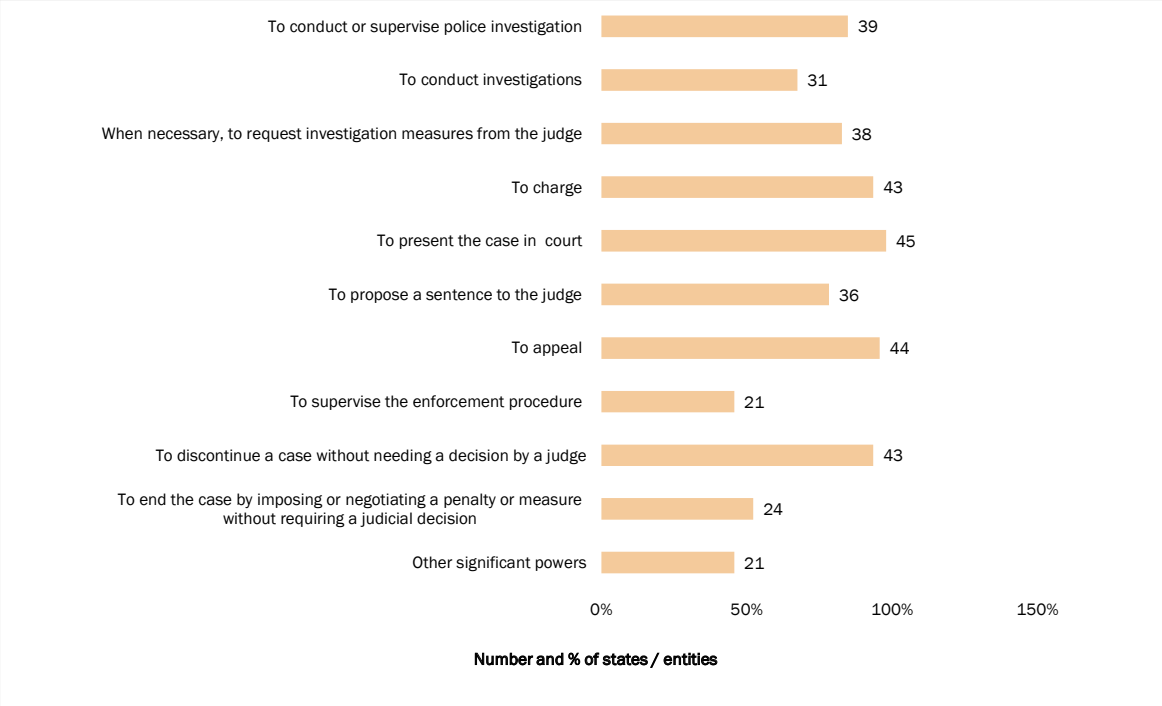


Are prosecutors always appointed for life?

Similar to judges, public prosecutors are appointed until retirement in almost all states and entities (42 member States and entities and two observer States). The majority of states and entities (23 member States and entities and one observer State) indicates a probation period for new prosecutors with a duration from 3 months to 5 years.

What are the roles and responsibilities of public prosecutors?

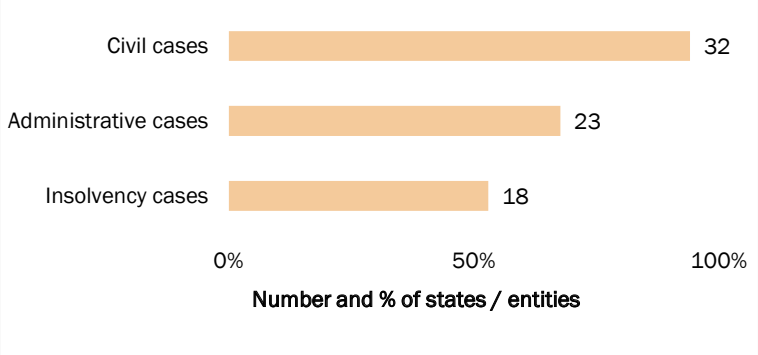
Figure 3.25 **Summary of the roles and responsibilities of public prosecutors in criminal matters in 2020 (Q105)**



There are still large disparities in the roles and responsibilities of prosecutors. In all states and entities, prosecutors are responsible for presenting the cases in court. With the exception of **UK - England and Wales** (except for the most serious crimes, according to specific modalities), prosecutors from all states and entities may appeal. They carry the charge in all states and entities, with the exception of **UK - Northern Ireland** and **UK - Scotland**. Other significant powers include requesting pre-trial detention from the judge and deciding on access to documents in criminal cases (**Denmark**), monitoring and control of prisons (**Greece**), arresting suspects in flagrante delicto cases and conducting house and office searches (**Portugal**), defending the rights and interests of minors, persons under arrest, disappeared persons and other persons (**Romania**), appealing extra-judicially against final court decisions and bringing an action against the defendant to obtain confiscation of assets of illicit origin (**Slovenia**), ensuring protection of victims, witnesses and experts during proceedings, promoting their effective assistance and support (**Spain**), decisions on coercive measures (**Sweden**) and investigating all deaths requiring further explanation (**UK - Scotland**).

In addition to their essential role in criminal matters, in some member States public prosecutors are also granted important prerogatives outside the field of criminal law. They intervene in civil matters in 32 member States and entities and all observer States, and additionally in administrative matters in 23 and in insolvency matters in 18 member States and in two observer States each.

Figure 3.26 **Summary of the roles and responsibilities of public prosecutors in other than criminal matters in 2020 (Q106)**

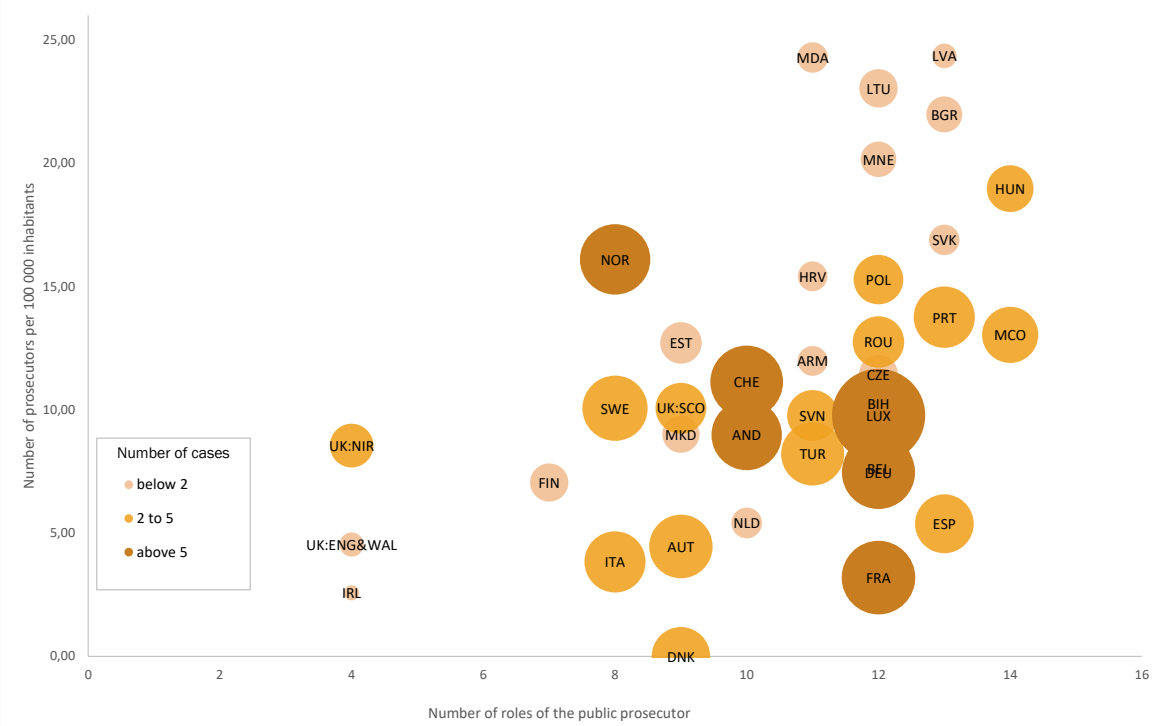


Only in two member States (**Hungary** and **Monaco**) public prosecutors have jurisdiction over all fourteen assignments listed in Figures 3.25 and 3.26, and almost all in **Bulgaria**, **Latvia**, **Portugal**, the **Slovak Republic**, **Spain** and **Kazakhstan**. Conversely, prosecutors in six states and entities only have jurisdiction over half or less of these assignments: in **Cyprus**, **Finland**, **Ireland**, **Malta**, **UK - England and Wales** and **UK - Northern Ireland**.

Is the workload of prosecutors the same everywhere in Europe?

Although there is no clear indicator of workload, the data suggests that there are considerable disparities in the workload of prosecutors.

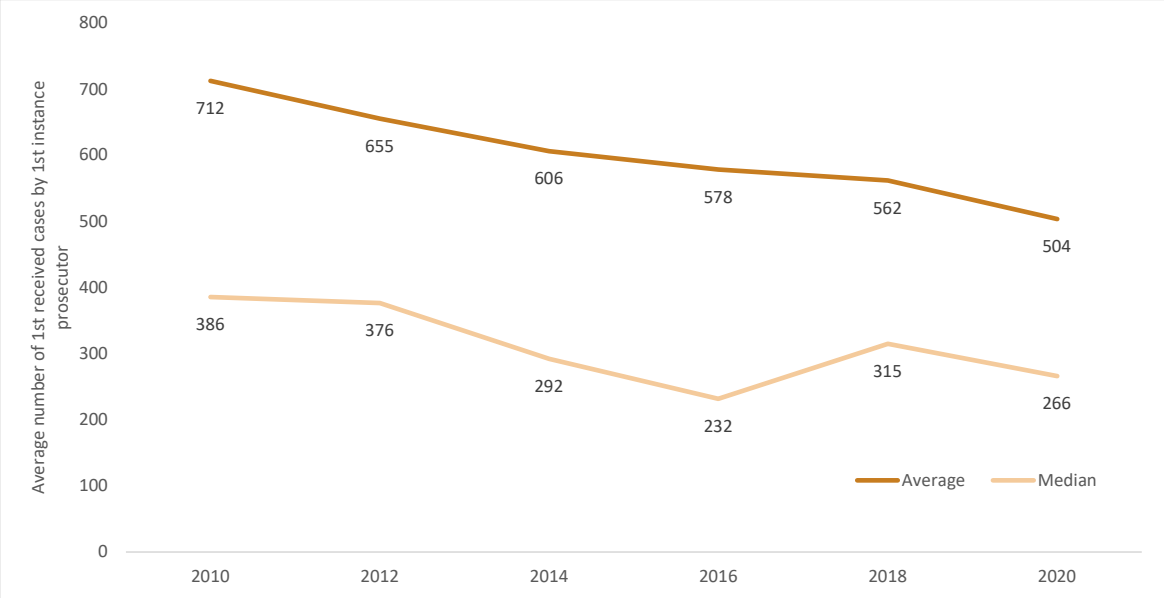
Figure 3.27 **Number of roles of public prosecutors compared to the number of public prosecutors per 100 000 inhabitants; first instance criminal cases received by public prosecutors per 100 inhabitants in 2020 (Q1, Q55, Q105, Q106, Q107)**



The workload of prosecutors may be measured taking into account the number of public prosecutors, the number of cases received by prosecutors and also the diversity of their functions. Figure 3.27 includes all three of these indicators. The size and the colour of the bubbles illustrate the number of first instance criminal cases received by public prosecutors per 100 inhabitants. Large differences between states and entities can be observed. For example, **France** has one of the lowest number of prosecutors in Europe (3,2 per 100 000 inhabitants, the European median being of 11,1) and must simultaneously cope with a very high number of first instance criminal cases received (6,1 per 100 inhabitants, the European median being of 2,8), with a very high number of different

functions (12). In the light of these indicators, prosecutors in **Austria**, **Italy** and **Luxembourg** also have a rather large workload. As specified before in this chapter **France**, **Austria** and **Italy** also have staff with similar duties as the ones of public prosecutors which should be considered when doing more detailed analysis. Conversely, many countries mostly in Central and Eastern Europe have a significant number of prosecutors (over 10 or over 20 prosecutors per 100 000 inhabitants) for a relatively small number of cases received (less than 3 first instance criminal cases per 100 inhabitants), even if their jurisdiction is wide (more than 10 different responsibilities). These States/entities with more than 10 public prosecutors per inhabitant do not have other staff with similar duties as prosecutors.

Figure 3.28 **Evolution in the average and median number of first instance criminal cases received by first instance public prosecutors, 2010 - 2020 (Q55, Q107)**



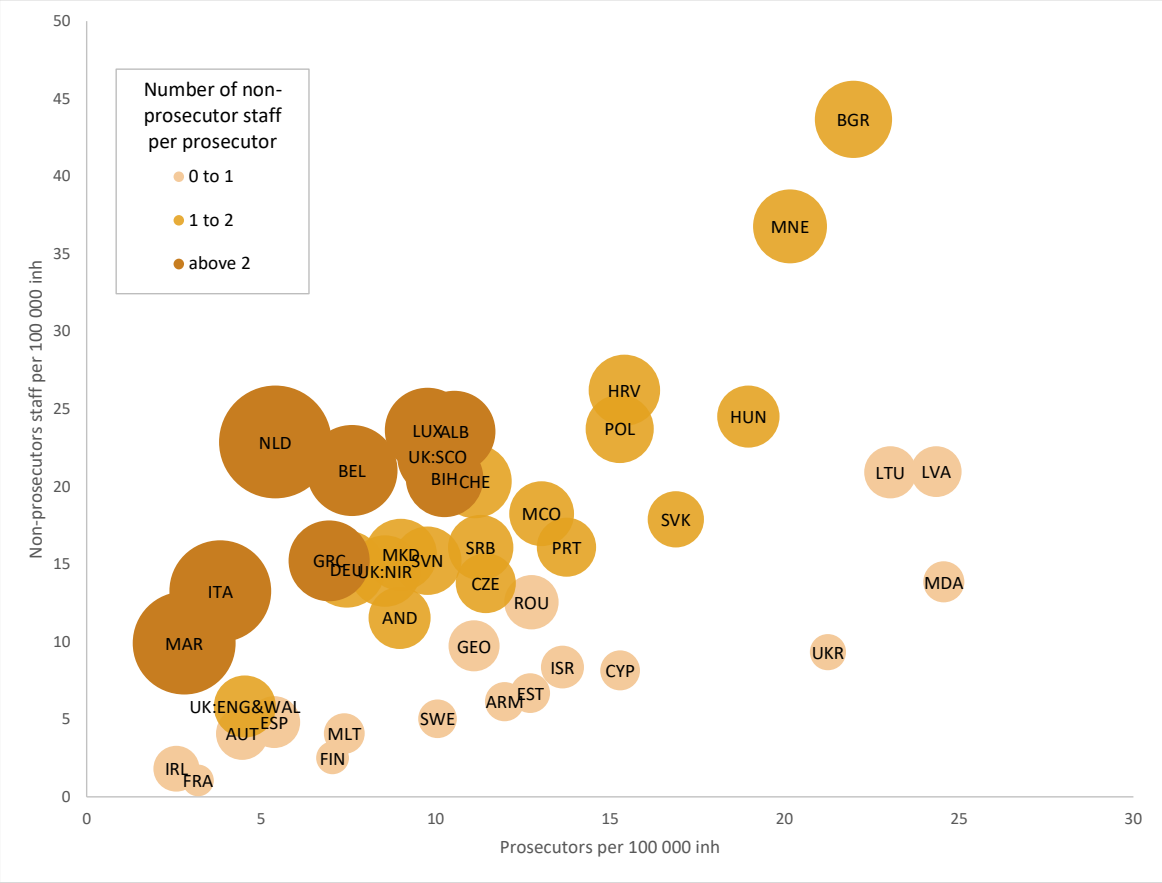
As already stated, the average number of prosecutors per 100 000 inhabitants has significantly increased since 2010 (2010: 11,1; 2020: 11,9). At the same time, the number of first instance criminal cases received per 100 inhabitants has significantly decreased since 2010 (2010: 4,2; 2020: 3,1), as well as the average number of cases received per first instance prosecutors (2010: 712; 2020: 504) (see Figure 3.28). This may reflect an improvement in the situation of prosecutors in terms of workload. However, looking only at these numbers could be misleading. Practical experience suggests that an increase in the complexity of certain cases (organised crime, corruption, terrorism, financial crimes, cybercrimes, human trafficking, etc.) could have increased the average effort needed per case. These relationships, for which no data are collected, would require closer examination.

How many non-prosecutor staff work for the prosecution system?

In 2020, the average ratio of non-prosecutor staff to prosecutors is 1,4 and the median is 1,3. Previously, the average ratio had fallen from 1,5 in 2010 to 1,3 in 2018 and the median from 1,3 to 1,2. Over the entire period, the values can thus be considered stable.

As in the case of judges, public prosecutors are assisted by staff performing widely varying tasks, such as secretariat, research, case preparation or assistance in the proceedings. The law may also entrust some functions of the prosecution services to non-prosecutor staff (*Rechtspfleger* or its equivalent).

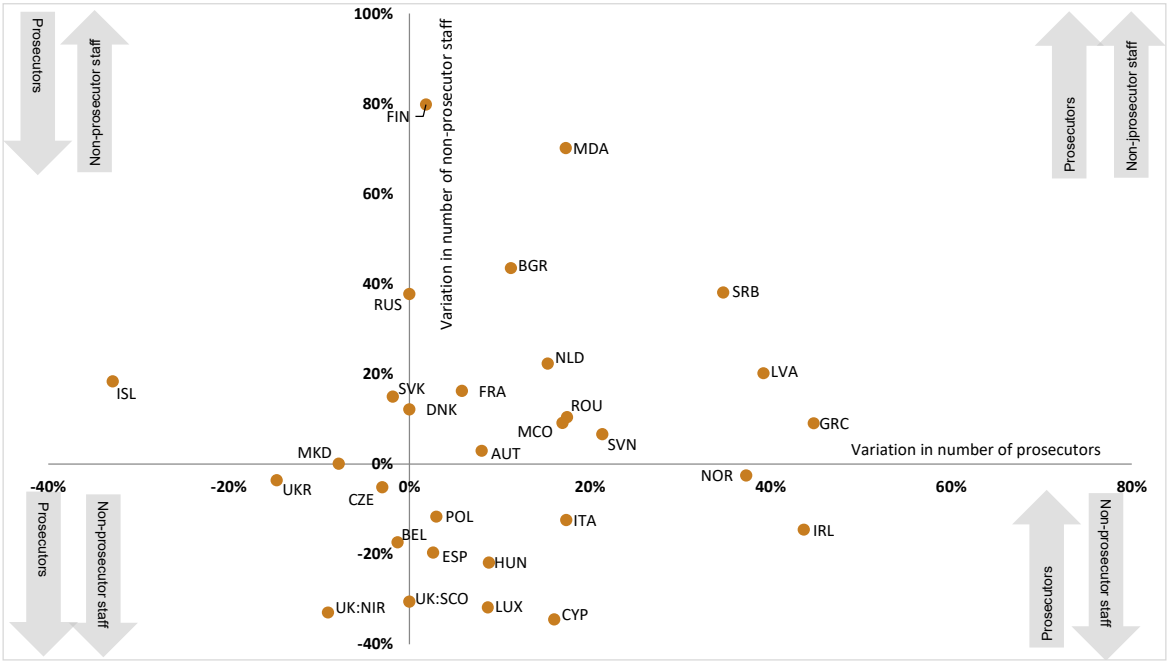
Figure 3.29 **Number of non-prosecutor staff per 100 000 inhabitants compared with the number of public prosecutors per 100 000 inhabitants; number of non-prosecutor staff per public prosecutor in 2020 (Q1, Q55, Q60)**



As can be seen in Figure 3.29 – as for non-judge staff and judges – there is a positive correlation between the number of non-prosecutor staff per 100 000 inhabitants and the number of public prosecutors per 100 000 inhabitants. This means that there tend to be more non-prosecutor staff per 100 000 inhabitants the more prosecutors there are per 100 000 inhabitants. At the same time, the bubble sizes and colours – which illustrate the number of non-prosecutor staff per prosecutor – show some dependency between the number of non-prosecutor staff per prosecutor and the number of prosecutors per 100 000 inhabitants. Namely, in States and entities with fewer public prosecutors per 100 000 inhabitants, there tend to be more non-prosecutor staff per prosecutor. As can be seen well in the figure, all states and entities with more than 2 non-prosecutor staff per prosecutor (largest and darkest bubbles) have less than 11 prosecutors per 100 000 inhabitants. In contrast, more than 60% of the states and entities with up to 2 non-prosecutor staff per prosecutor (smaller and lighter bubbles) have more than 11 prosecutors per 100 000 inhabitants, with maximum values of more than 23 prosecutors per 100 000 inhabitants only in states with less than 1 non-prosecutor staff per prosecutor (smallest and lightest bubbles). As with judges and non-judge staff, the specific relationships are likely to be complex.

Between 2010 and 2020 there have been significant variations in the number of non-prosecutor staff and in the number of public prosecutors in many states and entities. Figure 3.30 shows that there are States in which the number of public prosecutors increased while the number of non-prosecutor staff decreased. This seems questionable from an efficiency point of view, unless there are specific reasons that justify these developments. This is because the overall output of prosecutors is usually expected to increase when their number is increased, which is likely to result in a higher workload for non-prosecutor staff as well.

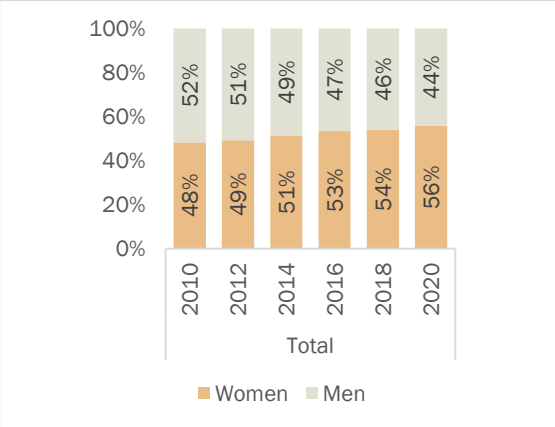
Figure 3.30 **Variation in the number of non-prosecutor staff compared to the variation in the number of public prosecutors between 2010 and 2020 (Q55, Q60)**



GENDER BALANCE AMONG JUDGES AND PROSECUTORS

"Are there as many women as men judges and prosecutors?

Figure 3. 31 **Distribution of professional judges by gender, 2010 - 2020 (Q46)**

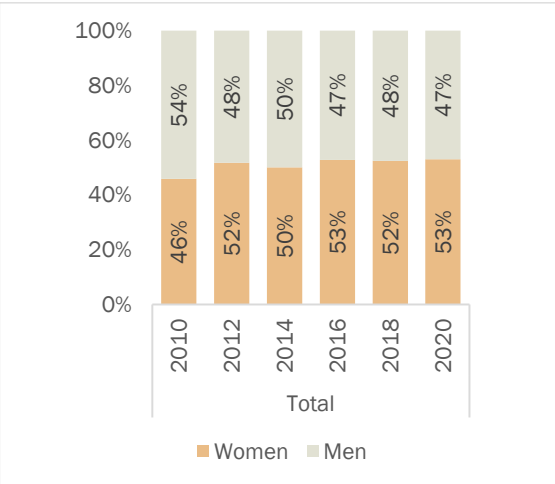


For several years now, there have been more female than male judges and prosecutors.

Looking at the development since 2010, there has been a general trend towards an increase in the percentage of female professional judges. In 2014, the average ratio of female professional judges was higher than that of male professional judges for the first time. Since then, it has continued to rise and is already at 56% in 2020.

Gender distribution still varies widely between states and entities. The states with the highest percentage of women in the judiciary are **Croatia**, **France**, **Hungary**, **Latvia**, **Luxembourg**, **Romania**, **Serbia** and **Slovenia**, where more than two-thirds of all professional judges are female. In contrast, the ratio of women is still below 40% in **Armenia**, **Azerbaijan**, **Ireland**, **UK - Northern Ireland**, **UK - Scotland** and **Morocco**. Generally, it appears that common law countries continue to present a high percentage of men in judicial office.

Figure 3. 32 **Distribution of public prosecutors by gender, 2010 - 2020 (Q55)**

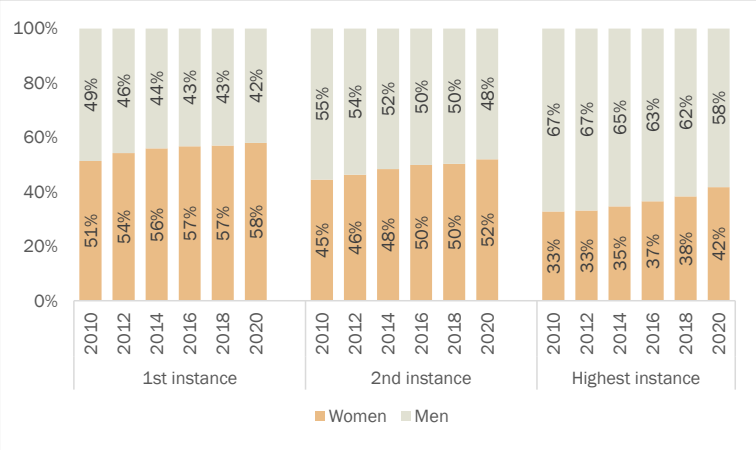


A similar picture emerges with regard to prosecutors. While the gender ratio of the total number of prosecutors still favoured men in 2010 with 54% men and 46% women, it now favours women with 53% women and 47% men on average in 2020. Unlike the judges, however, this ratio has been quite stable since 2012. A strong feminisation with more than two-thirds female prosecutors can be noted in **Croatia**, **Cyprus**, **Estonia**, **Slovenia**, **UK - Scotland** and **Israel**. In **Albania**, **Armenia**, **Azerbaijan**, **Georgia**, the **Republic of Moldova**, **Türkiye** and **Morocco**, on the other hand, the percentage of female prosecutors is below 40%.

Is the glass ceiling still a reality in judicial office?

The glass ceiling is still largely in place, but there are some promising developments.

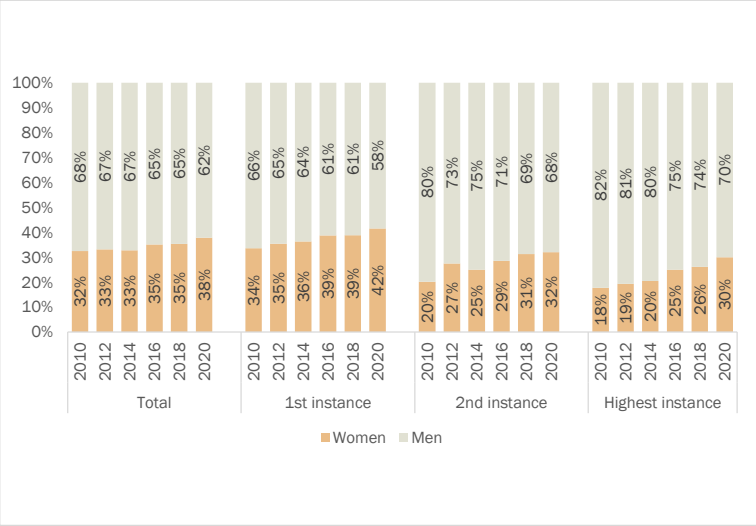
Figure 3. 33 **Distribution of professional judges by gender and by instance, 2010 - 2020 (Q46)**



Despite the efforts of the Council of Europe and some states, the global phenomenon of feminisation of judicial functions has a limit, "the glass ceiling" highlighted by the CEPEJ in its reports since 2014, meaning that the higher the hierarchical level, the lower the number of women is (and thus the percentage). Figure 3.31, when compared with Figure 3.33, indeed shows that female professional judges are overrepresented at first instance and underrepresented at second and highest instance. However, with regard to the increased overall percentage of women among judges and the duration of career progression, it is possible that progress in gender equality may only become noticeable with a time lag.

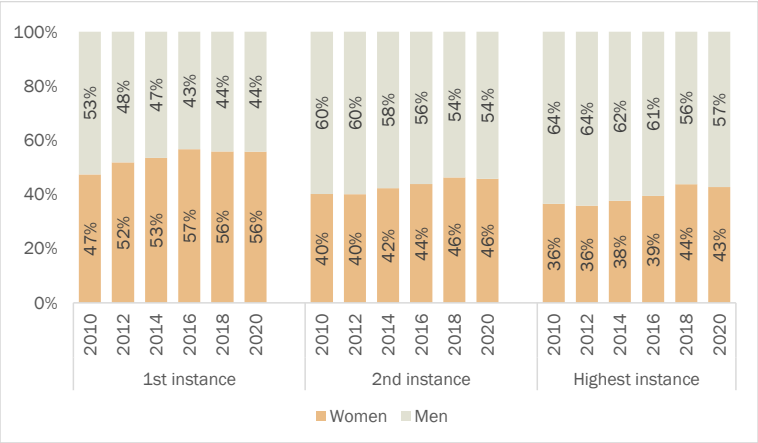
It is therefore noteworthy that the proportion of women among second instance judges in 2014 (48,3%), 2016 (49,9%), 2018 (50,4%) and 2020 (52,0%) roughly matched the percentages that had been reported for the ratio of women among all professional judges four to six years earlier (48,3% in 2010, 49,2% in 2012, 51,3% in 2014 and 53,4% in 2016). In the highest instance, the share of women increased by almost 9 percentage points between 2010 and 2020, outpacing the increase in the overall proportion of women among judges over the same period (7,5%). In relative terms, the increase in the highest instance has been even greater due to the lower baseline: while the share of women among all judges increased by only 15,5%, the share of women judges in the highest instance increased by 27,1%.

Figure 3. 34 **Distribution of court presidents by gender and by instance, 2010 - 2020 (Q47)**



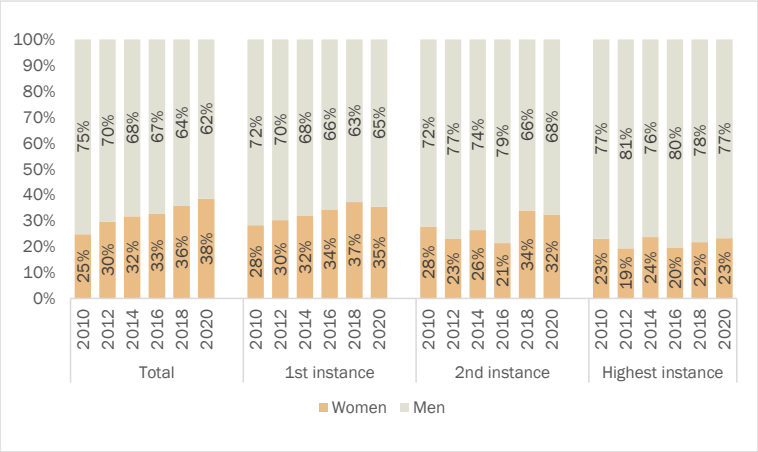
Women are still significantly underrepresented as court presidents. Neither in total nor in the individual instances have the average proportions of women among court presidents in 2020 reached the corresponding average proportion of women among professional judges, not even those from 2010 (cf. Figures 3.34 and 3.31). Nevertheless, there have been noticeable developments between 2010 and 2020. For example, the average proportion of female presidents of second and highest instance courts has increased by 12 percentage points.

Figure 3.35 **Distribution of public prosecutors by gender and by instance, 2010 - 2020 (Q55)**



The glass ceiling phenomenon is also evident among public prosecutors, but some progress can be seen here as well. For public prosecutors, the average overall share of women in 2010 (45,9%) was reached in 2018 in the second instance (46,2%). In the highest instance, there was a notable increase in the proportion of women by more than seven percentage points between 2010 and 2018. Between 2018 and 2020, the proportion of women in the second and highest instances did not increase further, but on the contrary even decreased slightly. While this is in line with the stabilisation of the overall share of women among prosecutors, it raises the question of how to address the remaining inequalities.

Figure 3.36 **Distribution of heads of prosecution offices by gender and by instance, 2010 - 2020 (Q56)**



Women also continue to be underrepresented as heads of prosecution offices. Between 2010 and 2020, there were significant improvements with regard to the average proportion of women among the total number of heads of prosecution offices, as well as at first and second instance. In the first and second instance, however, there has been no further shift in favour of women between 2018 and 2020. The average ratio of female heads of prosecution offices in the highest instance remained unchanged or even decreased between 2010 and 2020. Only nine states reported to have female heads of prosecution offices at highest instance level (**Bosnia and Herzegovina**, **Croatia**, **Iceland**, **Latvia**, **Lithuania**, **Luxembourg**, **Romania**, **Serbia** and **Sweden**). When looking at the figures, it must be taken into account that some states and entities only submitted total values, but no data for the individual instances. This is also the reason why a further considerable shift in the total values in favour of women can be observed between 2018 and 2020, while this is not the case for the individual instances.

A closer look reveals that the glass ceiling phenomenon varies in intensity across the member States and entities. In **Bulgaria**, **Cyprus** and **Iceland** the proportions of women in higher instances occupying positions of court presidents and heads of prosecution offices are comparable to the respective overall proportions of women among judges and prosecutors. The same applies to **Ireland**, **Norway** and **Switzerland** for the judges in higher instances and posts of court presidents, to **Croatia** for the posts of public prosecutors in higher instances and heads of prosecution offices and to the **Republic of Moldova**, **Montenegro** and **Romania** for the posts of judges and public prosecutors in the higher instances. Women are even significantly over-represented in **Monaco** among second instance judges, in **Montenegro** and **Türkiye** among judges of the highest instance, and in **Malta** among court presidents.

In **Italy**, considerable progress has been achieved in reducing the glass ceiling between 2010 and 2020: the proportions of women among judges and prosecutors in the higher instances as well as among court presidents and heads of prosecution offices have increased significantly more than the overall proportions of women among judges and prosecutors during this period. In **Austria**, **Bosnia and Herzegovina**, the **Netherlands** and **North Macedonia**, similar progress can be seen, especially with regard to judges.

What is being done to achieve gender equality within the judiciary?

In most countries, general provisions or mechanisms are aimed at avoiding gender discrimination. There are still few states and entities where specific measures are taken to promote gender equality in the procedures for recruiting and promoting judges and prosecutors (recruiting: 12 member States and entities and two observer States each; promoting: nine member States and entities and two observer States each). There have been no significant changes in this regard since the last Report. Likewise, only a few states have specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents (seven member States) and heads of public prosecution offices (eight member States), which was asked for the first time in this cycle. Only **Austria**, **Bosnia and Herzegovina**, **Denmark**, **Germany**, **Montenegro** and **Spain** report that they have broad policies in favour of parity for the recruitment and the promotion of judges and prosecutors, as well as in the appointment of court presidents and heads of prosecution offices.

Similar applies to the other measures to promote gender equality covered by the Evaluation Scheme. 13 member States and one observer State report that they have an overarching gender equality document at national level that is specific to the judiciary. A specific person (e.g. an equal opportunities officer) or institution at national level dealing with gender issues in the justice system concerning the recruitment and promotion of judges and prosecutors exists in eight to ten member States and two observer States. At the court or prosecution services level, there is such a person or institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work in six member States and entities and one observer State for judges and in five member States and one observer State for prosecutors.

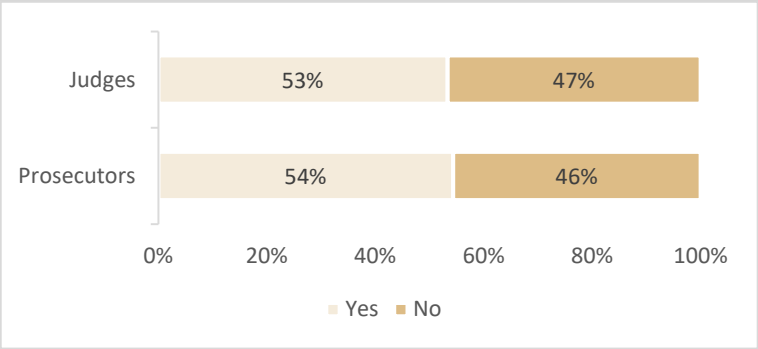
Best practices for promoting gender equality are difficult to identify because the successes achieved in breaking down the glass ceiling can hardly be attributed to concrete measures. However, some inspiring examples can be given. **Austria** has a broad-based policy for the advancement of women in the judiciary, which includes an Action Plan for the promotion of women in the judiciary and quota regulations, as well as the existence of an independent equal-treatment officer, deputy officers and contact persons for equal treatment, a working group for equal treatment and an equal opportunities commission. In **Bosnia and Herzegovina**, the Law on High Judicial and Prosecutorial Council requires the Council to seek gender equality in appointments at all levels of the judiciary; the law applies to all appointments and promotions of court presidents, chief prosecutors, judges and prosecutors. In **France**, the Ministry of Justice published its first equality barometer on women's and men's access to senior positions within each directorate in 2019. An agreement on equal opportunities for women and men in the Ministry of Justice was signed in January 2020. In **Iceland**, there is a special committee at the level of the courts that deals with cases of discrimination and sexual harassment, and a special committee in the judicial administration that deals with cases of discrimination and equality. The general law on gender equality applies to the recruitment of all public servants. In addition, there is the possibility to turn to the Equality Complaints Committee in the event of violations of the relevant laws. In **Italy**, the Equal Opportunities Committee in the Ministry of Justice and the Equal Opportunities Committee in the High Council for the Judiciary aim to remove obstacles to the full realisation of equal opportunities between men and women in the judiciary and to promote positive action. In **Montenegro**, the Judicial Council and the Prosecutorial Council shall take into account, inter alia, gender balance when deciding on the appointment of judges and court presidents or on the election of prosecutors and heads of prosecution offices.

PART-TIME WORK

”Can judges and prosecutors work part-time?

Judges and prosecutors are allowed to work part-time in a majority of states and entities.

Figure 3.37 **Part-time work of judges and prosecutors in 2020 (Q46-1-1, Q55-1-1)**

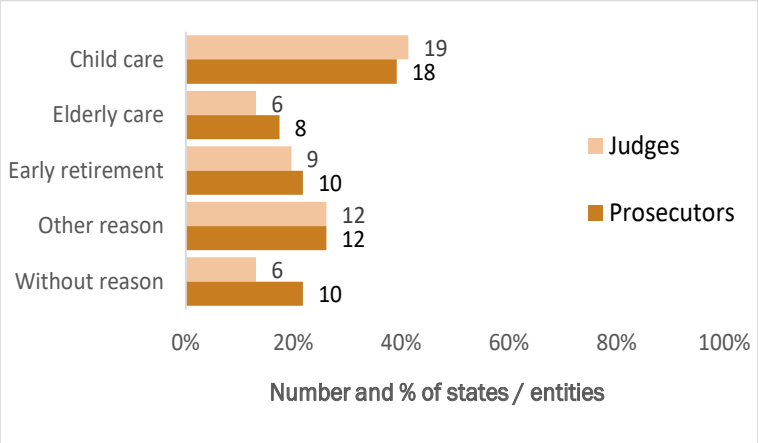


Part-time work should be understood as having fewer working hours than what is prescribed for full-time work of judges or public prosecutors. Additionally, the remuneration of judges or public prosecutors working part-time should be reduced proportionally to the remuneration envisaged for full-time work. Prosecutors are even slightly more often granted this possibility than judges. In **Andorra**, **Hungary**, **Montenegro** and **Poland**, only judges and not prosecutors can work part-time; in **Iceland**, **Ireland**, **Norway**, the **Slovak Republic**, and **Israel**, the reverse is true. There seems to be some kind of correlation between the possibility of part-time work and the feminisation of the professions of judge and public prosecutor: the proportion of women among judges and prosecutors is significantly higher on average in countries where part-time work is possible (59% for judges and 58% for prosecutors) than in countries where it is not (52% for judges and 47% for prosecutors).

In which situations is part-time work possible?

Child care is the main reason for which states and entities allow their judges and prosecutors to work part-time. Elderly care, early retirement and other reasons such as health condition, care of relatives or other close persons, terminal care or (doctoral) studies are also accepted in a number of states and entities.

Figure 3.38 **Requirements for part-time work of judges and prosecutors in 2020 (Q46-1-2, Q55-1-2)**



In **Andorra**, part-time work is possible for judges coming from France or Spain, and **France** allows part-time work for starting or taking over a business. For judges, part-time work without special reason is possible in six states and entities, and for prosecutors even in ten states and entities. This applies to both judges and prosecutors in **France**, **Luxembourg**, the **Netherlands**, **Switzerland** and **UK - Northern Ireland**, to judges only in **Finland** and **Lithuania**, and to prosecutors only in **Austria**, **Denmark**, **Ireland**, **Switzerland**, **UK - England and Wales** and **UK - Scotland**.

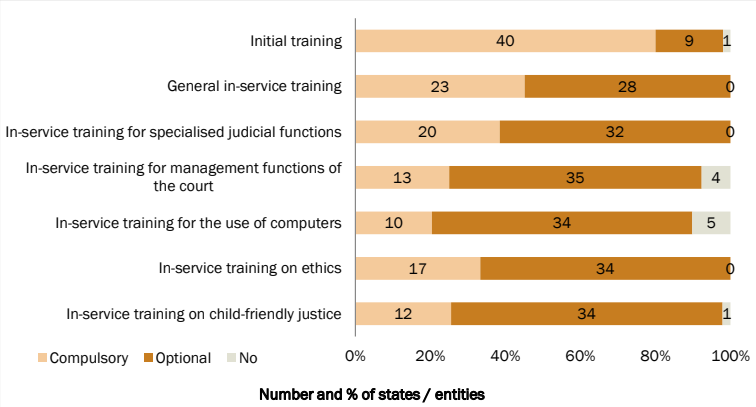
How many judges and prosecutors work part-time?

There is few data available on how many judges and public prosecutors work part-time. On this basis, it can be stated with due caution that women work part-time significantly more often, female judges on average more than three times as often and female public prosecutors on average even 4,5 times as often as their male colleagues. The proportion of part-time work decreases from instance to instance and tends towards zero in the highest instance for both judges and public prosecutors.

TRAINING

How are judges and prosecutors trained?

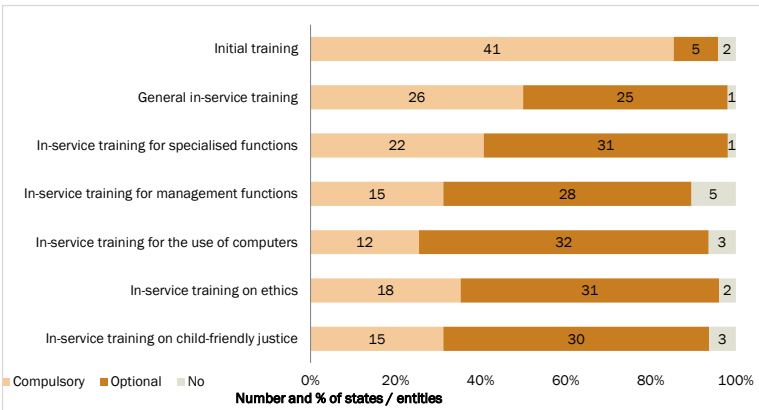
Figure 3.39 **Trainings of judges in 2020 (Q127)**



The vast majority of states and entities provide for mandatory initial training for judges. Only in **Finland**, **Malta**, **Serbia**, **Sweden** and **UK - Northern Ireland** is initial training optional. In-service training is most of the time optional.

This could be because compulsory in-service trainings are sometimes seen as problematic with regard to the independence of judges. The CCJE also recommends that the in-service training should normally be based on the voluntary participation of judges and that there may be mandatory in-service training only in exceptional cases (Opinion No. 4(2003) on appropriate initial and in-service training for judges at national and european levels, paragraph 37). However, it can be noted that at least optional trainings are widely available for all thematics listed in Figure 3.39.

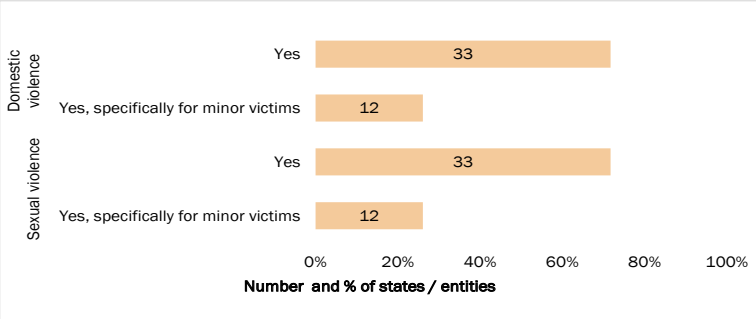
Figure 3.40 **Trainings of prosecutors in 2020 (Q129)**



The picture for prosecutors is similar to that for judges. Only in **Estonia**, **Finland**, **Lithuania** and **Malta** there is no compulsory initial training. Overall, there is a slightly higher number of compulsory trainings compared to the trainings of judges.

Is there a specific training for prosecutors on crimes related to domestic violence and sexual violence?

Figure 3.41 **Specific training of public prosecutors in matters of domestic violence and sexual violence in 2020 (Q59-1)**

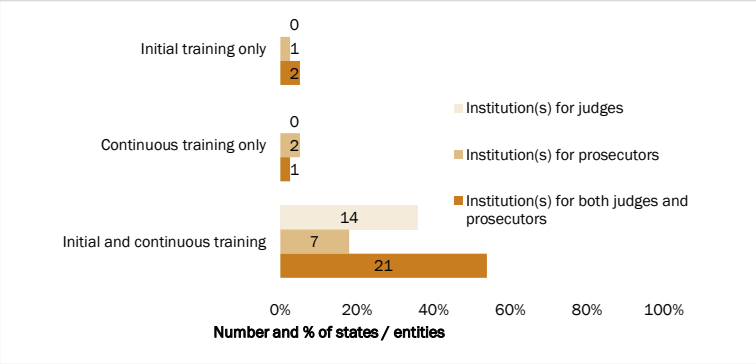


More than 70% of the states and entities have prosecutors specifically trained in the areas of domestic violence and sexual violence. This is in line with the requirement of Article 15 of the Council of Europe Convention on preventing and combating violence against women and domestic violence, according to which an appropriate training should be provided or strengthened for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of the Convention.

For trainings specifically focussed on underage victims, the values are significantly lower. Therefore, progress seems to be necessary with regard to Article 36(1) of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, according to which it should be ensured that training on children's rights and sexual exploitation and sexual abuse of children is available for the benefit of all persons involved in the proceedings, in particular judges, prosecutors and lawyers. **Albania**, **Austria**, **Bosnia and Herzegovina**, **Denmark**, **Ireland**, **Latvia**, **Lithuania**, **Luxembourg**, **Monaco**, **Montenegro** and **Romania** are leading the way and providing inspiring examples. In **Latvia**, for example, prosecutors have to acquire special knowledge in the field of protection of children's rights, including types of child abuse (sexual, physical, emotional), its characteristics, domestic violence and contact with minors during criminal proceedings. In **Romania**, a network of prosecutors specialised in handling cases involving minors was created in 2018. The competent prosecutors handle cases involving both minors as perpetrators and victims, analyse the case-law of the prosecution offices and draw up proposals for taking over complex cases that are intensively reported in the media. In addition, these prosecutors disseminate the specialised information they have gathered in their work on the occasion of the decentralised training sessions they attend, and they also transmit information on recent developments in national, ECtHR or international case-law on human rights.

How are training institutions for judges and prosecutors organised in Europe?

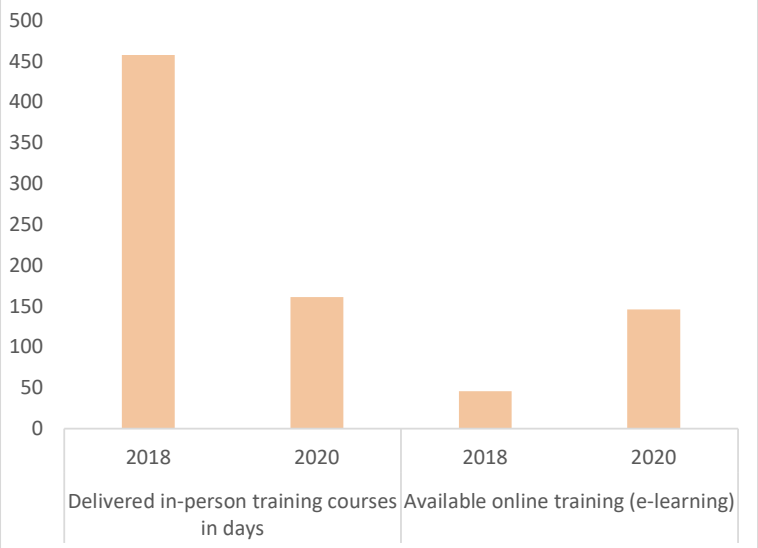
Figure 3.42 **Training institutions for judges and prosecutors in 2020 (Q131)**



37 member States and entities and two observer States have specific training institutions. Almost all of these institutions offer both initial and continuing training. Most states and entities have joint institutions for both judges and prosecutors. In **Ireland**, **Latvia**, **Malta**, **Sweden**, **UK - Northern Ireland**, **UK - Scotland** and **Kazakhstan** there is a training institution for judges only, but not for prosecutors. Some states do not have their own training institution due to the small number of judges and prosecutors: **Luxembourg**, for example, has made arrangements for judges to attend training courses at the French ENM (Ecole nationale de la Magistrature), the Belgian IFJ (Institut de formation judiciaire) and the international ERA (Academy of European Law) in Trier (Germany).

How has the pandemic affected training?

Figure 3.43 **Number of delivered in-person training courses in days and online training courses available (e-learning), 2018 - 2020 (Q131-2)**



The impact of the COVID-19 pandemic can be clearly seen in Figure3.43: there were significantly fewer in-person trainings and many more online trainings in 2020 compared to 2018.

Further information on this topic, beyond the number of online and in-person trainings, comes from some of the comments submitted by the states and entities. The shift from in-person training to online training was not so obvious due to the format required, lack of equipment, etc. In **Denmark**, for example, initial training activities were prioritised during the pandemic compared to other types of trainings. In **Bulgaria**, the pandemic significantly changed the agenda of judicial training, e.g. in terms of training content, methodology, technological support, delivery and evaluation of training. In **Finland**, the National Court Administration organised online courses, in the form of interactive distance learning, but also as e-learning courses. The courts also organised training for their judges and court staff themselves. Judges also participated in trainings organised by other courts, universities and other institutions. **Georgia** and **Sweden** indicated that some trainings could not be held online due to the format and were cancelled. In **Malta**, **Poland** and **Israel**, some of the planned trainings were cancelled or postponed due to the pandemic. In **Slovenia**, the Judicial training center (JTC) was unable to conduct online trainings for five months, mainly due to the lack of technical equipment on the part of the JTC and JTC's target groups.

PROFESSIONAL ETHICS OF JUDGES AND PROSECUTORS

Judges and prosecutors occupy an important and sensitive place in society. Their conduct directly affects public confidence and the administration of justice. Therefore, they have a duty to maintain the highest of ethical behavior.

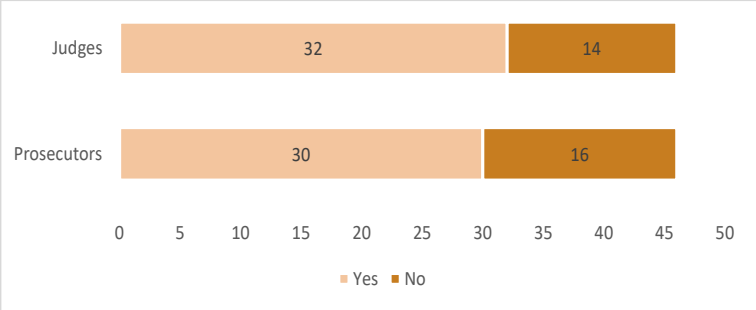
In its opinion No. 3, the CCJE stated that "*i) judges should be guided in their activities by principles of professional conduct, ii) such principles should offer judges guidelines on how to proceed, thereby enabling them to overcome the difficulties they are faced with as regards their independence and impartiality, iii) the said principles should be drawn up by the judges themselves and be totally separate from the judges' disciplinary system, iv) it is desirable to establish in each country one or more bodies or persons within the judiciary to advise judges confronted with a problem related to professional ethics or compatibility of non judicial activities with their status*" (Opinion n°3(2002) on the principles and Rules Governing Judges' Professional Conduct, in Particular Ethics, Incompatible Behaviour and Impartiality, paragraph 49). Consistently, the CCJE has emphasised in the Magna Carta of Judges that deontological principles, drafted by the judges themselves and distinguished from disciplinary rules, shall guide the actions of judges and be included in their training (Magna Carta of Judges (2010), paragraph 18).

The CCPE, in its Opinion No. 13, called for ethics rules for prosecutors to be adopted and published, for ethics education to be offered in initial and in-service training, and for mechanisms and resources (specific independent bodies, experts within the Councils of Justice or prosecutorial councils, etc.) to be in place to assist prosecutors as regards the questions they raise (Opinion n°13(2018) on Independence, accountability and ethics of prosecutors, recommendation xiv, paragraphs 63 and 64).

This section examines the extent to which these demands have been implemented in the states and entities.

Are there institutions addressing ethics of judges and prosecutors?

Figure 3.44 **Existence of institution / body giving opinions on ethical questions of the conduct of judges and prosecutors in 2020 (Q138, 138-3)**

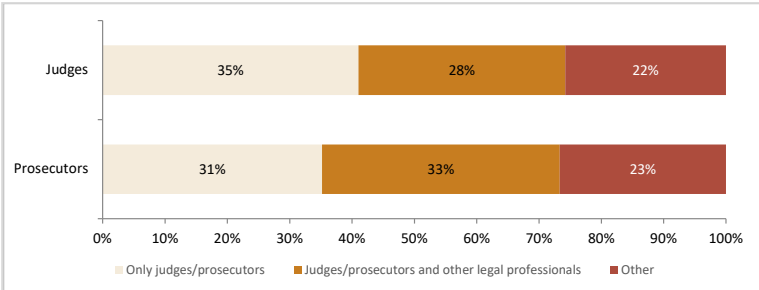


Institutions or bodies giving opinions on ethical questions of the conduct of judges and prosecutors (e.g. involvement in political life, use of social media, etc.) are largely established in Europe. Such a body might be, for example, a separate institution, a commission within a High Judicial Council, or may take some other form. It may be addressed regarding contentious ethical issues, and it might render opinions of various strengths.

A closer look at the comments of the member States and entities shows that the institutions and bodies addressing ethics have very different tasks. In many countries, a code of ethics or general opinions, recommendations or guidelines concerning the ethical conduct of judges and/or prosecutors are issued, such as in **Albania**, **Austria**, **Belgium**, **Croatia**, **Hungary**, **Latvia**, the **Republic of Moldova**, **Malta**, **Monaco**, **Montenegro**, the **Netherlands**, **Poland**, **Portugal**, **Romania**, **Serbia**, the **Slovak Republic**, **Slovenia**, **Spain**, **Türkiye**, **Ukraine**, **UK - England and Wales** and **Israel**. In **Albania**, **Armenia**, **Austria**, **Bosnia and Herzegovina**, **France**, **Georgia**, **Hungary**, **Latvia**, the **Republic of Moldova**, **North Macedonia**, **Portugal**, **Serbia**, the **Slovak Republic**, **Slovenia**, **Spain**, **Türkiye**, **Ukraine** and **Israel**, judges, prosecutors and/or other bodies can address concrete questions to the competent institutions or bodies. In **Albania**, **Austria**, **Lithuania**, **Serbia** and **Slovenia**, the institutions or bodies also take care of trainings. In **Azerbaijan**, **Bulgaria**, **Croatia**, **Georgia**, **Latvia**, **Lithuania**, **Portugal**, **Romania**, **Serbia**, the **Slovak Republic**, **Slovenia** and **Türkiye** they play a role in monitoring misconduct and/or disciplinary proceedings, and in **Bulgaria** the Commission on Professional Ethics even gives an opinion in the selection procedures for filling posts in the judicial authorities and posts of administrative heads and deputy administrative heads.

Who are the members of the institutions or bodies addressing ethical questions?

Figure 3.45 **Composition of the institution / body giving opinions on ethical questions of the conduct of judges and prosecutors (Q138-1, 138-4)**



In most cases, the institutions or bodies addressing ethical questions consist exclusively of judges/prosecutors or judges/prosecutors and other legal professionals.

Issues concerning judges are often the responsibility of the High Judicial Council (or a similar body) and/or a committee or commission that is part of or formed by it, as in **Albania**, **Belgium**, **Bosnia and Herzegovina**, **Bulgaria**, **Croatia**, **France**, **Hungary**, **Latvia**, the **Republic of Moldova**, **Monaco**, **Montenegro**, **Portugal**, **Romania**, **Serbia**, the **Slovak Republic**, **Slovenia**, **Spain**, **Türkiye** and **Ukraine**. In the prosecutorial field, too, there is often the competence of the Public Prosecutorial Council (or a similar body) and/or a committee or commission for ethical issues.

However, the picture here is somewhat more differentiated. For example, in **Croatia**, **Georgia**, **Hungary**, **Lithuania**, the **Netherlands** and the **Slovak Republic**, the responsibility lies with the Prosecutor General or a committee or commission formed at the prosecution office.

Members outside the judicial and prosecutorial profession are professors or academic experts in **Bosnia and Herzegovina**, **France**, **Serbia** and **Spain**, lawyers in **Bosnia and Herzegovina**, **Malta** and **Norway**, representatives of the public in **Lithuania** and **Norway**, representatives from the political sphere in **Malta** and lay judges in **North Macedonia**.

”Are the opinions of these bodies publicly available?

The opinions on ethical issues of judges and prosecutors are in the vast majority of cases publicly available (in 84% for judges and in 77% for prosecutors), often on the internet. This helps higher level of compliance with applicable ethical standards.

”What role do ethical issues play in training and disciplinary procedures?

Ethical issues are largely established as a topic of in-service training. They play a subordinate role in disciplinary proceedings.

In-service training on ethics should address standards and norms that prescribe how judges or prosecutors should behave in order to maintain independence and impartiality, as well as to avoid impropriety. As can be seen from Figures 3.39 and 3.40 above, such training is available in almost all states and entities, often as an optional, less often as a compulsory training subject.

As regards disciplinary proceedings, breaches of professional ethics do not play a major role, according to the states and entities. However, it must be noted that the data seem insufficient to be sure at this point because a significant number of member States and entities answered that data are not available.

SALARIES OF JUDGES AND PROSECUTORS

According to Recommendation Rec(2010)12 of the Committee of Ministers on "Judges: independence, efficiency and responsibilities" (§§ 53 and 54), the level of judges' remuneration contributes to their independence. Judges should be offered a level of remuneration corresponding to their status and responsibilities.

The issue of judges' remuneration requires a comprehensive approach which, beyond the purely economic aspect, takes account of the impact that it can have on the efficiency of justice as well as on its independence in connection with the fight against corruption within and outside the judicial system.

Justice policies should also consider the salaries of other legal professions in order to make the judicial profession attractive to highly qualified legal practitioners.

The comparisons made by the CEPEJ are based on two indicators: first, the salary of a judge/prosecutor at the beginning of his/her career, and the second indicator is the average salary of judges/prosecutors of the Supreme court who are at the top of the judicial hierarchy. It is noteworthy that the salaries of judges and public prosecutors in some systems do not depend on the position held (first court or highest instance) but rather on the experience (i.e. years of service). Thus, the salary of a judge/prosecutor working in first instance courts can be the same as the salary of a judge/prosecutor working in the highest instance court (like in **Italy** for example).

What is the salary of judges in Europe?

Figure 3.46 **Average gross salary of judges in relation to the national average gross salary in 2020 (beginning of a career / Supreme court) (Q4, Q132)**

State/entity		Beginning of career	Highest instance	Absolute at the beginning of carreer	Absolute at highest instance
below 1,5 times	DEU	1,0	1,7	52 928 €	90 670 €
	FRA	1,3	3,6	46 149 €	123 213 €
	LUX	1,5	1,7	92 016 €	110 177 €
	MCO	1,1	2,2	46 922 €	96 731 €
	NLD	1,3	NA	83 765 €	NA
	SVN	1,5	2,9	32 628 €	63 660 €
1,5 to 3,5 times	AND	2,4	3,6	61 916 €	92 887 €
	AUT	1,6	3,9	56 638 €	137 586 €
	BEL	1,6	2,9	67 532 €	122 877 €
	BGR	2,9	5,2	24 990 €	44 214 €
	BIH	2,8	4,9	25 383 €	44 404 €
	CHE	2,0	4,5	147 645 €	330 869 €
	CYP	3,1	5,6	77 916 €	138 494 €
	CZE	2,5	5,5	40 584 €	89 904 €
	DNK	3,0	5,8	122 545 €	236 387 €
	ESP	2,3	5,7	51 946 €	130 654 €
	EST	3,0	3,9	51 962 €	67 942 €
	FIN	1,6	3,2	66 900 €	136 300 €
	GEO	3,4	6,3	11 928 €	22 404 €
	HRV	1,9	3,6	27 878 €	53 447 €
	HUN	1,7	4,5	21 856 €	57 542 €
	IRL	3,2	5,2	129 704 €	208 854 €
	ISL	2,1	2,7	127 028 €	163 715 €
	ITA	1,8	6,0	56 263 €	187 296 €
	LTU	2,1	2,9	36 267 €	49 698 €
	LVA	2,5	4,1	34 104 €	56 093 €
	MDA	2,5	3,8	12 551 €	18 631 €
	MKD	2,0	2,8	16 700 €	22 687 €
	MNE	1,9	4,6	18 233 €	43 364 €
	NOR	2,1	3,3	112 346 €	178 574 €
	POL	1,9	5,4	25 796 €	71 941 €
	PRT	2,7	5,8	48 055 €	105 345 €
	ROU	3,2	6,5	43 223 €	87 522 €
	SRB	1,9	3,5	16 277 €	29 788 €
	SVK	2,7	3,9	41 278 €	59 623 €
	SWE	1,9	3,2	79 951 €	138 395 €
3,5 to 6 times	ALB	4,1	5,0	21 240 €	25 836 €
	ARM	3,9	5,7	16 453 €	24 325 €
	MLT	5,0	5,5	95 215 €	103 246 €
	UK:NIR	4,3	8,2	134 818 €	257 687 €
	UK:SCO	4,5	6,9	159 101 €	243 936 €
above 6 times	AZE	6,3	9,6	25 476 €	39 004 €
	UKR	6,8	21,6	30 619 €	97 838 €
NA	GRC	NA	NA	31 710 €	87 247 €
	TUR	NA	NA	15 475 €	28 467 €
	UK:ENG&WAL	NA	NA	NA	NA
Observer	ISR	3,3	4,8	123 818 €	181 440 €
	KAZ	2,2	5,8	12 012 €	31 645 €
	MAR	NA	NA	22 442 €	57 717 €

In order to assess the level of remuneration of judges, it is important to compare it to the average salary in the State or entity concerned, taking into account the influence of the wealth of the state/entity on the level of this average salary. To analyse the remunerations at the beginning of a career, it is furthermore necessary to consider the recruitment procedure. If a judge is recruited after his/her graduation from the judicial training school following a competition, he/she will take office relatively young and his/her remuneration will be a starting salary. The situation is different for a judge recruited after a long professional experience, for whom the remuneration will necessarily be higher. In that sense, the amounts indicated in the Figure 3.46 should be put into perspective in **Ireland**, **Malta**, **Norway**, **Switzerland**, **UK - Northern Ireland**, **UK - Scotland** and **Israel** as judges are recruited from among already experienced lawyers.

The Figure 3.46 divides states and entities into four groups based on the level of ratio between judges' gross salary at the beginning of the career and national average gross salary. It can be stated that judges in all states and entities receive at least the average income of their country at the beginning of their career. However, large differences across Europe could be observed. The values range from the average income to almost 7 times the average income. The discrepancies are even greater for salaries in the highest instance. Here, the values range from about 1,7 times to almost 22 times the average income.

In the majority of the states and entities, judges' remuneration ranges from 1,5 times to 3,5 times the average salary at the beginning of their career and from 2,5 times to 6,5 times the average salary at the end of their career. Only very occasionally there are States and entities where the salaries of judges are lower at the beginning of their careers (less than double the average income) but rise steeply over the course of their careers (to more than 5 times the average income). Also, only in a few states and entities do judges receive a salary that is more than 3,5 times the average salary during their entire career.

What is the salary of public prosecutors in Europe?

Figure 3.47 **Average gross salary of prosecutors in relation to the national average gross salary in 2020 (beginning of a career / Supreme court) (Q4, Q132)**

State/entity		Beginning of career	Highest instance	Absolute at the beginning of career	Absolute at highest instance
below 1,3 times	DEU	1,0	1,7	52 928 €	90 670 €
	DNK	1,2	NA	48 322 €	NA
	FIN	1,2	NAP	50 880 €	NAP
	IRL	0,8	NAP	33 370 €	NAP
	ISL	1,3	2,2	77 420 €	132 000 €
	MCO	1,1	2,2	46 922 €	96 731 €
	NOR	1,0	2,3	54 724 €	124 924 €
	SWE	1,3	2,0	56 000 €	88 000 €
	UK:SCO	1,1	NA	37 304 €	NA
1,3 to 2 times	ARM	1,8	NA	7 651 €	NA
	AUT	1,7	3,9	60 084 €	137 586 €
	AZE	1,7	4,4	6 893 €	18 014 €
	BEL	1,6	3,0	67 532 €	125 183 €
	CHE	1,7	2,4	128 770 €	176 700 €
	CYP	1,4	NAP	35 010 €	NAP
	FRA	1,4	3,6	48 738 €	123 213 €
	HRV	1,9	3,6	27 878 €	53 447 €
	HUN	1,7	3,6	21 856 €	45 961 €
	ITA	1,8	6,0	56 263 €	187 296 €
	LTU	1,7	2,7	29 357 €	47 038 €
	LUX	1,5	1,7	92 016 €	110 177 €
	MNE	2,0	3,3	18 360 €	31 356 €
	NLD	1,3	NA	84 351 €	NA
	POL	1,9	5,4	25 796 €	71 941 €
	SVN	1,5	2,9	32 628 €	63 660 €
	UK:NIR	1,4	2,5	44 392 €	77 154 €
2 to 3 times	AND	2,4	3,6	61 916 €	92 887 €
	BGR	2,9	5,2	24 990 €	44 214 €
	BIH	2,8	4,9	25 383 €	44 404 €
	CZE	2,2	4,9	36 528 €	79 008 €
	ESP	2,3	5,7	51 946 €	130 654 €
	EST	2,7	3,1	47 556 €	53 353 €
	GEO	2,3	7,8	8 247 €	27 656 €
	LVA	2,4	3,0	33 396 €	41 411 €
	MDA	2,2	3,3	11 080 €	16 489 €
	MKD	2,1	2,7	17 319 €	22 120 €
	MLT	2,4	NAP	44 496 €	NAP
	PRT	2,7	5,8	48 055 €	105 345 €
	SRB	2,2	3,4	18 961 €	28 801 €
	SVK	2,6	3,9	38 984 €	59 623 €
	UKR	2,7	6,6	12 118 €	30 023 €
above 3 times	ALB	4,1	5,0	21 312 €	26 004 €
	ROU	3,2	5,0	43 223 €	67 051 €
NA	GRC	NA	NA	31 710 €	87 247 €
	TUR	NA	NA	15 475 €	28 467 €
	UK:ENG&WAL	NA	NA	NA	NA
Observer	ISR	1,0	2,9	36 794 €	108 417 €
	KAZ	NA	NA	NA	NA
	MAR	NA	NA	22 442 €	57 717 €

In Figure 3.47, the salaries of prosecutors have been divided into four different groups according to their ratio to the average gross salary, similar to Figure 3.46 for judges.

For prosecutors, it can also be noted that at the beginning of their career, they receive a salary in almost all states and entities that is at least as high as the average salary. The individual values show a narrower range than for judges. They range from 0,8 times to about 4 times the average salary. The data on the salaries of the highest instance also show large differences between the states and entities, but these are smaller than for judges' salaries as well. The values range from 1,7 times to about 8 times the average income.

In most states and entities, the salary of prosecutors is 1,3 to 3 times the average salary at the beginning of their career and 2 to 6 times the average salary at the end of their career. There are only a few states and entities where the salary increases steeply over the course of the career or where prosecutors receive more than 3 times the average salary during their entire career.

What are the reasons for the differences in the salaries of judges and prosecutors?

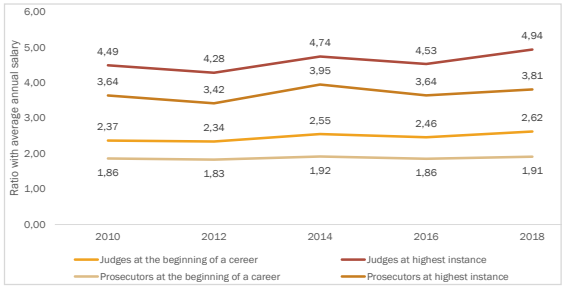
As can be seen from the answers to the previous questions, the situation for prosecutors' salaries is comparable to that for judges' salaries to a certain extent. However, prosecutors' salaries are on average lower than those of judges.

The salaries earned by public prosecutors are inevitably affected by the diversity characterising their statutory situation within member States, entities and observers, which makes comparisons more difficult than for judges in certain cases. Moreover, in some states the prosecution offices' activities are fulfilled, at least partially, by police authorities. The salary levels therefore differ significantly. Discrepancies can be attributed, at least in part, to the peculiarities of the recruitment procedure of judges in some systems where judges are recruited from among experienced lawyers and legal experts, i.e. among older professionals whose salary at the beginning of the career is already significant.

However, in **Albania**, **Andorra**, **Austria**, **Belgium**, **Bosnia and Herzegovina**, **Bulgaria**, **Croatia**, **France**, **Germany**, **Italy**, **Luxembourg**, **Monaco**, **North Macedonia**, **Poland**, **Portugal**, the **Slovak Republic**, **Slovenia**, **Spain** and **Morocco**, the salary of judges and that of public prosecutors are nearly identical, both at the beginning of the career and at the highest instance.

How have salaries of judges and prosecutors developed?

Figure 3.48 **Variation in the average ratios of gross salaries of judges and public prosecutors in relation to annual gross salaries, 2010 - 2020 (Q4, Q132)**



Since 2010, the European average ratio of judges' remunerations to average gross salaries in Europe has increased by 25 percentage points for professional judges at the beginning of the career and by 45 percentage points for judges at the Supreme court. In relative terms, this is an increase of around 10% in each case, so that the average salary of judges at highest instance remains almost unchanged at approximately 1,9 times the average salary of judges at the beginning of the career.

The average ratio of prosecutors' salaries to average gross salaries in Europe has increased slightly by 5 percentage points (in relative terms: just under 3%) for prosecutors at the beginning of their career and by 17 percentage points (in relative terms: just under 5%) for prosecutors at the highest level. Thus, the average salary of prosecutors at highest instance is approximately still twice as high as the average salary of prosecutors at the beginning of a career, but with a slight shift in the ratio in favour of the highest instance.

However, there is no general trend that judges' and prosecutors' salaries have increased compared to average salaries. In a considerable number of states, the ratio of judges' and/or prosecutors' salaries to average income has actually decreased. This is often not due to a decrease in the gross salary of judges or prosecutors, but to the fact that average incomes have increased more than judges' or prosecutors' salaries. The development of average salaries must therefore be carefully monitored if one wants to ensure that the salaries of judges and prosecutors keep pace.

LAWYERS

Respecting the lawyer's mission is essential to the rule of law. Quality of justice depends on the possibility for a litigant to be represented and for a defendant to mount his or her defence, both functions performed by a professional who is trained, competent, available, offering ethical guarantees and working at a reasonable cost.

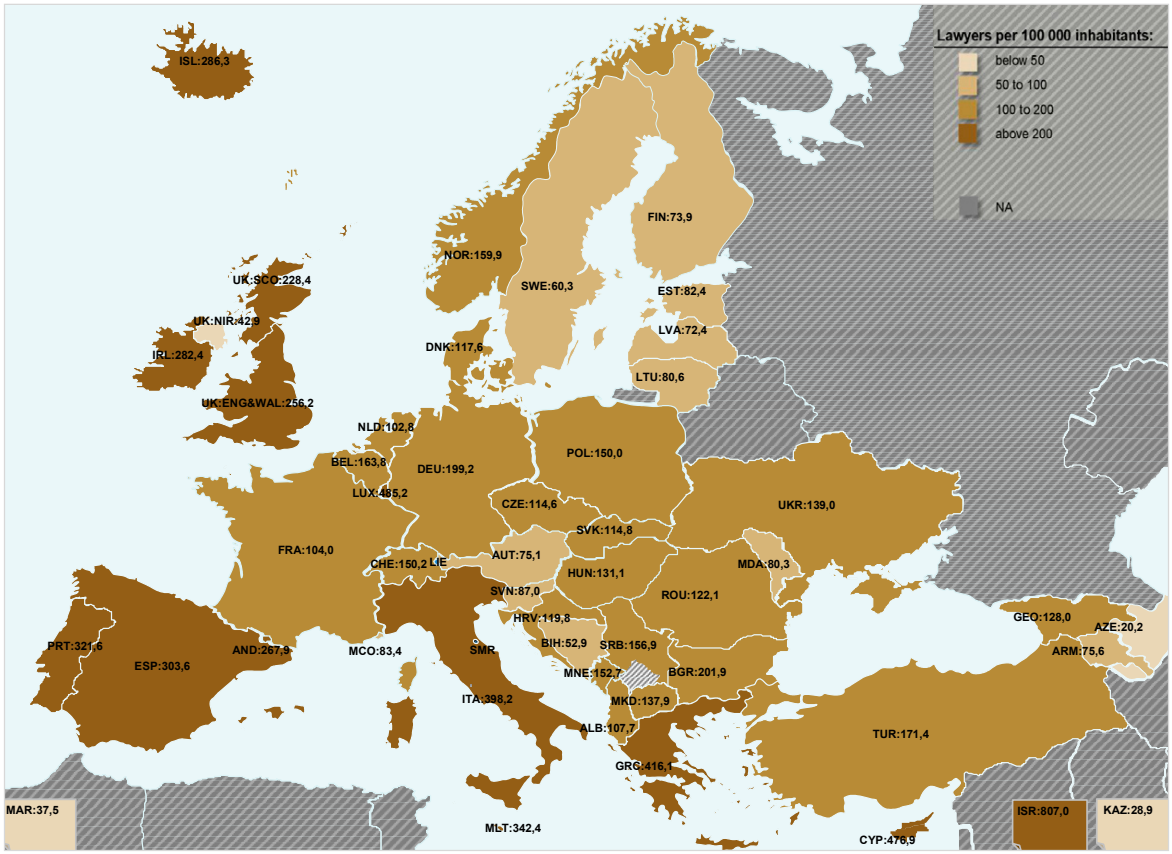
Who are lawyers?

For the purposes of this Chapter, the term lawyer refers to the definition of the Recommendation Rec(2000)21 of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyer: *"a person qualified and authorised according to national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters"*. Accordingly, a lawyer may be entrusted with legal representation of a client before a court, as well as with the responsibility to provide legal assistance.

How many lawyers are there in Europe?

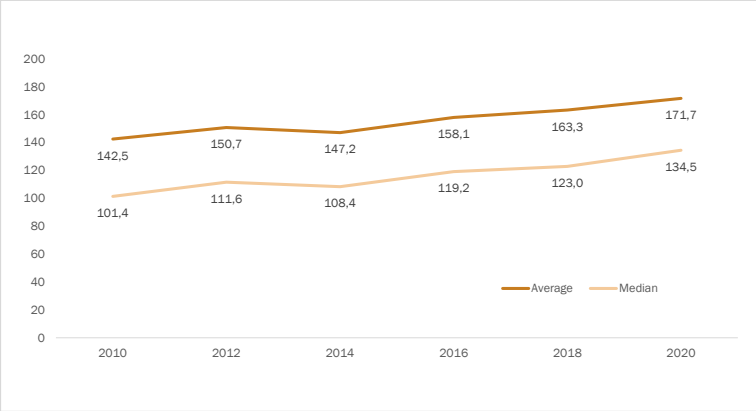
The average number in 2020 is 172 lawyers per 100 000 inhabitants and the median is 136 lawyers per 100 000 inhabitants. However, the density of lawyers varies greatly from state to state. The maximum value of 485 in **Luxembourg** is 24 times as high as the minimum value of 20 in **Azerbaijan**.

Map 3.49 **Number of lawyers per 100 000 inhabitants in 2020 (Q1, Q146)**



How has the number of lawyers evolved?

Figure 3.50 **Evolution in the number of lawyers per 100 000 inhabitants, 2010 - 2020 (Q1, Q146)**



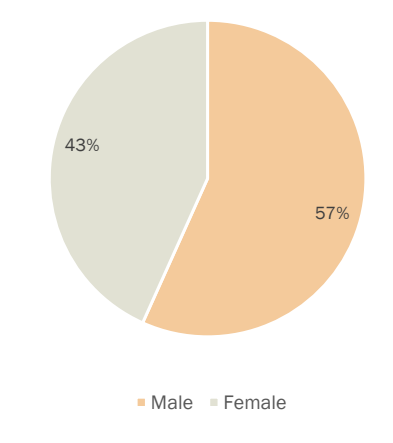
The number of lawyers per 100 000 inhabitants has continued to increase from 2018 to 2020, as in the previous five cycles. The average increase is about 5%, representing a strong and ongoing general trend. Between 2010 and 2020, there has been an average increase of 31%, with significant decreases only in **Albania**, **Malta**, **Ukraine** and **UK - England and Wales**. The figures in **Armenia**, **Azerbaijan** and **Finland** increased by more than 100%; the increase in **Andorra**, **Bosnia and Herzegovina**, **Cyprus**, **Georgia**, **Lithuania**, the **Republic of Moldova**, **Montenegro** and **Türkiye** was also strong at 50 to 100%. The increases in the ratios of lawyers per 100 000 inhabitants are largely due to the development in the absolute number of lawyers, which increased between 2010 and 2020 in all States and entities except **Albania**, **Ukraine** and **UK - England and Wales**. Variations in population play a subordinate role.

What are the reasons for the increasing number of lawyers in Europe?

The reasons for the development in the number of lawyers are complex and often specific to the country. However, the fairly stable number of lawyers per €1 billion GDP suggests that the increase in the number of lawyers in Europe between 2010 and 2020 is largely due to economic growth and increasing wealth. The adoption of higher democratisation standards and the implementation of legislative reforms also have an influence as well as increasing complexity of the applicable legal frameworks especially in European Union.

Are there equal numbers of women and men lawyers?

Figure 3.51 **Average distribution of lawyers by gender in 2020 (Q146)**

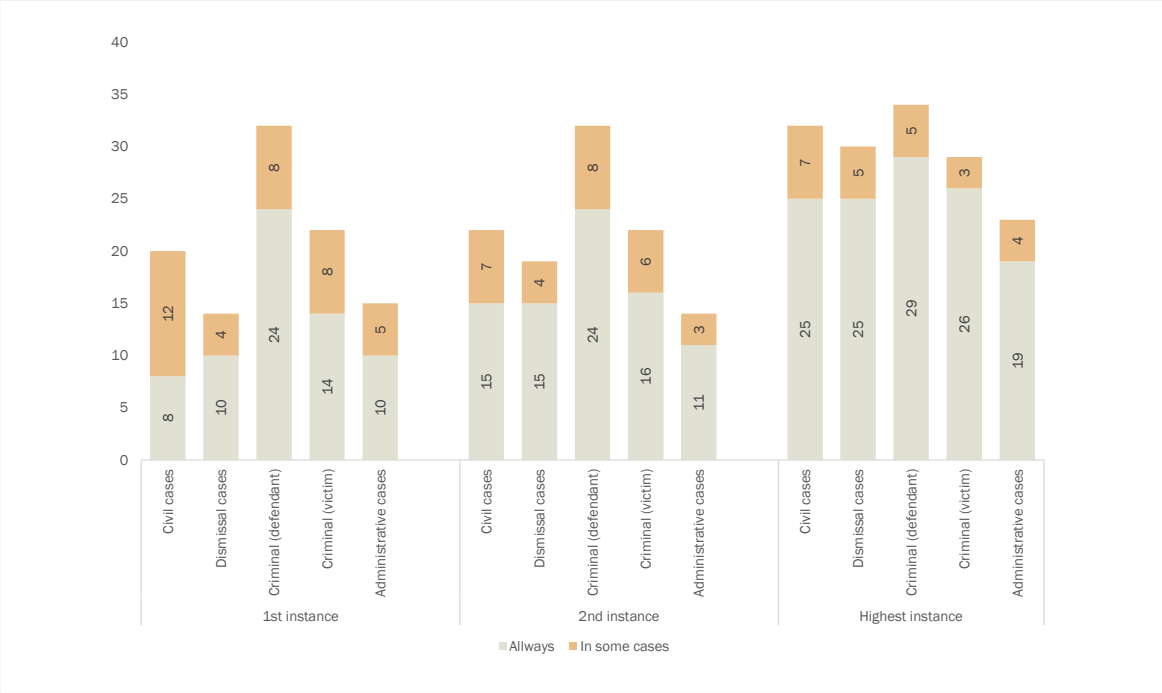


The average proportion of men among lawyers is 57% (2018: 59%) and ranges from 41% in **Greece** to 83% in **Azerbaijan**. While the average share of women among judges and public prosecutors is already predominant, the situation is still different among lawyers. But here, too, the number of women is increasing. In 2018, the legal profession was still predominantly male in all but seven states and entities; by 2020, there are already ten states and entities in which at least 50% of lawyers are women.

To what extent is legal representation by lawyers required in court?

The role of lawyers in a judicial system depends on the existence of a monopoly on representation in courts. For all types of cases, that is criminal cases (with regard to victims as defendants), civil cases, employment dismissal cases and administrative cases, the number of states and entities that provide for such monopoly increases from instance to instance. Mandatory representation by a lawyer logically reaches its highest levels at highest instance.

Figure 3.52 **Summary of the monopoly of legal representation in 2020 (Q149)**



First and foremost, it is the defendants in criminal cases who are represented by a lawyer, either in all cases or at least in some cases (32 member States and entities and all observer States in first and second instance, 34 member States and entities and all observer States in highest instance). For civil, dismissal and administrative cases, the monopoly exists mainly at the level of highest instance (32, 30 and 23 member States and entities, respectively, and two observer States each). Concerning representation of victims, the monopoly exists at highest instance in 28 member States and entities, whereas it exists only in 22 member States and entities at first instance, and in both cases in all observer States.

The figures have remained broadly stable in recent years. Variations are more likely to result from revisions of the data provided in earlier years than from legislative changes.

Trends and conclusions

There are still significant disparities in the number of professional judges between the states and entities that can be partly explained by the diversity of judicial organisations, geographic factors and/or the evolution of European legal systems. A slight increase in the number of professional judges can be noted as a trend from 2010 to 2020. There have been significant changes in many countries, but these have not led to harmonisation. The regional differences already observed in former Reports remain valid. A similar picture emerges in the prosecutorial field, where there is a strong and ongoing trend of increasing numbers of prosecutors.

Since 2010, there has been a strong European trend towards an increase in the percentage of female professional judges and public prosecutors. For several years now, there have been more female than male judges and prosecutors, with the ratio for prosecutors having been quite stable since 2012. At the same time, the glass ceiling, i.e. an underrepresentation of women in the highest functions, is still present. However, there are some promising developments and inspiring examples that encourage taking additional measures to facilitate women's careers and promote gender balance in the higher and highest judicial functions.

Part-time work is possible for judges and prosecutors in a majority of states and entities. The proportion of part-time work decreases from instance to instance and tends towards zero in the highest instance for both judges and public prosecutors.

The COVID-19 pandemic had largely no discernible structural impact on the field of justice professionals. However, compared to 2018, there were significantly fewer in-person trainings and many more online trainings in 2020. There were many challenges to overcome in this shift.

Institutions or bodies giving opinions on ethical questions of the conduct of judges and prosecutors (e.g. involvement in political life, use of social media, etc.) are largely established in Europe, but have very different tasks. Their opinions are publicly available in the vast majority of cases, which ensures a high degree of transparency for judges and prosecutors.

Salaries of judges and prosecutors still vary widely between states and entities, but also between instances. The development of salaries in recent years is not uniform and does not lead to harmonisation. Although the average ratio of judges' and prosecutors' salaries to average gross salaries in Europe has increased since 2010, this ratio has actually decreased in a considerable number of states. This shows that the development of average salaries must be kept in mind when making salary adjustments.

The number of lawyers is still increasing in Europe, with significant differences between states and entities. The increase in the number of lawyers in Europe between 2010 and 2020 is to be explained not only by legal traditions, the definition and scope of the lawyers' skills and laws/justice reforms, but also and largely by the economic growth and other factors. Unlike judges and prosecutors, European lawyers are still predominantly male. However, shifts in favour of women are also visible here.

Courts, Users and ICT

(Information and Communication Technology)

ORGANISATION OF COURTS

The right to a fair trial enshrined in Article 6 § 1 of the European Convention on Human Rights implies that States shall set up a sufficient network of courts so that citizens can easily exercise the prerogatives they derive from this provision.

Admittedly, the existence of a sufficient number of courts is only one of the conditions for the realisation of the right to access to justice, which cannot be effective without a genuine and comprehensive policy of access to the law. However, it is an essential element of it, as an indispensable venue for the resolution of disputes.

The following developments show an overall view of the judicial institutions in Europe, in particular:

- the number of courts of general jurisdiction and specialised courts, and their respective role in each State;
- the number of courts in relation to the population of each State;
- the evolution in the number of courts over the recent period (2018-2020) and in the long term (2010 – 2020).

Without claiming to present an exhaustive study on the organisation of the courts in Europe, the purpose of this sub-chapter is essentially to highlight the main trends observed. To better grasp its content, some definitions used by the CEPEJ should be recalled:

- Courts are considered as **legal entities**, i.e. institutions responsible for settling disputes submitted to them by citizens.

These legal entities consist of courts of general and specialised jurisdiction. Courts of general jurisdiction deal with all matters that are not assigned to specialised courts having competence over specific subjects.

- Courts can also be considered as **geographic locations**, i.e. based on the premises in which judicial activities take place.

In this respect, several courts, i.e. legal entities, may be located in the same place (e.g. a civil court, a commercial court and an administrative court may be located in the same building), or, conversely, the same court may have premises in different cities.

For the first time in this evaluation cycle, the CEPEJ has collected data on legal entities for all instances, as well as on geographic locations of first instance courts. The amendments of the questionnaire may result in some discrepancies with previous cycles that should be kept in mind when analysing these data.

Do users have the same access to courts throughout Europe?

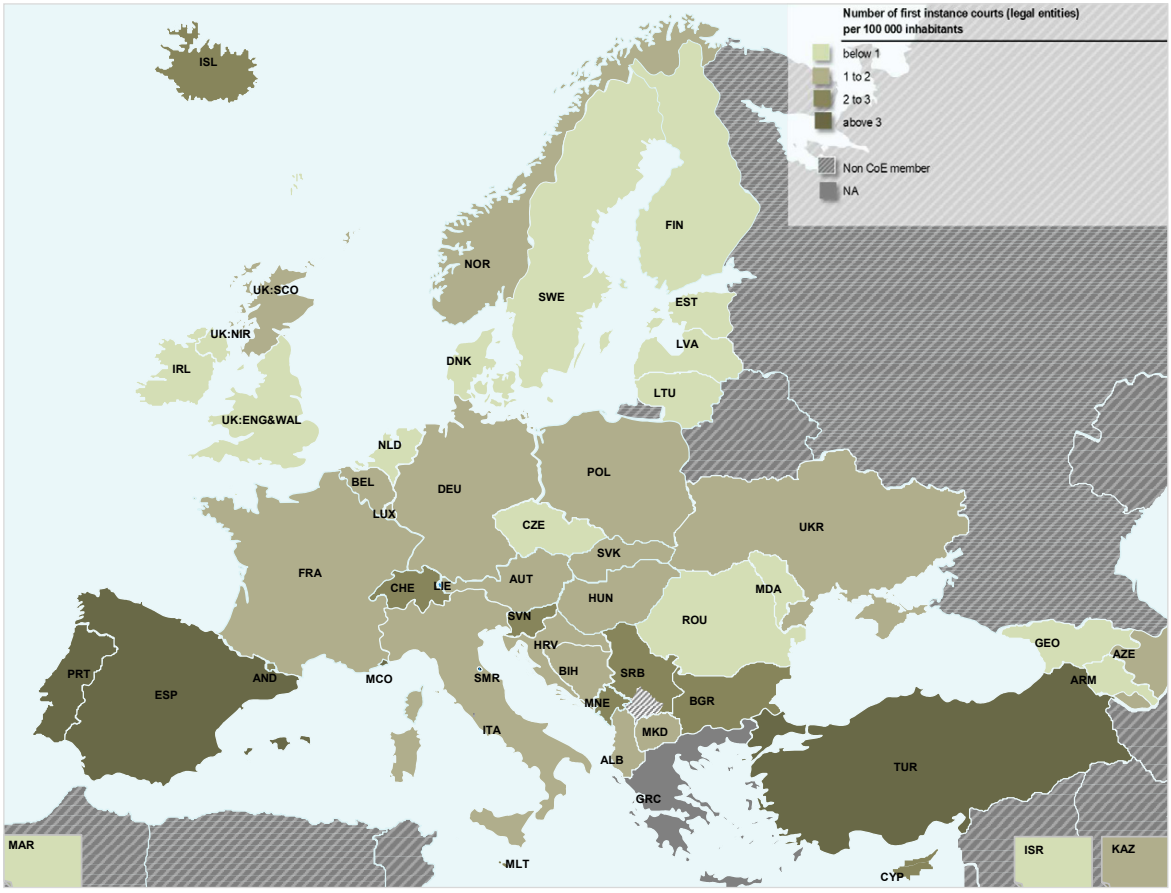
The density of courts on national territories is one of the indicators of citizens' access to justice at a given time. The situation in Europe varies, however, depending on court instances.

At first instance

Maps 4.1.1 and 4.1.2. show a very large disparity between States in terms of density of all first instance courts (general jurisdiction and specialised) per 100 000 inhabitants. They are ranging, for legal entities, from 0.07 for the **Netherlands** to 13.04 for **Monaco** and, for geographic locations, from 0.19 for the **Netherlands** to 3.32 for **Slovenia**.

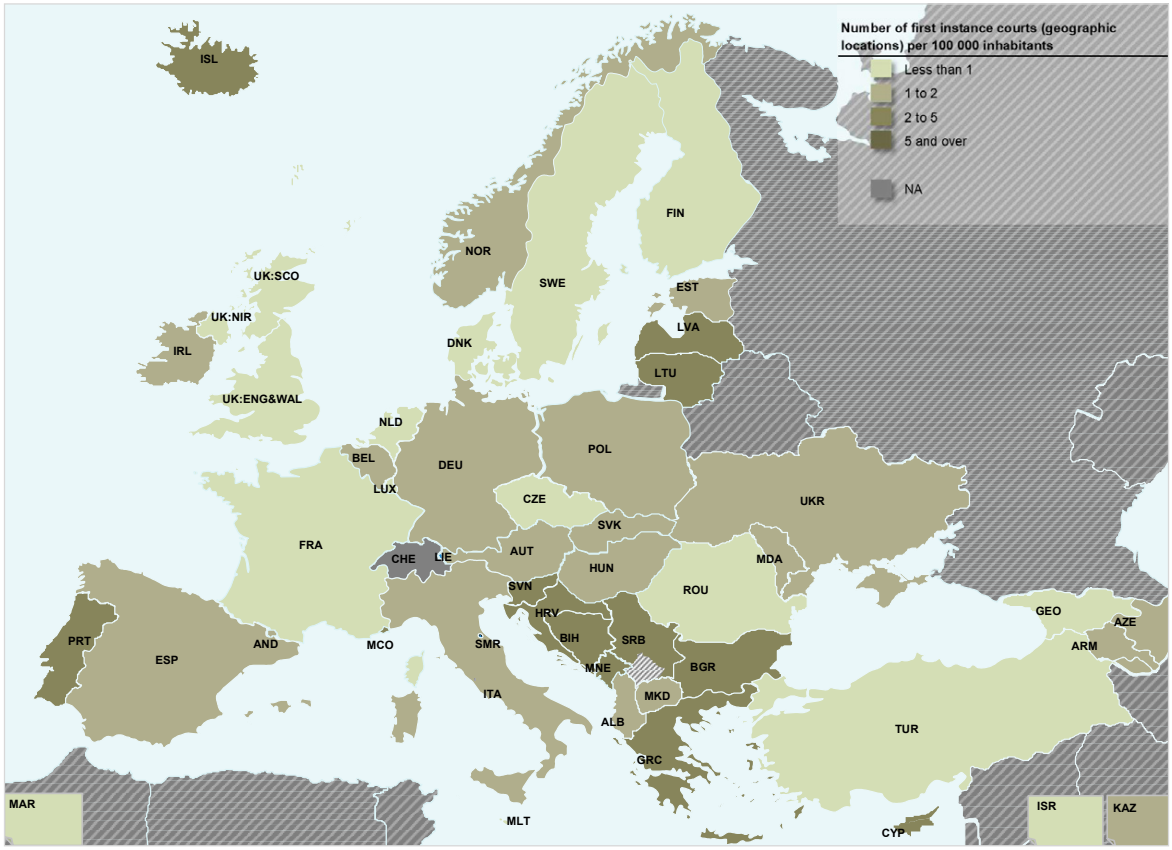
These indications should nevertheless be considered with caution and by taking into account the specific features of each State, since a low density of courts does not necessarily affect access to justice. This is particularly the case for States with small geographic dimensions.

Map 4.1.1 **Number of first instance courts of general and specialised jurisdiction (legal entities) per 100 000 inhabitants in 2020 (Q1, Q42, Q43)**



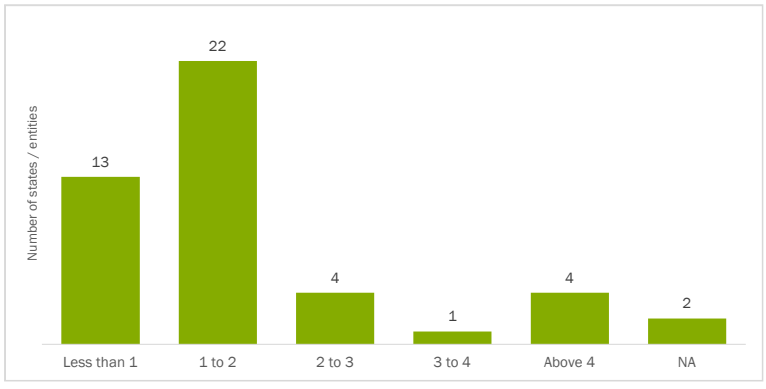
*High numbers in **Spain** and **Türkiye** could be explained by a different concept of the first instance courts existing in these countries ("one judge – one court", i.e. each judge is considered as a legal entity)

Map 4.1.2 **Number of first instance courts of general and specialised jurisdiction (geographic locations) per 100 000 inhabitants in 2020 (Q1, Q44)**



The maps above provide complementary information on access to justice and reflect differences in national policies and strategies. This is even more apparent if we look at the number of geographic locations in relation to the number of legal entities.

Figure 4.1.3 **Ratio of first instance geographic locations of courts per first instance legal entities in 2020 (Q42, Q44)**



In the majority of member States and entities (35) the number of geographic locations per legal entity is a maximum of 2. The minimum ratio characterizes **Türkiye** (0,1) and the maximum - **Ireland** (18,6). With more than 4 geographic locations per legal entity, **Armenia**, **Ireland**, **Latvia** and **UK-Scotland** are well above the European median of 1. **Luxembourg**, **Malta**, **Monaco**, **Spain**, **Türkiye**, **Ukraine** and **UK-Scotland** present a ratio below 0,5.

At the level of second and highest instance

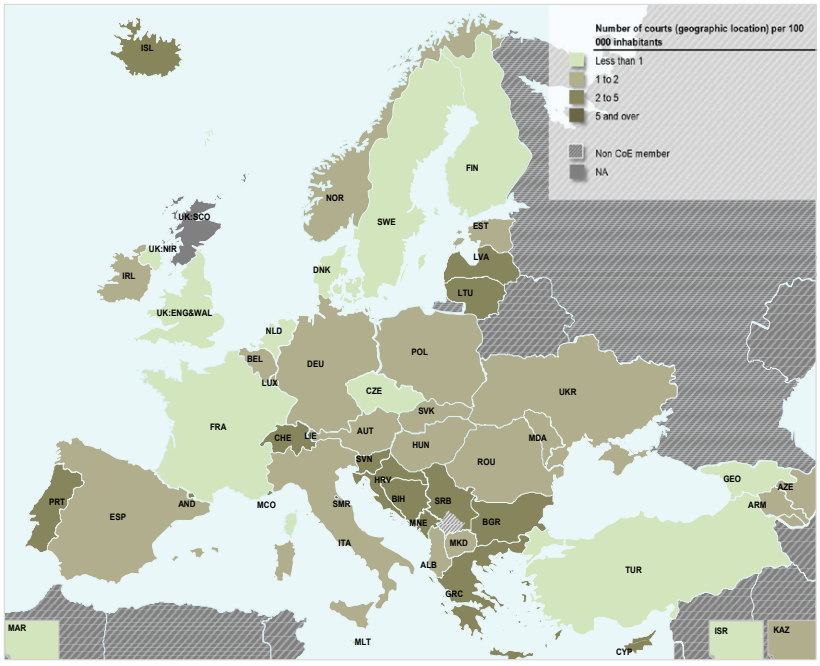
In this cycle, the CEPEJ has, for the first time, collected data on second and third instance courts of general jurisdiction (legal entities), allowing new analyses. At European level, the number of second instance courts (median value of 0,15 per 100 000 inhabitants) and third instance courts (median value of 0,02 per 100 000 inhabitant) is lower than the number of first instance courts (0,89 per 100 000 inhabitants).

Concerning second instance courts, the ratio varies from 0,02 for the **Netherlands** and 0,03 for **Poland** and **Denmark** to 2,61 for **Monaco**. At European level, some member States and entities are characterised by a very low density at first, as well as at second instance. For example, in **Armenia**, **Denmark**, **Finland**, **France**, **Ireland**, the **Netherlands**, **Sweden** and **UK-Northern Ireland**, the number of first and second instance courts of general jurisdiction per 100 000 inhabitants (legal entities) is meaningfully below the respective European medians. Conversely, in some other States, such as **Andorra**, **Bosnia and Herzegovina**, **Bulgaria**, **Monaco**, **Montenegro**, **Romania**, **Spain**, **Switzerland** and **Türkiye**, the number of courts per 100 000 inhabitants is higher than the European median in first and second instance. Other, more contrasting situations are observed in two groups of States. On the one hand, in **Croatia**, **Latvia**, **Lithuania** and **Malta** the number of first instance courts of general jurisdiction (legal entities) is below the European median of 0,89, while the number of second instance courts of general jurisdiction (legal entities) is above the European median of 0,15. On the other hand, an opposite relation is noticed in **Austria**, **Italy**, **Poland**, **Portugal**, **Ukraine** and **UK-Scotland** characterised mainly by a high number of first instance courts.

Regarding the highest instance courts, the great majority of the member States and entities has, in absolute numbers, one Supreme court of general jurisdiction. Few exceptions stem either from the specific state structure – federal for **Bosnia and Herzegovina** (3) and **Germany** (25), regional for **Spain** (3), or from the specific concept of one judge – one court in **Türkiye** (45).

All instances combined

Map 4.1.4 **Number of courts (geographic locations) for all instances per 100 000 inhabitants in 2020 (Q1, Q44)**



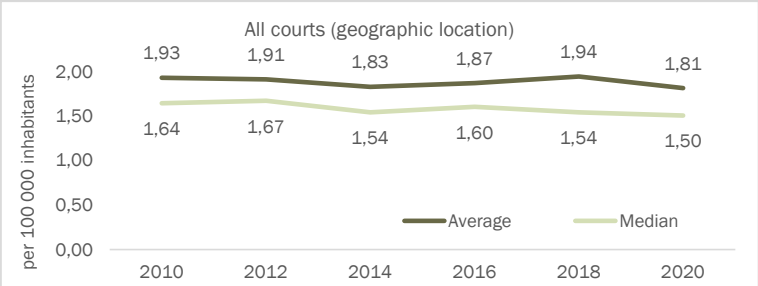
Like first instance courts, the total number of courts (all instances combined) varies considerably among the States. The ratio per 100 000 inhabitants ranges, for legal entities, from 0,11 in the **Netherlands** to 20,86 in **Monaco** due to its size of the country (the European median being of 1,35) and, for geographic locations, from 0,24 in the **Netherlands** to 3,85 in **Andorra** (the European median being of 1, 50). Indeed, in terms of geographic locations, first instance courts represent on average 86% of the total number of courts, which explains the similarity of trends.

On the other hand, in respect of the ratio between geographic location and legal entities, a situation comparable to the one of first instance courts can be observed for all courts, all instances combined, where the European median is 1,0 geographic location per legal entity and the ratio ranging from 0,1 for **Monaco** and **Türkiye** to 13,6 for **Ireland**.

If we look at the data over a longer period of time, from 2010 to 2020, two trends are to be noticed - the decrease in the number of courts (geographic locations and legal entities) on the one hand, and the specialisation of courts on the other.

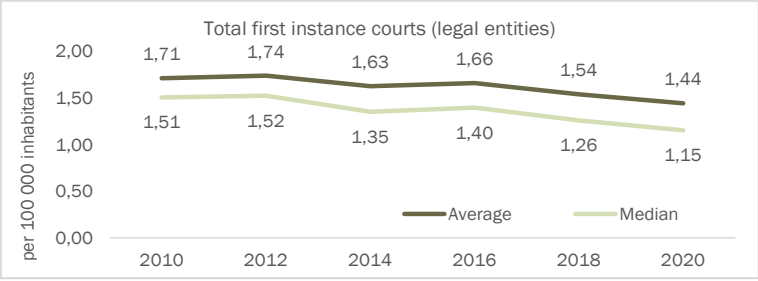
Are there fewer and fewer courts in Europe?

Figure 4.1.5 **Evolution of number of courts (geographic locations) all instances combined per 100 000 inhabitants, 2010 – 2020 (Q1, Q44)**



The declining trend in the number of geographic locations of courts per 100 000 inhabitants established in the previous Report was confirmed in 2020. The most significant decreases in geographic locations between 2018 and 2020 have been noticed in **Belgium**, **Croatia**, **Finland**, **Hungary** and **Switzerland.**

Figure 4.1.6 **Evolution of number of first instance courts of general and specialised jurisdiction (legal entities) per 100 000 inhabitants, 2010 - 2020 (Q1, Q42)**[14]



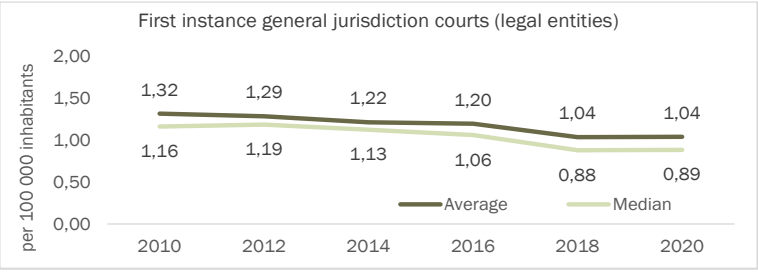
Besides, the downward trend in the number of first instance courts (general and specialised jurisdiction) as legal entities per 100 000 inhabitants[14] has been confirmed. However, this number remained stable in 22 States.

Figure 4.1.7 **Evolution of number of first instance specialised courts (legal entities) per 100 000 habitants, 2010 - 2020 (Q1, Q43)**[14]



The observed variations in the rest of the countries mainly concern specialised first instance courts. Their number slightly increased in **Azerbaijan**, **Iceland**, **Portugal** and **Ukraine**, and in a more significant way in **Spain**, **Switzerland**, and **Türkiye**. Conversely, the number of specialised first instance courts per 100 000 inhabitants decreased considerably in 2020 in **Croatia**, **France**, **Hungary** and the **Slovak Republic**. As a result, the upward trend of the European median regarding the first instance specialised courts has been slowed in 2020.

Figure 4.1.8 **Evolution of number of first instance courts of general jurisdiction (legal entities) per 100 000 inhabitants, 2010 – 2020 (Q1, Q42)**[14]



Regarding the number of first instance courts of general jurisdiction remained stable between 2018 and 2020 in the great majority of States (34). It increased only in **Türkiye**, while it decreased significantly in **Bosnia and Herzegovina**, **Finland**, **Romania** and **UK-Northern Ireland**.

14. **Monaco**, **Spain** and **Türkiye** have been excluded from the calculation of the average and median of the number of courts (legal entities) because of either their size or their specific methodology in counting the number of courts.

What have been the recent trends regarding the number of courts in Europe?

Figure 4.1.9 **Variation in number of courts 2010 – 2020 (Q42, Q44)**

States / Entities	1st instance courts of general jurisdiction (Legal entities)		1st instance courts of general and specialised jurisdiction (Legal entities)		Courts of all instances combined (geographic locations)	
ALB		0,0%		26,1%		15,2%
AND		0,0%		0,0%		0,0%
ARM	-38%		-29%			100,0%
AUT	-17%		-9%			10,1%
AZE		1,2%		5,8%		4,5%
BEL		644,4%	-23%		-22%	
BIH	-16%		-13%			5,1%
BGR		NA		NA	-1%	
HRV	-55%		-65%		-7%	
CYP		0,0%		29,4%		27,8%
CZE		0,0%		0,0%		9,2%
DNK		0,0%		0,0%		0,0%
EST		0,0%		0,0%	-9%	
FIN	-26%		-24%		-37%	
FRA	-78%		-47%			6,7%
GEO	-35%		-35%		-33%	
DEU	-3%		-3%		-3%	
GRC	-44%			NA	-31%	
HUN	-14%		-25%		-11%	
ISL		0,0%		10,0%		30,0%
IRL		0,0%		25,0%	-20%	
ITA	-57%		-44%		-39%	
LVA	-74%		-71%			14,6%
LTU	-71%		-70%		-7%	
LUX		0,0%	-20%			0,0%
MLT		300,0%		37,5%		50,0%
MDA	-67%		-69%		-15%	
MCO		0,0%	-29%			0,0%
MNE	-12%			0,0%	-27%	
NLD	-42%		-40%		-34%	
MKD		0,0%		0,0%		0,0%
NOR	-11%		-10%		-8%	
POL	0%		-2%		-30%	
PRT	-33%			78,2%	-2%	
ROU	-26%		-25%		-2%	
SRB		51,7%		24,6%		23,3%
SVK		0,0%	-13%			0,0%
SVN		0,0%	-2%		-1%	
ESP		2,5%		4,2%	-7%	
SWE	-20%			9,7%		4,2%
CHE	-38%			10,6%	-32%	
TUR		18,8%		23,9%	-11%	
UKR	-12%		-4%			2,5%
UK:ENG&WAL	-48%		-48%		-48%	
UK:NIR	-85%		-85%			NA
UK:SCO	-23%		-22%			NA

Between 2010 and 2020, a downward trend was observed in respect of both – legal entities of first instance courts and geographic locations of courts, all instances combined. The number of all geographic locations decreased on average by -2,8%, while the number of first instance legal entities decreased on average by - 13,2%. These two trends have been confirmed in a considerable number of States (17). In some of these countries, the judicial map reform has been a long process. For example, in **Belgium**[15] the reform of the justices of the peace has been implemented between 2016 and 2019. In **Croatia**, the reorganisation of the judicial map that started in 2015 with a reduction of the number of municipal and misdemeanour courts continued in 2019 with the merger of municipal and misdemeanour courts. This was due to a significant decrease in misdemeanour cases and overburdening with civil cases.

In certain States, the observed decreases were the result of recent modification of the court network, such as in **Finland** in 2020. In others, the decreases took place earlier, while the situation remained stable in the last few years. For instance, in **Georgia**, the process of enlargement of first instance courts started in 2010. Since 2012, first instance cases are heard in 26 enlarged courts (instead of 40), by specialised judges. Moreover, in 2013, an extensive reorganisation of the territorial distribution of offices took place in **Italy** resulting in closing (by merger) of 30 tribunals, 220 branches of tribunals and 346 Peace judges. In the **Netherlands**, the reduction of district courts in 2014 resulted in the closure of sub-district court locations.

15. It is noteworthy mentioning that the variation in the number of first instance courts of general jurisdiction in **Belgium** results from a different methodology used in replying to the CEPEJ questionnaire for 2020.

Which approach for revising judicial maps in Europe?

A decrease in the number of legal entities does not necessarily imply a (proportional) decrease in the number of geographic locations. For example, in **Lithuania**, a first slight reduction (by 5 legal entities) of the number of district courts in 2014 led to a decrease in the number of geographic locations, while the important 2018 reform (12 district courts instead of 49 and 2 regional administrative courts instead of 5) did not affect the geographic locations. In **Hungary**, the decrease in the number of all first instance courts as legal entities between 2010 and 2020 stemmed from the reduction of district courts in 2014, on the one hand, and the abolition of the 20 administrative courts in 2020, on the other hand. While the 2014 judicial map reform did not affect the number of geographic locations, the 2020 reform led to their decrease. In the **Republic of Moldova**, the considerable decrease in the number of first instance courts of general jurisdiction and the abolishment of the specialised courts in 2018 resulted in a slight decrease in the number of geographic locations.

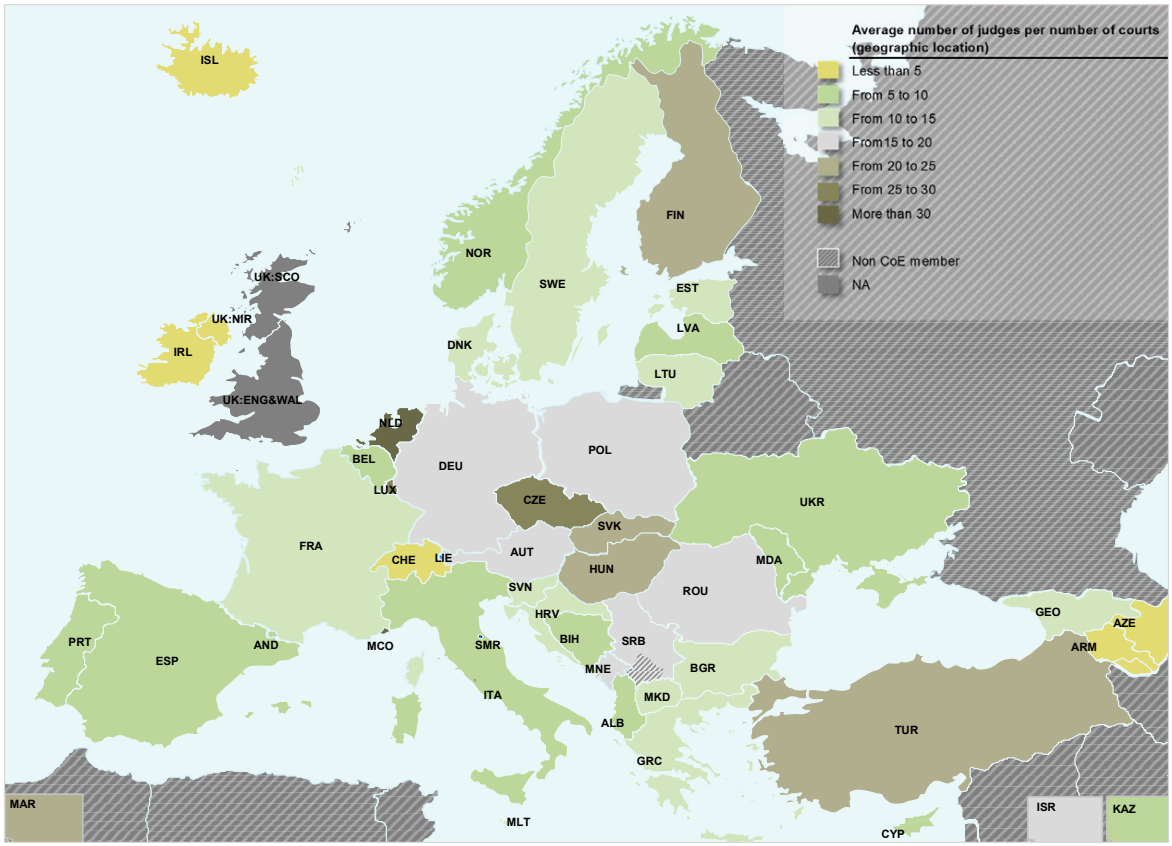
It is possible to identify countries where the decrease in the number of first instance legal entities did not impact the number of geographic locations which remained relatively stable (e.g. **France**, **Latvia**, **Luxembourg**, **Monaco**, the **Slovak Republic**, **Ukraine**). This is particularly visible in **France** where the reorganisation of the judicial map has been carried out only in terms of legal entities and resulted in a meaningful reduction of first instance courts of general jurisdiction in 2018 and the abolishment of an important number of specialised courts in 2020. **Latvia** also focused the revision of the court map on the progressive reduction of district courts between 2015 and 2018. The opposite situation is noticed in **Estonia** and the **Czech Republic**, where the number of legal entities remained the same, while the geographic locations decreased in the former country and increased in the latter.

In contrast with the downward European trends, the number of courts – both concepts legal entities and geographic locations - increased between 2010 and 2020 in **Albania**, **Azerbaijan**, **Cyprus** and **Iceland**. It is noteworthy that in all these four states, the described increases are due to the establishment of new specialised first instance courts (*infra)*. In **Ireland**, **Portugal**, **Spain** and **Türkiye** only the number of legal entities increased while the number of geographic locations slightly decreased since 2010. The example of **Portugal** deserves special attention. Pursuing the aim of facilitating people's access to courts and combating the desertification of the interior regions of the country, the reform process carried out in the recent years resulted in a decrease in the number of first instance courts of general jurisdiction, accompanied by an increase of certain types of first instance specialised courts, as well as in an increase of new court buildings. In the frame of the same general goal, the 2019 amendments to the Law of the Organisation of the Judiciary System are intended to ensure the reciprocal proximity of justice and citizens in two key segments: criminal law and family and minors' matters.

The dynamics observed in figure 4.1.9 show that judicial map reforms are a constant concern and an integral part of national policies aimed at strengthening and modernising justice. As a matter of fact, only in three countries – **Andorra**, **Denmark**, and **North Macedonia** - no variation has been noticed between 2010 and 2020, in either legal entities or geographic locations. However, **North Macedonia** referred to a planned reform on courts' geographic locations. Moreover, several states mentioned important forthcoming reforms of their judicial map that would be reflected in the next evaluation cycle. This is the case for **Norway** and **Spain**.

How big are courts in Europe?

Map 4.1.10 **Average number of judges per court (geographic locations) all instances combined (Q44, Q46)**



The relevance of this correlation depends on numerous important factors such as the number of non-judge staff assisting judges, the scope of the court competence, the general or specialised jurisdiction of the court, the population per geographic location and even culture and trust in judiciary as possible impact parameters on the number of incoming cases.

The average number of professional judges per court (geographic location) remained relatively stable in the majority of states and entities, evolving from 12 judges per court in 2010 and 14 judges per court as of 2016. This number varies from 1.7 judges per location in **Ireland** to 61.8 judges per location in the **Netherlands**.

Between 2018 and 2020, the average number of professional judges per geographic location has remained stable. An increase is observed in 21 States and entities. The most significant increases are observed in **Croatia** (42%), **Finland** (36%), **Greece** (34%), **Montenegro** (56%) and **Türkiye** (12%), the other increases being mainly below 10%. Conversely, the most important decreases are to be noticed in **Armenia** (-69%), **Austria** (-33%) and **Poland** (-20%). The explanations of these increases or decreases can be found in the variations of one or the other parameters, or both of them, evolving either in the same sense, or even in an opposite sense. The number of professional judges remained stable in **Finland**, while the number of geographic locations of all courts decreased. In **Croatia**, both parameters went down. In **Poland**, the number of professional judges decreased, while the number of geographic locations increased.

Is the access to justice facilitated by specialisation of courts?

Figure 4.1.11 **Participation of first instance specialized courts within the total number of first instance courts (legal entities) in 2010, 2018 and 2020 (Q42, Q43)**

States / Entities	2010	2018	2020
ALB	4,3%	24,1%	24,1%
AND	0,0%	0,0%	0,0%
ARM	5,9%	16,7%	16,7%
AUT	4,3%	12,3%	12,3%
AZE	17,5%	17,3%	21,1%
BEL	90,7%	93,9%	10,3%
BIH	7,2%	7,9%	10,0%
BGR	NA	22,1%	22,1%
HRV	51,5%	62,1%	36,2%
CYP	64,7%	71,4%	72,7%
CZE	0,0%	0,0%	0,0%
DNK	7,7%	7,7%	7,7%
EST	33,3%	33,3%	33,3%
FIN	28,9%	25,0%	31,0%
FRA	59,9%	89,7%	83,5%
GEO	0,0%	0,0%	0,0%
DEU	24,8%	24,5%	24,5%
GRC	0,0%	NA	NA
HUN	13,2%	15,0%	0,0%
ISL	20,0%	20,0%	27,3%
IRL	25,0%	40,0%	40,0%
ITA	8,6%	30,9%	31,0%
LVA	2,9%	10,0%	10,0%
LTU	7,8%	10,5%	10,5%
LUX	50,0%	72,2%	37,5%
MLT	87,5%	90,0%	63,6%
MDA	4,2%	0,0%	0,0%
MCO	85,7%	80,0%	80,0%
MNE	15,0%	25,0%	25,0%
NLD	5,0%	8,3%	8,3%
MKD	10,7%	10,7%	10,7%
NOR	2,9%	3,3%	3,3%
POL	7,1%	6,4%	5,9%
PRT	33,4%	73,3%	75,0%
ROU	4,1%	3,7%	4,4%
RUS	0,0%	0,0%	
SRB	50,8%	40,1%	40,1%
SVK	14,3%	14,3%	1,8%
SVN	9,8%	8,3%	8,3%
ESP	39,0%	39,2%	40,0%
SWE	16,7%	39,2%	39,2%
CHE	23,8%	52,3%	57,2%
TUR	25,1%	27,1%	28,2%
UKR	0,0%	7,8%	8,1%
UK:ENG&WAL	0,6%	0,9%	0,9%
UK:NIR	0,0%	0,0%	0,0%
UK:SCO	0,0%	0,0%	1,3%
ISR	..	12,5%	14,7%
KAZ	..	32,7%	28,0%
MAR	..	17,8%	17,8%

% of 1st instance specialized courts	2010	2018	2020
Average	21,0%	26,9%	23,6%
Median	10,3%	17,0%	16,7%

In its Opinion No. 15 (2012) on the specialisation of judges, the CCJE emphasised that specialised courts should only be set up when they are necessarily for the proper administration of justice, because of the complexity or specificity of the law or the facts.

It is useful recalling that the data on specialised first instance courts concern legal entities and that specialised chambers or sections of a court of general jurisdiction have not been counted as specialised courts. It should also be stressed that some of the variations that can be noticed are only due to methodological adaptations (e.g. **Belgium**, **Italy**, **Luxembourg**, **Malta**, the **Slovak Republic**, **Sweden**).

In 2020, the proportion of specialised courts remained above 50% of the total number of first instance courts in **Cyprus**, **France**, **Malta**, **Monaco**, **Portugal** and **Switzerland**, but it fell below this threshold in **Croatia**. Only 16 States had no specialised courts or a number of specialised courts representing less than 10% of the first instance courts (**Hungary** has joined this group of States following the abolition of the administrative courts).

The trend towards specialisation of courts, observed in the previous evaluation cycle (2018 data), has slightly been slowed down in 2020 as illustrated by figure 4.1.11, in terms of both European median and average. However, this trend towards court specialisation in Europe is still noticeable in the longer term (2010-2020), with an increase of 38% of specialised courts on average over this period. In absolute values, the number increased from 5203 courts in 2010 to 5891 courts in 2020.

It should be noticed that variations in the analysed proportion can be attributed to evolutions in the number of specialised courts (increase in **Azerbaijan** and **Switzerland**, decrease in **France**, **Hungary**), but can also stem from changes in the number of courts of general jurisdiction (decrease in **Finland** and **Romania**, increase in **Kazakhstan**), or from variations of both aspects. For example, in **Croatia** the number of courts of general jurisdiction increased due to a reopening of some municipal courts, while the number of specialised courts decreased as a result of the merging of misdemeanour courts.

Figure 4.1.12 **Variation in the number of specialized courts, 2010 – 2020 (Q42)**

States / Entities	Absolute variation 2010 - 2020	Variation in % 2010 - 2020
ALB	6	600%
AND	NAP	NAP
ARM	1	100%
AUT	11	157%
AZE	5	28%
BEL	-240	-91%
BIH	1	20%
BGR	-2	-6%
HRV	-53	-76%
CYP	5	45%
CZE	NAP	NAP
DNK	0	0%
EST	0	0%
FIN	-2	-18%
FRA	-306	-26%
GEO	NAP	NAP
DEU	-11	-4%
GRC	NA	NA
HUN	-20	-100%
ISL	1	50%
IRL	1	100%
ITA	120	103%
LVA	0	0%
LTU	-3	-60%
LUX	-2	-40%
MLT	0	0%
MDA	NAP	NAP
MCO	-2	-33%
MNE	2	67%
NLD	0	0%
MKD	0	0%
NOR	0	0%
POL	-5	-18%
PRT	327	300%
ROU	-2	-20%
SRB	-1	-2%
SVK	-8	-89%
SVN	-1	-17%
ESP	98	7%
SWE	19	158%
CHE	134	165%
TUR	565	39%
UKR	NAP	NAP
UK:ENG&WAL	-1	-25%
UK:NIR	NAP	NAP
UK:SCO	NAP	NAP

One of the most significant examples supporting the predominant trend towards the creation of specialized courts is **Portugal**, where the reorganisation of the judicial system has been carried out in two stages. First, one of the major goals of the 2013-2014 reform was to set up specialised courts on a national level, which led to a significant increase in commercial courts. Second, the legislative amendments of 2017 led to an additional increase in the number of specialised courts and a parallel decrease in the number of courts of general jurisdiction. **Austria** is another relevant example, with the establishment in 2014 of 11 administrative courts. In **Switzerland** the number of first instance specialized courts has significantly increased in 2016 due to amendments to procedural law resulting in changes in the judicial organisation at the level of the cantons. Since then, the number continued increasing. The increase observed in **Türkiye** is explained by the Council of judges and prosecutors' competence to measure the need in the field and decide on the number of courts needed to enhance equal access to justice.

Among the most recent examples of creation of specialized courts should be mentioned the following: the Court of reopening cases established in **Iceland** in 2020, the new administrative court for international protection established in **Cyprus** in 2019, to hear cases concerning asylum applications and international protection matters; the High anti-corruption court and the High court of intellectual property created in **Ukraine** respectively in 2019 and 2020. In **Azerbaijan**, the 7 administrative and economic courts existing before 2019 were split into 6 commercial and 6 administrative courts.

Conversely, the most important decreases are noticed in **Croatia** following a two-wave reduction of the number of misdemeanour courts in 2016 and 2019; **France** due to the abolition in 2019 of the military disability pension courts, the social security courts (TASS), the courts of disability litigation (TCI) and the departmental social assistance commissions (CDAS); and **Hungary** where the 20 administrative courts were abolished in 2020.

However, the variations observed in some countries are mostly due to a low number of specialized first instance courts (e.g. **Albania**, **Armenia**, **Ireland**, **Montenegro**), or as already highlighted, due to methodological adjustments through the evaluation cycles.

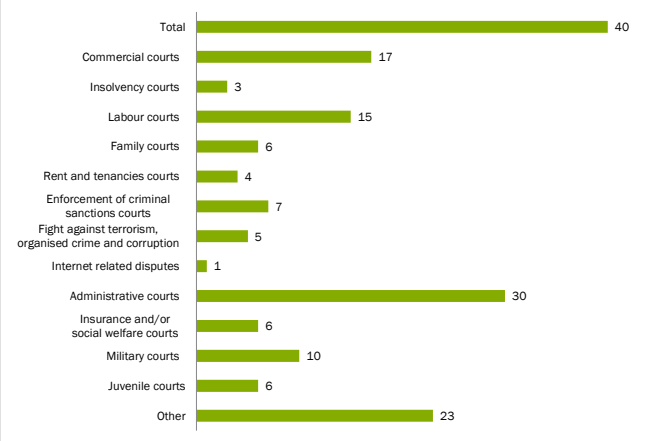
What are the priorities in terms of court specialisation in 2020?

Figure 4.1.13 shows that the specialized courts cover a wide variety of fields of competence, mainly, as in 2018, the administrative matter. Administrative courts exist in 30 states among the 42 having specialised first instance courts. It should be noticed that in *common law* legal systems and those inspired by them, administrative litigation is not considered as a separate one, which explains the absence of administrative courts in the countries concerned. Accordingly, in **Denmark**, **Iceland**, **Ireland**, and **Norway** not only are there no administrative courts, but administrative law cases do not exist as such and are part of the civil litigious cases. On the other hand, in **UK-England and Wales**, **UK-Scotland** and **Israel** administrative cases constitute a separate category of cases but are dealt with by courts of general jurisdiction. This is the case also in **Bosnia and Herzegovina**, **Romania**, and the **Slovak Republic**.

Commercial and labour courts are also well represented as first instance specialised courts (respectively in 17 and 15 countries in 2020).

For the first time in this cycle, States could indicate the existence of juvenile courts. In 2020, such courts exist as legal entities in **France**, **Italy**, **Malta**, **Spain**, **Switzerland**, **Türkiye** and **Kazakhstan**. However, in numerous countries, there are specialised chambers, sections, judges within courts of general jurisdiction reflecting a common approach and efforts towards a child-friendly justice.

Figure 4.1.13 **Existence of specialised courts in 2020 (Q43)**



Concerning "other specialized courts", **Sweden** constitutes an interesting example with its 5 Land and Environment first instance courts processing cases such as permits for water operations and environmentally hazardous operations, issues of health protection, nature conservation, refuse collection, polluted areas and hazardous waste, environmentally related damages, and compensation issues etc. Appeal is possible before the Land and Environment Court of Appeal in Stockholm. Another example to be highlighted concerns the penal courts specialized in violence against women and violence against women courts functioning in **Spain**.

"Other specialised courts" exist such as, for instance, the Court of impeachment hearing charges against public officials in **Finland** and **Iceland**, Tax courts in **Italy**, the National court of asylum in **France** and since 2019 in **Cyprus** or the Migrations courts in **Sweden**, the Land registration court in **Denmark**, Financial courts in **Germany**, specialized Inter-district criminal courts and specialized Inter-district investigation courts in **Kazakhstan**, the Foreign intelligence court in **Sweden**, the High anti-corruption court in **Ukraine** etc.

Finally, it should be mentioned that data on higher instance specialised courts have been collected for the first time for 2020. Such courts exist in 29 States and entities among the 40 having first instance specialised courts. Without surprise, the absolute values are considerably lower than the number of first instance specialised courts, which judgments are very often appealed before courts of general jurisdiction. As expected, the higher instance specialised courts are predominant in administrative matters, followed by commercial and labour matters. In the administrative law field, there are three instances of specialised courts in many countries. Indeed, the administrative justice is often a completely autonomous branch of the judiciary.

The evolution towards specialisation of courts takes into account of the increasing complexity of law and litigation (on this complexity, see Opinion No. 15(2012) of the CCJE, § 8) and of the need to guarantee correlatively both the quality and efficiency of judicial intervention.

As pointed out in the introduction to this chapter, in a traditional judicial system, the right to access to justice essentially relies on the conditions under which citizens can, by themselves or a legal representative, appear before a judge. It therefore implies a relative proximity between the litigants and the court, at least for the first instance. Therefore, the examination of the data on court organisation raises several additional questions.

Is there a link between the downward trend in the number of courts and the promotion of ADR or ICT in Europe?

While the reduction in the number of courts is often on the agenda, States also frequently put in place various measures to mitigate its effects, such as alternative dispute resolution methods (ADR) and the development of information technologies for increasing the efficiency in bringing cases before courts and the management of judicial proceedings. If it is not possible to establish a direct link between judicial map reforms and expansion of ADR as alternatives to court proceedings and/or new information technologies as an efficiency parameter of judicial proceedings, it is obvious that the common denominator of all these initiatives is the willingness to foster the quality of justice.

Without surprise, the most tangible effects of the reform process are to be observed in the ICT area. Driven by the exceptional circumstances of the pandemic, the impetus of ICT in the field of justice in recent years has certainly accelerated quite remarkably in 2020. The extent of this evolution means that today the technological aspect is an unavoidable parameter to be taken into account in judicial policies. More than ever, ICTs have the vocation to play a role of enabler in terms of efficiency of justice, but also, and especially in the extraordinary context of the health crisis, in terms of access to justice. Lessons have been learned, but above all, new digital perspectives have been open, waiting to be explored. The present development of the ICT in judiciary is analysed in detail in the chapter dedicated to ICT.

Reforms aimed at strengthening the ADR are still relevant for some countries, while in others, the widespread use of ADRs is a long-standing reality. The recourse to mandatory court-related mediation seems also to be in progress. For example, in **Belgium**, following a 2019 reform, the judge may, at the beginning of the proceedings, impose a recourse to mediation, ex officio or at the request of one or more parties, if s/he considers that a reconciliation is possible. Also, legal persons under public law can now also resort to court-related mediation. In **Austria**, the judicial system provides for mandatory mediation in diverse legal fields: some tenancy law matters, before going to court; some family law matters based on an order issued by the judge; the family court can order a mandatory informative session if this is necessary for the best interest of the child; in criminal matters, a reference should be made to the withdrawal of the prosecution (diversion) - victim-offender mediation.

Lithuania presents the most recent example in terms of ADR expansion. As of 2020, parties must try to resolve the family dispute through mediation before going to court, except for victims of domestic violence. Moreover, in certain civil cases, when an amicable resolution is likely, mandatory mediation may be ordered by the court. Since 2019, court-related mediation is possible in administrative cases. Within the project "Development of the Conciliation Mediation System" co-financed by the EU, the Ministry of Justice initiated the organisation of trainings for mediators. For example, in 2020, specialized training on the topic "Mediation in family disputes in the presence of signs of domestic violence" was provided. The free of charge trainings increased the number of mediators in recent years.

Trends and conclusions

The period 2010 - 2020 is marked by two main trends in terms of court organisation. On the one hand, and as already noticed in the previous Report, the number of courts is decreasing in Europe. This is true for both CEPEJ concepts – legal entities and geographic locations. On the other hand, the specialisation of courts has still been a relevant trend for the last ten years, even if it has been slowed down in 2020. The main types of specialised courts remain administrative, commercial and labour courts, while the large diversity of specialised courts quoted by the States and entities also reveals certain policy choices in the justice field.

Generally, judicial institutions are constantly evolving, and it should be emphasized that between 2018 and 2020 the great majority of States and entities continued referring to reforms that have been planned, adopted and even implemented since 2020. This dynamic confirms that judicial map revisions are an integral part of the national strategies aimed at fostering justice efficiency and quality. In the long run, only in three countries no variation has been noticed between 2010 and 2020, in either legal entities or geographic locations.

COURT USERS

Why are court users important?

Judicial decisions are given in the name of the people and the legitimacy of the judicial system within a society depends largely on its capacity to systematically address the needs and expectations of users of justice. The legitimacy and trust in courts and judicial system as a whole enable the functioning of courts – if there is no trust, judicial decisions are not respected, cooperation with courts is not ensured and the rule of law is compromised. Court users in a broader sense include all persons as potential court users. Court users in a narrower sense include all persons who actually access the court – either for personal or professional reasons. Therefore, court users are not only litigants, perpetrators, victims and witnesses, but also professionals of justice as attorneys, prosecutors, experts, interpreters, bailiffs, notaries, etc.

The year 2020 is the first year of the COVID-19 pandemic that affected significantly the work of courts and the way court users could access courts and participate in court proceedings. On one hand, courts had to adapt their organisation of work and functioning to the health measures and restrictions that were in place. These measures varied in their intensity and duration, but generally non-urgent court proceedings were temporarily suspended, access to court services was more or less restricted and even when proceedings took place in person, special arrangements had to be put in place to guarantee the health safety of everyone involved. On the other hand, more importantly, the pandemic gave a decisive push to the digitalisation of judicial services which allows the exercise of the judicial function remotely using information and communication technologies. In order to enable procedures to take place in periods of restrictive measures, some countries had to introduce new legislation and at the same time develop technical means of electronic communication with court users. In the spring 2020, the CEPEJ has adopted a declaration on the lessons learnt and challenges faced by the judiciary during and after the COVID-19 pandemic to help States overcome these exceptional circumstances.[16]

It is necessary to guarantee judicial protection to everyone. Judicial systems should devote specific attention to the risk of digital divide and guarantee that no one is left behind because of the remarkable technological developments judiciaries and our societies as a whole have been benefited from. Access to justice is crucial for efficient and qualitative judicial systems.

How do judicial systems demonstrate their focus on court users?

Firstly, the focus on court users is shown by comprehensible and up-to-date information on the functioning of the courts, the nature of the judicial processes, their rights and obligations, on the legislation, case-law etc. through different activities and channels.

The specific arrangements for vulnerable categories of court users are also important. By adapting their procedures and providing special care for different types of court users judicial systems prove their commitment to each individual and enhance their legitimacy.

If a court user has been affected by various shortages and dysfunctions of the judicial system, different compensation systems are available. These mechanisms are important both individually as a system of compensation as well as generally as preventive mechanisms for the future.

Moreover, countries have set up mechanisms to allow for a thorough and timely execution of the decisions of the European court of human rights. Different forms of co-operation among State institutions have been introduced in member States to improve the execution and to prevent future violations of the European Convention for the protection of fundamental rights and freedoms.

Finally, the efforts made by courts to understand their needs and expectations through the organisation of regular surveys, workshops, interviews, meetings and other forms that enhance two-way communication, promoting quality and responsibility, are also important.

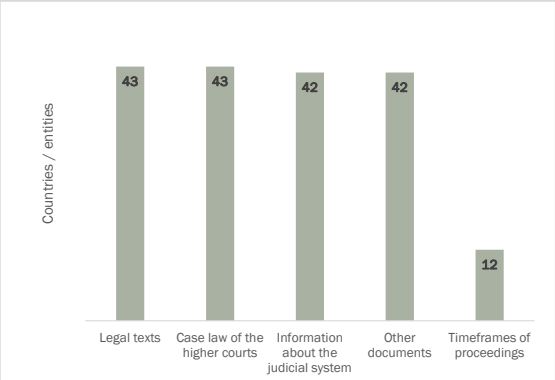
The centrality of the user in judicial proceedings has been highlighted also by the recent work of the CEPEJ. In 2021, the CEPEJ working group on the quality of justice (CEPEJ-GT-QUAL) prepared the *Guidelines and comparative studies on the centrality of the user in legal proceedings in civil matters and on the simplification and clarification of language with users*[17] dealing with issues of training, manuals, templates and drafts of texts, information tools, evaluation of judge's skills and quality measurement.

16. For more information visit: https://www.coe.int/en/web/cepej/impact-and-lessons-of-the-health-crisis-on-the-efficiency-of-justice-and-the-functioning-of-judicial-systems
17. For a better integration of the user in the judicial systems: Guidelines and comparative studies on the centrality of the user in legal proceedings in civil matters and on the simplification and clarification of language with users - CEPEJ (2021) 1, available at: https://rm.coe.int/cepej-2021-6-en-guidelines-and-comparative-study-centrality-user/1680a2dd63

What type of information should court users receive to ensure effective access to justice?

Getting correct and sufficient information is essential to guarantee an effective access to justice. The information that users receive differs depending on the phase of the proceedings. Before the proceeding has started, these are general information concerning the work and competences of courts, the nature of judicial proceedings, roles of different professionals involved in procedures, legal representation, possibilities of legal aid, rights and obligations of individuals, information on how to start a procedure, on timeframes of judicial proceedings, expected costs and duration, relevant legislation, case-law, etc. Once the procedure has started, court users may receive open access to information about the procedure – the stages of the procedures, the scheduled hearings and expected timeframes, as well as access to the case file itself. In **Latvia** for example, an electronic service *Track court proceedings*[18] is freely available to the general public without any personal data exposed. It enables to track any court proceeding in any court, including information on the current status of any specific court proceeding and scheduled court hearings.

Figure 4.2.1 **Obligation to provide information to the parties in 2020 (Q28 and Q29)**



The large majority of participating States and entities (43) has established websites making available national legislation and court case-law and practical information for court users as well as information about the judicial system. In some countries such information is provided by courts, in others by the Ministry of Justice, by legal aid systems and also by Bar associations. Access to case-law differs considerably from State to State.

While some States emphasise that there is no obligation to provide information on expected timeframes of proceedings (that exist in only 12 States), other share a common approach consisting in providing information on expected duration to the parties in the preparatory phase of the proceedings.

France has a well-developed information system on justice in respect of citizens in general and crime victims in particular, providing several justice contact points like the departmental council of access to law, justice and law houses, justice access points and spaces for information and accompaniment of victims. Victim support associations approved by the Ministry of Justice hold offices in all these justice points, as well as in the victim support offices, police offices, medico-judicial units and paediatric medico-judicial reception units.

The data provided by the countries shows that the COVID-19 pandemic has changed the way people receive information. The traditional ways of giving information in person or via phone still exist, but online availability is becoming the dominant way of sharing information with users. The use of IT tools enables easy and free access to information on legislation and legal procedures, accelerates the exchange of documents and information, reduces costs, limits environmental impact and reduces the workload of judicial staff. The CEPEJ strongly encourages the use of new technologies, in line with its *Guidelines on how to drive change towards Cyberjustice*[19] and the *Toolkit*[20] supporting their implementation.

18. Available at: www.tiesas.lv
19. Guidelines on how to drive change towards Cyberjustice, CEPEJ (2016)13, available at: https://rm.coe.int/16807482de
20. Toolkit for supporting the implementation of the Guidelineson how to drive change towards Cyberjustice, CEPEJ (2019)7, available at: https://rm.coe.int/cepej-toolkit-cyberjustice-en-cepej-2019-7/168094ef3e

Is special care given to victims of crimes and vulnerable persons?

A large number of States and entities report devoting special care to both victims of crimes (especially of sex crimes and domestic violence as well as resulting from human trafficking or terrorism) and the most vulnerable persons (children and minors, ethnic minorities, disabled persons), as recommended by international agreements and standards. Two specific groups were even more vulnerable in the times of the pandemic– minors and victims of domestic violence.

They have put in place an accurate information system (dedicated websites with links to governmental and non-governmental organisations devoted to helping and supporting vulnerable persons, victims and witnesses of crimes) or special support and special arrangements during court proceedings. It could consists of psychological, personal, legal and financial support, shelters, safe houses, etc.

Some States refer to the possibility to evaluate the specific needs of a vulnerable person or a victim. This individualised approach going beyond the legal guarantees is very important. In **Austria**, victims have the right to have their special protection needs assessed and determined as soon as possible subject to their age, psychological and health condition as well as the type and specific circumstances of the criminal offence. Psycho-social support for the proceedings includes the preparation of the person concerned for the proceedings and for the emotional stress associated with the latter, as well as accompanying the person to questioning during the investigation stage and the main trial. As to legal support for the proceedings, it includes legal advice and representation by an attorney. The Austrian federal Ministry of Justice is authorized to delegate the provision of assistance to victims during criminal proceedings to suitable experienced institutions and has to finance the provision of psychosocial and legal assistance by these institutions. Similarly, in **Germany** psychosocial assistance in proceedings is embodied in law in order to allow victims of serious criminal offences to receive support before, during and after the main hearing. Child and minor victims will generally be legally entitled to free psychosocial assistance in proceedings, while for other victims of violent or sexual offences the court will determine the need for such psychosocial assistance on a case-by-case basis.

Special arrangements, aimed at helping vulnerable persons and minors go through legal procedures with less stress and anxiety, take multiple forms. Some are aimed at the way proceedings are organised - as accelerated or urgent proceedings or proceedings with automatically granted legal aid, allowing for a faster resolution of cases. Another important aspect is the involvement of different types of professionals in proceedings (experts, doctors of various specialties, psychologists, educators, pedagogues, social workers, but also parents and trustees).

The 2021 European Crystal Scales of Justice prize was awarded to **France** for the project "Simplified filing of complaints in hospitals for victims of domestic violence" which allows investigating authorities to receive complaints from victims of domestic violence directly in medical facilities. This system strengthens the protection of victims by providing them with a simplified procedure, enabling them to lodge a complaint at the very moment and place where the violence was reported. This system is expected to be expanded across the entire France.[21]

In 2020 **Poland** introduced several accelerated proceedings in domestic violence matters and extended the statute of limitations for crimes against life and health committed to the detriment of a minor child. **Belgium** has made training on sexual and domestic violence mandatory for all magistrates (judges and prosecutors). **Spain** has renewed the State Agreement against gender violence, including the obligation to approve a new State strategy every five years and ensure its funding.

Physical and psychological protection can be assured also by the use of IT tools, such as videoconferencing during interrogations of a witness or victim with special protection (**Luxembourg**), recording of interrogations (**Denmark**). In some cases, audio-visual recordings of a victim's testimony before a judge are obligatory in respect of sexual crimes regardless of the age (**Germany**).

Other special arrangements might cover the provision of physical protection, the protection of personal data; the right to use the language spoken or understood or to use sign language and the right to be assisted by an interpreter.

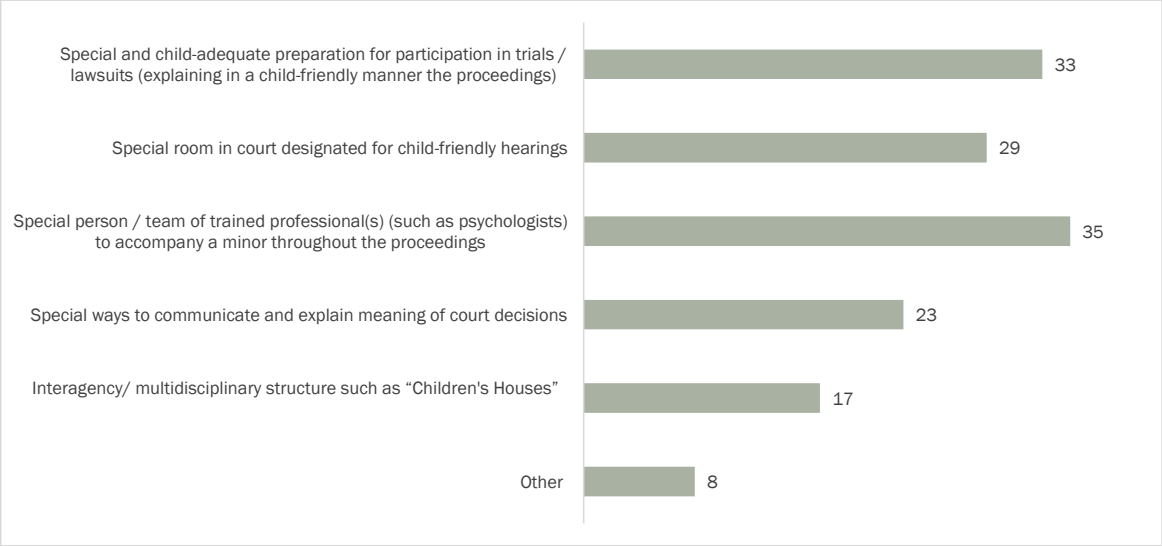
All these special provisions and arrangements have a common goal – guaranteeing protection to specific vulnerable groups in the course of judicial proceedings to limit the psychological impact of the already stressful legal proceedings on the vulnerable person.

21. For more information visit: https://www.coe.int/en/web/cepej/events/crystal-scales-of-justice-prize-form-jury

How are minors protected in judicial proceedings?

Children are a special category of vulnerable persons. More and more States devote specific attention to minors through information systems, special arrangements, and support.

Figure 4.2.2 **Special arrangements for minors employed to protect them when they participate in judicial proceedings (Q31-0)**



For example, an ombudsman for children exists in **Finland** with an online portal for children, containing information about children's rights. In **Sweden**, the Ombudsman for children is a government agency tasked with representing children regarding their rights and interests, providing information for minors who have been the victims of offences. The website is adapted so that children should be able to search for information and find information on where to get help. **Slovenia** has prepared special brochures for children as witnesses in proceedings, explaining them court proceedings and their role in a child-friendly language with adapted drawings and games.

In some States there are explicit legal requirements in respect of the justice professionals involved in proceedings with minors. In **Denmark** interrogations of children below the age of 13 years are typically conducted by a specially trained police officer in specific child-friendly surroundings and they are recorded and played in the court. Similarly, in **Finland** investigation measures directed at minors are assigned to investigators particularly trained in this function and in **Georgia** only a judge with specialized training on cases concerning minors and psychology can participate in a court hearing involving minor offenders.

Another development toward child-friendly proceedings is the introduction of special rooms for hearings, which is being observed in increasing number of States and entities. In **France** there are specially equipped hearing rooms (*Mélanie* rooms) in police stations and gendarmeries, dedicated to minors and offices are pre-equipped to accommodate mobile video recording equipment. In addition, there are paediatric reception units in hospitals which provide multidisciplinary care for minors. In **Austria**, child-friendly interrogation rooms in which criminal proceedings are carried out have been set up in all courts already in 1997. Child-friendly rooms also exist for example in **Poland**, **Slovak Republic**, **Slovenia**, **Türkiye**, **Ukraine** and **Kazakhstan.**

Other countries developed a specialized, comprehensive assistance to children and families under one roof, in accordance with the model of *Barnahus*. "Children's Houses" or *"Barnahus"* are structures designated to coordinate parallel criminal and child welfare investigations and provide support services for child victims and witnesses of sexual and other forms of violence in a child-friendly and safe environment. Its unique interagency approach brings together all relevant services at the same place to avoid secondary victimisation of the child and provide every child with a co-ordinated and effective response that has a legal standing. This model started in **Iceland** and is being introduced in **Slovenia** and **Poland.**

Can minors participate in court proceedings?

In general, minors can participate in judicial proceedings under special conditions. The main criterion for a minor to initiate a proceeding and take other procedural actions in his/her own name in most States and entities is the age threshold, set at the age of 18 in the large majority of states. In contrast, the ability to appear before the court as a witness is mainly based on the capacity of discernment.

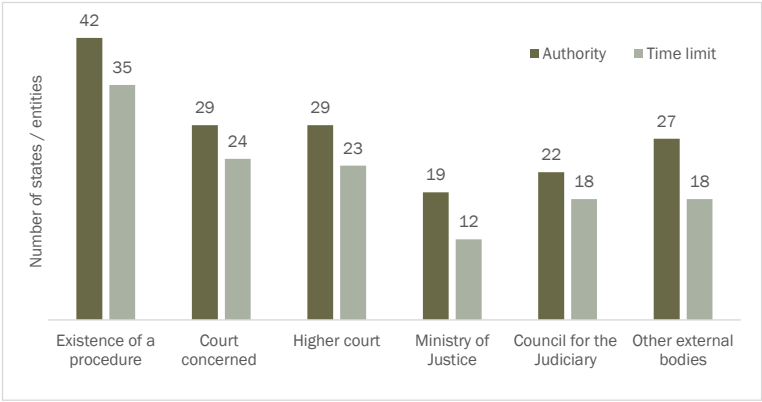
When minors cannot conduct proceedings in their own name, parents are able to represent them in civil and criminal proceedings in most States and entities (42), even though many of those States and entities provide for several exceptions to the general rule. Other representatives are social care services (in 25 States and entities in civil proceedings and in 20 States and entities in criminal proceedings) and legal professionals (in 27 States and entities in criminal proceedings and in 23 States and entities in civil proceedings). In **Andorra**, **Estonia**, **France**, **Latvia**, **Monaco** and **Israel** associations for the protection of minors can represent minors as well.

In most States and entities (43) the age is amongst the criteria for criminal liability. Nevertheless, in 23 States and entities the age is combined with the capacity of discernment. The prevalent age for criminal liability seems to be at the age of 14. Only 5 States and entities reported allowing the sentence of privation of liberty before 14 (**France**, **Ireland**, **Monaco**, **Türkiye** and **UK-Northern Ireland**).

Can users complain about the administration of justice?

Apart from the ordinary or extraordinary legal remedies that target individual judicial decisions, court users can challenge the administration of justice in most of the member States and entities. When these procedures vary, as they are started and dealt with by different institutions, special attention should be paid to preserve the independence of judges in their decision-making.

Figure 4.2.3 **National or local procedure for filing complaints about the functioning of the judicial system (Q40 and Q41)**

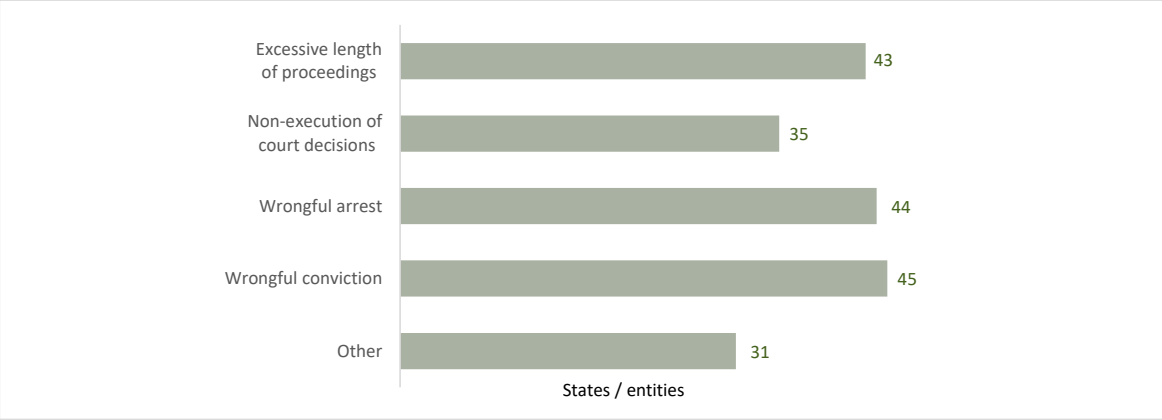


Most member States (42) have instituted complaint procedures on the functioning of justice. These procedures might take place through the judicial system itself – either through the court concerned (29) or through the higher court (29). Complaints can also be addressed to the Council of the Judiciary (22), the Ministry of Justice (19) or other external bodies such as the Ombudsman (27). Time limits to deal with the complaints exist in 35 States and entities and they depend on the authority responsible. Data on the number of complaints and amounts of compensation granted are very limited.

Do countries have compensation systems?

43 States and entities have set up mechanisms offering the possibility for court users to be compensated following specific dysfunctions of the court system.

Figure 4.2.4 **Existence of a system for compensating court users by reason (Q37)**



In the criminal law matters, wrongful arrests and wrongful conviction can be compensated in almost all the States. There are, nevertheless, limited data available on the number of requests for compensation made, the number of condemnations as well as on the amounts awarded as compensation: around 70% of States could not provide such data. It is clear from the values provided by a few member States and observers that they vary considerably, both in the number of condemnations and in the average amount per condemnation.

In the majority of States and entities that provided data, the excessive length of judicial proceedings and the non-execution of national court decisions are also subject to compensation.

As in the case-law of the ECtHR, member States do not specify when the length of a proceeding becomes excessive, as all circumstances of the case have to be taken into account, including the complexity of the case, what is at stake for the applicant, the conduct of the authorities and applicant which might have delayed the proceedings.[22]

Concerning non-execution of national court decisions, this dysfunction can be the subject of compensation in more than half of States and entities concerned.

Similar to the data on wrongful arrest and wrongful conviction, only one third of States and entities provided data on the number of procedures and amounts granted regarding excessive length of proceedings and non-enforcement of court decisions.

Some countries rely on case-to-case examination for compensation, others have set up a national scheme. In some cases, the amounts awarded can be fixed according to the ground of complaint (e.g. a fixed amount per day of wrongful arrest) and/or may have an upper limit.

Most States and entities (42) allow compensation for victims of offences. However, this is sometimes (in 18 States) possible only if additional conditions regarding the offender are met (i.e. the offender is unknown or the compensation cannot be obtained from him/her).

22. For more information check Length of court proceedings in the member States of the Council of Europe based on the case law of the European Court of Human Rights - CEPEJ (2018) 26, available at: https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b The conduct of the applicant is many times crucial – p. 73: "The procedural phases (before bodies and levels of jurisdiction) of a case deemed to comply with the reasonable time requirement generally last shorter than 2 years. When this period lasts longer than 2 years but goes uncriticised by the European Court, it is nearly always the applicant's behaviour that is to blame and the delay is at least partly down to their inactivity or bad faith."

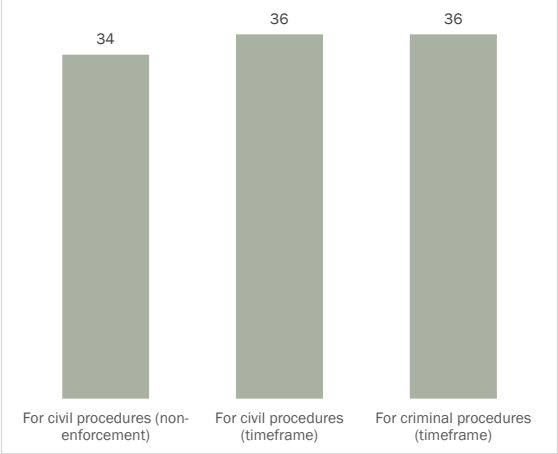
Do countries monitor the violations of ECHR Article 6?

The majority of States and entities monitor violations of ECHR Article 6. On one hand, the individual can use the national legislation allowing to reopen a case in the event of a violation of the Convention. The possibility to review a case after a finding of a violation by the ECtHR is reported by 41 States and entities.

On the other hand, some States present comprehensive mechanisms aimed at the general prevention of violations, such as the monitoring and dissemination of the ECtHR case-law, its inclusion in training curricula, reporting to the national parliament or government, adaptation of legislation to prevent further violations, etc. In most cases, actions are taken by the Ministry of Justice or the Ministry of Foreign Affairs. Nevertheless, in some States such activities are promoted by other institutions or specific bodies (e.g. by the State Attorney General in **Albania** or by the Agent in front of the ECtHR in **Bosnia and Herzegovina**). One interesting example includes **Poland**, where the Ministry of Justice analyses the decisions of the ECtHR, produces the so called „maps of violations" – statistical maps showing the main problems in each region of Poland and based on that organizes geographically diverse trainings.

Data from different evaluation cycles show that the number of States with various monitoring procedures is rising (all three categories saw a rise in relation to the previous cycles).

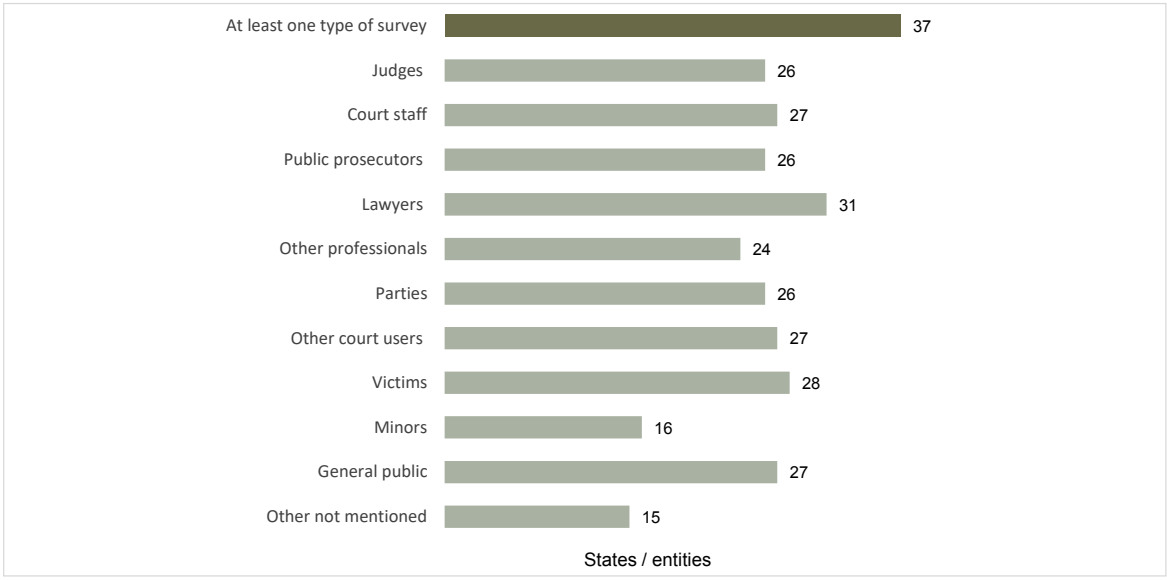
Figure 4.2.5 **Existence of a monitoring system for violations related to Article 6 (Q86)**



Do countries conduct satisfaction surveys on trust in justice and the work of courts?

Each year a larger number of States and entities conduct court user satisfaction surveys. In 2020, 37 States and entities had in place regular mechanisms to assess the perception of court users of the service delivered by the judicial system. These surveys are addressed not only to lawyers, parties, victims and other court users in a narrower sense, but also to judges, public prosecutors, court staff and specific categories of justice professionals.

Figure 4.2.6 **Existence of surveys to measure the trust in justice and the satisfaction with the services delivered by the judicial system (Q38)**



In order to help member States or individual courts to conduct satisfaction surveys the CEPEJ has adopted a model survey for court users and lawyers together with a methodology guide.[23]

The methods to gather information can differ considerably – telephone interviews, on-line questionnaires, in-house printed questionnaires, workshops, focus groups, in-depth guided interviews, observation, mystery shopping, analyses of social media activity, etc.

The frequency of the surveys can also vary – some are done periodically, others are done *ad hoc* just for specific courts or topics. While national surveys are mostly regular, the surveys at court level are more frequently conducted *ad hoc*. Specific surveys might address more specific groups (e.g. women victims of violence in **Moldova** or regular surveys of journalists and media representatives on their experience with courts in **Sweden**). The CEPEJ underlines that it is essential that such surveys are conducted periodically, so the evolution of satisfaction with specific aspects of court services can be observed and based on the analyses of the results specific steps for improvement can be planned. [24]

Trends and conclusions

It is essential for judicial systems to dedicate special attention to court users in their daily activities, not only to provide better, more effective and just services, but also to increase their legitimacy and raise public trust. The COVID-19 pandemic placed users in the centre of justice system implying new challenges to access justice, new ways of communication and delivery of judicial services and acceleration of the digitalisation of justice. More and more member States confirm the trend of strengthening the place of users in the judicial system by providing specific information to users, addressing vulnerable categories of users (especially victims and minors) with specific information and arrangements, offering the possibility of complaints on the functioning of justice and compensation systems, implementing monitoring mechanisms over violations of the ECHR article 6 and conducting user satisfaction surveys.

In order to further improve access to justice and trust in the judicial system the CEPEJ invites member States to devote resources and staff to a better communication with users of justice. By using the advantages of information technology, judicial systems can adapt the ways of disseminating information and create sustainable two-way communication with users. The analyses and use of data, gathered through quantitative and qualitative research of satisfaction of court users, can be used to help court management and administration provide a better and more efficient service of justice and to design solutions to increase the legitimacy of judicial systems. The use of information systems to support such activities is crucial.

23. CEPEJ Handbook for conducting satisfaction surveys aimed at court users in Council of Europe member States - CEPEJ (2016)15, available at: http://rm.coe.int/european-commission-for-the-efficiency-of-justice-cepej-handbook-for-c/168074816f
24. Similarly, according to the abovementioned Handbook: "The CEPEJ is interested more particularly in regular surveys carried out on the basis of tried and tested questionnaires in order both to measure changes in the evaluation of services provided and to tie the justice system into a process of systematically improving the quality of the services offered. Moreover, the CEPEJ is focusing on court users' evaluations based on their own experience. Its aim is not to carry out surveys of representative samples of the population, the results of which can be no more than perceptions of justice and will not directly enable improvements to the services provided."

INFORMATION AND COMMUNICATION TECHNOLOGY (ICT)

What is the purpose of ICT in the judiciary?

It should be recalled that in accordance with Opinion No. 14 (2011) of the CCJE "*ICT should be a tool or means to improve the administration of justice, to facilitate the user's access to the courts and to reinforce the safeguards laid down in Article 6 ECHR: access to justice, impartiality, independence of the judge, fairness and reasonable duration of proceedings*" and that its introduction "*in courts in Europe should not compromise the human and symbolic faces of justice*".

The development and proper use of ICT is a crucial element of the functioning of judicial systems and can contribute to increasing transparency, efficiency, access and quality of the services delivered. ICT is no longer a novelty in European judicial systems. It is used to automate human activities, eliminate repetitive tasks, reduce data input errors, standardise practices, allow better monitoring of court procedures, provide new means for distant communication, better access to data and information and more. Judicial systems whose traditional activities and organisation were based on paper are increasingly replacing the traditional tools with the digital ones (legal texts, case files, court registers etc.). The courts are being transformed to accommodate new possibilities and transfer the services online. Some hearings are taking place via videoconferencing, electronic evidence is regularly presented, while case files and court decisions are becoming digital objects with their content tagged to ease search, analysis, and legal reasoning. A better understanding of judges and courts' caseload and workload, and better monitoring of judicial proceedings and their timelines, enabled by the digitisation of procedures, also allow a better allocation of resources.

Furthermore, the capability of digitised procedures to allow remote exchange and sharing of case-related data and documents as well as enabling remote hearings has proven critical for the possibility of judicial systems to keep operating during the COVID-19 pandemic. As a result, many member States and entities have prioritised the deployment of digital solutions allowing remote interoperability and adopted emergency measures allowing broader use of videoconferencing tools for hearing. The effects of these forms of experimentation implemented until the situation stabilises will have to be investigated in the following years.

Data collected by the CEPEJ over the last years through its evaluation exercises and studies show the growing reach of digital tools. Therefore, the Report's focus will shift from basic technologies to the more advanced areas that still represent a challenge for the judiciaries. However, as a general caveat, we note that significant differences remain between countries, both in the ICT approach and in the way of measuring and collecting data on ICT development and deployment and assessing the achieved results, making it somewhat difficult to compare the data provided. For federal states, low ICT scores may be related to incomplete data collection and difficulty to provide harmonised unique answer and not necessarily to a low level of deployment.

Studies have also shown that the results achieved often do not coincide with those expected. In general, even when successful, large-scale ICT projects result from years-long sustained efforts both at the development and implementation level. Delays and high failure rates result from the complexity of the ambitious ICT solutions and inter-dependencies between the various hardware components, software applications, and procedural requirements. Such systems need to reflect different judicial specificities and evolve in a complex network of organisations, legal rules and expectations.

How to read the data on ICT?

When looking at ICT data and comparing it to data presented in the previous editions of the Report, it is essential to pay attention to some differences that could result in erroneous interpretations if not considered. The CEPEJ ICT questions however have only slightly changed since the previous exercise. In some cases, member States and entities have revised their replies to improve the accuracy of the data, although the situations they were reporting about may not have changed. Furthermore the CEPEJ ICT index was revised and new weights were applied only on data of 2018 and 2020. For these reasons, and due to the rapid development of these technologies, we focus on the evolution between these two cycles even if 2020 was influenced by COVID-19 pandemic.

CEPEJ ICT Deployment Index

The ICT Deployment Index combines the weighted values of member States and entities data on ICT deployment. In the calculation of the index, each of the technologies selected from the questionnaire is weighted by taking into consideration two factors: the importance of the tool (e.g. writing support tools or voice recording tools in civil and commercial, criminal or administrative sector) and the level of deployment of the tool. The weighted values are added to calculate the indexes for decision support, courts and case management, and communication between courts, professionals and/or court users and calculate the overall ICT Deployment Index. Each index is then normalised on a 0-10 scale. Civil and commercial, criminal and administrative sector indexes are calculated with the same approach, considering just the replies that apply to each sector. Therefore, it is possible that States that are mainly developed in one matter (civil and commercial, criminal or administrative) are not achieving a high overall score as they are lagging behind in one or two of the others. While different levels of technologies' deployment can be assessed using a composite index (ICT Deployment Index), other areas such as the justice governance structure or the need for a specific legal framework to authorise ICT use do not follow the same logic. For that reason, and in line with what was done in the previous edition, the overall ICT Deployment Index does not include the legislative framework regulating the use of specific technologies in judicial proceedings or their governance.

As already noted in the previous editions of the Report, it should be emphasised that a high level of ICT development and diffusion does not necessarily mean an actual use and positive impact on the courts' efficiency or quality of the public service of justice. It is indeed easier to quantify the investment in technology and the degree of its dissemination than to measure the degree of actual use or the impact of ICT on the efficiency and quality of justice, as these changes are more difficult to measure.

It is, of course, essential to look at emerging ICT tools that could be used in the European judicial systems, such as artificial intelligence (AI) and blockchain. Can these technologies be useful? Where and how could they be used? Which are the risks they pose in the justice domain? To answer these questions, attention should be paid to policies and practical experiences and distinguish these technologies' "trendy" effects from their real potential. However, data in this sector do not show an actual deployment of such tools that goes beyond initial experimentation or automation of simple activities (e.g. the use of AI for speech to text conversion).

The level of development should then be compared with other indicators (such as the processing time of judicial proceedings) when drawing any conclusions. At the same time, the impact of other factors should also be considered.

Finally, the replies to the ICT questions are partially a self-evaluation. Consequently, a comparison between judicial systems should be considered with caution and should be supported by additional qualitative data.

How much does ICT cost?

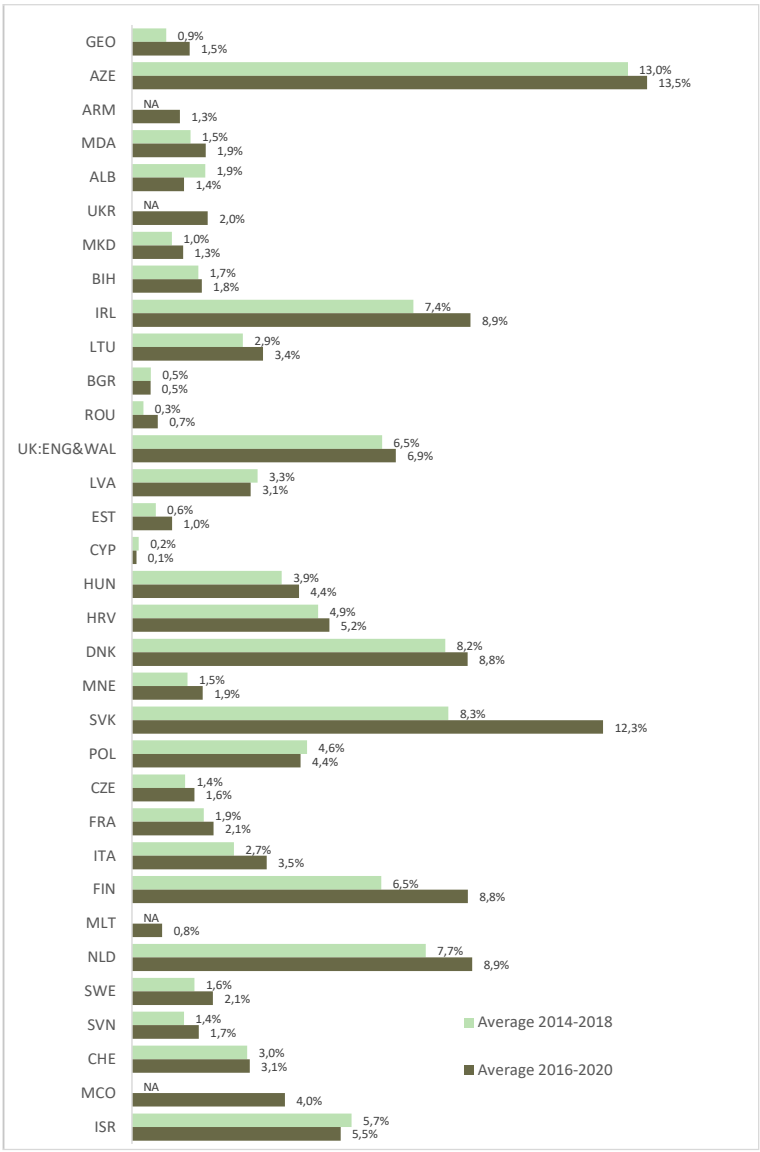
The information technology budgetary efforts may vary considerably depending on the life cycle of the technological components. Typically, the development, deployment, and evolutive phases require significantly higher spending than maintenance. At the same time, as ICT systems age, they become more intertwined with each other, making an upgrade or replacement more difficult (and therefore costly) when new protocols and standards emerge. Furthermore, as more complex information systems are deployed and interconnected, it becomes increasingly difficult to distinguish simple maintenance from the upgrade and evolution of the systems.

To consider the long-term dynamics of ICT cost, instead of comparing the ICT budgetary effort between two cycles, this edition of the Report (similarly to previous edition) analyses and compares average expenditure recorded over three evaluation cycles. That is to say, average of the period 2014-2018 is compared to average of the period 2016-2020).

Interesting to note, States and entities seem to still have difficulties in providing data on the budget allocated to courts' ICT, although the situation seems to be improving (18 states and entities out of 46 were not able to provide the data for the 2014-2018 period, while 15 out of 46 for the 2016-2020 period).

An examination of the variation in the average budgets allocated to the digitalisation of the courts between 2014 and 2018 and between 2016 and 2020 (shown as a percentage of the overall courts budget – Figure 4.3.1) highlights the different efforts made by the States and entities on ICT compared to total court expenditures. In this figure states/entities are ordered by the implemented budget of courts per inhabitant. Data shows very high variation between ICT and overall court budget (in several cases below or around 1% while in many other cases above 5% or even 10%).

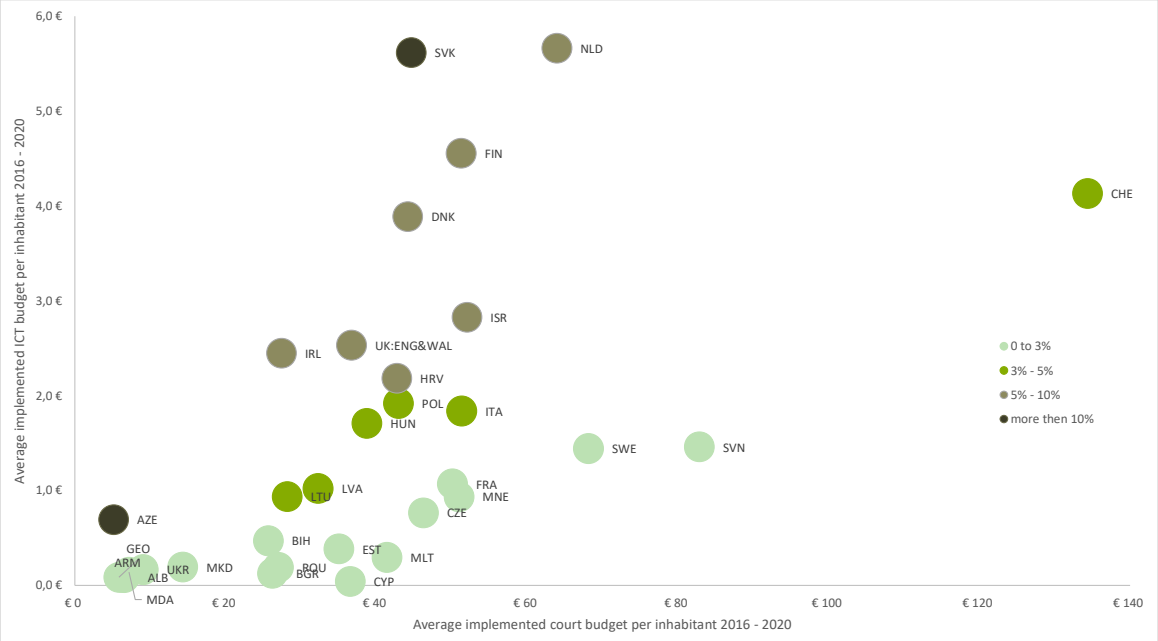
Figure 4.3.1 **Variation of the average participation of implemented courts' budget for ICT in total budget of courts (Q6)**



However, there has been a general trend toward increasing the ICT budget portion. Exceptions are **Albania** and **Cyprus**, both with a low level of ICT deployment; **Latvia**, with a very high level of ICT deployment; **Poland** and **Israel** with average to high level of ICT deployment rate.

The scatterplot of the implemented budget of courts per capita versus implemented budget dedicated to ICT per capita in 2016-2020 is presented in figure 4.3.2. The use of the per-capita budget allows looking at data considering the allocated budget standardised with the member State or entity population size. The data thus observed seem to suggest that court systems with higher court budget per capita tend to invest a higher percentage of this budget on ICT. This trend, however, is not strong, as shown by the example of States such as **France**, **Montenegro**, **Slovenia** and **Sweden** shown in lightest green and even **Switzerland** with a relatively high court budget per inhabitant but low percentage of the ICT budget compared to the respective court budget per inhabitant. On the other hand, an exception among States with a low court budget per capita, but a relatively high level of resources on IT, could be found in **Azerbaijan**. **Slovak Republic** has highest participation of the ICT budget in the budget of the courts which is due to the investment made in ICT in the last period. Several other countries have a relatively high level of ICT budget compared to the overall court budget such as for example **Denmark**, **Finland**, **Ireland** the **Netherlands**, and **UK-England and Wales**. **Monaco** has been excluded from the figure as both court and ICT budget per capita makes it an outlier (showing very high values) due to its size.

Figure 4.3.2 **Implemented average budget of courts per capita vs average implemented budget dedicated to ICT per capita in 2016-2020 (Q6)**

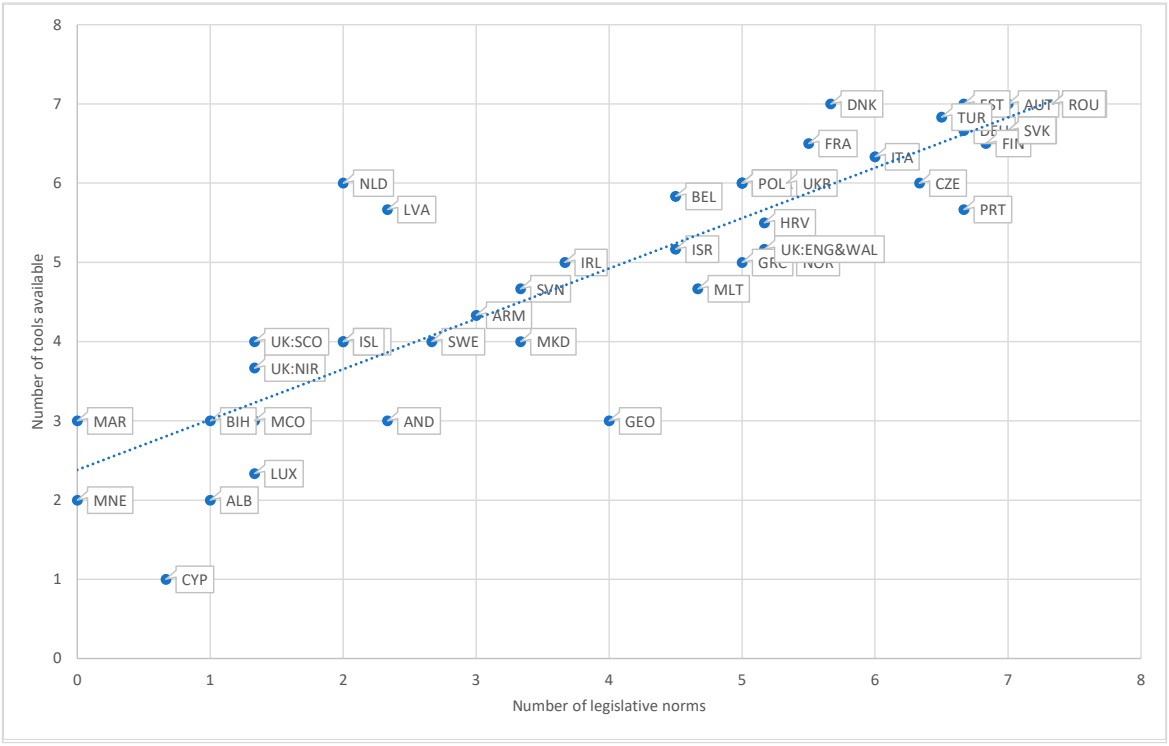


How is ICT in judiciary regulated?

The CEPEJ questionnaire investigated the presence of specific legal frameworks to regulate the use of technology in the following **eight areas**:

- bringing a case to courts by electronic means;
- requesting legal aid by electronic means;
- transmitting summons to a judicial meeting or a hearing by electronic means;
- electronic communication between courts and lawyers and/or parties;
- electronic communication with professionals other than lawyers;
- videoconferencing between courts, professionals and/or users;
- the recording of hearings or debates;
- submission of electronic evidence.

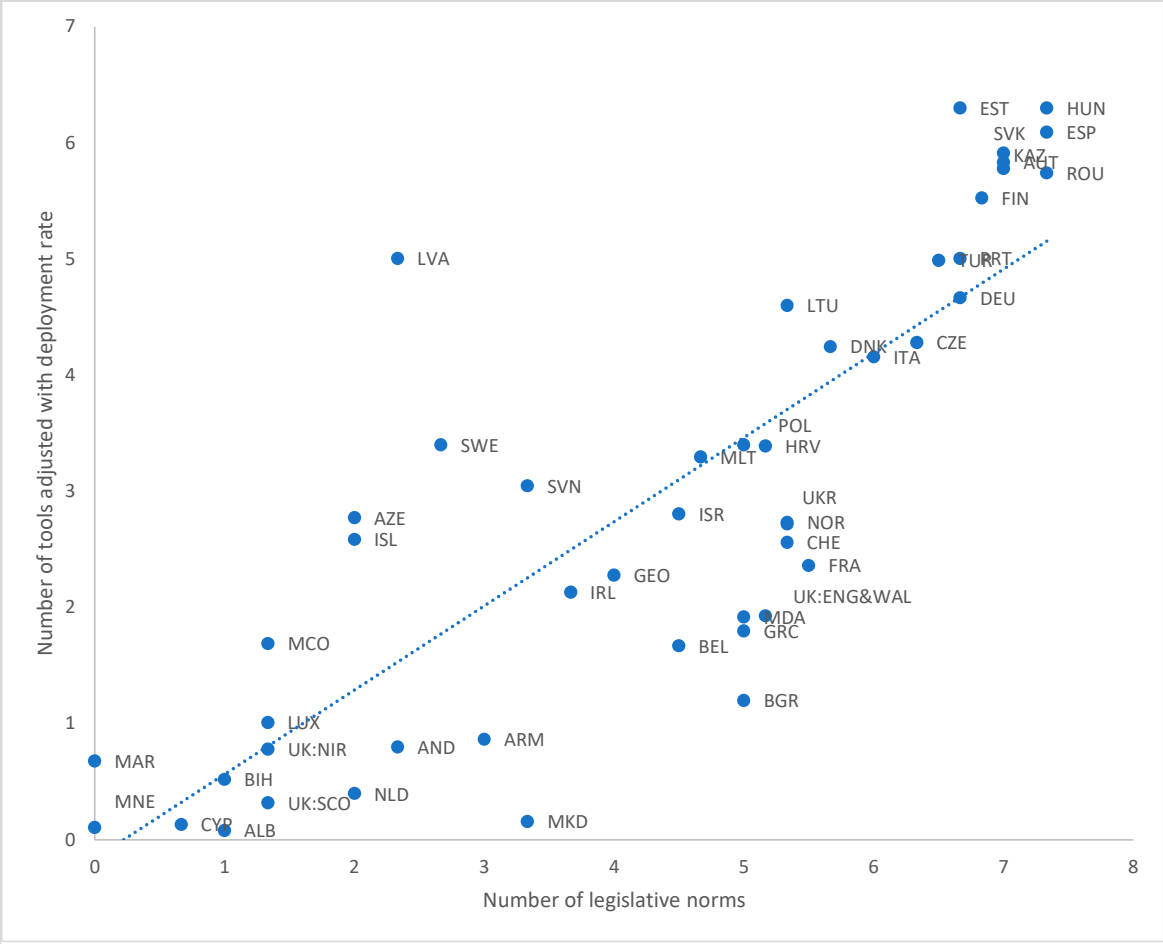
Figure 4.3.3 **Number of areas in which technology has been regulated confronted to the deployment rate in such areas in 2020**



Looking also at the observations made in the previous Report and the present results, two different paths towards digitisation seem to emerge. The first path could be described as 'the choice to regulate first', and includes those States and entities that need to authorise, define and regulate the use of technology before its actual introduction and deployment (e.g. **France**, **Italy**). The second path is then 'digitise first' and includes those States and entities that begin experimenting with and deploying digital tools without the need to introduce specific regulations first (e.g. **Finland**, **Latvia** etc.). These two paths may be related to the different justice systems' sensibilities toward procedural regulation. At the same time, data seems to show a convergence over time, as 'regulate first' Justice Systems increasingly deploy digital tools and 'digitise first' Justice Systems regulate the technologies they have been developing and deploying. These could then be considered two different paths toward same objective of digitisation through which States and entities explore the need of mutual adaptation between technology and law required for the deployment and proper functioning of legally valid digital tools in the justice domain.

Figure 4.3.4 confronts the number of areas which have been regulated with the rate of technology deployment in those areas. This allows a better observation of the difference between member States and other entities that have a lower deployment rate of ICT in several areas and those at a more advanced level of deployment in a comparable number of areas. It is the case, for example, of **Latvia** and the **Netherlands**, as both States have tools deployed in six areas, but **Latvia** has a much higher deployment rate.

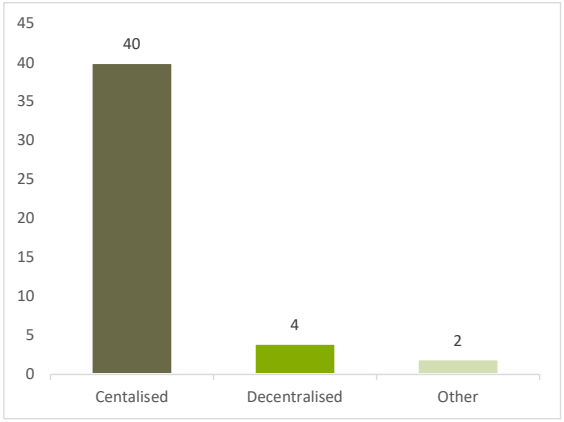
Figure 4.3.4 **Number of areas in which technology has been regulated and areas in which technology has been deployed in 2020**



How is ICT governance set up?

ICT governance is a sensitive topic as it concerns the right balancing between the deployment of ICT tools and efficiency and independence. The CEPEJ's Guidelines on how to drive change towards Cyberjustice state that "*Those seeking to modernise the justice system through information technology need to develop a vision of the judiciary that goes beyond a narrow, project-based approach" (Document CEPEJ(2016)13)*. The CCJE's Opinion No. 14 (2011) underlines how "*IT should be used to enhance the independence of judges in every stage of the procedure and not to jeopardise it"* and that *"Regardless of which body is in charge of IT governance, there is the need to ensure that judges are actively involved in decision making on IT in a broad sense"* (§ 32 and § 36).

Figure 4.3.5 **Centralization and decentralization of ICT governance in 2020**



The European landscape shows different choices about the national structure in charge of ICT strategic policymaking and governance in the judicial systems. These structures should take into consideration two elements: the (de-)centralisation of ICT, strategies and governance, and the composition of the teams responsible (technical or/and judicial personnel) as well as coordination of these structures. The ICT governance should always ensure a correct dialogue which "is absolutely necessary between those developing technology and those responsible for the judicial process" (CCJE Opinion No. 14 (2011), § 36). Figure 4.3.5. shows that the majority of the States and entities have a centralised organisation of ICT (40 cases) while about one eighth of the total has a decentralised organisation. It should be noted that the level of centralisation may also differ, so for example, the Malta Information Technology Agency (MITA) is the government agency responsible for driving ICT policy in **Malta**, as well as implementing the Digital Malta National ICT Strategy, while the Information Management Unit within the Ministry for Justice and Governance collaborates closely with MITA in the development and deployment of ICT initiatives within the justice system. In **Finland**, the Ministry of Finance has a public administration ICT entity that guides the entire public administration on ICT. The Ministry of Justice draws up a strategy for its own administration based on the Ministry of Finance policies. In addition, the National Court Administration manages the systems used only by the courts. In **the Netherlands**, on the other hand, there is not one policy or strategy that binds all the organisations active in the justice field (or countrywide). Some projects involve various partners, but these may still operate alone in other projects. In **Bulgaria**, IT policies and strategies are defined and coordinated at the national level by the Supreme Judicial Council, but at the same time also defined and coordinated at the court level.

Figure 4.3.6 **Technical and/or Judicial ICT governance**

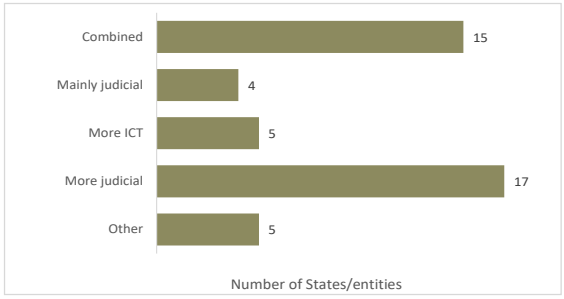


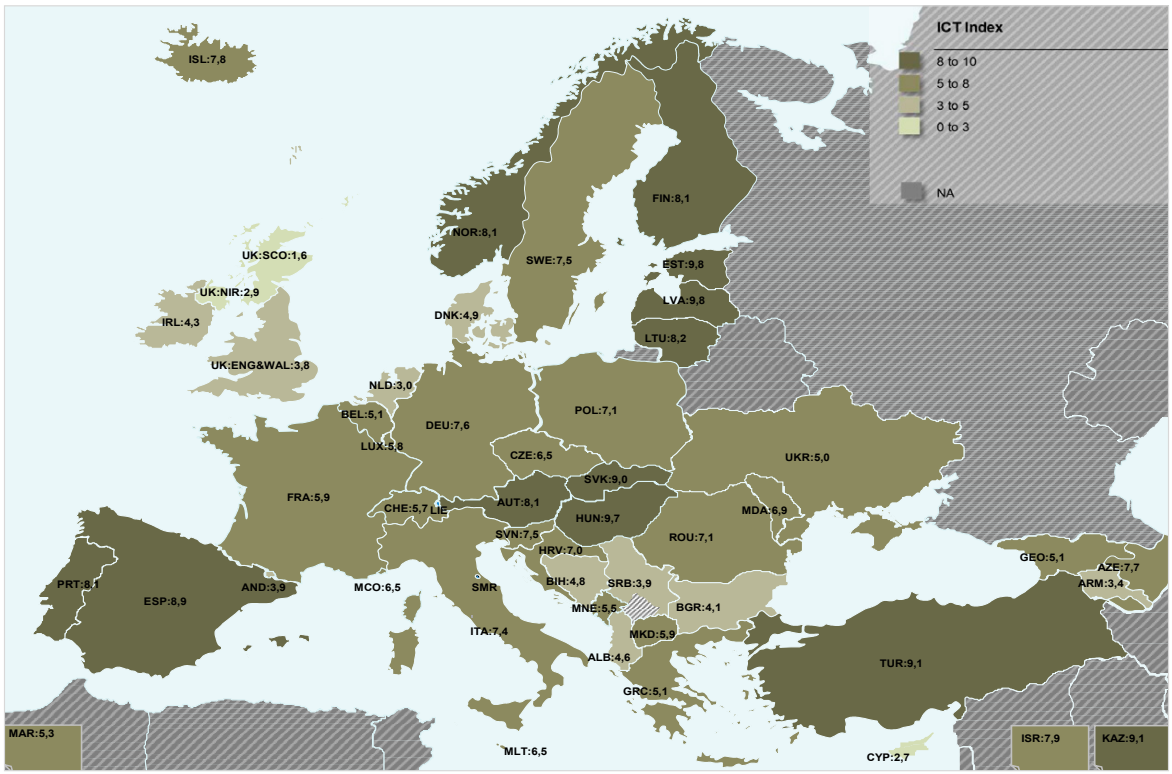
Fig. 4.3.6. shows that in only a few cases States and entities opted for a strong dominance of judicial competence (4 cases **Croatia**, **Italy**, **Latvia**, **Republic of Moldova**) and none a dominance of technical one, while in general there is a tendency to have a balanced combination of the two categories (15 cases), or a slight dominance of judicial competencies (17 cases) or technical competence (5 cases).

Another key aspect of the governance of ICT innovation is how its results are measured. This may include improving business processes, reducing courts' workload, better use of human resources and others. On this topic, 29 States and entities replied that they measure the impact of ICT in one or more of these areas, while 17 do not. The last element to consider is whether the development and maintenance of ICT systems are carried out in-house or by outsourcing such tasks: 26 (63%) out of 41 States and entities replied that they outsource at least one part of the ICT services.

What is the level of deployment of ICT tools?

The CEPEJ questionnaire gathers data on the diffusion of ICT tools, rather than on their actual use. Therefore, the CEPEJ ICT index provides an indication of the deployment and not of the results achieved through the use of ICT (such as improvement in the efficiency or quality of justice). Furthermore, the focus is placed on advanced developments and not on the basic ICT tools. Figure 4.3.7. provides a map with the ICT index scores of member States and other entities. **Estonia**, **Latvia**, **Hungary**, and **Türkiye** scored particularly high, with values above 9. On the contrary, **Armenia**, **Cyprus** and **UK-Northern Ireland** and **UK-Scotland** scored particularly low, below 3 points.

Figure 4.3.7 **Global CEPEJ ICT Index in 2020**



There are three categories of ICT tools measured:

- **decision support** includes databases of court decisions, the existence of a national record of criminal convictions, writing assistance tools and voice recording (including voice recognition features);
- **court and case management systems** (CMS) (including interoperability, active case management and statistics functionalities), budgetary and financial management systems of courts, and judges and administrative staff workload assessment tools;
- **communication between courts, professionals and/or court users**, which includes the possibility of submitting a case electronically, carrying out communication exchanges within the various phases of a case between the court, parties, lawyers and other professionals, the existence of online specialised procedures, videoconferencing and recording of hearings.

Analysing the results achieved in 2020 in these three categories (see figure 4.3.8.), member States and entities seem to have focused more on court and case management systems (average score 6,9), followed by decision support systems (average score 6,7) and finally communication between courts, professionals and/or court users (average score 5,2). At the same time, **Austria**, **Czech Republic**, **Denmark**, **Finland**, **Germany**, **Portugal**, **Romania**, **Slovak Republic**, **Spain**, and **Sweden** scored the highest communication between courts, professionals and/or court users. On a good note, for the first time, member States and entities scored the maximum value (10) in each of the three categories: **Hungary** scored 10 for decision support systems and communication between courts, professionals and/or court users, while **Estonia** and **Latvia** scored 10 for court and case management systems.

Variations (in %) between 2020 and 2018 of the ICT Indices (figure 4.3.8.) provide interesting indications not only on the overall improvement of States and entities. In most cases, improvement can be seen in all areas, with several States making consistent improvements (more than 1 point) in the area of electronic communication between courts, professionals and/or court users (**Azerbaijan**, **Belgium**, **Croatia**, **Czech Republic**, **Denmark**, **France**, **Iceland**, **Italy**, **Poland**, **Sweden** and **Morocco**). This can be linked to the strong and urgent efforts made by all member States and entities to face the COVID crises to reconfigure justice services and provide remote access to justice, allowing remote working, hearings and legal communication.

Figure 4.3.8 **CEPEJ ICT Index, global and per categories, and 2018-2020 variation**

States / Entities	Total index	Decision support	Courts and case management	Communication with courts	Variation 2018-2020 Total index	Variation 2018-2020 Communication
ALB	4,6	4,8	8,9	0,1	0,5	0,0
AND	3,9	4,1	6,0	1,6	0,3	0,2
ARM	3,4	6,7	3,3	0,3	0,4	0,0
AUT	8,1	7,8	6,8	9,8	0,2	0,6
AZE	7,7	8,7	6,8	7,5	1,1	1,8
BEL	5,1	5,5	6,2	3,6	0,6	1,4
BIH	4,8	5,7	7,3	1,4	0,4	1,0
BGR	4,1	4,1	6,7	1,4	0,7	0,9
HRV	7,0	9,8	7,3	3,8	1,4	2,5
CYP	2,7	3,8	3,4	0,9	0,6	0,9
CZE	6,5	7,1	4,4	7,9	0,8	1,7
DNK	4,9	3,0	5,0	6,7	0,7	1,6
EST	9,8	9,8	10,0	9,6	0,3	0,2
FIN	8,1	6,8	8,3	9,3	0,6	0,6
FRA	5,9	5,9	7,8	4,2	0,8	1,5
GEO	5,1	1,6	7,4	6,2	-1,6	-0,4
DEU	7,6	7,8	5,7	9,2	0,0	0,0
GRC	5,1	4,7	5,9	4,8	0,6	0,6
HUN	9,7	10,0	9,0	10,0	0,8	0,9
ISL	7,8	9,8	8,4	5,4	0,9	1,6
IRL	4,3	7,6	1,9	3,5	0,4	0,5
ITA	7,4	6,9	8,1	7,3	1,0	1,6
LVA	9,8	9,8	10,0	9,5	0,0	-0,1
LTU	8,2	9,6	7,6	7,4	0,3	0,3
LUX	5,8	8,9	5,5	3,1	0,0	0,0
MLT	6,5	6,6	7,6	5,1	0,0	0,3
MDA	6,9	9,8	8,7	2,1	0,7	1,0
MCO	6,5	7,5	8,5	3,6	0,2	0,5
MNE	5,5	7,7	8,5	0,3	0,0	0,0
NLD	3,0	4,1	4,3	0,7	0,5	0,2
MKD	5,9	9,1	7,6	1,2	0,0	0,0
NOR	8,1	7,6	9,5	7,3	0,3	0,9
POL	7,1	6,6	8,9	5,8	2,5	1,7
PRT	8,1	6,4	8,3	9,4	-0,3	0,0
ROU	7,1	7,3	6,2	7,7	0,2	0,5
SRB	3,9	4,4	5,4	1,7	0,6	-1,0
SVK	9,0	9,4	7,8	9,8	0,8	-0,1
SVN	7,5	8,1	9,2	5,2	0,0	0,0
ESP	8,9	8,6	8,4	9,8	0,3	0,0
SWE	7,5	7,1	6,5	8,9	0,6	1,9
CHE	5,7	5,8	6,2	5,0	0,0	0,0
TUR	9,1	9,2	9,0	9,0	0,3	0,4
UKR	5,0	6,9	4,4	3,8	0,2	-0,6
UK:ENG&WAL	3,8	2,6	4,5	4,3	-0,3	0,7
UK:NIR	2,9	1,8	4,8	1,9	0,0	-0,1
UK:SCO	1,6	0,5	3,1	1,1	-1,2	0,2
ISR	7,9	5,9	9,6	8,1	-0,4	-1,2
KAZ	9,1	9,0	9,0	9,2	0,0	0,0
MAR	5,3	7,5	6,0	2,4	0,5	1,6
Average	**6,2**	**6,7**	**6,9**	**5,2**		
Median	**6,5**	**7,0**	**7,3**	**5,1**		

Figure 4.3.9. shows the civil, criminal and administrative justice ICT 2020 indexes (with an average score of 6,2, 5,8 and 5,9, respectively). Data show that many member States and entities present a limited variation in the deployment of technological tools in civil, criminal and administrative areas (see, for example, **Bulgaria**, **Estonia**, **Hungary**, **Latvia**, the **Netherland**, **Portugal**, **Spain**). In other cases, though, the variation is quite visible. In **Belgium**, for example, the indexes range from 3,6 for criminal justice to a maximum 6,8 for administrative justice. On the other hand, **Denmark** scores the lowest at 3,5 on the administrative justice and the highest at 7,6 on the civil justice. **Italy** scores the lowest with the Criminal justice ICT index at 5,4 while Civil and Administrative justice ICT indexes both score 8,6. **Lithuania** scores 5,6 on the Criminal justice ICT index while it reaches 9 on the Civil justice one. Finally, **Slovenia** scored very high on the Civil justice ICT index (9,3), but quite lower on the Criminal (5,9) and administrative (5,7) ones.

When comparing the percent of investment made for ICT in the period 2016-2020 (Figure 4.3.1) with the current ICT development countries that have relatively high percent of their court budget dedicated to ICT (5% or more) do not necessarily all have very high index. For some the ICT index is very high (**Slovak Republic** and **Finland**) some are probably on the way to fully develop their ICT (**Azerbaijan**, **Croatia** and **Denmark**) and some are starting to invest in ICT in courts (the **Netherlands** and **UK-England and Wales)**.

On the other side, there are some States and entities that have very high ICT index like, **Estonia**, **Hungary**, **Latvia**, **Lithuania**, and **Slovenia** where the investment in ICT is below 5% which means that they have either invested before 2016 or managed to keep to costs in ICT low.

Figure 4.3.9 **ICT indexes for civil, criminal and administrative matter in 2020**

States / Entities	Civil	Criminal	Administrative
ALB	3,7	3,8	3,7
AND	3,3	3,7	3,3
ARM	2,4	2,1	2,0
AUT	8,8	8,9	7,8
AZE	7,4	7,5	7,4
BEL	3,9	3,6	6,8
BIH	4,8	4,0	3,2
BGR	3,6	3,5	3,6
HRV	7,0	6,2	4,1
CYP	2,5	2,2	1,7
CZE	6,6	7,0	6,3
DNK	7,6	5,8	3,5
EST	9,8	9,8	9,6
FIN	8,4	8,6	9,0
FRA	4,8	4,5	7,6
GEO	6,1	5,9	6,1
DEU	7,9	8,0	7,7
GRC	5,2	4,4	6,0
HUN	9,8	9,8	9,5
ISL	6,8	7,6	6,6
IRL	3,7	3,2	3,6
ITA	8,6	5,4	8,6
LVA	9,8	9,7	9,5
LTU	9,0	5,6	8,7
LUX	4,5	5,7	3,8
MLT	6,6	4,7	7,3
MDA	5,3	5,3	5,4
MCO	5,7	6,1	5,5
MNE	4,2	4,0	3,9
NLD	2,2	2,3	2,6
MKD	4,5	4,4	4,2
NOR	8,7	7,0	8,5
POL	6,9	5,7	8,3
PRT	8,7	8,8	8,5
ROU	7,7	6,3	7,3
SRB	2,7	3,0	4,2
SVK	9,2	8,9	9,0
SVN	9,3	5,9	5,7
ESP	9,3	9,2	9,1
SWE	7,7	8,4	7,5
CHE	6,1	6,1	4,4
TUR	9,5	9,2	8,3
UKR	5,2	3,1	5,0
UK:ENG&WAL	5,2	3,8	3,5
UK:NIR	3,2	4,1	1,3
UK:SCO	2,4	2,7	0,0
ISR	8,3	8,4	8,3
KAZ	9,3	9,5	8,5
MAR	5,0	3,0	4,8
Average	**6,2**	**5,8**	**5,9**
Median	**6,4**	**5,7**	**6,0**

Is it possible to measure the ICT impact on judicial systems?

According to the CEPEJ's Cyberjustice Guidelines on how to drive change toward Cyberjustice, "*Delivering an IT system on time, on budget and in line with the needs expressed by users throughout the life of the project is not enough to ensure success on the ground. Special attention also needs to be paid to how the tool is deployed and to supporting change at the right level of the judicial system in question*" (Document CEPEJ(2016)13). All this is necessary to ensure the positive impact of ICT on the functioning of the judicial system. At the same time, the complexity of judicial systems and the number of variables affecting their performance when it comes to the number of resolved cases and the quality of the justice services provided make it difficult to assess the impact of ICT and the related expenditures.

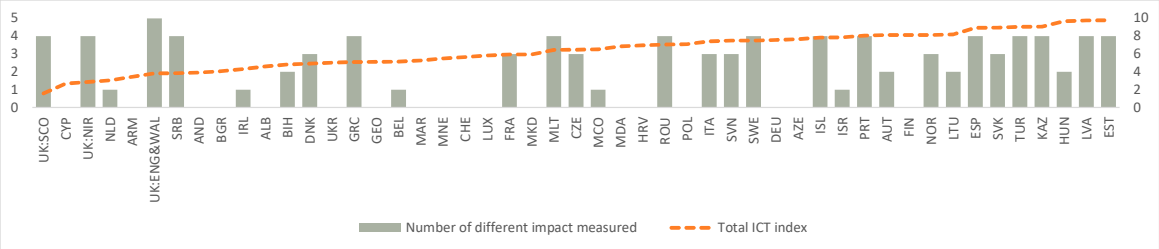
The use of ICT can impact different aspects of the judicial system organisation and its services. Figure 4.3.10 reflects the attempt of several States and entities to measure such impact. Data show that the majority of States and entities measure in some way the actual benefits provided by one or several components of their information systems (29 States and entities). The area where actual benefits are measured the most is business processes in 24 States or entities, followed by costs in 22, the workload in 20, and human resources in 16. Compared to 2018 data, 9 member States or entities increased the number of areas in which the impact of ICT is measured. In 4 of these cases, in 2018 the impact was not measured in any of the areas, whereas in 2020 **Bosnia and Herzegovina** measures it in 2 of the areas, **Greece** in 4, **Ireland** and the **Netherlands** in 1.

Figure 4.3.10 **Measuring the impact of the ICT systems in courts in 2020 (Q65.4)**

States / Entities	Measuring actual benefits of use of ICT systems	Measured the impact on: Business processes	Workload	Human resources	Costs	Other
ALB						
AND						
ARM						
AUT	☑			☑	☑	
AZE						
BEL	☑	☑				
BIH	☑	☑	☑			
BGR						
HRV						
CYP						
CZE	☑		☑	☑	☑	
DNK	☑	☑		☑	☑	
EST	☑	☑	☑	☑	☑	
FIN						
FRA	☑	☑	☑		☑	
GEO						
DEU						
GRC	☑	☑	☑	☑	☑	
HUN	☑		☑	☑		
ISL	☑	☑	☑	☑	☑	
IRL	☑					☑
ITA	☑	☑	☑		☑	
LVA	☑	☑	☑	☑	☑	
LTU	☑	☑	☑			
LUX						
MLT	☑	☑	☑		☑	☑
MDA						
MCO	☑	☑				
MNE						
NLD	☑	☑				
MKD						
NOR	☑	☑			☑	☑
POL						
PRT	☑	☑	☑	☑	☑	
ROU	☑	☑	☑	☑	☑	
SRB	☑	☑	☑		☑	☑
SVK	☑	☑	☑		☑	
SVN	☑	☑		☑	☑	
ESP	☑		☑	☑	☑	☑
SWE	☑	☑	☑		☑	☑
CHE						
TUR	☑	☑	☑	☑	☑	
UKR						
UK:ENG&WAL	☑	☑	☑	☑	☑	☑
UK:NIR	☑	☑	☑	☑	☑	
UK:SCO	☑	☑		☑	☑	☑
ISR	☑	☑				
KAZ	☑	☑	☑	☑	☑	
MAR						
Total	29	24	20	16	22	8

Figure 4.3.11 visualises the number of areas in which the impact of ICT is measured by ordering the member States and entities by their ICT Index score. Interestingly enough, as shown by the trendline, there seems to be a positive correlation between the ICT index and the areas in which its impact is measured, though some particular cases such as **Serbia**, **UK-Scotland**, **UK-Northern Ireland** and **UK-England and Wales** (with low ICT index value but evaluation of impact in 4 or 5 areas) or **Hungary** (with a very high ICT index value, but evaluation of impact in only two areas), **Germany**, **Azerbaijan** and **Finland** (with high ICT index value, but no evaluation of impact). This could be related to two different factors, on the one hand, to the strong emphasis some member States and entities put generally on the allocation of resources and its impact, and on the other hand to the implicit recognition some member States and entities, that have strongly invested in its deployment, have of the value of digitisation. For this latter group, it should be noted that while the effort put into digitisation of justice as a means to improve efficiency and the quality of the justice service is a laudable endeavour, the evaluation of the impact of the investments remains a useful tool to assess discrepancies from expected and actual improvements and understand where better to direct future efforts.

Figure 4.3.11 **Relation between measuring the impact of the ICT systems in courts and ICT index in 2020**



Trends and conclusions

As the data and analysis provided in the Report showed, CoE member States and entities are increasingly deploying ICT to support judicial activity. This is also reflected in the greater percentage of courts' budget which is being allocated to ICT compared to the previous years. The growing role ICT is playing in supporting courts activities, and the growing delegation of human activities to technological tools requires increasing attention to their evaluation and impact. Furthermore, while a growing number of member States and entities are capable of providing data on courts budget allocated to ICT, too many are still not able to provide this essential information.

The challenges posed by the COVID-19 pandemic have provided the occasion to experiment on a broader scale and faster tempo with the potential of the ICT for the communication and sharing of judicial documents and data between all the parties involved in the public service of justice. The imperative of granting access to justice in times of lockdown has been achieved by rapidly developing and deploying solutions and adopting, as in the case of videoconference, existing market solutions introducing them as emergency measures in judicial practices. This has required much adaptation to balance the practical advantages of remote communication with the need to respect the fundamental values of justice, ensuring fairness, transparency, accountability, preventing procedural abuse, and avoiding the risk of compromising the human and symbolic faces of justice. While much has been learned by simply doing during the peak of the pandemic, a deeper assessment will be required as the emergency gives place to a return to normality. At the same time, member States and entities should avoid the temptation to rush back to old practices in place before the pandemic COVID. Instead, they should try to capitalise on the lesson learned during the emergency, and improve the experience to better balance the possibilities introduced with the requirements of the fair trial in non-emergency times.

Efficiency and quality

INTRODUCTION

Court and public prosecution services efficiency remain one of the key pillars for upholding the rule of law and a determining factor of a fair trial as defined by Article 6 of the European Convention on Human Rights. An efficient court and public prosecution system enables citizens and businesses to enjoy their social and economic rights and freedoms. At the same time, it also improves the business climate, facilitates good governance, supports the fight against corruption and builds confidence in institutions.

The year 2020, analysed in this evaluation cycle, was heavily influenced by the COVID-19 pandemic crisis. Because of COVID-19 concerns and restrictions, in 2020, courts throughout Europe encountered problems in performing even regular activities. The pandemic also forced court and prosecution processes to change, which may have affected their work's quality and efficiency. States and entities have made considerable efforts to adjust to new circumstances within a short time and make the best use of existing resources to ensure the functioning of their judicial systems. There were many similarities in terms of how they responded to the crisis, but noteworthy differences also appeared, as revealed in this analysis. The duration, extent, and strictness of the anti-pandemic measures varied significantly among different states/entities.

This chapter reveals the main trends and tendencies in the efficiency of courts and public prosecution services among member States/entities and observers. It demonstrates basic facts and figures on the performance of courts and public prosecution services while treating equally all domains and instances and comparing them without any intention of ranking them or promoting any specific type of justice system.

According to the CEPEJ methodology, a court case is a request submitted to the court to be resolved within its competence. Still, in practice, court case definitions may defer among judicial systems. In turn, what is considered a court or a prosecution case in one system may not be so in another. For that very reason, harmonised data in line with the definitions established by the CEPEJ are collected. Still, there are legal systems among member States and entities that have wider court competences than others which results in higher number of reported cases. For this chapter, states and entities have provided information on criminal cases (disaggregated by severe criminal offences, misdemeanour offences, and other criminal cases) and other than criminal cases (disaggregated by civil and commercial litigious and non-litigious cases, administrative cases and other litigious cases). For these categories, they reported the number of pending cases at the beginning of the year (January 1st 2020), the number of incoming and resolved cases in 2020, the number of pending cases at the end of the year (December 31st 2020) and pending cases older than two years. The reported data comprise first, second, and highest (Supreme courts) instance court cases.

For a more focused evaluation and comparison of judicial systems, this chapter analyses principally civil and commercial litigious cases, administrative cases and criminal cases. Still, other case types are analysed to some extent depending on the context and available data.

CLEARANCE RATE (CR)

The Clearance Rate (CR) is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics.



Incoming cases

Resolved cases

CR > 100%

Court is able to resolve more cases than it received

→ backlog is decreasing



Incoming cases

Resolved cases

CR < 100%

Court is able to resolve fewer cases than it received

→ backlog is increasing

DISPOSITION TIME (DT)

Disposition Time (DT) is the calculated time necessary for a pending case to be resolved, considering the current pace of work. It is reached by dividing the number of pending cases at the end of a particular period by the number of resolved cases within that period, multiplied by 365. More pending than resolved cases will lead to a DT higher than 365 days (one year) and *vice versa*.

The resulting indicator should not be taken as an actual calculation of the average value of the case duration, which may differ. As actual average time needed for case resolution still difficult to obtain in most states or entities, DT is a very good alternative.

$$DT = \frac{\text{Pending cases on December 31st}}{\text{Resolved cases}} \times 365$$

The effect of COVID pandemic affects these two indicators in a different way. For CR, in case COVID-19 impacted in the same way the number of incoming cases and the number of resolved cases the CR indicator will remain same as previous cycle and the effect will not be visible. In this case, the variation of incoming and resolved cases must also be analysed. As for DT, in case the number of resolved cases was reduced by COVID-19 and since pending cases remain on the same level as previously, then DT will show an increase proportional to the decrease of the number of resolved cases. This increase might be considerable this cycle, but it will be temporarily in case the system adjusts and goes back to the previous cycle productivity.

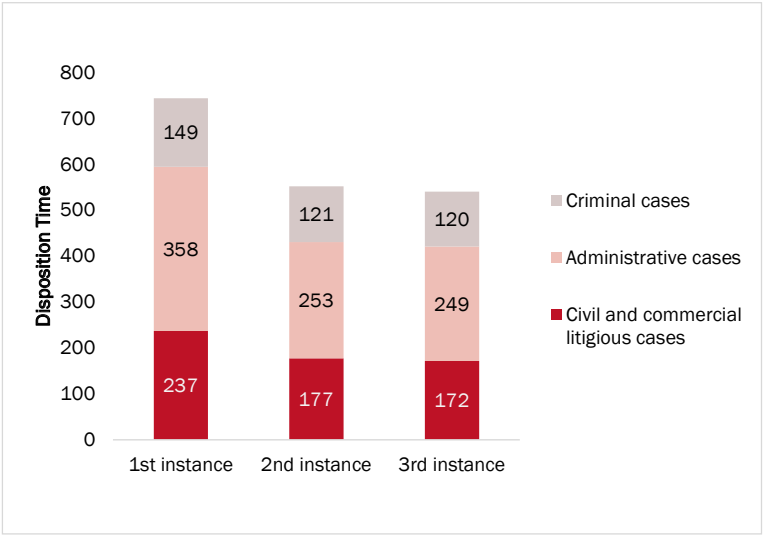
OVERALL EFFICIENCY OF EUROPEAN JURISDICTIONS

What is the most efficient level of instance in Europe?

Opposite to the previous cycle (2018 data), when second instance courts were considered as the most efficient level of instance in Europe, in 2020, the third (highest) instance courts took the lead. However, the differences between the second and the third instances are minor. Concurrently, the only instance and case type that display a reduction in DT is the civil and commercial litigious cases at the third instance. Nevertheless, in this cycle, the trends are very much shaped by the effects of the COVID-19 pandemic, which impacted the most the productivity of the first instance courts.

The median CR value of European jurisdictions in 2020 remains stable and close to 100%, with minor variations among instances and types of cases. First instance courts did not reach 100% in any of the three examined categories in this evaluation cycle but remained close. While the second instance courts' CR only marginally declined under 100% in one of the case categories (criminal cases), the third instance courts managed to accomplish CR of 100% or more in all three of them.

Figure 5. 1 **European median Disposition Time by instance in 2020**



Compared to 2018, first instance courts declined in CRs, while the second and the third instances reported increases which may be explained by the influence of COVID-19 measures imposed in the vast majority of European jurisdictions. Since some second instance and the majority of third instance cases do not require hearings (and presence of the parties), these procedures were most likely less affected by the pandemic restrictions.

In a general sense, the CR medians of European courts achieved in 2020 suggest that they are able to manage the inflow of cases. Since the median values of the CR demonstrate a mostly positive current situation among European jurisdictions, this chapter seeks more in-depth insights from the DT indicator, as shown in Figures 5.1 and 5.2.

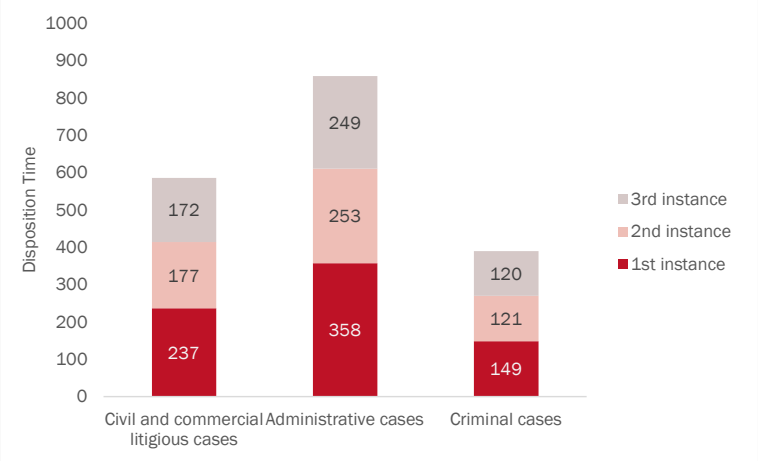
The first instance courts maintained the highest DT among the analysed three instances, with 237 days in civil and commercial litigious cases, 358 days in administrative matters and 149 days in criminal cases. The second instance courts achieved 177 days in civil and commercial litigious cases, 253 days in administrative matters, and 121 days in criminal cases. The third instance has very similar efficiency as second instance and DT is only slightly below these values, with 172 days in civil and commercial litigious cases, 249 days in administrative matters and 120 days in criminal cases.

In which area of law are courts most efficient?

Regardless of the changes in calculated DTs, on a European level, criminal justice remained the area of law in which all instances were the most efficient. At the same time, courts continued to be least efficient at first instance and in administrative matters.

The pandemic circumstances caused the DTs to grow, except for the already mentioned civil and commercial litigious cases in the third instance. The increases ranged from six days in third instance criminal cases to 117 days in first instance administrative cases. However, other increases in DT were more moderate (under 45 days) apart from the latter.

Figure 5. 2 **European median Disposition Time by area of law in 2020**



Differences in DTs are much more pronounced among case types than court instances. The lowest combined DTs of 390 days for all three instances was recorded in criminal cases. Civil and commercial litigious matters DT comprises 586 days, while the highest DT is noted in respect of administrative cases at 860 days. As in the previous evaluation cycle, the numbers in 2020 confirm that the specifics of the criminal procedure in terms for example, of impact, time limits or stricter procedural rules, most likely cause lower DTs.

Among all instances and case types examined in Figures 5.1 and 5.2, only the median DT of civil and commercial litigious cases at the third instance (the Supreme court) declined (by 35 days) compared to the previous cycle and all other increased significantly. The reported increases in DTs are expected as COVID-19 restrictions hampered judicial efficiency across Europe. The improved DT of the civil and commercial litigious cases in the third instance benefited from fewer incoming cases, also attributable to COVID-19 restrictions. The resolved cases also declined but remained higher than the incoming ones.

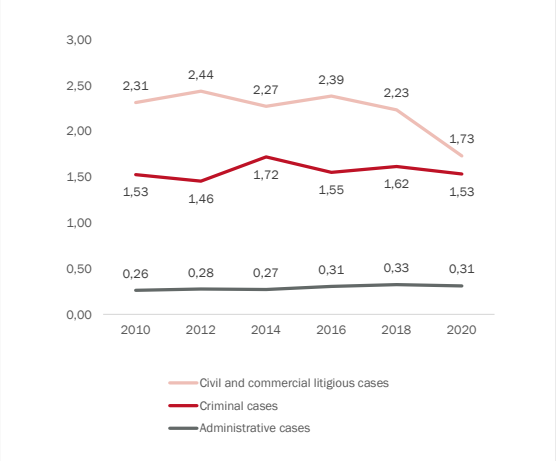
Are first instance courts able to manage their case flow? Are there any significant differences between the case types examined?

First instance courts received fewer of all three case types than in the previous evaluation cycle. The decline in the number of resolved cases in 2020 is sharper than the one reported in the incoming cases, leading to decreases in CRs, on the one hand, and rising median values of the European DTs and pending cases at the end of the year, on the other hand. However, the results were strongly influenced by the COVID-19 crisis and the related restrictions.

Incoming and resolved first instance cases

As displayed in Figure 5.3, in 2020, first instance courts received fewer of all three case types than in the previous evaluation cycle, according to the gathered information, mainly due to COVID-19. This is especially noticeable for civil and commercial litigious cases where in 2020 the incoming cases are at the lowest recorded values since 2010. These results are not surprising since COVID-19 restrictions impacted all (potential) court users, and for the vast majority of them, their experience with the judicial system occurs in first instance courts.

Figure 5. 3 **Evolution of the European median of first instance incoming cases per 100 inhabitants by case type (Q91 and Q94)**



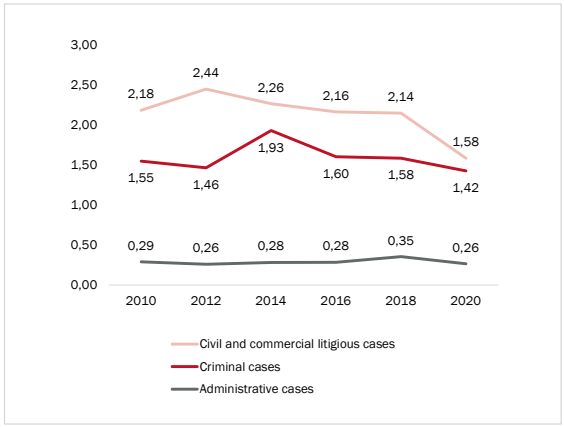
From 2010 to 2020, the number of received civil and commercial litigious cases per 100 inhabitants fluctuated, but with an overall decline from 2,31 to 1,73. This tendency is present in 29 member States/entities and all observer countries, for some up to -45% like in **Kazakhstan** or -35% in **Azerbaijan** or -29% in **France.**

In 2020, the number of incoming criminal cases returned to 2010 values but declined over the past two evaluation cycles, from 1,62 in 2018 to 1,53 in 2020. The decrease is present in 28 of the member States /entities and the biggest variation is noticed in **UK-Northern Ireland** and **Belgium** with -26%, and **UK-England and Wales** with -22%.

The number of incoming administrative cases increased from 2010 to 2020, from 0,26 to 0,31 but decreased slightly from 2018 to 2020, after four evaluation cycles of mostly steady inclines. However, looking at individual countries the decline is present in 25 of them and the most significant variations are noticed in **Montenegro** (-40%), **Austria** (-36%), and, both **Azerbaijan** and **Morocco** (-32%). The significant increase despite the pandemic (**Cyprus**, **Hungary**, **Ukraine**) is the reason for the relative stability of the European median in incoming administrative cases at first instance.

In 2020, the number of resolved cases continued to follow the number of incoming cases. However, the decline in the number of resolved cases in 2020 is sharper than the one reported in the incoming cases.

Figure 5.4 **Evolution of the European median of first instance resolved cases per 100 inhabitants by case type (Q91 and Q94)**



The number of civil and commercial litigious resolved cases decreased from 2,18 in 2010 to 2,14 in 2018 and further to 1,58 in 2020. As for incoming cases, the tendency shown by the median is noticeable in the majority (30) of the member States/entities and all observers (-43% in **Kazakhstan** or -37% in **Azerbaijan** or -35% in the **Slovak Republic**).

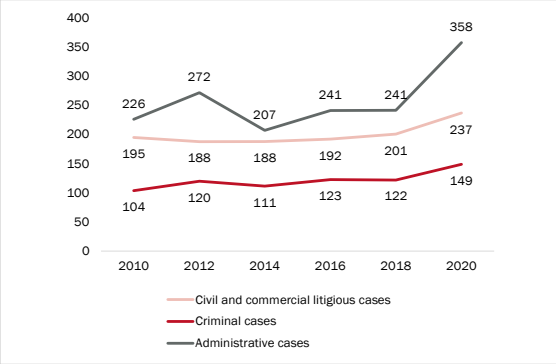
In criminal cases, the number of resolved cases per 100 inhabitants grew from 1,55 in 2010 to 1,58 in 2018, only to decrease to 1,42 in 2020. The majority of CoE countries (35) have shown decrease in the number of resolved cases. The biggest drops are experienced by **Malta** -48%, **Albania** -34%, and **UK-Northern Ireland** -32%.

Over the previous five evaluation cycles, the number of resolved administrative cases followed the number of incoming cases with a slightly increasing trend. In 2020, both categories decreased, but the drop is more noticeable in the resolved cases category where 29 states/entities are showing decrease compared to 25 for incoming cases. The biggest decreases in resolved administrative cases are registered in **Romania** -61%, **Cyprus** -45%, and **Azerbaijan** -37%.

Disposition Time and Clearance Rate of first instance cases

As mentioned above, DT is an indicator sensitive to variation in resolved cases and cases pending at the end of the year. Therefore, it does not come as a surprise that the decreases in resolved cases and increases in cases pending at the end of the year, instigated by COVID-19 circumstances, led to rising median values of the European DTs in 2020, thus resuming the overall rising trend from the previous evaluation cycles, as illustrated by Figure 5.5.

Figure 5.5 **European Disposition Time of first instance courts by case type (Q91 and Q94)**



Compared to other case categories analysed here, the DT of criminal cases kept the lowest values, under 150 days. However, even in criminal cases, there is an overall rising trend since 2010.

The most considerable variations, the highest DT over all observed evaluation cycles, and the most noticeable incline in 2020 are reported in administrative cases.

The inclines in the European DTs described here are not surprising considering the unprecedented circumstances of the COVID-19 crisis. Although the rising trend is a concern, on a more positive note, the reported median DT values on a European level for 2020 remained to be under one year. The 2020 DT results might be regarded as worrying if they persist over the upcoming years. Differently from the trend there are countries that managed to reduce DT despite COVID-19 pandemic. There are only 5 in civil and commercial litigious area (**Armenia** -35%, **Denmark** -8%, **Estonia** -6%, **Sweden** -3% and **Ukraine** -5 %) and 4 in criminal (**Poland** -26%, **Estonia** -15%, **Hungary** 7% and **Norway** 6%), while for administrative there are even 12 states and entities that managed to reduce DT (**Austria** -14%, **Croatia** -9%, **Czech Republic** -23%, **Germany** -2%, **Greece**-8%, **Italy** -3%, **Latvia** -11%, **Lithuania** -13%, **Malta** -13%, **North Macedonia** -19% and **Portugal** -9%).

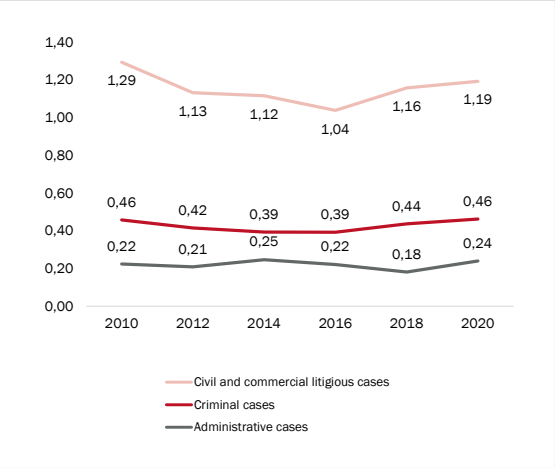
In line with noted trends, CRs of first instance courts decreased from 2018 to 2020, from 101% to 98% in civil and commercial litigious cases, from 100% to 97% in administrative matters, and from 100% to 95% in criminal cases. As stated before, even if the CR median seems relatively stable the difference of 3 percent points is significant at first instance. In most of the countries (30) both incoming and resolved cases decreased compared with the previous cycle but obviously resolved declined more and this affected the CR that shows reduction in the majority of the states/entities. This is particularly noticeable in some Balkan countries where CR for first instance civil and commercial litigious cases shows very large decrease, like in **Serbia** (39 percent points decrease), **Croatia** (27 percent points decrease), and **Bosnia and Herzegovina** (22 percent points decrease), but also in the **Slovak Republic** (31 percent points decrease).

Mitigating COVID-19 effects on court efficiency

States and entities resorted to various innovative measures to mitigate the COVID-19 effects and make the best use of existing resources to ensure the functioning of their courts. Most of them relied on electronic services which enabled electronic filing of documents, video conferencing for hearings, remote work of judges and staff etc. For example, **Azerbaijan** promoted the "Electronic Court" information system, especially for civil and commercial disputes. Upon parties' consent, administrative cases were disposed of without oral hearings. All matters related to early release from custody and issues of extending the arrest period were considered using a remote video conference system. Citizens were notified and asked to file electronically only. Every court provided a separate telephone number for citizens consulting on their specific questions related to court activity during quarantine or providing other answers. In **Ireland**, all written judgments were delivered electronically and published on the Courts Service website. In the **Netherlands**, hearings were dislocated, held online or hybrid and some of the hearings were held after regular hours.

Pending first instance cases

Figure 5.6 **Evolution of the European median of first instance cases pending on December 31st per 100 inhabitants by case type (Q91 and Q94)**



The evolution of the European median of the first instance pending cases from Figure 5.6 demonstrates a relatively stable situation over the past six evaluation cycles.

At the end of 2020, 1,19 civil and commercial litigious cases are pending per 100 inhabitants, an incline of 0,03 over the previous evaluation cycle. The pending stock of administrative matters increased from 0,18 per 100 inhabitants in 2018 to 0,24 in 2020. Pending criminal matters continued to be stable from 2018 to 2020 with a slightly rising trend, from 0,44 to 0,46 per 100 inhabitants.

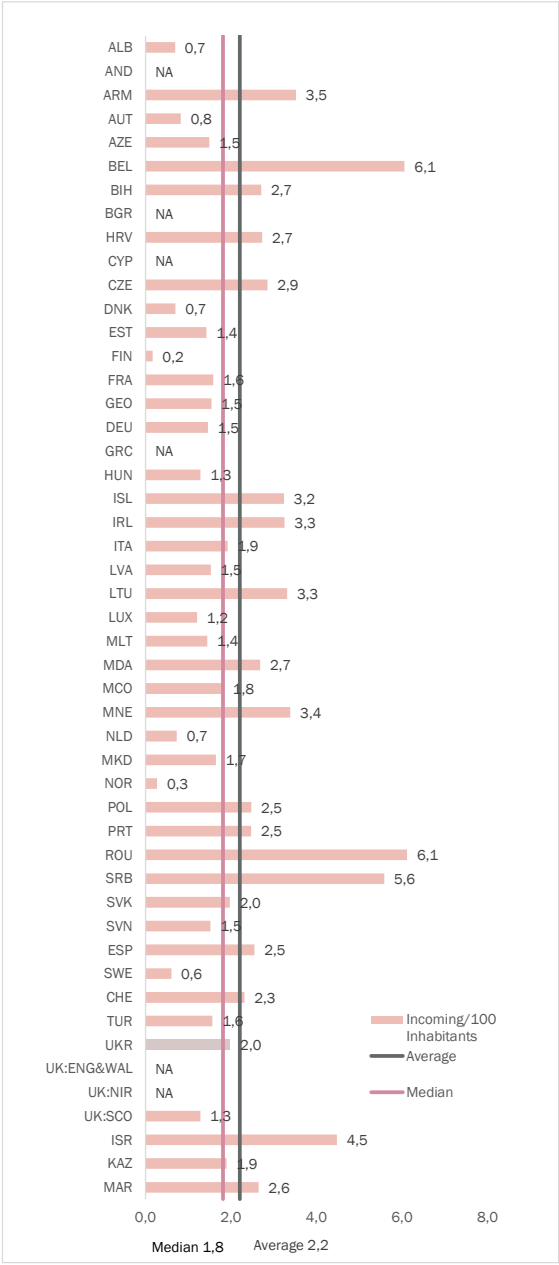
Until 2020, the data shows that the courts could cope with caseloads timely, without notable rise in pending stock and backlog. In 2020, the year strongly impacted by the beginning of the COVID-19 pandemic, the use of court services declined in together with courts' performance, thus causing the number of pending cases and the DT to increase. However, the results from this evaluation cycle are still not alarming and can be attributed to the specific situation in the entire world.

What is the impact of court-related mediation on the court's activity?

Approximately one-fourth of the states and entities commonly provide data on the use of court-related mediation. Depending on availability, data is given for civil and commercial, family, administrative, labour, criminal and consumer cases. There is little available data for any firm conclusions, but the absolute numbers generally remain low and represent a minuscule share of the caseloads. States often provided varying numbers over the years suggesting court-mediation is still not a regularly used tool. In **Albania**, in 992 cases, the parties agreed on mediation, and in 979, a settlement agreement was reached. **Türkiye** reported the highest number of 258 770 agreed mediations in criminal cases and 219 639 settlement agreements. As reported, the number of mediations in criminal cases increased due to the legislative amendments that expanded the application of mediation on a broader scope of criminal offences.

First instance civil and commercial litigious cases

Figure 5.7 **Incoming first instance civil and commercial litigious cases per 100 inhabitants in 2020 (Q91)**



In respect of civil justice, this chapter's analysis is focused mainly on civil and commercial litigious cases. The rationale for that approach is that the category of non-litigious cases repeatedly shows considerable variations among states and entities that make comparison inadequate. For example, some jurisdictions include land registry, business registry and enforcement cases among non-litigious cases, and in some, these are entrusted to specialised non-judicial bodies. Additionally, due to their inherent complexity, litigious matters tend to reflect the work of judges more accurately.

Collected data on civil non-litigious cases confirm the conclusions on vast differences among European jurisdictions. In 15 states and entities (44%), over 50% of received "other than criminal" cases are civil non-litigious cases. More than 90% of other than criminal received cases are civil and commercial non-litigious cases in **Denmark**, **Estonia**, **Finland**, and **Latvia**. In **Bosnia and Herzegovina**, **Croatia**, the **Netherlands** and **Poland**, over 80% of other than criminal received cases belong to the same category. Simultaneously, there are states and entities with very low shares of received civil and commercial non-litigious cases, such as **Romania** (2%), **Georgia** (5%), **Sweden** (8%) and **France** (9%).

Incoming first instance civil and commercial litigious cases

As displayed in Figure 5.7, the European median of incoming first instance cases in 2020 is 1,8 per 100 inhabitants, while the average is somewhat higher at 2,2 cases. Both values are lower than in the previous cycle, the median by 0,4 cases and the average by 0,2 cases.

States and entities report vast differences in incoming first instance civil and commercial litigious cases per 100 inhabitants, ranging from as low as 0,2 received cases in **Finland** to as high as 6,1 in both **Belgium** and **Romania**. Once again, the reasons behind noted differences seem to be very individual as there is no explicit grouping of states and entities on a geographical, economic, political, or legal tradition level. Courts in **North Macedonia** received 1,7 cases per 100 inhabitants in 2020, while neighbouring **Serbia**, with similar legal tradition, received 5,6. Nonetheless, the described differences are probably attributable to the diversity in courts' jurisdictions and the treatment of cases among the European legal systems.

However, some neighbouring countries with similar systems might face similar inflow of court cases. For example, **Denmark**, **Finland**, **the Netherlands**, **Norway** and **Sweden** received under one civil and commercial case per 100 inhabitants in 2020. The only other States joining this group are **Albania** (0,7) and **Austria** (0,8). Austrian neighbouring **Germany** (1,5) received almost double the cases relative to population and very similar to the inflow in **France** (1,6).

The highest number of incoming civil and commercial litigious cases per 100 inhabitants, with over 3,0 cases received, is recorded in **Armenia**, **Belgium**, **Iceland**, **Ireland**, **Lithuania**, **Montenegro**, **Romania**, **Serbia** and **Israel**.

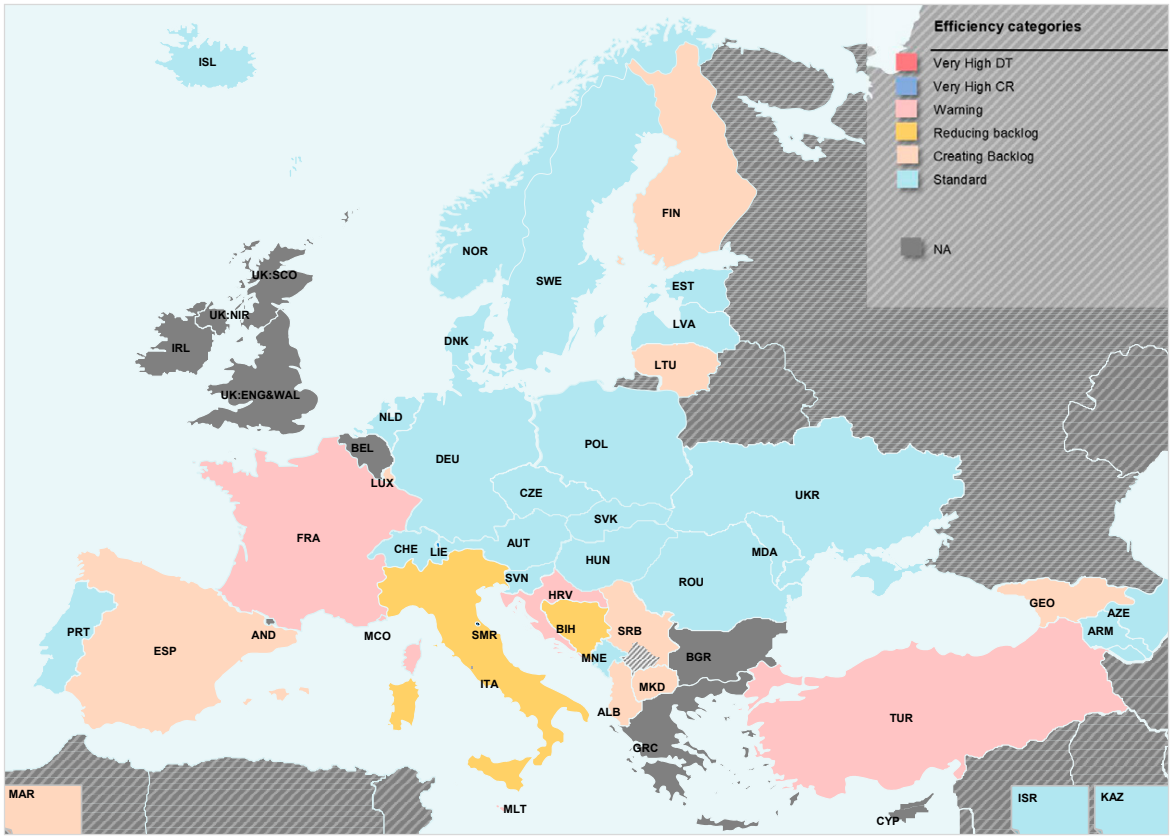
Performance indicators in first instance civil and commercial litigious cases

By combining the two performance indicators analysed in this chapter, the CR and the DT, Map 5.8 illustrates the ability of states and entities in 2020 to manage their caseloads while ensuring timeliness and backlog reduction. States and entities for which data are not available are indicated in grey.

The efficiency categories used in this chapter for analysing the maps and the Efficiency dashboard on CEPEJ STAT https://www.coe.int/fr/web/cepej/cepej-stat are based on combined values of CR and DT. This combined indicator gives a more complete picture of the efficiency of judicial systems. The definition of these categories includes six combinations listed in the table below.

Efficiency categories	Clearance rate (CR)	Disposition time (DT)
Very High DT	all	DT>=4XMedian
Very High CR	CR>200%	all
Warning	CR<100%	4XMedian>DT>2XMedian
Reducing backlog	CR>=100%	4XMedian>DT>2XMedian
Creating backlog	CR<95%	DT<2XMedian
Standard	CR>=95%	DT<2XMedian
NA	NA	NA

Map 5. 8 **Clearance Rate and Disposition Time for civil and commercial litigious cases at first instance in 2020 (Q91)**



As portrayed by Map 5.8, the majority of the states and entities fall into the light blue category indicating their CR is higher or equal to 95%, and their DT up to two times of the CoE median value. Out of 24 states and entities in this category, nine did not reach a Clearance Rate of 100%. These are **Azerbaijan**, the **Czech Republic**, **Germany**, **Iceland**, **Latvia**, the **Republic of Moldova**, **Portugal**, **Ukraine**, and **Israel**. However, the deviations are minor and, at this point, do not affect the overall system efficiency.

With a CR of 96%, **Azerbaijan** has a DT of 88 days, while **Iceland** has a CR of 99% and a DT of 63 days. Even the three states from this group with the highest DT are well below 365 days, **Germany** (237 days), **Latvia** (239 days) and **Portugal** (280 days). With 339 days, only **Israel** came close to a DT of 365 days. In **Israel**, **Latvia** and **Portugal**, from 2018 to 2020, the CRs decreased while the DTs increased. However, there were no drastic performance deteriorations. In **Germany**, the CR improved by one percentage point from 2018 to 2020, but the pending cases increased by five percent at the end of the year.

Although not explicitly presented by Map 5.8, the preferable combination of CR and DT is the one in which the CR is 100% or higher, and the DT is under the median value. In 2020 under one-third of the states and entities presented in Map 5.8 fall into this category, **Armenia**, **Austria**, **Denmark**, **Estonia**, **Hungary**, **the Netherlands**, **Norway**, **Romania**, **the Slovak Republic**, **Sweden**, **Switzerland**, and **Kazakhstan**. In all of these states, except for the **Slovak Republic** (204 days), the DT is under 200 days. CRs were precisely 100% in all states except for **Armenia** (126%), **Denmark** (111%), **Sweden** (103%) and **Kazakhstan** (101%).

Two states with favourable CRs, but above the median DTs that are reducing backlog but facing considerable timeliness difficulties in civil and commercial litigious cases are, as in the previous evaluation cycle, **Bosnia and Herzegovina** with 103% and 639 days and **Italy** with a CR of 104% and a DT of 674 days, respectively. Both are successfully fighting the large pending volumes of cases from 2010 with relatively high CRs but as CRs declined (although still exceeding 100%), the DT increased. For instance, in **Bosnia and Herzegovina**, the CR decreased from 125% in 2018 to 103% in 2020. The pending stock decreased from 188 185 to 170 893 cases, but the DT increased from 483 to 639 days over the same period.

One-sixth of the states and entities, displayed in orange in Map 5.8, are creating further backlog in 2020, meaning their CR is under 95% while the DT is still within the tolerable values. Furthermore, a warning DT value is identified in **Croatia** (655 days), **France** (637 days), **Malta** (550 days), **Monaco** (514 days) and **Türkiye** (513 days). Even more concerning, their CR ranges from the lowest of 85% in **Croatia** to the highest of 93% in **France**, suggesting further backlog accumulation. The judiciaries should recognise this efficiency category as the most alarming and in need of immediate response if they did not already.

Evolution of Clearance Rate and Disposition Time in first instance civil and commercial litigious cases

The development in the CR and DT indicators from 2010 to 2020 by state and entity is given in Figure 5.9. However, data were not available for all consecutive cycles for all participating states and entities.

Almost three-quarters of the jurisdictions reported a decrease in CR from 2018 to 2020. Owing mostly to COVID-19 influence, in ten states and entities the CR decreased by more than ten percentage points. Among them, the reductions are most considerable in **Bosnia and Herzegovina** (by 23 percentage points), **Croatia** (by 27 percentage points), **Serbia** (by 39 percentage points) and the **Slovak Republic** (by 31 percentage points). In **Bosnia and Herzegovina** and the **Slovak Republic**, decreases are reported in incoming and resolved cases and pending cases at the end of the year. However, both states' CRs remained close to 100% or above it, while the DTs increased by 156 and 47 days, respectively. **Croatia** faced decreased inflow and decreased outflow, which led to an increase in pending cases, a drop in CR, and an increase in DT by 281 days. The inability to hold hearings, together with other imposed anti-COVID measures clearly resulted in fall in productivity. In **Serbia**, the DT increased by 247 days as a result of increased inflow (by 20%) and decreased outflow (by 23%) during the pandemic conditions. **Armenia** displayed the most considerable improvement in respect of the CR, by 25 percentage points, due to an increase in resolved cases connected to the adoption of a so-called simplified procedure for small claims. **Austria**, **Italy** and **Switzerland** continued to keep their results equal to or above 100% throughout the six cycles observed.

Figure 5.9 **Evolution of Clearance Rate and Disposition Time in civil and commercial litigious cases at first instance (Q91)**

	2010	2012	2014	2016	2018	2020	2010	2012	2014	2016	2018	2020
ALB	93%	97%	100%	99%	98%	85%	173	192	171	159	172	366
AND	99%	95%	103%	NA	NA	NA	189	264	460	NA	NA	NA
ARM	101%	103%	75%	94%	101%	126%	163	168	230	188	194	126
AUT	100%	101%	103%	102%	101%	100%	129	135	130	133	138	156
AZE	98%	100%	99%	98%	99%	96%	43	52	33	25	51	88
BEL	NA	NA	98%	102%	112%	99%	NA	NA	NA	NA	NA	NA
BIH	94%	116%	114%	115%	126%	103%	826	656	603	574	483	639
BGR	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
HRV	102%	95%	113%	118%	112%	85%	462	457	380	364	374	655
CYP	84%	NA	NA	NA	NA	NA	513	NA	NA	NA	NA	NA
CZE	103%	99%	105%	110%	102%	98%	128	174	163	153	149	165
DNK	102%	109%	102%	101%	95%	111%	182	165	177	176	207	190
EST	98%	112%	104%	98%	101%	100%	215	167	125	139	143	135
FIN	93%	103%	105%	125%	102%	94%	259	325	289	252	273	300
FRA	98%	99%	94%	99%	96%	93%	279	311	348	353	420	637
GEO	96%	102%	93%	77%	91%	87%	94	62	100	242	274	433
DEU	102%	100%	100%	103%	97%	98%	184	183	198	196	220	237
GRC	79%	58%	113%	99%	86%	NA	190	469	330	610	559	NA
HUN	102%	105%	104%	98%	116%	100%	160	97	144	159	151	165
ISL	NA	NA	NA	NA	102%	99%	NA	NA	NA	NA	NA	63
IRL	NA	NA	56%	59%	63%	60%	NA	NA	NA	NA	NA	NA
ITA	118%	131%	119%	113%	103%	104%	493	590	532	514	527	674
LVA	86%	118%	98%	107%	103%	96%	315	241	255	217	236	239
LTU	102%	101%	97%	98%	104%	94%	55	88	97	88	84	117
LUX	139%	173%	97%	100%	93%	93%	200	73	103	91	123	161
MLT	89%	114%	101%	107%	93%	91%	849	685	536	432	440	550
MDA	95%	100%	97%	97%	104%	97%	110	106	127	140	143	171
MCO	76%	117%	109%	99%	93%	90%	743	433	347	372	372	514
MNE	92%	102%	84%	98%	105%	107%	271	254	298	267	229	280
NLD	NA	NA	99%	101%	101%	100%	NA	NA	132	121	110	127
MKD	95%	131%	117%	95%	101%	90%	259	175	132	223	179	294
NOR	101%	100%	97%	102%	101%	100%	158	160	176	161	176	183
POL	95%	89%	99%	99%	92%	105%	180	195	203	225	273	317
PRT	102%	98%	NA	112%	109%	98%	417	369	NA	289	229	280
ROU	90%	99%	109%	102%	103%	100%	217	193	146	153	157	168
RUS	100%	99%	98%	102%	100%		13	40	37	42	50	
SRB	92%	116%	92%	94%	110%	71%	316	242	359	315	225	472
SVK	98%	82%	92%	132%	131%	100%	364	437	524	130	157	204
SVN	99%	101%	109%	106%	110%	101%	315	318	270	280	283	350
ESP	93%	100%	98%	103%	87%	86%	314	264	318	282	362	468
SWE	98%	99%	104%	99%	97%	103%	187	179	157	164	166	161
CHE	100%	100%	101%	101%	100%	100%	132	127	116	107	111	126
TUR	NA	115%	96%	86%	98%	90%	NA	134	227	399	307	513
UKR	104%	106%	102%	97%	97%	98%	52	70	68	96	129	122
UK:ENG&WAL	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
UK:NIR	NA	NA	NA		NA	NA	NA	NA	NA	..	NA	NA
UK:SCO	NA	85%	85%	79%	81%	85%	NA	NA	NA	NA	NA	NA
ISR		101%	102%	97%	100%	97%		340	334	333	315	339
KAZ					98%	101%					32	48
MAR				103%	101%	94%				86	75	117
Average	98%	104%	100%	101%	100%	96%	267	243	238	232	234	293
Median	98%	101%	100%	100%	101%	98%	195	188	188	192	201	237

Unfavourable values of CR in judiciaries may occur for different internal and external reasons and may not always be prevented or mitigated swiftly. In 2020, the COVID-19 pandemic measures affected the judiciaries across Europe but not always in the same manner or to the same extent as precautionary measures differed among States and entities. Postponement of trials for all but urgent matters, introducing self-isolation measures, and increasing absences due to sickness are just some of the factors that undermined the system's efficiency. Nevertheless, low and decreasing CRs become problematic if they are particularly low, have a decreasing trend, and persist over time. A low Clearance Rate then causes backlog accumulation and timeliness difficulties perceptible through an increasing DT. Still, some of the results may also be caused by formal reasons such as case registration practices.

Trends noted in CR are also reflected in DT, even more so as CR decreases may have been alleviated to some extent by the decline in received cases. From 2018 to 2020, **Armenia**, **Denmark**, **Estonia**, **Sweden** and **Ukraine** reduced their DT by 68, 17, 8, 5, and 7 days respectively. In other states and entities, the DT increased, from 3 days in **Latvia** to 281 days in **Croatia** and 247 days in **Serbia**. Besides these two states, **Albania**, **Bosnia and Herzegovina**, **France**, **Georgia**, **Italy**, **Malta**, **Monaco**, **North Macedonia**, **Spain** and **Türkiye** raised their DTs by more than 100 days.

Pending first instance civil and commercial litigious cases

Figure 5.10 **Variations in the number of the first instance civil and commercial litigious cases pending on December 31st (Q91)**

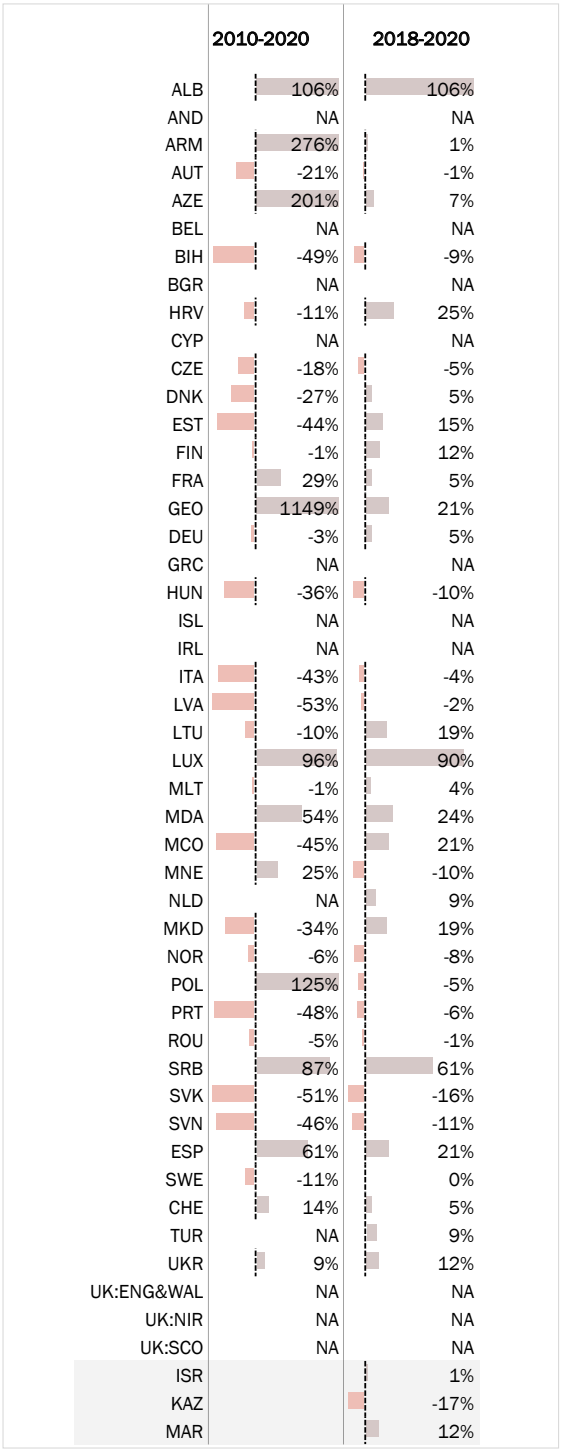


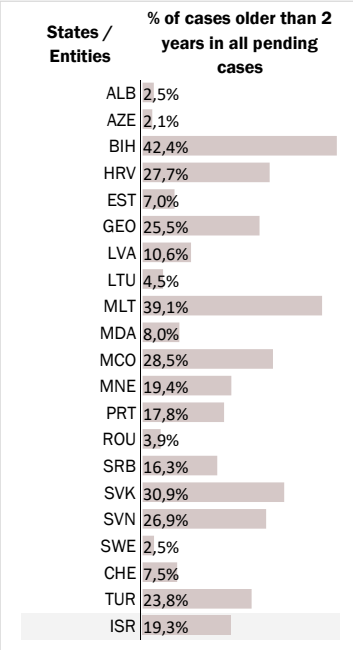
Figure 5.10 demonstrates the evolution of cases pending at the end of the year from 2010 to 2020 and from 2018 to 2020, thus indicating how the court's case resolutions have influenced the pending stock. In total, 32% of the states and entities that provided data for both periods reduced their volumes of pending cases consistently over both examined periods. From 2018 to 2020, 38% of the states and entities managed to do so.

Georgia remained an outlier, but the pace of its cases pending on December 31st increase slowed down in 2020 compared to the previous cycle. **Armenia** and **Azerbaijan**, two states with significant increases in pending cases from 2010 to 2020, displayed much lower percentages over the last two cycles, increases of 1% and 7%, respectively. However, among these three states, only **Armenia** reports an increase in inflow and a CR of 126% due to increased resolved cases in 2020, as explained earlier. **Poland** managed to overturn the trend and decrease its pending cases at the end of 2020 over the previous year, primarily on account of reduced incoming cases in combination with decreased number of resolved cases, which were still high enough for a CR of 105%.

In addition to the already mentioned outliers, the developments in the number of pending cases may cause concern in **Albania**, **Croatia**, **Luxembourg**, **the Republic of Moldova**, **Monaco**, **Serbia** and **Spain**. While **Albania** and **Luxembourg** roughly doubled their pending stock, **Croatia** and **Monaco** went from reducing it between 2010 and 2020 to increasing it by more than one-fifth within the shorter period, from 2018 to 2020.

On a more positive note, **Hungary**, **Portugal**, **the Slovak Republic**, and **Slovenia** managed to effectively tackle their pending civil and commercial litigious cases in the face of the COVID-19 pandemic.

Figure 5.11 **Pending first instance civil and commercial litigious cases older than two years (Q91)**



Increasing backlog is a cause for concern principally because growing backlogs cause congestion in the system and have an adverse effect on its timeliness. For that reason, this analysis monitors the backlog evolution and the ratio of pending cases older than two years from the date the case came to the first instance court. Data on this matter are available in 20 member States and entities and one observer State.

In **Bosnia and Herzegovina**, **Croatia**, **Georgia**, **Malta**, **Monaco**, the **Slovak Republic**, **Slovenia**, and **Türkiye**, cases older than two years take up over one-fifth of the pending cases. In the previous evaluation cycle, **Portugal** and **Serbia** fell into this category but reduced their pending cases older than two years in 2020.

Bosnia and Herzegovina remained the state with the highest ratio of pending cases older than two years. Most of them are small claims related to unpaid utility bills. However, in 2020, a reduction of 2,5 percentage points compared to the previous cycle is noted. Unsurprisingly, considering the rising volume of pending cases, cases older than two years more than tripled in **Georgia**. A growing percentage of pending cases older than two years, but to a lesser extent, is also reported in **Israel**, **Monaco**, and **Türkiye**.

In contrast, the lowest percentage of cases older than two years is found in **Azerbaijan**, **Albania** and **Sweden**, followed by **Romania** and **Lithuania**.

The available data reveal that timeliness difficulties persist over time, i.e. states and entities that were most burdened with pending cases older than two years in previous cycles often remained burdened in this cycle. However, progress is noted among some of these states and entities, such as **Bosnia and Herzegovina**, **Croatia**, **Latvia**, **Malta**, **Portugal**, **Serbia**, and **Slovenia**. In this cycle, **Bosnia and Herzegovina** reduced pending cases older than two years in all examined case types as a result of the consistent chronological resolution of cases.

The share of cases older than two years does not reveal the pending stock's actual age structure but indicates possible timeliness issues and calls for further analysis. Not all cases older than two years violate the right to a fair trial as the ECrHR case-law on Article 6 of the ECHR doesn't define fixed criteria for what constitutes a "reasonable time", and each case has to be considered individually. Therefore, in complex cases, longer time may be tolerated if there are no excessive periods of inactivity or delays.

Litigious divorces, employment dismissals and insolvency cases as specific categories of first instance civil and commercial litigious cases

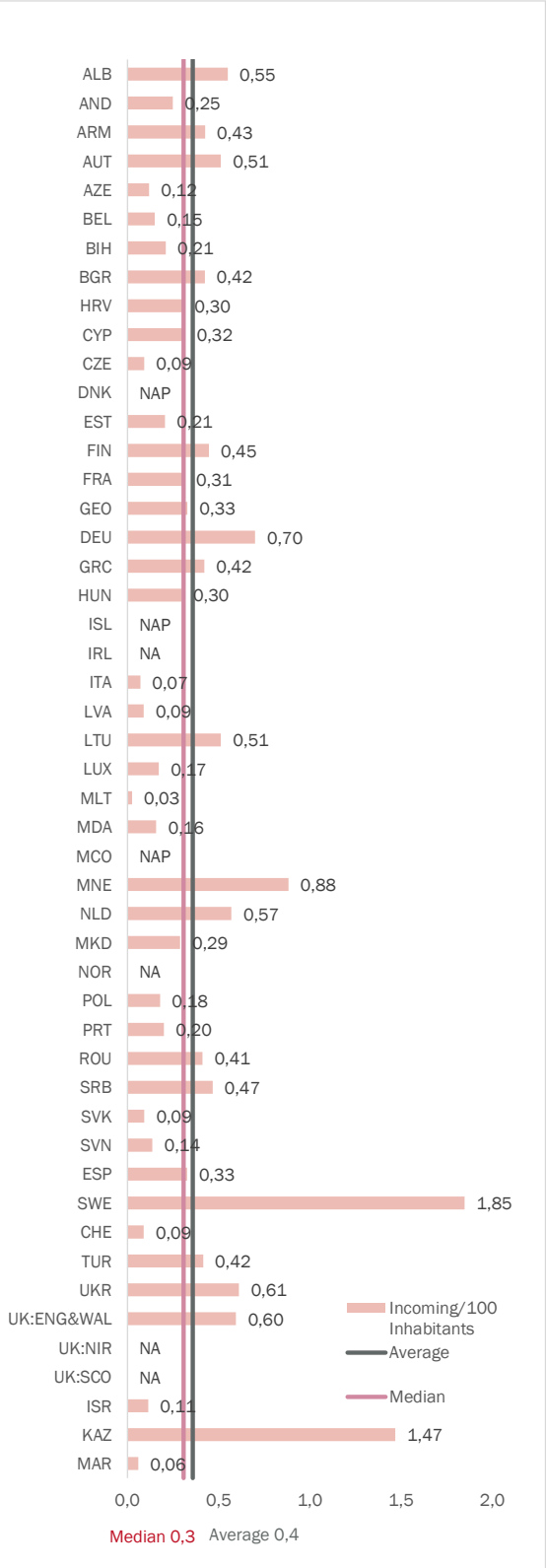
CEPEJ collects data on specific civil cases, i.e. litigious divorces, employment dismissals and insolvency cases, to facilitate comparisons between different judicial systems. The European median DT for litigious divorces increased in 2020 to 205 days, after four cycles of steady results at around 160 days. The European median of employment dismissal cases rose from 229 days in 2018 to 358 days in 2020, thus exceeding the median value for civil and commercial litigious cases. Both case types DTs were affected by the COVID-19 predicaments, which caused the CRs to decline and pending cases and the DTs to grow. In insolvency cases the DT amounted to 301 days – four days more than in 2018, while the CR improved from 102% to 106% due to decreased incoming and rising resolved cases.

Interesting example

Croatia has introduced specialized family departments in 15 Municipal Courts to strengthen the efficiency and quality of processing these sensitive cases. Judges assigned to these departments meet specific professional requirements. The President of the Supreme court appoints them for a term of five years at the proposal of the president of the competent Municipal court. Additionally, these departments are staffed with psychologists, sociologists, and other domain experts. Regular mandatory trainings have been designed for judges and state attorneys.

First instance administrative cases

Figure 5.12 **Incoming first instance administrative cases per 100 inhabitants in 2020 (Q91)**



In administrative cases, one of the parties to the dispute is always a public authority. In many states and entities, administrative matters are dealt with separately in specialised administrative law tribunals or units within courts of general jurisdiction.

Incoming first instance administrative cases

Most of the time, the courts receive far fewer administrative cases relative to the population than in other case types examined in this chapter. Nevertheless, variations among jurisdictions exist, as displayed in Figure 5.12.

Out of 42 states and entities that provided data, only **Sweden** and **Kazakhstan** reported more than 1,0 incoming case per 100 inhabitants. For several cycles, **Sweden** has been facing a continuous growth of the received administrative cases, primarily due to the increased influx of cases related to asylum seekers and the right of entry and stay for aliens and other administrative matters. There was no specific reason given for the high incoming caseload of **Kazakhstan**. Still, the reported value of 1,47 case is a decrease of 0,3 case compared to 2018, reportedly due to an overall decline in incoming cases connected to the pandemic. In **Montenegro**, the incoming first instance administrative cases per 100 inhabitants almost halved from 2018 to 2020, from 1,5 to 0,88, respectively. After a substantial increase in 2018 caused by a specific case type related to parental allocation, the incoming reported cases returned to 2016 values.

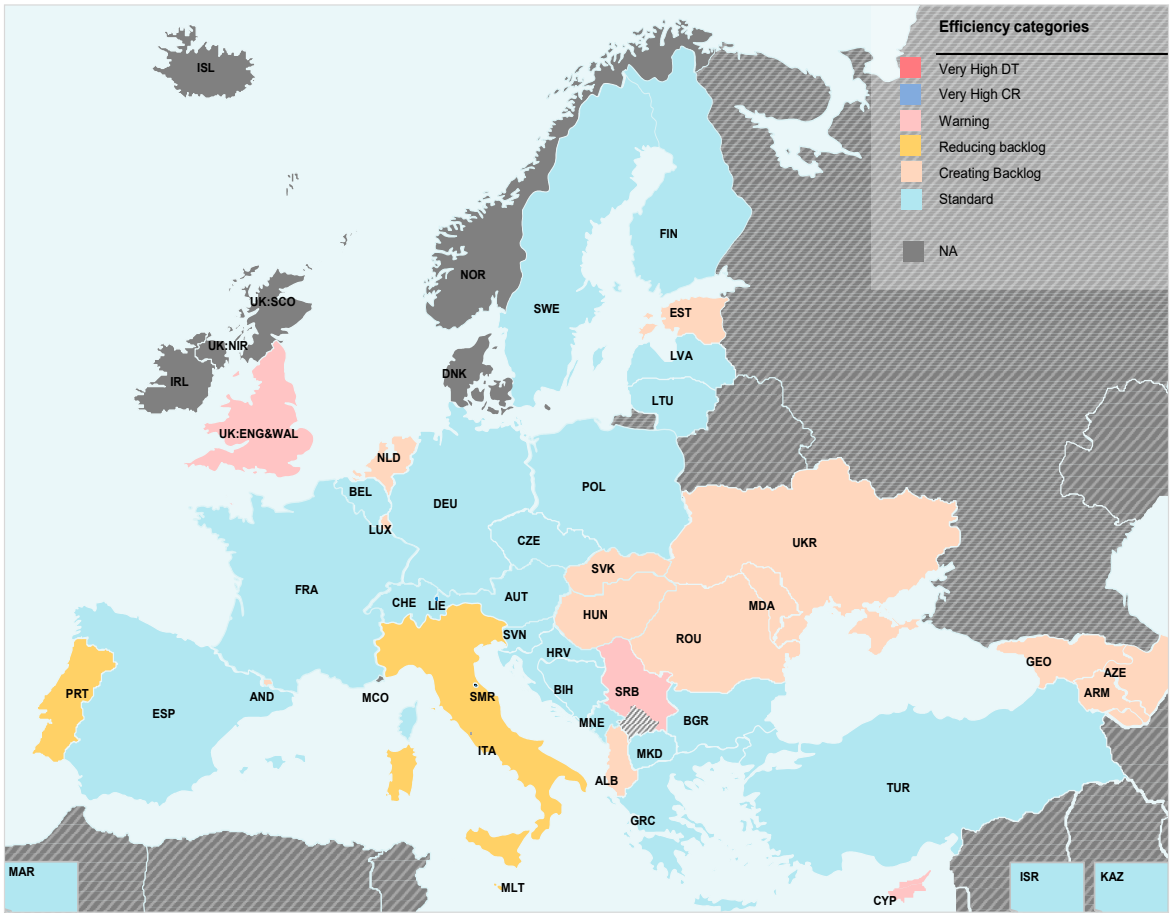
In 2020, eight states and entities received from 0,5 to 1,0 administrative case per 100 inhabitants, while the remaining 32 states and entities received under 0,5. The lowest numbers of received cases are 0,07 in **Italy**, 0,03 in **Malta**, and 0,06 in **Morocco**.

Performance indicators in first instance administrative cases

In total, 42 states and entities responded with data that allowed the assessment of both CR and DT in 2020. Using a combination of these performance indicators, as revealed in Map 5.13, it is possible to assess the capability of the states and entities to handle timely the use of court services in administrative matters. States and entities for which the data are unavailable or in which administrative cases do not exist as a separate category and are included in civil cases can be identified in grey.

Over one-half of the states and entities for which the data were available come under the standard efficiency category, displayed in light blue in Map 5.13, meaning that their CR is between 95% and 200%, and their DT does not exceed two median values. Compared to the previous evaluation cycle, 4 states and entities less, managed to accomplish what is herein defined as the standard efficiency level.

Figure 5.13 **Clearance Rate and Disposition Time for first instance administrative cases in 2020 (Q91)**



Within the efficiency category "standard" almost one-quarter of States and entities achieved the most favourable combination of CR that meets or exceeds 100% and DT below the European median of 358 days - **Bulgaria**, **Croatia**, **the Czech Republic**, **Latvia**, **North Macedonia**, **Sweden and Switzerland**, and the observer States **Israel**, **Kazakhstan** and **Morocco.**

The highest CR of 163% and the highest DT of 551 days among the states and entities that come under the standard efficiency category is reported in **Greece**. Compared to the 2016 and 2018 data, **Greece** has been continuously improving and, in this cycle, has succeeded to relocate from the reducing backlog efficiency category to standard efficiency. Similarly, from the 2018 to 2020 cycle, **Austria**, **Bosnia and Herzegovina**, the **Czech Republic**, **Lithuania**, and **Slovenia** stopped creating backlogs and entered the standard efficiency category.

Thirteen states and entities create a backlog of administrative cases in 2020. Among them, the lowest CR of 48% is reported in **Romania**. The DT of administrative cases is 690 days, primarily due to a 61 percent reduction in resolved cases explained by extensive anti-pandemic measures that have been in force through most of the year. In **Georgia**, a DT of 440 days is calculated, caused by an increase in incoming cases, a decrease in resolved cases related to pandemic measures and consequently, a drop in CR by 19 percent points over 2018. In the **Slovak Republic**, the CR amounted to 87% combined with the DT of 585 days, thus continuing the weakening performance from 2018. The other states and entities in the creating backlog group encountered some issues handling their influx of cases but managed to keep the DT below 400 days. As concerns states where the number of resolved cases was higher than the number of incoming cases, **Italy**, **Malta**, and **Portugal** reduced their backlogs, but with relatively high DTs of 862, 924 and 847 days, respectively.

Concurrently, three other states and entities, **Cyprus**, **Serbia** and **UK-England and Wales**, produced low CRs and high DTs, which should be considered as a warning and need for immediate reaction. In **Cyprus**, the CR in 2020 dropped to 84% while the DT almost doubled in the same period.

The important variation reported in the CR and the DT in **Cyprus** from 2018 to 2020 is caused by two distinct factors. The incoming cases increased in 2020 by 45% due to the 2019 establishment of the new Administrative Court for International Protection that hears asylum applications and international protection matters. Simultaneously, the resolved cases almost halved as an exceptionally high number of cases were tried and decided together in 2018. Moreover, with 0,26 cases resolved per 100 inhabitants, decisions rendered in 2020 exceeded the ones rendered in 2016.

In **Serbia**, the performance indicators deteriorated slightly from 2018 to 2020 and the fact that they continued to fall in the warning category is problematic. Reportedly, such results are caused by the continuously growing mandate of the Administrative Court, which triggers the number of incoming cases to increase constantly. The additional caseload in **Serbia** derived from urgent electoral cases concerning the 2020 parliamentary and local elections. In **UK-England and Wales**, the DT increased by almost one-half over the past two cycles, primarily due to COVID-19 measures put in place that led to a significant drop in both received and resolved cases as a result of the reduced court activity.

Evolution of Clearance Rate and Disposition Time in first instance administrative cases

Figure 5.14 **Evolution of Clearance Rate and Disposition Time of first instance administrative cases (Q91)**

	2010	2012	2014	2016	2018	2020	2010	2012	2014	2016	2018	2020
ALB	83%	91%	88%	98%	99%	94%	264	287	74	115	90	199
AND	131%	93%	90%	NA	NA	82%	222	429	517	NA	NA	550
ARM	89%	94%	155%	109%	118%	87%	223	294	128	242	119	237
AUT	NAP	NAP	NAP	91%	90%	126%	NAP	NAP	NAP	380	449	388
AZE	NAP	96%	102%	91%	98%	91%	NAP	103	75	105	76	180
BEL	NA	NA	88%	121%	119%	108%	NA	NA	625	429	370	399
BIH	83%	105%	90%	118%	94%	98%	380	326	379	339	393	424
BGR	98%	92%	101%	104%	100%	100%	113	150	124	108	112	124
HRV	108%	41%	86%	109%	116%	107%	825	523	426	319	197	179
CYP	74%	74%	103%	113%	219%	84%	1 340	1 270	1 775	1 582	487	863
CZE	NA	NAP	91%	80%	88%	113%	NA	NAP	415	421	412	317
DNK	NA	NAP	NAP	NAP	NAP	NAP	NA	NAP	NAP	NAP	NAP	NAP
EST	91%	106%	90%	106%	100%	92%	146	108	141	108	119	142
FIN	99%	101%	97%	79%	112%	99%	238	248	280	279	235	274
FRA	107%	107%	96%	99%	98%	95%	338	302	305	314	285	333
GEO	108%	113%	102%	108%	94%	75%	36	213	130	101	185	440
DEU	96%	102%	100%	92%	97%	110%	373	354	367	375	435	426
GRC	80%	143%	NA	148%	164%	163%	2 003	1 520	NA	1 086	601	551
HUN	96%	108%	92%	100%	102%	89%	202	147	148	109	109	110
ISL	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
IRL	NAP	NAP	NAP	NAP	NAP	NA	NAP	NAP	NAP	NAP	NAP	NA
ITA	316%	280%	156%	153%	136%	136%	1 037	886	984	925	889	862
LVA	103%	130%	144%	95%	105%	107%	439	300	155	228	248	220
LTU	83%	98%	89%	144%	88%	97%	160	144	310	72	129	112
LUX	93%	70%	94%	98%	86%	87%	172	NA	NA	NA	NA	513
MLT	29%	40%	149%	114%	91%	106%	2 758	1 457	1 408	1 464	1 057	924
MDA	92%	105%	104%	104%	106%	95%	165	126	186	155	205	358
MCO	NA	NA	NAP	NA	NAP	NAP	NA	NA	NAP	NA	NAP	NAP
MNE	99%	87%	91%	88%	104%	129%	119	210	202	240	401	441
NLD	107%	98%	99%	95%	95%	86%	159	163	171	178	200	304
MKD	65%	112%	113%	94%	114%	110%	797	317	347	370	281	228
NOR	NAP	NAP	NAP	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA
POL	95%	100%	97%	103%	105%	95%	121	112	139	143	118	150
PRT	NA	NA	NA	112%	111%	126%	NA	NA	NA	911	928	847
ROU	71%	78%	161%	92%	118%	48%	269	272	179	170	117	690
RUS	NA	100%	100%	100%	100%		NA	11	7	6	13	
SRB	86%	81%	104%	89%	73%	72%	535	497	440	539	745	754
SVK	102%	47%	125%	112%	96%	87%	66	733	397	203	401	585
SVN	114%	110%	103%	87%	91%	107%	139	130	112	282	406	443
ESP	101%	124%	113%	112%	100%	99%	473	427	361	312	331	406
SWE	88%	105%	103%	94%	97%	102%	190	126	114	115	146	107
CHE	105%	107%	100%	101%	101%	104%	229	217	225	180	203	240
TUR	91%	127%	97%	98%	98%	95%	187	132	212	150	177	230
UKR	96%	130%	99%	87%	101%	81%	65	33	51	138	122	204
UK:ENG&WAL	85%	85%	192%	90%	89%	90%	384	446	169	383	497	730
UK:NIR	NA	NA	NA		NA	NA	NA	NA	NA	..	NA	NA
UK:SCO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
ISR		100%	101%	100%	98%	101%		117	99	101	107	120
KAZ					100%	100%					1	2
MAR				100%	98%	104%				89	80	154
Average	99%	102%	108%	103%	105%	99%	446	372	336	357	323	397
Median	95%	101%	100%	100%	100%	97%	226	272	207	241	241	358

The development of the CR and DT indicators for administrative cases from 2010 to 2020 by state and entity is, subject to data availability, displayed in Figure 5.14.

From 2018 to 2020, one-quarter of the states and entities, for which data were available, improved their performance, as demonstrated through increased CRs and decreased DTs. Oppositely, one-half of the states and entities provided reduced CRs in combination with increased DTs. At the same time, in the remaining one-quarter, the result varied so that one of the indicators was improving while the other one was deteriorating.

Individually, CRs and DTs changed over the evaluation cycles in most of the states and entities, and these variations were at times substantial. Although COVID-19 marked 2020, not all states and entities experienced its adverse effects. For instance, **Austria** improved its CR by 36 percentage points from 2018 to 2020 while reducing the DT by 61 days. As reported, the courts took advantage of the lower demand and concentrated on adjudicating cases in which all of the hearings had already been held. The CR increased by 25 percentage points in the **Czech Republic** and **Montenegro**. The DT decreased by 95 days in the **Czech Republic** thanks to reduced incoming cases and increased resolved cases, while in **Montenegro**, it increased by 40 days as a result of lower number of resolved cases.

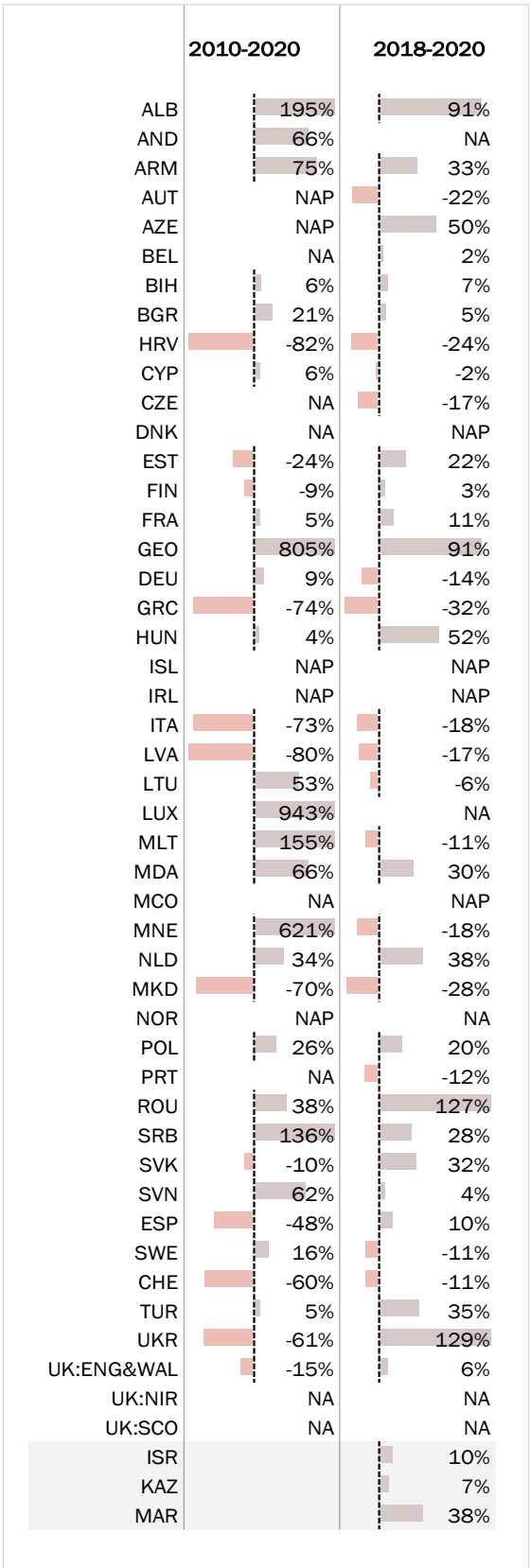
On another note, **Armenia**, **Georgia** and **Ukraine** decreased their CRs by 31, 19 and 20 percentage points over the last two observed cycles, respectively. The DT raised in **Armenia** (by 118 days) and **Georgia** (by 255 days) as a direct effect from decreases of resolved cases. In **Ukraine**, the DT increased by 82 days due to nearly double demand for reasons that remained unexplained. **Cyprus** and **Romania** witnessed the highest variations in both CR and DT from 2018 to 2020. In **Cyprus**, the reported CR in 2020 is 135 percentage points lower than in 2018, while the DT increased by 376 days. As analysed earlier, such results are in connection to a large number of cases merged and tried together in the previous cycle (that boosted the number of resolved cases) and the establishment of the new court. The pandemic preventative measures instigated the decrease of 70 percentage points of the CR in **Romania** combined with a rise in DT of 573 days.

Over the longer period observed, from 2010 to 2020, **Croatia**, **Cyprus**, **Greece**, **Malta** and **North Macedonia** produced significant improvements in timelines as expressed through DT. These States' worryingly high DTs in 2010 dropped considerably. **Croatia** started improving in the administrative domain in 2012, once the two-tier administrative justice was established.

The trends in the evolution of CR and DT of administrative cases reveal how states and entities are progressing over the years, but the numbers should be put into context in individual States and entities to reach relevant conclusions.

Pending first instance administrative cases

Figure 5.15 **Variation in first instance administrative cases pending on 31st December (Q91)**



In both periods presented in Figure 5.15, six States and entities reduced the volume of pending cases, 14 reported an increase, while in 12 results differ depending on the observed period.

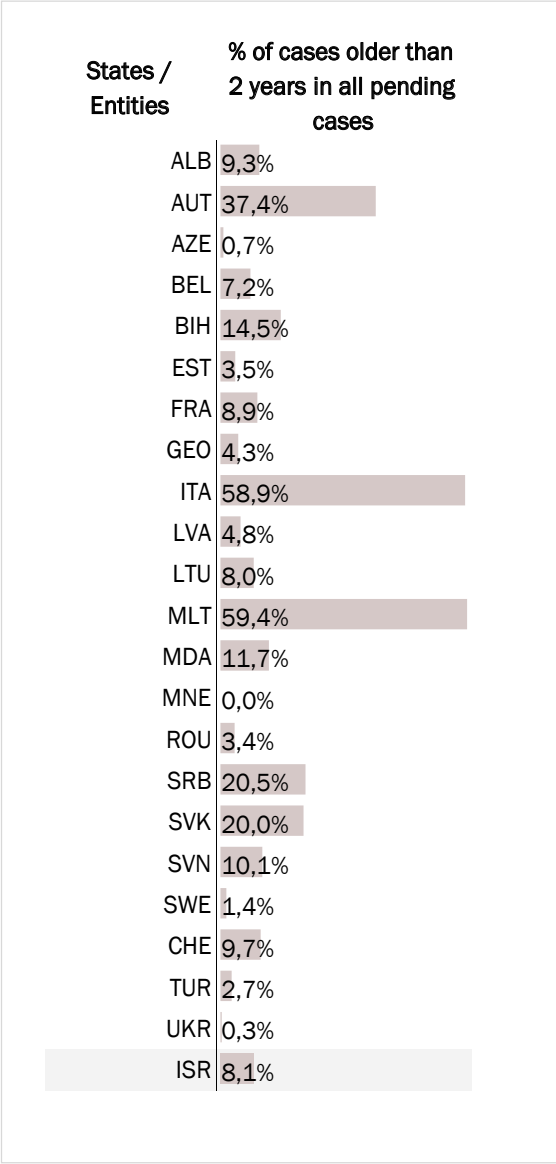
Compared to the preceding cycle, 2020 brought more significant increases in pending administrative cases at the end of the year, suggesting efficiency troubles in particular states and entities. **Albania** and **Georgia** reported the most significant increases over both examined periods, followed by **Armenia**, the **Republic of Moldova**, **Romania** and **Serbia**. **Albania** doubled its pending cases from 2018 to 2020, while from 2010 to 2020, its pending administrative cases more than tripled. The 0,28 pending cases per 100 inhabitants in 2020 exceeded the European median. Even though **Georgia** almost doubled its pending cases per 100 inhabitants from 2018 to 2020, its reported value of 0,30 pending cases relative to population is still not significantly above the European median. However, if these trends persist, both states will face challenges reducing pending cases and, consequently, the backlog.

In contrast, **Croatia**, **Greece**, **Italy**, **Latvia**, **North Macedonia** and **Switzerland** performed well over both studied periods, with markable and stable decreases in their pending administrative cases. From 2018 to 2020, **Croatia** encountered fewer incoming cases while the courts' resolved cases remained stable. Over the same period, courts in **Greece**, **Latvia**, and **North Macedonia** received and resolved fewer administrative cases but the declines in incoming cases were sharper than those in resolved cases. Only in the **Czech Republic** did the incoming cases decrease while the resolved cases increased.

Malta and **Montenegro** experienced an increase in their pending cases from 2010 to 2020 significantly, by 155% and 621%, respectively. From 2018 to 2020, both states reported a noticeable improvement. Nevertheless, **Malta's** pending stock of first instance administrative cases per 100 inhabitants is not concerning as it is below one-third of the European median. On the other hand, **Montenegro** reported the highest number of pending cases. The volume of pending cases in **Luxembourg** in 2020 is not a cause for concern despite the increase. It is below the European median value, but the fact that the courts are consistently receiving more cases than resolving raises fears of future backlog build up.

Pending first instance administrative cases older than two years

Figure 5.16 **Pending first instance administrative cases older than two years at first instance (Q91)**



The presence of pending cases is not intrinsically worrying but cases that remain too long in the system become problematic from the perspective of the right to a trial within a reasonable time. In this evaluation cycle, 22 member States and entities and one observer State provided data on pending first instance administrative cases older than two years.

The most considerable share of administrative cases older than two years is pending in **Austria**, **Italy**, **Malta**, **Serbia** and **the Slovak Republic**. While **Austria**, **Italy** and **Serbia** increased their pending stocks of administrative cases older than two years over the past two cycles, **Malta** recorded a decrease. In **Austria**, the increase is connected to the high number of asylum and aliens cases. The year 2020 is the first year the **Slovak Republic** delivered data on this category of cases. **Lithuania** reported a six percentage points increase from 2018 due to decisions of courts in environmental law cases to stay proceedings pending a decision in a related case (preliminary ruling). In **Slovenia**, an increase of 10 percentage points is owed to the expanding mandate of the Administrative court, increased number of urgent cases and the growing pending stock.

In **Bosnia and Herzegovina**, 14,5% of the pending administrative cases are older than two years, a decrease by 3,4 percentage points over 2018. The majority of these cases are concentrated in several large courts. For its Administrative court, **Montenegro** reported no pending administrative cases older than two years, as reported due to the consistent application of backlog reduction plans.

Cases relating to asylum seekers and the right to entry and stay for aliens

CEPEJ started collecting data on disputes concerning asylum seekers and the rights of aliens (entry and residence) in the 2018 (2016 data) cycle with the goal to measure the impact of these cases on the courts. Depending on the national system, the first tier in these cases could be the first instance courts or the state administration (before coming to court). In 2020, the medians CRs in matters relating to asylum seekers and cases relating to the right of entry and stay for aliens amount to 98% and 99%, while the DTs comprise 182 and 190 days. Compared to the previous evaluation cycles, the CRs improved. The DT of the asylum seekers cases remained stable while the one concerning the right to entry and stay for aliens increased by 74 days.

The states that are most affected by these case types in 2020 remained **Belgium, France, Germany, Italy, Spain**, and **Sweden**, though compared to 2018, the incoming cases declined in all of them, except for **Belgium**. In terms of asylum seekers cases, the DTs are the highest in **Italy** (1 149 days) and **Spain** (1 245 days), while in terms of the right of entry and stay for aliens cases the highest DTs are recorded in **Luxembourg** (805 days) and **North Macedonia** (913 days).

In this evaluation cycle, the CEPEJ started to collect data on non-court procedures related to asylum seekers and right of stay for aliens. Including these data makes it possible to comprise the entire process even when it is not initiated in courts. These are procedures taken by administrative bodies of states and entities (such as for example ministry of Interior, migration offices, special committees etc.). However, only around one third of the states and entities were able to provide some data regarding non-court procedures. From the countries that responded, many couldn't collect all relevant data on incoming, resolved and pending procedures, but provided a partial information instead. The European median CRs calculated for this limited data set is 123% in asylum seekers cases and 99% in cases related to the right of entry and stay for aliens. The median DTs are 148 days and 94 days, respectively.

Looking at the individual countries that provided the data, it can be noted that the largest number of procedures were initiated in administrative bodies of **Germany**, **Portugal**, **Slovenia**, **Spain** and **Sweden**. However, if the number of procedures is compared with population, the highest numbers of incoming cases per 100 000 inhabitants are registered in **Malta** and **Slovenia**. However, large number of systems couldn't provide separate data for asylum seekers and right of entry and stay for aliens which makes any further comparable analysis difficult if not impossible.

First instance criminal cases

In this chapter, criminal or criminal law cases are considered all cases for which a judge may impose a sanction even if this sanction is foreseen in an administrative code. In such cases, they will only be counted once as criminal cases. Offences sanctioned directly by the police or an administrative authority are not counted as criminal cases.

As in other case types analysed in this chapter, COVID-19 pandemic severely impacted the performance of courts in criminal cases. The incoming caseloads decreased, and ongoing trials were put off while the courts operated in a significantly reduced capacity. Only urgent criminal cases were still dealt with due to strict and non-extendable time limits in criminal proceedings.

To distinguish among different types of criminal cases and ensure the consistency of the responses among different legal systems, criminal cases are classified as severe criminal cases (severe offences), misdemeanour and/or minor criminal cases (minor offences), and other criminal cases. According to CEPEJ definition, minor criminal cases, are those where it is not possible to pronounce a sentence involving deprivation of liberty. In contrast, severe criminal cases are those punishable by deprivation of liberty (arrest and detention, imprisonment). Common examples of severe criminal cases include murder, rape, organised crime, fraud, drug trafficking, while minor offences, among others, include specific categories of driving offences and public order offences. Other criminal cases comprise procedures related to court cases that are also, in some states and entities, in the jurisdiction of courts. These could be criminal investigation cases or even some cases of enforcement of criminal sanctions regardless of whether the main case is already reported as a severe or misdemeanour case.

The prosecution of criminal suspects is an integral part of any criminal justice system. Public prosecutors act in the public interest to ensure the application of the law. The status and organisation of prosecution services differ widely across Europe. In some countries, public prosecutors may be assigned other important tasks in the field of commercial or civil law. Nevertheless, all prosecution services are competent to prosecute a case in court. This section covers not only the performance of courts but also of public prosecution services as an essential part of the criminal justice.

The differences in the number of criminal cases may also be related to the amended CEPEJ questionnaire, which for the first time for the 2020 evaluation cycle (2018 data), asked states and entities to report on the number of so-called "other criminal cases", a category that is represented in some states and entities and not in the others.

Because of their complexity, severe criminal cases typically seek more attention and imply a longer procedure duration. On the contrary, misdemeanours and "other criminal cases" are generally more straightforward and quicker to resolve. Subsequently, performance indicators can, to some extent, be enhanced in those jurisdictions where the share of misdemeanour and "other criminal cases" is substantial. Even though these cases are deemed simpler, their influence on overall system performance should be assessed cautiously. They can pose a burden for courts as their volumes are frequently high and cause system bottleneck.

Interesting example

A new instrument for judges and prosecutors was introduced in the **Netherlands** for mediation in criminal cases. Judges and prosecutors can make a referral via the mediation office for a mediation that can last up to a maximum of six weeks. Parties decide on the outcome, which will become part of the criminal file while judicial authorities decide how to take the result into account. The outcome is a co-creation between the prosecutor and the judge with a common ambition to endure the penal reaction not only with revenge and special protection elements but also to restore the relationship between the offender and the victim. This project was awarded during the 2019 CEPEJ Cristal scale of justice with a special mention.

Cases handled by public prosecutors – Is the volume of public prosecutions' caseload the same everywhere in Europe?

The median of cases received by public prosecutors per 100 inhabitants is, in this evaluation cycle, 2,61 or 25% higher than in the previous one (see Figure 5.17). The median value of cases discontinued by public prosecutors is 0,88, while 0,11 cases were concluded by a penalty or a measure imposed or negotiated by the public prosecutor. In total, 0,68 cases were taken to trial before the courts and 0,18 were closed due to other reasons. Expectedly, average values are higher due to high ratios in particular states and entities.

As opposed to the previous evaluation cycle, when most states and entities reported steady and almost unchanged numbers of cases received by public prosecutors, three-quarters of the states and entities received fewer cases in 2020. The public prosecutors in **Armenia**, **Belgium**, **Germany**, **Hungary**, **Ireland**, **North Macedonia**, **Sweden**, and **Kazakhstan** saw an increase in received prosecutorial cases. In **Bosnia and Herzegovina**, **Croatia**, **Denmark**, **Lithuania** and **Monaco** the number of received prosecutorial cases decreased by one-fifth or more. In **Denmark** and **the Republic of Moldova**, the number decrease by half. **Croatia** stated that COVID-19 caused the reported reduction in the number of received prosecutorial cases.

The calculated European median and the average of cases processed by the public prosecutor against cases received improved significantly in 2020 from the previous cycle. The median is 97%, 12 percentage points higher than in 2018, while the average value is 95% or 16 percentage points higher than the previous cycle.

Figure 5.17 **Cases handled by public prosecutors per 100 inhabitants in 2020 (Q107)**

States / Entities	Received	Processed	Discontinued	Penalty or a measure	Other reasons	Charged before the courts	Total processed as a % of received
ALB	NA	NA	NA	NA	NA	NA	NA
AND	5,58	4,25	3,16	NAP	NA	1,09	76%
ARM	1,01	0,89	0,27	NAP	NA	0,12	89%
AUT	4,56	4,63	3,44	0,42	0,28	0,50	102%
AZE	0,24	0,25	0,09	NAP	0,05	0,11	101%
BEL	5,58	5,21	2,97	0,77	1,06	0,41	93%
BIH	1,21	1,00	0,54	0,00	0,18	0,28	82%
BGR	1,45	2,06	1,08	NAP	0,58	0,40	142%
HRV	0,99	0,84	0,36	NA	0,16	0,46	85%
CYP	NA	NA	NA	NA	NA	NA	NA
CZE	1,70	1,76	0,89	0,03	0,31	0,53	104%
DNK	3,83	7,20	3,55	0,81	NAP	2,83	188%
EST	1,94	0,71	0,29	NA	NA	0,41	36%
FIN	1,65	1,58	0,47	0,00	0,09	1,02	96%
FRA	6,12	3,94	2,45	0,71	NAP	0,79	64%
GEO	NA	NA	0,51	0,04	NA	NA	NA
DEU	5,99	6,02	3,23	0,19	1,44	1,16	100%
GRC	NA	NA	NA	NA	NA	NA	NA
HUN	2,46	1,43	0,20	0,04	0,05	1,13	58%
ISL	NA	NA	NA	NA	NA	1,15	NA
IRL	0,25	NA	0,08	NA	NA	NA	NA
ITA	4,22	4,20	2,80	0,01	0,66	0,73	99%
LVA	0,67	0,65	0,08	0,12	0,02	0,43	96%
LTU	1,66	1,82	0,88	NAP	0,01	0,93	110%
LUX	9,79	5,60	3,68	0,11	NAP	1,82	57%
MLT	NA	NA	NA	NAP	NA	2,15	NA
MDA	1,04	1,17	0,39	0,10	0,18	0,50	112%
MCO	3,54	3,82	2,50	0,45	NAP	0,88	108%
MNE	1,42	1,39	0,67	0,00	0,00	0,72	98%
NLD	1,06	1,03	0,32	0,26	0,02	0,43	97%
MKD	1,55	1,51	0,82	0,01	NA	0,68	97%
NOR	5,59	5,85	3,13	1,45	0,20	1,07	105%
POL	2,77	2,84	1,01	0,07	1,04	0,72	103%
PRT	4,22	3,91	NA	NA	NA	0,39	92%
ROU	2,98	2,94	2,31	0,39	NAP	0,24	99%
SRB	NA	NA	NA	NA	NA	NA	NA
SVK	1,05	NA	0,19	0,03	NA	0,42	NA
SVN	2,93	1,35	1,84	0,06	NAP	0,43	46%
ESP	3,89	NAP	NA	NA	NAP	NA	NAP
SWE	4,79	4,96	1,87	0,54	0,63	1,93	104%
CHE	5,96	5,27	0,91	4,21	NA	0,15	88%
TUR	4,48	4,30	2,55	NAP	0,65	1,10	96%
UKR	NA	NA	NA	NA	NA	NA	NA
UK:ENG&WAL	0,66	NA	0,07	NA	NA	0,62	NA
UK:NIR	2,14	2,41	0,72	NAP	0,15	1,54	112%
UK:SCO	2,91	NA	0,59	0,85	0,00	NA	NA
ISR	NA		NA	NA	NA	NA	NA
KAZ	0,15		0,00	NAP	NAP	0,14	92%
MAR	NA		NA	NA	NA	NA	NA
Average	3,00	2,93	1,38	0,45	0,35	0,82	95%
Median	2,61	2,41	0,88	0,11	0,18	0,68	97%

Several reasons explain the described improving developments. The number of States and entities with a total percentage of resolved cases against received cases equal to or higher than 100% doubled from 2018 to 2020. Additionally, the majority of states and entities improved the share of resolved cases over received ones. Presumably, the decreasing influx of cases, explained mainly by the COVID-19 pandemic, facilitated better results.

On the other side of the spectrum, **Estonia**, **France**, **Hungary**, **Luxembourg** and **Slovenia** achieved rather low resolved against received cases ratios, well under 70%. While **Estonia** retained the low percentage from the previous cycle, in the other states from the group, the ratio declined in 2020.

The European median of cases concluded by a penalty or a measure, decreased from 0,17 to 0,11 per 100 inhabitants from 2018 to 2020. The number of cases brought to trial increased from 0,59 to 0,68 over the same period.

In total 22 states and entities reported on cases closed for "other reasons" as stated in Figure 5.17. Among them, in **Belgium**, **Germany** and **Poland** over 1,00 of such closed cases are reported per 100 inhabitants. This category includes for example: joining cases, suspension or transfer to another prosecution office.

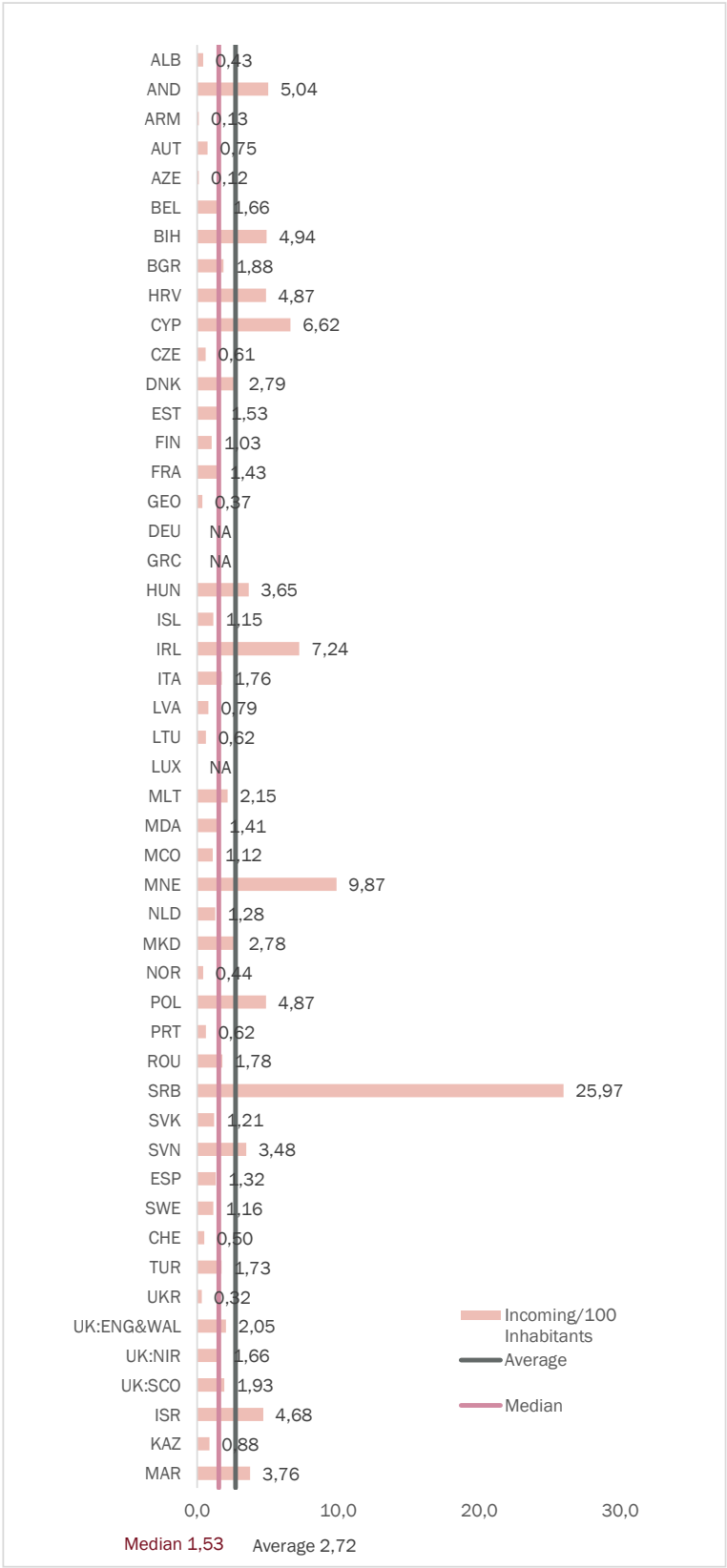
Looking at the European median values, among 0,88 cases discontinued per 100 inhabitants, 0,60 are discontinued due to the lack of an established offence or a specific legal situation, 0,32 due to the impossibility to identify the offender. At the same time, reasons of opportunity and other reasons took up only a smaller portion of the total, 0,09 and 0,06, respectively.

Number of cases brought to court by the public prosecutor via guilty plea procedures

In total, guilty plea procedures declined in 2020, presumably also due to lower activity instigated by the pandemic. There are 0,04 guilty plea procedures per 100 inhabitants on a European level, 0,03 fewer than in the previous cycle. The category of guilty plea procedures that took place before the main trial reached 0,09 cases, while those that took place during the main trial 0,04 cases. **Switzerland** remained the state in which this mechanism is used by far the most, with 4,21 guilty plea procedures per 100 inhabitants before the main trial. Some states used this procedure to respond to COVID-19 measures. In **Luxembourg**, the health measures allowed only a reduced number of people in the court hearings compared to previous years. In order to continue to work effectively and to resolve cases, the state prosecutors' offices decided to resort to the guilty plea procedure, since it does not require the same amount of physical presence of the parties, defenders, lawyers, witnesses, etc.

Incoming first instance criminal cases

Figure 5.18 **First instance Incoming criminal cases per 100 inhabitants in 2020 (Q94)**



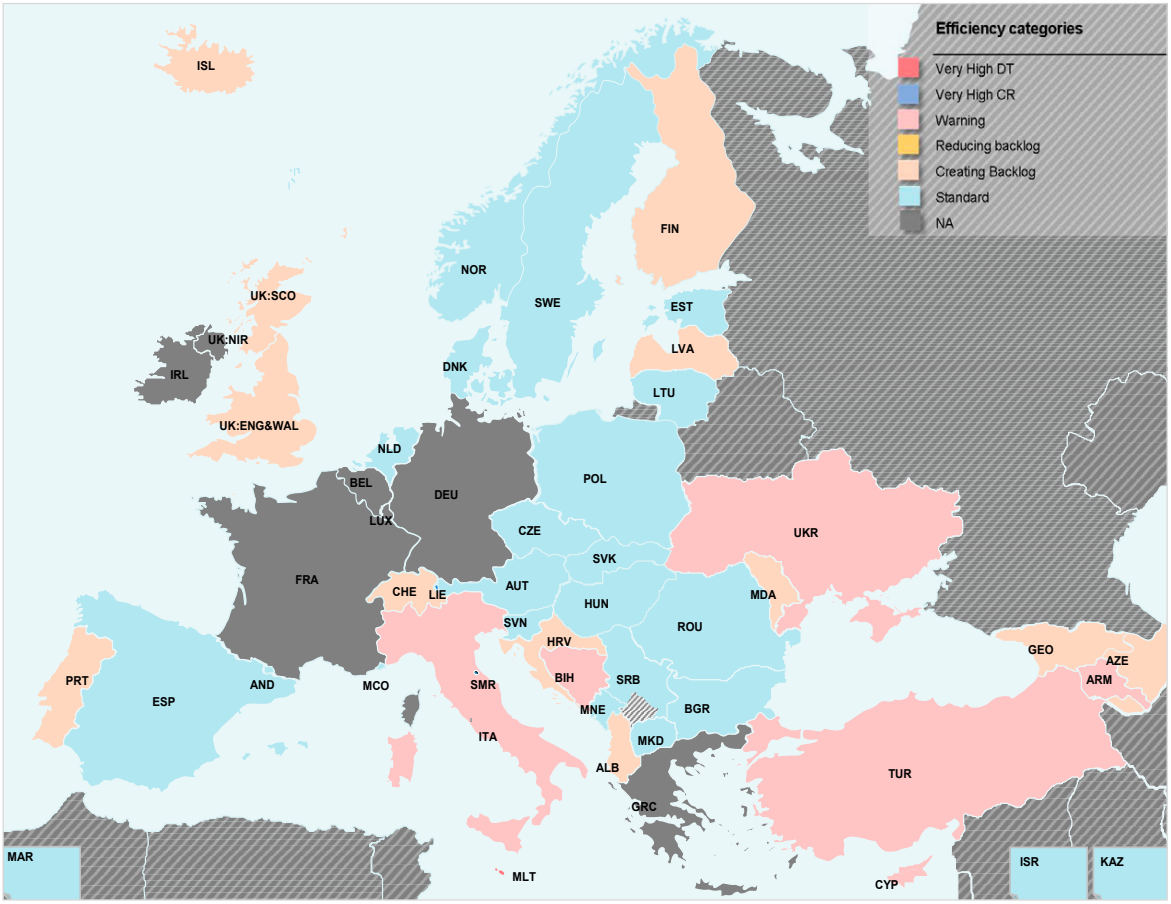
In 2020, the median of received criminal cases of first instance courts is 1,53 per 100 inhabitants, around 0,1 case fewer than in 2018. This trend is visible in majority of the countries (29) that experienced reduction. The majority of States and entities (60%) reported from 1,0 to 5,0 received criminal cases per 100 inhabitants. In 13 states and entities, this ratio is below 1,0.

Cyprus, **Ireland** and **Montenegro** received between 5,0 to 10,0 criminal cases per 100 inhabitants, while **Serbia** is an outlier with almost 26 received criminal cases. In **Ireland** and **Montenegro**, the reported high incoming criminal caseload is caused primarily by misdemeanour cases, while in **Serbia**, the category of "other criminal cases" explains the increase. In **Cyprus**, criminal cases include serious criminal offences as well as misdemeanour and traffic offences, which provide for high volumes of incoming cases (6,62). **Armenia** (0,13 cases), **Azerbaijan** (0,12 cases) and **Ukraine** (0,32 cases) continued to receive the lowest number of criminal cases per 100 inhabitants.

Performance indicators in first instance criminal cases

The states and entities' ability to cope with the criminal caseload and resolve cases timely are exhibited in Map 5.22. Depending on the values of the two performance indicators, CR and DT, states and entities are grouped into efficiency categories.

Map 5.19 **Clearance Rates and Disposition Time for criminal cases at first instance in 2020 (Q94)**



Over one-half of the 42 States and entities that provided data for calculating CR and DT in 2020 come into the standard efficiency category shown in light blue in Map 5.22. These are states and entities with CR ranging from 95% to 200% and DT not higher than twice the median value which comes to 298 days. Most of them have a CR slightly over or under 100%. **Andorra**, the **Czech Republic**, **Estonia**, **Monaco**, **Romania**, the **Slovak Republic** and **Kazakhstan** are the only ones to reach a CR of 100% or higher. In comparison, the highest CRs are 111% in **Andorra** and 108% in **Monaco**. DTs differ to a greater extent, from 10 days in **Kazakhstan** and 30 days in **Estonia** to 265 days in **Andorra**. Two-fifths of the states and entities from the standard efficiency group have a DT that did not exceed 100 days.

Twelve states and entities created backlogs with CRs under 100% but still fairly reasonable DTs. Among these, the lowest CR of 74% and the highest DT of 294 days are calculated in **Albania**. In contrast, the highest CR of 94% and one of the lowest DTs of 73 days are calculated in **Iceland**. The lowest DT of 71 days in this group of states and entities is in **UK-Scotland**, while its CR amounts to 89%.

Another six states and entities fell into the warning efficiency category, along with **Malta** showing very high DT. The performance of **Armenia** declined from the standard efficiency category in 2018 to the warning one in 2020. At the same time, **Bosnia and Herzegovina** shifted from the reducing backlog group to the warning category.

Evolution of Clearance Rate and Disposition Time in first instance criminal cases

Performance indicators of first instance criminal cases are generally more stable than in other case types examined in this chapter, with CRs closer to 100% and DTs significantly lower.

One-fifth of the states and entities increased their CR from 2010 to 2020, but 14% managed to do so from 2018 to 2020, as revealed by Figure 5.20. Over three-fifths of the states and entities experienced increases in DTs from 2010 to 2020, and from 2018 to 2020 this share raised to over four-fifths. Only **Estonia**, **Hungary**, **Norway** and **Poland** saw consistent decreases in DTs over both observed periods.

Figure 5.20 **Evolution of Clearance Rate and Disposition Time of first instance criminal cases (Q94)**

State/Entity	2010	2012	2014	2016	2018	2020	2010	2012	2014	2016	2018	2020
ALB	NA	NA	NA	100%	98%	74%	NA	NA	NA	108	81	294
AND	100%	93%	101%	NA	NA	111%	65	271	88	NA	NA	265
ARM	97%	100%	91%	91%	104%	73%	78	103	135	195	216	488
AUT	100%	101%	103%	100%	101%	98%	116	115	102	129	120	133
AZE	99%	101%	100%	99%	101%	86%	50	56	63	70	73	144
BEL	NA	NA	NA	NA	100%	95%	NA	NA	NA	NA	NA	NA
BIH	105%	102%	101%	107%	102%	95%	345	328	326	301	293	316
BGR	100%	99%	101%	100%	99%	98%	49	62	74	48	52	66
HRV	106%	103%	130%	107%	100%	88%	221	201	144	165	147	223
CYP	90%	91%	112%	108%	96%	95%	254	262	246	304	273	317
CZE	101%	NA	100%	101%	101%	100%	72	NA	64	67	65	72
DNK	106%	104%	98%	101%	99%	95%	99	37	47	38	41	64
EST	144%	94%	97%	102%	98%	100%	60	51	49	35	35	30
FIN	97%	98%	100%	99%	95%	89%	107	114	121	118	139	189
FRA	95%	102%	95%	106%	100%	91%	NA	NA	NA	NA	NA	NA
GEO	147%	101%	96%	106%	101%	91%	36	46	65	76	64	126
DEU	101%	101%	100%	99%	NA	NA	104	104	111	117	NA	NA
GRC	NA	NA	NA	NA	59%	NA	NA	NA	NA	NA	NA	NA
HUN	99%	91%	104%	103%	101%	97%	104	120	62	59	59	54
ISL	NA	NA	NA	NA	93%	94%	NA	NA	NA	NA	NA	73
IRL	NA	NA	75%	74%	NA	62%	NA	NA	NA	NA	NA	NA
ITA	95%	94%	94%	107%	98%	91%	329	370	386	310	361	498
LVA	100%	95%	102%	97%	102%	91%	77	133	133	135	118	192
LTU	98%	99%	102%	102%	101%	97%	104	72	67	65	54	73
LUX	80%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
MLT	96%	99%	99%	101%	103%	66%	331	291	306	294	299	792
MDA	94%	91%	95%	95%	98%	91%	103	156	102	131	171	242
MCO	NA	105%	110%	101%	107%	108%	NA	78	81	117	80	108
MNE	110%	96%	105%	114%	97%	96%	160	174	189	145	199	253
NLD	98%	95%	101%	106%	101%	95%	89	99	117	128	104	139
MKD	119%	105%	100%	126%	101%	98%	212	203	155	171	190	216
NOR	97%	100%	101%	98%	100%	99%	91	60	65	73	70	66
POL	91%	101%	100%	105%	100%	98%	96	88	99	95	111	82
PRT	105%	105%	NA	107%	102%	93%	302	276	NA	235	205	280
ROU	99%	99%	101%	90%	100%	100%	85	72	111	111	98	113
RUS	NA	99%	100%	101%	NA		NA	36	37	34	NA	
SRB	78%	105%	96%	103%	104%	98%	504	387	255	274	132	155
SVK	102%	101%	103%	106%	102%	100%	168	145	136	63	124	125
SVN	106%	114%	102%	100%	102%	96%	138	124	123	141	142	165
ESP	99%	103%	104%	106%	103%	95%	162	136	125	163	170	247
SWE	98%	101%	100%	98%	96%	96%	135	123	128	133	151	149
CHE	106%	99%	99%	100%	100%	92%	63	137	113	96	100	125
TUR	91%	108%	86%	94%	94%	93%	314	226	330	302	303	390
UKR	99%	103%	100%	89%	85%	93%	95	79	81	166	271	298
UK:ENG&WAL	NA	102%	98%	103%	101%	92%	NA	73	82	72	75	144
UK:NIR	NA	NA	NA		98%	91%	NA	NA	NA	..	NA	NA
UK:SCO	NA	NA	NA	NA	NA	89%	NA	NA	NA	NA	NA	71
ISR		107%	102%	102%	96%	97%		142	115	103	114	123
KAZ					100%	100%					9	10
MAR				104%	104%	96%				91	76	87
Average	101%	100%	100%	101%	99%	93%	152	146	133	139	144	199
Median	99%	101%	100%	101%	100%	95%	104	120	111	123	122	149

From 2018 to 2020, only **Estonia** increased its CR (from 98% to 100%) and decreased the DTs by five days (from 35 to 30 days) due to falling incoming cases. **Sweden** maintained the CR from the previous cycle (96%) and reduced the DT by two days (from 151 to 149 days). The influx of cases increased due to an increased outflow from previous stages in the legal chain, more cases for which public defender has been appointed and more cases processed through the so-called rapid proceedings. Oppositely, 29 States and entities experienced decreased CRs in combination with increased DTs over the same period. At the same time, in the remaining States and entities, the result varied in a way that one of the indicators was improving while the other one was weakening.

The highest increase in CR of eight percentage points from 2018 to 2020 is recorded in **Ukraine** and the greatest decrease of 37 percentage points in **Malta**. In **Ukraine**, the number of resolved cases increased, which led to a rise in CR from 85% to 93%. The CR dropped to 66% in **Malta** due to significant decrease in the number of resolved cases thus ensuing increase of pending cases.

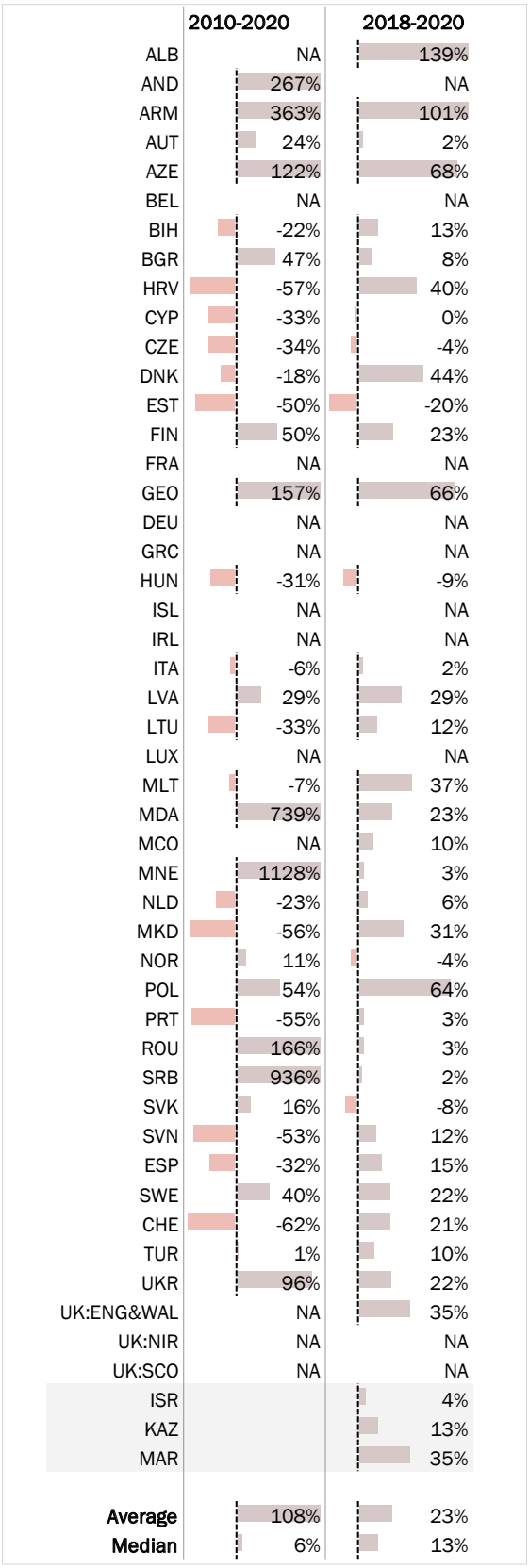
Among DT values, **Albania** more than tripled its DT from 2018 to 2020, from 81 to 294 days due to a drop in resolved cases, while **Armenia** doubled its DT from 216 to 488 days due to increased incoming cases and decreased resolved cases. DT reduction values are much more modest, with a maximum of 29 days reported in **Poland**, which included the category of "other criminal cases" in this cycle for the first time which may have influenced this result.

Interesting example

France implemented a process of filing complaints by the victims of domestic violence directly at the hospital. This ensures the deposition of the claim and the medical report detailing the injuries and confirming a complete inability to work, necessary for the penalization of the offence. The referring doctor invokes the family protection unit made up of specially trained investigators for the most severe cases. This project won the 2021 CEPEJ Cristal Scale of Justice award.

Pending first instance criminal cases

Figure 5.21 **Variation of first instance criminal cases pending on 31st December (Q94)**



The variation of pending first instance criminal cases uncovers growing or decreasing backlogs. Backlog accumulation is always worrying as it, without instant mitigation, inevitably leads to congestion of courts and increased length of proceedings. As a result, cases caught in the system become older and are likely to cause a violation of the right to a fair trial within a reasonable time.

Median values of variations of first instance criminal cases pending on December 31st reveal that states and entities have overturned the trends from the past evaluation cycle and started to accumulate backlog, by 6% from 2010 to 2020, and by 13% from 2018 to 2020.

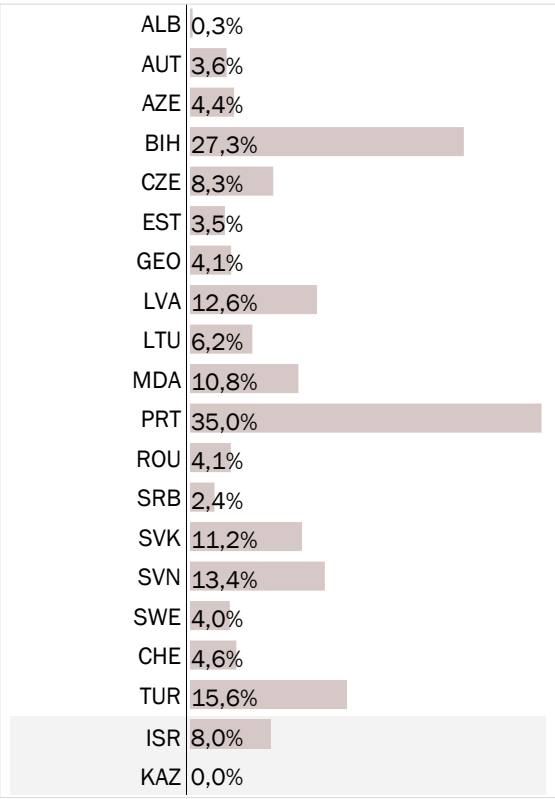
One half of the states and entities reduced their criminal pending cases from 2010 to 2020. Only 13% managed to do so from 2018 to 2020. The longer period displayed in Figure 5.21 should be put into context to understand the vast differences. In **Montenegro**, they are caused by introducing data on misdemeanour cases and in the **Republic of Moldova** by the reform of the criminal justice. In **Georgia** and **Armenia**, the increases in pending cases are, among others, caused by legislative reforms and lower court activity connected to the COVID-19 pandemic. Irrespective of the percentages shown, it should be taken into consideration that the volume of pending cases in both states is still significantly lower than the median.

Some states and entities produced positive results and decreased backlogs over the longer period observed but encountered problems from 2018 to 2020. Most of these states stated the pandemic had impeded the efficiency of the criminal justice in 2020. Conversely, but with more modest differences, **Norway** and the **Slovak Republic** increased their pending stocks from 2010 to 2020. Still, they reduced them over the past two cycles by four and eight percentage points, respectively.

Pending first instance criminal cases older than two years

In this evaluation cycle, 20 states and entities managed to provide data on pending criminal cases older than two years. **Bosnia and Herzegovina** (27,3%) and **Portugal** (35,0%) continue to be burdened with the highest shares of cases older than two years. Nevertheless, both states managed to decrease the share of such cases over the previous cycle by 9,9 percentage points in **Bosnia and Herzegovina** and 6,6 percentage points in **Portugal**. Reductions are also reported in **Azerbaijan**, **Georgia**, **Latvia**, **Lithuania**, **Serbia** and **Switzerland**. **The Slovak Republic**, which did not provide data for 2018, more than halved its share of pending cases older than two years from 24,0% in 2016 to 11,2% in 2020.

Figure 5.22 **Pending first instance criminal cases older than two years (Q94)**



Specific categories of first instance criminal cases

CEPEJ collects data on specific categories of criminal cases, intentional homicide and robbery, to easily compare European jurisdictions and facilitate a better understanding of their work.

European first instance courts DTs for intentional homicide cases increased from 249 days in 2018 to 402 days in this cycle while the CR declined from 102% to 78%, causing the pending cases to grow. Similar tendencies are found in robbery cases, the DT increased from 176 days in 2018 to 241 days in 2020, while the CR declined from 101% to 90% in the same period. Median DT calculated for 2020 for intentional homicide cases is almost triple the European median for criminal cases. In robbery cases, it is 62% higher than the European median for criminal cases.

In this evaluation cycle, the CEPEJ also began collecting data on criminal cases relating to child sexual abuse and child pornography in first instance courts as particularly sensitive and important case types. In total, 18 states and entities provided data for this cycle. The European median CRs calculated based on these data are approximately 80%, suggesting that courts are increasing the pending volumes of these cases. With 387 days for child sexual abuse cases and 286 days for child pornography cases, the DTs are significantly higher compared to the European median for criminal cases in the first instance of 149 days.

SECOND INSTANCE COURTS

”Do second instance courts follow the same trends as first instance courts? Are there any significant differences between the case types examined?

The incoming caseloads of second instance courts are commonly dependent on the performance of first instance courts. The number of cases resolved by first instance courts, passed decisions susceptible to appeal, and high appeal ratios are the main factors influencing the second instance courts' incoming caseloads. Consistent with this, in 2020, second instance courts received fewer civil and commercial litigious cases and criminal cases while the incoming administrative caseload did not vary. Still, the declines in incoming second instance cases are lower than in the first ones in civil and commercial litigious and criminal cases. In administrative matters, incoming caseloads remain unchanged, even though the first instance courts received and resolved fewer cases.

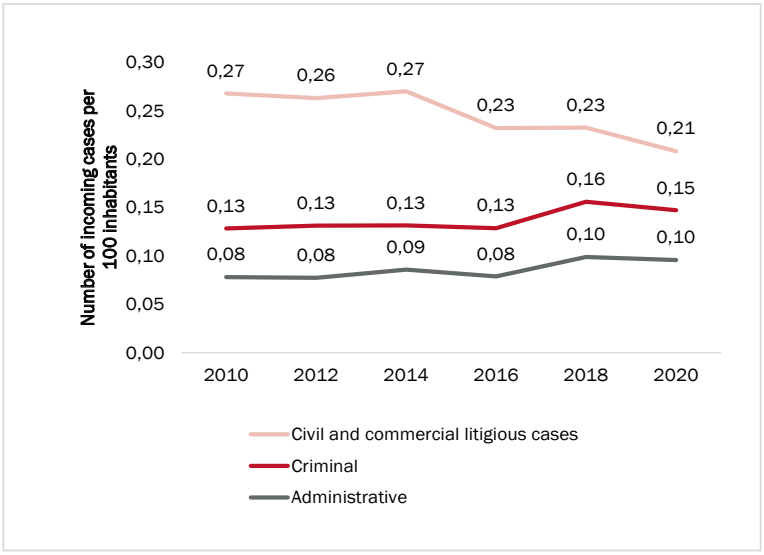
Clearance rates of second instance courts are stable over the past six evaluation cycles in the examined case types, with up to five percentage points deviation from 100%. From 2018 to 2020, despite the COVID-19 circumstances that impeded the operations of most courts, the European second instance courts' CR increased slightly in civil and commercial litigious cases (from 102% to 104%) and remained unchanged in administrative and criminal matters, at 102% and 99%, respectively.

The reduced activity of first instance courts during the COVID-19 crisis had clearly spilt over to second instance courts as perceptible through lower incoming cases. DTs of civil and commercial litigious, administrative, and criminal cases remained lower at second instance than at the first one, regardless of the increases reported in 2020. As at the first instance and previous cycles, DT is the highest in administrative matters and the lowest in criminal cases. The volume of cases pending at the end of 2020 increased in civil and commercial litigious and administrative matters while it remained as in the previous three cycles in criminal cases.

Incoming second instance cases

In 2020, the median of cases received per 100 inhabitants in second instance courts is 0,21 in civil and commercial litigious cases, 0,15 in criminal cases and 0,10 in administrative matters. As illustrated by Figure 5.23, incoming civil and commercial litigious cases continued declining over the past six evaluation cycles. Courts received fewer criminal cases in 2020 - the previously increasing trend in criminal cases has been overturned. On the other hand, courts received the same volume of administrative cases, 0,10 per 100 inhabitants, as in 2018.

Figure 5.23 **Evolution of the European median of second instance incoming cases per 100 inhabitants by case type (Q97 and Q98)**



Even if the general trend is rather stable for administrative cases there are significant decreases when looking by country. Most states and entities received fewer civil and commercial litigious cases in 2020 than in 2018. Out of 32 states and entities that provided data, only **Armenia**, **Denmark**, **Germany**, and the **Republic of Moldova** reported increases in incoming cases by 51%, 8%, 17%, and 19%, respectively. Additionally, an increase of 3% is reported in **Sweden**. The reported decreases in incoming cases, explained mainly by the COVID-19 effects, are substantial in several states and entities. Approximately one-third of cases fewer are received in **Azerbaijan**, **Bosnia and Herzegovina**, **France**, **Georgia** and **Malta**, two-fifths in **Hungary** and **the Slovak Republic**, one-half in **Ireland** and **North Macedonia**. Only two states reported over 1,00 incoming cases per 100 inhabitants, **Montenegro** with 1,51 and **Serbia** with 1,96 received cases. In **North Macedonia**, the 1,14 incoming cases per 100 inhabitants in 2018, received due to an increased number of resolved cases in the first instance courts, decreased to 0,61 in 2020.

Eight states and entities reported an increase in second instance administrative incoming caseload per 100 inhabitants. Among them, the increases exceed 10% in four states. In **Bosnia and Herzegovina**, a rise of 24% in administrative cases is primarily caused by a high influx of urgent matters related to local elections in one of the courts. A 12% increase in **Luxembourg** is caused by a specific case type related to complains to the City of Luxembourg general development plan. At the same time, 19% more cases were received in **Spain**, possibly due to expanding court jurisdiction and a judgement of the Constitutional Court from 2015 that eliminated the fees to appeal. The increase of 12% observed in **Ukraine** remained unexplained in this analysis.

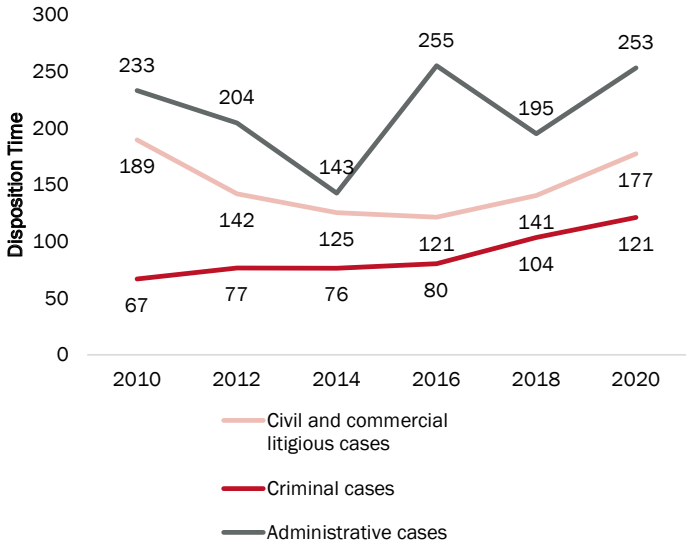
In contrast, in **Hungary**, -63% fewer incoming cases are reported in 2020 over the previous evaluation cycle, which could be justified by COVID-19 effects and a reorganisation of the administrative jurisdiction. The other states and entities with significant drops are **Poland** with one-third fewer incoming cases and **Armenia**, **Azerbaijan** and the **Netherlands** with one-fourth fewer incoming cases. No particular reasons were given for these drops other than the restricted activities due to the pandemic.

Nine states and entities reported increases in incoming second instance criminal cases in 2020. Among them, the most substantive variations are in **Iceland**, **Poland** and **Sweden**, which received respectively 206%, 22% and 15% cases more. A new court level was introduced in **Iceland** on January 1st 2018, replacing the former two tiers with a three-tier system. The new Court of Appeal (Icel. Landsréttur) is a court of second instance. In **Poland**, the increase is explained with the category of other criminal cases reported with the 2020 data for the first time, while in **Sweden**, more cases received in the first instance led to the described increase.

Other states and entities reported decreases in criminal cases influx, especially **Greece**, where -68% fewer received cases are registered, apparently due to the pandemic and the accumulation of pending cases in the courts of the first instance. In **Azerbaijan**, **Cyprus** and **Malta**, a decrease of approximately one-third is reported, explained only by the pandemic effect.

Disposition Time of second instance cases

Figure 5.24 **European Disposition Time of second instance courts by case type (Q97 and Q98)**



DTs of second instance courts examined through civil and commercial litigious, administrative, and criminal cases remained lower than in first instance courts regardless of the increases reported in 2020. As at the first instance and previous cycles, DT is the highest in administrative matters and the lowest in criminal cases.

In the second instance, DTs increased in 2020 in all three observed case types, thus continuing the trends from previous cycles in criminal and civil and commercial litigious matters. From 2018 to 2020, the DT increased by 36 days in civil and commercial litigious cases along with 17 days in criminal cases. In administrative matters, the improved results from 2018 deteriorated again with an increase in DT by 58 days.

Out of 37 states and entities that provided data for civil and commercial litigious cases for 2020, the highest DTs are reported in **Albania** (1 742 days), which provided data for the first time and **Italy** (1 026 days), which noted an increase by 163 days over the previous cycle. Another state with a noticeable increase is **France**, with a DT of 607 days, an increase of 141 days over 2018. This increase is direct effect of the lower number of resolved cases due to COVID-19 pandemic. **Malta** reduced its DT by 25%, from 1 120 in 2018 to 838 days in 2020.

The DT did not exceed 100 days in nine states and entities. The trends are declining or stable in **Armenia**, **Austria**, **the Czech Republic**, **Latvia**, **Lithuania**, **Montenegro**, **Portugal**, **Slovenia** as well as **Kazakhstan**. In **Slovenia**, the DT halved, from 82 days in 2018 to 40 in 2020, primarily due to the lower volume of incoming cases. Several states and entities have improving or stable DTs in 2020, despite the pandemic exceptional circumstances, such as **Armenia**, **Bosnia and Herzegovina**, **the Czech Republic**, **Estonia**, **Switzerland** and **Israel**. Presumably, such results are owed to lower volumes of received and resolved cases that did not follow same declining tendency.

The variations in achieved DTs are much higher in administrative matters. In **Albania**, which provided data for the first time, 4 485 days are needed to finalise a case, followed by **Cyprus**, with a DT of 2 688 days or an increase of 532 days over 2018. By contrast, a DT of 4 days is reported in **Hungary** and 56 in **Montenegro**. In **Hungary**, the DT reduced from 91 days in 2018 to 4 days in 2020, primarily due to a significant decrease in received cases, enabling the courts to resolve the pending stock and end the year with only 14 unresolved second instance administrative cases. States and entities mostly kept stable or improved DTs, but some reported considerable increases. The DT increased notably over the past two cycles in **Azerbaijan**, **Georgia**, **Luxembourg**, **Republic of Moldova**, **Türkiye** and **Morocco** primarily due to fallen productivity in 2020 as a result of the COVID-19 pandemic. Other than that, in **Luxembourg**, the system was partly congested by appeals concerning the City of Luxembourg development plan, while in **Türkiye**, new courts were established, and the case flow is not stable yet.

In criminal cases, out of 40 states and entities, 33 have a DT lower than 200 days in 2020. However, the DT in the remaining seven states varied significantly, from 311 days in **Türkiye** to 1 167 in **Italy**. In **Albania**, the DT increased by 3,5 times, from 281 to 998 days, due to halved resolved cases. Concurrently, **Cyprus** halved its DT from 754 days to 347 days, thanks to the reduction in incoming cases.

Pending second instance cases

Figure 5.25 **Evolution of the European median of second instance cases pending on December 31st per 100 inhabitants by case type (Q97 and Q98)**

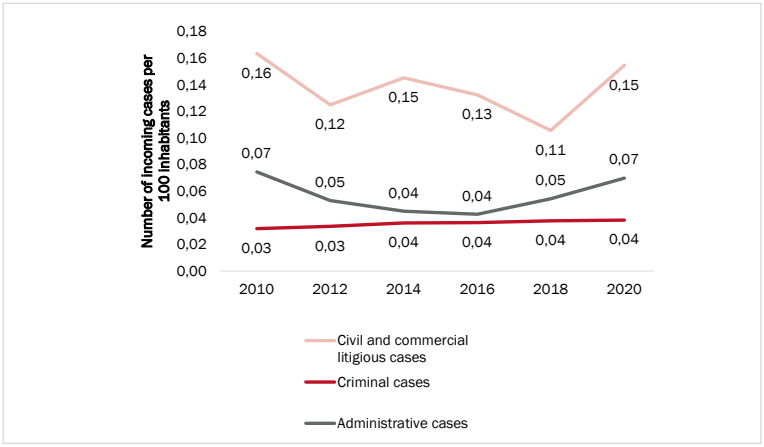


Figure 5.25 illustrates the evolution of the European median of pending second instance cases per 100 inhabitants. The volume of cases pending at the end of 2020 increased in civil and commercial litigious and administrative matters. It remained as in the previous three cycles in terms of criminal cases. Civil and commercial litigious cases presented some sharper variations over time. The pending administrative cases improved from 2010 to 2016, only to start growing again in 2018 and 2020. The volume of pending criminal cases increased only slightly over the ten years and remained at 0,04 cases per 100 inhabitants from 2014 to 2020.

The most significant individual volumes of pending civil and commercial litigious cases in 2020 are reported in **Bosnia and Herzegovina** (0,95 cases) and **Serbia** (1,30 cases). In other states and entities, under 0,50 cases per 100 inhabitants are pending at the end of the year. Nine out of 33 states and entities (27%) reported increases in pending civil and commercial litigious cases over the previous cycles, with the highest increase recorded in the **Republic of Moldova** by 67%. Simultaneously, due to lower incoming cases and high CRs, in **Slovenia**, pending cases decreased by -60%, in **Croatia** by -44%, and in **Lithuania** by -45%. Namely, the courts took advantage of the lower demand to work on the reduction of the pending cases by achieving high CRs.

In terms of second instance administrative cases, in 2020, **Albania** reported the highest number of pending cases per 100 inhabitants (0,47), followed by **Greece** (0,27). The other states and entities have under 0,20 case pending at the end of the year. Moreover, in 72% of the states and entities, under 0,10 case is pending. Among them, **Hungary** reported 0,00014 pending administrative cases, and in the **Slovak Republic**, there is none in 2020.

The states with the highest reported volume of pending criminal cases in 2020 are **Italy** (0,46), **Türkiye** (0,43) and **Croatia** (0,36). Meanwhile, in **Albania**, 0,23 case per 100 inhabitants remained pending while in other states and entities, the reported volumes are under 0,15 case.

Data on the share of cases older than two years reveal which jurisdictions are more burdened with older cases that are more likely to cause violations of the right to a fair trial. As for the first instance courts, not all states and entities were in a position to deliver such data for 2020.

Pending second instance cases older than two years

Among 22 states and entities that could provide data, the highest shares of civil and commercial litigious cases older than two years is 53,4% reported in **Malta**, followed by 46,4% in **Italy** and 43,8 in **Bosnia and Herzegovina**. In absolute numbers, **Bosnia and Herzegovina** and **Italy** reduced the number of cases older than two years by 18% and 11%, respectively. This number grew slightly (by 2% or from 889 in 2018 to 908 in 2020) in **Malta**. Another state with a substantial share of these cases is **Montenegro** with 32,5%, which reported on cases older than two years for the first time in this cycle. Attributable to general advancements in pending cases reduction, **Croatia** halved its reported share, from 12,8% in 2018 to 5,6% in 2020. Other states and entities reported significantly lower values, such as 2,3% in **Romania** or no civil and commercial litigious cases older than two years as reported in **Slovenia**.

In **Albania** 57,0% of cases are older than two years in administrative matters or 65 cases in total, followed by 25,6% in **Poland**. Except for 12,1% of these cases in **Bosnia and Herzegovina**, a decrease from 306 cases in 2018 to 189 in 2020, other states and entities have shares lower than 10%.

Variations are lower in the criminal domain, **Italy** reported 47,9% of cases older than two years, while the next highest share is 9,5% in **Bosnia and Herzegovina**. In other states and entities the relevant shares are under 5%. **Estonia** and the **Republic of Moldova** are the only states with no cases older than two years in all three categories analysed.

HIGHEST INSTANCE COURTS (SUPREME COURTS)

”Are the highest instance courts more efficient than lower instance courts? Are there any significant differences depending on the case types examined?

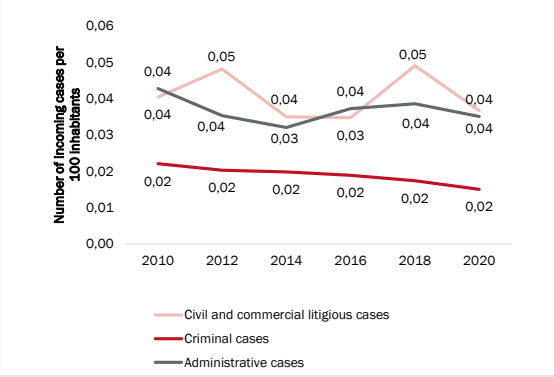
According to the CEPEJ methodology, the highest or the final instance courts (the Supreme court) belong to the third instance. In cases when jurisdictions are organised in two instances, such as in **Cyprus** and **Malta**, the highest instance is then considered the second instance, which is assessed in the previous section.

In 2020, the CRs of Supreme courts exceeded 100% in the three examined case types, for the first year in administrative law field too. In the preceding evaluation cycles, from 2010 to 2018, the CRs fluctuated depending on the case type. In civil and commercial litigious cases and criminal cases, the median CR varied mildly over the years, while the only domain where the CR is continually slightly under 100% is the administrative one.

The highest instance courts were also touched by the COVID-19 pandemic but to a much lesser extent. The DT median of civil and commercial litigious matters decreased due to the drop in the incoming cases in the year of COVID-19 restrictions. In opposition, the administrative and the criminal cases DTs increased, and the volumes of pending cases at the end of the year varied accordingly. Particular states and entities significantly reduced the volumes of pending cases older than two years.

Incoming highest instance cases

Figure 5.26 **Evolution of the European median of highest instance incoming cases per 100 inhabitants by case type (Q99 and Q100)**



Expectedly, the incoming caseloads of the Supreme courts per 100 inhabitants are considerably lower than in other instances as not all cases meet the conditions for consideration at the highest instance. Over the years, considerable variations are seen in civil and commercial litigious matters, but the criminal and the administrative domains maintained a steady inflow, as shown in Figure 5.26. A maximum of 0,05 civil and commercial litigious case received in 2018 (and previously in 2012) dropped by one-fifth in 2020, to 0,04. Concurrently, 0,04 administrative case and 0,02 criminal case are reported. Incoming caseload continued to be the lowest in criminal cases, while civil and commercial litigious matters and administrative matters continued exchanging the first and the second position.

Five states and entities received more civil and commercial litigious cases in 2020 than in the previous cycle. Among them, the increase is substantial in **Armenia**, by 36%. The inclines were of minor importance in **Latvia**, **Monaco**, **the Netherlands**, and the observer State **Israel**. On the other hand, there were considerable declines in incoming caseloads, by 34% in **Hungary**, 60% in **Ireland**, 37% in **the Republic of Moldova**, 33% in **Sweden** and 53% in **Ukraine**. The jump in incoming cases in **Armenia** may be explained by an overall increase of civil and commercial litigious cases in the system. In contrast, the COVID-19 effects mainly explain the decreases mentioned above.

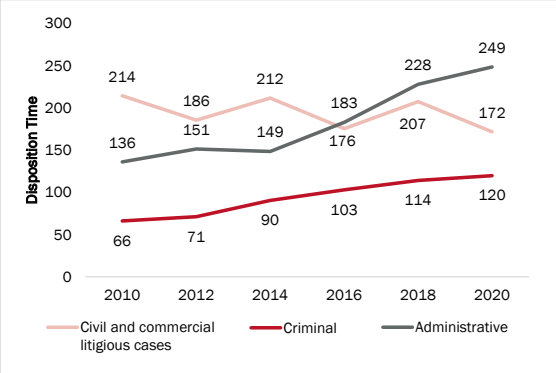
The differences are less pronounced in administrative and criminal cases, although there are significant variations. In **Montenegro**, the incoming administrative volume of cases fell drastically, from 0,45 to 0,15. **North Macedonia** had a similar decrease of around -60% from 2018 to 2020. In **Ukraine**, more than one-third fewer criminal cases were received, while in **North Macedonia**, the number of criminal cases doubled.

The incoming caseloads of the Supreme courts depend not only on the incoming case volumes in the system in general but also on the particularities in the judicial organisation and the procedural codes of the states and entities. It is common and expected that the Supreme courts receive fewer cases than the second instances, but there are exceptions to that rule. The Supreme courts in **Bulgaria**, **Hungary** and the **Slovak Republic** received similar caseloads as the second instance courts, sometimes even exceeding them. In **Hungary**, in 2020, the administrative justice reorganisation, through which administrative cases were entrusted to eight Regional courts, combined with the COVID-19 restrictions, influenced the caseloads to decline in the second instance and incline in the third one.

Disposition Time in Highest Instance cases

At the highest instance courts, the DT median of civil and commercial litigious matters is the only one to decrease, by 35 days, from 2018 to 2020, thus continuing the fluctuating trend from 2010. The stated decline in the DT median is entirely owed to the drop in the incoming cases in the year of COVID-19 restrictions. The administrative cases DT increased by 21 days, reinforcing the increasing trend that started in 2016. In criminal cases, the DT continued to grow in 2020 by six days, thus maintaining the constant incline over the past ten-year period.

Figure 5.27 **European Disposition Time of the highest instance courts by case type (Q99 and Q100)**



In the civil and commercial litigious cases domain, almost two-thirds of the states and entities experienced an incline in their DT over the previous year. In four states and entities, the DTs more than doubled. These are **Azerbaijan** (from 47 to 120 days), **Estonia** (from 66 to 172 days), **Lithuania** (from 160 to 389 days) and **Portugal** (from 49 to 126 days). Although not desirable, these increases are not necessarily alarming as only in **Lithuania** do the DT exceed the European median. The jumps may be explained primarily by the lower court activity in the COVID-19 circumstances and the rising pending stock of cases. Additionally, **Lithuania** reported that decreasing judicial posts and a lengthy appointment by the Parliament procedures for vacancies undermined the Supreme court's productivity. Concurrently, the DT halved in **Latvia** thanks to declining pending cases, although the demand was mainly unchanged. In **Slovenia** and **Ukraine**, it halved because of decreases in demand.

Similarly, over one-half of the states and entities experienced increases in DTs of administrative cases over the past two cycles. The **Republic of Moldova**, **North Macedonia** and **Kazakhstan** are the only states that more than doubled the reported DT, with significant differences. In 2020, the **Republic of Moldova** reached a DT of 51 days, while 304 days are reported in **North Macedonia**. **Greece** remained the state with the highest individual DT in the third instance administrative cases of 1 107 days, a reduction of 12% over 2018. The second highest DT is reported in **Italy**, with 667 days or 16% fewer than the previous cycle. Conversely, in **Türkiye**, 460 days in 2018 increased to 612 in 2020. There are 13 states and entities in which the DT decreased. Among them, the most substantial declines are noticed in **Hungary** and **Ukraine**, by -74% and -60%, respectively. As already mentioned, **Hungary** went through a significant administrative justice reform while there was no specific reason identified for **Ukraine**.

In terms of absolute values expressed in days, the variations in criminal cases DTs are much lower than in other studied case types. Approximately half of states and entities increased their DTs, while others reported decreases. More significant increases, over 50 days, are reported in **Azerbaijan**, **Italy**, the **Republic of Moldova** and **Spain**. **Monaco** is an outlier with an increase in DT of 511 days or 233%, but in actual volumes, the total number of cases pending at the end of the year increased from 9 to 38. The declines exceeded 50 days in eight states and entities – **Ireland**, **Luxembourg**, **North Macedonia**, **Norway**, **Poland**, **Romania**, **Türkiye** and **Ukraine**. Most of them encountered lower incoming cases in 2020. Still, in **North Macedonia**, the incoming caseload doubled, possibly due to the amendments to the Criminal Procedure Code, followed by increases in resolved cases due to new appointments of judges.

Pending highest instance cases

The European medians of cases pending per 100 inhabitants at the highest instance courts remain low and stable in all three case types analysed. In civil and commercial litigious cases, from 2014, the median stayed at 0,02 pending case. In administrative matters, 0,02 case is pending per 100 inhabitants in 2020, as in previous years (except for 2012 and 2014 when 0,01 case was left pending). Criminal cases did not exceed 0,01 pending case per 100 inhabitants in 2020 as they did not in the previous cycles.

The most substantial volume of pending civil and commercial litigious cases is reported in **Croatia** – 0,28 per 100 inhabitants. This is the first cycle since 2010 that **Croatia** supplied data for this category, so it is not possible to determine a trend. **Türkiye** registered the highest 0,16 and 0,31 pending case per 100 inhabitants in administrative and criminal matters. Although the volumes in administrative and criminal matters may be the highest in **Türkiye**, in both case types, the pending cases declined over the past evaluation cycles as a result of a special policy for the reduction of the number of pending cases adopted by the Court of Cassation. This is also visible in civil cases where **Türkiye** is not any more the country with the highest number of cases per 100 inhabitants and the decrease was significant in the COVID year from 0,27 in 2018 to 0,16 in 2020. However, most of the states and entities displayed much lower numbers of pending cases at the end of 2020.

Pending highest instance cases older than two years

Azerbaijan, **Estonia** and the **Republic of Moldova** reported no cases older than two years in the analysed categories of cases. In contrast, the share of civil and commercial litigious cases older than two years of these cases is 84,8% in **Montenegro** and 48,2% in **Croatia**, which both did not provide data in the previous cycle. Meanwhile, **Croatia** introduced legislative changes to rationalise the number of cases that may be decided by the Supreme Court, which is expected to disburden the Court. The larger inflow of extraordinary legal remedies (so-called extraordinary revisions) began with the 2008 and 2011 Civil Procedure Code amendments that enabled many cases to reach the Supreme Court with no prior control at lower instance. These cases congested the Supreme Court and caused the backlog to expand. **Italy** too has 48% of their pending cases older than 2 years. In **Türkiye**, the respective share of cases more than halved from 2018 to 2020, from 36,8% to 15,9%, as a result of targeted backlog reduction measures. The reported shares are much lower in other states and entities that were in the position to provide data. **Belgium** reported 13,9% of cases older than two years, while 0,6% are reported in **Ukraine**.

Similarly, in the administrative cases the differences are vast, **Croatia** and **Italy** reported over one-half of the cases to be older than two years, followed by **Ukraine** (39,6%) and **Türkiye** (30,6%). In **Slovenia** it increased six-fold, from 3,8% in 2018 to 23,8% in 2020, while in other states and entities the reported shares are much lower, or there are no such cases in 2020.

In criminal cases, the shares of cases older than two years are much lower, a maximum of 17,3% is reported in **Bosnia and Herzegovina**, followed by 16,9% in **Belgium** and 15,3% in **Türkiye**.

Interesting example

In 2019, a specific policy was adopted to reduce the number of pending cases at the Court of Cassation in **Türkiye**. The system has started to prioritise older cases by an alert system. The waiting time of each case has been monitored via the system. As a result, pending cases have significantly reduced compared to the previous cycle.

Trends and conclusions

The 2022 Evaluation Cycle (2020 data) was greatly affected by the COVID-19 crisis. Because of COVID-19 concerns and restrictions, courts throughout Europe encountered problems in executing even routine operations. However, not all jurisdictions were impacted in the same manner.

States and entities resorted to various innovative measures to mitigate the COVID-19 effects and make the best use of existing resources to ensure the functioning of their courts. Most of them relied on electronic services.

First instance courts were impacted the most by the pandemic. The second and the third instances produced very similar results in terms of Disposition Time, somewhat higher in comparison to the previous cycle. Criminal law area remains to be seen as most efficient while the DT remains to be the highest in the administrative matters.

In the majority of the states and entities, prosecutors improved the share of resolved cases over received ones. Presumably, the decreasing influx of cases, explained mainly by the COVID-19 pandemic measures, facilitated these results.

The pressure put on the courts by cases related to the asylum seekers and the right and stay for aliens had started to ease, although there are still many new cases arriving in the system.

The latest edition of the report by the European Commission for the Efficiency of Justice (CEPEJ), which evaluates the functioning of judicial systems of 44 Council of Europe member states as well as three observer states to the CEPEJ, Israel, Kazakhstan and Morocco , continues the process carried out since 2002, focusing the content of the report on the analysis of European trends. In addition, the CEPEJ has also developed, for each participating state a profile which presents in a synthetic way the main data and indicators developed by the CEPEJ as well as an analysis of the main aspects of each judicial system. All the quantitative and qualitative data collected from the CEPEJ national correspondents as well as the accompanying comments are also available on the CEPEJ-STAT dynamic database (https://www.coe.int/en/web/cepej/cepej-stat). Relying on a methodology which is already a reference for collecting and processing large number of judicial data, this unique study has been conceived above all as a tool for public policy aimed at improving the efficiency and quality of justice. The objective of the CEPEJ for this report is to enable policy makers, justice practitioners, researchers as well as those who are simply interested in the functioning of justice in Europe and beyond, to have access to the information needed to be able to understand, analyse and reform.

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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

European judicial systems
CEPEJ Evaluation Report



Part 2
Country profiles

2022 Evaluation cycle
(2020 data)

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European Commission for the Efficiency of Justice
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Council of Europe

French edition:
Systèmes judiciaires européens
Rapport d'évaluation de la CEPEJ
Cycle d'évaluation 2022
Fiches pays (Partie 2)

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All other correspondence concerning this document should be addressed to:
cepej@coe.int

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- Tables, graphs and analyses (Part 1)
- Country Profile (Part 2)
- The CEPEJ-STAT dynamic database (https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems)

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INTRODUCTION

This document contains 49 different country profiles for all Council of Europe member States/entities participating in this evaluation cycle and 3 observer countries. These country profiles present the key elements of information allowing to understand the functioning of the judicial system of each member State/entity or observer State. This information presented is based on the data and comments collected from the CEPEJ national correspondents through the evaluation questionnaire (the reference to the relevant questions is in brackets below). There are 3 pages dedicated for each State or entity.

On the first page you can find:

- general demographic and economic information to contextualize the data set. This includes population size (**Q1**), GDP per capita (**Q3**) and average annual gross salary (**Q4**);
- a synthetic analysis of the implemented judicial system budget and its three components (courts (**Q6**), legal aid (**Q12-1**) and public prosecution services (**Q13**)), illustrating both the degree of investment and the budgetary effort of the State concerned with regard to justice;
- a general review of courts' efficiency in 2020 based on the two CEPEJ indicators - the Disposition Time[1] and the Clearance Rate[2] (**Q91** to **Q100**);
- brief analysis of country-specific elements for the current evaluation cycle.

On the second page you can find information on:

- evolution of the number of professional judges (**Q46**), non-judge staff (**Q52**), public prosecutors (**Q55**), non-prosecutor staff (**Q60**), lawyers (**Q146**), as well as the gender distribution within these professions;
- salaries of judges and public prosecutors in absolute terms (**Q132**) and in relation to the average gross annual salary (**Q32** and **Q4**);
- the organization of courts in terms of number of first instance courts of general and specialised jurisdiction (**Q42** and **Q43**), as well as number of geographical locations of all courts, all instances combined (**Q44**) and its evolution since 2012;
- the ICT index measuring the degree of ICT development in three categories: deployment rate, communication with courts, courts and case management and decision support.

On the third page you can find information on:

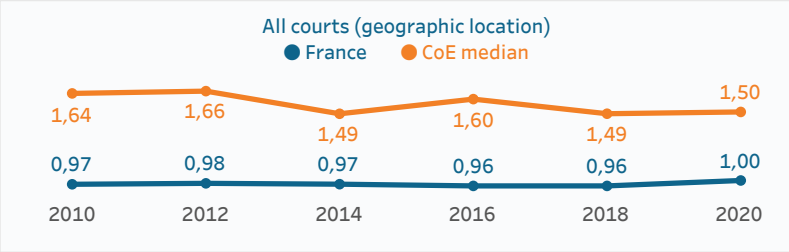
- evolution of courts' efficiency by instance and by legal matter in the longer term, still based on the Disposition Time, the Clearance Rate and the respective European medians (**Q91** to **Q100**);
- evolution of the workload of the public prosecution services (**Q107**);
- links to websites dedicated to justice (**Q28**).

1 Disposition Time (DT) = (Pending cases/Resolved cases) * 365
Resolved cases = cases finalised at that instance within the year
Pending cases = unresolved cases on the 31st December

2 Clearance Rate = (Resolved cases/Incoming cases) *100
Incoming cases = all new cases at that instance within the year

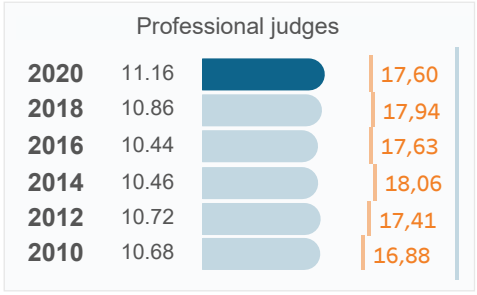
HOW TO READ THE GRAPHS IN THE COUNTRY PROFILES?

The data presented in these country profiles are visualised using two types of charts: line chart and bar/column charts. The Part 2 analyses each country separately. Therefore, the size of the bars /squares of the charts is relative to the values of a specific country. Comparisons among countries are included in the Part 1 of the report and the CEPEJ-STAT dashboards. The line charts are used for showing evolutions over time as on the page 1 for budget and page 2 for courts as in this example:



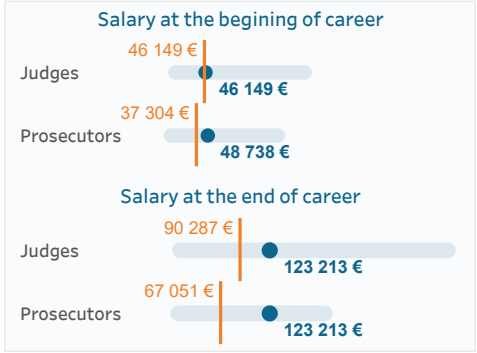
The blue colour is presenting the value over time for the State in question and the orange colour presents CoE median value evolution.

The other representations are in horizontal and vertical bar charts and variation of these. For example the vertical bar (column) charts are used in prosecution cases and Disposition Time while the horizontal bar for almost all the rest. In all these cases the orange value represents the CoE median value as shown in this example of bar chart for professional judges.



There are also various bar charts presented in ICT and in salaries where:

- value of the country in the blue dot
- CoE median in the orange line
- The Minimum and the maximum within Europe as a beginning and an end of the light blue bar to contextualise the range of values.



ALBANIA

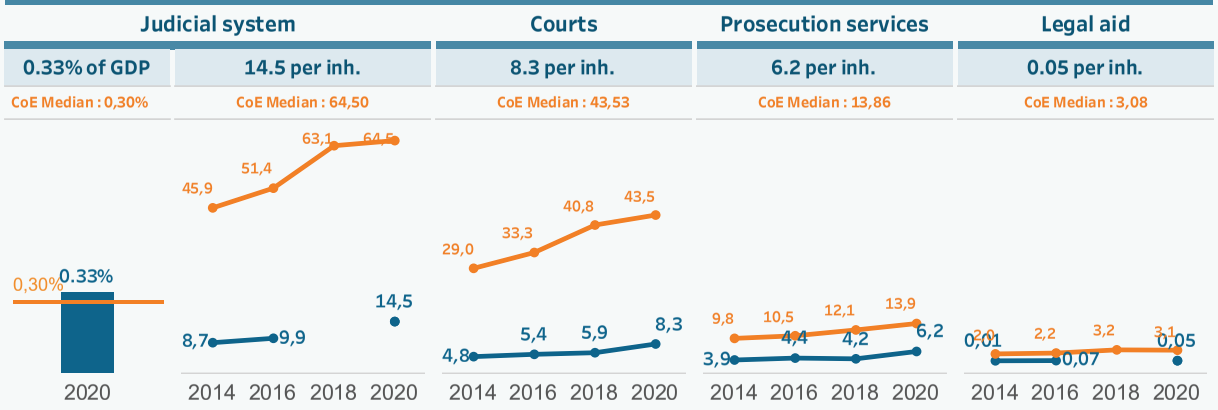
2020

Population
2 845 955

GDP per capita
4 460 €
CoE Median 20 301 €

Avg gross annual salary
5 200 €
CoE Median 20 612 €

Implemented judicial system budget



Budget : In 2020, Albania spent 41 359 048 € on the implemented Judicial System budget, 14,53 € per inhabitant (well below the CoE median). However, Albania increased the budget spent for Courts, from 5,9 € per inhabitant in 2018 to 8,3 € in 2020. After the approval of the legal aid reform in 2018, Albania has channelled a higher amount of funds for legal aid, however this budget remains lower than the median.

Professionals

The Vetting process started in 2014 and it had an impact on the number of judges and prosecutors. Many of them were indeed dismissed or they voluntarily resigned. In 2020, the number of judges in Albania per 100 000 inhabitants (10,8) is significantly lower than the CoE Median. The low number of judges was particularly evident in the third instance, where 13 positions out of 17 remained uncovered. The proportion of women among prosecutors, court presidents and heads of prosecution offices has remained modest.

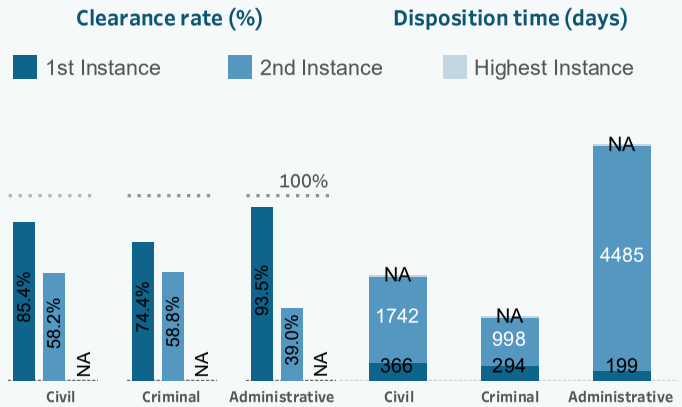
Legal Aid

As already mentioned, following the approval of the legal aid law, the budget of legal aid was increased substantially. The Law on Legal Aid entered into force on 1 June 2018. It foresees a comprehensive system of legal assistance and free legal representation in courts, exemption from court fees and court costs. However, the number of cases granted with legal aid per 100.000 inhabitants remained well below the CoE median.

Salaries

On 1 January 2019, a new salary scheme for judges and prosecutors entered into force and nearly doubled the salaries of judges and prosecutors, especially in the first instance level. Indeed, judges receive four times the national average salary at the beginning of career (CoE median was 2 times) and almost 5 times the average national salary at the highest instance (CoE median was 4,5).

Efficiency



Efficiency: In 2020, the first instance courts appear to be significantly more efficient than the second instance ones. The DT is extremely high, especially for civil and commercial litigious cases (1 742 days in the second instance) and for administrative cases (4 485 days in the second instance). The situation is better in the first instance, with 199 days for administrative cases and 366 days for civil/commercial litigious cases.

In Albania, the vetting procedure affected not only the number of professionals but also the Clearance Rate (CR) and length of proceedings (especially in the second and third instances where many judges were dismissed or voluntarily retired). Thus, judges have not been able to cope with the influx of cases and the CR was below 100% in 2019 and 2020. In particular, the CR for second instance cases in 2020 is well below 100%.

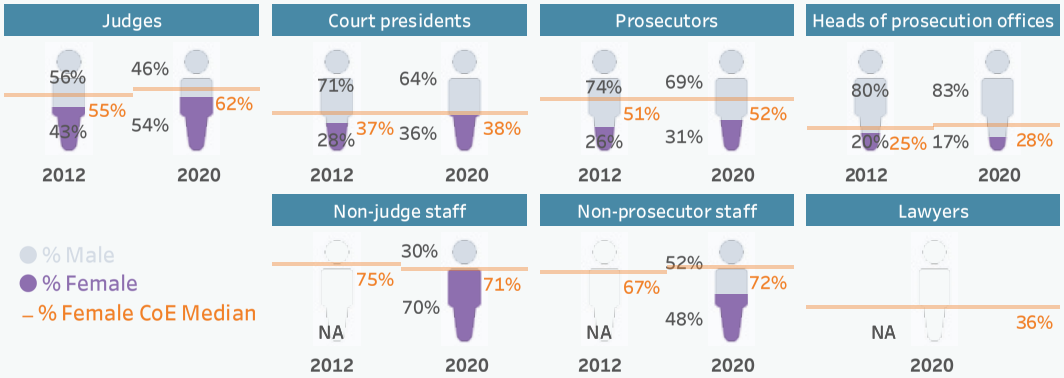
ALBANIA

Human resources (per 100 000 inhabitants)

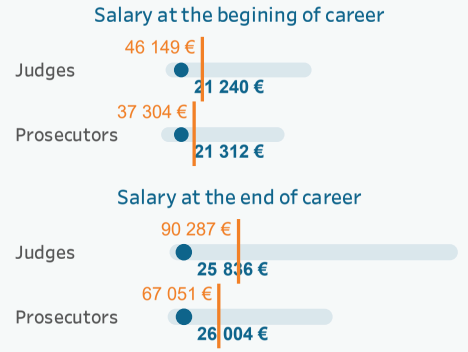
Albania | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	10.79	17,60	33.28	56,13	10.54	11,10	23.54	15,22	107.66	134,51
2018	12.05	17,94	30.90	59,69	NA	11,22	NA	14,98	86.23	127,08
2016	12.62	17,63	31.57	59,30	11.16	10,86	NA	14,60	79.43	120,25
2014	12.55	18,06	29.66	55,33	11.23	10,27	NA	14,57	86.42	110,17
2012	13.50	17,41	28.66	54,46	11.72	10,44	NA	14,56	215.57	112,56
2010	11.67	16,88	24.26	61,05	9.83	9,83	NA	12,94	157.28	102,03

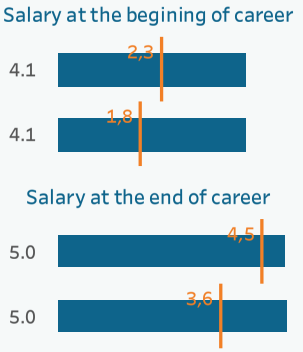
Gender balance



Absolute gross salaries

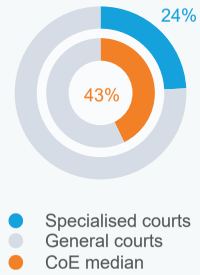


Ratio with the average annual gross salary

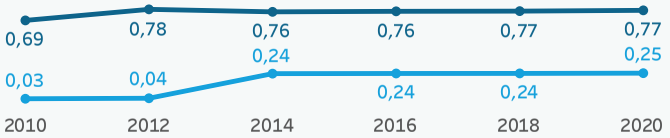


Courts (per 100 000 inhabitants)

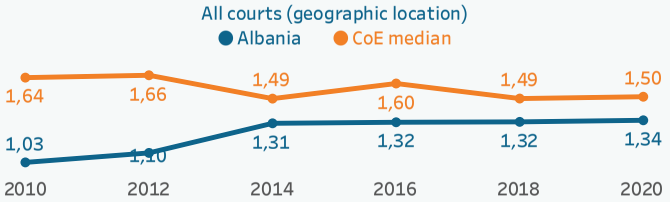
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	4.6	6,5
Deployment rate	Civil	3.66	6,6
	Criminal	3.77	5,7
	Administrative	3.66	6,1
Communication with courts	Civil	0.14	6,1
	Criminal	0.14	4,1
	Administrative	0.14	5,0
Courts and case management	Civil	8.87	7,3
	Criminal	8.87	7,3
	Administrative	8.87	7,4
Decision support	Civil	4.57	7,0
	Criminal	5.19	7,3
	Administrative	4.57	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	NA	103,0%
	2nd Instance	58.2%	104,2%
	1st Instance	85.4%	98,1%
Criminal	Highest Instance	NA	101,0%
	2nd Instance	58.8%	99,4%
	1st Instance	74.4%	94,7%
Administrative	Highest Instance	NA	101,2%
	2nd Instance	39.0%	100,9%
	1st Instance	93.5%	97,5%

Disposition Time (in days)

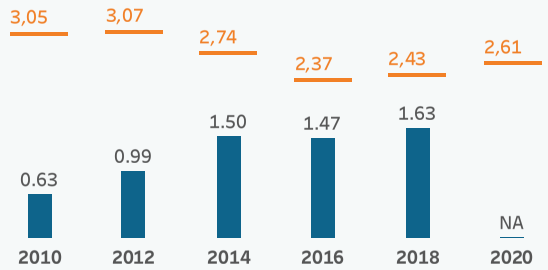
Civil	Highest Instance	NA
	2nd Instance	1742
	1st Instance	366
Criminal	Highest Instance	NA
	2nd Instance	998
	1st Instance	294
Administrative	Highest Instance	NA
	2nd Instance	4485
	1st Instance	199

Evolution of Disposition Time

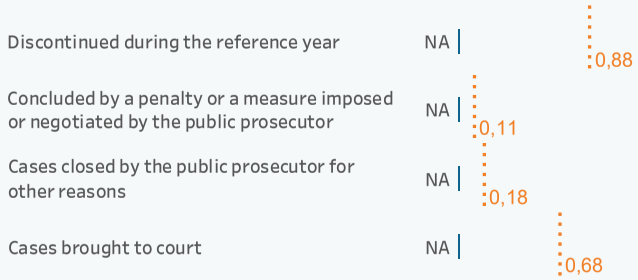
		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	NA	183	NA	NA	NA	NA
	2nd Instance	NA	NA	NA	NA	NA	1742
	1st Instance	173	192	171	159	172	366
Criminal	Highest Instance	494	600	341	253	NA	NA
	2nd Instance	288	231	306	413	281	998
	1st Instance	NA	NA	NA	108	81	294
Administrative	Highest Instance	NAP	284	NA	NA	NA	NA
	2nd Instance	NA	NA	NA	NAP	NA	4485
	1st Instance	264	287	74	115	90	199

Public prosecution services

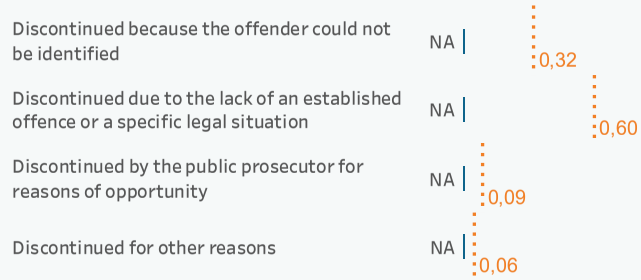
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.qbz.gov.al

2. Case-law of the higher court/s
http://www.gjykataelarte.gov.al/

3. Information about the judicial system
http://gjykata.gov.al

ANDORRA

2020

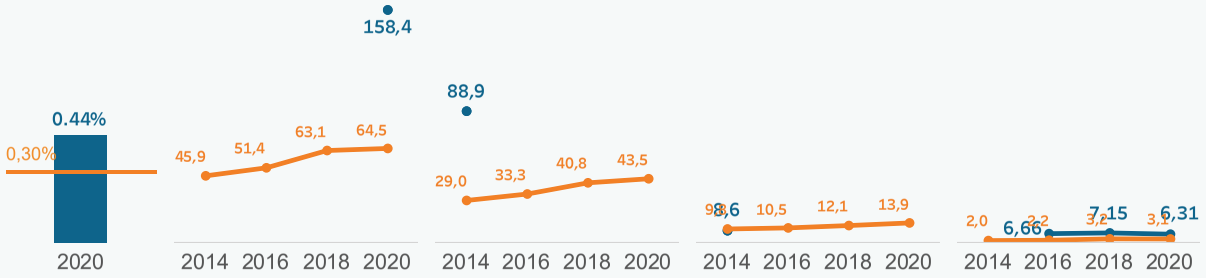
Population
78 015

GDP per capita
36 347 €
CoE Median 20 301 €

Avg gross annual salary
25 766 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.44% of GDP	NA per inh.	NA per inh.	6.31 per inh.
CoE Median : 0,30%	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08
158.4 per inh.			
CoE Median : 64,50			



Budget : In Andorra, the court budget cannot be separated from the public prosecution services budget. In 2020, Andorra spent 12 357 783 € on the implemented judicial system budget which represents 158,40 € per inhabitant (well above the COE median) and 0,44% of the GDP (above the CoE median). The legal aid budget which represents 6,31 € per inhabitant is above the CoE median.

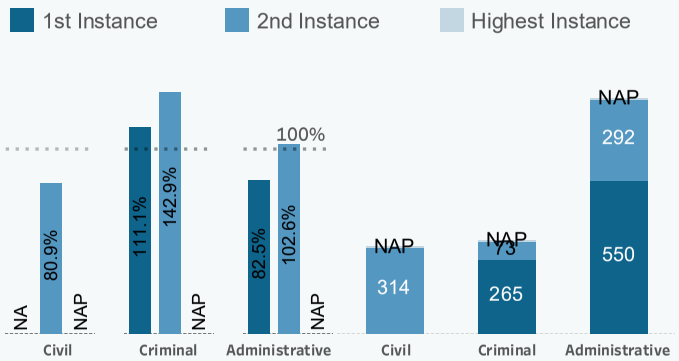
Professionals of justice
The number of judges increased gradually to 27 in 2020. This value which is above the CoE median per 100 000 inhabitants should be analysed with caution due to the country's size. The number of public prosecutors almost doubled, even if they passed from 4 to 7 (and it is below the CoE median per 100 000 inh.). The share of women among judges is 56% in 2020, and among prosecutors 57%. However, the 3 court presidents are men, as well as the head of the public prosecution service.

Term of office of judges and prosecutors
Andorra is among the few States where judges and prosecutors are not appointed for an undetermined period of time. Their mandate is of six years and is renewable, except for renouncement or serious misconduct.

Training of judges and prosecutors
There is no public training institution. Based on collaboration agreements with the Spanish and French training schools, judges and prosecutors attend the continuous training modules of the latter. The agreements facilitate the organisation of initial training for new judges. Continuous training takes also place within the judicial administration, with a person responsible for organising it, and a follow-up committee.

Efficiency

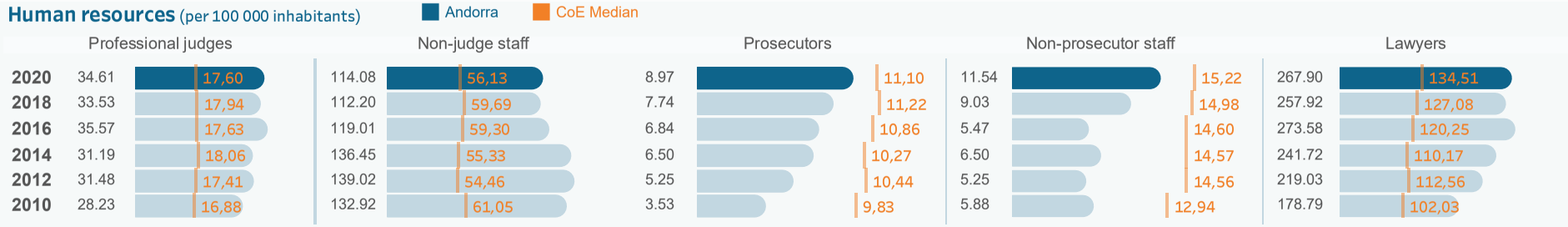
Clearance rate (%) | Disposition time (days)



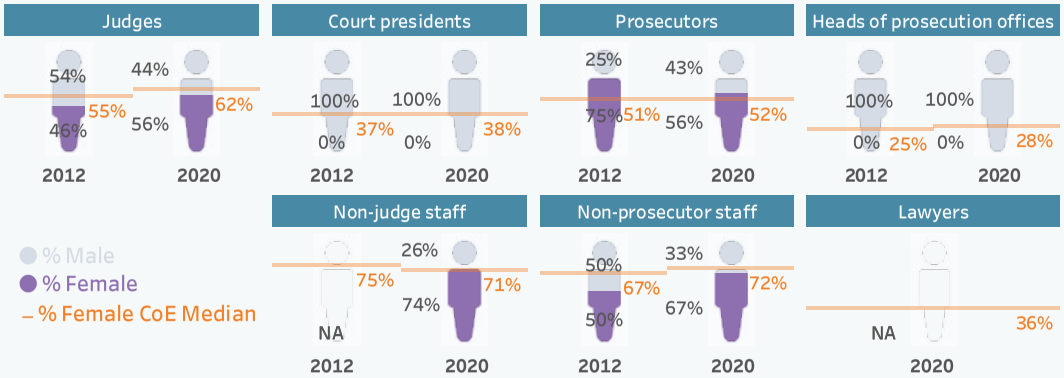
Efficiency: Andorra has a two-tier court system. The Superior Tribunal is the highest instance and deals with appeals against first instance judgements. General conclusions on which instance is the most efficient in 2020 cannot be made because data on first instance civil and commercial litigious cases are not available.

When examined combined for both instances, criminal justice is found to be the most efficient area of law, same as the European tendency. The highest Disposition Time is calculated for first instance administrative cases. The Disposition Time indicator is above the respective CoE medians for the different matters and instances, except for second instance criminal cases.

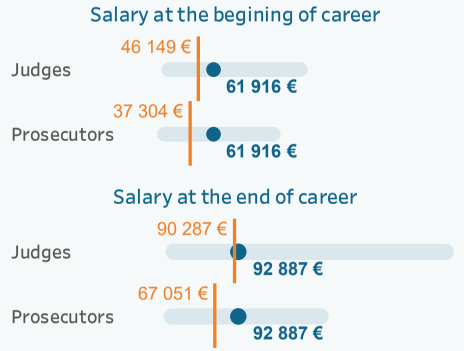
Human resources (per 100 000 inhabitants)



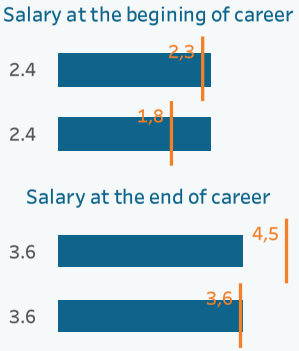
Gender balance



Absolute gross salaries

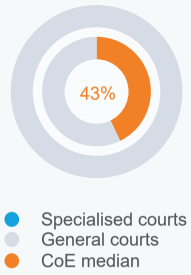


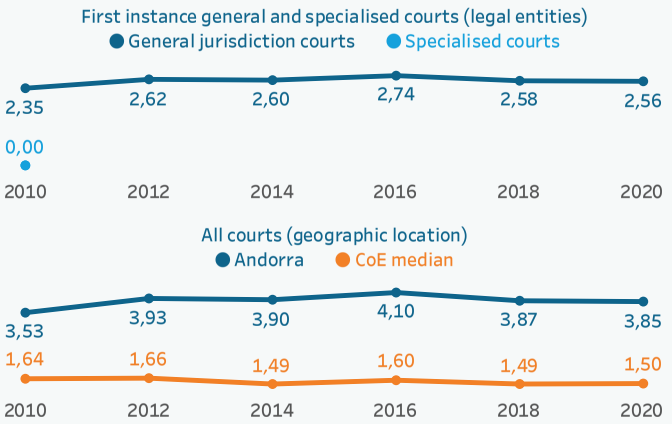
Ratio with the average annual gross salary



Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts





ICT in judiciary (index from 0 to 10)

Index	Total	3.91	6,5
Deployment rate	Civil	3.26	6,6
	Criminal	3.69	5,7
	Administrative	3.26	6,1
Communication with courts	Civil	1.38	6,1
	Criminal	2	4,1
	Administrative	1.38	5,0
Courts and case management	Civil	5.97	7,3
	Criminal	5.97	7,3
	Administrative	5.97	7,4
Decision support	Civil	3.91	7,0
	Criminal	4.62	7,3
	Administrative	3.91	7,2

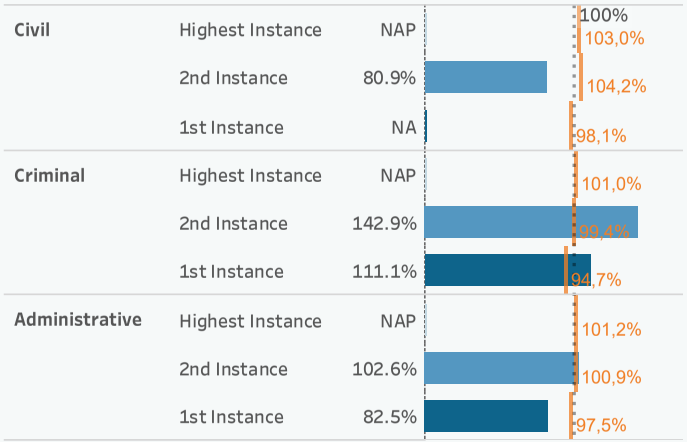
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

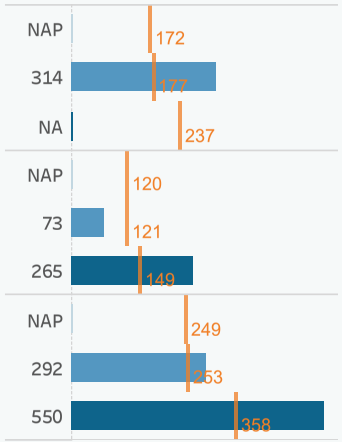
Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

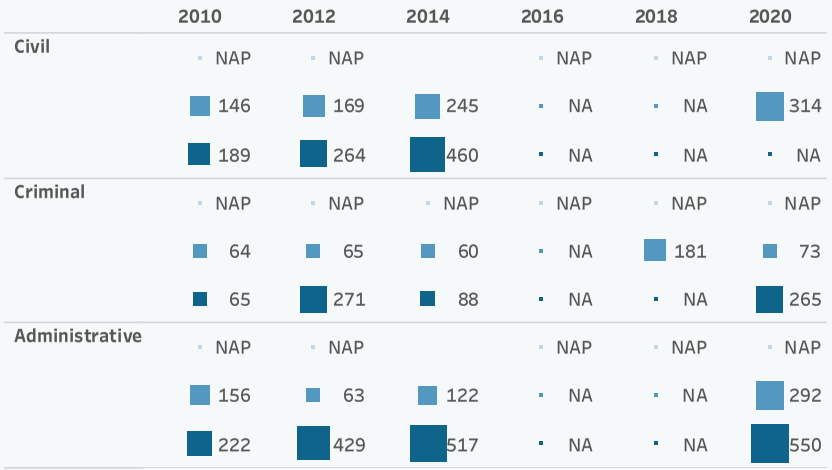
Clearance Rate



Disposition Time (in days)

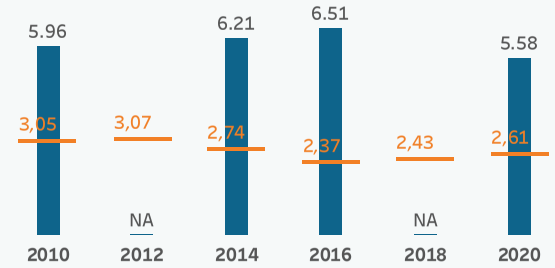


Evolution of Disposition Time

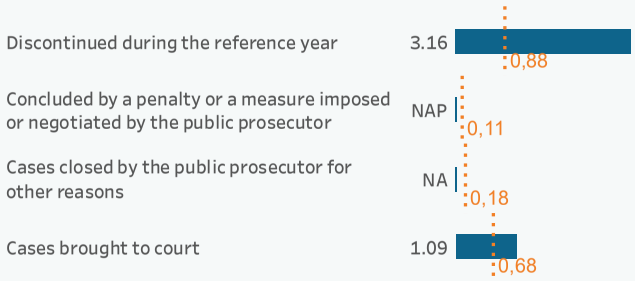


Public prosecution services

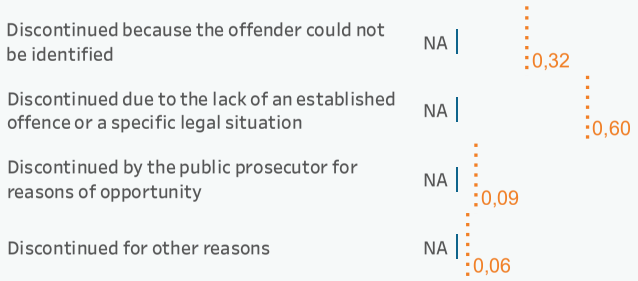
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.bopa.ad

2. Case-law of the higher court/s
www.justicia.ad

3. Information about the judicial system
www.justicia.ad



ARMENIA

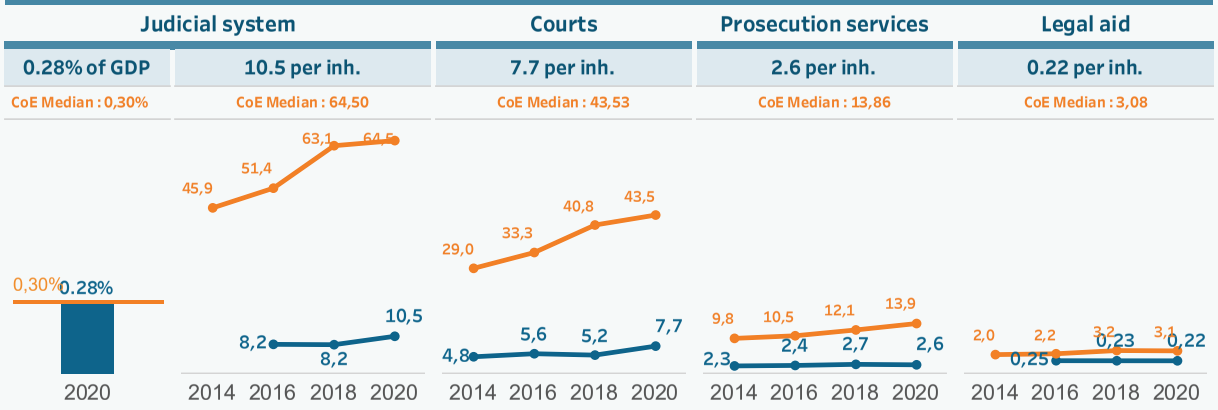
2020

Population
2 963 300

GDP per capita
3 739 €
CoE Median 20 301 €

Avg gross annual salary
4 237 €
CoE Median 20 612 €

Implemented judicial system budget



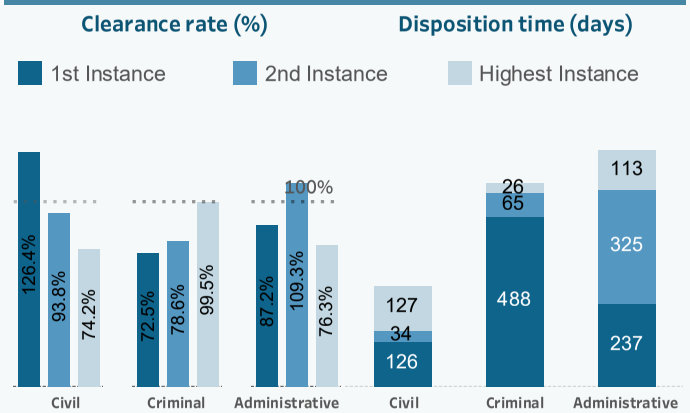
Budget : In 2020, Armenia spent 31 031 359 € on the implemented judicial system budget. This corresponds to 10,47 € per inhabitant, less than the CoE median but close to the CoE median expenditure as percentage of the GDP. In 2020, 73,4% was spent for all courts, 24,5% for prosecution services and 2,1% for legal aid. Since 2018 there has been a 47,2% increase of the implemented budget of all courts notably due to increased spending on salaries and computerisation, although the budget for courts still remains one of the lowest in Europe.

Justice Professionals
The numbers of professional judges (8,2), non-judge (48,5) and non-prosecutor staff (6,14) per 100 000 inhabitants are lower than the CoE medians. Lawyers (75,6) are also below the CoE median even if their number has more than doubled since 2010. Regarding the prosecutors, their number per 100 000 inhabitants in 2020 (12) is slightly higher than the CoE median.

Gender Balance
In Armenia, the percentages of female professional judges (26,6%) and prosecutors (13,8%) are below 50% and significantly lower than the CoE medians. In 2020 there are no women court president and only one woman at the head of a prosecution office. There is a provision to facilitate gender equality during the recruitment of judges.

ICT in judiciary
Armenia has a ICT index of 3,4 which is an increase of 0,4 points compared with previous cycle. The investment in ICT in Armenia seems to be one of the lowest in Europe, 1,4% of the budget of courts.

Efficiency



Efficiency: In 2020, the Supreme Court appear to be more efficient than the lower instances, while civil and commercial litigious cases, combined for three instances, are the most efficient area of law. This is different from the European trend where the criminal cases are the fastest.
In particular, the lowest DT is calculated for the highest instance criminal cases. In opposition, the highest Disposition Time is noted in first instance criminal cases (DT 488 days). This Disposition time has been steadily increasing since 2010 and is more than three times higher than the European Median (148 days).
The impact of the COVID-19 pandemic on courts' efficiency differed among instances and court types. In the first instance the efficiency of courts increased in civil and commercial litigious cases and administrative cases while it deteriorated in criminal matters.

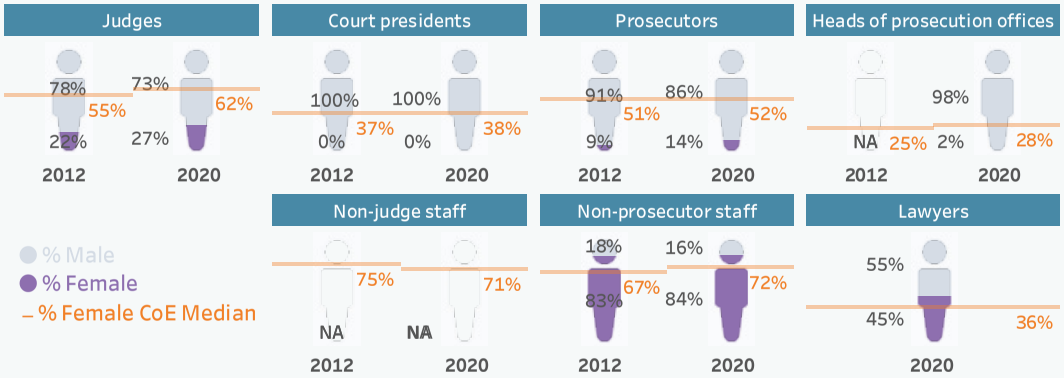
ARMENIA

Human resources (per 100 000 inhabitants)

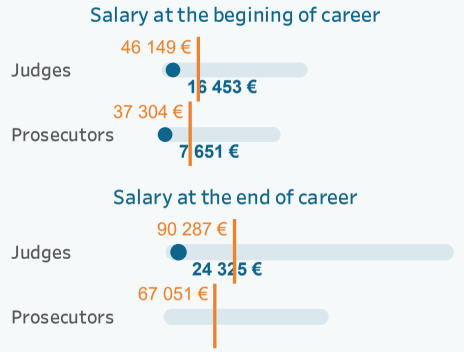
Armenia | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	8.23	17,60	48.53	56,13	11.98	10,10	6.14	15,22	75.59	134,51
2018	7.97	17,94	66.71	59,69	11.11	11,22	10.60	14,98	72.18	127,08
2016	7.74	17,63	78.50	59,30	10.65	10,86	5.79	14,60	61.89	120,25
2014	7.51	18,06	77.53	55,33	10.13	10,27	5.81	14,57	53.15	110,17
2012	7.24	17,41	20.42	54,46	10.54	10,44	5.29	14,56	45.36	112,56
2010	6.74	16,88	18.94	61,05	10.05	9,83	NA	12,94	34.60	102,03

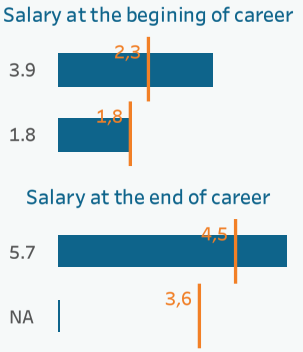
Gender balance



Absolute gross salaries

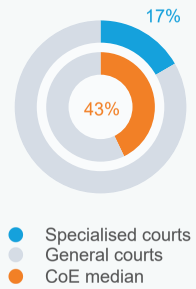


Ratio with the average annual gross salary

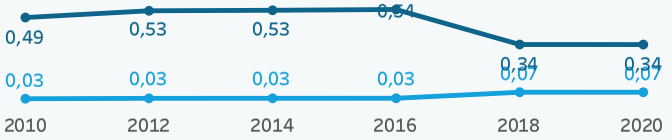


Courts (per 100 000 inhabitants)

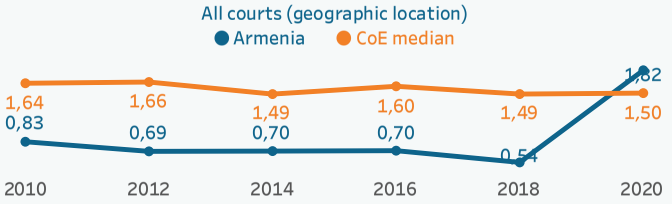
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	3.44	6,5
Deployment rate	Civil	2.36	6,6
	Criminal	2.05	5,7
	Administrative	2.04	6,1
Communication with courts	Civil	0.29	6,1
	Criminal	0.29	4,1
	Administrative	0.33	5,0
Courts and case management	Civil	4.03	7,3
	Criminal	2.9	7,3
	Administrative	2.9	7,4
Decision support	Civil	6.63	7,0
	Criminal	6.63	7,3
	Administrative	6.96	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	74.2%	100%
	2nd Instance	93.8%	103,0%
	1st Instance	126.4%	104,2%
Criminal	Highest Instance	99.5%	98,1%
	2nd Instance	78.6%	101,0%
	1st Instance	72.5%	99,4%
Administrative	Highest Instance	76.3%	94,7%
	2nd Instance	109.3%	101,2%
	1st Instance	87.2%	100,9%
			97,5%

Disposition Time (in days)

Civil	Highest Instance	127
	2nd Instance	34
	1st Instance	126
Criminal	Highest Instance	26
	2nd Instance	65
	1st Instance	488
Administrative	Highest Instance	113
	2nd Instance	325
	1st Instance	237

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	NA	33	70	49	98	127
	2nd Instance	NA	65	57	60	58	34
	1st Instance	163	168	230	188	194	126
Criminal	Highest Instance	16	101	64	64	51	26
	2nd Instance	35	25	22	51	NA	65
	1st Instance	78	103	135	195	216	488
Administrative	Highest Instance	NA	23	62	82	78	113
	2nd Instance	NA	79	100	257	303	325
	1st Instance	223	294	128	242	119	237

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
3,05	3,07	2,74	2,37	2,43	2,61
NA	NA	NA	0.10	0.34	1.01

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	0.27	0,88
Concluded by a penalty or a measure impose..	NAP	0,11
Cases closed by the public prosecutor for oth..	NA	0,18
Cases brought to court	0.12	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not..	NA	0,32
Discontinued due to the lack of an establishe..	NA	0,60
Discontinued by the public prosecutor for re..	NA	0,09
Discontinued for other reasons	0.00	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts	2. Case-law of the higher court/s	3. Information about the judicial system
www.arlis.am	www.arlis.am, www.datalex.am	court.am, concourt.am

AUSTRIA

2020

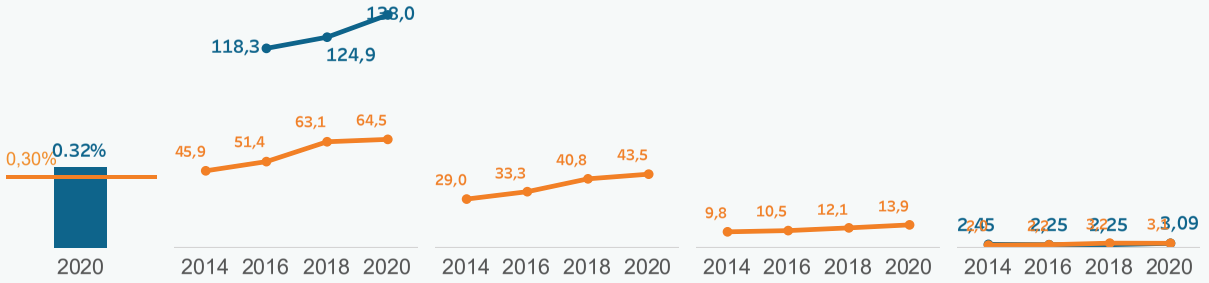
Population
8 932 664

GDP per capita
42 502 €
CoE Median 20 301 €

Avg gross annual salary
35 072 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.32% of GDP	138.0 per inh.	NA per inh.	NA per inh.	3.09 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : There is one single budget for courts and prosecution services in Austria. In 2020, 1 232 658 898 € were spent on the implemented judicial system budget, which is 138 € per inhab. (well above the CoE median), and 0.32% of the GDP (slightly above the COE median). The legal aid budget is close to the CoE median, but it does not include court fees, translation and expert fees, covered by legal aid, which are included in the court budget.

Gender balance in judiciary

In Austria, the women judges and prosecutors are represented above 50% in the 1st instance but not higher instances (the 3rd instance judges are 36% women, same as the 2nd instance prosecutors). For court presidents and heads of prosecution this percent is 43% and 33% respectively. Austrian Action Plan for the judiciary is focusing on gender balance in specific provisions in the organizational laws, special programs, quota regulations, gender data on court users, an independent equal-treatment officers and other measures.

ICT in judiciary

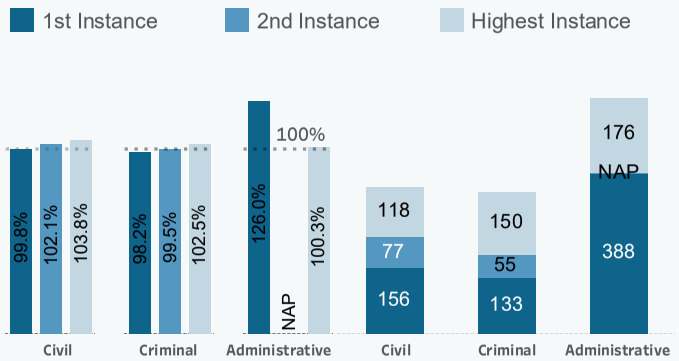
The high ICT index of 8,1 further increased by 0,2 points since 2018. In 2020, additional 30 million € were used for digitalisation of courts from the state reserve budget. With the strategic initiative Justice 3.0, the Ministry of Justice initiated a process to involve all professional groups and representatives of Justice, with the objective to establish fully digital procedures at courts and prosecution offices.

Child-friendly justice

Austria has introduced in all courts child-friendly interrogation rooms a while ago. All criminal proceedings involving minors are carried out in such rooms. Trainings in areas of domestic violence and sexual violence in general and specifically for minor victims are part of the initial and continuous training of prosecutors.

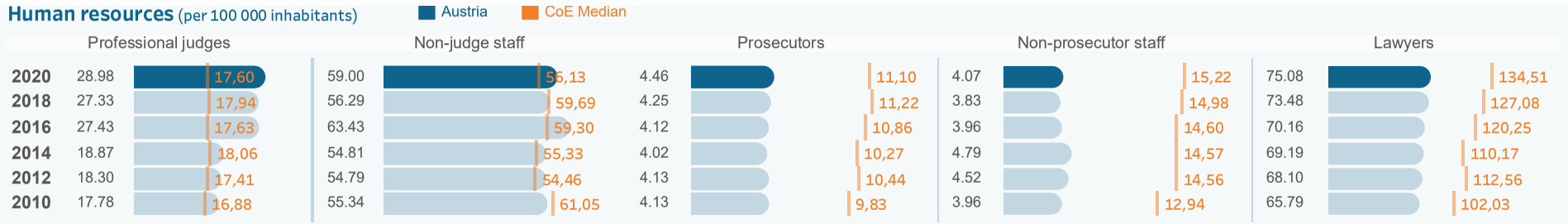
Efficiency

Clearance rate (%) | Disposition time (days)

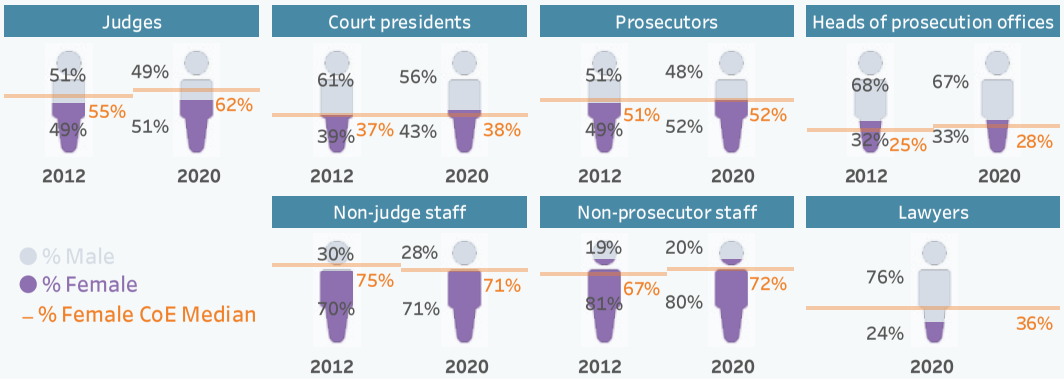


Efficiency: In 2020, the 2nd instance courts appear to be the most efficient instance, while criminal cases, combined for three instances, are the most efficient area of law. In particular, the most efficient level and area of law are the 2nd instance criminal cases. Contrary, the highest DT is calculated for first instance administrative cases. The DT indicator is below the respective CoE medians in all matters at all instances, except for 1st instance administrative cases and 3d instance criminal cases.
The impact of the COVID-19 pandemic on courts' efficiency diverged among instances and court types but the increases in Disposition Times were not substantial. In Austria, judges have always had the opportunity to work from home. During the lockdowns, many judges used this option, while no courts were closed. The significant drop in incoming cases and held court hearings in April 2020 provided the opportunity to concentrate on finishing pending cases.

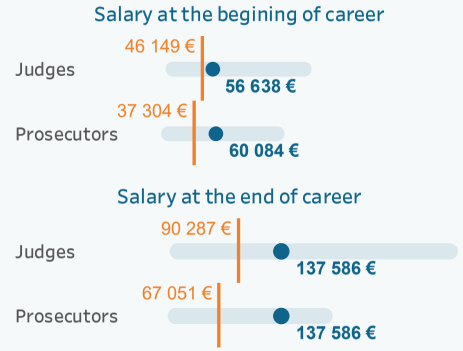
Human resources (per 100 000 inhabitants)



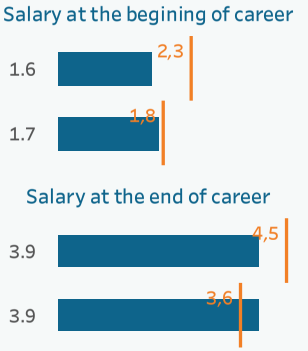
Gender balance



Absolute gross salaries

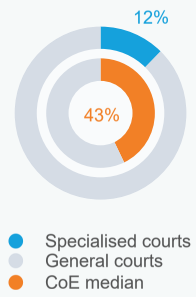


Ratio with the average annual gross salary

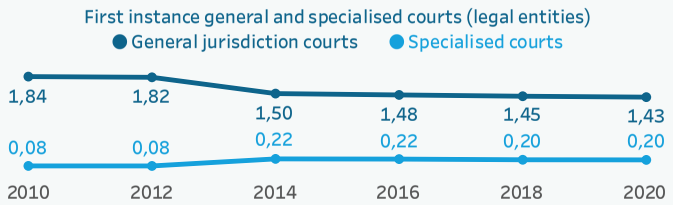


Courts (per 100 000 inhabitants)

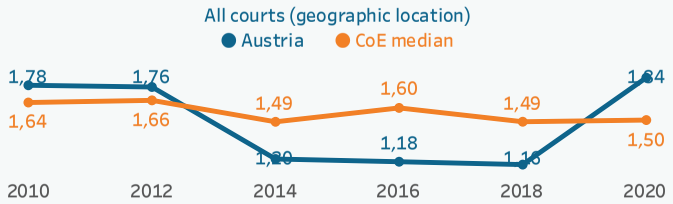
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	8.14	6,5
Deployment rate	Civil	8.84	6,6
	Criminal	8.89	5,7
	Administrative	7.82	6,1
Communication with courts	Civil	10.15	6,1
	Criminal	10.15	4,1
	Administrative	9.08	5,0
Courts and case management	Civil	7.1	7,3
	Criminal	7.1	7,3
	Administrative	6.13	7,4
Decision support	Civil	7.93	7,0
	Criminal	8.46	7,3
	Administrative	7.07	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	103.8%	100% / 103,0%
	2nd Instance	102.1%	104,2%
	1st Instance	99.8%	98,1%
Criminal	Highest Instance	102.5%	101,0%
	2nd Instance	99.5%	99,4%
	1st Instance	98.2%	94,7%
Administrative	Highest Instance	100.3%	101,2%
	2nd Instance	NAP	100,9%
	1st Instance	126.0%	97,5%

Disposition Time (in days)

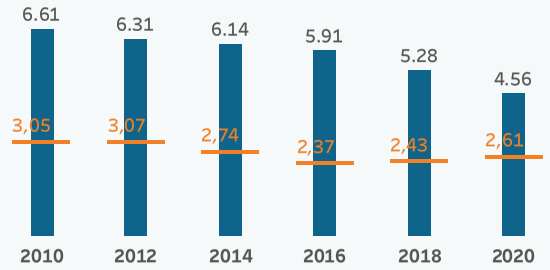
Civil	Highest Instance	118 / 172
	2nd Instance	77 / 177
	1st Instance	156 / 237
Criminal	Highest Instance	150 / 120
	2nd Instance	55 / 121
	1st Instance	133 / 149
Administrative	Highest Instance	176 / 249
	2nd Instance	NAP / 253
	1st Instance	388 / 358

Evolution of Disposition Time

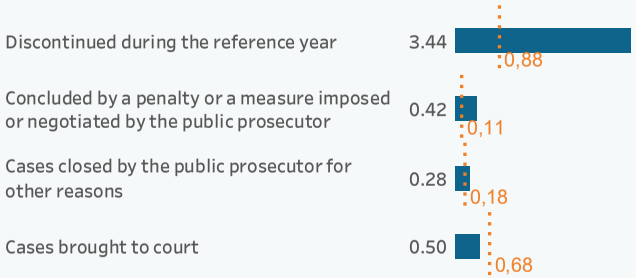
		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	NA	NA	NA	NA	NA	118
	2nd Instance	NA	NA	NA	NA	NA	77
	1st Instance	129	135	130	133	138	156
Criminal	Highest Instance	94	80	121	110	123	150
	2nd Instance	53	51	55	46	43	55
	1st Instance	116	115	102	129	120	133
Administrative	Highest Instance	NAP	NAP	NAP	138	119	176
	2nd Instance	NAP	NAP	NAP	NAP	NAP	NAP
	1st Instance	NAP	NAP	NAP	380	449	388

Public prosecution services

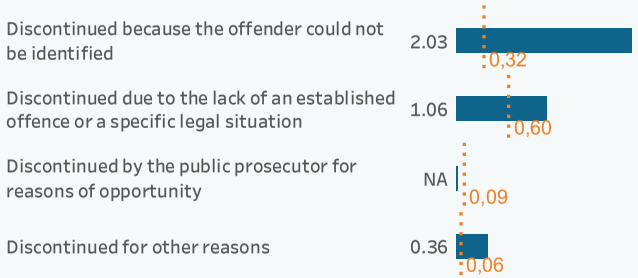
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

www.ris.bka.gv.at

2. Case-law of the higher court/s

www.ris.bka.gv.at; findok.bmf.gv.at; www.ogh.gv.at; www.vwgh.gv.at; www.vfgh.gv.at

3. Information about the judicial system

www.justiz.gv.at; www.bmj.gv.at; www.vwgh.gv.at/Service/formulare.html



AZERBAIJAN

2020

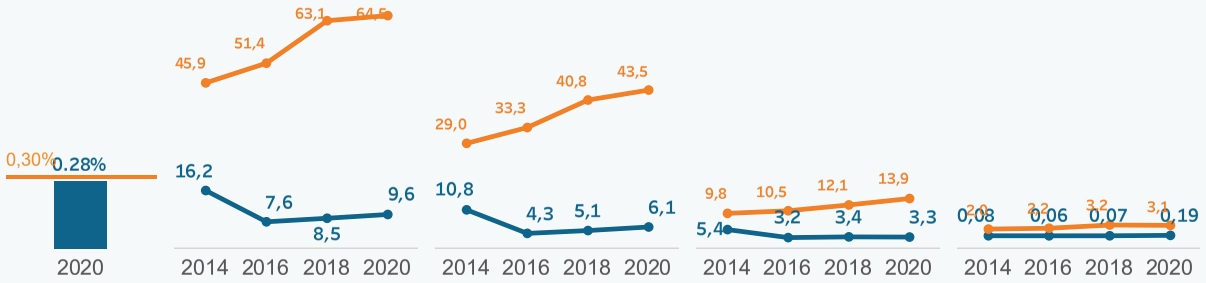
Population
10 067 100

GDP per capita
3 477 €
CoE Median 20 301 €

Avg gross annual salary
4 066 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.28% of GDP	9.6 per inh.	6.1 per inh.	3.3 per inh.	0.19 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Azerbaijan spent 96 538 011 € on the implemented judicial system budget, which is 9.6 € per inhabitant (less than the CoE median) and 0.28% of the GDP (close to the European median). In 2020, 63,4% was spent for all courts, 34,7% for prosecution services and 2% for legal aid. Azerbaijan has one of the lowest judicial system budgets in Europe.

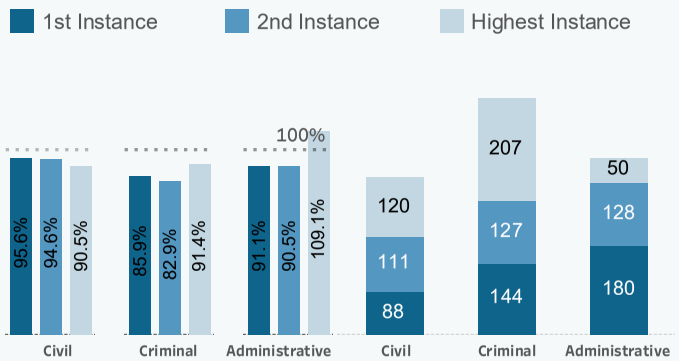
Organisation of Courts
The distribution between the number of general jurisdiction courts and specialised courts (79% - 21%) is similar to the CoE median. Since 2020, 6 commercial and 6 administrative courts replace the former 7 administrative-economic courts.

Gender Balance
In 2020 in Azerbaijan, women are still hardly represented in the legal professions. Only 14,4% of judges, 6,7% of prosecutors and 2% of court presidents are females. Since 2012, the percentage of female professional judges and prosecutors have increased but only moderately. Similar tendency is for practicing lawyers where only 14% are women.

ICT in judiciary
Azerbaijan has an ICT index of 7,7 which is a very high increase of 1,1 points compared with the previous cycle. This is due to the increase registered in both communication and decision support and as a result of their very strong budgetary commitment to invest in ICT. Azerbaijan is dedicating the highest percentage of courts' budget to ICT in Europe (13,5%).

Efficiency

Clearance rate (%) | Disposition time (days)



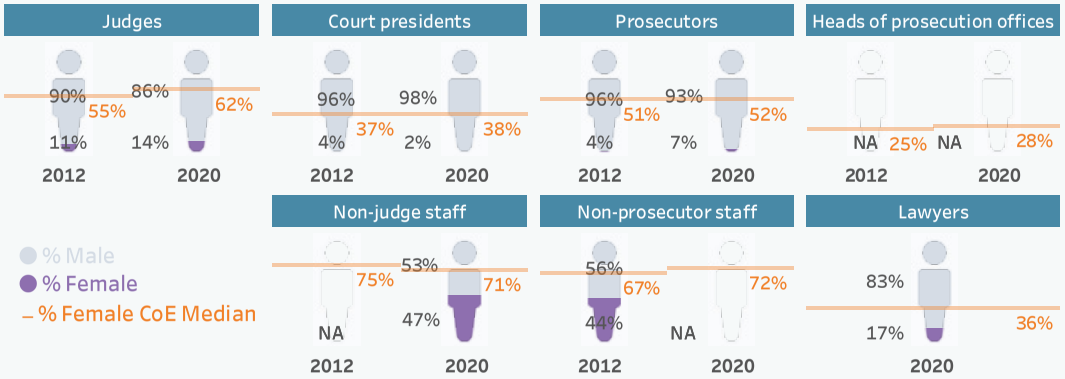
Efficiency: In 2020, the second instance courts appear to be the most efficient instance, while civil and commercial litigious cases, combined for three instances, are the most efficient area of law. The criminal cases are the longest in total which differs from the European tendency, even if the Dispositions Times are close to CoE medians except on highest instance where it is much higher. The lowest DT is calculated for the third instance administrative cases (with a DT of 50 days). In opposition, the highest Disposition Time is recorded in third instance criminal cases (with a DT of 207 days).
The impact of the COVID-19 pandemic on courts' efficiency differed among instances and court types but the Disposition Times mostly remain well under European medians.

Human resources (per 100 000 inhabitants)

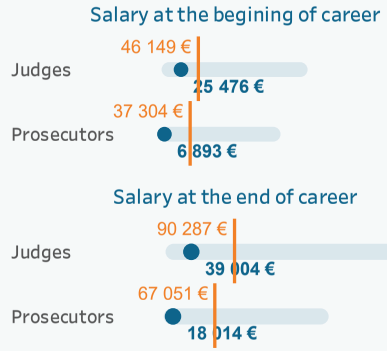
Azerbaijan | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	5.19	17,60	28.36	56,13	12.94	11,10	NA	15,22	20.17	134,51
2018	5.69	17,94	26.70	59,69	11.95	11,22	NA	14,98	15.70	127,08
2016	5.24	17,63	26.89	59,30	11.25	10,86	NA	14,60	9.48	120,25
2014	6.33	18,06	27.24	55,33	11.28	10,27	7.82	14,57	9.78	110,17
2012	6.50	17,41	25.01	54,46	11.58	10,44	8.02	14,56	8.86	112,56
2010	6.67	16,88	25.51	61,05	11.05	9,83	12.89	12,94	8.46	102,03

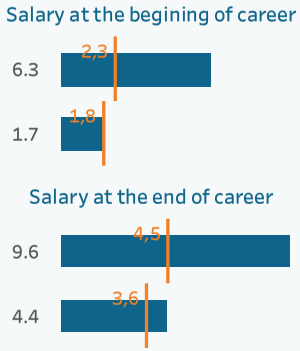
Gender balance



Absolute gross salaries

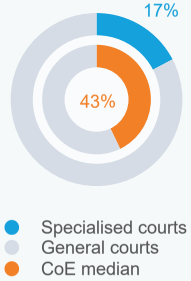


Ratio with the average annual gross salary

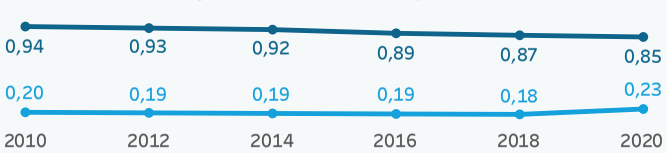


Courts (per 100 000 inhabitants)

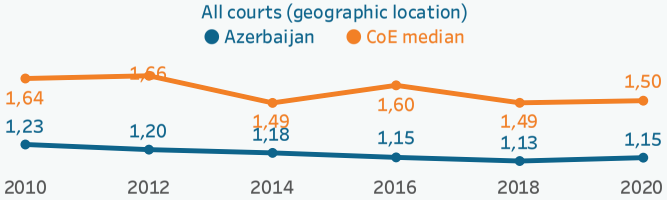
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	7.66
Deployment rate	Civil	7.35
	Criminal	7.54
	Administrative	7.35
Communication with courts	Civil	7.72
	Criminal	7.35
	Administrative	7.35
Courts and case management	Civil	6.84
	Criminal	6.84
	Administrative	6.84
Decision support	Civil	8.74
	Criminal	8.5
	Administrative	8.74

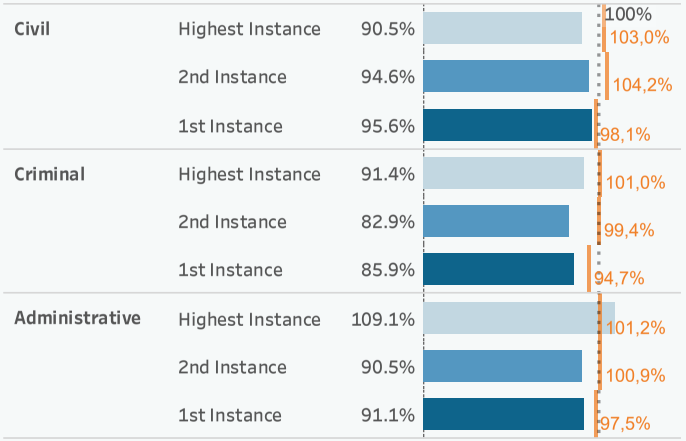
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

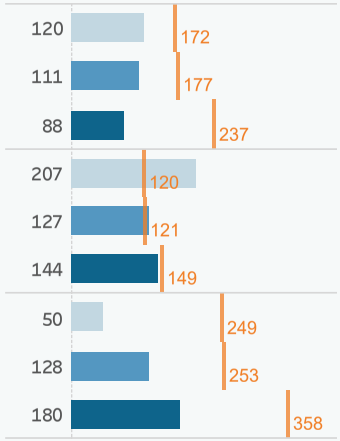
Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work



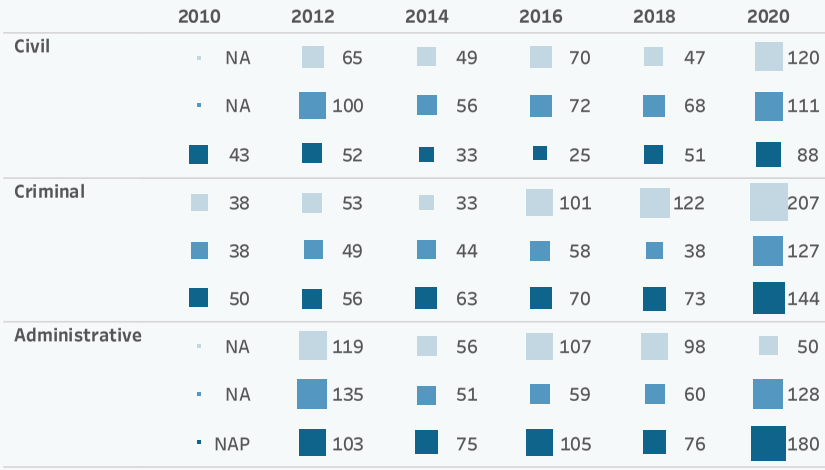
Clearance Rate



Disposition Time (in days)

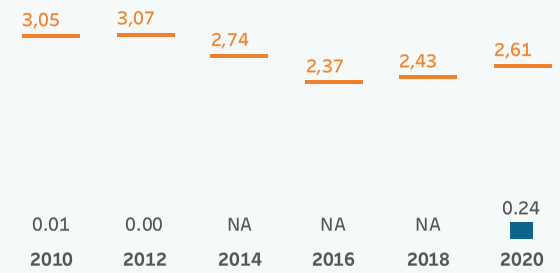


Evolution of Disposition Time

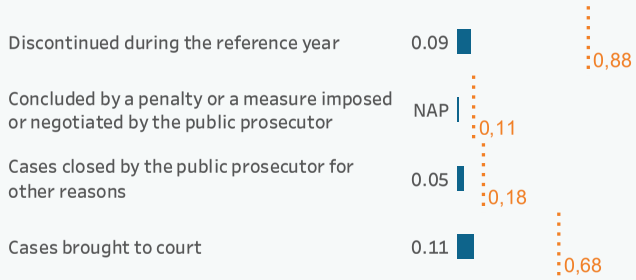


Public prosecution services

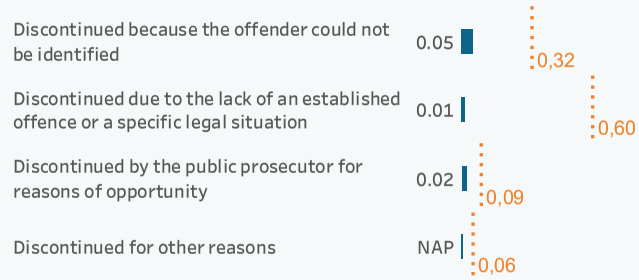
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
e-qanun.az

2. Case-law of the higher court/s
courts.gov.az

3. Information about the judicial system
courts.gov.az

BELGIUM

2020

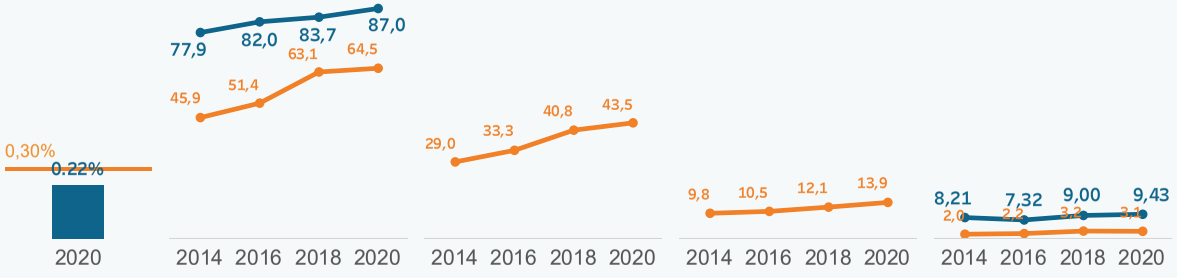
Population
11 521 238

GDP per capita
39 160 €
CoE Median 20 301 €

Avg gross annual salary
41 938 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.22% of GDP	NA per inh.	NA per inh.	9.43 per inh.
CoE Median : 0,30%	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08
87.0 per inh.			
CoE Median : 64,50			



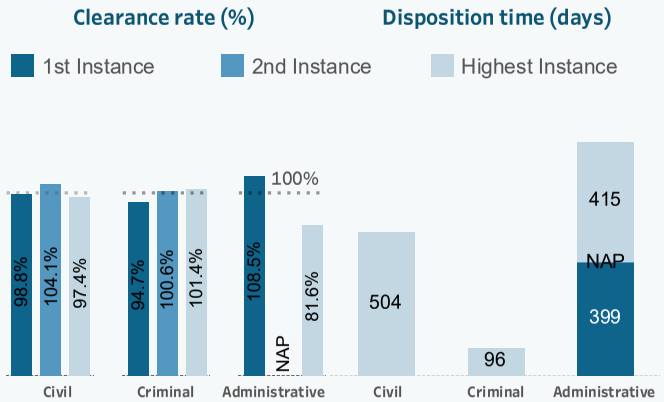
Budget : There is one single budget for courts and prosecution services in Belgium. In 2020, 1 002 329 504 € were spent on the implemented judicial system budget: 0.22% of the GDP (below the CoE median), and 87 € per inhabitant (well above the CoE median). The 2020 implemented budget for legal aid per inhabitant (9,4€) is significantly above the CoE median. In Belgium, legal aid is granted to a very high number of cases and the amount allocated per case is relatively high.

Professionals and gender balance
The number of professional judges of 13.2 per 100 000 inhabitants is below the CoE median and has decreased somewhat since 2010. The ratio of women among judges and prosecutors has increased to 58% and 59% respectively since 2012. At the same time, the percent of female court presidents has increased to 38% while for the percent of women heads of prosecution offices has dropped to 14%.

ICT in judiciary
Belgium has a low ICT index of 5,1 even if it increased by 0,6 points compared to 2018 and is now closer to the CoE median. This increase is mostly due to improvement in e-communication with courts. In 2020, several laws indeed broadened the use of the e-communication between courts and parties to ensure the continuity of their activities during the COVID-19 pandemic, thus accelerating the digitalization of Justice.

Court-related mediation
Following the reform on the ADR, the judge may, at the beginning of the proceeding, impose a recourse to mediation. Also, legal persons under public law may now resort to court-related mediation. This caused the number of accredited mediators to increase from 18,6 per 100 000 inhabitants in 2018 to 22,4 in 2020 (almost double of the CoE median).

Efficiency



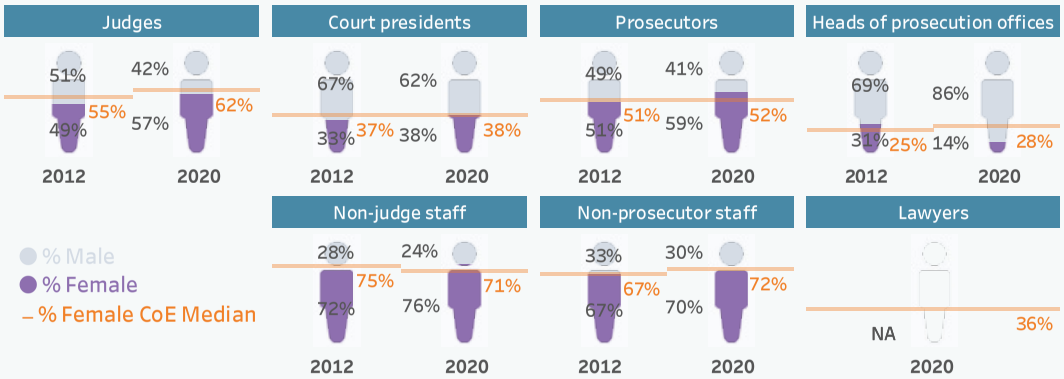
Efficiency: Data on pending civil (and commercial) litigious and criminal cases at 1st and 2nd instances are not available. The Supreme court increased its efficiency in criminal matters, while its efficiency declined in the civil (and commercial) litigious cases. Indeed, the DT for the latter type of cases is 504 days (more than double the CoE median). Besides, the DT for third instance administrative cases is 415 days (well above the CoE median), while the CR is the lowest for all instances and matters (81,6%). In civil and criminal matters at all instances, as a consequence of the COVID-19 pandemic, there was a decrease in the number of incoming cases and an even greater decrease in the number of resolved cases that also had an impact on the backlog. Similar difficulties were experienced by the highest administrative instance despite the bigger absolute number of resolved cases.

Human resources (per 100 000 inhabitants)

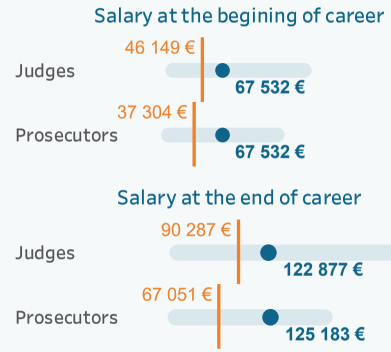
Belgium CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	13.23	17,60	43.95	56,13	7.60	11,10	21.04	15,22	163.83	134,51
2018	13.32	17,94	43.51	59,69	7.69	11,22	22.03	14,98	163.22	127,08
2016	14.13	17,63	44.64	59,30	7.61	10,86	22.87	14,60	163.68	120,25
2014	14.29	18,06	47.19	55,33	7.61	10,27	22.04	14,57	161.78	110,17
2012	14.32	17,41	48.90	54,46	7.41	10,44	24.24	14,56	155.32	112,56
2010	14.82	16,88	51.96	61,05	7.70	9,83	25.45	12,94	152.37	102,03

Gender balance



Absolute gross salaries

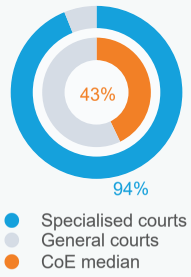


Ratio with the average annual gross salary

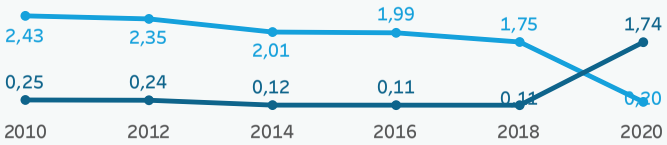


Courts (per 100 000 inhabitants)

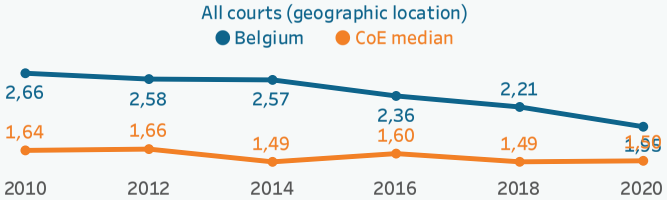
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary
(index from 0 to 10)

Index	Total	5.14	6,5
Deployment rate	Civil	3.86	6,6
	Criminal	3.62	5,7
	Administrative	6.82	6,1
Communication with courts	Civil	2.31	6,1
	Criminal	0.74	4,1
	Administrative	7.85	5,0
Courts and case management	Civil	6.23	7,3
	Criminal	6.23	7,3
	Administrative	6.23	7,4
Decision support	Civil	6.02	7,0
	Criminal	6.48	7,3
	Administrative	4.09	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	97.4%	100% / 103,0%
	2nd Instance	104.1%	104,2%
	1st Instance	98.8%	98,1%
Criminal	Highest Instance	101.4%	101,0%
	2nd Instance	100.6%	99,4%
	1st Instance	94.7%	94,7%
Administrative	Highest Instance	81.6%	101,2%
	2nd Instance	NAP	100,9%
	1st Instance	108.5%	97,5%

Disposition Time (in days)

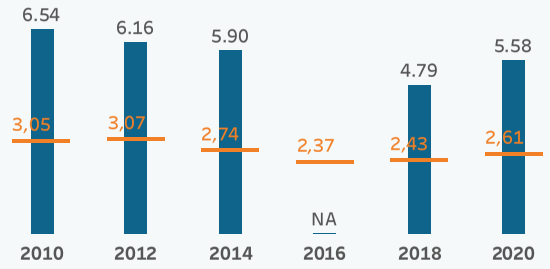
Civil	Highest Instance	504 / 172
	2nd Instance	NA / 177
	1st Instance	NA / 237
Criminal	Highest Instance	96 / 120
	2nd Instance	NA / 121
	1st Instance	NA / 149
Administrative	Highest Instance	415 / 249
	2nd Instance	NAP / 253
	1st Instance	399 / 358

Evolution of Disposition Time

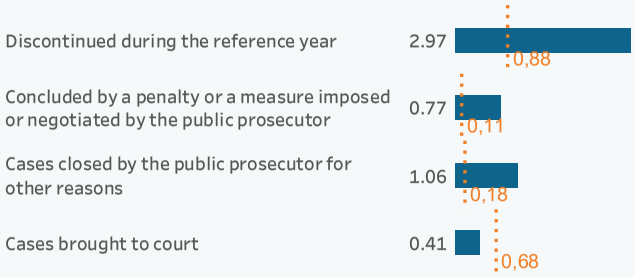
	2010	2012	2014	2016	2018	2020
Civil	NA	NA	480	464	473	504
	NA	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA	NA
Criminal	121	145	211	165	145	96
	252	235	243	188	NA	NA
	NA	NA	NA	NA	NA	NA
Administrative	NA	NA	148	176	316	415
	NA	NA	NAP	NAP	NAP	NAP
	NA	NA	625	429	370	399

Public prosecution services

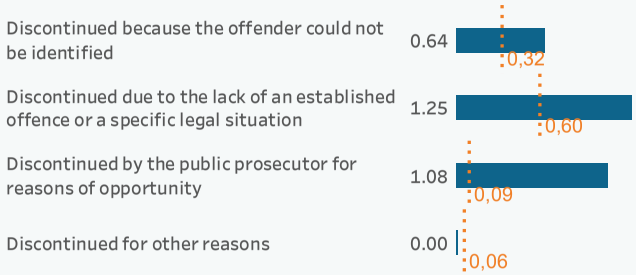
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://justice.belgium.be/fr/legislation_belge
https://senlex.senate.be/fr

2. Case-law of the higher court/s
https://juportal.be; https://senlex.senate.be;
http://www.raadvst-consetat.be

3. Information about the judicial system
https://www.om-mp.be; https://www.rechtbanken-tribunaux.be;
https://justice.belgium.be

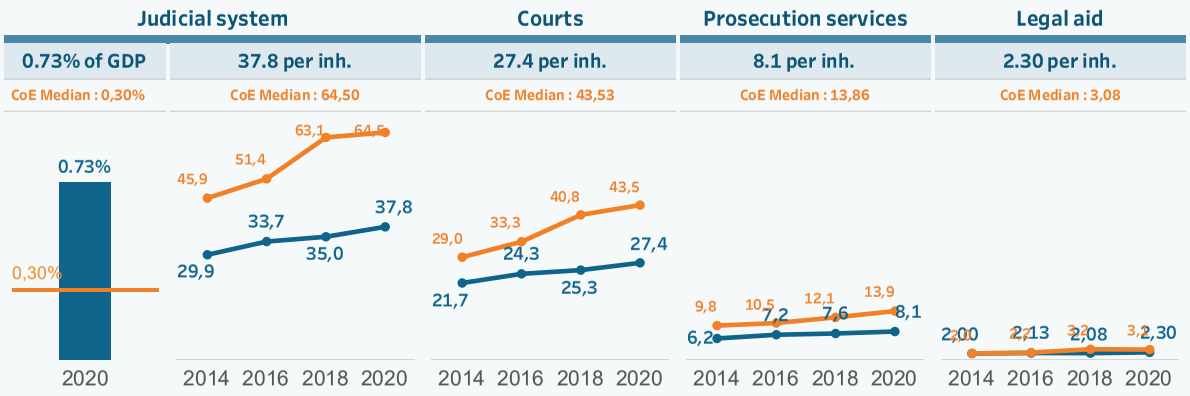
BOSNIA AND HERZEGOVINA 2020

Population
3 491 000

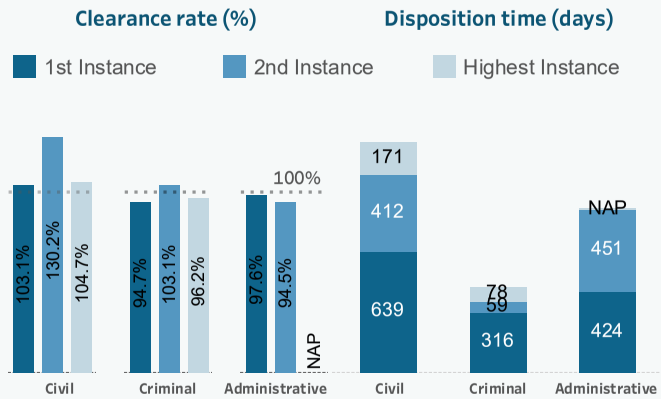
GDP per capita
5 168 €
CoE Median 20 301 €

Avg gross annual salary
9 056 €
CoE Median 20 612 €

Implemented judicial system budget



Efficiency



Budget : In 2020, Bosnia and Herzegovina spent 131 981 916 € on the implemented judicial system budget, i.e. 37,81 € per inhabitant, which is below the CoE Median. 72,4% was spent for all courts, 21,5% for prosecution services, 6,1% for legal aid. Bosnia and Herzegovina increased the budget spent for the Judicial System from 35 € per inhabitant in 2018 to 37,8 € in 2020.

Monitoring and evaluation of efficiency and quality of judges and prosecutors

In December 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors. They defined quantitative criteria to measure the quality of decisions of judges and prosecutors, e.g. the number of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

Professionals

Bosnia and Herzegovina, as other Eastern European countries, has a higher number of judges (29), non-judge staff (97) and non-prosecutor staff (21) per 100.000 inhabitants compared to the CoE median. However, it has a lower number of prosecutors (10) and a very low number of lawyers (53).

Gender equality

In Bosnia and Herzegovina, the majority of judges (64,4%) and prosecutors (51,7%) are female but the percentage of female court president (50%) and head of prosecutor offices (38,9%) is lower. However, significant progress has been made in breaking down the glass ceiling regarding the promotion posts of judges (higher instances and court presidents) and regarding the heads of prosecution offices, and the percentage of female court president and head of prosecutor offices has increased since 2012. Furthermore, in October 2020 a new Strategy on Improving Gender Equality in the Judiciary has been adopted.

Efficiency: In 2020, the Supreme Court appear to be the most efficient instance, while criminal justice is the area of law in which all instances combined are most efficient. By contrast, they are least efficient in the field of civil and commercial litigious cases. The highest individual Disposition Time is calculated in first instance civil and commercial litigious cases, while the lowest one is in the second instance criminal domain.

The adverse impact of the COVID-19 pandemic is most apparent in the first instance courts' efficiency, as demonstrated through increased Disposition Times. Between 2018 and 2020, the CR in the first instance decreased for civil and commercial litigious and criminal cases and slightly increased for administrative cases (still remaining below 100% for the latter type of cases). In the same period, the DT increased for all categories of cases.

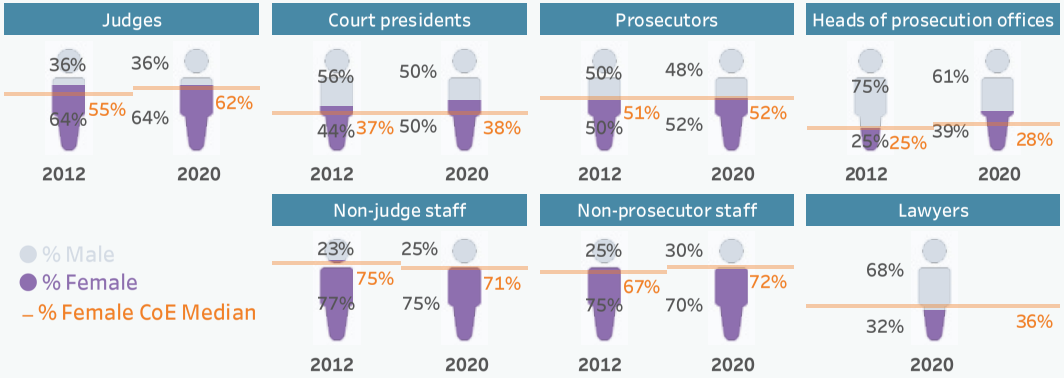
BOSNIA AND HERZEGOVINA

Human resources (per 100 000 inhabitants)

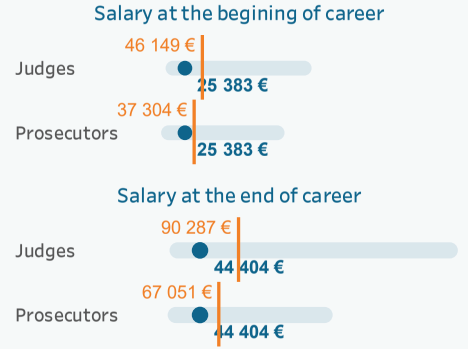
Bosnia and Herzegovina | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	29.33	17,60	96.93	56,13	10.25	11,10	20.54	15,22	52.88	134,51
2018	28.97	17,94	95.96	59,69	10.75	11,22	20.99	14,98	49.14	127,08
2016	28.89	17,63	89.92	59,30	10.86	10,86	19.35	14,60	45.59	120,25
2014	25.94	18,06	80.97	55,33	9.72	10,27	16.12	14,57	37.47	110,17
2012	25.11	17,41	80.44	54,46	8.09	10,44	15.87	14,56	35.23	112,56
2010	24.41	16,88	77.75	61,05	8.01	9,83	14.31	12,94	33.80	102,03

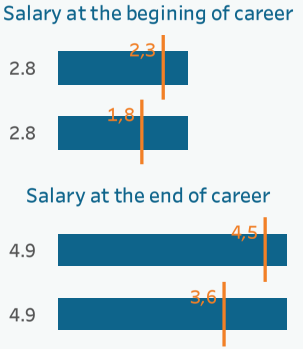
Gender balance



Absolute gross salaries

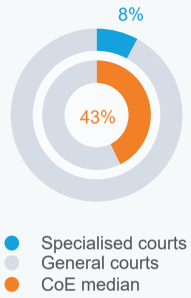


Ratio with the average annual gross salary

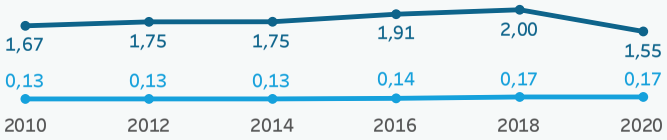


Courts (per 100 000 inhabitants)

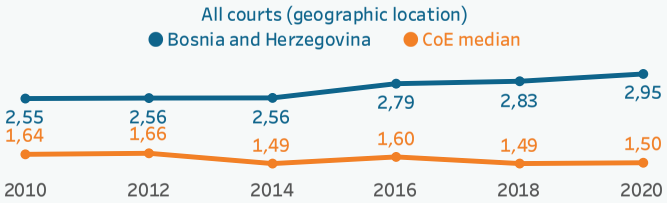
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	4.84	6,5
Deployment rate	Civil	4.77	6,6
	Criminal	3.99	5,7
	Administrative	3.19	6,1
Communication with courts	Civil	2.95	6,1
	Criminal	1.31	4,1
	Administrative	0	5,0
Courts and case management	Civil	7.34	7,3
	Criminal	7.34	7,3
	Administrative	7.34	7,4
Decision support	Civil	5.57	7,0
	Criminal	6.08	7,3
	Administrative	5.57	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100

CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing

CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365

The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance: Highest Instance; 2nd Instance; 1st Instance

Clearance Rate

Civil	Highest Instance	104.7%	100%
	2nd Instance	130.2%	103,0%
	1st Instance	103.1%	104,2%
Criminal	Highest Instance	96.2%	98,1%
	2nd Instance	103.1%	101,0%
	1st Instance	94.7%	99,4%
Administrative	Highest Instance	NAP	94,7%
	2nd Instance	94.5%	101,2%
	1st Instance	97.6%	100,9%
			97,5%

Disposition Time (in days)

Civil	Highest Instance	171 / 172
	2nd Instance	412 / 177
	1st Instance	639 / 237
Criminal	Highest Instance	78 / 120
	2nd Instance	59 / 121
	1st Instance	316 / 149
Administrative	Highest Instance	NAP / 249
	2nd Instance	451 / 253
	1st Instance	424 / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	223	239	359	368	215	171
	2nd Instance	299	348	392	462	467	412
	1st Instance	826	656	603	574	483	639
Criminal	Highest Instance	81	48	41	60	63	78
	2nd Instance	48	55	65	77	64	59
	1st Instance	345	328	326	301	293	316
Administrative	Highest Instance	NAP	NAP	NAP	NAP	NAP	NAP
	2nd Instance	402	656	740	666	471	451
	1st Instance	380	326	379	339	393	424

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

	2010	2012	2014	2016	2018	2020
	3,05	3,07	2,74	2,37	2,43	2,61
	1.68	1.73	1.71	1.93	1.53	1.21

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	0.54	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	0.00	0,11
Cases closed by the public prosecutor for other reasons	0.18	0,18
Cases brought to court	0.28	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NA	0,32
Discontinued due to the lack of an established offence or a specific legal situation	NA	0,60
Discontinued by the public prosecutor for reasons of opportunity	NA	0,09
Discontinued for other reasons	NA	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

https://www.parlament.ba; https://www.narodnaskupstinars.net

2. Case-law of the higher court/s

https://www.ustavnisud.ba/en/home; https://csd.pravosudje.ba

3. Information about the judicial system

https://vstv.pravosudje.ba/vstvfo/B/141

BULGARIA

2020

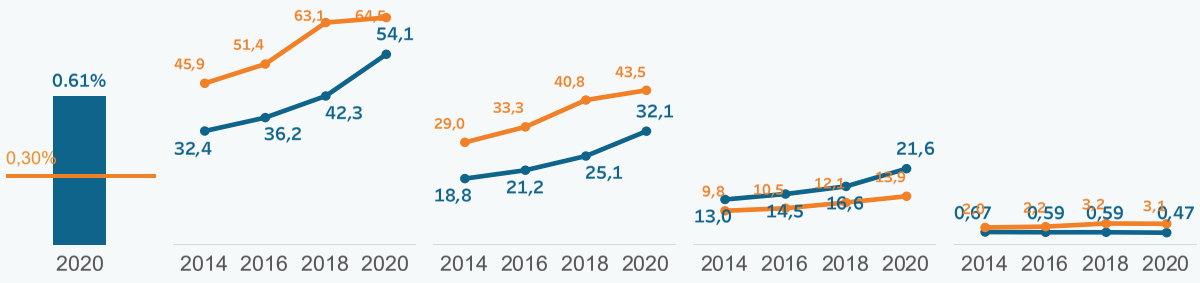
Population
6 916 548

GDP per capita
8 845 €
CoE Median 20 301 €

Avg gross annual salary
8 509 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.61% of GDP	54.1 per inh.	32.1 per inh.	21.6 per inh.	0.47 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Bulgaria spent 374 409 228€ on the implemented judicial system budget: 54.1€ per inhabitant (below the CoE median), and 0.61% of the GDP (above the CoE median). 59% were dedicated to courts, 40% to prosecution services (which is a significant share compared to the majority of States) and only 1% to legal aid. Thus, the legal aid budget of 0,47€ per inhabitant is much lower than the CoE median.

ICT in judiciary

Bulgaria has an ICT index of 4,1 which is a significant increase of 0,7 points compared to 2018 but is still well below the CoE median. In 2020, the gradual introduction in courts of the Unified Information System increased the computerisation budget. However, the investment in ICT in Bulgaria of only 0,5% of the budget of the courts remains one of the lowest in Europe. Recent legislative amendments allow exercising procedural rights in electronic form.

Measuring workload of judges and public prosecutors

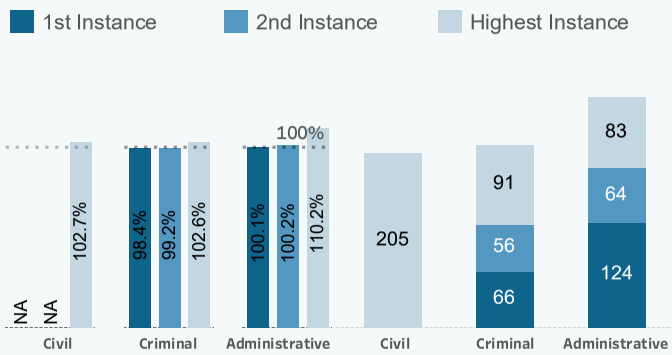
Since the beginning of 2020, rules for measuring the workload of the prosecutor's offices and the individual workload of each prosecutor and investigator apply and they are integrated in the tool for measurement of the workload in the same way as for judges before. This tool objective is to measure the efficiency and enhance the productivity for both judges and prosecutors.

Gender balance in judiciary

The glass ceiling does not seem to exist in Bulgaria, both regarding higher instances and leadership functions. From 2010 to 2020, the share of women increased among court presidents from 48% to 55%, and among heads of prosecution offices from 34% to 42%. At the judges' and prosecutors' level, the number of women is even higher. Women are also the majority among lawyers (52%).

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: Data on civil litigious cases at 1st and 2d instances are not available.

In 2020, at first and second instances, courts were faster in the criminal than the administrative domain. In 2020, the DT indicator is considerably below the CoE medians for administrative and criminal matters in all instances, which is not the case for third instance civil litigious cases.

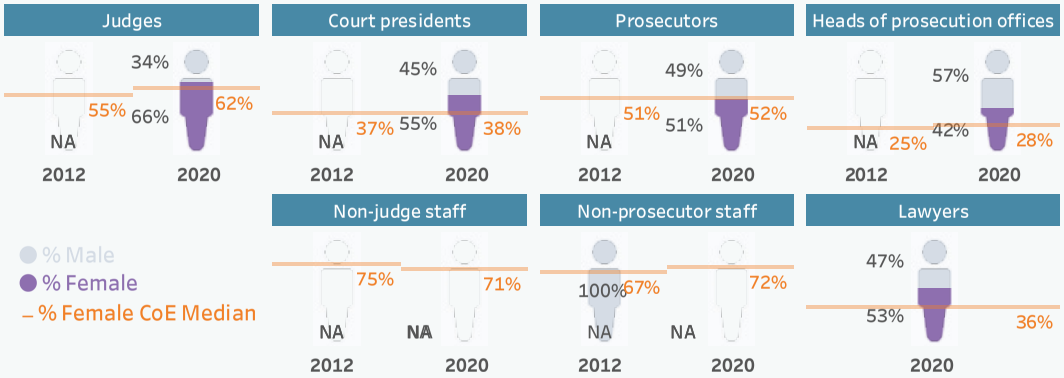
The impact of the COVID-19 circumstances led to somewhat increased Disposition Times in all cases but for highest instance administrative cases it reduced. In fact, the number of pending administrative cases decreased significantly in 2020 due to reorganisation of work in the Supreme Administrative Court.

Human resources (per 100 000 inhabitants)

Bulgaria | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	31.58	17,60	91.51	56,13	21.98	11,10	43.68	15,22	201.89	134,51
2018	31.76	17,94	89.46	59,69	21.80	11,22	41.53	14,98	194.86	127,08
2016	31.75	17,63	86.93	59,30	21.28	10,86	NA	14,60	190.09	120,25
2014	30.82	18,06	83.50	55,33	20.35	10,27	40.53	14,57	176.28	110,17
2012	30.74	17,41	82.56	54,46	20.12	10,44	41.03	14,56	164.87	112,56
2010	30.04	16,88	79.65	61,05	19.76	9,83	NA	12,94	160.57	102,03

Gender balance



Absolute gross salaries

Salary at the begining of career

Judges	46 149 € / 24 990 €
Prosecutors	37 304 € / 24 990 €

Salary at the end of career

Judges	90 287 € / 44 214 €
Prosecutors	67 051 € / 44 214 €

Ratio with the average annual gross salary

Salary at the begining of career

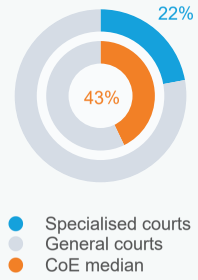
2.9	2,3
2.9	1,8

Salary at the end of career

5.2	4,5
5.2	3,6

Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)

General jurisdiction courts | Specialised courts

	2010	2012	2014	2016	2018	2020
General jurisdiction courts	1,55	1,57	1,59	1,61		1,63
Specialised courts	0,46	0,47	0,44	0,45	0,46	0,46

All courts (geographic location)

Bulgaria | CoE median

	2010	2012	2014	2016	2018	2020
Bulgaria	2,50	2,33	2,33	2,56	2,60	2,63
CoE median	1,64	1,66	1,49	1,60	1,49	1,50

ICT in judiciary (index from 0 to 10)

Index	Total	4.06
Deployment rate	Civil	3.56
	Criminal	3.51
	Administrative	3.56
Communication with courts	Civil	1.38
	Criminal	1.38
	Administrative	1.38
Courts and case management	Civil	6.74
	Criminal	6.74
	Administrative	6.74
Decision support	Civil	4.24
	Criminal	3.75
	Administrative	4.24

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	102.7%	100% / 103,0%
	2nd Instance	NA	104,2%
	1st Instance	NA	98,1%
Criminal	Highest Instance	102.6%	101,0%
	2nd Instance	99.2%	99,4%
	1st Instance	98.4%	94,7%
Administrative	Highest Instance	110.2%	101,2%
	2nd Instance	100.2%	100,9%
	1st Instance	100.1%	97,5%

Disposition Time (in days)

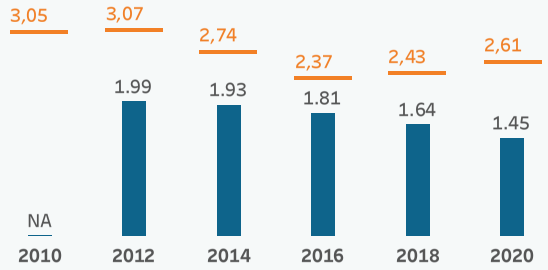
Civil	Highest Instance	205 / 172
	2nd Instance	NA / 177
	1st Instance	NA / 237
Criminal	Highest Instance	91 / 120
	2nd Instance	56 / 121
	1st Instance	66 / 149
Administrative	Highest Instance	83 / 249
	2nd Instance	64 / 253
	1st Instance	124 / 358

Evolution of Disposition Time

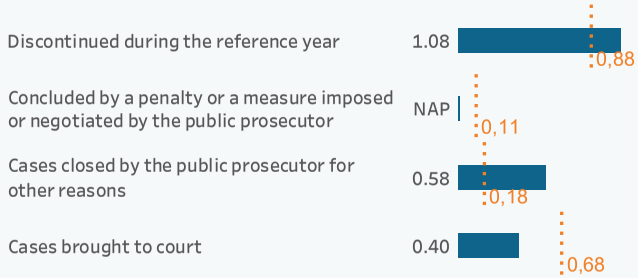
	2010	2012	2014	2016	2018	2020
Civil	NA	NA	NA	172	184	205
	NA	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA	NA
Criminal	54	40	113	86	75	91
	48	46	49	51	50	56
	49	62	74	48	52	66
Administrative	126	107	133	181	141	83
	79	73	65	62	59	64
	113	150	124	108	112	124

Public prosecution services

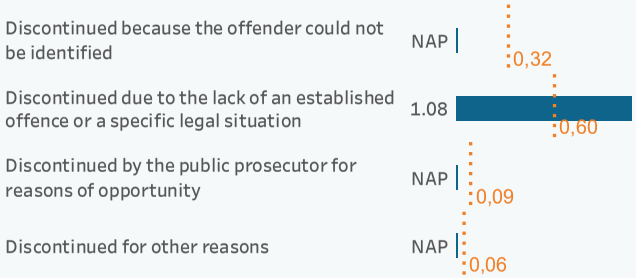
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

dv.parliament.bg; www.lex.bg

2. Case-law of the higher court/s

www.vks.bg; www.sac.government.bg

3. Information about the judicial system

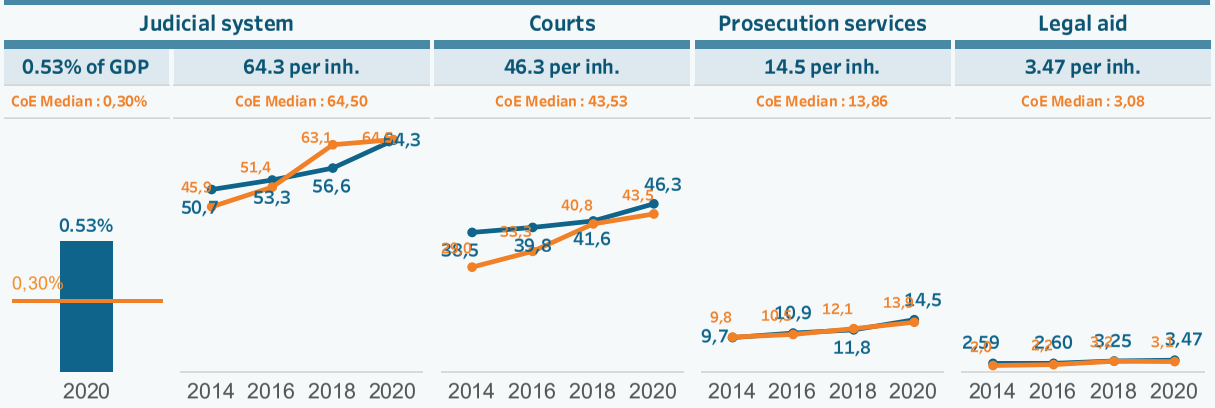
http://www.vss.justice.bg/page/view/1999

Population
4 036 355

GDP per capita
12 170 €
CoE Median 20 301 €

Avg gross annual salary
14 681 €
CoE Median 20 612 €

Implemented judicial system budget



Budget : In 2020, Croatia spent 259 611 332 € on the implemented judicial system budget that is 64.32€ per inhabitant, which is close to the CoE median, and accounts for 0.53% of the GDP, which is higher than the CoE median. The budget spent on the Judicial System followed the European increasing trend. The distribution of judicial system budget: 72% was spent on courts, 23% on prosecution services, and 5% on legal aid which is similar with the CoE median distribution.

Professionals

Croatia has 40,7 judges per 100 000 inhabitants. This number has slightly decreased since 2010 contrary to the European trend. In contrast, the number of prosecutors (15,1 per 100 000 inhabitants) and lawyers (119,8 per 100 000 inhabitants) has, even if only slightly, increased in line with the general trends.

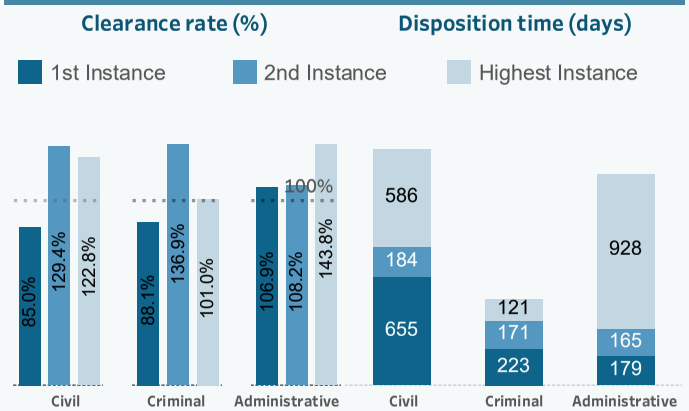
Gender balance

The proportion of women in judiciary is similar for both judges (71%) and prosecutors (68%), where the women have significant majority. This situation is reflected at the management level of prosecution services where the ratio is still in favour of women heads of prosecution services (64%), but less emphasized for courts' presidents (54%). These ratios are well above the European trend, especially for management positions.

ICT in judiciary

Croatia has an ICT index of 7.0 which is just above the CoE median. There is very high increase of this index (1.4 points) compared with the previous cycle. This evolution is mostly due to enhancing e-communication with courts, but improvements are also noticeable in other two categories (decision support and case management system). The investment in ICT seems to become significant compared to the budget of courts and the impact on the ICT index is evident.

Efficiency



Efficiency: In Croatia, the second instance appear to be the most efficient of all instances, especially in criminal matters. Civil and commercial cases were processed slower then administrative cases which is different from the European trend. For example, the DT of 1st instance civil litigious cases is 655 days compared to 221 CoE median. In administrative cases, in first instance, the disposition time has been decreasing over the years and is significantly lower than the CoE median (179 days vs 358). Contrary, at the third instance, the DT is much higher than the CoE median (928 days vs 221). Criminal law cases were resolved faster than the CoE median.

The impact of the COVID-19 on the courts' efficiency seemed to be affecting civil and administrative and not criminal cases. Most obvious impact is in first instance civil and commercial litigious cases where the DT increased significantly.

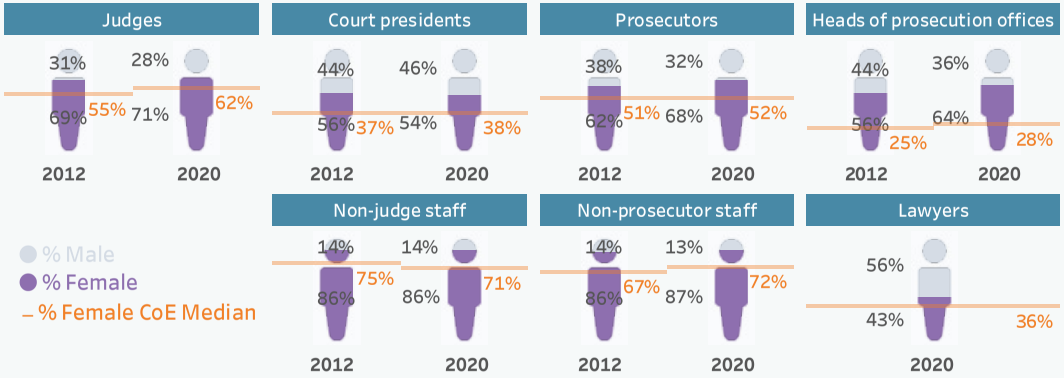
CROATIA

Human resources (per 100 000 inhabitants)

Croatia | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	40.71	17,60	145.82	56,13	15.41	11,10	26.21	15,22	119.79	134,51
2018	40.72	17,94	142.97	59,69	14.60	11,22	25.34	14,98	116.68	127,08
2016	43.26	17,63	140.27	59,30	14.61	10,86	23.61	14,60	112.90	120,25
2014	44.38	18,06	143.44	55,33	13.37	10,27	24.42	14,57	106.19	110,17
2012	45.33	17,41	146.26	54,46	14.48	10,44	25.69	14,56	103.05	112,56
2010	42.77	16,88	157.38	61,05	14.03	9,83	NA	12,94	93.67	102,03

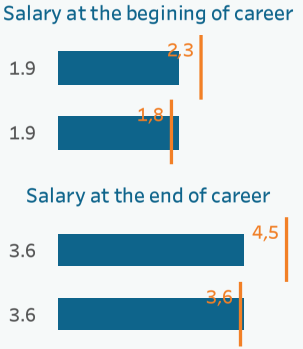
Gender balance



Absolute gross salaries

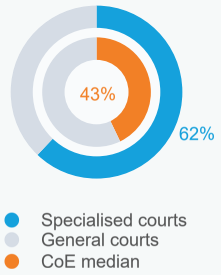


Ratio with the average annual gross salary

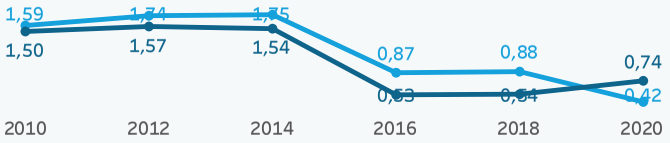


Courts (per 100 000 inhabitants)

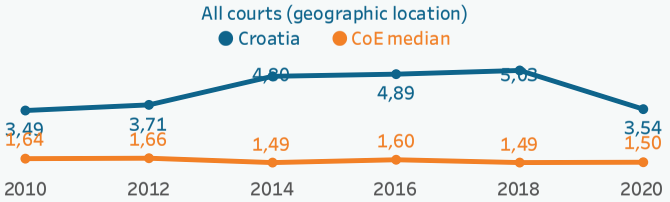
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	6.98	6,5
Deployment rate	Civil	7.01	6,6
	Criminal	6.21	5,7
	Administrative	4.15	6,1
Communication with courts	Civil	6.61	6,1
	Criminal	4.07	4,1
	Administrative	0.79	5,0
Courts and case management	Civil	7.34	7,3
	Criminal	7.34	7,3
	Administrative	7.34	7,4
Decision support	Civil	9.78	7,0
	Criminal	9.81	7,3
	Administrative	9.78	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	122.8%	100% / 103,0%
	2nd Instance	129.4%	104,2%
	1st Instance	85.0%	98,1%
Criminal	Highest Instance	101.0%	101,0%
	2nd Instance	136.9%	99,4%
	1st Instance	88.1%	94,7%
Administrative	Highest Instance	143.8%	101,2%
	2nd Instance	108.2%	100,9%
	1st Instance	106.9%	97,5%

Disposition Time (in days)

Civil	Highest Instance	586 / 172
	2nd Instance	184 / 177
	1st Instance	655 / 237
Criminal	Highest Instance	121 / 120
	2nd Instance	171 / 121
	1st Instance	223 / 149
Administrative	Highest Instance	928 / 249
	2nd Instance	165 / 253
	1st Instance	179 / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	420	NA	NA	NA	NA	586
	2nd Instance	322	370	448	328	280	184
	1st Instance	462	457	380	364	374	655
Criminal	Highest Instance	119	125	100	103	136	121
	2nd Instance	344	624	301	230	160	171
	1st Instance	221	201	144	165	147	223
Administrative	Highest Instance	NA	NA	NA	NA	NA	928
	2nd Instance	NA	379	68	119	195	165
	1st Instance	825	523	426	319	197	179

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
3,05 / 1.96	3,07 / 1.94	2,74 / 1.52	2,37 / 1.67	2,43 / 1.52	2,61 / 0.99

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	0.36	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	NA	0,11
Cases closed by the public prosecutor for other reasons	0.16	0,18
Cases brought to court	0.46	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NA	0,32
Discontinued due to the lack of an established offence or a specific legal situation	NA	0,60
Discontinued by the public prosecutor for reasons of opportunity	0.01	0,09
Discontinued for other reasons	NA	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://www.nn.hr/

2. Case-law of the higher court/s
https://sudskapraksa.csp.vsrh.hr/home

3. Information about the judicial system
https://sudovi.hr/hr/o-sudovima/sudovi-republike-hrvatske

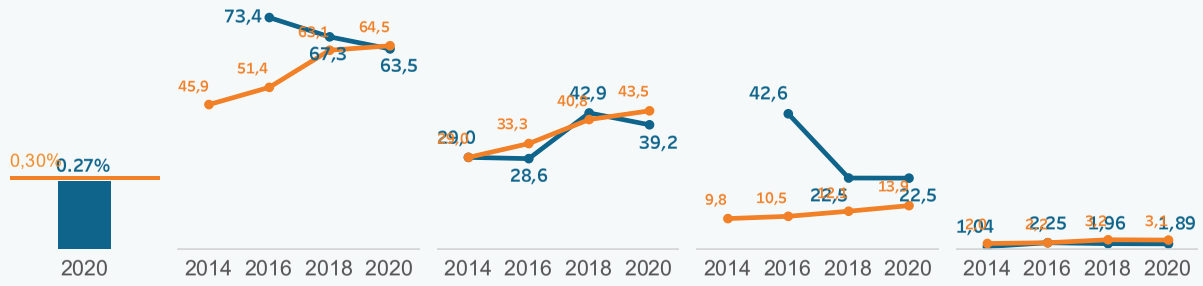
Population
896 000

GDP per capita
23 397 €
CoE Median 20 301 €

Avg gross annual salary
24 882 €
CoE Median 20 612 €

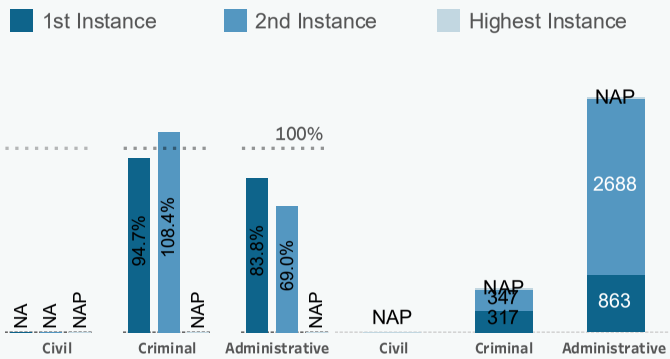
Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.27% of GDP	63.5 per inh.	39.2 per inh.	22.5 per inh.	1.89 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Efficiency

Clearance rate (%) | Disposition time (days)



Budget : In 2020, Cyprus spent 56 902 680 € on the implemented judicial system budget that is 63.51 € per inhabitant (slightly less than the CoE median) and 0.27% of the GDP (also slightly less than the median). Out of the total budget, 62% was spent on all courts, 35% on prosecution services, and 3% on legal aid.

Courts

Regarding the number of first instance courts, one interesting development is noted as the new Administrative Court for International Protection was established in 2019. This court hears asylum applications and international protection matters. The large number of cases were filed before it in 2020 which caused a rise in the number of first instance administrative cases per 100 000 inhabitants from 0,22 in 2018 to 0,32 in 2020.

Professionals

In 2020, the number of judges per 100 000 inhabitants (14,06) is below the CoE median but it has increased since 2014 (11,31). In contrast, the number of non-judge staff (50,11) has decreased since 2014 (52,21) which resulted in a considerable decrease of the ratio of non-judge staff per judge (from 4,6 to 3,6). The increase in the number of lawyers to 477 per 100 000 inhabitants was clearly above the European trend and reached some of the highest levels in Europe. The proportion of women among judges and public prosecutors has continued to rise, particularly among women prosecutors that reached 78% in 2020.

ICT in judiciary

Cyprus is the only member State that has no electronic case management system implemented in the courts and consequently the ICT index is very low (2.1) compared to other member States and entities. Furthermore, Cyprus has the lowest budget dedicated to the ICT, 0,1% within the budget for courts.

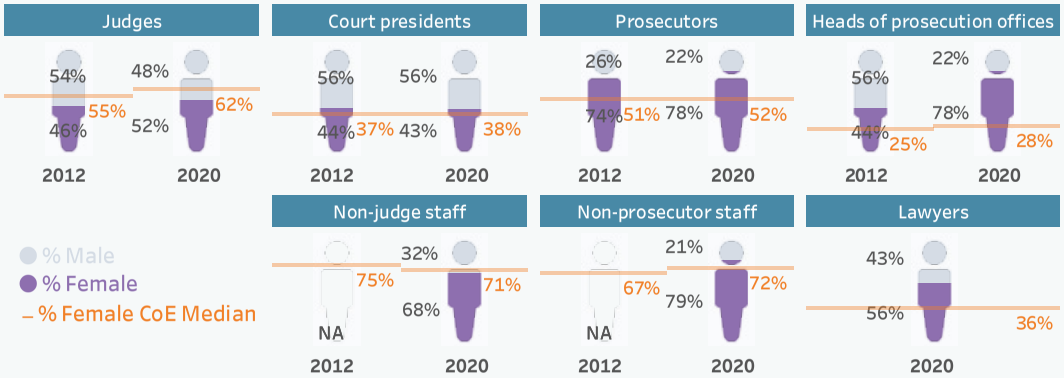
Efficiency: Cyprus has a specific two-tier system, and first instance courts appear to be considerably more efficient than the second instance (Supreme Court) in 2020. The most efficient domain is the criminal one, while data are unavailable for civil and commercial litigious cases. The highest Disposition Time among reported data is in second instance administrative cases that reached some of the highest level in Europe (2688 days).
The impact of the COVID-19 circumstances most probably led to decreased CR and significantly increased Disposition Times in all cases, except second instance criminal cases where notably less cases were filed in 2020 which largely improved CR (by 26 percentage points) and halved DT.

Human resources (per 100 000 inhabitants)

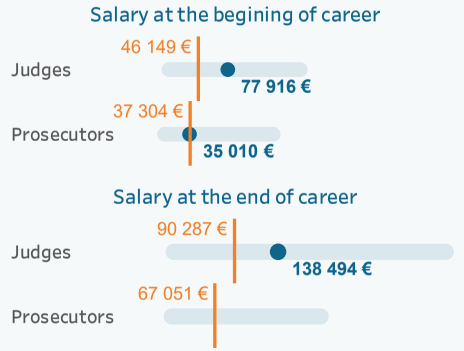
Cyprus | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	14.06	17,60	50.11	56,13	15.29	11,10	8.15	15,22	476.90	134,51
2018	13.47	17,94	48.75	59,69	14.04	11,22	7.88	14,98	458.04	127,08
2016	13.08	17,63	51.51	59,30	13.67	10,86	8.37	14,60	424.97	120,25
2014	11.31	18,06	52.21	55,33	12.82	10,27	8.16	14,57	362.94	110,17
2012	11.90	17,41	48.97	54,46	12.93	10,44	9.59	14,56	295.42	112,56
2010	12.93	16,88	57.55	61,05	13.18	9,83	12.43	12,94	298.31	102,03

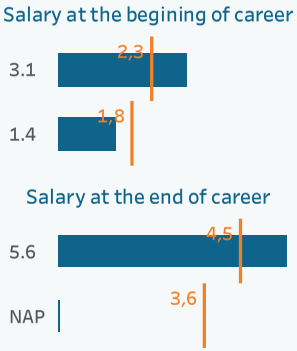
Gender balance



Absolute gross salaries

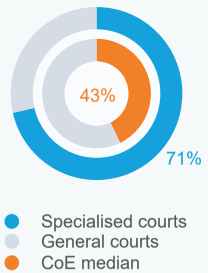


Ratio with the average annual gross salary

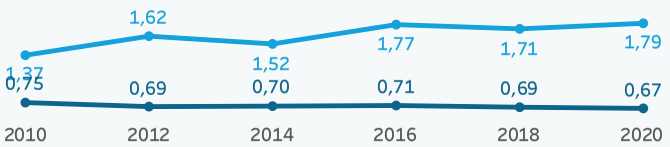


Courts (per 100 000 inhabitants)

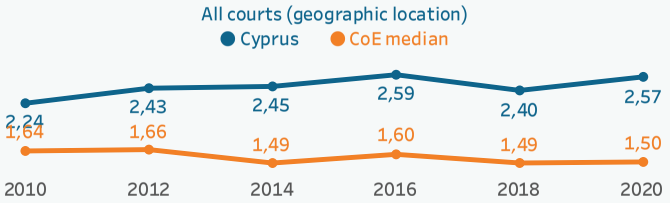
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	2.68	6,5
Deployment rate	Civil	2.46	6,6
	Criminal	2.18	5,7
	Administrative	1.72	6,1
Communication with courts	Civil	1.38	6,1
	Criminal	1.38	4,1
	Administrative	0	5,0
Courts and case management	Civil	3.61	7,3
	Criminal	2.9	7,3
	Administrative	3.61	7,4
Decision support	Civil	3.91	7,0
	Criminal	3.46	7,3
	Administrative	3.91	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100

CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing

CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365

The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance: Highest Instance; 2nd Instance; 1st Instance

Clearance Rate

Civil	Highest Instance	NAP	100% / 103,0%
	2nd Instance	NA	104,2%
	1st Instance	NA	98,1%
Criminal	Highest Instance	NAP	101,0%
	2nd Instance	108.4%	99,4%
	1st Instance	94.7%	94,7%
Administrative	Highest Instance	NAP	101,2%
	2nd Instance	69.0%	100,9%
	1st Instance	83.8%	97,5%

Disposition Time (in days)

Civil	Highest Instance	NAP / 172
	2nd Instance	NA / 177
	1st Instance	NA / 237
Criminal	Highest Instance	NAP / 120
	2nd Instance	347 / 121
	1st Instance	317 / 149
Administrative	Highest Instance	NAP / 249
	2nd Instance	2688 / 253
	1st Instance	863 / 358

Evolution of Disposition Time

	2010	2012	2014	2016	2018	2020
Civil	NAP	NAP	NAP	NAP	NAP	NAP
	1194	340	NA	NA	NA	NA
	513	NA	NA	NA	NA	NA
Criminal	NA	446	NAP	NAP	NAP	NAP
	500	NAP	795	653	754	347
	254	262	246	304	273	317
Administrative	NA	NA	NA	NA	NA	NA
	1362	2489	2890	2522	2156	2688
	1340	1270	1775	1582	487	863

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
3,05	3,07	2,74	2,37	2,43	2,61
NA	NA	NA	NA	NA	NA

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	NA	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	NA	0,11
Cases closed by the public prosecutor for other reasons	NA	0,18
Cases brought to court	NA	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NA	0,32
Discontinued due to the lack of an established offence or a specific legal situation	NA	0,60
Discontinued by the public prosecutor for reasons of opportunity	NA	0,09
Discontinued for other reasons	NA	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

www.cylaw.com

2. Case-law of the higher court/s

www.cylaw.com

3. Information about the judicial system

www.supremecourt.gov.cy.



CZECH REPUBLIC

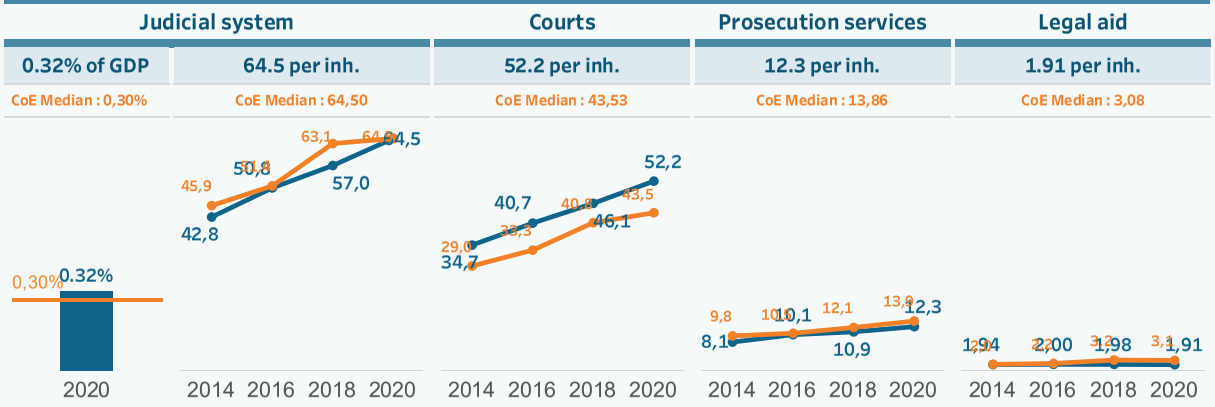
2020

Population
10 701 777

GDP per capita
20 278 €
CoE Median 20 301 €

Avg gross annual salary
16 279 €
CoE Median 20 612 €

Implemented judicial system budget



Budget : In 2020, the Czech Republic spent 690 288 251 € on the implemented judicial system budget, which is 64,5 € per inhabitant (in line with the CoE median) and 0.32% of GDP (slightly above the CoE median). The Czech Republic significantly increased the implemented budget allocated to investments in the new buildings (64%) due to implementation of construction projects in many jurisdictions.

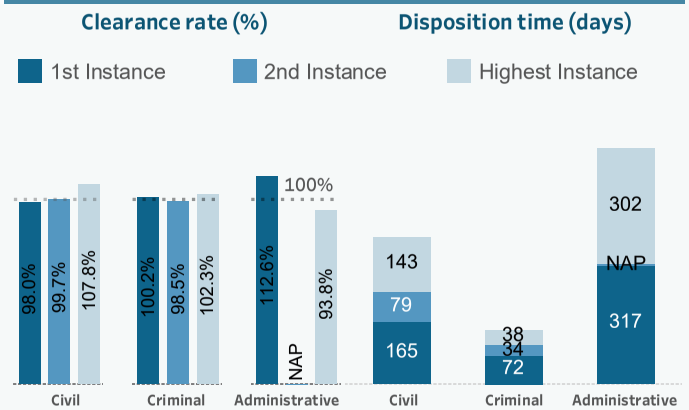
Professionals

Contrary to the European trend, the number of professional judges and prosecutors per 100 000 inhabitants slightly decreased between 2010 and 2020 but is still well above the COE median (especially judges with 28.1 judges per 100 000 inhabitants). The increase in the number of lawyers did not follow the European trend and is now below the median (114,6 per 100 000 inh.). Women are majority among judges (60%) and prosecutors (54%), but not among the lawyers (40%). In relation to leading roles, the proportion of women among heads of prosecution offices has fallen since 2012 from 45% to 40%, but it has risen from 37% to 46% among court presidents. It is interesting to note that there is no Judicial nor Prosecutorial council in the Czech Republic.

ICT in judiciary

The Czech Republic has an ICT index of 6,5 which is close to the CoE median. There was a significant increase of 0,8 points from the previous cycle mostly due to the improvements in e-communication but also to a new online database of judicial decisions of lower courts which contains a search option for the ECHR case law. The participation of the ICT budget is 1.7% of the court budget which is below the CoE median.

Efficiency



Efficiency: In 2020 in total, the second instance seems to be the most efficient in the Czech Republic and the criminal field of law is the domain in which the courts are most efficient, combined for all instances. In particular, courts are most efficient in the second instance criminal matter.
Specifically for this system, the administrative cases are dealt with in two tiers. Although the Czech Republic had comparatively small fluctuations in the number of incoming and resolved cases in 2020, the adverse influence of the COVID-19 pandemic caused generally a decrease in efficiency which is reflected trough reduced CR for almost all case types in almost all instances and slight increase of DT in some.

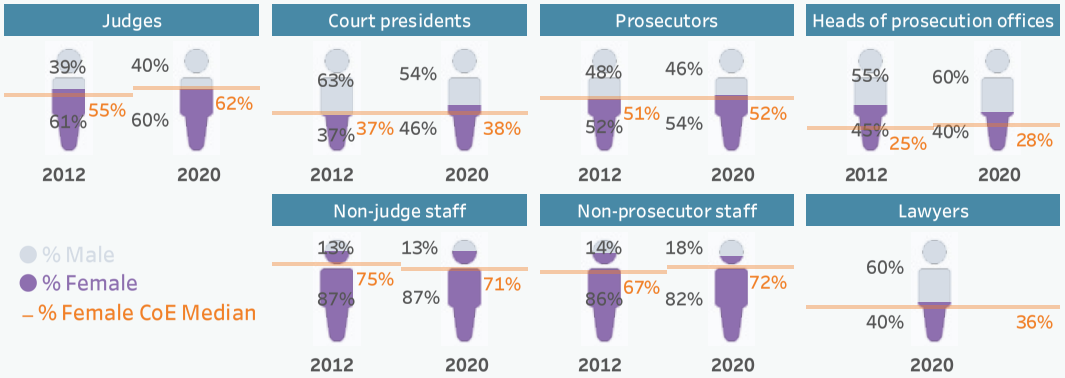
CZECH REPUBLIC

Human resources (per 100 000 inhabitants)

Czech Republic | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	28.10	17,60	92.70	56,13	11.44	11,10	13.77	15,22	114.63	134,51
2018	28.44	17,94	92.56	59,69	11.62	11,22	13.76	14,98	104.98	127,08
2016	28.41	17,63	91.82	59,30	11.75	10,86	13.73	14,60	106.91	120,25
2014	28.77	18,06	88.45	55,33	11.71	10,27	13.84	14,57	112.52	110,17
2012	29.07	17,41	86.92	54,46	11.82	10,44	13.60	14,56	104.14	112,56
2010	29.12	16,88	90.31	61,05	11.79	9,83	14.52	12,94	96.58	102,03

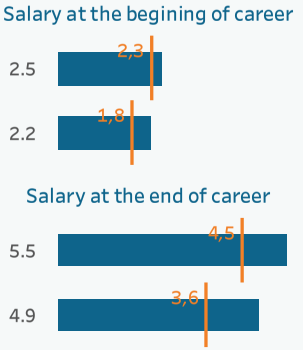
Gender balance



Absolute gross salaries

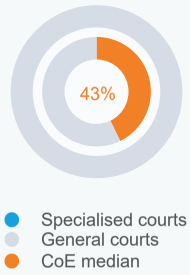


Ratio with the average annual gross salary



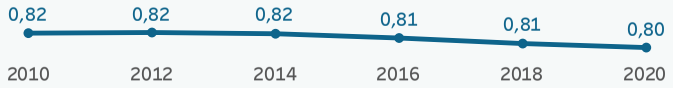
Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts



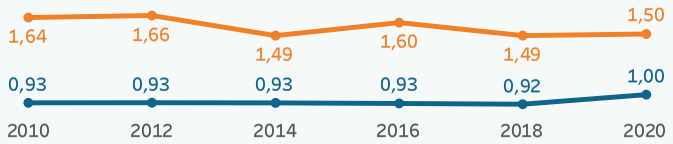
First instance general and specialised courts (legal entities)

General jurisdiction courts | Specialised courts



All courts (geographic location)

Czech Republic | CoE median



ICT in judiciary (index from 0 to 10)

Index	Total	6.49	6,5
Deployment rate	Civil	6.61	6,6
	Criminal	7.04	5,7
	Administrative	6.25	6,1
Communication with courts	Civil	7.87	6,1
	Criminal	8.5	4,1
	Administrative	7.41	5,0
Courts and case management	Civil	4.4	7,3
	Criminal	4.4	7,3
	Administrative	4.4	7,4
Decision support	Civil	7.21	7,0
	Criminal	7.82	7,3
	Administrative	6.34	7,2

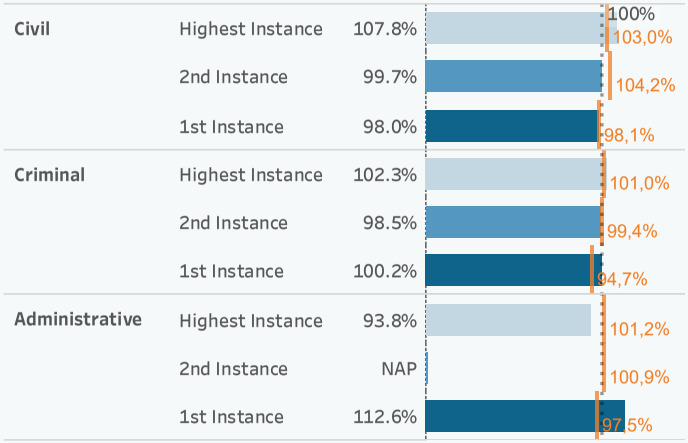
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

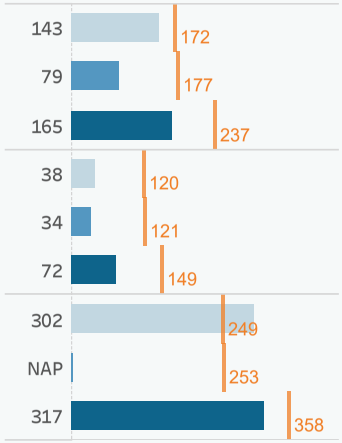
Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

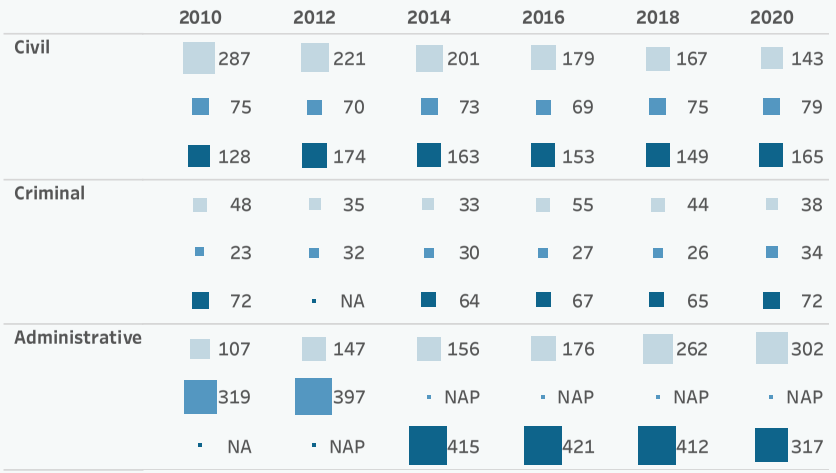
Clearance Rate



Disposition Time (in days)

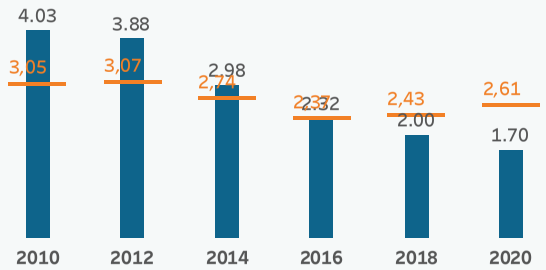


Evolution of Disposition Time



Public prosecution services

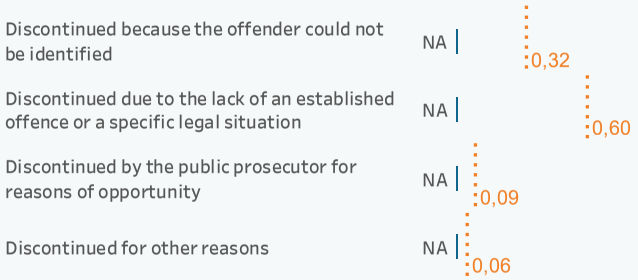
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.mvcr.cz

2. Case-law of the higher court/s
www.nsoud.cz

3. Information about the judicial system
www.justice.cz



DENMARK

2020

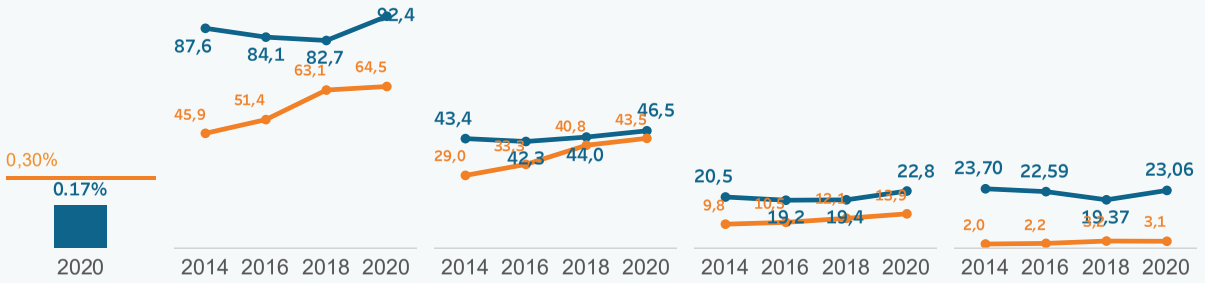
Population
5 840 045

GDP per capita
53 470 €
CoE Median 20 301 €

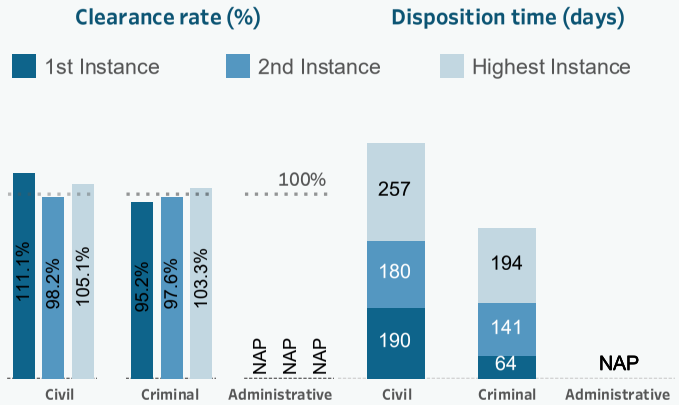
Avg gross annual salary
40 872 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.17% of GDP	92.4 per inh.	46.5 per inh.	22.8 per inh.	23.06 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Efficiency



Budget : In 2020, Denmark spent 92.4 € per inhabitant on the implemented judicial system budget (well above the CoE median) and 0.17% of the GDP (lower than the COE median). Within judicial system budget, Denmark invested 50% on courts, 23% on prosecution and 27% on legal aid which represents one of the highest legal aid shares in Europe.

Professionals and gender balance

The number of professional judges per 100 000 inhabitants (6,6) has been mostly stable and stayed much lower than the CoE median value. The number of lawyers (117 per 100 000 inh.) has only slightly increased but not as much as the European median. The proportion of women among judges is 54% and among court presidents 41%. While the participation of women court presidents increased since 2012 from 28%, this ratio among heads of prosecution offices has slightly fallen from 35% to 32%.

ICT in judiciary

Even with the increase of 0,7 points compared with previous cycle, Denmark's ICT index of 4,9 is still much below the CoE median. However, the investments in ICT budget of 8.85% of the courts' budget are considerable and there is an ongoing process of modernizing the IT systems.

Legal aid

Since June 2020, Denmark has established a self-service solution for legal aid applications. A large majority of the applications are being received digitally and then automatically registered in the case management system. The decisions on granted legal aid are also sent electronically to the applicants.

Efficiency: In 2020, the most efficient are first instance courts, while the most efficient area of law, combined for all instances, was the criminal one. Data for administrative cases are included in civil and commercial litigious cases and cannot be analysed separately.

The highest Disposition Time is calculated in the highest instance of civil and commercial litigious cases and it is above the COE median.

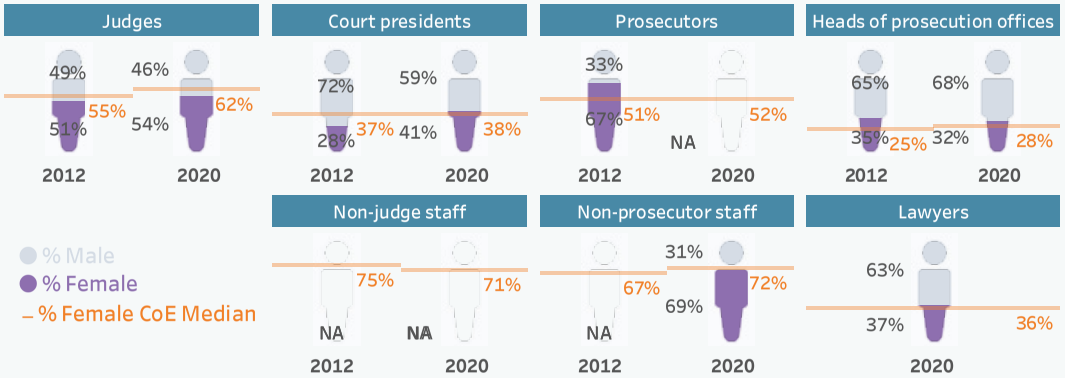
The adverse influence of the COVID-19 pandemic did not influence much inflow and outflow in first and second instances but it had an impact in the highest instance. It caused a small decrease in efficiency, although there were exceptions such as highest instance criminal cases.

Human resources (per 100 000 inhabitants)

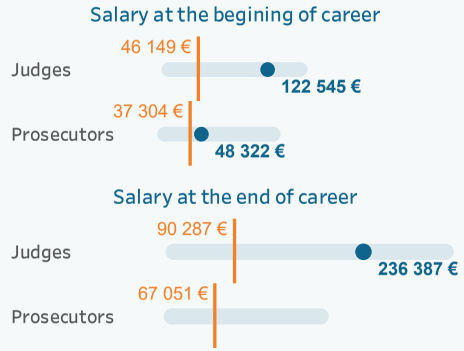
Denmark CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	6.64	17,60	31.10	56,13	NA	11,10	28.60	15,22	117.64	134,51
2018	6.46	17,94	28.52	59,69	11.56	11,22	7.87	14,98	113.04	127,08
2016	6.47	17,63	28.56	59,30	12.12	10,86	6.52	14,60	108.48	120,25
2014	6.66	18,06	30.99	55,33	12.19	10,27	8.13	14,57	108.38	110,17
2012	6.64	17,41	32.53	54,46	10.10	10,44	NA	14,56	107.47	112,56
2010	6.69	16,88	NA	61,05	13.45	9,83	NA	12,94	104.56	102,03

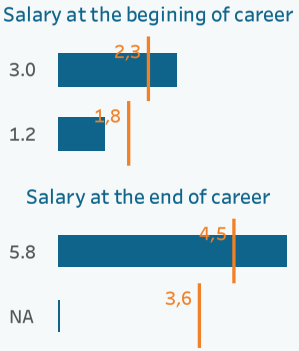
Gender balance



Absolute gross salaries

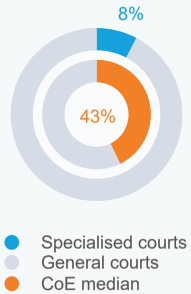


Ratio with the average annual gross salary



Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)

General jurisdiction courts Specialised courts

2010	2012	2014	2016	2018	2020
0,43	0,43	0,42	0,42	0,41	0,41
0,04	0,04	0,04	0,03	0,03	0,03

All courts (geographic location)

Denmark CoE median

2010	2012	2014	2016	2018	2020
1,64	1,66	1,49	1,60	1,49	1,50
0,52	0,52	0,51	0,50	0,50	0,50

ICT in judiciary (index from 0 to 10)

Index	Total	4.91	6,5
Deployment rate	Civil	7.59	6,6
	Criminal	5.84	5,7
	Administrative	3.51	6,1
Communication with courts	Civil	9.74	6,1
	Criminal	6.95	4,1
	Administrative	3.45	5,0
Courts and case management	Civil	5.98	7,3
	Criminal	5.02	7,3
	Administrative	3.89	7,4
Decision support	Civil	2.76	7,0
	Criminal	3.59	7,3
	Administrative	2.76	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	105.1%	100% / 103,0%
	2nd Instance	98.2%	104,2%
	1st Instance	111.1%	98,1%
Criminal	Highest Instance	103.3%	101,0%
	2nd Instance	97.6%	99,4%
	1st Instance	95.2%	94,7%
Administrative	Highest Instance	NAP	101,2%
	2nd Instance	NAP	100,9%
	1st Instance	NAP	97,5%

Disposition Time (in days)

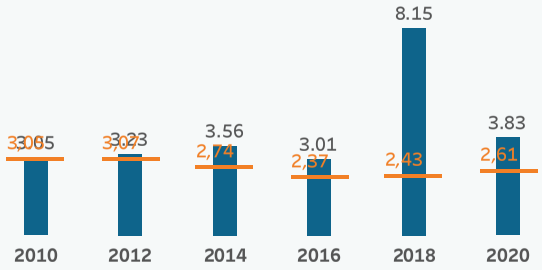
Civil	Highest Instance	257 / 172
	2nd Instance	180 / 177
	1st Instance	190 / 237
Criminal	Highest Instance	194 / 120
	2nd Instance	141 / 121
	1st Instance	64 / 149
Administrative	Highest Instance	NAP / 249
	2nd Instance	NAP / 253
	1st Instance	NAP / 358

Evolution of Disposition Time

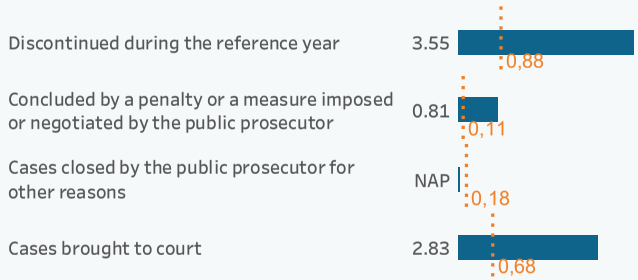
	2010	2012	2014	2016	2018	2020
Civil	NA	NA	187	207	187	257
	151	158	170	141	168	180
	182	165	177	176	207	190
Criminal	259	63	NA	NA	236	194
	75	95	100	85	104	141
	99	37	47	38	41	64
Administrative	NA	NA	NAP	NAP	NAP	NAP
	NAP	NAP	NAP	NAP	NAP	NAP
	NA	NAP	NAP	NAP	NAP	NAP

Public prosecution services

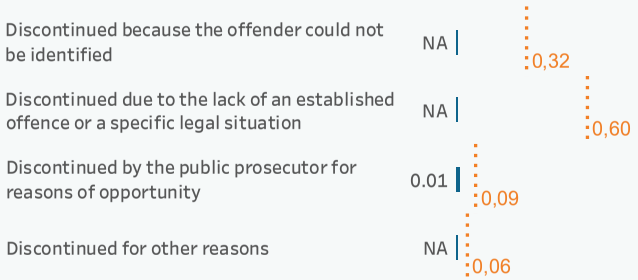
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://www.retsinformation.dk/

2. Case-law of the higher court/s
https://domstol.fe1.tangora.com

3. Information about the judicial system
https://domstol.dk/om-os/organisation/



ESTONIA

2020

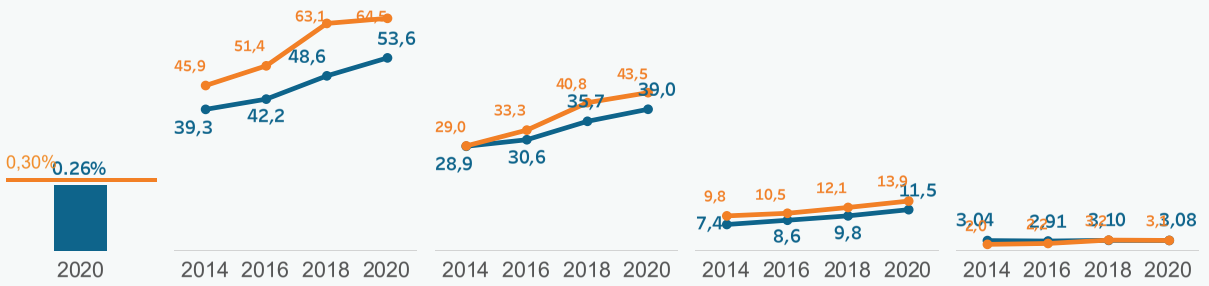
Population
1 329 460

GDP per capita
20 324 €
CoE Median 20 301 €

Avg gross annual salary
17 376 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.26% of GDP	53.6 per inh.	39.0 per inh.	11.5 per inh.	3.08 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Estonia spent 71 211 278 € on the implemented judicial system budget, which is 53,6 € per inhabitant (below the CoE median) and 0.26% of the GDP (slightly below the CoE median). 73% was spent on all courts, 21% on prosecution services, and 6% on legal aid. The implemented budget significantly dropped for trainings provided by the courts in 2020 due to the COVID-19 pandemic (-46%), while it soared for investments in the new building (159%) and justice expenses (118%).

ICT in judiciary

Estonia is one of the two countries with the highest ICT index (9,8 out of 10 in 2020) and it even rose by 0,3 points since 2018. Although the implemented court budget for computerisation rose by 28% to finance the project "Paperfree court", this budgetary line only counts for around 1% of the total court budget. Starting from 2020, public e-file contains information about deadlines and calendar functionality (which includes trials).

Justice Professionals

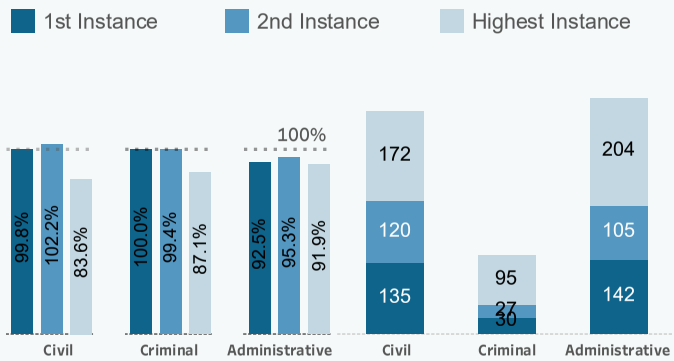
The increase in the number of professional judges (17.60 per 100 000 inh.) is in line with the European trend between 2010 and 2020. Meanwhile, contrary to the European trend, the number of prosecutors (12.71 per 100 000 inhabitants) has been stable. The share of women among court presidents and among heads of prosecution offices remained high between 2012 and 2020 (around 60%) and it was well above the CoE median in 2020.

Legal Aid

In Estonia, a person may receive legal aid regardless of his or her financial situation in criminal proceedings, in case the person is 14 to 18 years old or has a mental disorder in misdemeanour proceedings, and in surrender or extradition proceedings. Furthermore, a legal person may also receive state legal aid in case it is a non-profit association (abiding by certain criteria), or an insolvent legal person involved in a criminal case.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: In 2020, second instance courts appear to be the most efficient instance, while criminal justice is the most efficient area of law in all instances combined. On one hand, the second instance of total criminal law cases has the lowest DT (27 days, which is remarkably below the CoE median). On the other hand, the highest DT is calculated for the third instance of administrative cases (204 days) and, yet, it remains below the CoE median.

The most adverse influence of the COVID-19 pandemic is reported for criminal matters in general. As a consequence, between 2018 and 2020, the DT for second and third instance Total Criminal law cases increased by 35% and 40%, respectively.

Over the same period, the Supreme court decreased its CR in civil (and commercial) litigious cases from 98% to 83,6% and soared its DT from 66 days to 172 days (which is now around the CoE median).

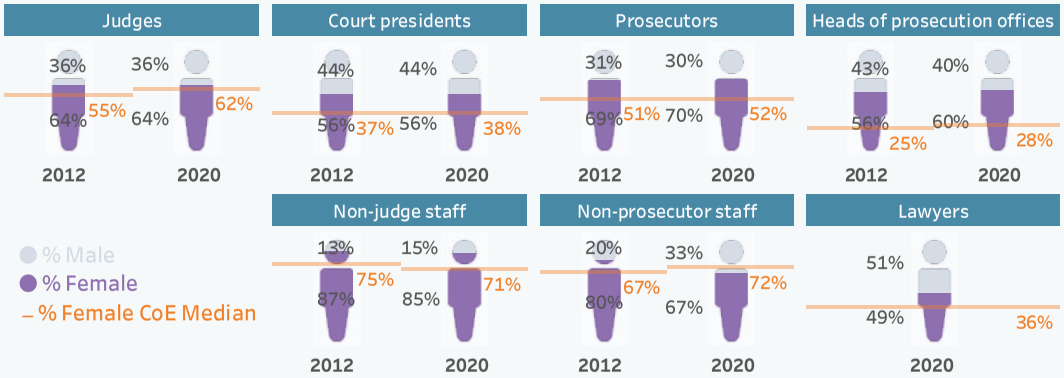
ESTONIA

Human resources (per 100 000 inhabitants)

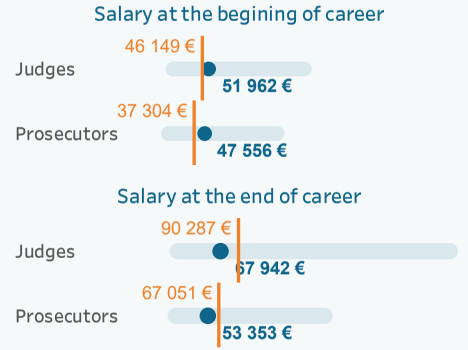
Estonia | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	17.60	17,60	62.06	56,13	12.71	11,10	6.69	15,22	82.44	134,51
2018	17.66	17,94	62.09	59,69	12.81	11,22	6.75	14,98	78.92	127,08
2016	17.63	17,63	66.66	59,30	13.00	10,86	7.37	14,60	75.48	120,25
2014	17.59	18,06	77.44	55,33	12.79	10,27	6.02	14,57	71.12	110,17
2012	17.72	17,41	74.39	54,46	13.06	10,44	6.53	14,56	65.76	112,56
2010	16.71	16,88	72.83	61,05	13.06	9,83	5.97	12,94	58.80	102,03

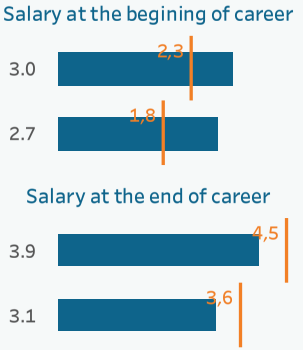
Gender balance



Absolute gross salaries

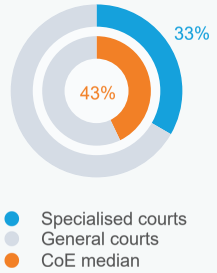


Ratio with the average annual gross salary

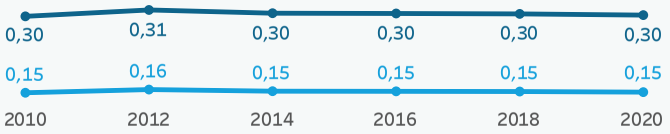


Courts (per 100 000 inhabitants)

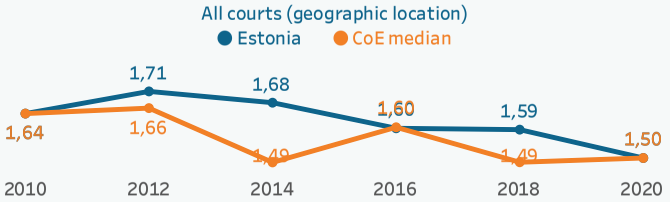
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	9.79	6,5
Deployment rate	Civil	9.84	6,6
	Criminal	9.84	5,7
	Administrative	9.59	6,1
Communication with courts	Civil	9.74	6,1
	Criminal	9.74	4,1
	Administrative	9.28	5,0
Courts and case management	Civil	10	7,3
	Criminal	10	7,3
	Administrative	10	7,4
Decision support	Civil	9.78	7,0
	Criminal	9.81	7,3
	Administrative	9.78	7,2

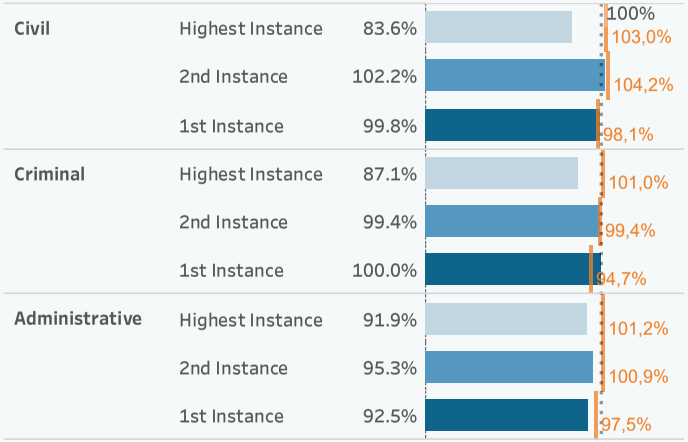
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

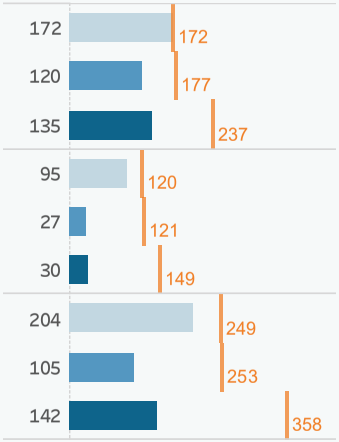
Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
Highest Instance
2nd Instance
1st Instance

Clearance Rate



Disposition Time (in days)

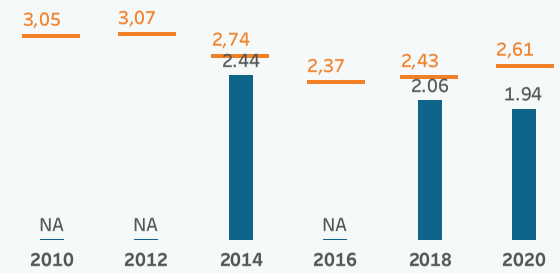


Evolution of Disposition Time

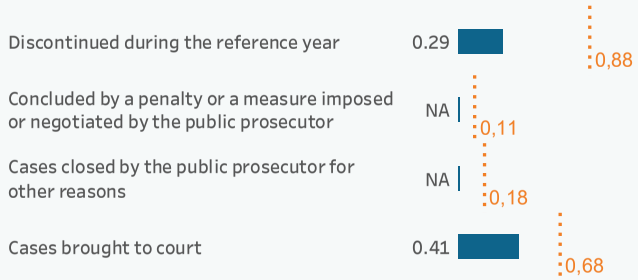
	2010	2012	2014	2016	2018	2020
Civil	133	70	114	132	66	172
	102	107	100	95	119	120
	215	167	125	139	143	135
Criminal	32	144	58	107	68	95
	51	28	27	21	20	27
	60	51	49	35	35	30
Administrative	115	154	126	173	207	204
	140	199	143	130	81	105
	146	108	141	108	119	142

Public prosecution services

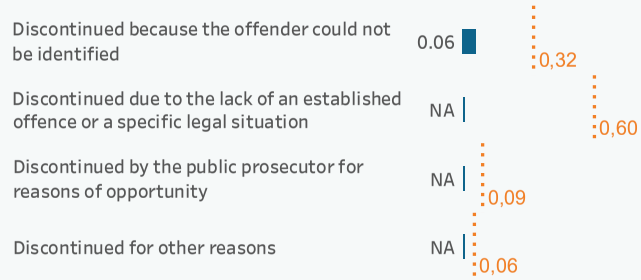
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.riigiteataja.ee

2. Case-law of the higher court/s
www.riigiteataja.ee

3. Information about the judicial system
www.kohus.ee www.riigikohus.ee

FINLAND

2020

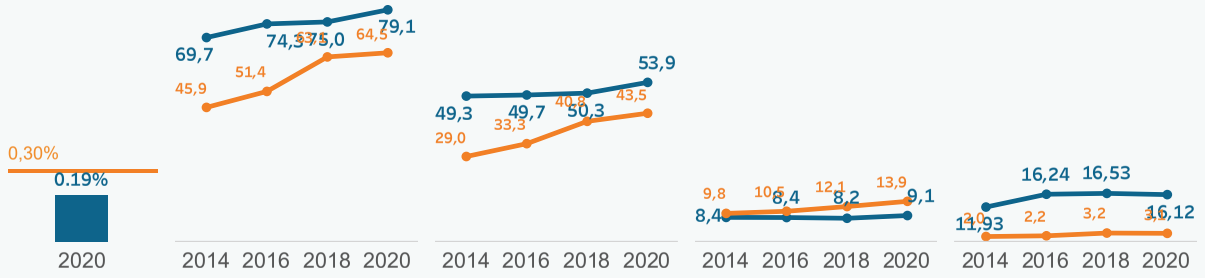
Population
5 533 793

GDP per capita
42 701 €
CoE Median 20 301 €

Avg gross annual salary
43 140 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.19% of GDP	79.1 per inh.	53.9 per inh.	9.1 per inh.	16.12 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Finland spent 437 789 075€ on the implemented judicial system budget: 79.11€ per inhabitant (above the CoE median) and 0.19% of the GDP (below the CoE median). 20% of this budget were spent on legal aid. The legal aid budget of 16,12€ per inhabitant is well above the CoE median. Finland is among the countries granting a high amount per legal aid case and to a high number of cases.

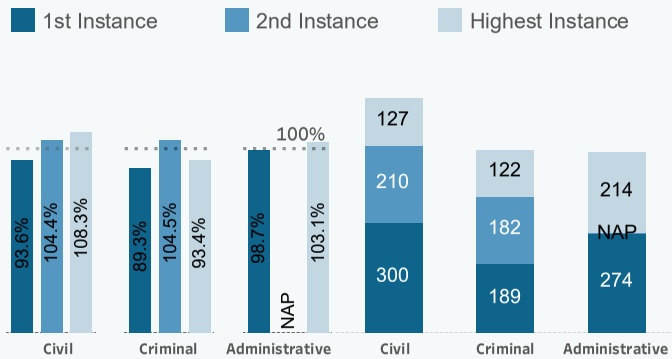
Organisation and management of courts
The National Court Administration has been established in 2020. It is responsible for preparation of the court budget and its management and allocation among courts; evaluating courts' performance; collecting statistical data on courts' functioning; organisation, jointly with the Judicial Training Board, of trainings for judges.

ICT in judiciary
Finland has an ICT index of 8,1 and with the increase of 0,6 points it is improving steadily. The investment in ICT budget is already paying off looking at the level of increase and present state of ICT development. As of 2019, it is mandatory to submit applications for summons in undisputed civil cases via electronic services, except for private individuals. In 2020, two large IT projects are ongoing for administrative and general courts.

Lay judges
In 2020, the number of persons working as lay judges (1477), competent to take part in severe criminal matters, is higher than the number of professional judges in full time equivalent (1077). In district courts, a professional judge can hear and decide a criminal case if the maximum penalty of an offence is up to two years of imprisonment, while for more than two years, the case is heard and decided by a panel of one judge and two lay judges.

Efficiency

Clearance rate (%) | Disposition time (days)



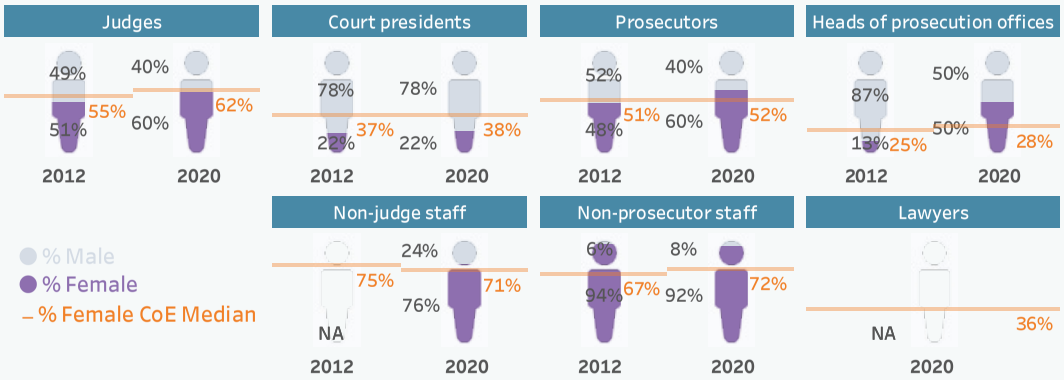
Efficiency: In total, in 2020, first instance courts display the highest DT in all three examined case types combined. The most efficient area of law is the administrative one with DT indicators below the CoE medians. In particular, the fastest cases are the highest instance criminal cases. Regarding civil litigious cases, the DT indicators are above the respective CoE medians at first and second instances, and below the CoE median at third instance. During the COVID-19 pandemic, courts maintained stable efficiency except in criminal cases at the third instance in which a noticeable increase in DT is calculated. Generally, in 2020, for all three instances, the DT in criminal matters is above the respective CoE medians.

Human resources (per 100 000 inhabitants)

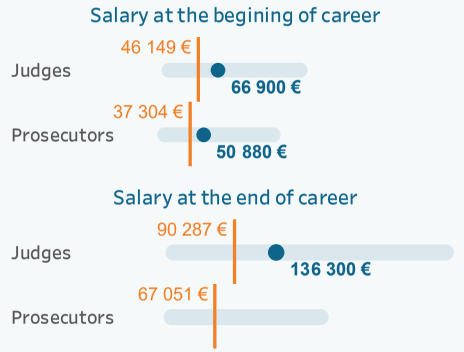
Finland CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	19.46	17,60	39.07	56,13	7.05	11,10	2.51	15,22	73.86	134,51
2018	19.58	17,94	38.59	59,69	7.12	11,22	2.97	14,98	71.81	127,08
2016	19.41	17,63	39.43	59,30	6.76	10,86	2.43	14,60	68.89	120,25
2014	18.06	18,06	39.49	55,33	6.63	10,27	2.83	14,57	38.65	110,17
2012	18.08	17,41	40.80	54,46	7.41	10,44	3.17	14,56	35.66	112,56
2010	17.99	16,88	42.51	61,05	6.92	9,83	3.13	12,94	35.22	102,03

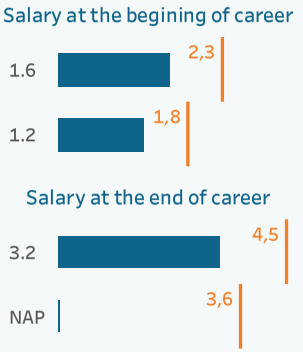
Gender balance



Absolute gross salaries

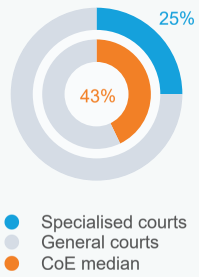


Ratio with the average annual gross salary

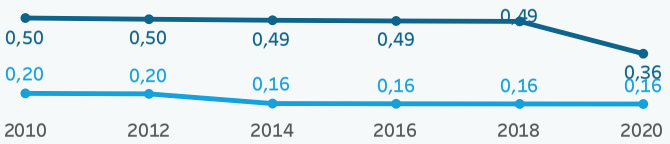


Courts (per 100 000 inhabitants)

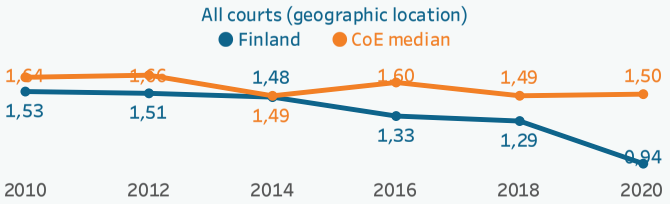
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	8.14	6,5
Deployment rate	Civil	8.36	6,6
	Criminal	8.6	5,7
	Administrative	8.96	6,1
Communication with courts	Civil	9.28	6,1
	Criminal	9.28	4,1
	Administrative	9.28	5,0
Courts and case management	Civil	7.42	7,3
	Criminal	8.06	7,3
	Administrative	9.52	7,4
Decision support	Civil	6.96	7,0
	Criminal	7.31	7,3
	Administrative	6.09	7,2

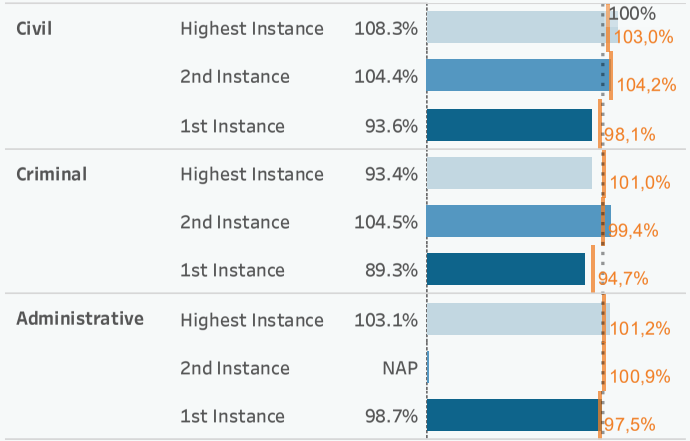
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

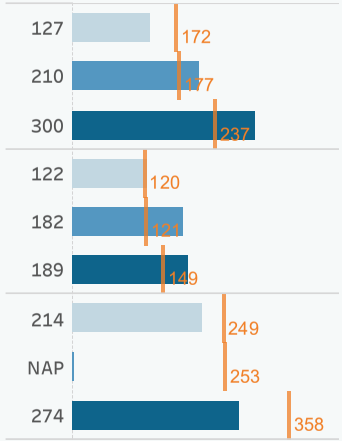
Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
Highest Instance
2nd Instance
1st Instance

Clearance Rate



Disposition Time (in days)

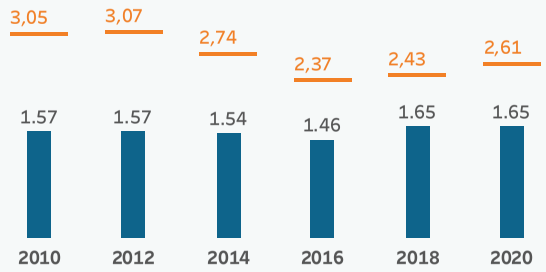


Evolution of Disposition Time

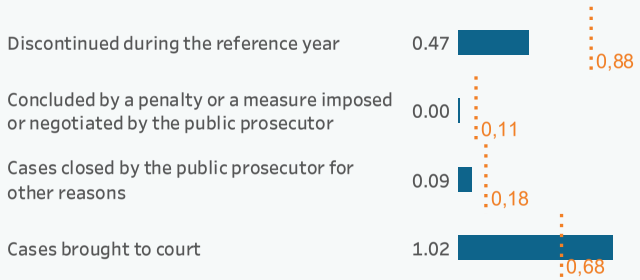
	2010	2012	2014	2016	2018	2020
Civil	NA	210	224	165	131	127
	223	204	NA	150	177	210
	259	325	289	252	273	300
Criminal	NA	132	124	186	88	122
	158	155	170	149	182	182
	107	114	121	118	139	189
Administrative	362	368	312	225	207	214
	NA	NAP	NAP	NAP	NAP	NAP
	238	248	280	279	235	274

Public prosecution services

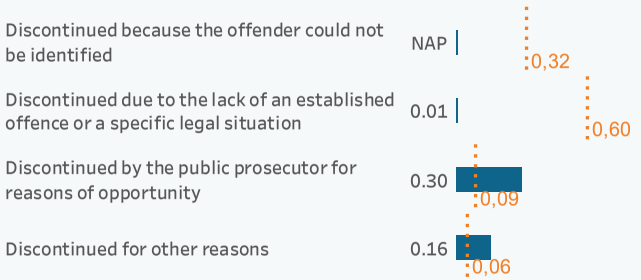
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://www.finlex.fi/fi/

2. Case-law of the higher court/s
https://www.finlex.fi/fi/

3. Information about the judicial system
https://oikeus.fi/en/index/judicialadministration.html

FRANCE

2020

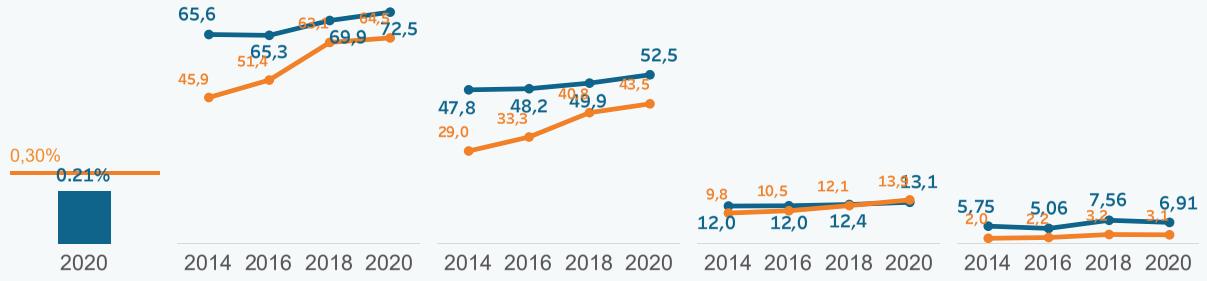
Population
67 407 241

GDP per capita
33 959 €
CoE Median 20 301 €

Avg gross annual salary
34 495 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.21% of GDP	72.5 per inh.	52.5 per inh.	13.1 per inh.	6.91 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, France spent 4 889 157 842 € on the implemented judicial system budget: 72.5€ per inhabitant (above the CoE median) and 0.21% of the GDP (below the CoE median). The judicial system budget in France is stable, while the European median is constantly increasing. In 2020, 72% were spent on courts, 18% on prosecution services, and 10% on legal aid. As there is one single budget of courts and prosecution services, the data are based on a distribution key of 80% courts/20% prosecution.

ICT in judiciary

In 2020, the ICT index (5,9) increased significantly by 0,8 points but is still below the CoE median. Since 2020, a digital criminal procedure and the Legal aid information system (SIAJ) are being implemented at national level. The single electronic counter was created in 2019 in commercial matters. The investment in ICT represents 2,2% of the court budget.

Child-friendly justice

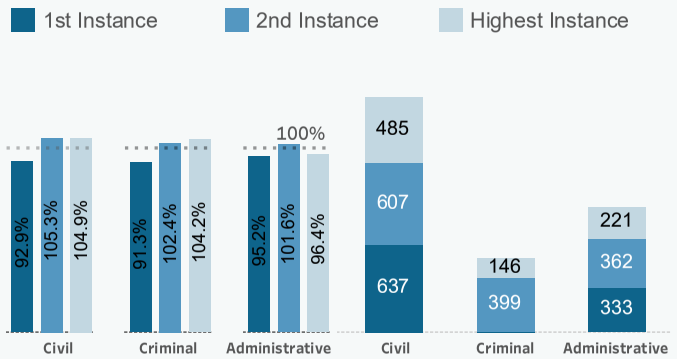
In police stations and gendarmeries, there are specially equipped hearing rooms (Melanie rooms) dedicated to minors, and offices pre-equipped to accommodate mobile audio-visual and video recording equipment dedicated to this type of hearings. In hospitals, there are paediatric reception units which provide multidisciplinary care for minors and paediatric child-at-risk units that limit the psychological impact of the legal proceedings on minor victims.

Domestic violence

The 2021 European Crystal Scales of Justice prize was awarded to France for the project "Simplified filing of complaints in hospitals for victims of domestic violence". Investigating authorities can receive complaints from victims of domestic violence directly in medical facilities. Victims benefit from a simplified procedure and the possibility to lodge a complaint at the very moment and place where the violence was reported.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: Contrary to the European trend, in France, administrative cases are faster than civil litigious cases. The courts are the fastest in 3rd instance criminal cases, but with a DT above the CoE median. Civil litigious cases seemed to have the highest DT combined for all three instances, the values going far beyond the respective CoE medians. The highest DT was given for 1st instance civil litigious cases. The DT indicator is below the CoE median only in 1st instance administrative cases.

The adverse influence of the COVID-19 caused the efficiency of the courts to decrease, in certain case types considerably. The health crisis and the lockdown resulted in a decrease in the number of incoming cases, but also and mainly in the number of resolved cases. Prior to this, a major lawyers' strike and a transport strike had mainly affected resolved cases.

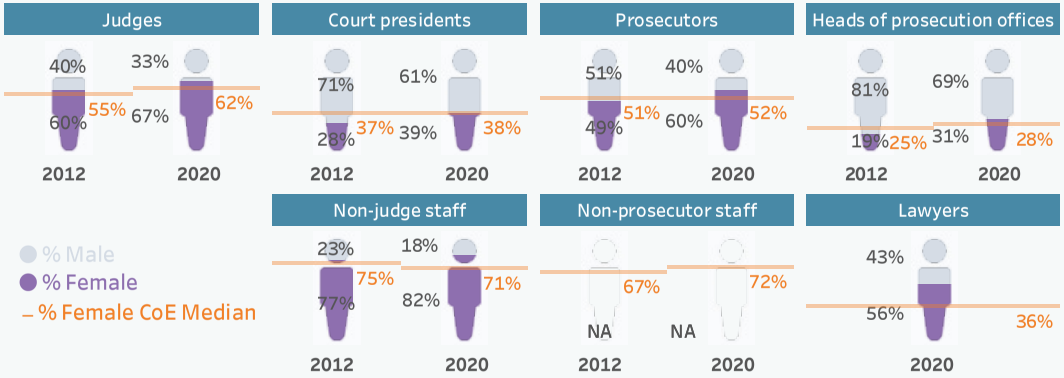
FRANCE

Human resources (per 100 000 inhabitants)

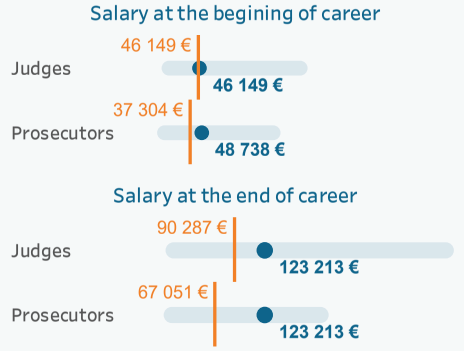
France CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	11.16	17,60	35.70	56,13	3.19	11,10	NA	15,22	103.95	134,51
2018	10.86	17,94	34.10	59,69	3.02	11,22	NA	14,98	99.95	127,08
2016	10.44	17,63	33.90	59,30	2.92	10,86	NA	14,60	97.74	120,25
2014	10.46	18,06	33.72	55,33	2.84	10,27	NA	14,57	93.60	110,17
2012	10.72	17,41	33.17	54,46	2.90	10,44	NA	14,56	85.65	112,56
2010	10.68	16,88	32.46	61,05	3.02	9,83	NA	12,94	79.59	102,03

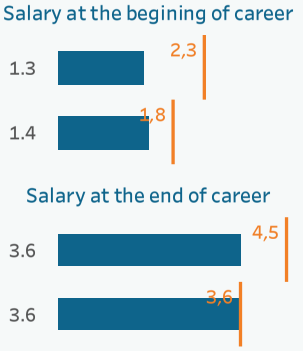
Gender balance



Absolute gross salaries

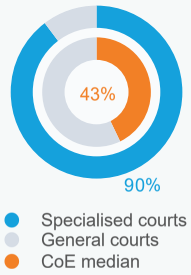


Ratio with the average annual gross salary

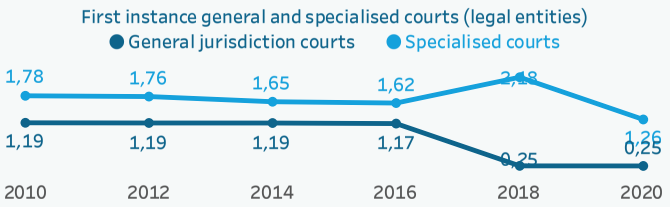


Courts (per 100 000 inhabitants)

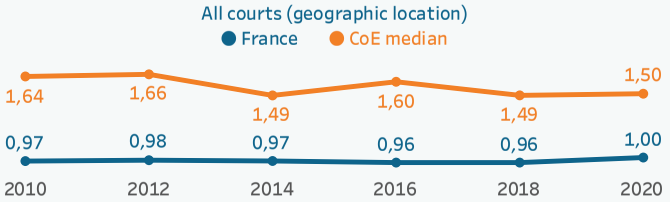
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	5.94	6,5
Deployment rate	Civil	4.78	6,6
	Criminal	4.5	5,7
	Administrative	7.58	6,1
Communication with courts	Civil	2.8	6,1
	Criminal	2.29	4,1
	Administrative	7.42	5,0
Courts and case management	Civil	7.61	7,3
	Criminal	7.9	7,3
	Administrative	7.9	7,4
Decision support	Civil	4.78	7,0
	Criminal	5.38	7,3
	Administrative	7.41	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	104.9%	100% / 103,0%
	2nd Instance	105.3%	104,2%
	1st Instance	92.9%	98,1%
Criminal	Highest Instance	104.2%	101,0%
	2nd Instance	102.4%	99,4%
	1st Instance	91.3%	94,7%
Administrative	Highest Instance	96.4%	101,2%
	2nd Instance	101.6%	100,9%
	1st Instance	95.2%	97,5%

Disposition Time (in days)

Civil	Highest Instance	485 / 172
	2nd Instance	607 / 177
	1st Instance	637 / 237
Criminal	Highest Instance	146 / 120
	2nd Instance	399 / 121
	1st Instance	NA / 149
Administrative	Highest Instance	221 / 249
	2nd Instance	362 / 253
	1st Instance	333 / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	342	378	425	376	337	485
	2nd Instance	359	405	477	487	466	607
	1st Instance	279	311	348	353	420	637
Criminal	Highest Instance	129	142	156	173	141	146
	2nd Instance	212	219	246	286	310	399
	1st Instance	NA	NA	NA	NA	NA	NA
Administrative	Highest Instance	267	271	185	207	200	221
	2nd Instance	379	346	334	341	327	362
	1st Instance	338	302	305	314	285	333

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
7.64 / 3,05	8.00 / 3,07	7.44 / 2,74	7.45 / 2,37	6.64 / 2,43	6.12 / 2,61

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	2.45	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	0.71	0,11
Cases closed by the public prosecutor for other reasons	NAP	0,18
Cases brought to court	0.79	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	1.34	0,32
Discontinued due to the lack of an established offence or a specific legal situation	0.82	0,60
Discontinued by the public prosecutor for reasons of opportunity	0.28	0,09
Discontinued for other reasons	NAP	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
http://www.legifrance.gouv.fr/

2. Case-law of the higher court/s
https://www.legifrance.gouv.fr

3. Information about the judicial system
https://www.justice.gouv.fr;
https://www.pre-plainte-en-ligne.gouv.fr



GEORGIA

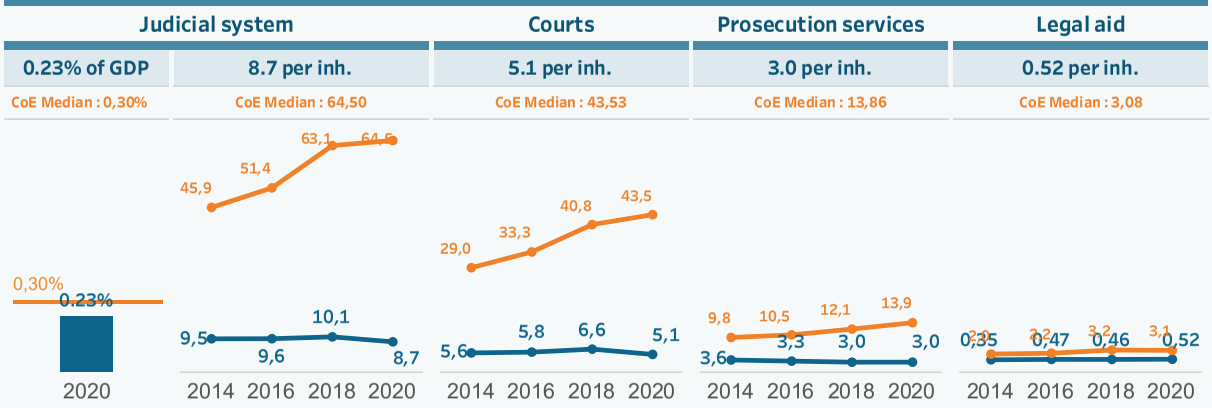
2020

Population
3 728 600

GDP per capita
3 812 €
CoE Median 20 301 €

Avg gross annual salary
3 552 €
CoE Median 20 612 €

Implemented judicial system budget



Budget : In 2020, Georgia spent 32 404 793 € on the implemented budget of the judicial system, which is 8,69 € per inhabitant (considerably below the CoE median) and 0,23% of the GDP (below the CoE median). In 2020, 59% was spent on courts, 35% on prosecution services, and 6% on legal aid. Georgia is among the European countries with the lowest spending on judicial system per inhabitant.

Professionals and Gender balance

As a result of long-postponed appointments, the number of judges increased in second instance courts and in the Supreme Court. Nevertheless, with 8,82 judges per 100 000 inhabitants, the number of judges in Georgia continues to remain significantly below the CoE median. The number of women judges reached 54% in 2020. There were 32% of women prosecutors. In 2020, there were 15% female court presidents and 15% heads of prosecution offices, which indicates a strong glass ceiling.

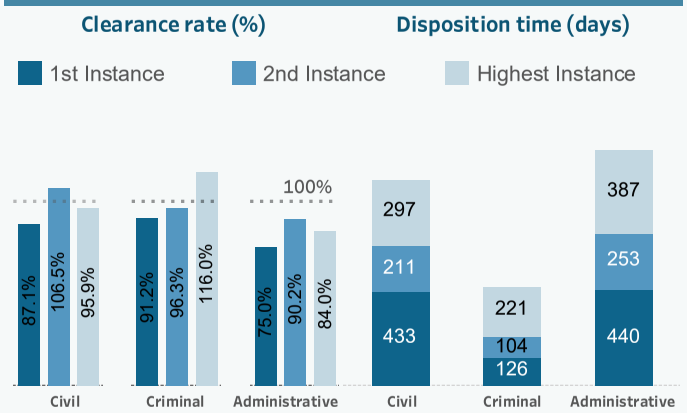
Legal aid

The pandemic-related measures seem to have contributed to a change in demand for legal aid. Thus in 2020, the number of legal aid cases brought to court decreased by 60% and the number of cases not brought to court - increased by 113% compared to 2018. The amount of 0,52 € spent for legal aid per inhabitant continues to be significantly below the CoE median, even if it constitutes 6% of the judicial system budget in Georgia.

ICT in judiciary

Georgia has an ICT index of 5,1 which is a decrease of -1,6 points compared with the previous cycle, mostly caused by the 'decision support' category. However, the High Council of Justice suspended the uploading of court decisions on its website, as a result of a 2019 decision of the Constitutional Court of Georgia and pending the approval of new regulations. At the same time, the budget on ICT (1,5% of the court budget in Georgia) seems to be one of the lowest in Europe.

Efficiency



Efficiency: In 2020, second instance courts appeared to be the most efficient, while criminal justice was the most efficient area of law in all instances combined. In 2020, the clearance rate is below 100% in all cases and instances, except civil litigious cases in the 2nd instance and the criminal law cases at the Supreme Court. The lowest Disposition Time is calculated in the second instance criminal cases, while the highest one is in the first instance administrative cases.

At second and third instances, the disposition time is higher than the CoE median for the three categories of cases, except for second instance administrative cases and criminal law cases.

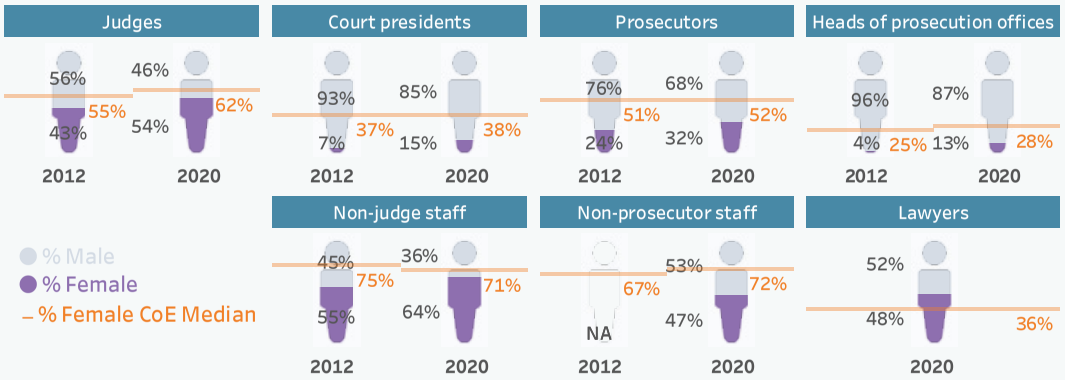
While the COVID-19 pandemic had an effect on all courts' instances and in all categories of cases, its most significant adverse impact was reported for civil and commercial cases in second instance courts.

Human resources (per 100 000 inhabitants)

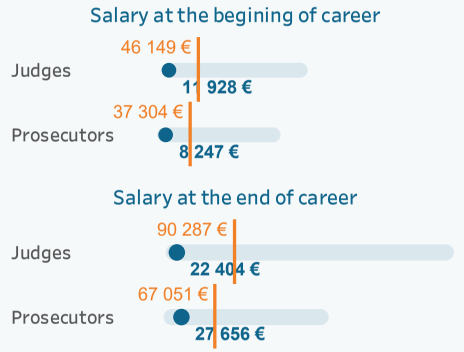
Georgia CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	8.82	17,60	42.51	56,13	11.10	11,10	9.74	15,22	127.98	134,51
2018	8.19	17,94	40.42	59,69	11.28	11,22	9.88	14,98	123.00	127,08
2016	7.48	17,63	37.79	59,30	11.75	10,86	10.06	14,60	120.25	120,25
2014	6.81	18,06	31.40	55,33	11.82	10,27	10.03	14,57	101.86	110,17
2012	5.40	17,41	25.67	54,46	9.03	10,44	NA	14,56	82.59	112,56
2010	5.24	16,88	36.29	61,05	7.97	9,83	5.41	12,94	77.64	102,03

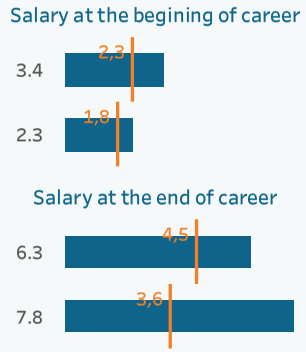
Gender balance



Absolute gross salaries

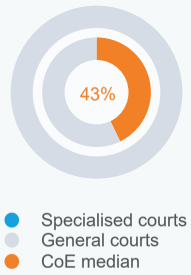


Ratio with the average annual gross salary

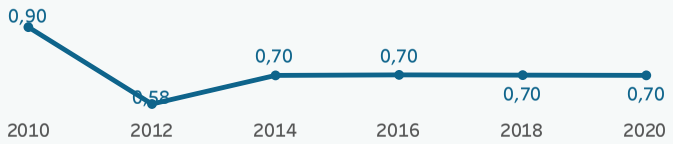


Courts (per 100 000 inhabitants)

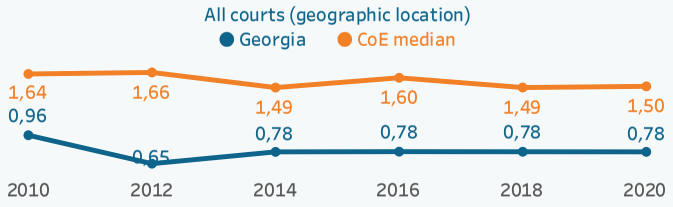
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	5.11	6,5
Deployment rate	Civil	6.1	6,6
	Criminal	5.94	5,7
	Administrative	6.1	6,1
Communication with courts	Civil	6.38	6,1
	Criminal	5.97	4,1
	Administrative	6.38	5,0
Courts and case management	Civil	7.42	7,3
	Criminal	7.42	7,3
	Administrative	7.42	7,4
Decision support	Civil	1.3	7,0
	Criminal	2.31	7,3
	Administrative	1.3	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100

CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing

CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365

The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance: Highest Instance; 2nd Instance; 1st Instance

Clearance Rate

Civil	Highest Instance	95.9%	100% / 103,0%
	2nd Instance	106.5%	104,2%
	1st Instance	87.1%	98,1%
Criminal	Highest Instance	116.0%	101,0%
	2nd Instance	96.3%	99,4%
	1st Instance	91.2%	94,7%
Administrative	Highest Instance	84.0%	101,2%
	2nd Instance	90.2%	100,9%
	1st Instance	75.0%	97,5%

Disposition Time (in days)

Civil	Highest Instance	297 / 172
	2nd Instance	211 / 177
	1st Instance	433 / 237
Criminal	Highest Instance	221 / 120
	2nd Instance	104 / 121
	1st Instance	126 / 149
Administrative	Highest Instance	387 / 249
	2nd Instance	253 / 253
	1st Instance	440 / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	108	71	230	126	204	297
	2nd Instance	54	53	125	153	144	211
	1st Instance	94	62	100	242	274	433
Criminal	Highest Instance	76	25	238	143	200	221
	2nd Instance	28	43	63	84	97	104
	1st Instance	36	46	65	76	64	126
Administrative	Highest Instance	135	151	149	176	232	387
	2nd Instance	43	34	82	183	158	253
	1st Instance	36	213	130	101	185	440

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
3,05	3,07	2,74	2,37	2,43	2,61
NA	1.07	1.21	1.17	1.85	NA

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	0.51	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	0.04	0,11
Cases closed by the public prosecutor for other reasons	NA	0,18
Cases brought to court	NA	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	0.07	0,32
Discontinued due to the lack of an established offence or a specific legal situation	0.38	0,60
Discontinued by the public prosecutor for reasons of opportunity	0.05	0,09
Discontinued for other reasons	0.01	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

matsne.gov.ge

2. Case-law of the higher court/s

supremecourt.ge; ecd.court.ge

3. Information about the judicial system

hcoj.gov.ge

GERMANY

2020

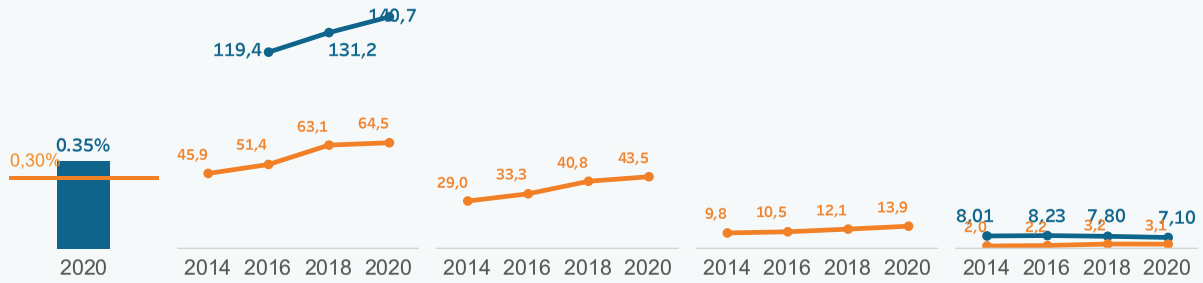
Population
83 155 031

GDP per capita
40 027 €
CoE Median 20 301 €

Avg gross annual salary
52 464 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.35% of GDP	140.7 per inh.	NA per inh.	NA per inh.	7.10 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In Germany, the budgets of courts and public prosecution services cannot be separated and only the judicial system budget (12 176 683 899€) is analysed. Germany is one of the five countries with highest spending in judicial system per inhabitant (146 €) and also follows the European trend of increasing budget over years. The legal aid budget, on the other side, is close the CoE median with around 7 € per inhabitant that represents only 6% of the German judicial system budget. The tendency for legal aid shows even slight decrease over years.

Salaries of judges and prosecutors

Germany belongs to the richest group of countries by GDP per capita but the absolute salaries of judges remain on the CoE median level. The situation for prosecutors' salaries is the same as for judges within Germany but it seems a bit different from most of European systems where prosecutors have slightly lower salaries then judges.

ICT in judiciary

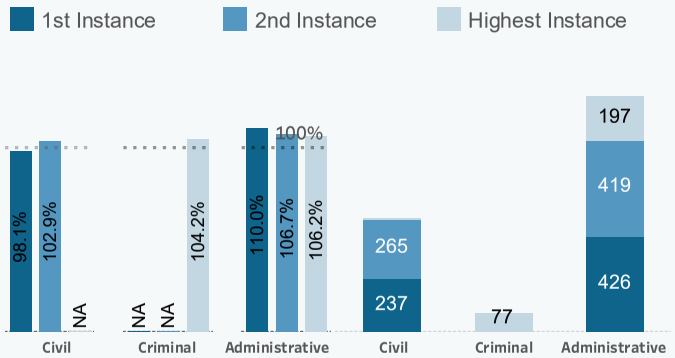
The ICT index for Germany of 7,6 is on the same level as in last cycle which is above the CoE median. At present, almost all federal and Lander courts have to enable reception of e-documents and lawyers and other legal professionals are obliged to open an e-communication channel with the courts. There is also regulation in place foreseeing obligatory e-documentation exchange as early as beginning of 2022.

Gender balance

For prosecutors the ratio men/women is slightly below the CoE median in respect of women but has significantly increased since 2012. This information is not available for judges. Germany is one of the five CoE countries that have specially dedicated person in courts and prosecution services responsible for gender balance and equal opportunities (equal opportunities officer).

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: According to available data, in 2020, the courts are more efficient in civil cases on first and second instance then in administrative, similarly as the European tendency. Criminal cases are not available for analysis.

The European trend of decrease of number of incoming and resolved cases during the pandemic seems to be existing in Germany only for administrative cases in both first and second instance. This affected more incoming then resolved cases and consequently the number of pending cases was reduced as well as their DT. Nevertheless, they still remain the least efficient category in Germany. Civil and commercial litigious cases in the first instance seem not to be too much affected by COVID-19 and unexpectedly the number of both incoming and resolved cases in the second instance increased considerable.

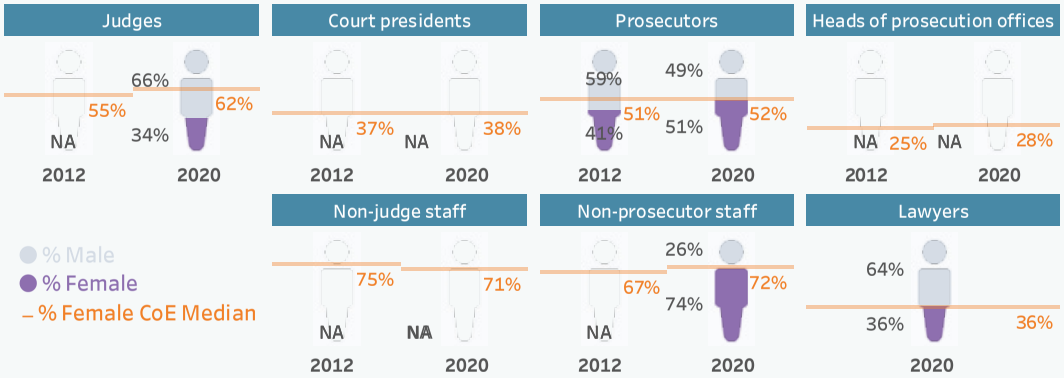
GERMANY

Human resources (per 100 000 inhabitants)

Germany | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	25.01	17,60	65.07	56,13	7.45	11,10	14.68	15,22	199.24	134,51
2018	24.48	17,94	65.13	59,69	7.09	11,22	14.45	14,98	198.87	127,08
2016	24.18	17,63	64.72	59,30	6.70	10,86	13.98	14,60	200.05	120,25
2014	23.92	18,06	65.98	55,33	6.47	10,27	14.13	14,57	202.42	110,17
2012	24.72	17,41	66.87	54,46	6.54	10,44	12.87	14,56	200.52	112,56
2010	24.26	16,88	65.62	61,05	6.42	9,83	12.63	12,94	190.43	102,03

Gender balance



Absolute gross salaries

Salary at the begining of career

Judges	46 149 €	52 928 €
Prosecutors	37 304 €	52 928 €

Salary at the end of career

Judges	90 287 €	90 670 €
Prosecutors	67 051 €	90 670 €

Ratio with the average annual gross salary

Salary at the begining of career

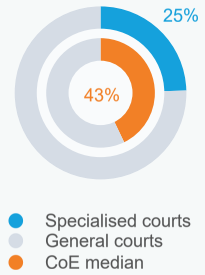
	1.0	2,3
	1.0	1,8

Salary at the end of career

	1.7	4,5
	1.7	3,6

Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)

General jurisdiction courts | Specialised courts

	2010	2012	2014	2016	2018	2020
General jurisdiction courts	0,95	0,95	0,94	0,93	0,91	0,91
Specialised courts	0,31	0,31	0,31	0,30	0,30	0,29

All courts (geographic location)

Germany | CoE median

	2010	2012	2014	2016	2018	2020
Germany	1,38	1,38	1,36	1,34	1,30	1,31
CoE median	1,64	1,66	1,49	1,60	1,49	1,50

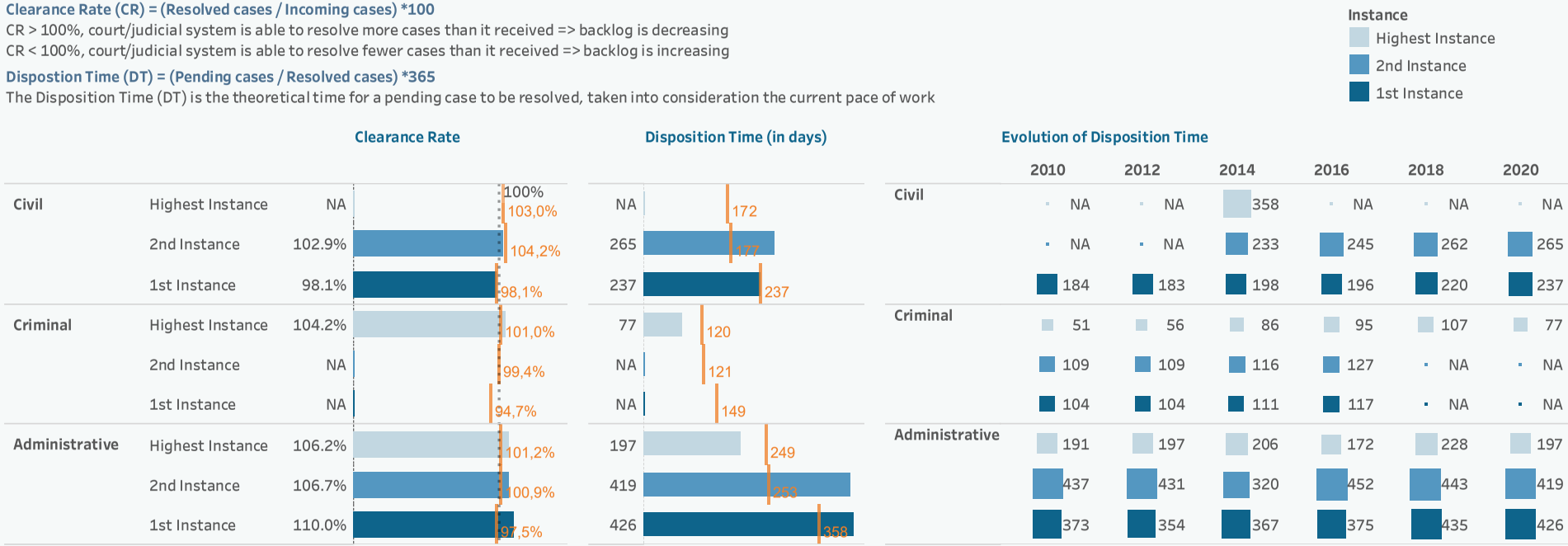
ICT in judiciary (index from 0 to 10)

Index	Total	7.58
Deployment rate	Civil	7.92
	Criminal	7.96
	Administrative	7.68
Communication with courts	Civil	9.38
	Criminal	9.38
	Administrative	8.92
Courts and case management	Civil	5.71
	Criminal	5.71
	Administrative	5.71
Decision support	Civil	7.71
	Criminal	7.97
	Administrative	7.71

CEPEJ efficiency indicators

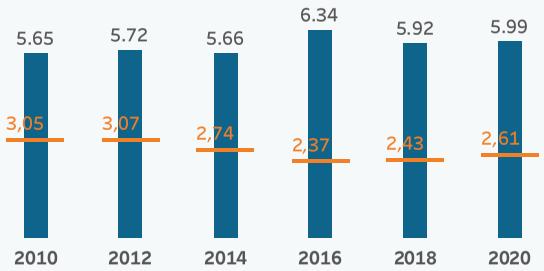
Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work



Public prosecution services

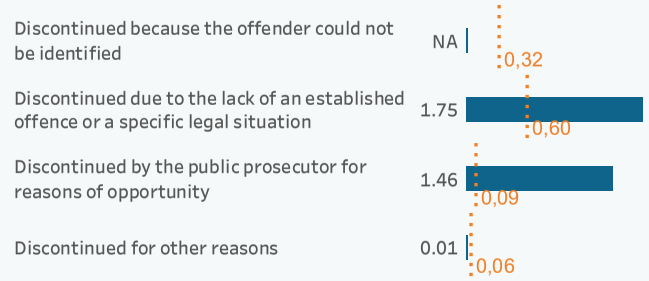
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

https://www.gesetze-im-internet.de https://justiz.de

2. Case-law of the higher court/s

https://www.rechtsprechung-im-internet.de
https://www.bundesverfassungsgericht.de

3. Information about the judicial system

https://www.bmj.de

GREECE

2020

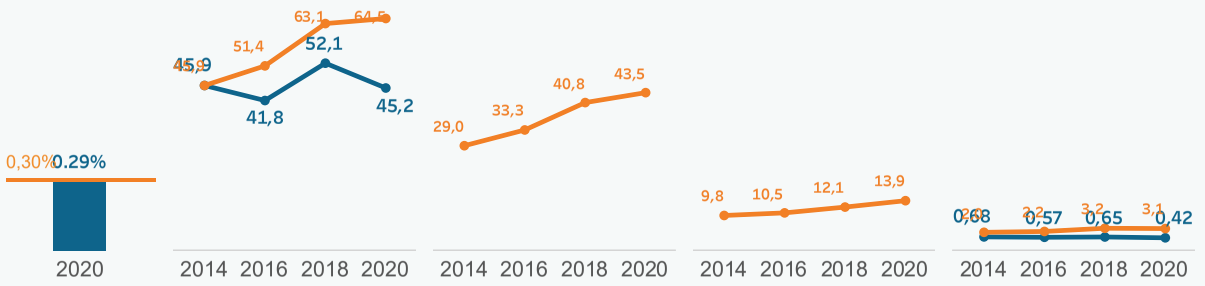
Population
10 718 565

GDP per capita
15 424 €
CoE Median 20 301 €

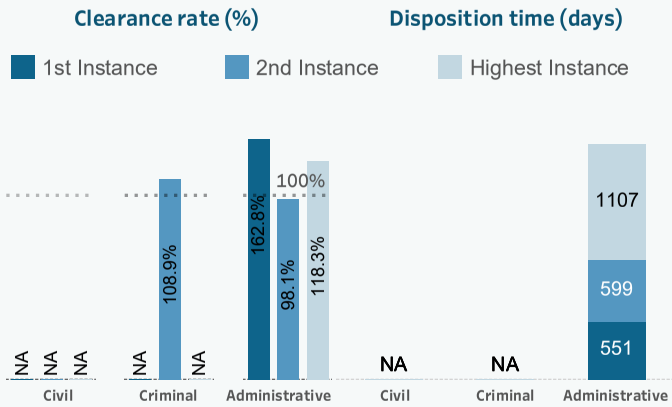
Avg gross annual salary
NA
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.29% of GDP	NA per inh.	NA per inh.	0.42 per inh.
CoE Median : 0,30%	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Efficiency



Budget : In 2020, Greece spent 45.2€ per inhabitant on the implemented judicial system budget, which is less than the CoE median. This expenditure accounts for 0.29% of the GDP, which is also slightly less than the median. Since 2014, the budget spent on the judicial system fluctuated while the European median was constantly rising. Greece is not able to separate the public prosecution services budget from the courts' budget, hence no further analysis can be conducted.

Number of courts

Compared with the CoE median value of all court geographic locations per 100 000 inhabitants, Greece appears to have the double number of locations where citizens can access courts in spite of decreasing trend from 2012. This implies a dense network of court premises across the country.

Professionals

The number of professional judges at the level of 36 judges per 100 000 inhabitants is far above the COE median. On the other hand, the number of non-judge staff per 100 000 inhabitants has been decreasing steadily to the level of 39,2 per 100 000 inhabitants which is below the median value. Consequently, the ratio between judges and their supporting staff is almost one to one which is not commonly seen in European judicial systems (the COE median ratio indicates more than 3 staff members per judge). The number of prosecutors (6,95 per 100 000 inhabitants), in spite of increase, is still much below the COE median, whereas number of lawyers (416) continued rising to the level three times higher than the median.

ICT in judiciary

Greece has an ICT index of 5,1 which is much below the COE median. However, it should be noted that significant increase of 0,6 points was achieved in 2020, mainly due to improvements in both e-communication of courts and decision support.

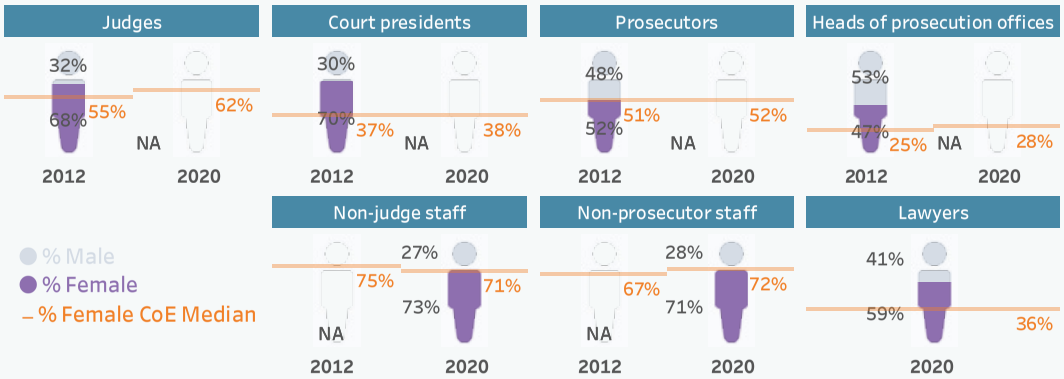
Efficiency: Due to COVID-19, courts operated under special conditions and dealt mainly with priority criminal cases. This reportedly had a negative effect on civil and commercial cases, but no further analysis of this impact can be conducted as caseflow data are not available. The data provided for 2020 cover only the administrative domain where pandemic effects were visible in the 25% drop of incoming and resolved first instance cases. The administrative courts were most efficient in the first instance as they maintained very high CR of 162,8% and continued decreasing DT, much like in previous cycles. Similar positive trends can be observed for the second instance courts. However, it should be noted that DT in all three instances is still very high and much above the European median values which might be a cause of concern.

Human resources (per 100 000 inhabitants)

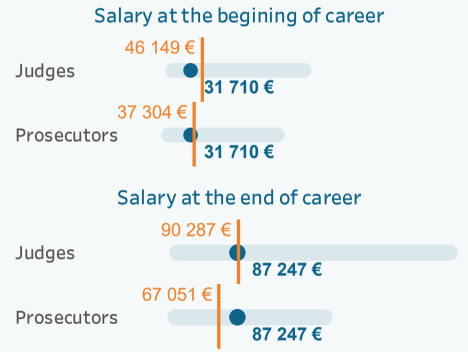
Greece | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	36.02	17,60	39.17	56,13	6.95	11,10	15.22	15,22	416.05	134,51
2018	26.76	17,94	38.91	59,69	5.45	11,22	15.01	14,98	399.85	127,08
2016	25.78	17,63	39.28	59,30	5.54	10,86	14.77	14,60	390.32	120,25
2014	20.57	18,06	50.47	55,33	5.35	10,27	Null	14,57	387.68	110,17
2012	23.27	17,41	48.15	54,46	4.96	10,44	NA	14,56	380.68	112,56
2010	29.29	16,88	59.77	61,05	4.80	9,83	NA	12,94	369.54	102,03

Gender balance



Absolute gross salaries

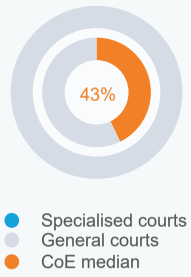


Ratio with the average annual gross salary

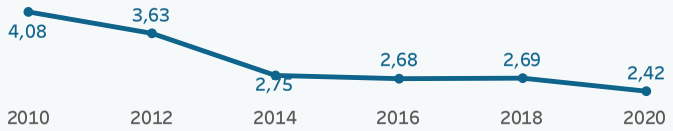


Courts (per 100 000 inhabitants)

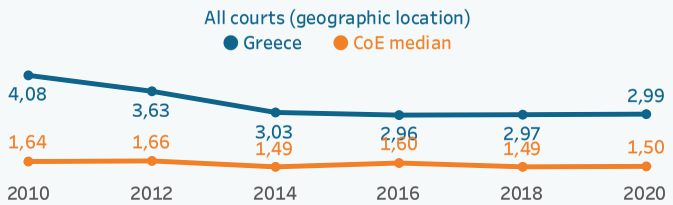
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary
(index from 0 to 10)

Index	Total	5.1	6,5
Deployment rate	Civil	5.16	6,6
	Criminal	4.37	5,7
	Administrative	5.97	6,1
Communication with courts	Civil	5.79	6,1
	Criminal	4.47	4,1
	Administrative	4.25	5,0
Courts and case management	Civil	5	7,3
	Criminal	5	7,3
	Administrative	7.71	7,4
Decision support	Civil	2.92	7,0
	Criminal	2.46	7,3
	Administrative	8.61	7,2

CEPEJ efficiency indicators

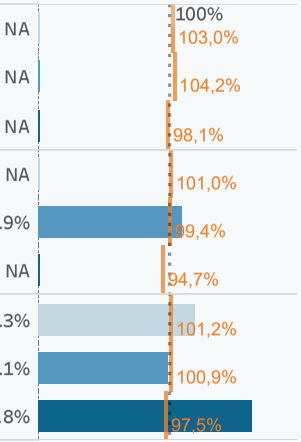
Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance: Highest Instance; 2nd Instance; 1st Instance

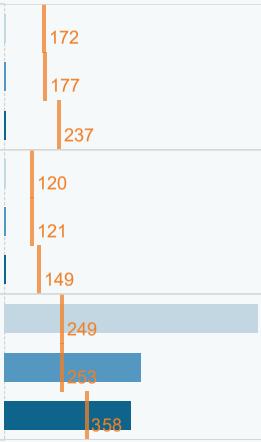
Clearance Rate

Civil	Highest Instance	NA
	2nd Instance	NA
	1st Instance	NA
Criminal	Highest Instance	NA
	2nd Instance	108.9%
	1st Instance	NA
Administrative	Highest Instance	118.3%
	2nd Instance	98.1%
	1st Instance	162.8%



Disposition Time (in days)

Civil	Highest Instance	NA
	2nd Instance	NA
	1st Instance	NA
Criminal	Highest Instance	NA
	2nd Instance	NA
	1st Instance	NA
Administrative	Highest Instance	1107
	2nd Instance	599
	1st Instance	551

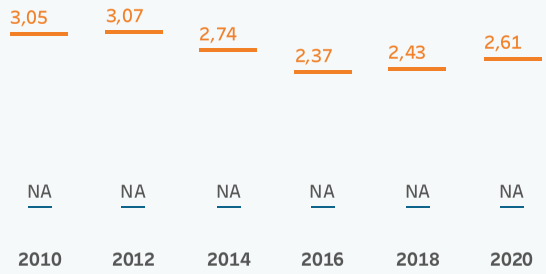


Evolution of Disposition Time

	2010	2012	2014	2016	2018	2020
Civil	NA	346	NA	NA	331	NA
	298	834	509	1149	662	NA
	190	469	330	610	559	NA
Criminal	NA	24	16	121	6	NA
	NA	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA	NA
Administrative	NA	NA	NA	893	1265	1107
	1048	1130	NA	915	564	599
	2003	1520	NA	1086	601	551

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	NA	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	NA	0,11
Cases closed by the public prosecutor for other reasons	NA	0,18
Cases brought to court	NA	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NA	0,32
Discontinued due to the lack of an established offence or a specific legal situation	NA	0,60
Discontinued by the public prosecutor for reasons of opportunity	NA	0,09
Discontinued for other reasons	NA	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.ministryofjustice.gr www.adjustice.gr www.elsyn.gov.gr www.solon.gov.gr www.ncris.gov.gr www.gov.gr

2. Case-law of the higher court/s
www.areiospagos.gr www.adjustice.gr www.elsyn.gr

3. Information about the judicial system
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HUNGARY

2020

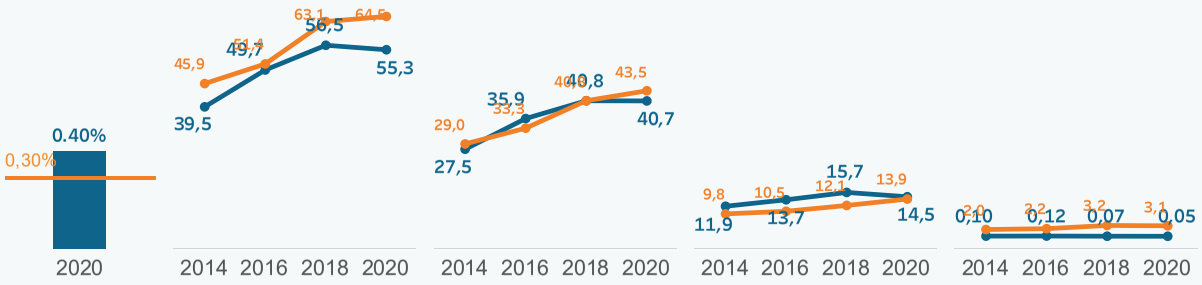
Population
9 890 640

GDP per capita
13 940 €
CoE Median 20 301 €

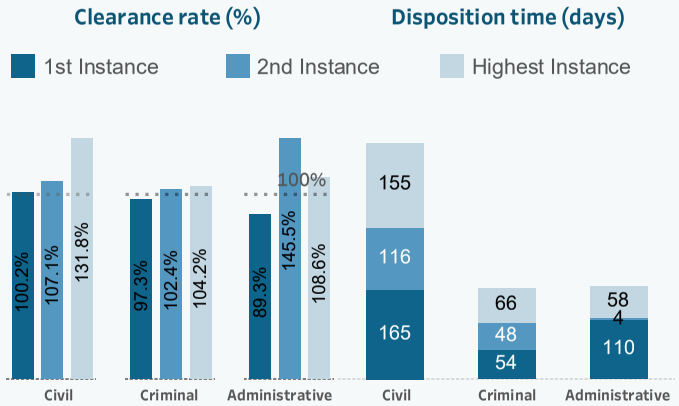
Avg gross annual salary
12 901 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.40% of GDP	55.3 per inh.	40.7 per inh.	14.5 per inh.	0.05 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Efficiency



Budget : In 2020, Hungary spent 546 816 799 € on the implemented judicial system budget that is 55,3 € per inhabitant (less than the CoE median) and 0.40% of the GDP (significantly higher than the CoE median). The judicial system budget is distributed in the following way: 71.5 % for courts, 28.4% for prosecution and 0.1% for legal aid. In 2020, Hungary's budget of the judicial system was slightly decreased compared to the previous cycle, however, the implemented budget allocated to investments in the new buildings and ICT were significantly increased.

ICT in judiciary

Hungary with an ICT index of 9.7 is one of the highest in Europe and it was significantly increased by 0.8 points compared with the previous cycle. Hungary invests 4.4% of the courts' budget for ICT which is above the COE median of 2.2%. The improvements are noticed in all categories and foremost in e-communication and decision support. In 2020, the digitalisation of the courts has been given a priority within central administration.

Professionals and gender

Contrary to the European trend, the number of judges per 100 000 inhabitants (28,2) has slightly decreased since 2010. The number of prosecutors (18,97) and lawyers (131,08) has increased only slightly. The proportion of women is stable both for judges and prosecutors. While women are dominant for judges and prosecutors with 69% and 60%, the courts presidents and heads of prosecution are little lower with 53% and 42%.

Salaries of judges and prosecutors

Since 2019, the salaries of judges have increased by 32% and that of prosecutors by 21%. The ratio with the average national gross salaries, which was below the CoE median in the previous cycles, is now in line with it.

Efficiency: In 2020, second instance courts appear to be the most efficient instance, while the criminal domain is the most efficient area of law. The overall efficiency of courts is stable or improved in 2020 when compared to the previous cycle even with the COVID-19 circumstances.

On 31 March 2020, the twenty Administrative and labour courts were dismissed.

From this date, Regional Courts deal with labour cases on first instance while administrative cases are dealt with by eight Regional Courts on a regional level. This reorganisation had an effect on caseflow, especially on the increased number of incoming and resolved cases in the first instance. Even if the clearance rate is below 100%, the Disposition Time remains stable. On the contrary, the efficiency in the second instance has significantly improved.

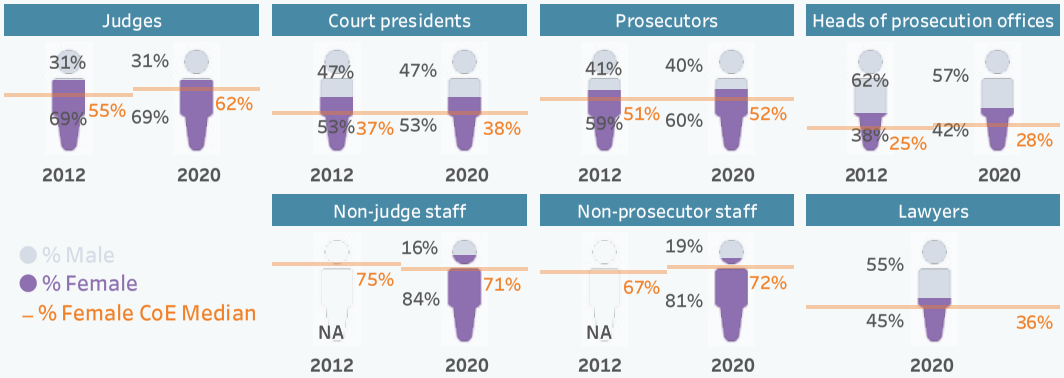
HUNGARY

Human resources (per 100 000 inhabitants)

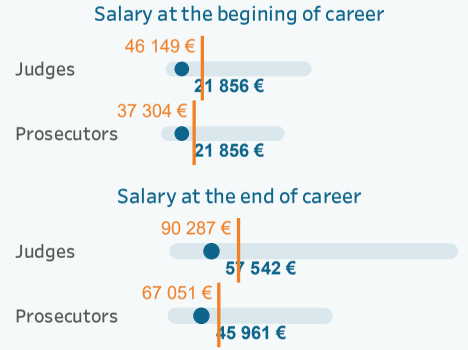
Hungary CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	28.20	17,60	86.71	56,13	18.97	11,10	24.52	15,22	131.08	134,51
2018	30.15	17,94	88.91	59,69	19.67	11,22	25.97	14,98	132.57	127,08
2016	28.69	17,63	81.68	59,30	19.21	10,86	27.13	14,60	114.22	120,25
2014	28.54	18,06	81.40	55,33	18.96	10,27	27.78	14,57	131.91	110,17
2012	27.92	17,41	82.17	54,46	18.29	10,44	27.08	14,56	131.20	112,56
2010	28.95	16,88	77.24	61,05	17.43	9,83	22.48	12,94	121.16	102,03

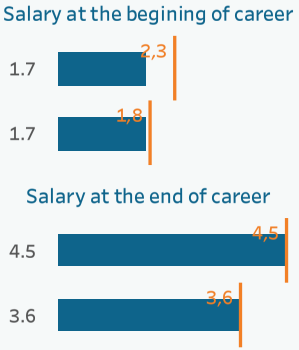
Gender balance



Absolute gross salaries

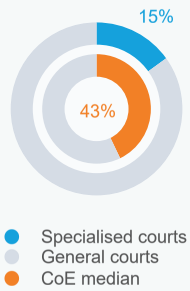


Ratio with the average annual gross salary

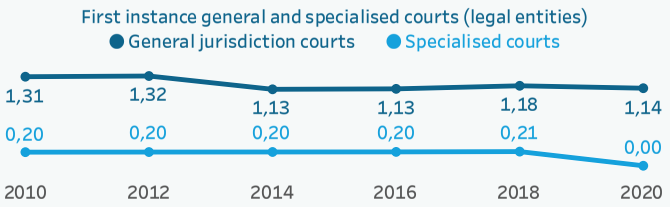


Courts (per 100 000 inhabitants)

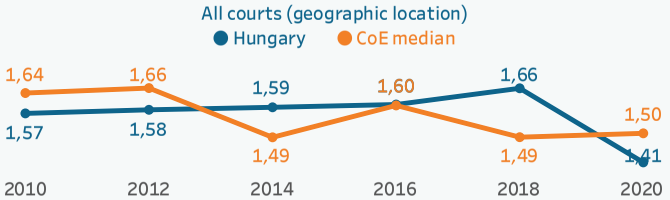
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	9.68	6,5
Deployment rate	Civil	9.75	6,6
	Criminal	9.76	5,7
	Administrative	9.51	6,1
Communication with courts	Civil	10.15	6,1
	Criminal	10.15	4,1
	Administrative	9.69	5,0
Courts and case management	Civil	9.03	7,3
	Criminal	9.03	7,3
	Administrative	9.03	7,4
Decision support	Civil	10	7,0
	Criminal	10	7,3
	Administrative	10	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	131.8%	100%
	2nd Instance	107.1%	103,0%
	1st Instance	100.2%	104,2%
Criminal	Highest Instance	104.2%	98,1%
	2nd Instance	102.4%	101,0%
	1st Instance	97.3%	99,4%
Administrative	Highest Instance	108.6%	94,7%
	2nd Instance	145.5%	101,2%
	1st Instance	89.3%	100,9%
			97,5%

Disposition Time (in days)

Civil	Highest Instance	155 / 172
	2nd Instance	116 / 177
	1st Instance	165 / 237
Criminal	Highest Instance	66 / 120
	2nd Instance	48 / 121
	1st Instance	54 / 149
Administrative	Highest Instance	58 / 249
	2nd Instance	4 / 253
	1st Instance	110 / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	148	208	158	203	229	155
	2nd Instance	114	125	114	121	112	116
	1st Instance	160	97	144	159	151	165
Criminal	Highest Instance	56	56	49	55	61	66
	2nd Instance	60	69	75	68	65	48
	1st Instance	104	120	62	59	59	54
Administrative	Highest Instance	197	280	129	168	228	58
	2nd Instance	128	60	94	83	91	4
	1st Instance	202	147	148	109	109	110

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
2.23	2.24	1.85	1.93	1.97	2.46
3,05	3,07	2,74	2,37	2,43	2,61

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	0.20	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	0.04	0,11
Cases closed by the public prosecutor for other reasons	0.05	0,18
Cases brought to court	1.13	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	0.03	0,32
Discontinued due to the lack of an established offence or a specific legal situation	0.08	0,60
Discontinued by the public prosecutor for reasons of opportunity	0.03	0,09
Discontinued for other reasons	0.06	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://njt.hu

2. Case-law of the higher court/s
https://kuria-birosag.hu/hu/node?theme=kuria_smg
https://birosag.hu/birosagi-hatarozatok-gyujtemenye

3. Information about the judicial system
https://birosag.hu



ICELAND

2020

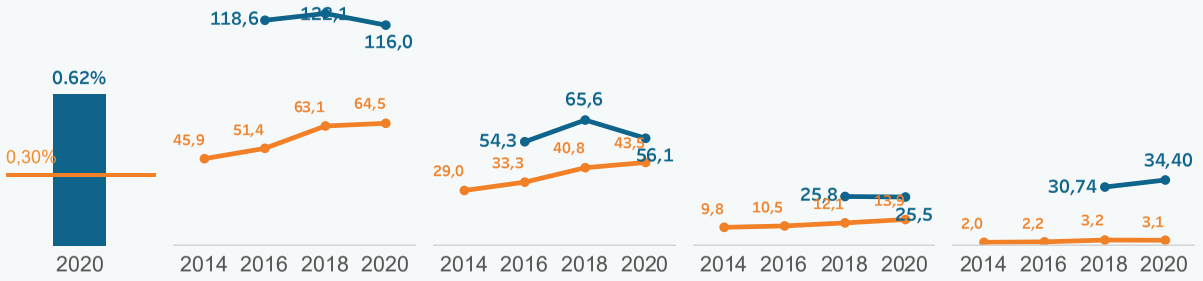
Population
368 792

GDP per capita
18 823 €
CoE Median 20 301 €

Avg gross annual salary
60 987 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.62% of GDP	116.0 per inh.	56.1 per inh.	25.5 per inh.	34.40 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



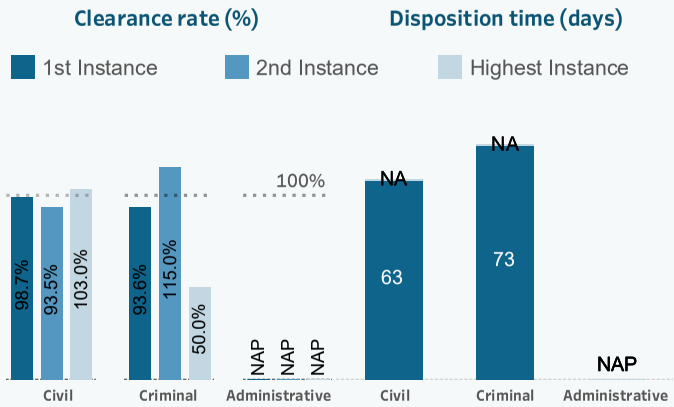
Budget : In 2020, Iceland spent 42 795 878 € on the implemented judicial system budget which is 116 € per inhabitant (almost double the CoE median) and 0.62% of the GDP also significantly higher than the CoE median. In 2020, 48% of this budget was spent on courts, 22% on prosecution services, and 30% on legal aid. Iceland is amongst the CoE Member States that traditionally spend a considerable part of their budget on legal aid.

Professionals
The number of professional judges of 17.35 per 100 000 inhabitants is close to the CoE median. Contrary to the European trend, the number of prosecutors (17.08 per 100 000 inhabitants) fell remarkably between 2010 and 2020, but remained above the CoE median. The share of women among court presidents remained stable at a low level (20%), whereas it has risen among heads of prosecution offices from 24% to 50%.

Courts
In 2020, a specialised "Court of Reopening Cases" has been established. Its competence covers both criminal and civil cases decided by district courts, the Appeal court and the Supreme court. This court is composed of five judges occupying part-time positions - one judge from the Supreme court, one from the Court of appeal and one from a district court, as well as two judges appointed following an open selection procedure.

ICT in judiciary
Iceland has an ICT index of 7,8 points, which significantly increased by 0,9 points between 2018 and 2020. This improvement is visible in all categories and, in particular, in the e-communication with courts. Indeed, Iceland extended the use of or newly deployed a number of tools, such as: writing assistance and voice recording tools extended to all courts; videoconferencing deployed for most courts.

Efficiency



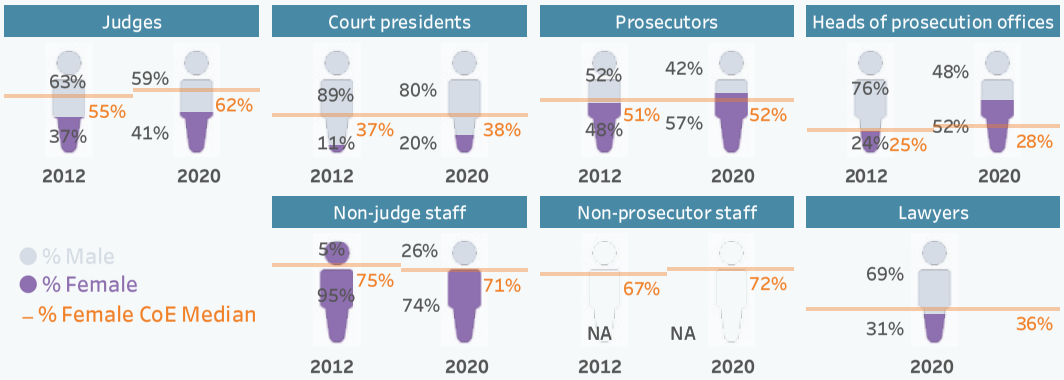
Efficiency: In Iceland, the distinction between civil and administrative law cases does not exist, the latter being a part of the former. Also, data on pending civil and criminal cases remain unavailable for all instances but the first one. Thus, it is not possible to calculate the DT for these types of cases.
DT for both first instance civil (and commercial) litigious cases (63 days) and first instance criminal law cases (73 days) is significantly below the CoE median.
Contrary to the European trend, the number of incoming and resolved first instance civil (and commercial) cases and all instances criminal law cases increased between 2018 and 2020. In particular, the incoming and resolved second instance criminal law cases more than doubled.
The most adverse impact of the Covid-19 pandemic was observed for the third instance criminal law cases. Indeed, the relative CR decreased from 99% in 2016 to 50% in 2020.

Human resources (per 100 000 inhabitants)

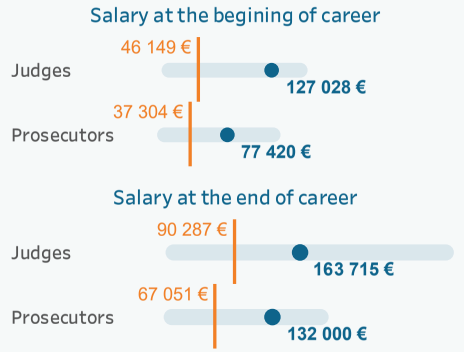
Iceland CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	17.35	17,60	20.88	56,13	17.08	11,10	NA	15,22	286.34	134,51
2018	18.21	17,94	21.01	59,69	19.61	11,22	NA	14,98	300.29	127,08
2016	15.66	17,63	17.44	59,30	20.69	10,86	NA	14,60	321.27	120,25
2014	NA	18,06	NA	55,33	NA	10,27	NA	14,57	NA	110,17
2012	17.09	17,41	13.36	54,46	25.17	10,44	NA	14,56	322.50	112,56
2010	16.33	16,88	NA	61,05	25.44	9,83	NA	12,94	301.77	102,03

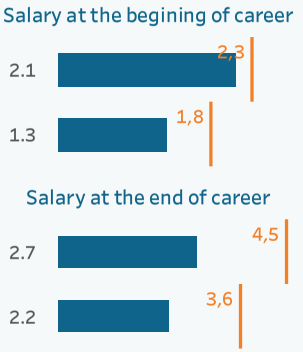
Gender balance



Absolute gross salaries

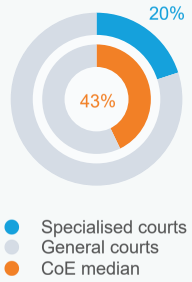


Ratio with the average annual gross salary

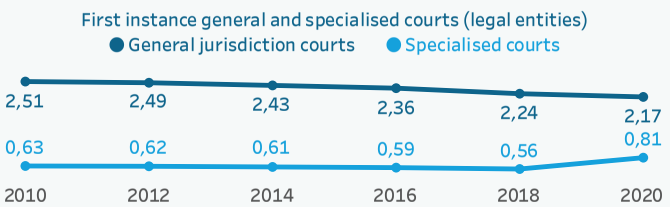


Courts (per 100 000 inhabitants)

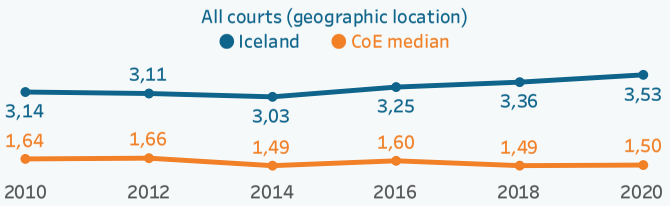
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	7.85	6,5
Deployment rate	Civil	6.76	6,6
	Criminal	7.56	5,7
	Administrative	6.59	6,1
Communication with courts	Civil	5.03	6,1
	Criminal	6.46	4,1
	Administrative	4.71	5,0
Courts and case management	Civil	8.35	7,3
	Criminal	8.35	7,3
	Administrative	8.35	7,4
Decision support	Civil	9.78	7,0
	Criminal	9.81	7,3
	Administrative	9.78	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	103.0%	103,0%
	2nd Instance	93.5%	104,2%
	1st Instance	98.7%	98,1%
Criminal	Highest Instance	50.0%	101,0%
	2nd Instance	115.0%	99,4%
	1st Instance	93.6%	94,7%
Administrative	Highest Instance	NAP	101,2%
	2nd Instance	NAP	100,9%
	1st Instance	NAP	97,5%

Disposition Time (in days)

Civil	Highest Instance	172
	2nd Instance	177
	1st Instance	237
Criminal	Highest Instance	120
	2nd Instance	121
	1st Instance	149
Administrative	Highest Instance	249
	2nd Instance	253
	1st Instance	358

Evolution of Disposition Time

	2010	2012	2014	2016	2018	2020
Civil	NAP	NA	NA	NA	NA	NA
	NAP	NAP	NAP	NAP	NA	NA
	NA	NA	NA	NA	NA	63
Criminal	51	60	NA	74	487	NA
	NAP	NAP	NA	NAP	245	NA
	NA	NA	NA	NA	NA	73
Administrative	NAP	NAP	NAP	NAP	NAP	NAP
	NAP	NAP	NAP	NAP	NAP	NAP
	NAP	NAP	NAP	NAP	NAP	NAP

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
3,05	3,07	2,74	2,37	2,43	2,61
NA	1.77	NA	2.00	1.92	NA

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	NA	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	NA	0,11
Cases closed by the public prosecutor for other reasons	NA	0,18
Cases brought to court	1.15	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NA	0,32
Discontinued due to the lack of an established offence or a specific legal situation	NA	0,60
Discontinued by the public prosecutor for reasons of opportunity	NA	0,09
Discontinued for other reasons	NA	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://www.althingi.is/lagasafn/nuna/2000106.html and https://www.reglugerd.is/

2. Case-law of the higher court/s
https://www.landsrettur.is/ and https://www.haestirettur.is/

3. Information about the judicial system
https://domstolasyslan.is/

IRELAND

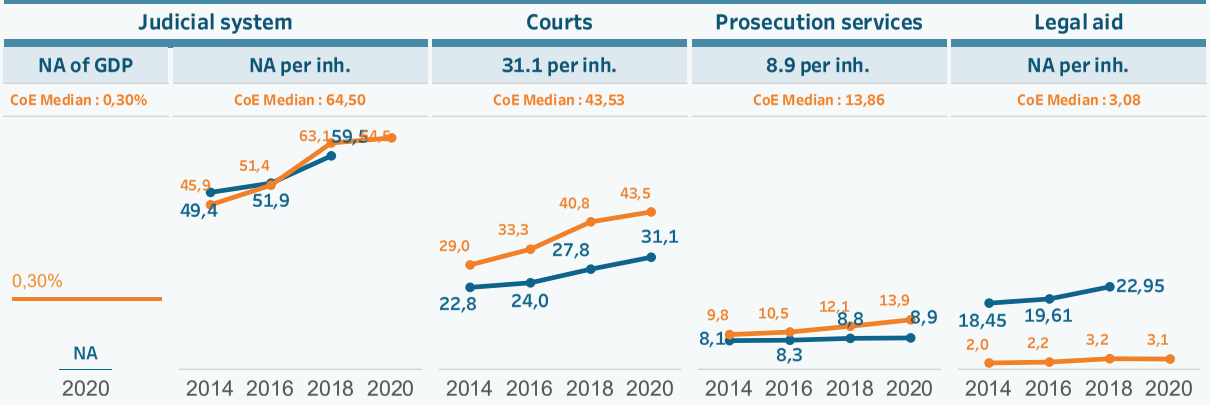
2020

Population
4 977 400

GDP per capita
74 912 €
CoE Median 20 301 €

Avg gross annual salary
40 283 €
CoE Median 20 612 €

Implemented judicial system budget



Budget : Ireland has not provided data on the total implemented judicial system budget for 2020. Ireland spent 31,07 € on the courts' implemented budget per 100 000 inhabitants which is below the CoE median but represents an increase from 22,78 € in 2014. The prosecution services' implemented budget, contrary to the courts, increased only slightly between 2014 and 2020 and did not fully follow the European trend where the median value raised by almost half over the same period.

Courts

Regarding court's organisation in Ireland, there are only three first instance courts (as legal entities) exercising general jurisdiction for the entire country. The number of geographic locations per 100 000 inhabitants decreased from 2,29 in 2012 to 1,91 in 2020 which exceeds a bit the general European downward trend.

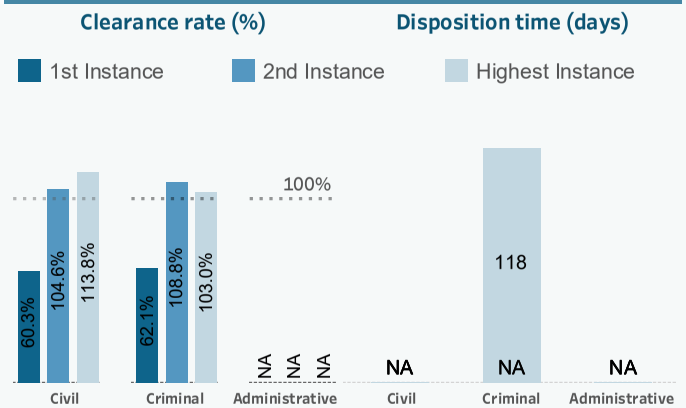
Professionals

The system in Ireland is traditionally characterised by the lower number of professionals in courts and public prosecutors' offices compared with the COE median values: judges (3,27), prosecutors (2,57), non-judge staff (21,88) and non-prosecutor staff (1,81). Contrary, number of lawyers is much above median (282,36). Regarding gender balance, female judges are still underrepresented although situation has improved since 2012. The only exception is the second instance where women take around 50% of positions.

ICT in judiciary

Ireland has an ICT index of 4,3 which represents an increase of 0,4 points since the last cycle but is still low and under the CoE median. The investment in ICT is relatively high in Ireland (8,9% of the courts' budget) and it increased further in 2020 (by 34,4%) with the aim of achieving the progression of a number of key projects.

Efficiency



Efficiency: Historically, the number of pending civil cases has not been recorded in case flow data, as many cases initiated before the Irish courts either settle out of court or are not continued by the plaintiff/applicant without any procedural requirement that the parties inform the court of either a settlement or an intention not to proceed with the case. Consequently, number of resolved cases constantly appears lower and number of pending cases is not available. For this reason, CR shows lower values and DT cannot be calculated which prevents comprehensive analysis of the efficiency indicators.

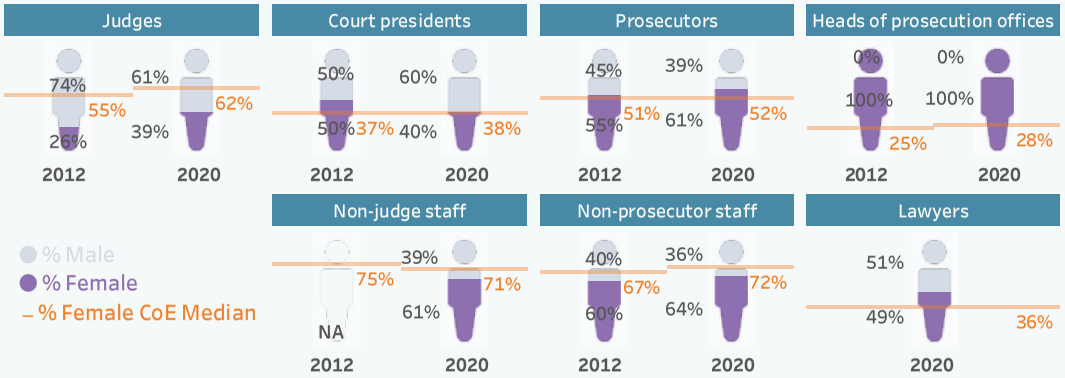
IRELAND

Human resources (per 100 000 inhabitants)

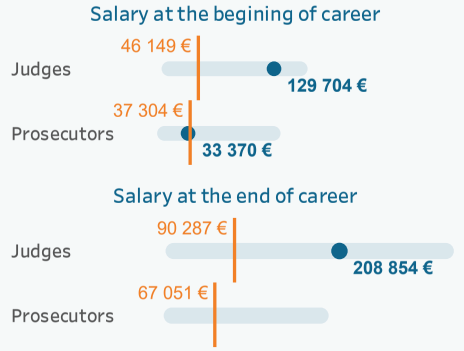
Ireland CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	3.27	17,60	21.88	56,13	2.57	11,10	1.81	15,22	282.36	134,51
2018	3.29	17,94	21.60	59,69	2.24	11,22	1.96	14,98	270.58	127,08
2016	3.47	17,63	20.86	59,30	2.18	10,86	1.65	14,60	261.83	120,25
2014	3.46	18,06	20.04	55,33	1.92	10,27	1.99	14,57	250.50	110,17
2012	3.14	17,41	20.58	54,46	1.94	10,44	1.83	14,56	240.79	112,56
2010	3.21	16,88	22.44	61,05	1.79	9,83	2.31	12,94	238.65	102,03

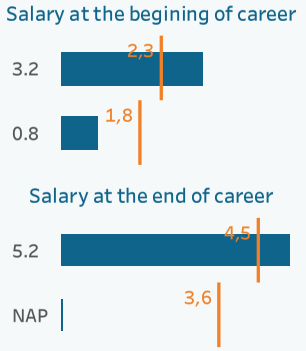
Gender balance



Absolute gross salaries

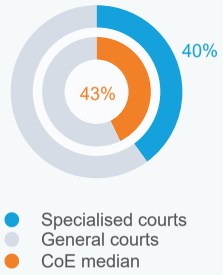


Ratio with the average annual gross salary

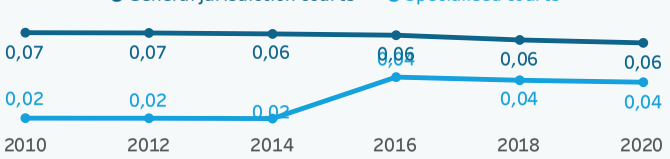


Courts (per 100 000 inhabitants)

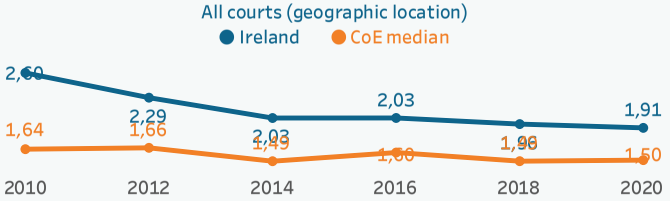
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	4.32	6,5
Deployment rate	Civil	3.65	6,6
	Criminal	3.21	5,7
	Administrative	3.6	6,1
Communication with courts	Civil	3.71	6,1
	Criminal	2.97	4,1
	Administrative	3.71	5,0
Courts and case management	Civil	1.94	7,3
	Criminal	1.94	7,3
	Administrative	1.94	7,4
Decision support	Civil	8.04	7,0
	Criminal	7.12	7,3
	Administrative	7.61	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	113.8%	100% / 103,0%
	2nd Instance	104.6%	104,2%
	1st Instance	60.3%	98,1%
Criminal	Highest Instance	103.0%	101,0%
	2nd Instance	108.8%	99,4%
	1st Instance	62.1%	94,7%
Administrative	Highest Instance	NA	101,2%
	2nd Instance	NA	100,9%
	1st Instance	NA	97,5%

Disposition Time (in days)

Civil	Highest Instance	NA / 172
	2nd Instance	NA / 177
	1st Instance	NA / 237
Criminal	Highest Instance	118 / 120
	2nd Instance	NA / 121
	1st Instance	NA / 149
Administrative	Highest Instance	NA / 249
	2nd Instance	NA / 253
	1st Instance	NA / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	NA	846	NA	219	256	NA
	2nd Instance	NA	NA	NA	NA	NA	NA
	1st Instance	NA	NA	NA	NA	NA	NA
Criminal	Highest Instance	NA	NA	NA	275	263	118
	2nd Instance	218	NA	NA	NA	NA	NA
	1st Instance	NA	NA	NA	NA	NA	NA
Administrative	Highest Instance	NA	NAP	NAP	NAP	NAP	NA
	2nd Instance	NAP	NAP	NAP	NAP	NAP	NA
	1st Instance	NAP	NAP	NAP	NAP	NAP	NA

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
3,05	3,07	2,74	2,37	2,43	2,61
0.35	0.33	0.30	0.28	0.24	0.25

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	0.08	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	NA	0,11
Cases closed by the public prosecutor for other reasons	NA	0,18
Cases brought to court	NA	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	0.00	0,32
Discontinued due to the lack of an established offence or a specific legal situation	NA	0,60
Discontinued by the public prosecutor for reasons of opportunity	NA	0,09
Discontinued for other reasons	0.08	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

Irishstatutebook.ie

2. Case-law of the higher court/s

Courts.ie, Bailli.org, irlii.org, ucc.ie/academic/law/irishlaw/, ucc.ie/academic/law/irlii/index.php, irish-law.com

3. Information about the judicial system

Courts.ie, Citizensinformation.ie



ITALY

2020

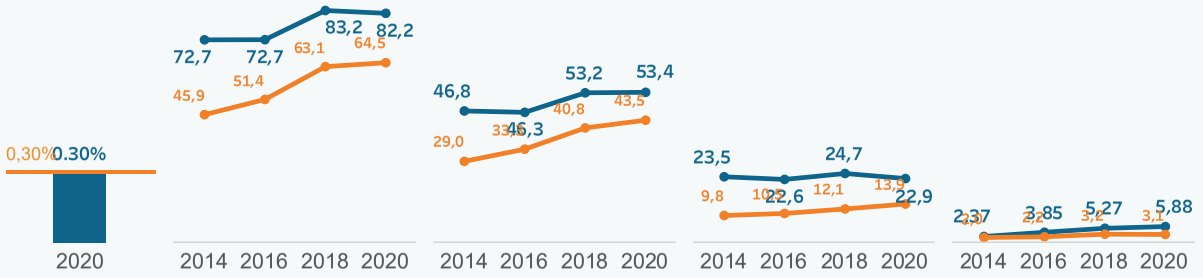
Population
59 257 566

GDP per capita
27 815 €
CoE Median 20 301 €

Avg gross annual salary
31 233 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.30% of GDP	82.2 per inh.	53.4 per inh.	22.9 per inh.	5.88 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Italy spent 4 868 256 466 € on the implemented judicial system budget, which is 82,15 € per inhabitant (more than the CoE Median) and 0,30% of the GDP. In 2020, 65% was spent on all courts, 28% on prosecution services, 7% on legal aid. From 2018 to 2020, Italy increased the implemented budget allocated to IT, justice expenses and training organised by courts.

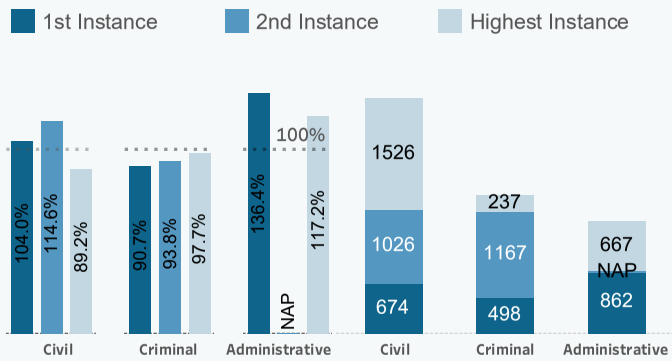
Number of professionals
Italy is characterised by a high number of lawyers: it is the country with the highest number of lawyers in absolute value (235 964, that is 18% of the total number of lawyers in the CoE states and entities) and the number of lawyers per 100 000 inhabitants is almost three times the CoE Median. However, the number of judges per 100 000 inhabitants (12) is lower than the CoE median, as well as the number of court staff (36) and the number of prosecutors (4). "Judges of peace" (3 547 judges), are not counted as professional judges.

Promotion and salaries of judges
In Italy, the concept of "promotion" of judges is mostly related to the years of service and the level of salary is not related to the hierarchical position but to the seniority. The ratio between the salary of judges and average national salary is lower than the CoE median at the beginning of career and higher at the end.

Alternative Dispute Resolutions
Italy is one of the few Member States that provide mandatory mediation both before/instead going to court and ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding. In 2020, the parties agreed to start mediation in 60 110 cases, but a settlement agreement was reached in 15 013 cases only.

Efficiency

Clearance rate (%) | Disposition time (days)



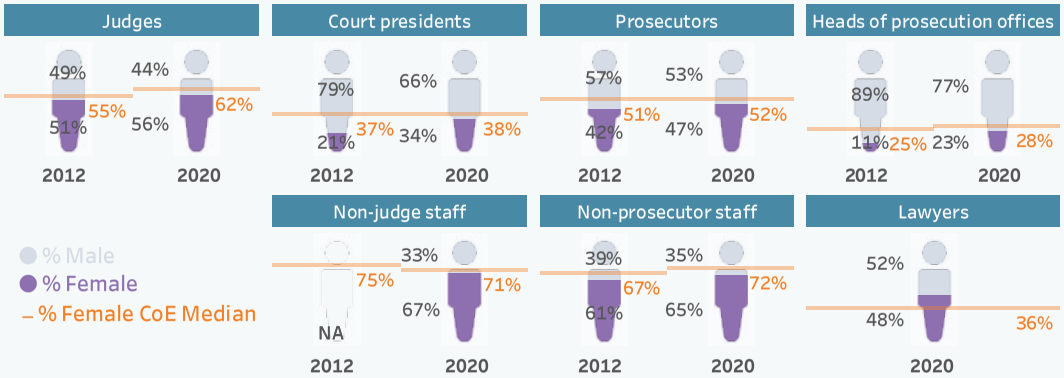
Efficiency: The major issue related to the judicial efficiency in Italy remains the excessive length of proceedings, especially as regards civil and commercial litigious cases, even if, the overall length of proceedings constantly decreased from 2012 to 2018. In 2020, due to the pandemic situation and the temporary closure of courts, the efficiency of courts mostly weakened compared to the previous years. In particular, the increases in Disposition Times were considerable for civil/commercial and criminal cases in the three instances. The Italian judicial system is affected by the high number of pending cases, in particular civil and commercial in the first instance. For this reason, the lower number of resolved cases had a significant impact on the calculation of Disposition Time. This indicator is expected to improve once the pandemic situation has stabilised.

Human resources (per 100 000 inhabitants)

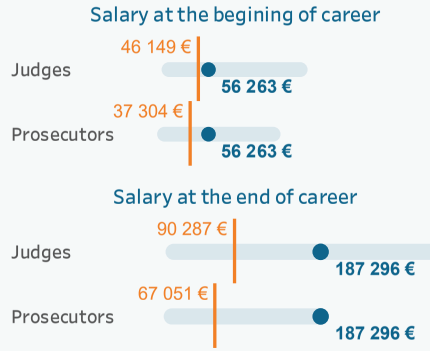
Italy CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	11.86	17,60	35.76	56,13	3.83	11,10	13.26	15,22	398.20	134,51
2018	11.62	17,94	37.11	59,69	3.69	11,22	14.14	14,98	388.32	127,08
2016	10.55	17,63	34.96	59,30	3.53	10,86	14.43	14,60	378.44	120,25
2014	11.41	18,06	36.03	55,33	3.43	10,27	14.57	14,57	368.19	110,17
2012	10.63	17,41	39.66	54,46	3.18	10,44	15.02	14,56	378.99	112,56
2010	10.98	16,88	NA	61,05	3.26	9,83	15.52	12,94	349.62	102,03

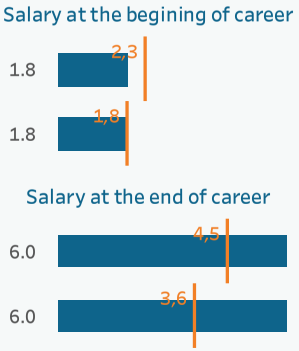
Gender balance



Absolute gross salaries

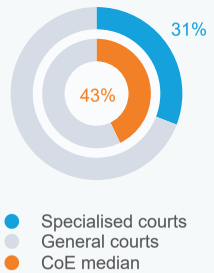


Ratio with the average annual gross salary

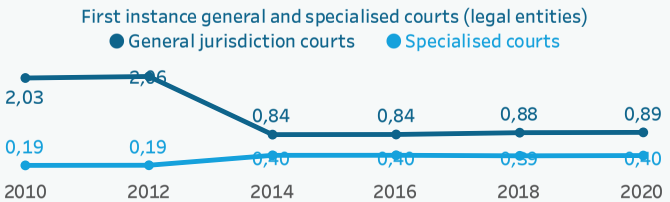


Courts (per 100 000 inhabitants)

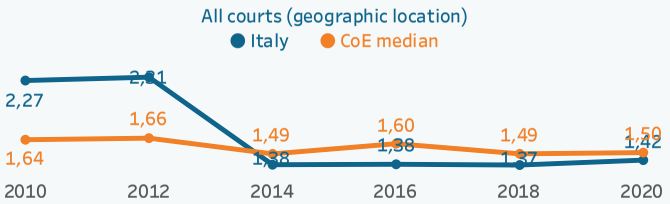
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



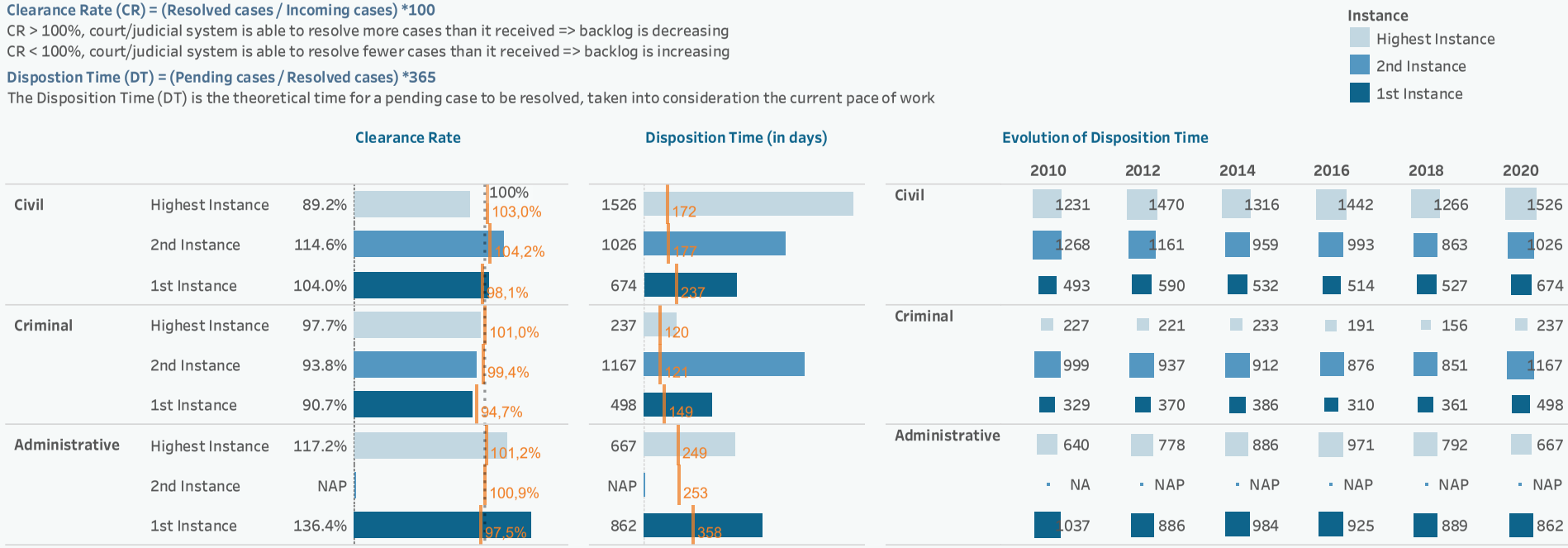
ICT in judiciary (index from 0 to 10)

Index	Total	7.43	6,5
Deployment rate	Civil	8.59	6,6
	Criminal	5.36	5,7
	Administrative	8.64	6,1
Communication with courts	Civil	9.19	6,1
	Criminal	3.83	4,1
	Administrative	8.92	5,0
Courts and case management	Civil	8.74	7,3
	Criminal	7.29	7,3
	Administrative	8.26	7,4
Decision support	Civil	6.85	7,0
	Criminal	5.5	7,3
	Administrative	8.48	7,2

CEPEJ efficiency indicators

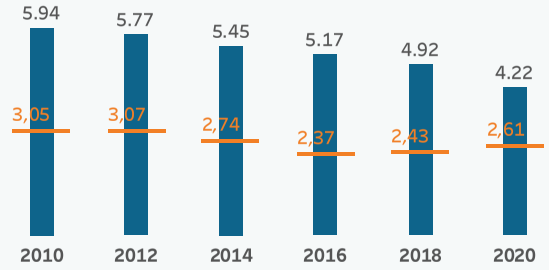
Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

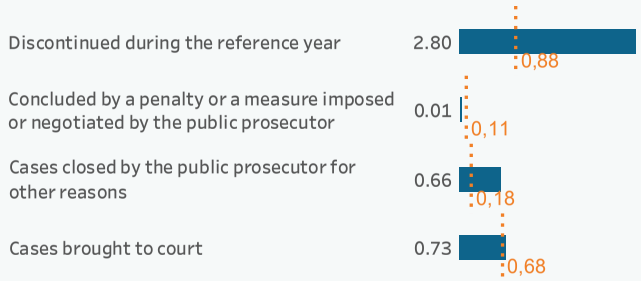


Public prosecution services

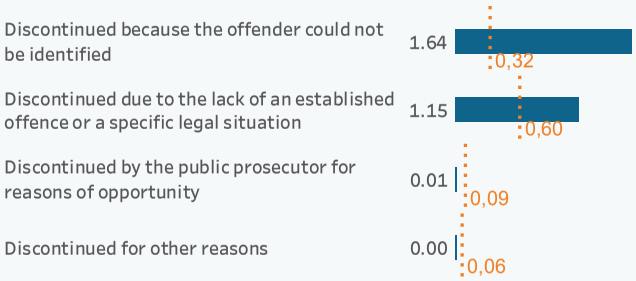
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

www.normattiva.it/

2. Case-law of the higher court/s

http://www.italgiure.giustizia.it/sncass;
https://www.portaledelmassimario.ipzs.it/

3. Information about the judicial system

https://www.giustizia.it/giustizia/it/mg_4.page



LATVIA

2020

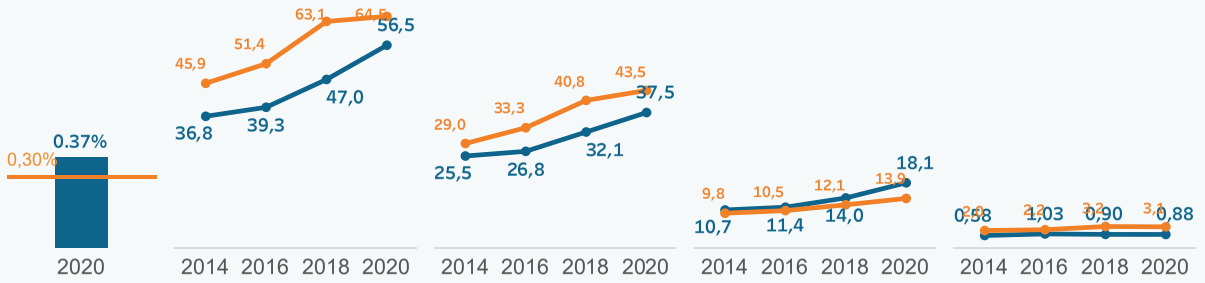
Population
1 893 223

GDP per capita
15 431 €
CoE Median 20 301 €

Avg gross annual salary
13 716 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.37% of GDP	56.5 per inh.	37.5 per inh.	18.1 per inh.	0.88 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Latvia spent 106 944 589 € on the implemented judicial system budget. Although it increased by 54% between 2014 and 2020, the implemented judicial system budget per inhabitant (56.5€) was still below the CoE median in 2020. Over the same period, the prosecution services budget per inhabitant soared (+ 69,8%) and it was above the CoE median. In 2020, the distribution of this budget was as follows: 66% for all courts, 32% for prosecution services, and 2% for legal aid.

ICT in judiciary

Latvia is one of the two countries with the highest ICT index (9.8 out of 10 in 2020, same level as in 2018) even if they spent only 3.1% of the total courts' budget for ICT. Latvia has launched a pilot project in which the work on administrative offence cases takes place in the new technological platform of the Court Information System, developed within the E-case project "Informative Development of Courts".

Gender balance

Between 2012 and 2020, the proportion of women among judges and prosecutors remained very high and as it did for court presidents (71% in 2020). Meanwhile, the proportion of women among the heads of prosecution offices has risen remarkably from 40% to 54%.

Mediation for family cases

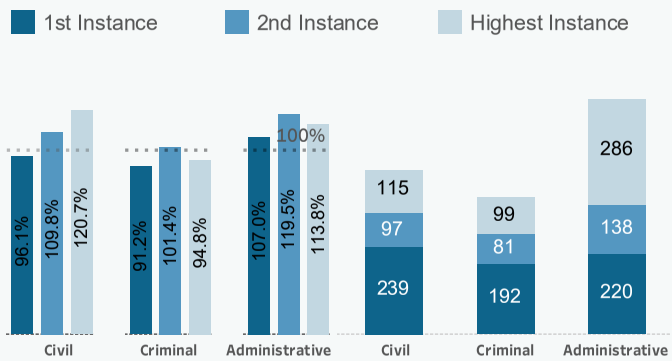
The Project "State co-financed family mediation" provides support for families to solve the disputes affecting children. For each dispute, parties could receive up to 5 hours of State-paid mediation sessions provided by certified mediators. To ensure the availability of this type of mediation, the Mediation Law was amended in 2020.

Courts' organisation

The number of all first instance courts as legal entities was drastically reduced between 2016 and 2020 (-71%). Yet, in the meantime, the number of all courts as geographic locations per 100 000 inhabitants has increased by 36% and it is almost double of the CoE median.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: Second instance courts appear to be the most efficient instance in 2020, while the courts are most efficient in the criminal domain in all three instances combined. The DT for both second and third instance cases is well below the CoE median for all matters except for the third instance administrative Law cases. For the latter type of cases, the DT was indeed the highest (286 days).

Although the Covid-19 pandemic affected the work of the courts in 2020, the resolved cases increased compared to 2018, in particular for third instance civil (and commercial) litigious cases and administrative law cases. As a result, between 2018 and 2020, the DT was reduced by 43.6% for third instance Civil (and commercial) litigious cases and by 37.7% for Administrative Law cases.

Meanwhile, the DT for the Total Criminal Law cases increased for all instances, especially for the first instance cases (+63%).

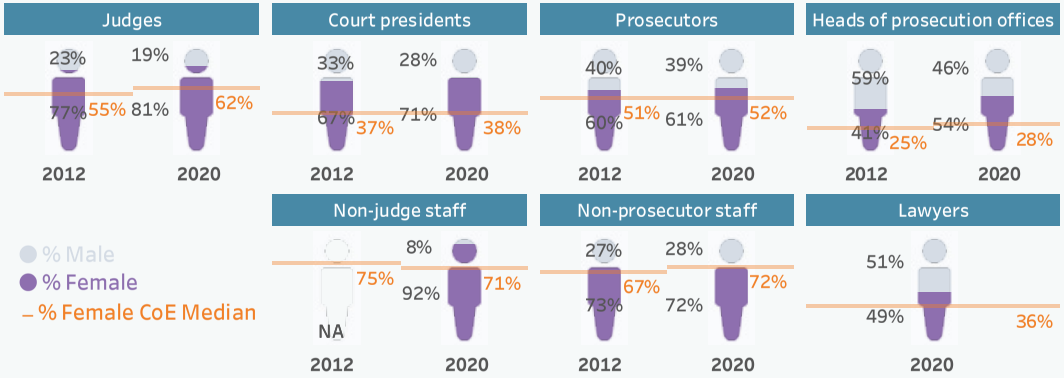
LATVIA

Human resources (per 100 000 inhabitants)

Latvia | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	29.05	17,60	88.00	56,13	24.35	11,10	20.97	15,22	72.36	134,51
2018	29.12	17,94	89.32	59,69	23.54	11,22	20.63	14,98	63.44	127,08
2016	25.55	17,63	80.35	59,30	22.91	10,86	19.91	14,60	62.52	120,25
2014	24.38	18,06	78.84	55,33	22.83	10,27	19.59	14,57	68.10	110,17
2012	21.47	17,41	78.64	54,46	22.06	10,44	19.22	14,56	65.68	112,56
2010	21.17	16,88	71.81	61,05	17.49	9,83	17.72	12,94	61.00	102,03

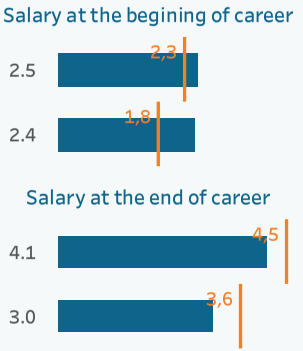
Gender balance



Absolute gross salaries

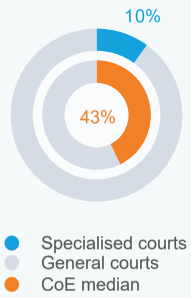


Ratio with the average annual gross salary

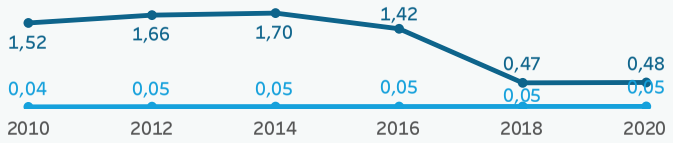


Courts (per 100 000 inhabitants)

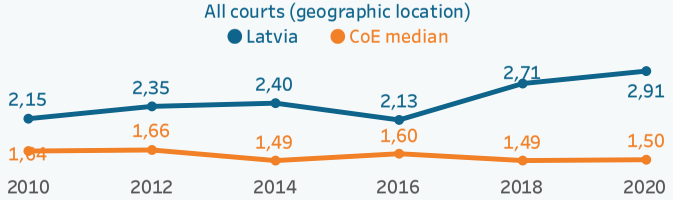
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	9.76	6,5
Deployment rate	Civil	9.79	6,6
	Criminal	9.74	5,7
	Administrative	9.54	6,1
Communication with courts	Civil	9.56	6,1
	Criminal	9.65	4,1
	Administrative	9.19	5,0
Courts and case management	Civil	10	7,3
	Criminal	10	7,3
	Administrative	10	7,4
Decision support	Civil	9.8	7,0
	Criminal	9.82	7,3
	Administrative	9.8	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	120.7%	100%
	2nd Instance	109.8%	103,0%
	1st Instance	96.1%	104,2%
Criminal	Highest Instance	94.8%	98,1%
	2nd Instance	101.4%	101,0%
	1st Instance	91.2%	99,4%
Administrative	Highest Instance	113.8%	94,7%
	2nd Instance	119.5%	101,2%
	1st Instance	107.0%	100,9%
			97,5%

Disposition Time (in days)

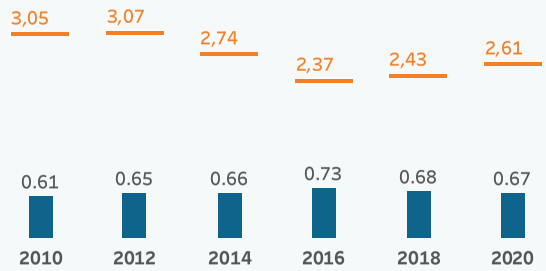
Civil	Highest Instance	115 / 172
	2nd Instance	97 / 177
	1st Instance	239 / 237
Criminal	Highest Instance	99 / 120
	2nd Instance	81 / 121
	1st Instance	192 / 149
Administrative	Highest Instance	286 / 249
	2nd Instance	138 / 253
	1st Instance	220 / 358

Evolution of Disposition Time

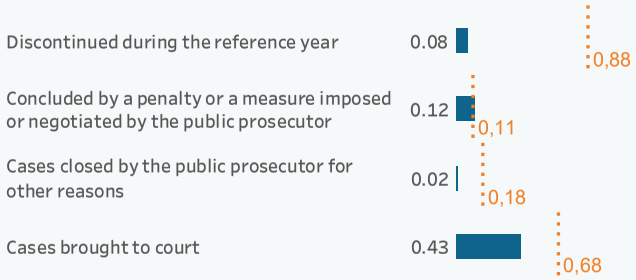
		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	NA	NA	559	153	204	115
	2nd Instance	237	133	160	124	104	97
	1st Instance	315	241	255	217	236	239
Criminal	Highest Instance	31	45	47	66	87	99
	2nd Instance	150	110	99	74	72	81
	1st Instance	77	133	133	135	118	192
Administrative	Highest Instance	121	NA	189	270	459	286
	2nd Instance	233	364	371	210	169	138
	1st Instance	439	300	155	228	248	220

Public prosecution services

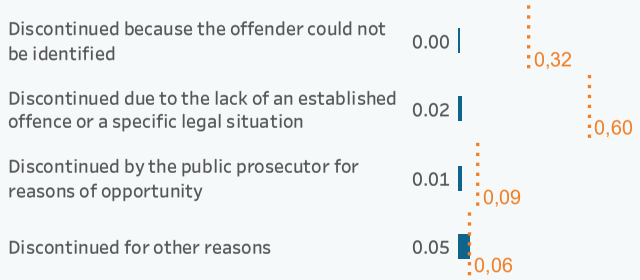
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.likumi.lv

2. Case-law of the higher court/s
www.at.gov.lv

3. Information about the judicial system
www.tiesas.lv; www.at.gov.lv

LITHUANIA

2020

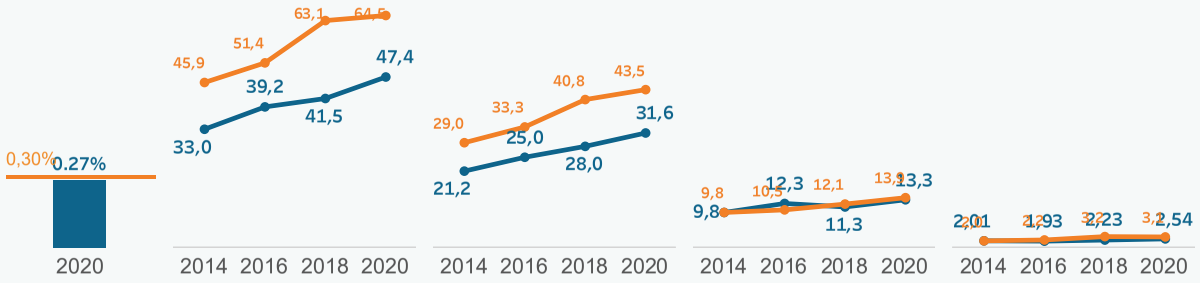
Population
2 795 680

GDP per capita
17 510 €
CoE Median 20 301 €

Avg gross annual salary
17 143 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.27% of GDP	47.4 per inh.	31.6 per inh.	13.3 per inh.	2.54 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Lithuania spent 132 651 473 € on the implemented judicial system budget: 47.4€ per inhab. (below the CoE median) and 0.27% of the GDP (below the COE median). 67% were spent on courts, 28% on prosecution services, and 5% on legal aid. In fact, legal aid is granted to many cases, but the amount per case is relatively low. The investments in computerisation within courts increased in 2020 by 87%.

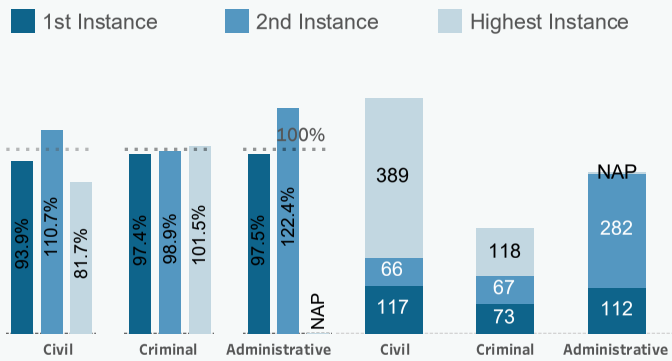
Recruitment of judges
As of 2020, the Judicial Council, instead of the President of Lithuania, appoints three members of the selection panel and is involved in the coordination of the procedure of this panel. It advises the President on the appointment of judges at all levels, their promotion, transfer, removal. It is also possible since 2020 to appeal the opinion of the selection commission to the Supreme Court.

ICT in judiciary
The ICT index of 8,2 increased by 0,3 points compared to 2018.The investment in ICT which is 3,3% of the court budget (only slightly above the CoE median of 2,2%) seems to be reasonable compared with the level of development and recent improvement. There is a unique centralized database for all matters; parties can access their cases and communicate with courts in online processed cases, apply for and receive legal aid online.

Court-related mediation
Since 2019, court-related mediation is possible also in administrative cases. As of 2020, parties must try to resolve family disputes through mediation before going to court (except for domestic violence victims). In certain civil cases, mandatory mediation may be ordered by the court. The free of charge trainings increased the number of mediators in recent years.

Efficiency

Clearance rate (%) | Disposition time (days)



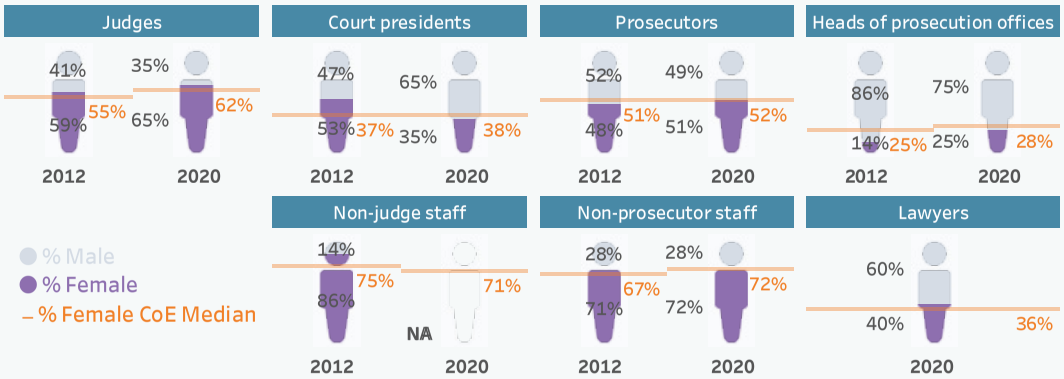
Efficiency: In total, in 2020, the courts are the fastest in the first instance, with DT indicators well below the respective CoE medians in all matters. The criminal domain is the most efficient area of law with DT indicators below the CoE medians at all instances. In particular, courts were most efficient in civil and commercial litigious cases in the second instance, while in the third instance the DT indicator was well above the CoE median in this legal field. In 2019, the Supreme Court of Lithuania examined fewer civil cases than were received, resulting in an increase of pending cases in 2019 but also in 2020. In addition, the reduction in the number of judicial posts and the lengthy appointment procedures led to a decrease in the number of resolved third instance civil and commercial litigious cases which caused an increase in the number of pending cases.

Human resources (per 100 000 inhabitants)

Lithuania | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	26.47	17,60	96.90	56,13	23.04	11,10	20.93	15,22	80.62	134,51
2018	27.13	17,94	95.34	59,69	23.84	11,22	19.04	14,98	79.20	127,08
2016	27.32	17,63	96.21	59,30	24.44	10,86	19.52	14,60	77.71	120,25
2014	25.81	18,06	89.28	55,33	24.65	10,27	19.75	14,57	68.05	110,17
2012	25.57	17,41	87.19	54,46	25.54	10,44	17.45	14,56	59.79	112,56
2010	23.92	16,88	81.86	61,05	25.70	9,83	23.89	12,94	51.16	102,03

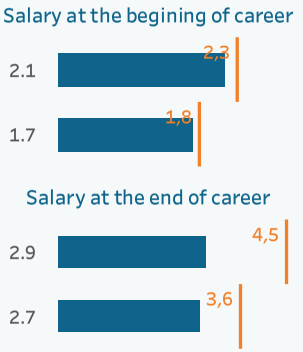
Gender balance



Absolute gross salaries

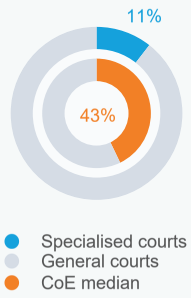


Ratio with the average annual gross salary

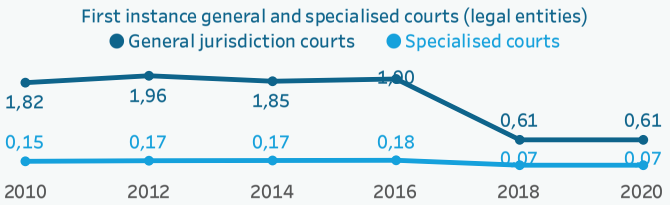


Courts (per 100 000 inhabitants)

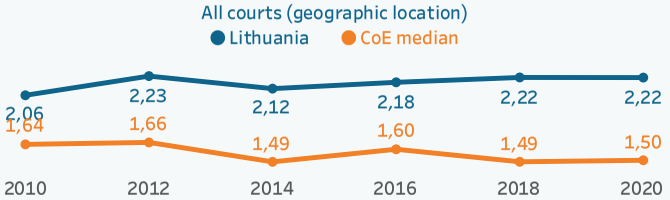
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary
(index from 0 to 10)

Index	Total	8.2	6,5
Deployment rate	Civil	8.99	6,6
	Criminal	5.61	5,7
	Administrative	8.74	6,1
Communication with courts	Civil	9.74	6,1
	Criminal	3.28	4,1
	Administrative	9.28	5,0
Courts and case management	Civil	7.58	7,3
	Criminal	7.58	7,3
	Administrative	7.58	7,4
Decision support	Civil	9.57	7,0
	Criminal	9.62	7,3
	Administrative	9.57	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance: Highest Instance; 2nd Instance; 1st Instance

Clearance Rate

Civil	Highest Instance	81.7%	100%
	2nd Instance	110.7%	103,0%
	1st Instance	93.9%	104,2%
Criminal	Highest Instance	101.5%	98,1%
	2nd Instance	98.9%	101,0%
	1st Instance	97.4%	99,4%
Administrative	Highest Instance	NAP	94,7%
	2nd Instance	122.4%	101,2%
	1st Instance	97.5%	100,9%
			97,5%

Disposition Time (in days)

Civil	Highest Instance	389 / 172
	2nd Instance	66 / 177
	1st Instance	117 / 237
Criminal	Highest Instance	118 / 120
	2nd Instance	67 / 121
	1st Instance	73 / 149
Administrative	Highest Instance	NAP / 249
	2nd Instance	282 / 263
	1st Instance	112 / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	144	188	268	184	160	389
	2nd Instance	191	151	97	103	107	66
	1st Instance	55	88	97	88	84	117
Criminal	Highest Instance	94	97	205	73	95	118
	2nd Instance	44	40	46	46	61	67
	1st Instance	104	72	67	65	54	73
Administrative	Highest Instance	NA	NA	NA	NA	NAP	NAP
	2nd Instance	562	108	204	295	NA	282
	1st Instance	160	144	310	72	129	112

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
3,05 / 0.51	3,38 / 3,07	3.54 / 2,74	2.65 / 2,37	2,61 / 2,43	2,61 / 1.66

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	0.88	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	NAP	0,11
Cases closed by the public prosecutor for other reasons	0.01	0,18
Cases brought to court	0.93	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	0.18	0,32
Discontinued due to the lack of an established offence or a specific legal situation	0.61	0,60
Discontinued by the public prosecutor for reasons of opportunity	0.09	0,09
Discontinued for other reasons	NAP	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://www.e-tar.lt; http://www.lrs.lt

2. Case-law of the higher court/s
http://liteko.teismai.lt

3. Information about the judicial system
http://www.teismai.lt



LUXEMBOURG

2020

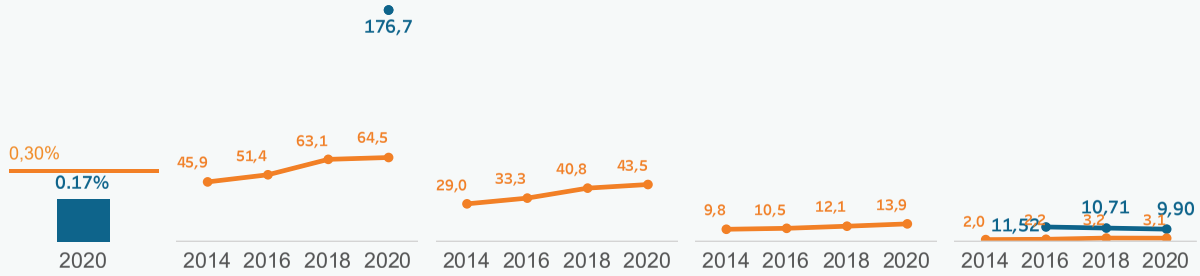
Population
634 730

GDP per capita
101 056 €
CoE Median 20 301 €

Avg gross annual salary
63 015 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.17% of GDP	176.7 per inh.	NA per inh.	NA per inh.	9.90 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : Luxembourg spent 112 177 477€ on the implemented judicial system budget: 176.7€ per inhab. (significantly above the CoE median) and 0.17% of the GDP (below the CoE median). The budget of public prosecution services cannot be isolated from the one allocated to courts. The legal aid budget constitutes 5,6% of the judicial system budget and represents 9,90 € per inhab. Both values are above the respective CoE medians.

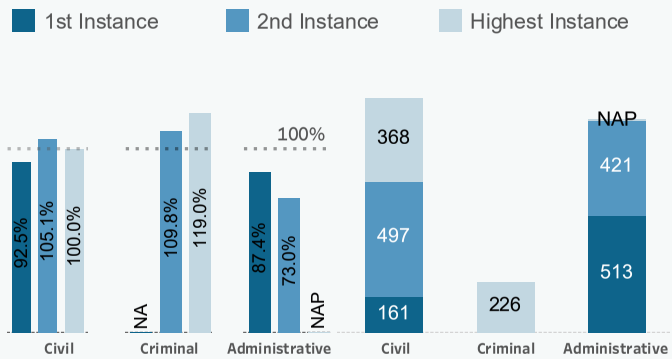
Access to justice
Luxembourg is amongst the few countries where no court fee or other tax is requested in connection with court proceeding. As already mentioned, the legal aid budget is relatively high. Besides, Luxembourg is among the States that provide the highest amount of legal aid per case. In terms of number of cases per 100 000 inhabitants granted with legal aid, Luxembourg is on the level of the CoE median.

Training of judges and prosecutors
Luxembourg has a specific training agreement with the French, Belgian and German training institutions. Judges and prosecutors, once nominated, can attend specific training programs offered by the above-mentioned foreign institutions, but also national and private sector organized training programs, as well as seminars offered by the European Law Academy.

Gender balance
While women judges (69%) and prosecutors (50%) are well represented, women court presidents (33%) and heads of prosecution services (33%) are still underrepresented. The Gender Equality Delegate for judges and prosecutors, and a second one for other judicial staff, exist and ensure equal treatment between staff in terms of access to employment, training and professional promotion, and conditions of employment.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: It is not possible to calculate the DT for criminal cases, except at the Supreme court (in Luxembourg: Cour de cassation). The DT indicator is below the respective CoE median only in 1st instance civil litigious cases. In 2020, administrative courts could not reach the 100% Clearance Rate threshold in both 1st, or 2nd instance. First instance administrative courts proved to be the slowest in 2020.

The COVID-19 influenced in a different way courts' efficiency. The incoming and resolved cases decreased for 1st instance administrative, and 2nd instance criminal and civil cases. In 2020, the DT of the Supreme court (Cour de cassation) decreased while it increased for first and second instance.

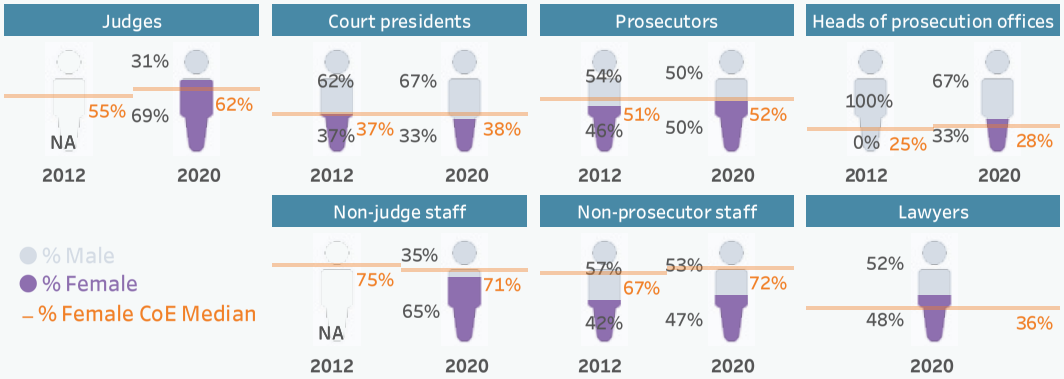
LUXEMBOURG

Human resources (per 100 000 inhabitants)

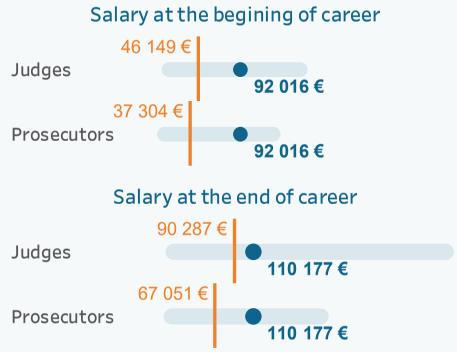
Luxembourg CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	36.08	17,60	35.13	56,13	9.77	11,10	23.63	15,22	485.25	134,51
2018	36.16	17,94	35.84	59,69	8.96	11,22	21.99	14,98	487.54	127,08
2016	31.66	17,63	33.86	59,30	7.96	10,86	19.47	14,60	403.08	120,25
2014	32.68	18,06	34.81	55,33	8.35	10,27	19.36	14,57	387.21	110,17
2012	34.10	17,41	NA	54,46	8.76	10,44	20.76	14,56	384.76	112,56
2010	32.04	16,88	NA	61,05	8.99	9,83	7.23	12,94	371.80	102,03

Gender balance



Absolute gross salaries

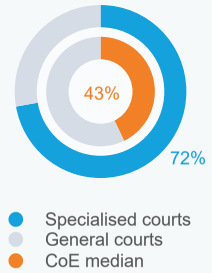


Ratio with the average annual gross salary

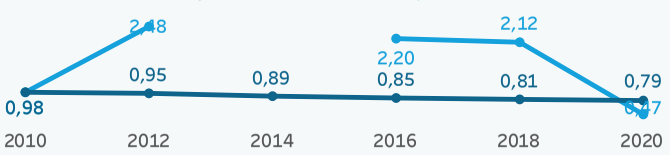


Courts (per 100 000 inhabitants)

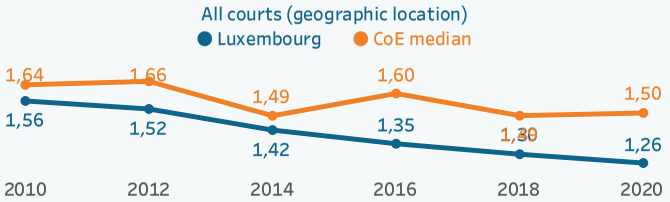
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



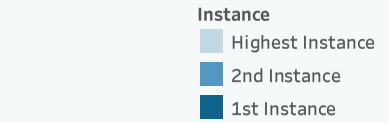
ICT in judiciary (index from 0 to 10)

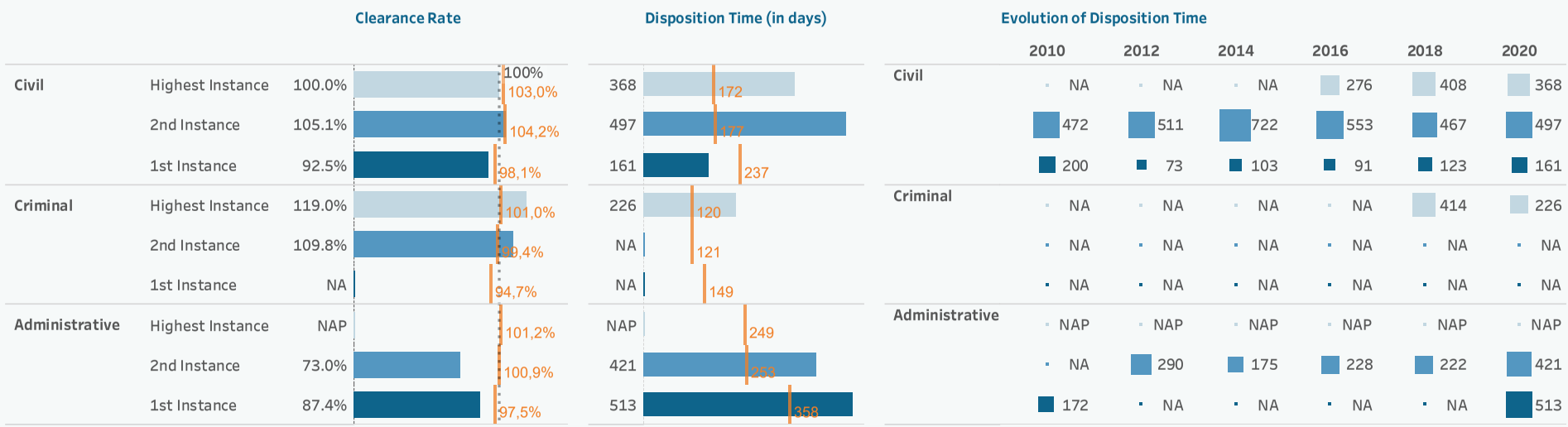
Index	Total	5.83	6,5
Deployment rate	Civil	4.53	6,6
	Criminal	5.67	6,7
	Administrative	3.81	6,1
Communication with courts	Civil	2.85	6,1
	Criminal	4.85	4,1
	Administrative	1.69	5,0
Courts and case management	Civil	5.65	7,3
	Criminal	5.65	7,3
	Administrative	5.16	7,4
Decision support	Civil	8.7	7,0
	Criminal	8.85	7,3
	Administrative	9.13	7,2

CEPEJ efficiency indicators

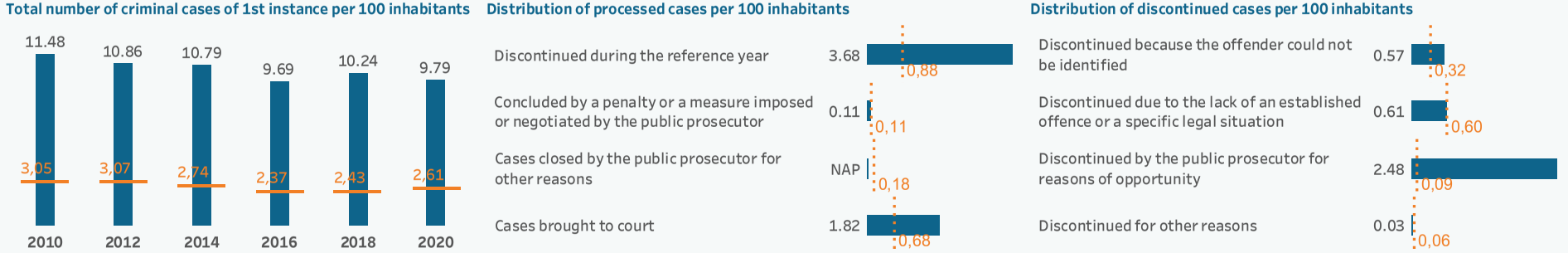
Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work





Public prosecution services



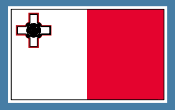
Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
http://legilux.public.lu/

2. Case-law of the higher court/s
https://justice.public.lu/fr/jurisprudence.html

3. Information about the judicial system
https://justice.public.lu/fr.html



MALTA

2020

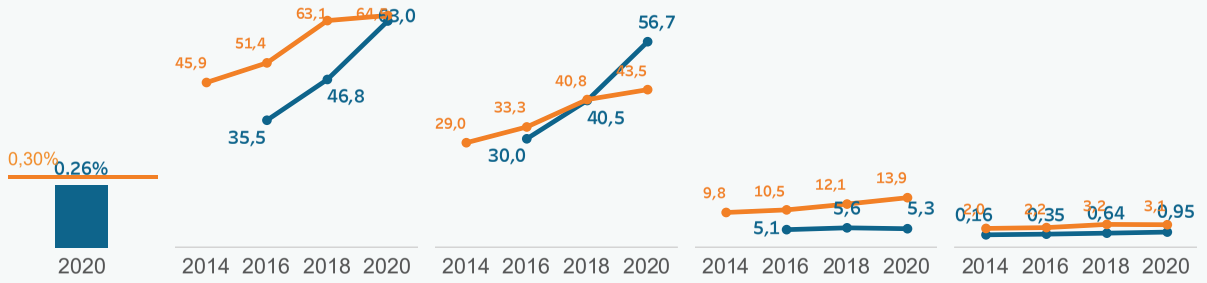
Population
514 565

GDP per capita
24 634 €
CoE Median 20 301 €

Avg gross annual salary
18 923 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.26% of GDP	63.0 per inh.	56.7 per inh.	5.3 per inh.	0.95 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Malta spent 32 406 996€ on the implemented Judicial System budget (i.e., 63 € per inhabitant, which is slightly below the CoE median). The recent increase of the budget per inhabitant allocated to courts (40%) and legal aid (49%) is mainly due to justice expenses, investments on new buildings and to the Legal Aid Agency's continuous improvement. The distribution of the budget of judicial system in Malta (90% for courts, 8,5% for public prosecution and 1,5% for legal aid) is more in favour of the courts' budget, compared to the median distribution in Europe.

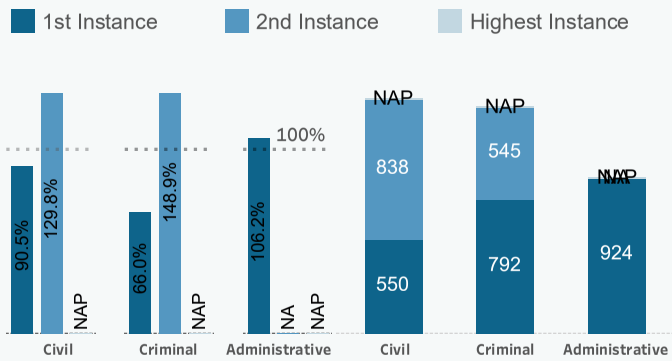
Developments in Public Prosecution Services
Following the amendments to the Attorney General (AG) Ordinance of 2019, the AG has taken up exclusively the role of prosecutor general. As a consequence, the number of prosecutors doubled between 2018 and 2020. However, the number of public prosecutors per 100 000 inhabitants (7,4) remains below the CoE median.

Legal Aid
Over the period 2018 and 2020, the budget for legal aid rose by 50%. Indeed, since April 2020, the Legal Aid Agency has extended its services related to the provision of legal assistance for cases not brought to court. This support was specifically dedicated to giving free legal advice to the victims of domestic violence.

ICT in judiciary
Malta has an ICT index of 6,5, which is above the CoE median. The court budget for ICT is low and only used for the maintenance of the IT equipment, while the investments in computerisation are not done by the Court Services Agency.
The Maltese government launched the first national digital justice strategy, supported by the CEPEJ.

Efficiency

Clearance rate (%) | Disposition time (days)



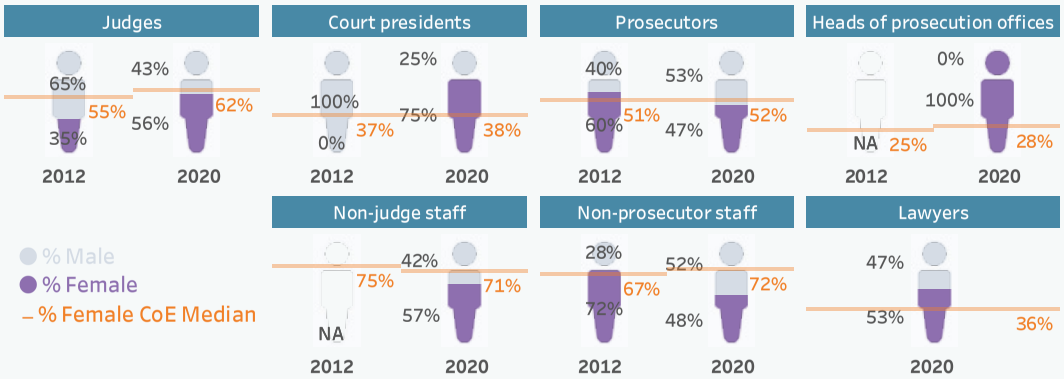
Efficiency: Malta has a two-tier judicial system. It should also be noticed that the second instance administrative law cases are included in the Civil (and commercial) litigious cases, and they cannot be separated. Regarding the efficiency of the courts, the DT for first and second instance cases of all matters is well above the CoE median. This causes difficulties to reduce the number of pending cases.
It is evident that the effect of the COVID-19 is significant in Malta, especially on criminal cases of both instances but also on first instance civil and commercial cases. For these types of cases, both the number of incoming and resolved cases were remarkably reduced. This explains the further increase of pending cases and, consequently, the very high Disposition Time.

Human resources (per 100 000 inhabitants)

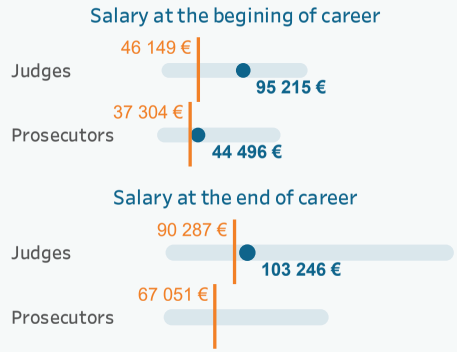
Malta CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	8.16	17,60	76.96	56,13	7.38	11,10	4.08	15,22	342.43	134,51
2018	9.46	17,94	86.82	59,69	3.99	11,22	4.62	14,98	322.68	127,08
2016	9.78	17,63	83.21	59,30	3.91	10,86	4.78	14,60	288.29	120,25
2014	9.32	18,06	88.47	55,33	2.73	10,27	4.55	14,57	337.74	110,17
2012	9.47	17,41	85.21	54,46	3.55	10,44	5.92	14,56	331.35	112,56
2010	9.34	16,88	89.56	61,05	2.63	9,83	5.99	12,94	383.13	102,03

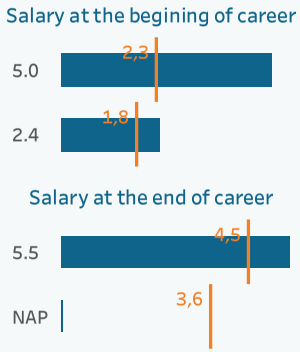
Gender balance



Absolute gross salaries

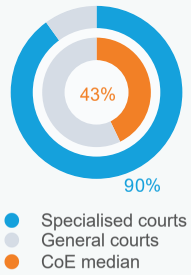


Ratio with the average annual gross salary

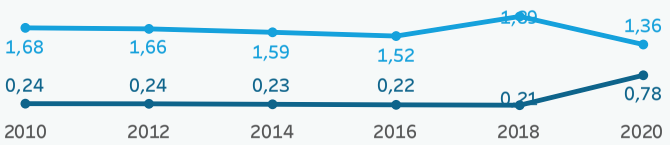


Courts (per 100 000 inhabitants)

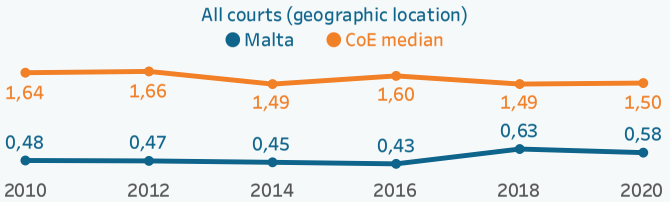
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)

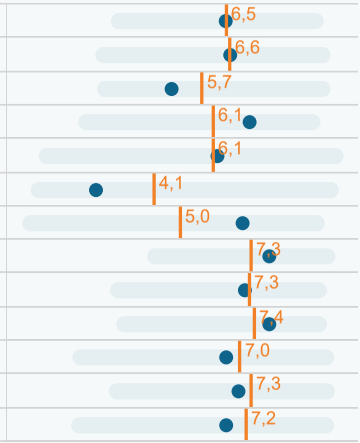


All courts (geographic location)



ICT in judiciary
(index from 0 to 10)

Index	Total	6.46
Deployment rate	Civil	6.61
	Criminal	4.67
	Administrative	7.25
Communication with courts	Civil	6.19
	Criminal	2.17
	Administrative	7.02
Courts and case management	Civil	7.9
	Criminal	7.1
	Administrative	7.9
Decision support	Civil	6.48
	Criminal	6.88
	Administrative	6.48



CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	NAP	103,0%
	2nd Instance	129.8%	104,2%
	1st Instance	90.5%	98,1%
Criminal	Highest Instance	NAP	101,0%
	2nd Instance	148.9%	99,4%
	1st Instance	66.0%	94,7%
Administrative	Highest Instance	NAP	101,2%
	2nd Instance	NA	100,9%
	1st Instance	106.2%	97,5%

Disposition Time (in days)

Civil	Highest Instance	NAP
	2nd Instance	838
	1st Instance	550
Criminal	Highest Instance	NAP
	2nd Instance	545
	1st Instance	792
Administrative	Highest Instance	NAP
	2nd Instance	NA
	1st Instance	924

Evolution of Disposition Time

	2010	2012	2014	2016	2018	2020
Civil	NA	NAP	NAP	NAP	NAP	NAP
	470	1065	1010	783	1120	838
	849	685	536	432	440	550
Criminal	NA	NAP	NAP	NAP	NAP	NAP
	438	780	824	1025	534	545
	331	291	306	294	299	792
Administrative	NA	NAP	NAP	NAP	NAP	NAP
	NA	NA	NA	NA	NA	NA
	2758	1457	1408	1464	1057	924

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
3,05	3,07	2,74	2,37	2,43	2,61
NA	NA	NA	NA	NA	NA

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	NA	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	NAP	0,11
Cases closed by the public prosecutor for other reasons	NA	0,18
Cases brought to court	2.15	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NA	0,32
Discontinued due to the lack of an established offence or a specific legal situation	NA	0,60
Discontinued by the public prosecutor for reasons of opportunity	NA	0,09
Discontinued for other reasons	NA	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.legislation.mt

2. Case-law of the higher court/s
www.ecourts.gov.mt

3. Information about the judicial system
www.ecourts.gov.mt; www.judiciary.mt

REPUBLIC OF MOLDOVA

2020

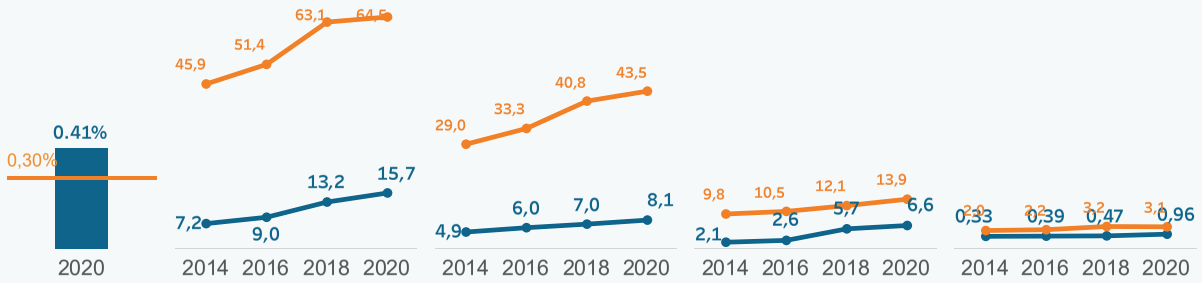
Population
2 626 942

GDP per capita
3 839 €
CoE Median 20 301 €

Avg gross annual salary
4 928 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.41% of GDP	15.7 per inh.	8.1 per inh.	6.6 per inh.	0.96 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, the Republic of Moldova spent 41 313 673 € on the implemented judicial system budget, which is 15.73€ per inhabitant (less than the CoE median) and 0.41% of the GDP (more than the CoE median). Within the budget on the judicial system, 52% was spent on courts, 42% on prosecution services, and 6% on legal aid.

Professionals and Gender balance

After a steady increase in the last decade, the number of judges (17,55 per 100 000 inhabitants) is on par with the CoE median in 2020. The number of non-judge staff (68,22) is above the CoE median by 20%. At the same time, the number of prosecutors (24,29) exceeds the CoE median by more than twice and the number of non-prosecution staff (13,70) is below the CoE median. The number of lawyers (80,32) continues to be significantly below the CoE median. In 2020, 50% of the professional judges are women in the Republic of Moldova. Yet, only 10% of courts' presidents were women. Similarly, there were 49,7% women prosecutors and only 10% of heads of prosecution offices were female.

Legal aid

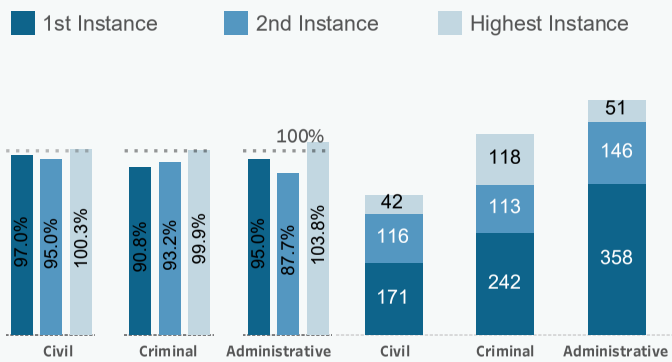
In 2020, the legal aid in the Republic of Moldova witnessed an expansion of the system to new categories of beneficiaries and legal services. The budget for legal aid per inhabitant (0,96 €) remains significantly below the CoE median in 2020, although it represents an important proportion of the judicial system budget (6,1% of the total).

Court related mediation

The mandatory court related mediation contributed to an increase in the demand for mediators. Their number constantly increased from 8,1 in 2012 to 36,0 in 2020 per 100,000 inhabitants, which places the Republic of Moldova significantly above the CoE median in 2020.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: Generally, the highest instance is considerably faster than other instances. The Supreme Court was the only instance to maintain the Clearance Rate at 100% and above in all categories of cases. By matter, the courts were the slowest in administrative cases, in line with the European trend in 2020.
Contrary to the European trend of a decreasing number of incoming cases during the pandemic, the number of incoming cases grew in civil and commercial cases in first and second instance courts. Despite postponements of court hearings caused by lockdowns and an increase in the disposition times, the courts managed to solve these cases faster compared to the CoE median in 2020.

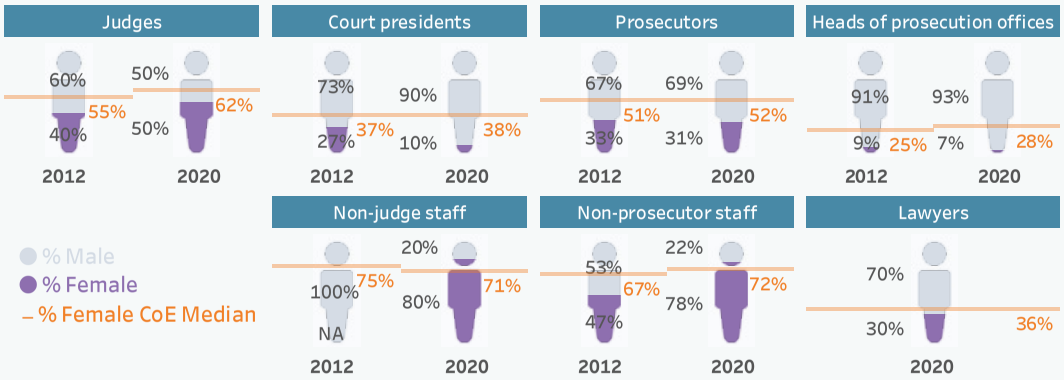
REPUBLIC OF MOLDOVA

Human resources (per 100 000 inhabitants)

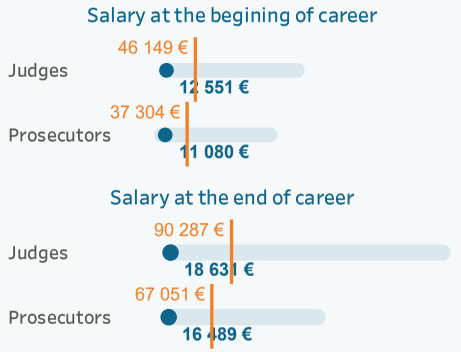
Republic of Moldova | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	17.55	17,60	68.22	56,18	24.29	11,10	13.70	15,22	79.41	134,51
2018	16.38	17,94	62.84	59,69	24.12	11,22	17.20	14,98	78.74	127,08
2016	15.04	17,63	66.33	59,30	24.50	10,86	11.44	14,60	72.45	120,25
2014	10.80	18,06	52.77	55,33	19.58	10,27	9.00	14,57	51.02	110,17
2012	12.39	17,41	42.48	54,46	20.87	10,44	11.24	14,56	49.25	112,56
2010	12.44	16,88	44.10	61,05	20.70	9,83	11.40	12,94	47.07	102,03

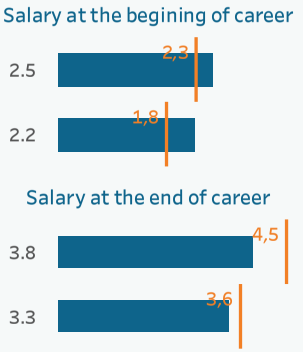
Gender balance



Absolute gross salaries

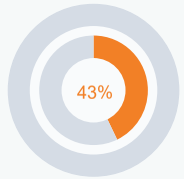


Ratio with the average annual gross salary



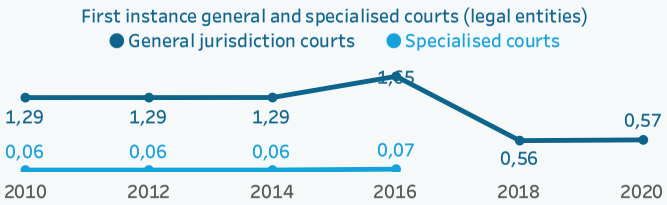
Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts

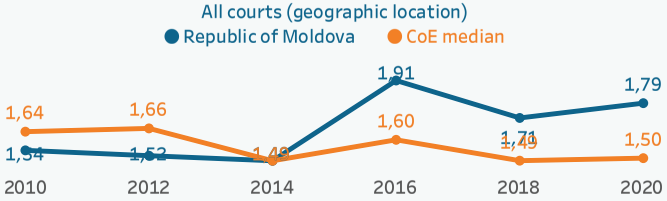


Specialised courts
General courts
CoE median

First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

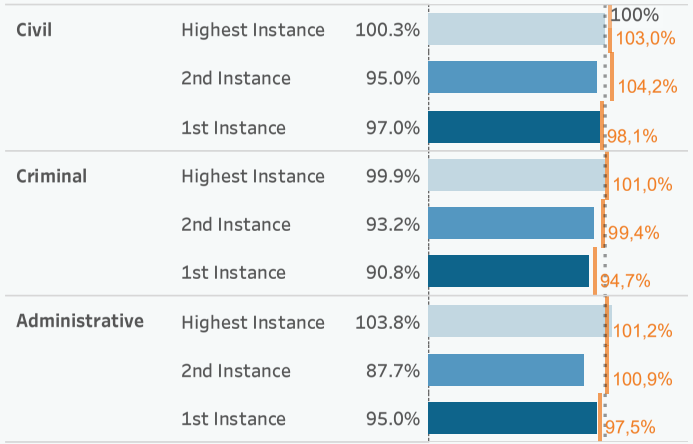
Index	Total	6.87
Deployment rate	Civil	5.28
	Criminal	5.31
	Administrative	5.45
Communication with courts	Civil	2.14
	Criminal	2.05
	Administrative	2.14
Courts and case management	Civil	8.55
	Criminal	8.55
	Administrative	9.03
Decision support	Civil	9.78
	Criminal	9.81
	Administrative	9.78

CEPEJ efficiency indicators

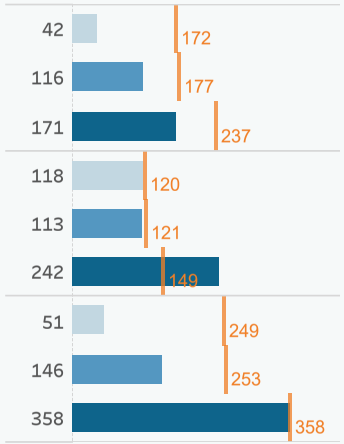
Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

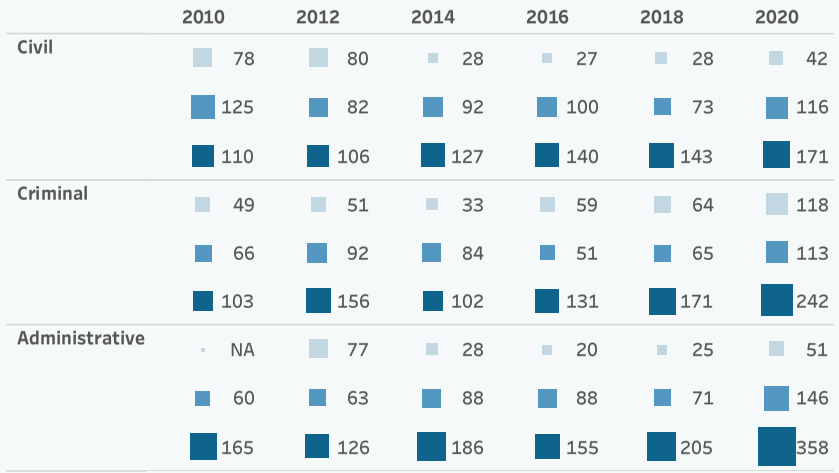
Clearance Rate



Disposition Time (in days)

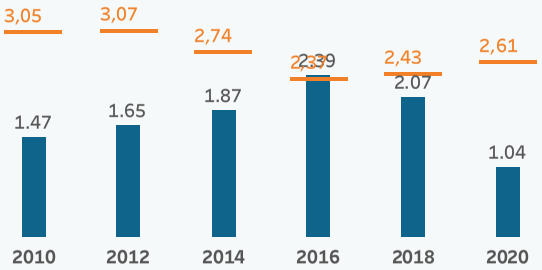


Evolution of Disposition Time

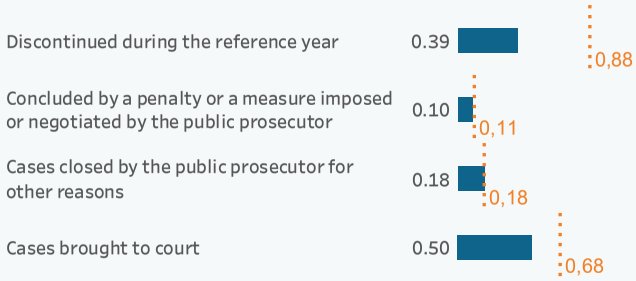


Public prosecution services

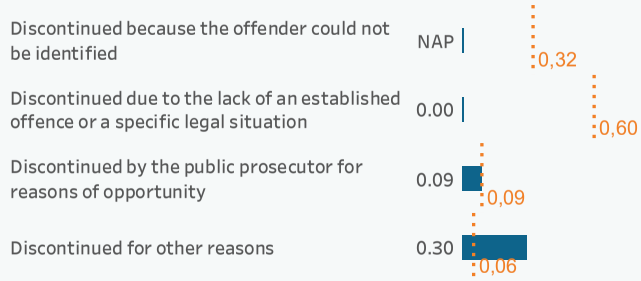
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
legis.md csm.md justice.md justice.gov.md

2. Case-law of the higher court/s
csj.md instante.justice.md

3. Information about the judicial system
instante.justice.md



MONACO

2020

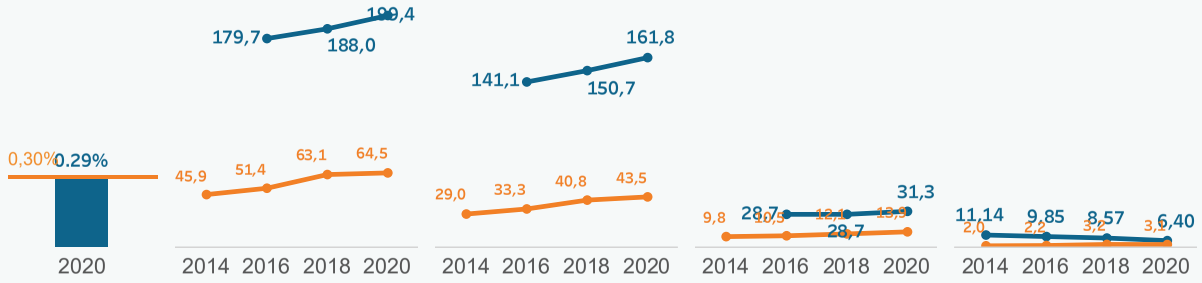
Population
38 350

GDP per capita
69 380 €
CoE Median 20 301 €

Avg gross annual salary
43 889 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.29% of GDP	199.4 per inh.	161.8 per inh.	31.3 per inh.	6.40 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Monaco spent 7 647 575 € on the implemented judicial system budget which represents 199.42 € per inhabitant (high above the CoE median) and 0.29% of the GDP (close to the CoE median). Monaco is among the States with the highest judicial system budget per inhabitant. In 2020, 81% was spent on courts, 16% on prosecution services, and only 3% on legal aid. The legal aid budget of 6,40 € per inhabitant is above the CoE median. It decreased in 2020 due to the pandemic, namely the closure of courts during the lockdown.

Professionals

Monaco is characterised by a high number of judges (104 per 100 000 inhab.). Nevertheless, the data should be analysed with caution due to the country's size. The number of prosecutors (13) is slightly above the CoE median. Women are well represented within the prosecution services (60% of the prosecutors and a female head of the prosecution services), while they are still not the majority at court level (45% of the judges and 38% of the court presidents).

ICT in judiciary

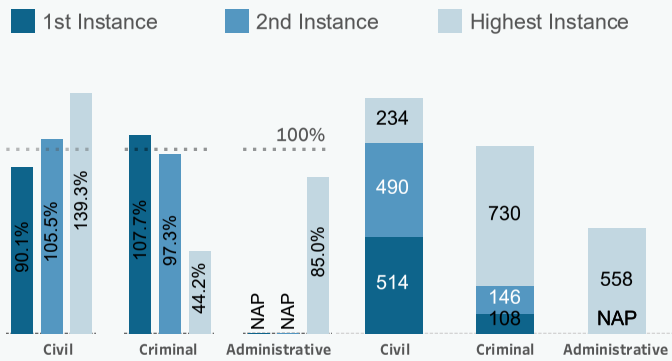
The ICT index of 6,5 is stable and just above the CoE median. A plan to coordinate the computerisation of judicial services was put in place, with a specific post of Advisor to the Secretary of State for Justice on these questions. Monaco increased by 105% the budget of computerisation due to the pandemic and the IT plan to create a virtual lawyers/courts network. The ICT budget is 4,1% of the court budget (above the CoE median).

Training of judges and public prosecutors

Judges and prosecutors were included (after a selection organised by the authorities of Monaco) in the initial and continuous training of the French National School of Magistracy. In 2021, the Institute for training of legal professionals has been established in Monaco.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: In Monaco, first and second instance administrative cases are dealt with by courts of general jurisdiction and cannot be separated from civil and commercial litigious cases. Courts were most efficient in the first instance criminal cases which are the only group of cases with the Disposition Time below the respective CoE median. Contrary, the Disposition Time is the highest in the third instance criminal cases.

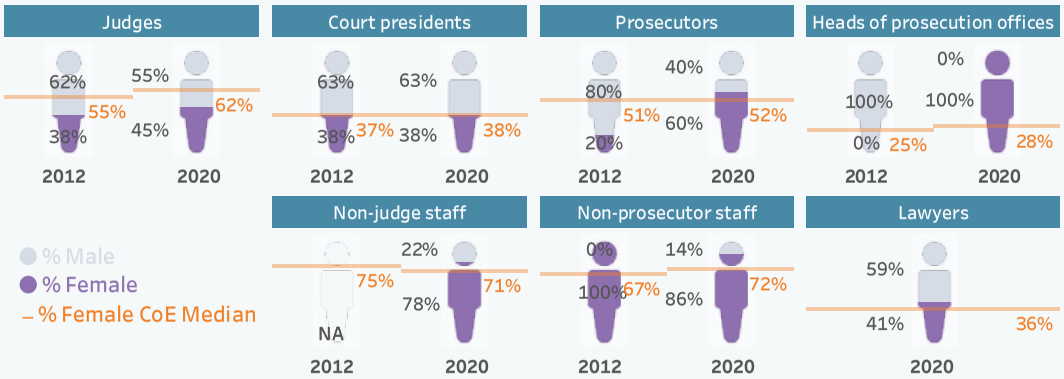
The COVID crisis, in particular the strict lockdown from March to May 2020 with the closure of the courts, affected mostly 1st instance courts' efficiency, resulting in an increase of the respective Disposition Times. As for higher instances, the DT indicator increased in respect of third instance administrative and criminal cases. However, even though the variations with the previous cycle seem to be significant in percentage, the absolute values are small.

Human resources (per 100 000 inhabitants)

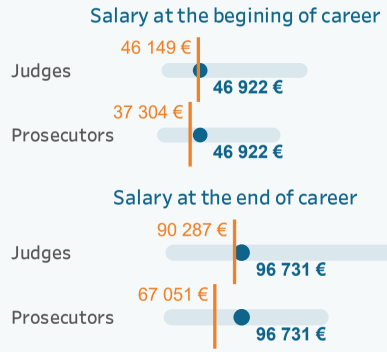
Monaco CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	104.30	17,60	119.95	56,13	13.04	11,10	18.25	15,22	83.44	134,51
2018	101.83	17,94	120.10	59,69	13.05	11,22	18.28	14,98	83.55	127,08
2016	98.54	17,63	122.50	59,30	13.32	10,86	18.64	14,60	93.21	120,25
2014	95.24	18,06	121.69	55,33	10.58	10,27	15.87	14,57	82.01	110,17
2012	102.39	17,41	116.23	54,46	13.84	10,44	13.84	14,56	85.79	112,56
2010	100.33	16,88	105.91	61,05	11.15	9,83	16.72	12,94	69.67	102,03

Gender balance



Absolute gross salaries

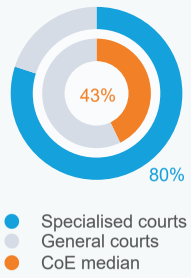


Ratio with the average annual gross salary



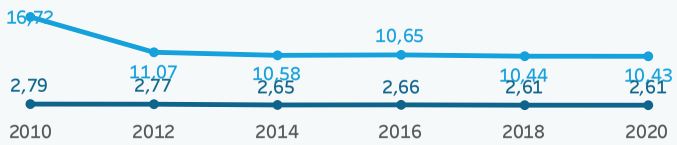
Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts



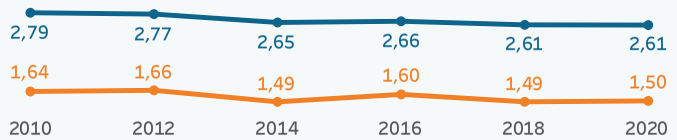
First instance general and specialised courts (legal entities)

General jurisdiction courts Specialised courts



All courts (geographic location)

Monaco CoE median



ICT in judiciary (index from 0 to 10)

Index	Total	6.54	6,5
Deployment rate	Civil	5.71	6,6
	Criminal	6.1	5,7
	Administrative	5.46	6,1
Communication with courts	Civil	3.51	6,1
	Criminal	4.12	4,1
	Administrative	3.05	5,0
Courts and case management	Civil	8.55	7,3
	Criminal	8.55	7,3
	Administrative	8.55	7,4
Decision support	Civil	7.39	7,0
	Criminal	7.69	7,3
	Administrative	7.39	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	139.3%	100% / 103,0%
	2nd Instance	105.5%	104,2%
	1st Instance	90.1%	98,1%
Criminal	Highest Instance	44.2%	101,0%
	2nd Instance	97.3%	99,4%
	1st Instance	107.7%	94,7%
Administrative	Highest Instance	85.0%	101,2%
	2nd Instance	NAP	100,9%
	1st Instance	NAP	97,5%

Disposition Time (in days)

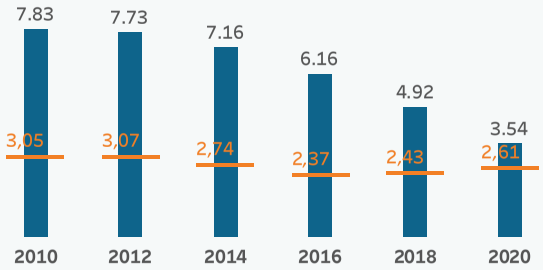
Civil	Highest Instance	234 / 172
	2nd Instance	490 / 177
	1st Instance	514 / 237
Criminal	Highest Instance	730 / 120
	2nd Instance	146 / 121
	1st Instance	108 / 149
Administrative	Highest Instance	558 / 249
	2nd Instance	NAP / 253
	1st Instance	NAP / 358

Evolution of Disposition Time

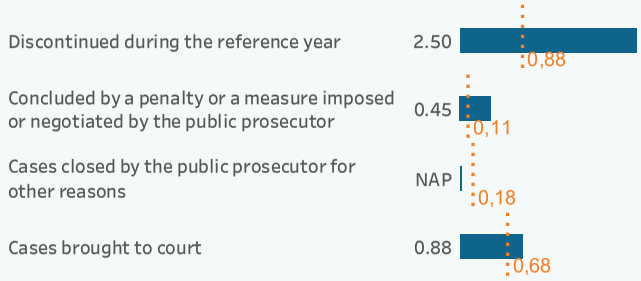
		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	NA	163	313	198	311	234
	2nd Instance	798	557	315	435	571	490
	1st Instance	743	433	347	372	372	514
Criminal	Highest Instance	NA	209	223	209	219	730
	2nd Instance	NA	NA	66	65	144	146
	1st Instance	NA	78	81	117	80	108
Administrative	Highest Instance	NA	NA	175	223	438	558
	2nd Instance	NA	NA	NAP	NAP	NAP	NAP
	1st Instance	NA	NA	NAP	NA	NAP	NAP

Public prosecution services

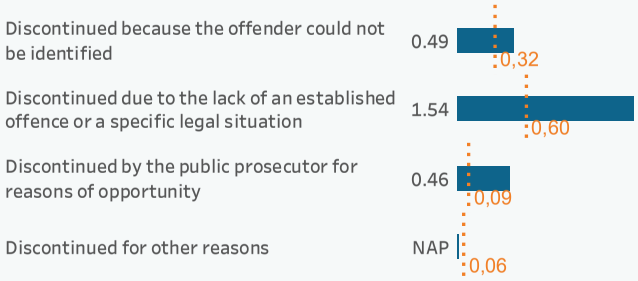
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://www.legimonaco.mc

2. Case-law of the higher court/s
https://www.tribunal-supreme.mc/

3. Information about the judicial system
https://www.gouv.mc/Gouvernement-et-Institutions/Le-Droit-et-l..

MONTENEGRO 2020

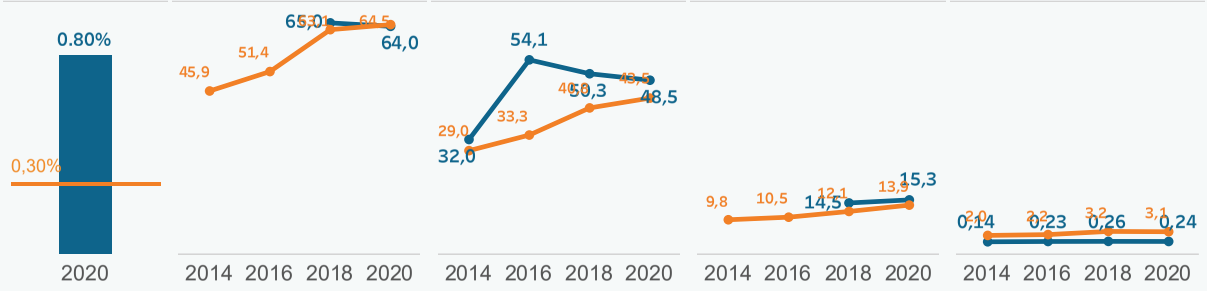
Population
620 029

GDP per capita
7 959 €
CoE Median 20 301 €

Avg gross annual salary
9 396 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.80% of GDP	64.0 per inh.	48.5 per inh.	15.3 per inh.	0.24 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Montenegro spent 39 695 301 € on the implemented judicial system budget which represents 64,02 € per inhabitant (close to the CoE median level) and 0.80% of the GDP, more than the median and the highest percent of the GDP in the group of states with GDP per inhabitant below 10 000 €. In 2020, 75,7% was spent for all courts, 23,9% for prosecution services and 0,4% for legal aid.

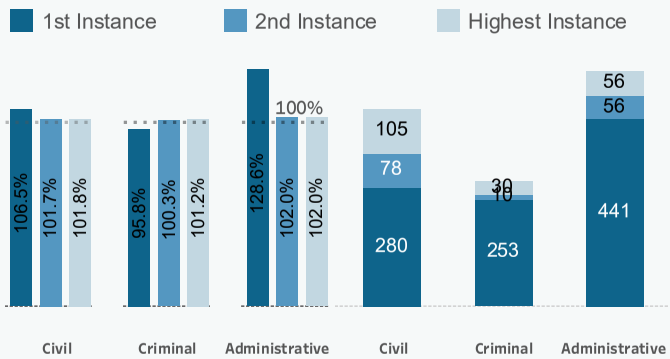
Professionals
Eastern European countries traditionally have a very high number of professionals per 100 000 inhabitants, which is the case in Montenegro with 49,8 judges per 100 000 inhabitants, amongst the highest in Europe. The standardised numbers for the other justice professionals were also higher than the Coe medians (20,2 prosecutors; 181,8 non-judge and 36,8 non-prosecutor staff; 152,7 lawyers).

Court related mediation
In Montenegro there is a new Law on ADR and Amendments to the Civil Procedure Code, adopted in August 2020 which resulted in an increase of the number of court related mediation procedures and of the number of mediators. In 2020, there are 22.4 mediators for 100 000 inhabitants against 15.8 in 2018 – and 2 617 cases for which parties agreed to start court related mediations against 708 in 2018.

ICT in judiciary
In Montenegro there is a fully deployed CMS in all courts. It was developed more than 10 years ago but in 2020 the development of a new CMS was undergoing. Montenegro has an ICT index of 5,5 which is on the same level as in previous cycle and slightly below the CoE median. Montenegro is investing 1,8% of the courts budget which remains relatively low on general European scale.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: Overall, the courts are most efficient in the second instance and in the criminal domain.
Specifically, the highest Disposition Time is reported in the first instance administrative cases (DT 441 days).
The effects of the COVID-19 pandemic were most evident in the first instance courts which increased their Disposition Times.
However, Montenegro generally showed a good capacity to deal with incoming cases in 2020, with only one Clearance rate below 100% (creating backlog) for criminal law cases in the first instance (CR 95.8%). Overall, there has been a general increase of Disposition times in the first instance since 2012, and they are higher than the CoE medians.

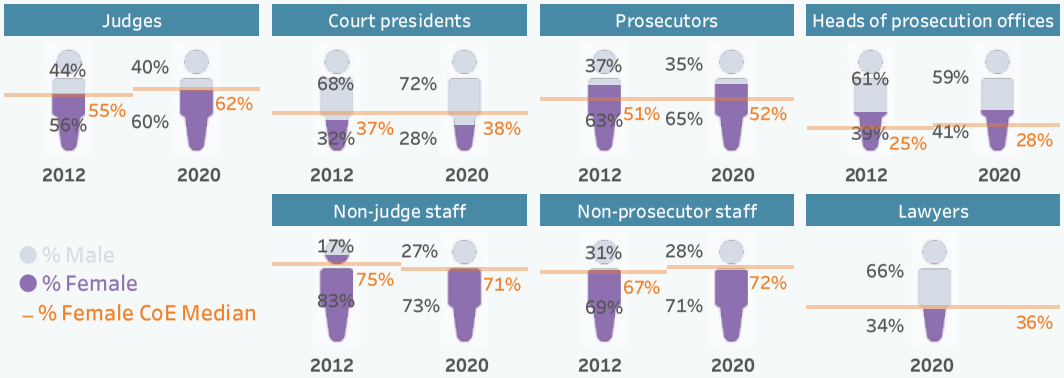
MONTENEGRO

Human resources (per 100 000 inhabitants)

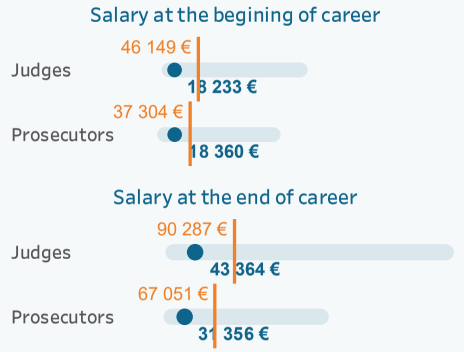
Montenegro | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	49.84	17,60	181.77	56,13	20.16	11,10	36.77	15,22	152.73	134,51
2018	50.00	17,94	157.73	59,69	19.19	11,22	35.80	14,98	146.93	127,08
2016	51.29	17,63	154.51	59,30	16.61	10,86	30.48	14,60	134.03	120,25
2014	40.97	18,06	137.74	55,33	17.42	10,27	26.29	14,57	121.93	110,17
2012	42.42	17,41	169.51	54,46	14.68	10,44	22.58	14,56	113.54	112,56
2010	41.93	16,88	171.77	61,05	20.81	9,83	21.61	12,94	100.00	102,03

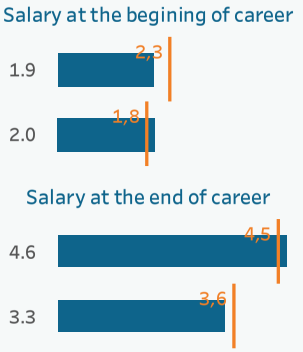
Gender balance



Absolute gross salaries

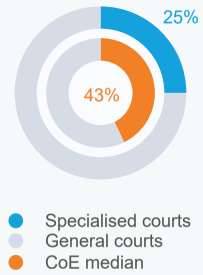


Ratio with the average annual gross salary

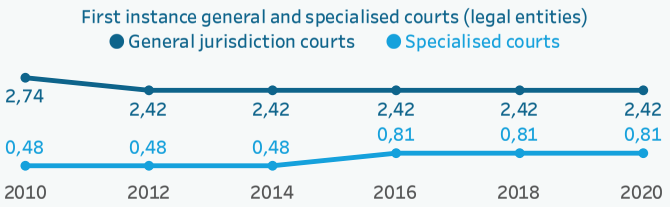


Courts (per 100 000 inhabitants)

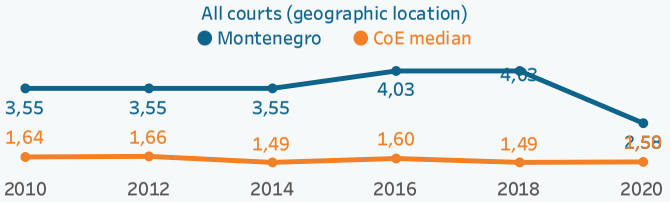
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary
(index from 0 to 10)

Index	Total	5.5	6,5
Deployment rate	Civil	4.22	6,6
	Criminal	4.03	5,7
	Administrative	3.86	6,1
Communication with courts	Civil	0.68	6,1
	Criminal	0.12	4,1
	Administrative	0	5,0
Courts and case management	Civil	8.55	7,3
	Criminal	8.55	7,3
	Administrative	8.55	7,4
Decision support	Civil	7.57	7,0
	Criminal	7.93	7,3
	Administrative	7.57	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	101.8%	100%
	2nd Instance	101.7%	103,0%
	1st Instance	106.5%	104,2%
Criminal	Highest Instance	101.2%	98,1%
	2nd Instance	100.3%	101,0%
	1st Instance	95.8%	99,4%
Administrative	Highest Instance	102.0%	94,7%
	2nd Instance	102.0%	101,2%
	1st Instance	128.6%	100,9%
			97,5%

Disposition Time (in days)

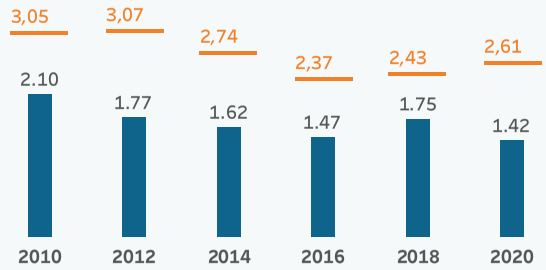
Civil	Highest Instance	105 / 172
	2nd Instance	78 / 177
	1st Instance	280 / 237
Criminal	Highest Instance	30 / 120
	2nd Instance	10 / 121
	1st Instance	253 / 149
Administrative	Highest Instance	56 / 249
	2nd Instance	56 / 253
	1st Instance	441 / 358

Evolution of Disposition Time

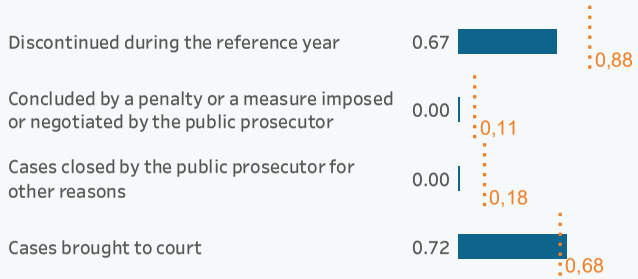
	2010	2012	2014	2016	2018	2020
Civil	19	2	24	35	61	105
	NA	108	105	NA	NA	78
	271	254	298	267	229	280
Criminal	0	0	13	26	30	30
	21	13	8	7	7	10
	160	174	189	145	199	253
Administrative	4	27	41	49	79	56
	NAP	210	NAP	NA	NA	56
	119	210	202	240	401	441

Public prosecution services

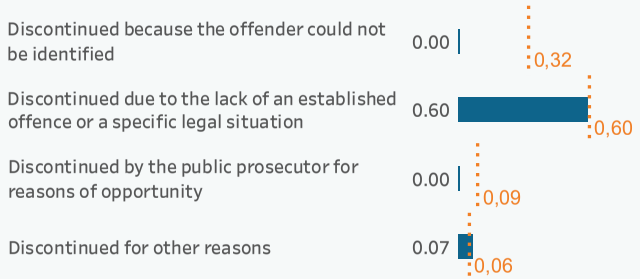
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.sudovi.me www.gov.me www.sluzbenilist.me
https://tuzilastvo.me/drtz

2. Case-law of the higher court/s
www.sudovi.me

3. Information about the judicial system
www.sudovi.me



NETHERLANDS

2020

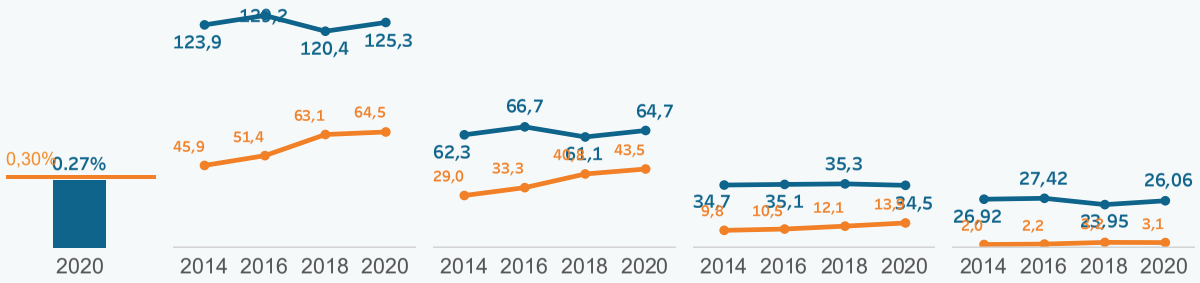
Population
17 475 415

GDP per capita
45 900 €
CoE Median 20 301 €

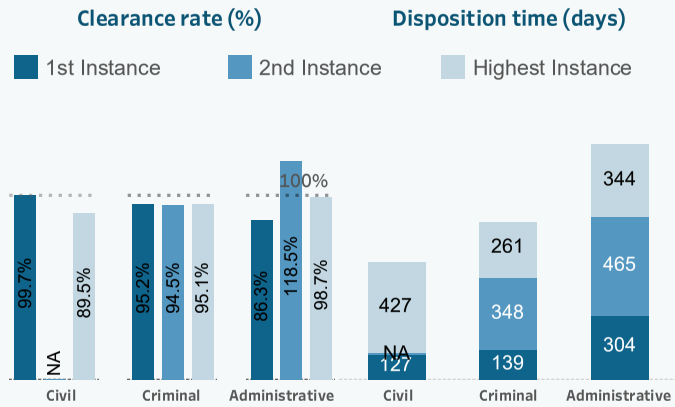
Avg gross annual salary
62 700 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.27% of GDP	125.3 per inh.	64.7 per inh.	34.5 per inh.	26.06 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Efficiency



Budget : In 2020, the Netherlands spent 2 189 797 000 € for the Judicial System, meaning 126,3 € per inhabitant, which is well above the COE median. The budgets allocated to courts, prosecutor services and legal aid have been quite stable over the period. In 2020, 52% was spent on courts, 21% on prosecutor offices and 28% on legal aid. Compared to the other countries, the Netherlands spends a relatively higher percentage of court's budget for salaries (79%) and computerisation (11%). Despite this, the IT index of 3.0 is well below the CoE median.

Number of courts
After the judicial map reform implemented in 2013, the Netherlands is the State with the lowest number of courts per inhabitant. It is also the State with the highest number of judges per courts.

Assessment of quality
The Netherlands has implemented a system for quality assessment and quality improving both in courts and prosecution offices. In courts, quality is assessed through peer reviews, users' satisfaction surveys and statistical measures. In prosecution offices, annual studies to improve the quality of the service are conducted. Furthermore, judges themselves developed some "professional standards" that they have to respect to ensure the quality of their activity.

Legal aid
The Netherlands is one of the countries with the highest legal aid budget per inhabitant, and the number of cases granted with legal aid per inhabitant is well above the CoE median. The amount of budget per case is high as well. To further improve access to justice, a phased implementation of a new legal aid system and a pilot project for mediation in criminal cases are currently underway.

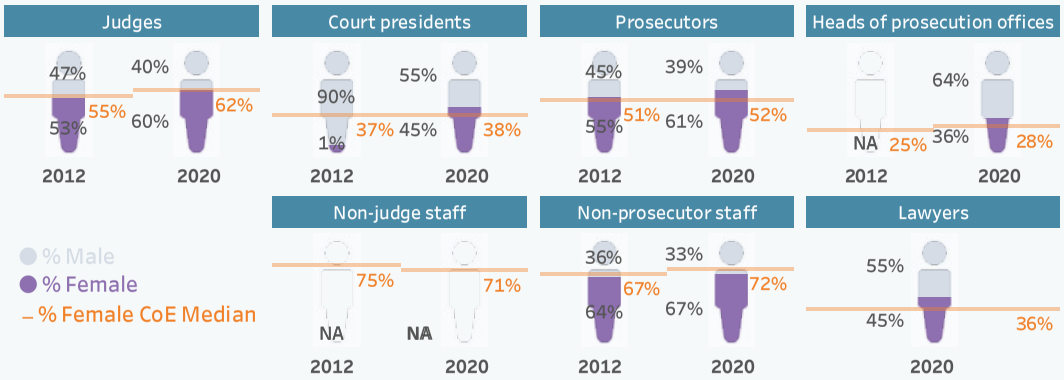
Efficiency: In the Netherlands, the courts have the lowest Disposition Time in the first instance civil and commercial litigious cases, while the highest Disposition Times are in the second instance administrative cases and third instance civil and commercial litigious cases. In 2020, there has been an overall decrease of courts' efficiency due to the COVID-19 pandemic. The number of incoming, resolved and pending civil and commercial litigious cases in the first instance is well below the CoE median and it has been constantly decreasing since 2014. By contrast, the number of incoming, resolved and pending administrative cases in the first instance is above the CoE median, and their Disposition Time increased by 53% from the previous cycle but is still below the CoE Median. COVID-19 pandemic caused an overall decrease in the clearance rate accompanied by an increase in the Disposition Time.

Human resources (per 100 000 inhabitants)

Netherlands CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	14.86	17,60	42.55	56,13	5.41	11,10	22.88	15,22	102.80	134,51
2018	14.59	17,94	43.35	59,69	Null	11,22	Null	14,98	102.90	127,08
2016	13.65	17,63	42.84	59,30	5.43	10,86	21.60	14,60	102.44	120,25
2014	13.96	18,06	43.91	55,33	4.71	10,27	22.07	14,57	104.80	110,17
2012	14.36	17,41	37.26	54,46	4.71	10,44	23.67	14,56	101.72	112,56
2010	15.19	16,88	40.07	61,05	4.69	9,83	22.86	12,94	97.71	102,03

Gender balance

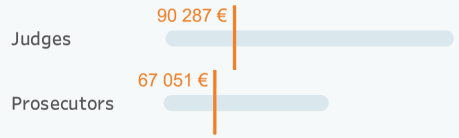


Absolute gross salaries

Salary at the begining of career

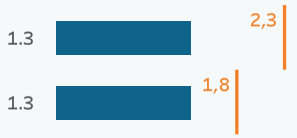


Salary at the end of career

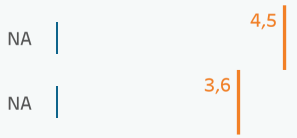


Ratio with the average annual gross salary

Salary at the begining of career

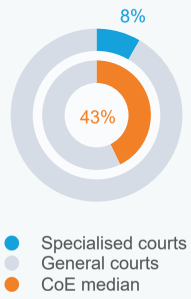


Salary at the end of career

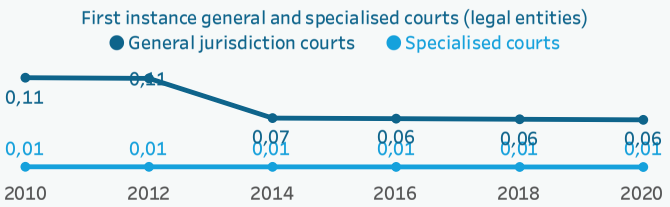


Courts (per 100 000 inhabitants)

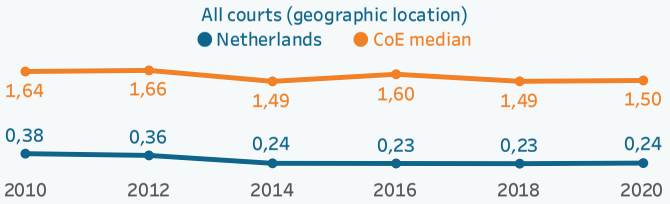
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	3.04	6,5
Deployment rate	Civil	2.19	6,6
	Criminal	2.32	5,7
	Administrative	2.56	6,1
Communication with courts	Civil	0.46	6,1
	Criminal	0.46	4,1
	Administrative	1.15	5,0
Courts and case management	Civil	4.27	7,3
	Criminal	4.27	7,3
	Administrative	4.27	7,4
Decision support	Civil	3.91	7,0
	Criminal	4.62	7,3
	Administrative	3.91	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	89.5%	100%
	2nd Instance	NA	103,0%
	1st Instance	99.7%	104,2%
Criminal	Highest Instance	95.1%	98,1%
	2nd Instance	94.5%	101,0%
	1st Instance	95.2%	99,4%
Administrative	Highest Instance	98.7%	94,7%
	2nd Instance	118.5%	101,2%
	1st Instance	86.3%	100,9%
			97,5%

Disposition Time (in days)

Civil	Highest Instance	427 / 172
	2nd Instance	NA / 177
	1st Instance	127 / 237
Criminal	Highest Instance	261 / 120
	2nd Instance	348 / 121
	1st Instance	139 / 149
Administrative	Highest Instance	344 / 249
	2nd Instance	465 / 253
	1st Instance	304 / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	NA	NA	NA	NA	320	427
	2nd Instance	NA	NA	NA	NA	NA	NA
	1st Instance	NA	NA	132	121	110	127
Criminal	Highest Instance	NA	NA	NA	NA	240	261
	2nd Instance	207	197	187	208	245	348
	1st Instance	89	99	117	128	104	139
Administrative	Highest Instance	NA	NA	NA	NA	299	344
	2nd Instance	423	440	411	348	437	465
	1st Instance	159	163	171	178	200	304

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
3,05	3,07	2,74	2,37	2,43	2,61
1.26	1.34	1.24	1.11	NA	1.06

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	0.32	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	0.26	0,11
Cases closed by the public prosecutor for other reasons	0.02	0,18
Cases brought to court	0.43	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NAP	0,32
Discontinued due to the lack of an established offence or a specific legal situation	0.23	0,60
Discontinued by the public prosecutor for reasons of opportunity	0.09	0,09
Discontinued for other reasons	NAP	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.wetten.nl www.rijksoverheid.nl/wetten-en-regelingen

2. Case-law of the higher court/s
www.uitspraken.rechtspraak.nl

3. Information about the judicial system
www.rechtspraak.nl
https://www.rijksoverheid.nl/onderwerpen/rechtspraak-en-gesch..

NORTH MACEDONIA 2020

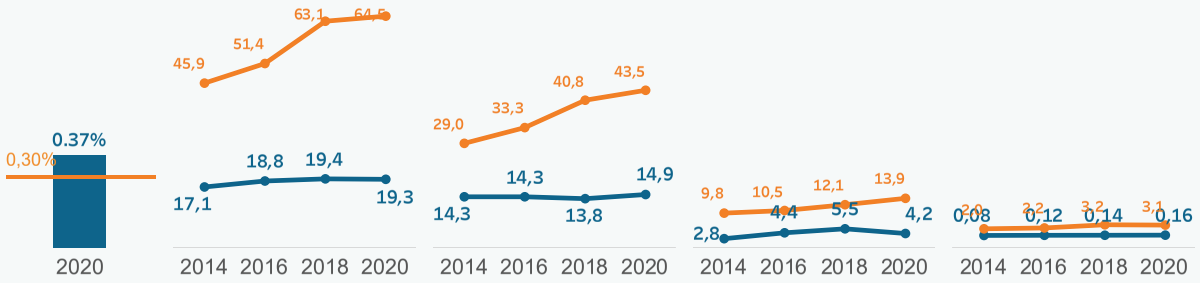
Population
2 076 255

GDP per capita
5 187 €
CoE Median 20 301 €

Avg gross annual salary
8 214 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.37% of GDP	19.3 per inh.	14.9 per inh.	4.2 per inh.	0.16 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



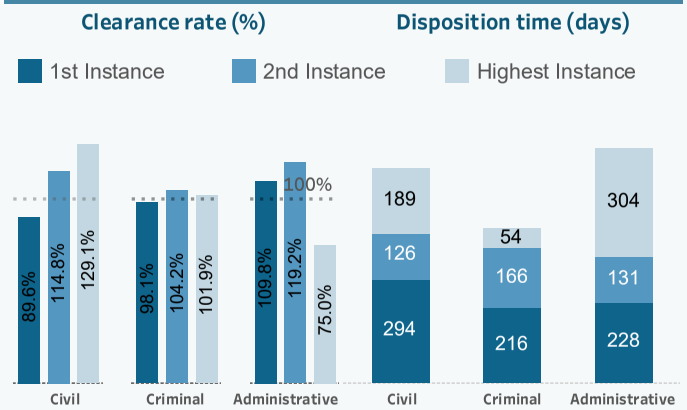
Budget : In 2020, North Macedonia spent 40 002 093€ on the implemented judicial system budget which is 19,27€ per inhabitant. This is below the CoE median and among the lowest amounts in Europe. Over the last period, the legal aid budget doubled from 0,08€ to 0,16€ per inhabitant but still remains on the lower side of the scale. The distribution of the judicial system budget is 77,4% for courts, 21,8% for prosecution and 0,8% for legal aid which compared to the median European distribution is more in favour of courts and less directed towards legal aid.

Legal aid
A new Law on legal aid was adopted in October 2019. It strengthened the system of legal aid and established a national coordination body for legal aid. As a result, the number of cases for which primary legal aid (legal advice) was granted significantly increased in 2020 compared to previous cycles.

Performance monitoring of the public prosecutors
In February 2020, the first national report for performance monitoring of the public prosecutors was published. The public prosecutors' performance is now evaluated by 71 indicators grouped in five areas: efficiency (14 indicators), quality (19 indicators), independence (17 indicators), accountability (7 indicators) and transparency (14 indicators).

Gender Balance
Significant progress was made in breaking down the glass ceiling regarding the highest posts for judges and public prosecutors. In particular, between 2012 and 2020, the percentage of female heads of prosecution offices remarkably increased from 15% to 43% which is above the CoE median. Women are only under-represented among prosecutors in the highest instance (10%).

Efficiency



Efficiency: In 2020, the second instance courts are the most efficient. Criminal justice is the area of law in which the first and third instances were the most efficient. In particular, the DT for the third instance total criminal law cases is less than half of the CoE median. By contrast, the least efficient court proceedings are in the third instance administrative cases as the relative DT is 304 days (well above the CoE median).
COVID-19 affected the courts on all instances but mostly civil and administrative that received much less cases in all instances while criminal only on 2nd instance. The effect was that DT soared for the first instance civil litigious cases (from 179 to 294 days) and it slightly increased for criminal cases (from 190 to 216 days). Opposite, the second instance cases of all matters reached the threshold of 100% thus, no further backlog was created even if less cases were both received and processed.

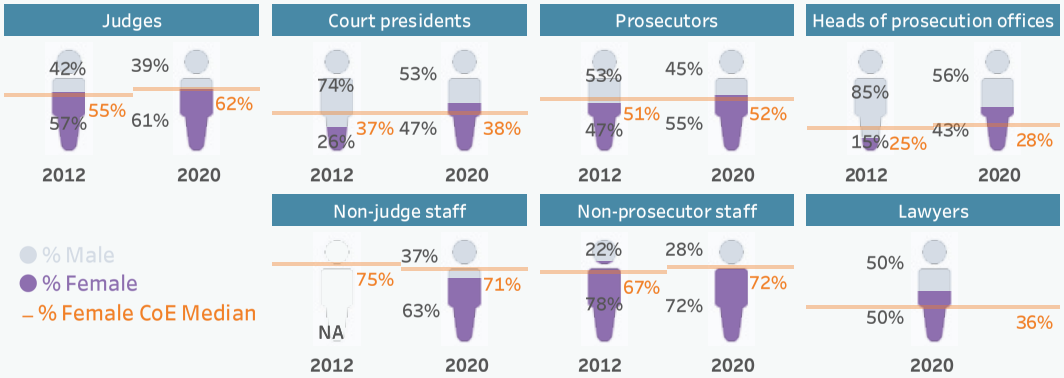
NORTH MACEDONIA

Human resources (per 100 000 inhabitants)

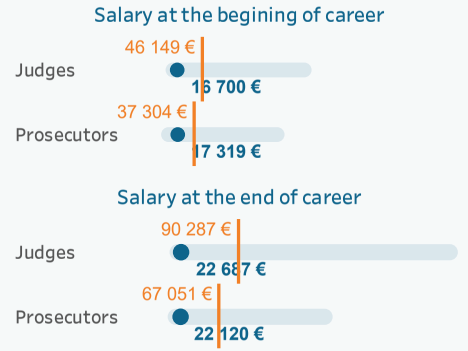
North Macedonia | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	23.74	17,60	109.14	56,13	9.01	11,10	15.61	15,22	137.94	134,51
2018	24.62	17,94	108.08	59,69	8.91	11,22	22.98	14,98	131.16	127,08
2016	27.29	17,63	107.30	59,30	8.34	10,86	18.90	14,60	120.70	120,25
2014	30.40	18,06	112.61	55,33	9.67	10,27	11.79	14,57	108.30	110,17
2012	32.39	17,41	113.13	54,46	10.04	10,44	9.60	14,56	121.13	112,56
2010	32.28	16,88	111.90	61,05	9.77	9,83	9.96	12,94	102.61	102,03

Gender balance



Absolute gross salaries

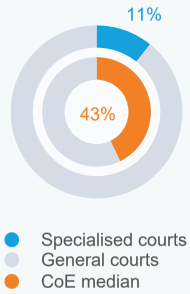


Ratio with the average annual gross salary

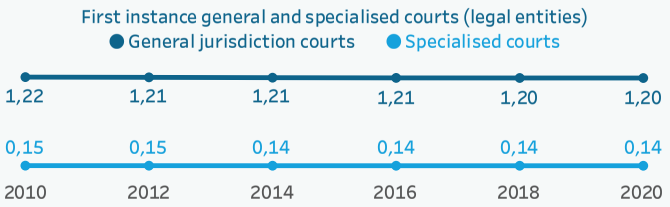


Courts (per 100 000 inhabitants)

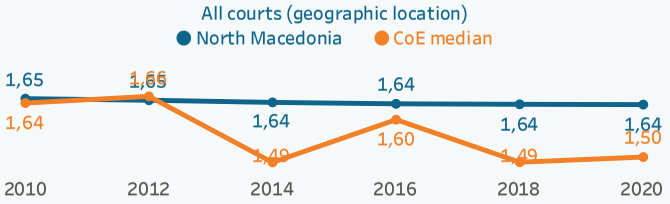
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



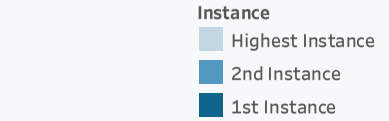
ICT in judiciary (index from 0 to 10)

Index	Total	5.94	6,5
Deployment rate	Civil	4.47	6,6
	Criminal	4.42	5,7
	Administrative	4.22	6,1
Communication with courts	Civil	1.38	6,1
	Criminal	1.2	4,1
	Administrative	0.92	5,0
Courts and case management	Civil	7.58	7,3
	Criminal	7.58	7,3
	Administrative	7.58	7,4
Decision support	Civil	9.22	7,0
	Criminal	8.93	7,3
	Administrative	9.13	7,2

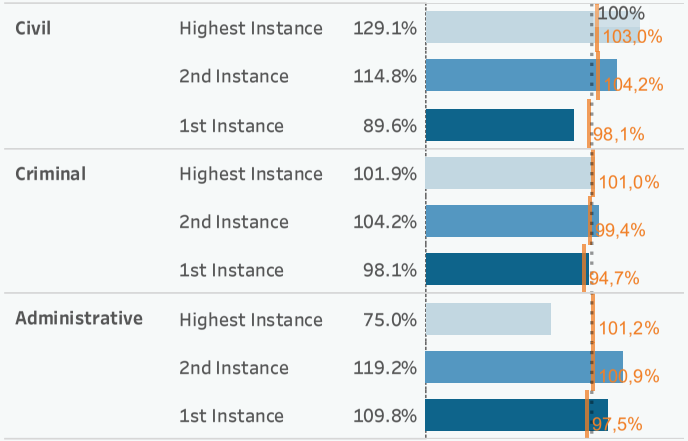
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

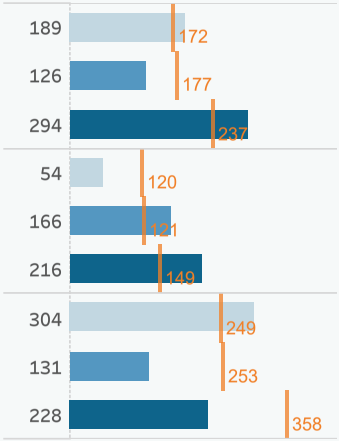
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The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work



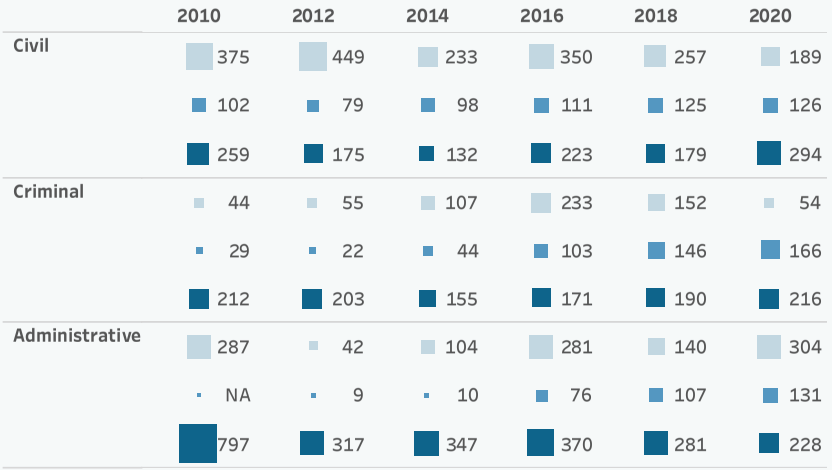
Clearance Rate



Disposition Time (in days)

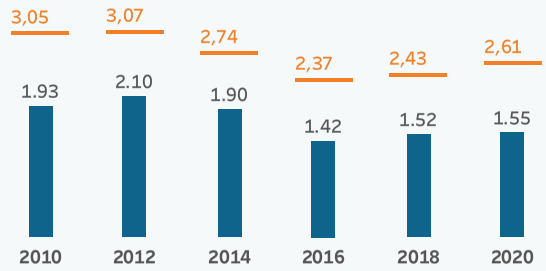


Evolution of Disposition Time

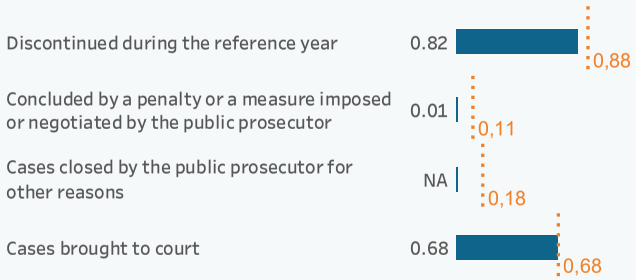


Public prosecution services

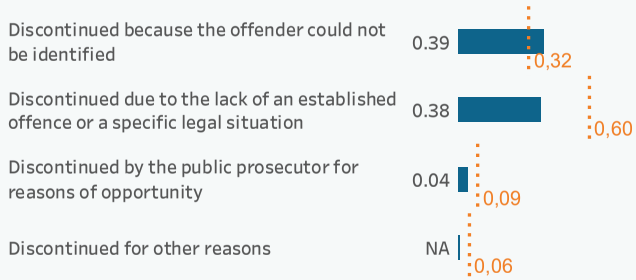
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

https://www.pravda.gov.mk https://www.sobranie.mk

2. Case-law of the higher court/s

www.sud.mk

3. Information about the judicial system

www.sud.mk

NORWAY

2020

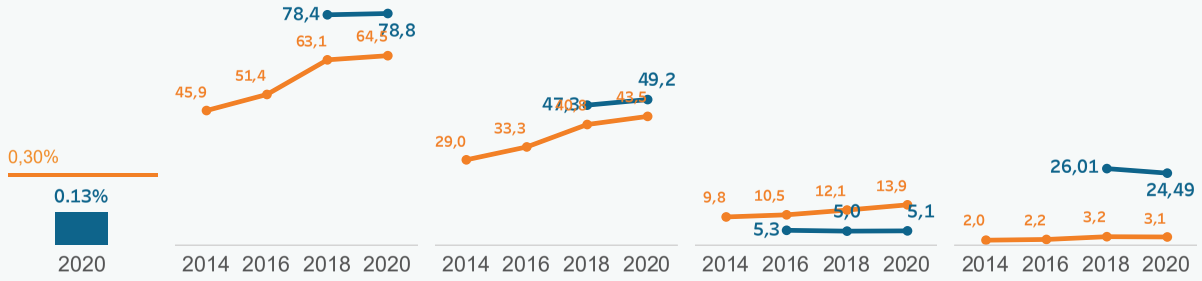
Population
5 391 369

GDP per capita
59 159 €
CoE Median 20 301 €

Avg gross annual salary
54 784 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.13% of GDP	78.8 per inh.	49.2 per inh.	5.1 per inh.	24.49 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Norway spent 424 776 457€ on the implemented judicial system budget: 78,8€ per inhab. (above the CoE median) and 0.13% of the GDP (well below the CoE median). Within the judicial system budget, 31% was spent on legal aid, confirming the strong tradition of generous legal aid. With 24.5€ per inhab. (high above the CoE median), Norway is among the states with the highest amount of legal aid per case and it also granted legal aid to a high number of cases.

Different types of judges

Norway has only 11 professional judges per 100 000 inhabitants that is well below the CoE median. Further to this, 30% of the positions at 1st instance courts are occupied by deputy judges - young legal professionals temporary appointed for maximum 3 years. With few exceptions, they do the same work as professional judges. Norway is a country with the highest number of lay judges 742 per 100 000 inhabitants.

Public prosecution services

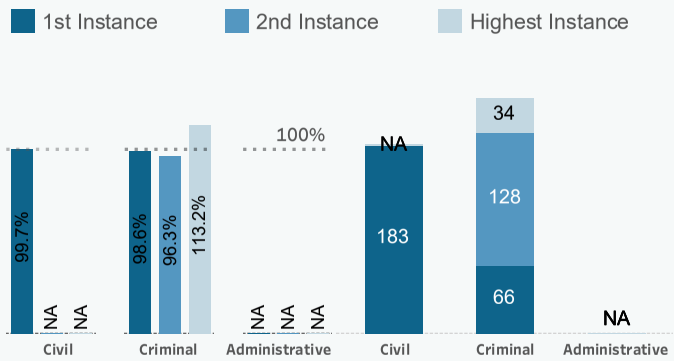
The high number of prosecutors in Norway is due to the peculiarity of the prosecution services' structure. Namely, the 1st level of the prosecution services is integrated within the police and depends on its budget. The 2nd level consists of the Regional Public Prosecution Offices. The Director of Public Prosecutions forms the last and topmost level.

Training of judges and public prosecutors

There are no training institutions for judges and prosecutors in Norway. The initial and continuous training of judges is ensured by the Courts Administration in collaboration with a judge committee. The compulsory education of lawyers acting in the prosecutorial units of the police consists of a local training module in the police district, a regional training week with the public prosecutors, and a central training at the Police Academy.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: In Norway, administrative cases are part of the civil case category and their number cannot be divided. Moreover, the distinction between litigious and non-litigious civil cases can be carried out only at 1st instance. The DT of 1st instance civil litigious cases is below the CoE median. In criminal matters, the DT is above the CoE median only at 2nd instance, while at 1st and 3rd instance the values are well below the respective European medians.

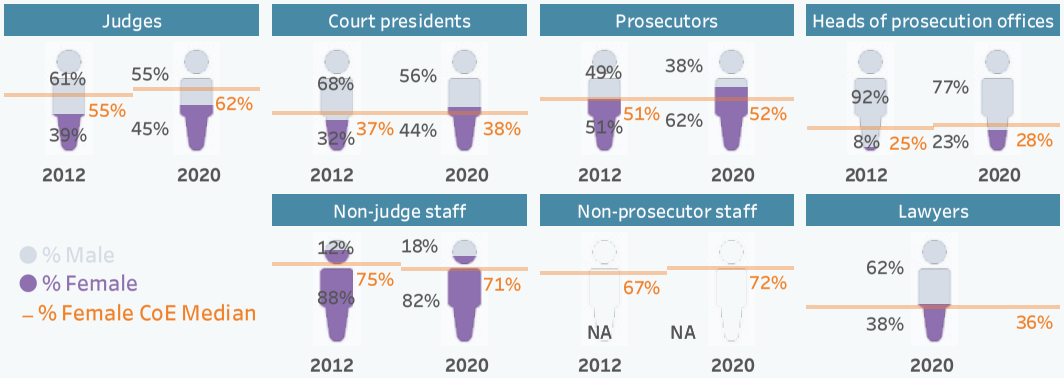
Generally, due to the health crisis, the activity in the Norwegian courts was at particularly low level in early 2020. The government implemented measures to remedy the consequences of the pandemic. Investments in technical equipment and temporary legislative changes made it possible to conduct digital court hearings.

Human resources (per 100 000 inhabitants)

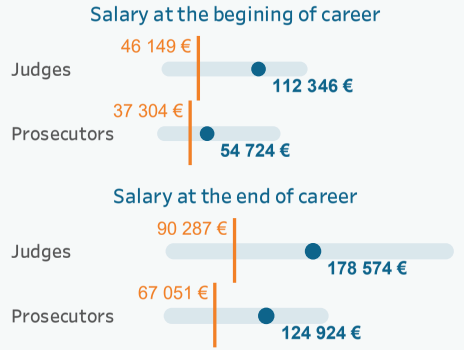
Norway CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	11.02	17,60	16.32	56,13	16.10	11,10	NA	15,22	159.94	134,51
2018	10.28	17,94	15.97	59,69	14.70	11,22	1.24	14,98	152.08	127,08
2016	10.63	17,63	17.12	59,30	13.83	10,86	NA	14,60	147.16	120,25
2014	10.82	18,06	16.71	55,33	NA	10,27	NA	14,57	141.95	110,17
2012	11.03	17,41	16.25	54,46	12.20	10,44	NA	14,56	137.97	112,56
2010	11.16	16,88	16.24	61,05	11.73	9,83	NA	12,94	135.40	102,03

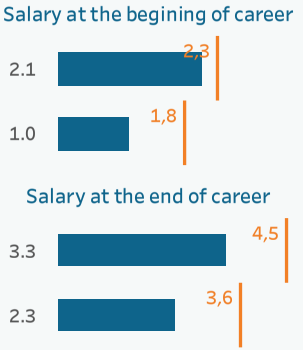
Gender balance



Absolute gross salaries

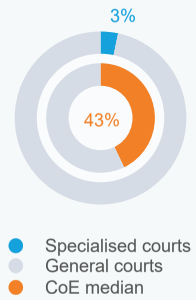


Ratio with the average annual gross salary

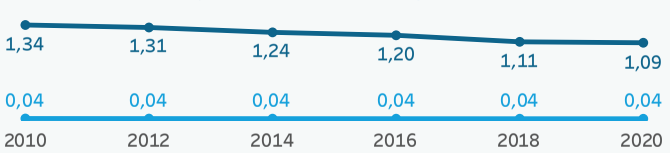


Courts (per 100 000 inhabitants)

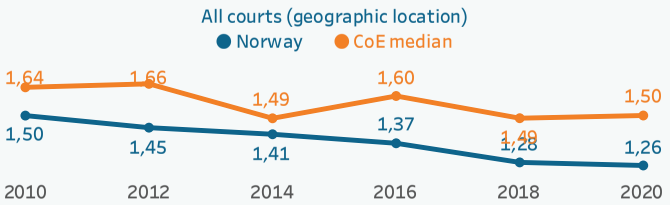
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)

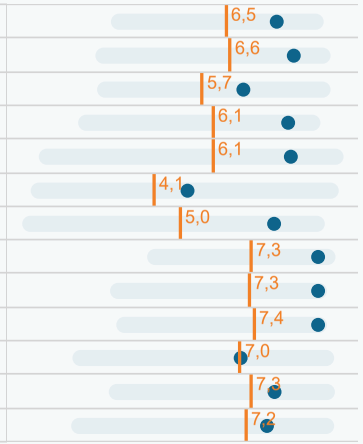


All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	8.15
Deployment rate	Civil	8.71
	Criminal	7.05
	Administrative	8.53
Communication with courts	Civil	8.62
	Criminal	5.2
	Administrative	8.06
Courts and case management	Civil	9.52
	Criminal	9.52
	Administrative	9.52
Decision support	Civil	6.96
	Criminal	8.08
	Administrative	7.83



CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	NA	100%
	2nd Instance	NA	103,0%
	1st Instance	99.7%	104,2%
Criminal	Highest Instance	113.2%	98,1%
	2nd Instance	96.3%	101,0%
	1st Instance	98.6%	99,4%
Administrative	Highest Instance	NA	94,7%
	2nd Instance	NA	101,2%
	1st Instance	NA	100,9%
			97,5%

Disposition Time (in days)

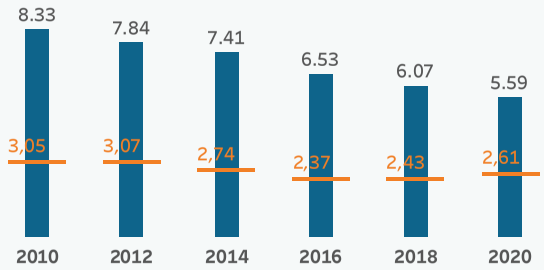
Civil	Highest Instance	NA	172
	2nd Instance	NA	177
	1st Instance	183	237
Criminal	Highest Instance	34	120
	2nd Instance	128	121
	1st Instance	66	149
Administrative	Highest Instance	NA	249
	2nd Instance	NA	253
	1st Instance	NA	358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	NA	NA	NA	NA	NA	NA
	2nd Instance	NA	NA	NA	NA	NA	NA
	1st Instance	158	160	176	161	176	183
Criminal	Highest Instance	92	166	179	171	103	34
	2nd Instance	46	85	78	95	88	128
	1st Instance	91	60	65	73	70	66
Administrative	Highest Instance	NAP	NAP	NAP	NAP	NAP	NA
	2nd Instance	NAP	NAP	NAP	NAP	NAP	NA
	1st Instance	NAP	NAP	NAP	NA	NA	NA

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	3.13	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	1.45	0,11
Cases closed by the public prosecutor for other reasons	0.20	0,18
Cases brought to court	1.07	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	1.81	0,32
Discontinued due to the lack of an established offence or a specific legal situation	0.91	0,60
Discontinued by the public prosecutor for reasons of opportunity	0.38	0,09
Discontinued for other reasons	0.03	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.lovdata.no

2. Case-law of the higher court/s
www.lovdata.no

3. Information about the judicial system
www.domstol.no



POLAND

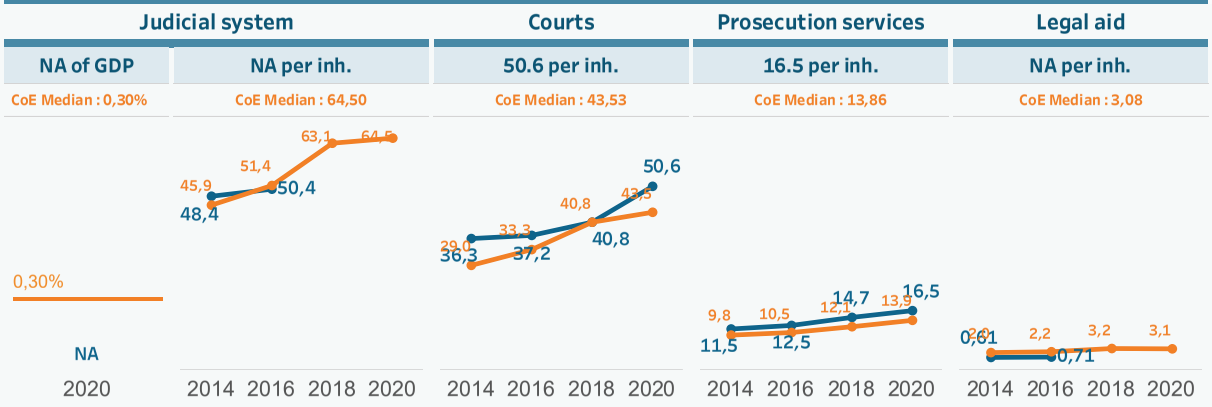
2020

Population
38 244 000

GDP per capita
12 953 €
CoE Median 20 301 €

Avg gross annual salary
13 437 €
CoE Median 20 612 €

Implemented judicial system budget



Budget : The judicial system budget cannot be calculated, because data on the legal aid budget are partial. In 2020, the court budget represents 50,6 € per inhab., while the prosecution services' budget is 16,51 €. Both values are slightly above the CoE median. In 2020, Poland significantly increased the implemented budget for new court buildings (+117%) and most of the construction investments have been completed.

Organisation of courts

In Poland, there are four levels of courts but only three instances. District courts are 1st instance courts, regional courts are 1st and 2nd instance courts, appellate courts are 2nd instance courts. The highest instance courts are the Supreme Court and the Supreme Administrative Court.

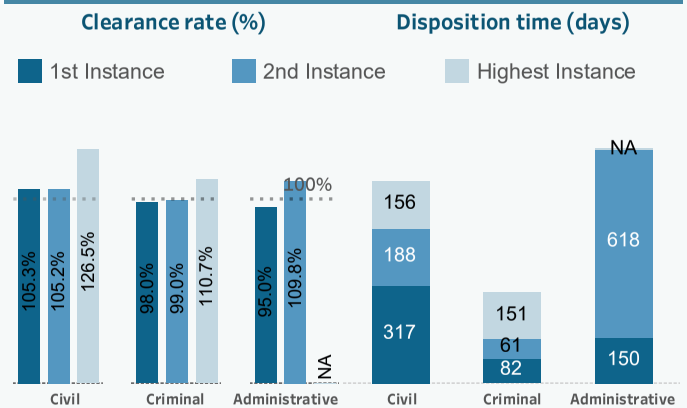
ICT in judiciary

Poland has an ICT index of 7,1 which is slightly above the CoE median and is a remarkable increase of 2,5 points compared to 2018. The development is stronger in civil and administrative then in criminal matters. The improvements seem noticeable in many observed ICT tools and system applications. The share of the ICT budget within the court budget is of 4,5% which is above the CoE median.

Child-friendly justice

The project Barnahus implemented in Poland is aimed at the implementation of the Children's Assistance Centres network. A special helpline for minors, parents and teachers exists. The website of the largest NGO protecting children from abuse provides information on trainings for professionals. In 2020, there were 306 child-friendly rooms in common courts. The judge can appoint experts e.g. psychologists to hold a joint hearing.

Efficiency



Efficiency: General conclusions on which instance and matter are the most efficient in 2020 cannot be carried out because it is not possible to separate 2nd from 3rd instance administrative cases, both dealt with by the Supreme Administrative Court. For that reason, the highest Disposition Time appears for 2nd instance administrative cases. Conversely, the lowest Disposition Time is in 2nd instance criminal cases.

The Covid-19 pandemic had visible consequences on the work of courts and judges and caused a decrease in the number of both incoming and resolved cases. The Disposition Time increased in a particularly visible manner for first and second instance civil and second instance administrative cases. Contrary, the DT improved in respect of 1st and 3rd instance criminal cases, as well as 3rd instance civil cases.

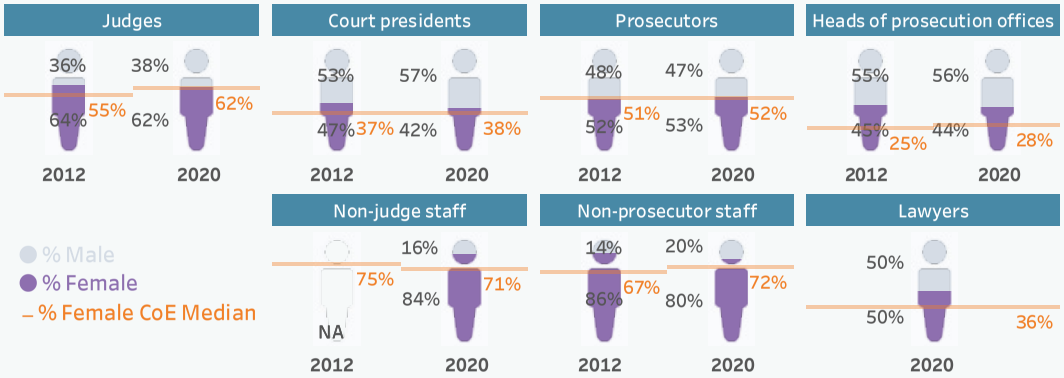
POLAND

Human resources (per 100 000 inhabitants)

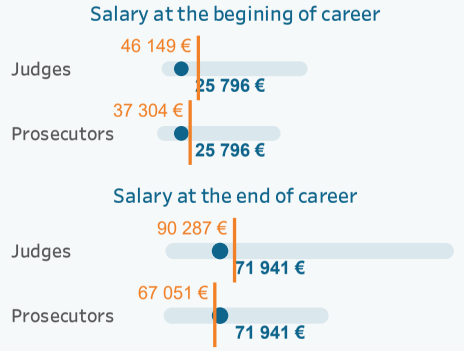
Poland | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	25.23	17,60	109.75	56,13	15.28	11,10	23.72	15,22	150.00	134,51
2018	25.45	17,94	105.86	59,69	14.84	11,22	21.27	14,98	138.19	127,08
2016	25.97	17,63	112.34	59,30	15.19	10,86	19.74	14,60	125.71	120,25
2014	26.23	18,06	107.89	55,33	15.27	10,27	18.71	14,57	137.05	110,17
2012	26.25	17,41	106.00	54,46	15.72	10,44	19.04	14,56	114.12	112,56
2010	27.81	16,88	94.10	61,05	14.84	9,83	19.39	12,94	101.44	102,03

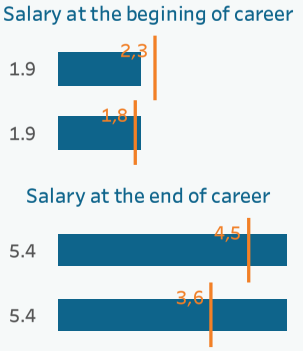
Gender balance



Absolute gross salaries

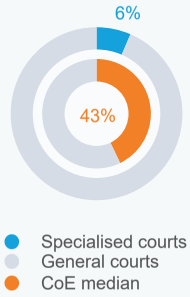


Ratio with the average annual gross salary

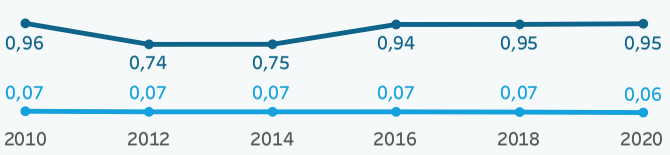


Courts (per 100 000 inhabitants)

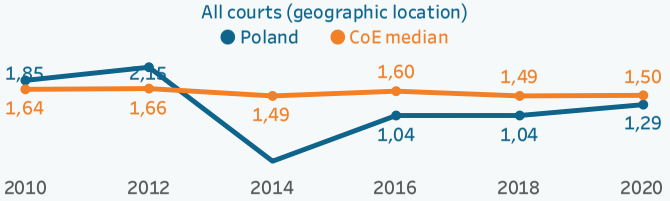
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	7.11	6,5
Deployment rate	Civil	6.86	6,6
	Criminal	5.69	5,7
	Administrative	8.31	6,1
Communication with courts	Civil	5.72	6,1
	Criminal	3.11	4,1
	Administrative	8.43	5,0
Courts and case management	Civil	8.94	7,3
	Criminal	8.94	7,3
	Administrative	8.94	7,4
Decision support	Civil	6.87	7,0
	Criminal	6.91	7,3
	Administrative	6.09	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance: Highest Instance; 2nd Instance; 1st Instance

Clearance Rate

Civil	Highest Instance	126.5%	100% / 103,0%
	2nd Instance	105.2%	104,2%
	1st Instance	105.3%	98,1%
Criminal	Highest Instance	110.7%	101,0%
	2nd Instance	99.0%	99,4%
	1st Instance	98.0%	94,7%
Administrative	Highest Instance	NA	101,2%
	2nd Instance	109.8%	100,9%
	1st Instance	95.0%	97,5%

Disposition Time (in days)

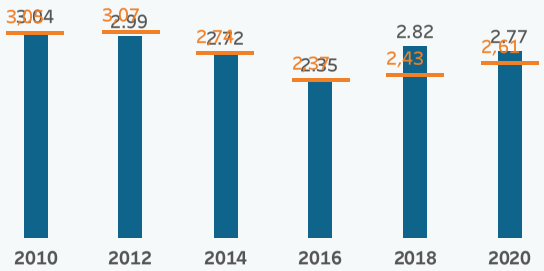
Civil	Highest Instance	156 / 172
	2nd Instance	188 / 177
	1st Instance	317 / 237
Criminal	Highest Instance	151 / 120
	2nd Instance	61 / 121
	1st Instance	82 / 149
Administrative	Highest Instance	NA / 249
	2nd Instance	618 / 253
	1st Instance	150 / 358

Evolution of Disposition Time

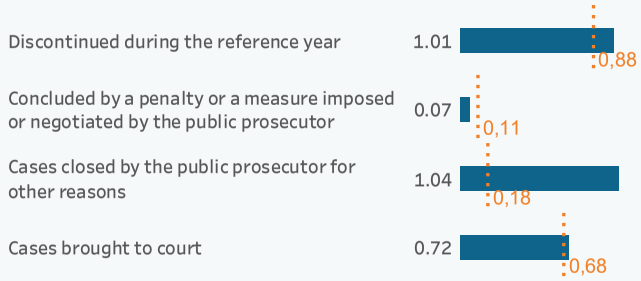
	2010	2012	2014	2016	2018	2020
Civil	NA	NA	187	180	250	156
	45	71	89	105	137	188
	180	195	203	225	273	317
Criminal	95	134	109	97	242	151
	58	48	37	39	43	61
	96	88	99	95	111	82
Administrative	445	NA	NA	607	535	NA
	445	475	537	607	537	618
	121	112	139	143	118	150

Public prosecution services

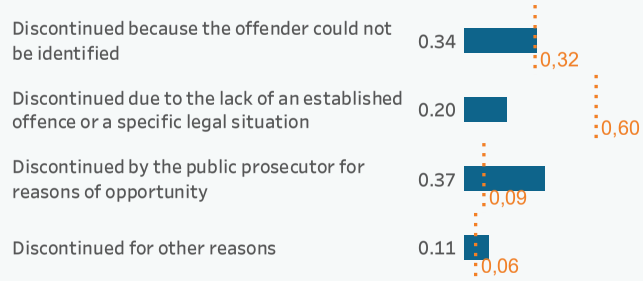
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
isap.sejm.gov.pl

2. Case-law of the higher court/s
orzeczenia.ms.gov.pl

3. Information about the judicial system
ms.gov.pl



PORTUGAL

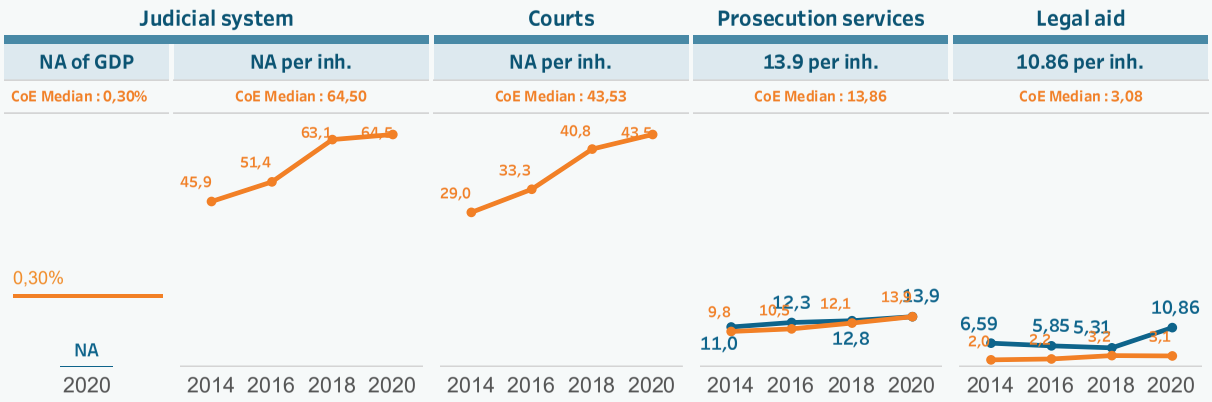
2020

Population
10 295 909

GDP per capita
19 638 €
CoE Median 20 301 €

Avg gross annual salary
18 044 €
CoE Median 20 612 €

Implemented judicial system budget



Budget : In 2020, Portugal allocated 57,5€ on the approved judicial system budget which in line with the CoE median, as it was in the previous years. The data on the implemented budget is not available but the level of spending on the approved budget remains the same and is distributed as: 70% on courts, 14% on prosecution services and 16% on legal aid. This is much higher for legal aid and lower for prosecution services compared to the European tendency. The remarkable increase of the legal aid budget between 2018 and 2020 (+65%) to 10,9 € is mostly due to the inclusion of the expense of advances on procedural costs starting from 2019.

Professionals and gender balance

Judges (17,4 per 100 000 inhabitants) and prosecutors (13,7 per 100 000 inhabitants) in Portugal are in the same line with the CoE median. Only lawyers (321,6 per 100 000 inhabitants) are more than double of the CoE median. Gender representation for judges and prosecutors is well in favour of women that are represented with 62% and 64,9% respectively. The number of women among court presidents and heads of prosecution offices is not available to see if similar representation is also on a managerial level.

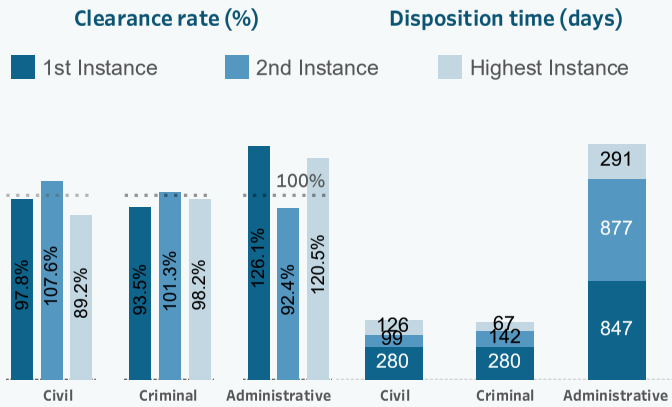
Children's rights and domestic violence

In Portugal at police level there are services to help victims of certain crimes and in particular of violent crimes, namely mistreatment, domestic violence and sexual abuse. In most of the Departments of Investigation and Criminal Action, there are specialized sections for the investigation of crimes of domestic and sexual violence. Since September 2020, judges sitting at criminal and family courts are required to attend mandatory training on human rights, domestic violence and the UN Convention on the rights of the child.

ICT in judiciary

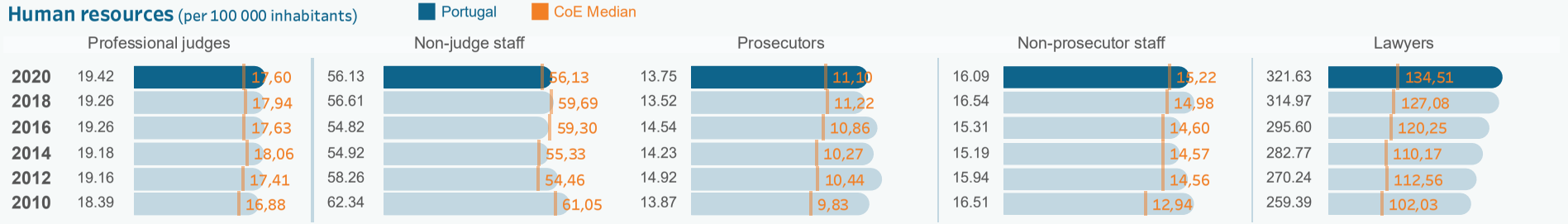
Portugal has an ICT index of 8,1 which has decreased for -0,3 points compared with the previous cycle due to some more precise evaluation of the CMS features. The budget of courts dedicated to computerisation is 1% of the total and it is below the CoE median.

Efficiency

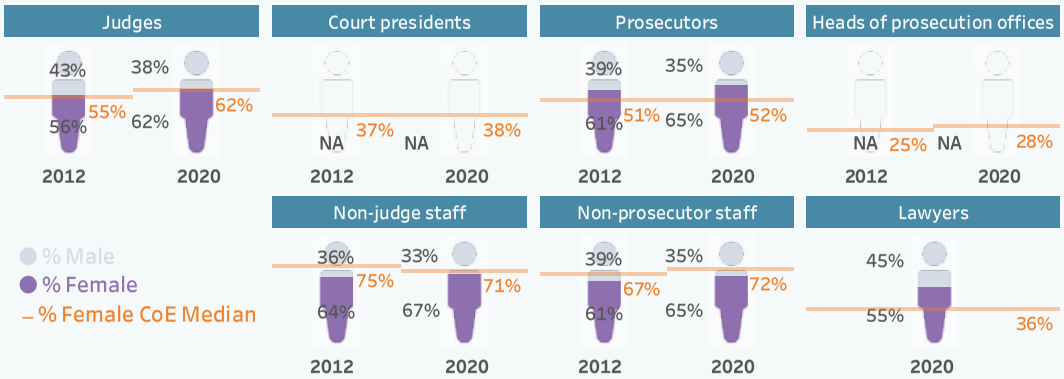


Efficiency: In 2020, the Supreme courts were the most efficient for all matters. By matter, both civil and criminal cases seams equally efficient. In particular, the DT for third instance criminal law cases was 67 days (almost half of the CoE median). Yet, the DT for both civil and criminal cases increased for all instances, except for the second instance civil and commercial litigious cases. It is important to note that enforcement cases are not included in the data on civil and commercial litigious cases which has a negative impact on efficiency indicators for Portugal.
COVID-19 affected all incoming cases on 1st instance and civil and criminal on second. This had different effect on total efficiency where on 1st instance courts dealing with administrative law cases increased their CR to 126,1%, thus reducing their backlog. However, the pending cases at the end of 2020 per 100 inhabitant (0,59) still remain very high and they are almost twice the CoE median. Although the first and second instance courts dealing with this type of cases also managed to improve their CR and lower their DT during the same period, the DT was still significantly above the CoE median in 2020.

Human resources (per 100 000 inhabitants)



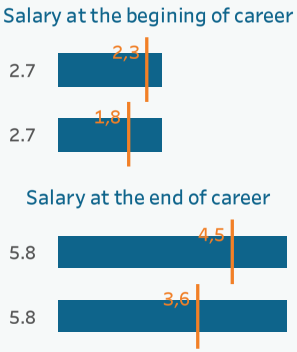
Gender balance



Absolute gross salaries

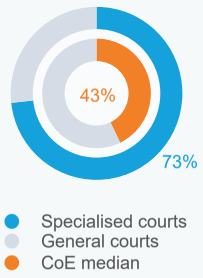


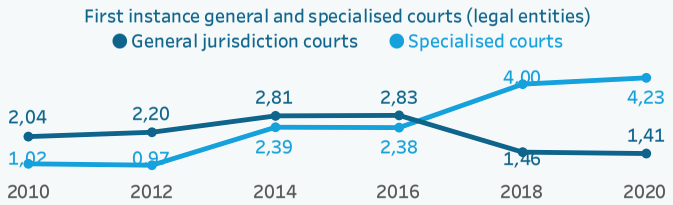
Ratio with the average annual gross salary

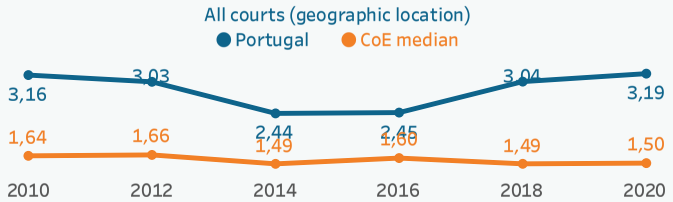


Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts







ICT in judiciary (index from 0 to 10)

Index	Total	8.07
Deployment rate	Civil	8.74
	Criminal	8.76
	Administrative	8.49
Communication with courts	Civil	9.59
	Criminal	9.59
	Administrative	9.13
Courts and case management	Civil	8.31
	Criminal	8.31
	Administrative	8.31
Decision support	Civil	6.3
	Criminal	6.73
	Administrative	6.3

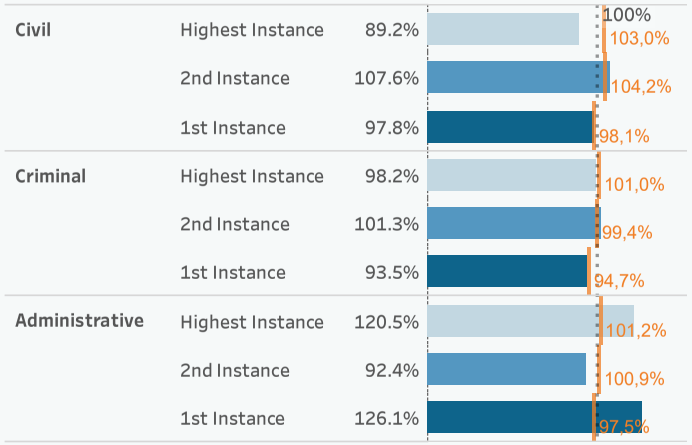
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

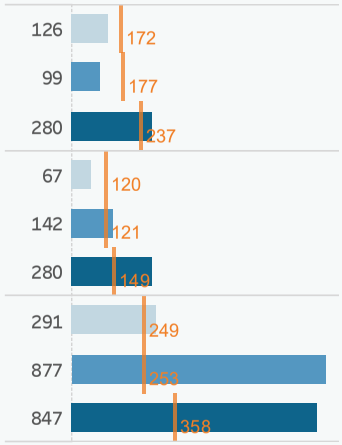
Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate



Disposition Time (in days)

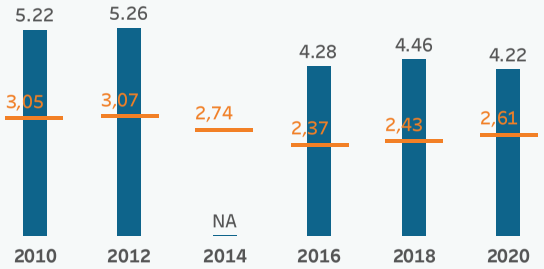


Evolution of Disposition Time

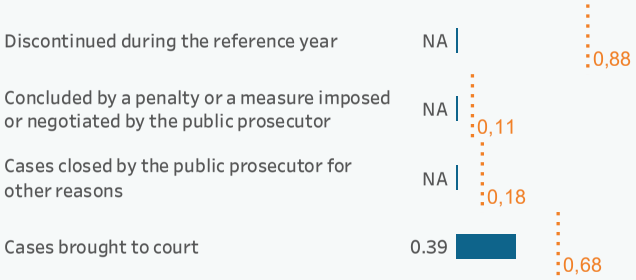
	2010	2012	2014	2016	2018	2020
Civil	NA	NA	NA	58	49	126
	NA	NA	NA	114	107	99
	417	369	NA	289	229	280
Criminal	28	38	52	50	59	67
	72	91	86	105	121	142
	302	276	NA	235	205	280
Administrative	NA	NA	NA	322	364	291
	NA	NA	NA	714	1016	877
	NA	NA	NA	911	928	847

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://dre.pt/

2. Case-law of the higher court/s
http://www.dgsi.pt/

3. Information about the judicial system
https://justica.gov.pt/



ROMANIA

2020

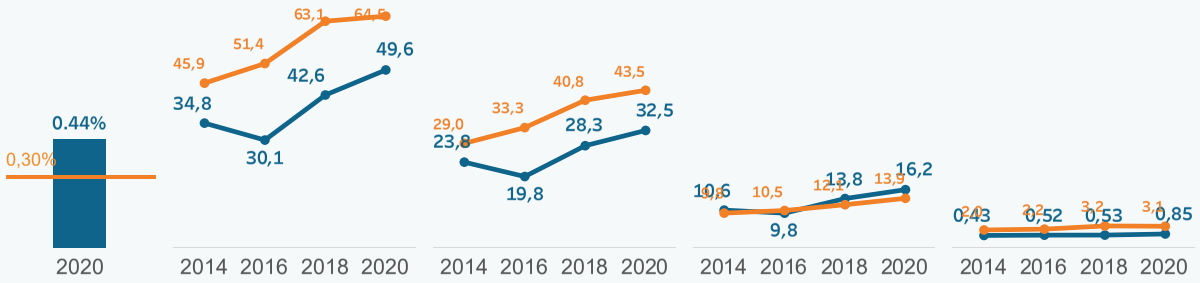
Population
19 186 201

GDP per capita
11 290 €
CoE Median 20 301 €

Avg gross annual salary
13 385 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.44% of GDP	49.6 per inh.	32.5 per inh.	16.2 per inh.	0.85 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Romania spent 951 252 278€ on the implemented judicial system budget: 49.6€ per inhab. (below the CoE median) and 0.44% of the GDP (above the median). 66% were spent on courts, 33% on prosecution, and 2% on legal aid. The legal aid budget which was 0,85€ per inhabitant in 2020 is significantly below the CoE median.

Court organisation

Different levels of courts exist: "judecatorii", tribunals, courts of appeal and the High Court of Cassation and Justice. Only the judges of the "judecatorii" are counted as 1st instance judges, while those of tribunals and courts of appeal - as 2nd instance, even though the tribunals and appellate courts can intervene at 1st instance. Interestingly, in some cases even the High Court can act in the first instance.

Information for users

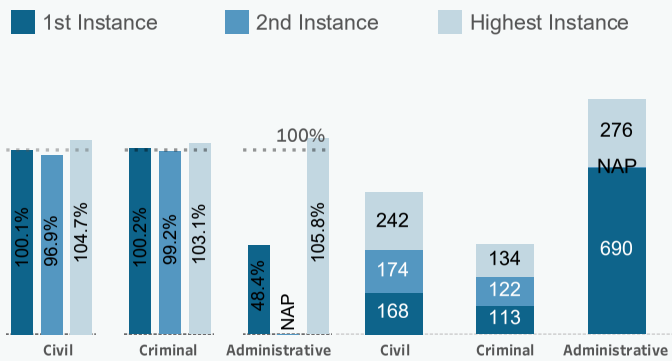
Romania is among the 12 member States where the parties must be informed on the foreseeable timeframes of their proceedings. For this reason, the statistical reports include monitoring of the duration of court trials on different levels - total time, preliminary proceedings, delays between the sessions, time for drafting the decision, the number of pending cases, backlogs.

Public prosecution services

Since 2019, a specialised network of prosecutors has been dealing with cases concerning minors (perpetrators and victims), analysing the case-law of prosecutors' offices and drafts proposals for taking over complex cases. These prosecutors are responsible for decentralised trainings on the newest national, ECHR or international case-law on human rights.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: In 2020, courts treated cases fastest at the second instance, while the most efficient area of law were the criminal matters. Specifically, the DT was the lowest in first instance criminal cases. Contrary, the DT was the highest in the first instance administrative cases and it is above the respective CoE medians for all third instance cases.

The efficiency of courts decreased in 2020 in first and second instances, mainly due to a decrease in the number of resolved cases in the COVID-19 pandemic context.

The activity of all courts was partially suspended for almost 3 months and hearings were postponed. Nevertheless, in the highest instance, the efficiency improved in the civil and commercial litigious and criminal cases.

Contrary, the efficiency decreased in respect of third instance administrative cases but for reasons unrelated to the pandemic. Reportedly, this decrease is caused by procedural amendments on 1st instance which generated later effects on the 3rd instance.

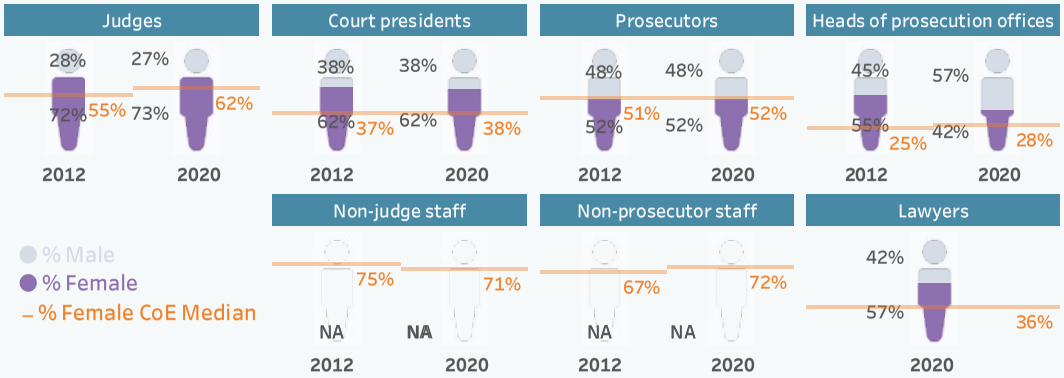
ROMANIA

Human resources (per 100 000 inhabitants)

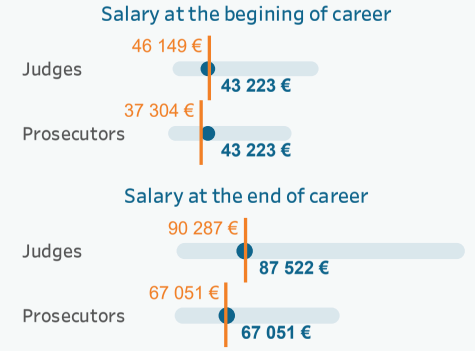
Romania | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	23.98	17,60	54.79	56,13	12.75	11,10	12.55	15,22	122.09	134,51
2018	24.10	17,94	54.94	59,69	12.99	11,22	12.72	14,98	117.87	127,08
2016	23.57	17,63	52.43	59,30	13.35	10,86	16.00	14,60	118.16	120,25
2014	20.54	18,06	45.54	55,33	11.77	10,27	15.06	14,57	104.33	110,17
2012	20.23	17,41	43.57	54,46	12.00	10,44	14.11	14,56	98.19	112,56
2010	19.04	16,88	39.57	61,05	10.85	9,83	14.20	12,94	96.21	102,03

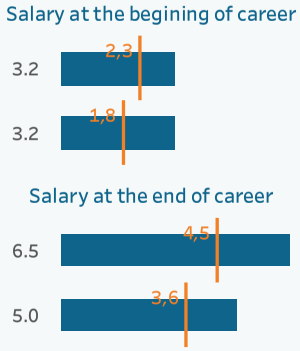
Gender balance



Absolute gross salaries

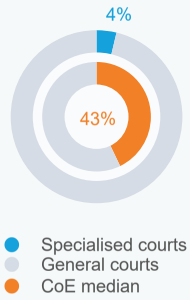


Ratio with the average annual gross salary

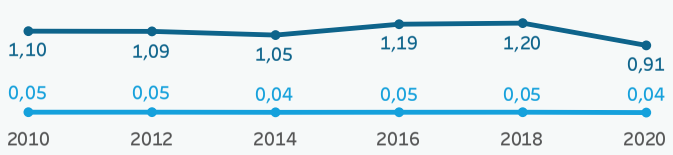


Courts (per 100 000 inhabitants)

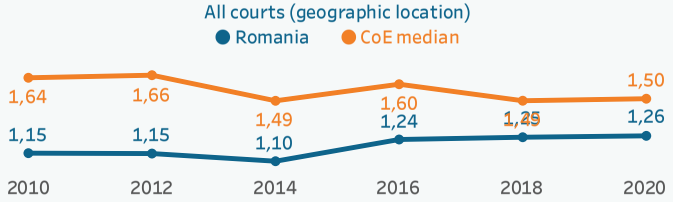
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	7.06	6,5
Deployment rate	Civil	7.73	6,6
	Criminal	6.31	5,7
	Administrative	7.34	6,1
Communication with courts	Civil	8.82	6,1
	Criminal	6.05	4,1
	Administrative	8.08	5,0
Courts and case management	Civil	6.23	7,3
	Criminal	6.23	7,3
	Administrative	6.23	7,4
Decision support	Civil	7.19	7,0
	Criminal	7.52	7,3
	Administrative	7.19	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	104.7%	100% / 103,0%
	2nd Instance	96.9%	104,2%
	1st Instance	100.1%	98,1%
Criminal	Highest Instance	103.1%	101,0%
	2nd Instance	99.2%	99,4%
	1st Instance	100.2%	94,7%
Administrative	Highest Instance	105.8%	101,2%
	2nd Instance	NAP	100,9%
	1st Instance	48.4%	97,5%

Disposition Time (in days)

Civil	Highest Instance	242 / 172
	2nd Instance	174 / 177
	1st Instance	168 / 237
Criminal	Highest Instance	134 / 120
	2nd Instance	122 / 121
	1st Instance	113 / 149
Administrative	Highest Instance	276 / 249
	2nd Instance	NAP / 253
	1st Instance	690 / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	138	188	143	170	246	242
	2nd Instance	221	218	299	131	128	174
	1st Instance	217	193	146	153	157	168
Criminal	Highest Instance	37	78	84	66	222	134
	2nd Instance	101	250	131	115	106	122
	1st Instance	85	72	111	111	98	113
Administrative	Highest Instance	137	411	117	185	149	276
	2nd Instance	NA	NAP	NAP	NAP	NAP	NAP
	1st Instance	269	272	179	170	117	690

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
3.68 / 3,05	3.19 / 3,07	3.54 / 2,74	3.48 / 2,57	3.21 / 2,43	2.98 / 2,61

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	2.31	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	0.39	0,11
Cases closed by the public prosecutor for other reasons	NAP	0,18
Cases brought to court	0.24	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NA	0,32
Discontinued due to the lack of an established offence or a specific legal situation	NA	0,60
Discontinued by the public prosecutor for reasons of opportunity	NA	0,09
Discontinued for other reasons	NA	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.just.ro; www.csm1909.ro; www.scj.ro; www.mpublic.ro

2. Case-law of the higher court/s
http://portal.just.ro/SitePages/acasa.aspx; www.rolii.ro; www.scj.ro

3. Information about the judicial system
www.csm1909; www.just.ro; www.scj.ro



SERBIA

2020

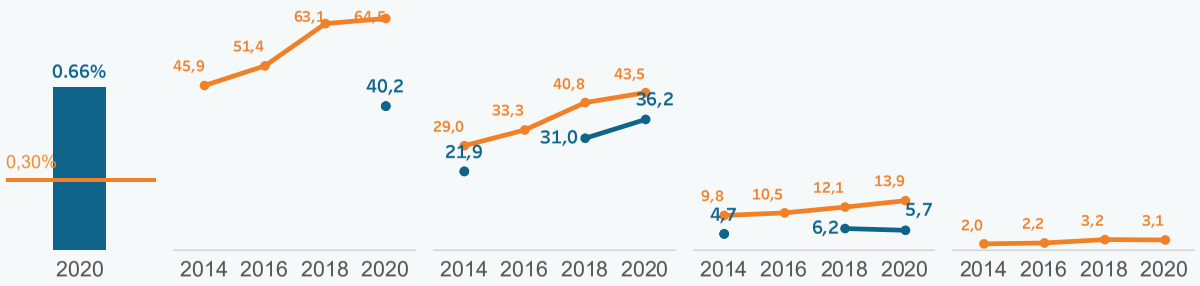
Population
6 951 235

GDP per capita
6 092 €
CoE Median 20 301 €

Avg gross annual salary
8 471 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.66% of GDP	40.2 per inh.	36.2 per inh.	5.7 per inh.	NA per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Serbia spent 279 484 639 € on implemented judicial system budget, which is 40,21 € per inhabitant, which is less than the CoE Median. This however accounts for 0.66% of the State's GDP which is more than the COE Median. In Serbia, the legal aid budget is included in the court's budget as the budget for the mandatory representation in courts cannot be isolated.

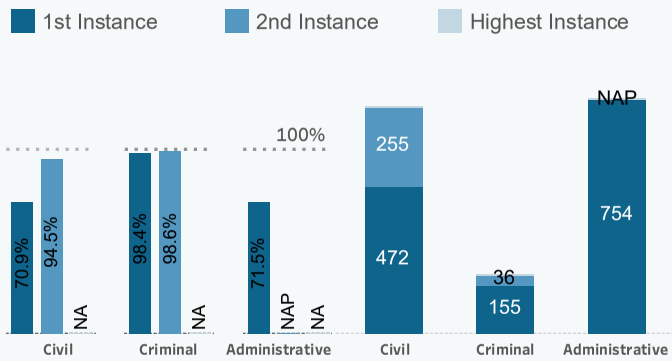
Legal aid
In Serbia, the Law on Free Legal Aid came into force on 1st October 2019. In 2020, the total number of cases for which legal aid was granted is 27 965. Thus, the number of legal aid cases per 100 000 inhabitants is 398, which is still lower than the CoE median.

Court related mediation
Generally speaking, ADR and mediation in particular are not well developed in the Western Balkans region. However, the number of mediators in Serbia is already significantly large (21,1 mediators per 100 000 inhabitants, almost double the CoE median). However, the number of mediation cases is still low.

Professionals
Eastern European countries traditionally have a very high number of professionals per inhabitants. Serbia confirms this tendency, having the number of judges (38 per 100 000 inhabitants) and non-judge staff (128 per 100 000 inhabitants) twice as high as the CoE median. The high number of judges and staff is related to the high number of incoming cases which is one of the highest among the CoE member States and entities.

Efficiency

Clearance rate (%) | Disposition time (days)



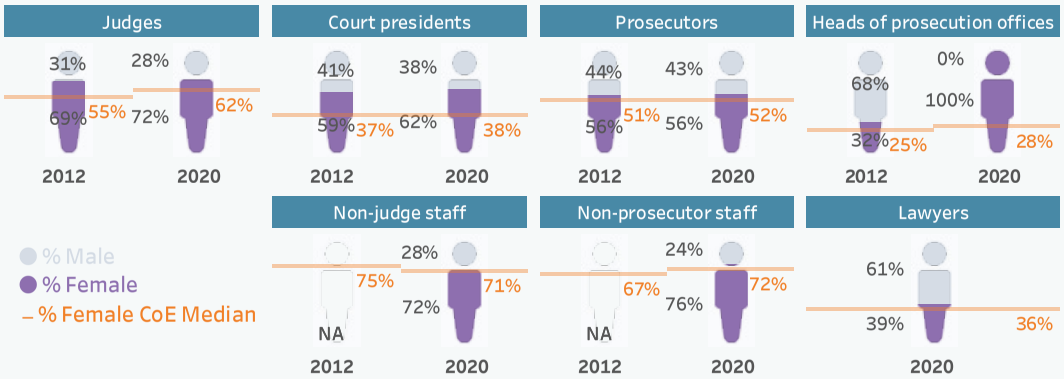
Efficiency: In 2020, the courts are most efficient in the second instance criminal cases, while the Disposition Time is the highest in the first instance administrative cases. The efficiency of courts decreased in 2020 in first and second instances, compared to the previous cycle, whereas the Supreme court data are unavailable. As regards civil and commercial litigious cases, the number of incoming cases has been constantly increasing between 2018 and 2020. This, together with the decrease of the number of resolved cases because of COVID-19, caused a decrease in the clearance rate (CR) of the first instance (from 110% in 2018 to 71% in 2020), and an increase in the number of pending cases by 46%. Consequently, the disposition time (DT) more than doubled in two years (from 225 days in 2018 to 472 in 2020).

Human resources (per 100 000 inhabitants)

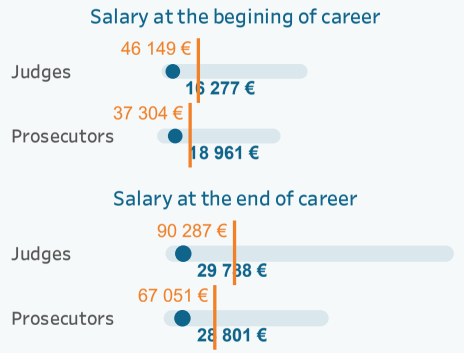
Serbia CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	38.11	17,60	128.16	56,13	11.29	11,10	16.07	15,22	156.88	134,51
2018	37.14	17,94	126.76	59,69	11.22	11,22	16.43	14,98	144.58	127,08
2016	38.45	17,63	132.72	59,30	8.76	10,86	17.70	14,60	128.59	120,25
2014	37.95	18,06	140.34	55,33	9.23	10,27	16.80	14,57	118.06	110,17
2012	40.51	17,41	143.70	54,46	9.15	10,44	15.11	14,56	111.57	112,56
2010	33.67	16,88	151.41	61,05	8.38	9,83	14.55	12,94	108.11	102,03

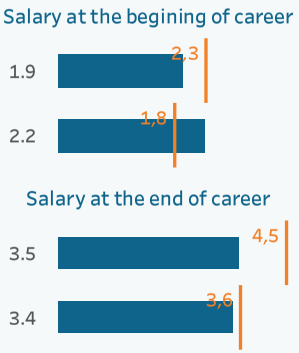
Gender balance



Absolute gross salaries

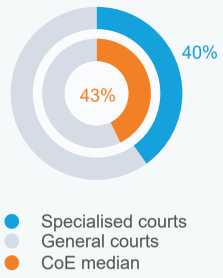


Ratio with the average annual gross salary

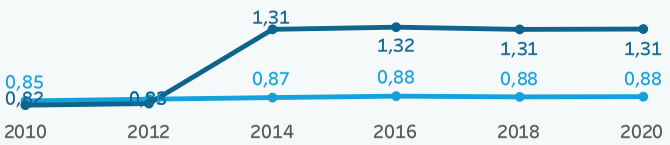


Courts (per 100 000 inhabitants)

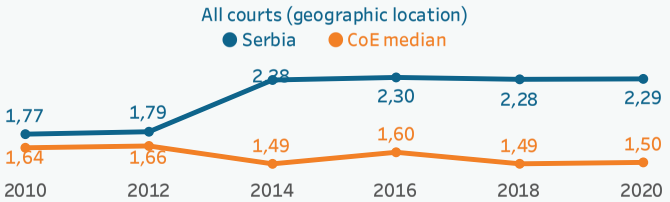
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary
(index from 0 to 10)

Index	Total	3.85	6,5
Deployment rate	Civil	2.72	6,6
	Criminal	3.01	5,7
	Administrative	4.22	6,1
Communication with courts	Civil	0.68	6,1
	Criminal	0.8	4,1
	Administrative	3.69	5,0
Courts and case management	Civil	5.48	7,3
	Criminal	5.48	7,3
	Administrative	5.16	7,4
Decision support	Civil	3.93	7,0
	Criminal	5.4	7,3
	Administrative	3.93	7,2

CEPEJ efficiency indicators

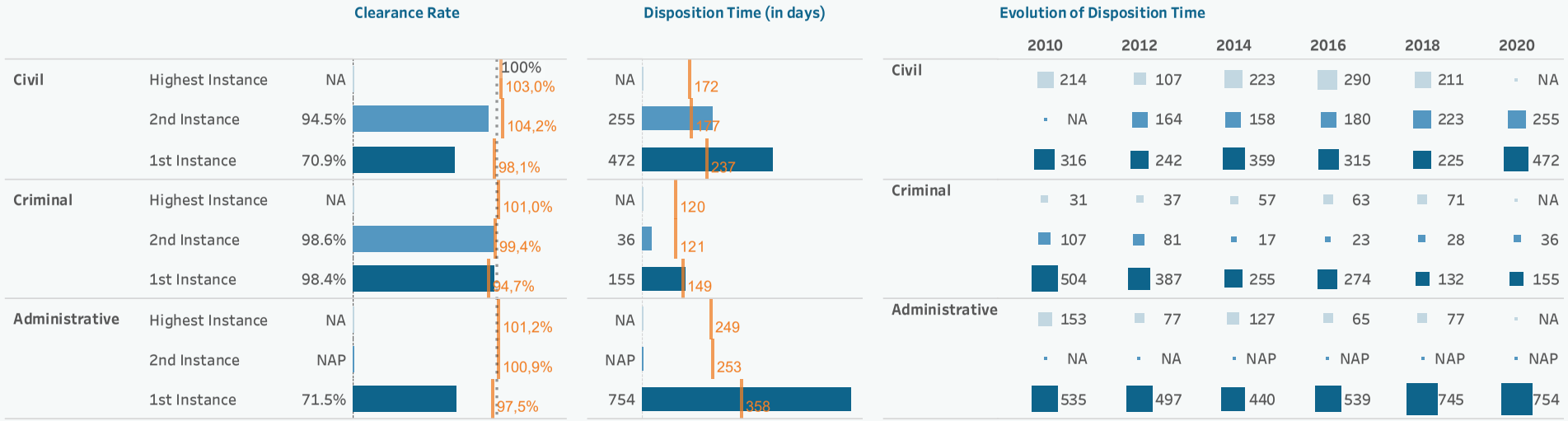
Clearance Rate (CR) = (Resolved cases / Incoming cases) *100

CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing

CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

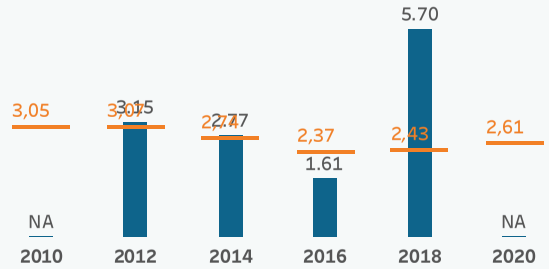
Dispostion Time (DT) = (Pending cases / Resolved cases) *365

The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

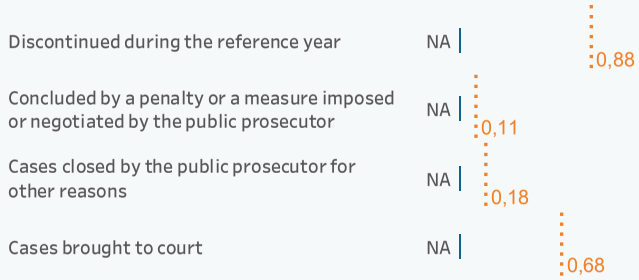


Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

NA

2. Case-law of the higher court/s

NA

3. Information about the judicial system

NA

SLOVAK REPUBLIC

2020

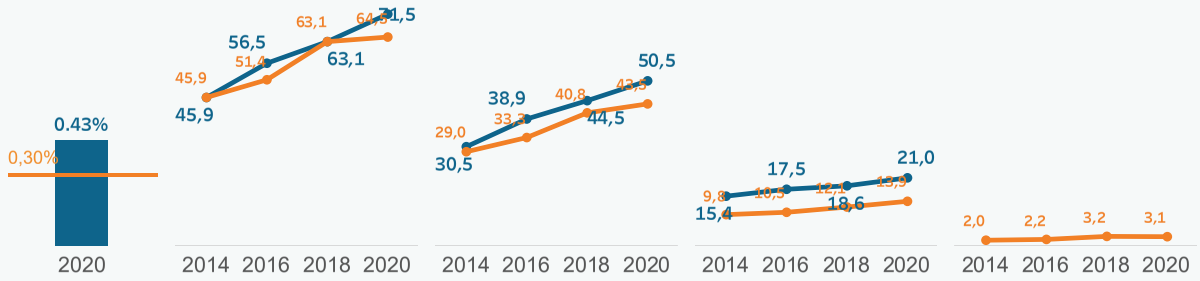
Population
5 459 781

GDP per capita
16 770 €
CoE Median 20 301 €

Avg gross annual salary
15 275 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.43% of GDP	71.5 per inh.	50.5 per inh.	21.0 per inh.	NA per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Slovak Republic spent 390 646 499 € for the Judicial System which is 72 € per inhabitant (higher than the COE median). Legal aid is included in the courts' budget. The budget allocated to courts and, consequently, the judicial system budget, have been constantly increasing since 2014 (+66% of court budget, +56% of judicial system budget).

Professionals

Slovak Republic has 24 judges per 100 000 inhabitants, which is higher than the CoE median. The percentage of female judges is higher than the percentage of male judges in all instances, including the Supreme Court. The gender proportions among judges and prosecutors, as well as for higher functions, have remained largely stable. However, the proportion of women among the heads of prosecution offices has decreased, while the proportion of women among all prosecutors has increased.

ICT in judiciary

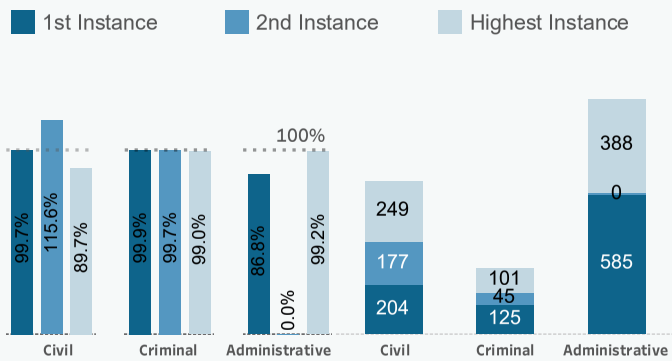
Slovak Republic spends relatively more on IT (12,8% of the courts' budget). In 2020, there has been a positive evolution in the ICT as regards communications and electronic submissions. All courts are now able to receive electronic submissions for all categories of cases, and electronic communications are now mandatory for some categories of professionals (advocates, notaries, enforcement agents) through a centralised system of posting and delivering document to public institutions.

Organisation of courts

The Ministry of Justice of the Slovak Republic has prepared a reform of the judicial system, which will mainly concern the territorial jurisdiction of courts, by reducing their number and merging. The goals of the judicial map reform are faster, better quality, more predictable court decisions thanks to the specialization of judges.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: In general, in 2020, the courts are most efficient in the second instance, while the criminal domain is the most efficient area of law. Specifically, the courts have the lowest Disposition Time in the second instance criminal cases, while the Disposition Time is the highest in the first instance administrative cases. The efficiency of courts decreased under the COVID-19 influence, except for the second instance civil and criminal cases.
In the Slovak Republic, during the pandemic, courts were not closed but operated in a restricted regime. For this reason, the number of incoming and resolved cases generally decreased. Judges were able to solve almost all the incoming cases (clearance rate around 100%), except for civil and commercial litigious cases in the third instance (CR 89,7%) and administrative cases (CR 86,8%) in the first instance. The overall Disposition Time increased.

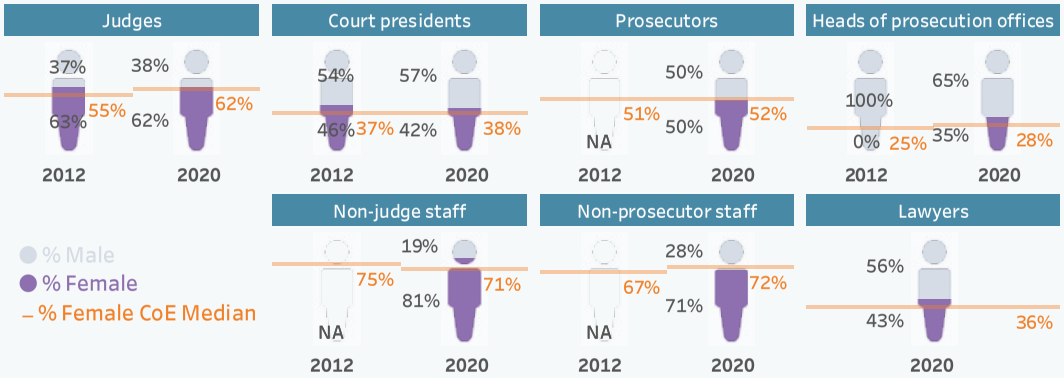
SLOVAK REPUBLIC

Human resources (per 100 000 inhabitants)

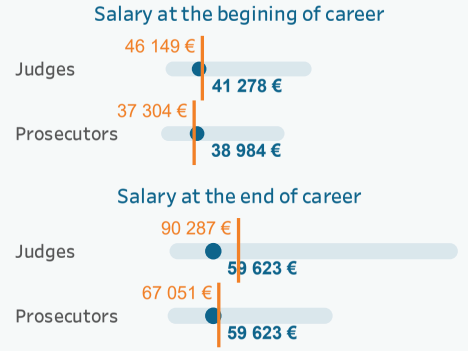
Slovak Republic | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	23.92	17,60	89.97	56,13	16.89	11,10	17.89	15,22	114.77	134,51
2018	25.28	17,94	86.42	59,69	17.94	11,22	17.23	14,98	112.14	127,08
2016	24.12	17,63	82.46	59,30	17.13	10,86	18.10	14,60	113.00	120,25
2014	24.39	18,06	82.41	55,33	17.49	10,27	17.17	14,57	107.48	110,17
2012	24.16	17,41	82.83	54,46	16.65	10,44	16.87	14,56	96.29	112,56
2010	24.86	16,88	82.20	61,05	17.20	9,83	12.99	12,94	83.64	102,03

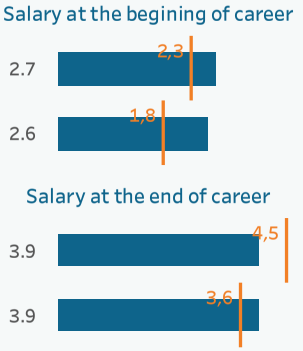
Gender balance



Absolute gross salaries

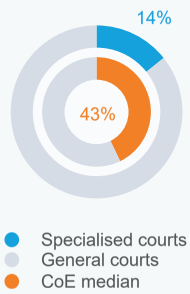


Ratio with the average annual gross salary

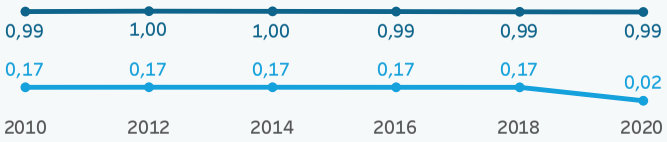


Courts (per 100 000 inhabitants)

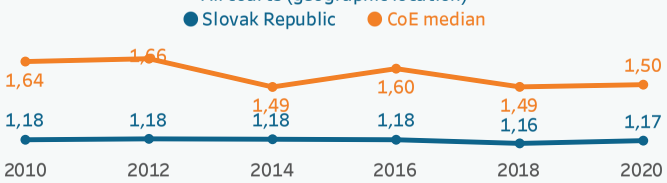
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	8.97	6,5
Deployment rate	Civil	9.24	6,6
	Criminal	8.87	5,7
	Administrative	9.02	6,1
Communication with courts	Civil	10.15	6,1
	Criminal	9.42	4,1
	Administrative	9.69	5,0
Courts and case management	Civil	7.81	7,3
	Criminal	7.81	7,3
	Administrative	7.81	7,4
Decision support	Civil	9.26	7,0
	Criminal	9.35	7,3
	Administrative	9.48	7,2

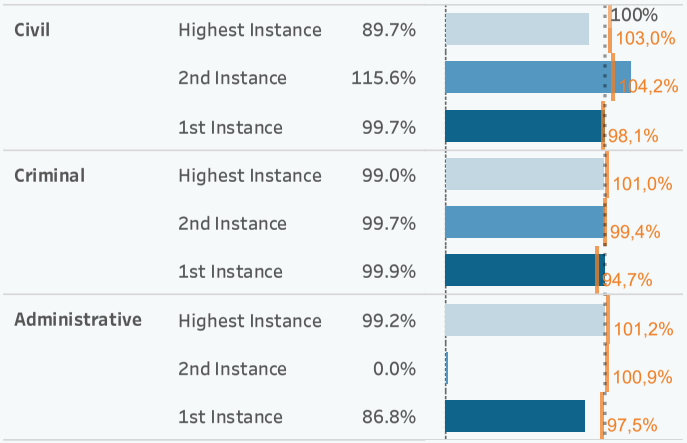
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

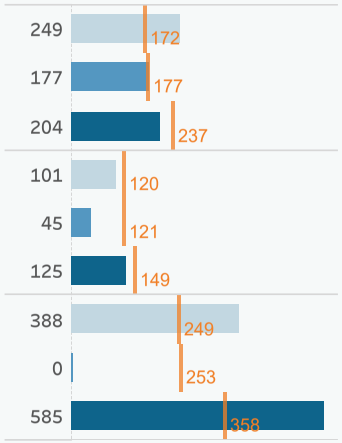
Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate



Disposition Time (in days)

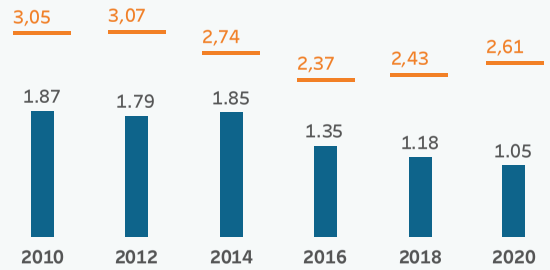


Evolution of Disposition Time

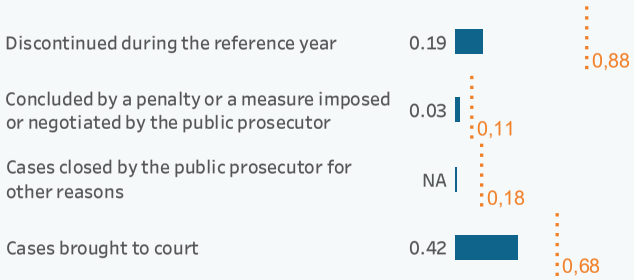
	2010	2012	2014	2016	2018	2020
Civil	NA	NA	NA	NA	127	249
	NA	NA	NA	121	186	177
	364	437	524	130	157	204
Criminal	48	35	44	71	92	101
	83	77	90	28	40	45
	168	145	136	63	124	125
Administrative	123	202	311	354	297	388
	79	135	110	299	73	0
	66	733	397	203	401	585

Public prosecution services

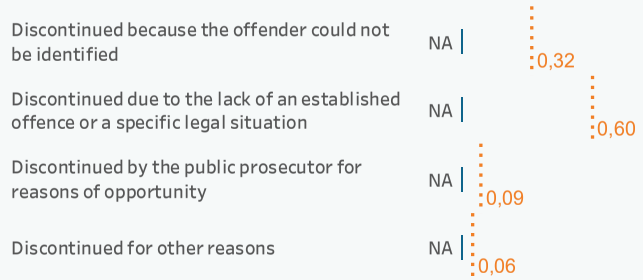
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://www.slov-lex.sk/domov

2. Case-law of the higher court/s
https://www.ustavnysud.sk; https://www.nsud.sk; https://otvorenesudy.sk

3. Information about the judicial system
https://www.justice.gov.sk

SLOVENIA

2020

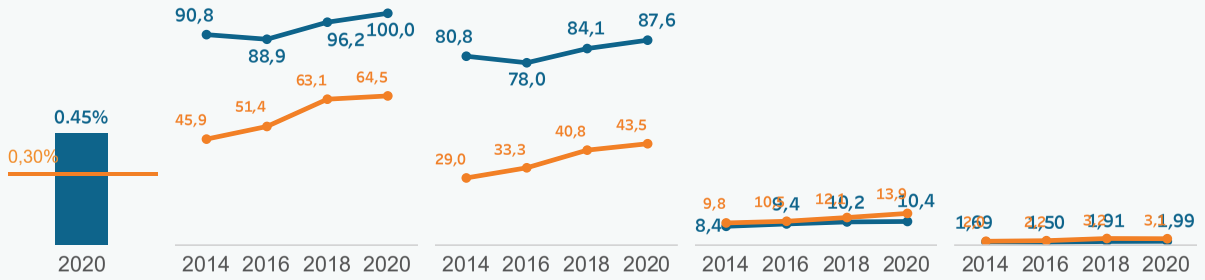
Population
2 108 977

GDP per capita
22 014 €
CoE Median 20 301 €

Avg gross annual salary
22 300 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.45% of GDP	100.0 per inh.	87.6 per inh.	10.4 per inh.	1.99 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Slovenia spent 210 956 409€ on the implemented judicial system budget which is 100€ per inhabitant (well above the CoE median) and 0.45% of the GDP (above the CoE median). The tendency of the judicial system shows steady increase similar to the European trend. The distribution of the budget of judicial system in Slovenia is: 88% was spent on courts, 10% on prosecution services, and 2% on legal aid. This is more in favour of the budget of courts comparing to the European tendency.

Gender balance

The gender distribution in the judiciary in Slovenia is strongly inclined to women. There are 79,9% of all judges that are women and 68,4% of all prosecutors. Similarly for court presidents and heads of prosecution offices where 67% of all court presidents are women and 62% of all heads of prosecution. The situation has been stable for court presidents since 2012, while for heads of prosecution in 2012 the situation was inverse.

ICT in judiciary

The ICT index for Slovenia of 7.5 is in the middle between the CoE median and the maximum value. The absolute investment in ICT stays proportionally lower to the total budget of courts.

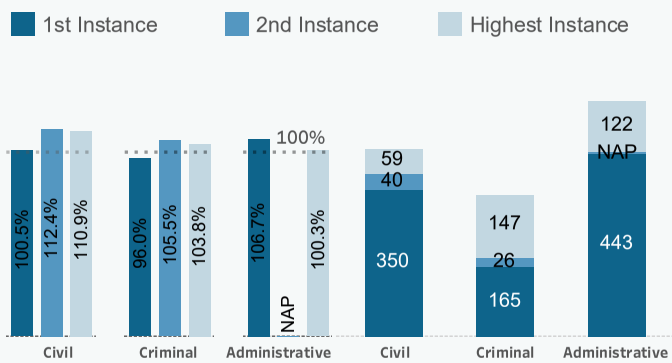
Amendments to the Criminal Procedure Act have expanded the regulation for electronic management of civil cases to the criminal law field.

Child-friendly justice

Slovenia has implemented the "Barnahus" system with the aim to coordinate simultaneous criminal investigation and child protection procedures and support children who are victims or witnesses of violence and ensure child-friendly and safe environments during the procedure. A series of activities were carried out aimed at reviewing relevant laws and policies, developing strategies, tools and procedures, training professionals working with children and raising public awareness of child sexual abuse.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: In line with the European trend, in Slovenia, criminal proceedings have the shortest length, followed by civil and administrative proceedings. Similarly, the first instance is the longest, while second instance seems exceptionally fast. In particular, second instance criminal cases have the lowest DT of only 26 days.

Due to the COVID-19 pandemic that limited the operation of courts, the first instance courts received and solved less cases especially for civil and criminal matter and their efficiency was reduced. The second instance and the Supreme court on the other side managed to reduce the number of pending cases because they resolved more than their reduced inflow of cases.

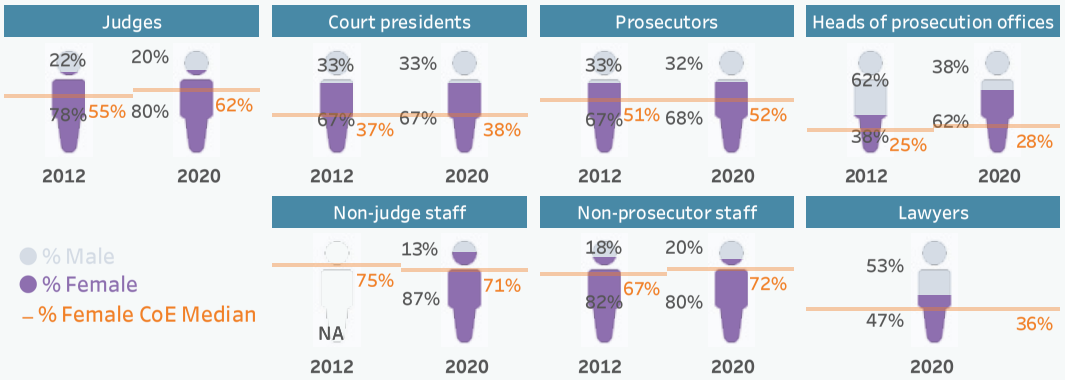
Additionally, in recent years, the administrative court was overburdened with the influx of new cases, due to the implementation of one ECHR judgement as well as considerable number of urgent cases, resulting in delays for "regular" cases.

Human resources (per 100 000 inhabitants)

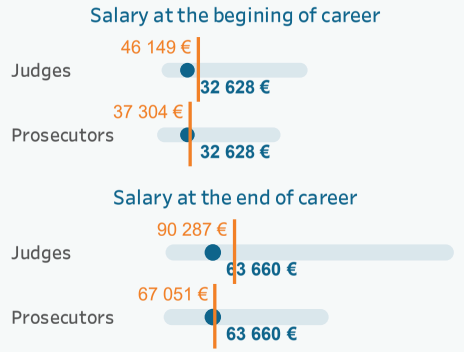
Slovenia CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	41.49	17,60	162.50	56,13	9.77	11,10	15.22	15,22	86.96	134,51
2018	41.66	17,94	162.96	59,69	10.19	11,22	14.95	14,98	84.96	127,08
2016	42.60	17,63	161.19	59,30	10.50	10,86	14.33	14,60	82.82	120,25
2014	44.83	18,06	162.78	55,33	9.41	10,27	13.34	14,57	78.99	110,17
2012	47.11	17,41	161.74	54,46	9.18	10,44	11.03	14,56	68.83	112,56
2010	49.95	16,88	159.69	61,05	8.05	9,83	11.02	12,94	63.12	102,03

Gender balance



Absolute gross salaries

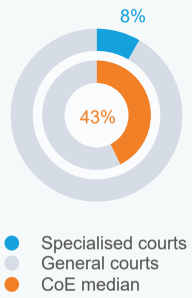


Ratio with the average annual gross salary



Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)

General jurisdiction courts Specialised courts

	2010	2012	2014	2016	2018	2020
General jurisdiction courts	2,68	2,67	2,67	2,66	2,64	2,61
Specialised courts	0,29	0,29	0,24	0,24	0,24	0,24

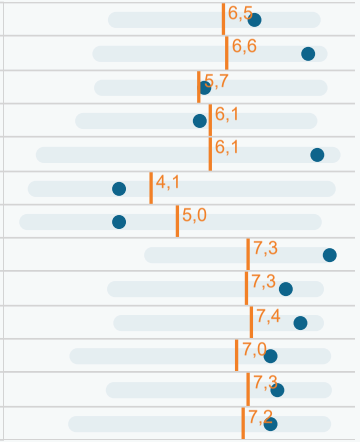
All courts (geographic location)

Slovenia CoE median

	2010	2012	2014	2016	2018	2020
Slovenia	3,76	3,74	3,74	3,73	3,70	3,60
CoE median	1,64	1,66	1,49	1,60	1,49	1,50

ICT in judiciary (index from 0 to 10)

Index	Total	7.51
Deployment rate	Civil	9.29
	Criminal	5.85
	Administrative	5.7
Communication with courts	Civil	9.59
	Criminal	3.04
	Administrative	3.04
Courts and case management	Civil	10
	Criminal	8.55
	Administrative	9.03
Decision support	Civil	8.04
	Criminal	8.27
	Administrative	8.04



CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	110.9%	100% / 103,0%
	2nd Instance	112.4%	104,2%
	1st Instance	100.5%	98,1%
Criminal	Highest Instance	103.8%	101,0%
	2nd Instance	105.5%	99,4%
	1st Instance	96.0%	94,7%
Administrative	Highest Instance	100.3%	101,2%
	2nd Instance	NAP	100,9%
	1st Instance	106.7%	97,5%

Disposition Time (in days)

Civil	Highest Instance	59 / 172
	2nd Instance	40 / 177
	1st Instance	350 / 237
Criminal	Highest Instance	147 / 120
	2nd Instance	26 / 121
	1st Instance	165 / 149
Administrative	Highest Instance	122 / 249
	2nd Instance	NAP / 253
	1st Instance	443 / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	386	272	167	150	119	59
	2nd Instance	101	122	84	97	82	40
	1st Instance	315	318	270	280	283	350
Criminal	Highest Instance	79	110	90	136	167	147
	2nd Instance	59	49	50	46	44	26
	1st Instance	138	124	123	141	142	165
Administrative	Highest Instance	112	83	220	188	152	122
	2nd Instance	NAP	NAP	NAP	NAP	NAP	NAP
	1st Instance	139	130	112	282	406	443

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
4.57 (3,05)	4.77 (3,07)	4.30 (2,74)	3.40 (2,37)	3.02 (2,43)	2.93 (2,61)

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	1.84	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	0.06	0,11
Cases closed by the public prosecutor for other reasons	NAP	0,18
Cases brought to court	0.43	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NAP	0,32
Discontinued due to the lack of an established offence or a specific legal situation	1.71	0,60
Discontinued by the public prosecutor for reasons of opportunity	0.13	0,09
Discontinued for other reasons	NAP	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://www.uradni-list.si/; http://www.pisrs.si; https://www.dz-rs.si

2. Case-law of the higher court/s
http://sodnapraksa.si/

3. Information about the judicial system
https://nasodiscu.si

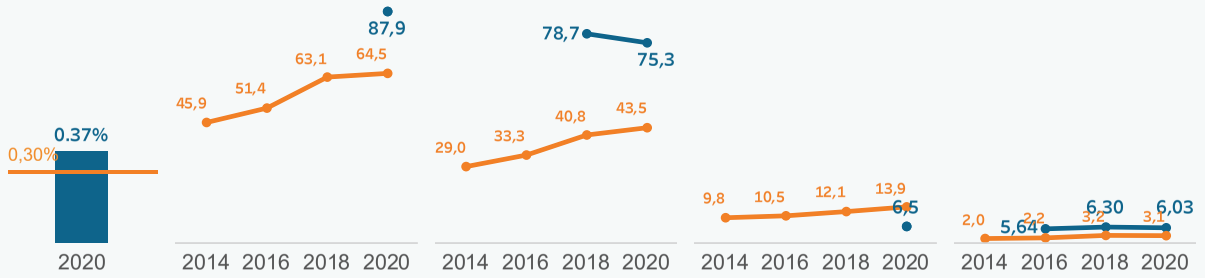
Population
47 344 649

GDP per capita
23 692 €
CoE Median 20 301 €

Avg gross annual salary
22 849 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.37% of GDP	87.9 per inh.	75.3 per inh.	6.5 per inh.	6.03 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Spain spent 4 161 696 850€ on the implemented judicial system budget: 87,9 per inhabitant and 0.37% of the GDP (above the respective CoE medians). 86% were spent on courts, 7% on prosecution, and 7% on legal aid. As the Prosecutions service does not an autonomous budget, and some costs are common with courts (civil servants, material resources, buildings, TIC, etc), the figure indicated as budget of prosecution services includes only salaries, which explains its low level compared with the CoE median.

Access to justice

Court fees to start judicial proceedings are required only from companies and not from individuals. There is a high number of first instance courts because of the specific concept of "one judge – one court" that exist in Spain. Spain has various specialised courts, but also one specific type that is unique in Europe specialised for cases of violence against women.

Gender balance and training

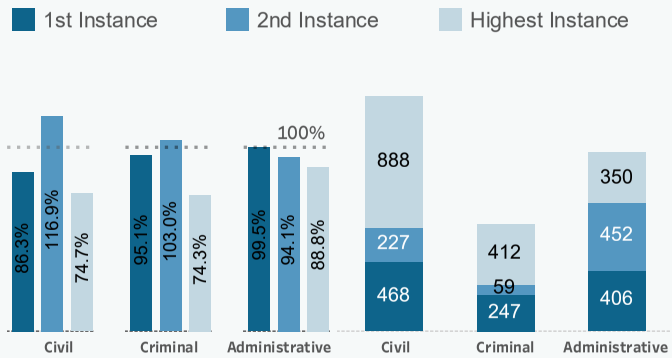
Judges are specially trained to enhance their sensibility on the discrimination, and especially issues relating to violence against women. Equality Commissions exist in both Judges' and Prosecutors' Councils and their role concerns general equality topics in judiciary, among which they also deal with gender balance.

Public prosecutors

In Spain, Investigative Judges carry out the investigation in all the criminal judicial proceedings.
Prosecutors is a party in all the criminal cases. However, they only conduct investigative proceedings in: criminal liability of minors and preliminary diligences, that is the kind of preliminary investigation with aim to initiate a judicial proceeding before the Investigative Judge.
Incoming cases presented for Spain are those submitted by public prosecutors, by the police and other bodies as well as victims, according to the classification of procedures of the Spanish legislation.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: In Spain the courts achieved the highest efficiency indicators in second instance and in proceedings of criminal matters. Specifically, the courts seem to be fastest for criminal cases on second instance, which is the only DT below the CoE median. Otherwise, the DT is above the respective CoE median for each matter and instance.
All instances and categories of cases seem to be affected due to COVID-19 pandemic. In this sense, the civil and commercial cases at the Supreme court have been most strongly affected.
In general, the DT increased for all categories at first instance and for all cases, exception of civil and commercial, at second instance. In addition to COVID-19 impact, in the Supreme Court, the number of incoming cases increased due to the broadening of the scope of the cassation appeal in criminal matters.

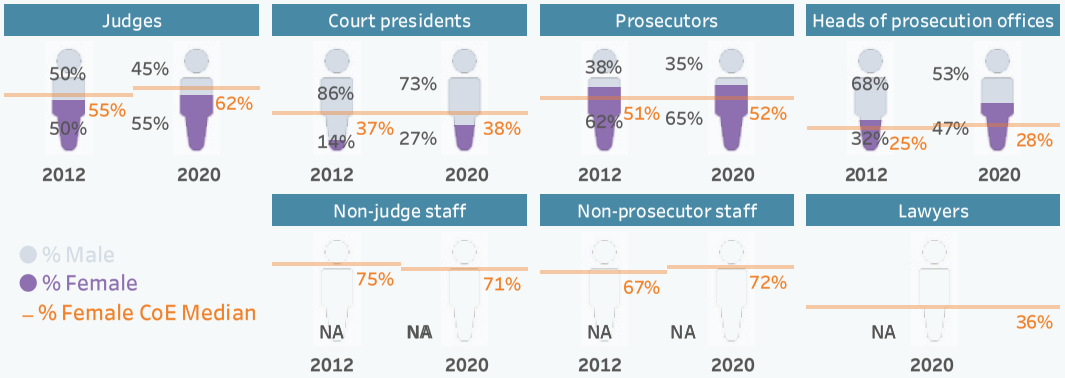
SPAIN

Human resources (per 100 000 inhabitants)

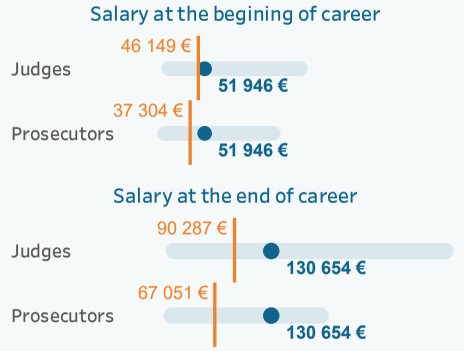
Spain | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	11.24	17,60	102.69	56,13	5.37	11,10	4.82	15,22	303.55	134,51
2018	11.53	17,94	101.36	59,69	5.24	11,22	4.55	14,98	304.64	127,08
2016	11.53	17,63	105.71	59,30	5.31	10,86	4.48	14,60	305.32	120,25
2014	11.53	18,06	104.57	55,33	5.22	10,27	4.11	14,57	290.73	110,17
2012	11.20	17,41	97.26	54,46	5.31	10,44	5.21	14,56	285.48	112,56
2010	10.20	16,88	NA	61,05	5.24	9,83	4.19	12,94	272.26	102,03

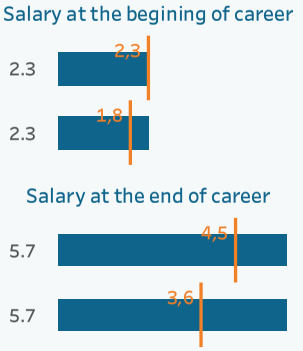
Gender balance



Absolute gross salaries

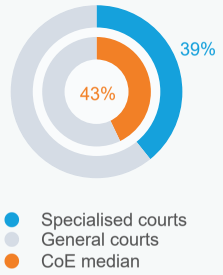


Ratio with the average annual gross salary

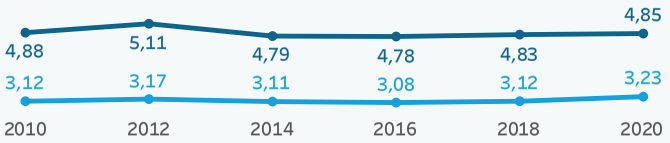


Courts (per 100 000 inhabitants)

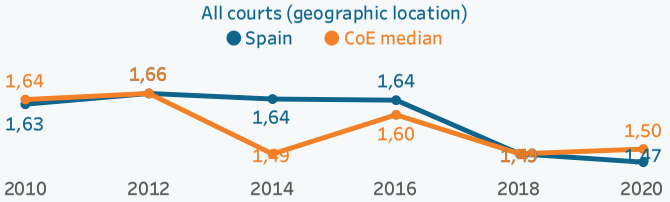
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	8.94	6,5
Deployment rate	Civil	9.3	6,6
	Criminal	9.17	5,7
	Administrative	9.06	6,1
Communication with courts	Civil	9.78	6,1
	Criminal	10.06	4,1
	Administrative	9.6	5,0
Courts and case management	Civil	8.39	7,3
	Criminal	8.39	7,3
	Administrative	8.39	7,4
Decision support	Civil	8.57	7,0
	Criminal	8.73	7,3
	Administrative	8.57	7,2

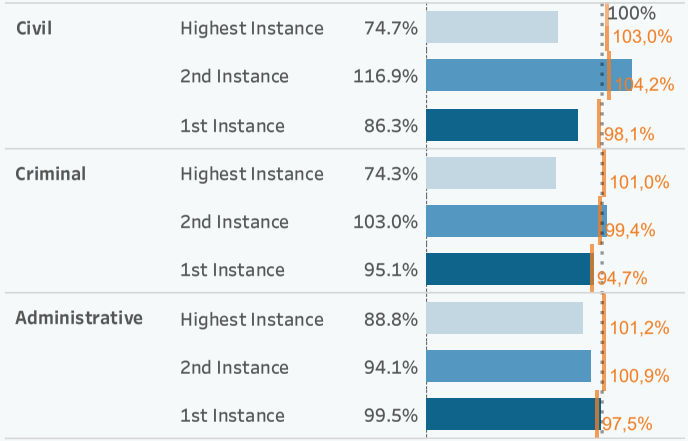
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

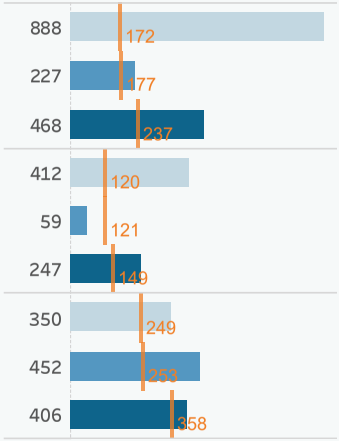
Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate



Disposition Time (in days)

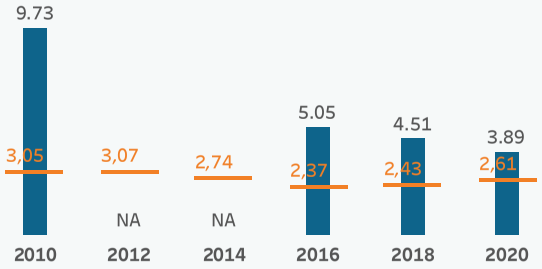


Evolution of Disposition Time

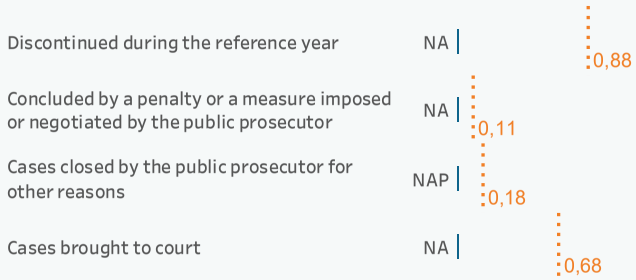
	2010	2012	2014	2016	2018	2020
Civil	273	320	496	513	608	888
	189	211	178	181	271	227
	314	264	318	282	362	468
Criminal	166	191	136	157	239	412
	67	73	70	56	55	59
	162	136	125	163	170	247
Administrative	566	298	458	854	233	350
	346	357	332	319	355	452
	473	427	361	312	331	406

Public prosecution services

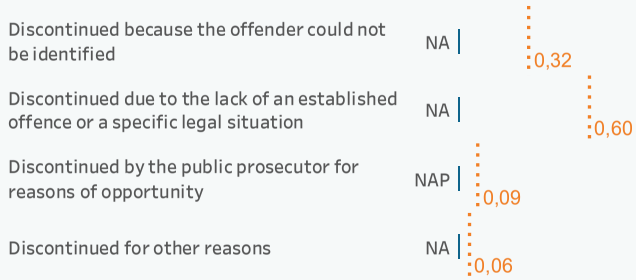
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.boe.es

2. Case-law of the higher court/s
www.poderjudicial.es

3. Information about the judicial system
www.mjusticia.gob.es

SWEDEN

2020

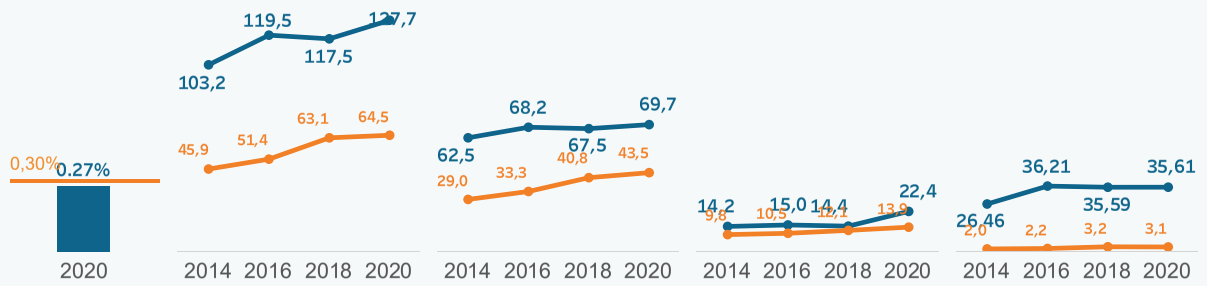
Population
10 379 295

GDP per capita
47 455 €
CoE Median 20 301 €

Avg gross annual salary
43 092 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.27% of GDP	127.7 per inh.	69.7 per inh.	22.4 per inh.	35.61 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Sweden spent 1 325 508 911 € on the implemented judicial system budget which represents 0,27% of the GDP (close to the CoE median) and 127,71 € per inhabitant (well above the CoE median). Sweden has a strong tradition of generous legal aid with a significant budgetary share within the total budget of the judicial system (28%).

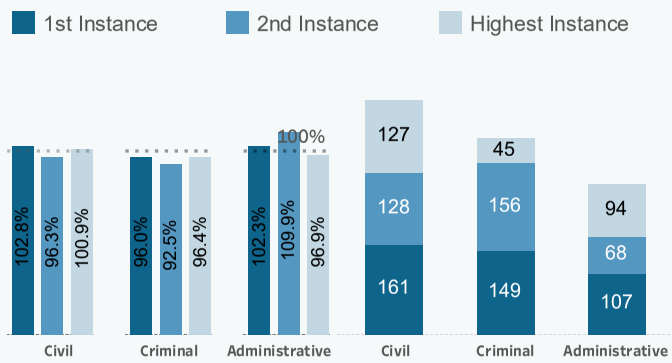
Court organisation
Sweden is one of the countries with the highest number of specialised courts with 41% out of all courts legal entities specialised for some legal matters. There are for example five Land and Environment specialised courts processing cases such as permits for water operations and environmentally hazardous operations, issues of health protection, nature conservation, polluted areas, environmentally related damages and compensation issues, etc. There is also the Land and Environment Court of Appeal.

ICT in judiciary
Sweden has an ICT index of 7,5 which is somewhat above the CoE median. This represents an increase of 0,6 points compared with the previous cycle and confirms its continuous improvement. The absolute investment in ICT stays proportionally lower and it is 2.1% of the budget of the courts which is on the level of the CoE median.

Recruitment of professional judges
In Sweden, training of professional judges takes place within the courts and implies 3 stages of employment on probationary basis before the permanent appointment: legal clerk, junior judge and associate judge. Associate judges normally work outside the judiciary for a number of years after completing their training, in order to acquire varied experience and to improve their ability to compete for a post of a permanent judge.

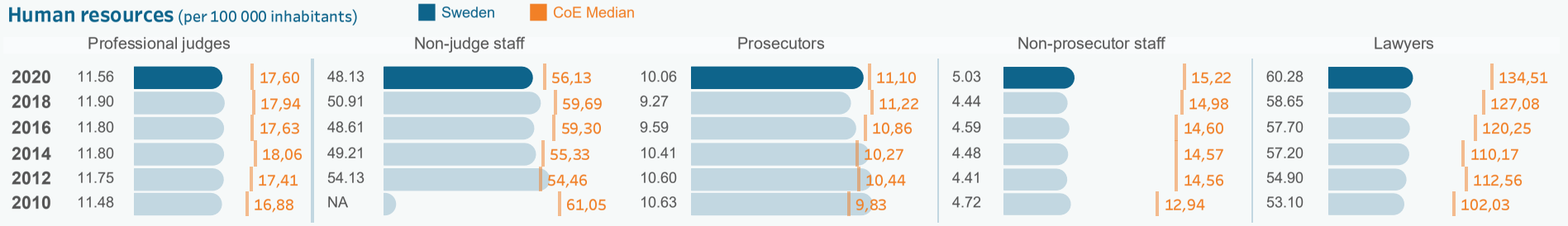
Efficiency

Clearance rate (%) | Disposition time (days)

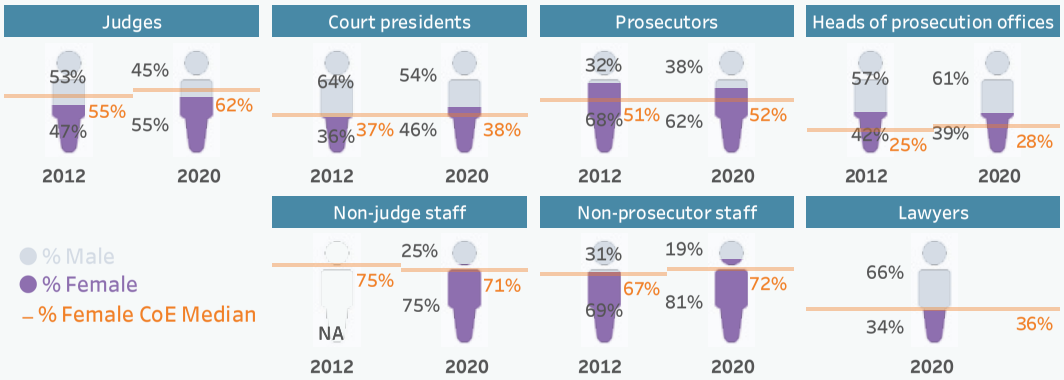


Efficiency: In total, in 2020, the highest instance was the most efficient one, while by area of law, all instances combined, the courts were most efficient in administrative matters. In particular, the courts were most efficient in the third instance criminal cases, while the Disposition Time was the highest in the first instance civil and commercial litigious cases. The Disposition Time indicator is below the CoE median for all matters and all instances, except for second instance criminal cases.
Contrary to the other States, in Sweden the COVID-19 pandemic did not affect the efficiency of first instance courts. The Disposition Time in first instance for the three categories of cases slightly decreased, remaining well below the respective CoE medians. On the other hand, the DT at third instance increased for all three matters. As for the appellate courts, the DT increased in civil and criminal matters, while it improved in administrative matters.

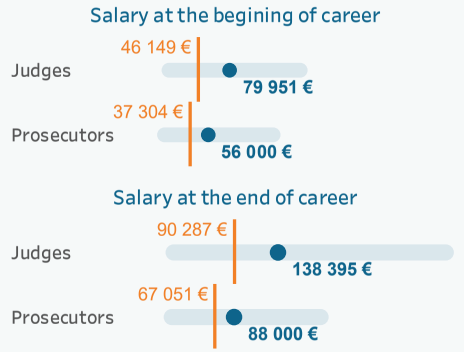
Human resources (per 100 000 inhabitants)



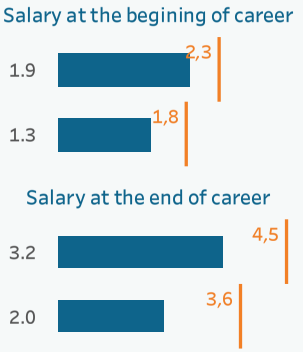
Gender balance



Absolute gross salaries

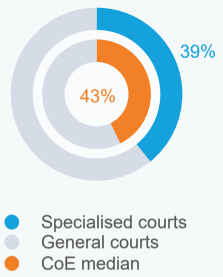


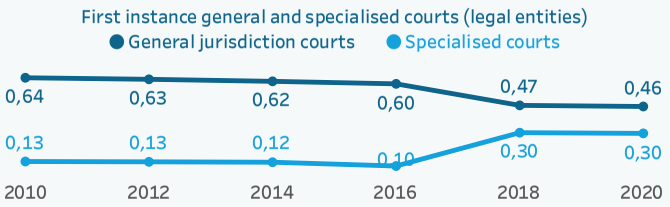
Ratio with the average annual gross salary

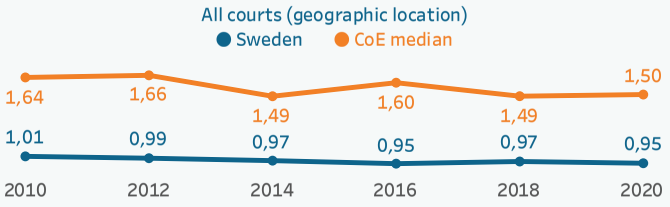


Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts







ICT in judiciary (index from 0 to 10)

Index	Total	7.52	6,5
Deployment rate	Civil	7.73	6,6
	Criminal	8.41	5,7
	Administrative	7.51	6,1
Communication with courts	Civil	8.77	6,1
	Criminal	9.69	4,1
	Administrative	8.36	5,0
Courts and case management	Civil	6.37	7,3
	Criminal	6.85	7,3
	Administrative	6.37	7,4
Decision support	Civil	6.96	7,0
	Criminal	7.31	7,3
	Administrative	6.96	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance: Highest Instance; 2nd Instance; 1st Instance

Clearance Rate

Civil	Highest Instance	100.9%	100%
	2nd Instance	96.3%	103,0%
	1st Instance	102.8%	104,2%
Criminal	Highest Instance	96.4%	98,1%
	2nd Instance	92.5%	101,0%
	1st Instance	96.0%	99,4%
Administrative	Highest Instance	96.9%	94,7%
	2nd Instance	109.9%	101,2%
	1st Instance	102.3%	100,9%
			97,5%

Disposition Time (in days)

Civil	Highest Instance	127 / 172
	2nd Instance	128 / 177
	1st Instance	161 / 237
Criminal	Highest Instance	45 / 120
	2nd Instance	156 / 121
	1st Instance	149 / 149
Administrative	Highest Instance	94 / 249
	2nd Instance	68 / 253
	1st Instance	107 / 358

Evolution of Disposition Time

		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	166	179	159	112	117	127
	2nd Instance	111	122	106	100	96	128
	1st Instance	187	179	157	164	166	161
Criminal	Highest Instance	54	64	55	35	29	45
	2nd Instance	119	131	119	107	124	156
	1st Instance	135	123	128	133	151	149
Administrative	Highest Instance	107	149	92	105	82	94
	2nd Instance	134	119	178	148	96	68
	1st Instance	190	126	114	115	146	107

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2010	2012	2014	2016	2018	2020
6.99	5.55	5.38	4.56	4.75	4.79
3,05	3,07	2,74	2,37	2,43	2,61

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	1.87	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	0.54	0,11
Cases closed by the public prosecutor for other reasons	0.63	0,18
Cases brought to court	1.93	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NA	0,32
Discontinued due to the lack of an established offence or a specific legal situation	0.31	0,60
Discontinued by the public prosecutor for reasons of opportunity	0.38	0,09
Discontinued for other reasons	1.18	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
http://www.riksdagen.se/sv/dokument-lagar/

2. Case-law of the higher court/s
https://lagrummet.se/

3. Information about the judicial system
https://domstol.se

SWITZERLAND

2020

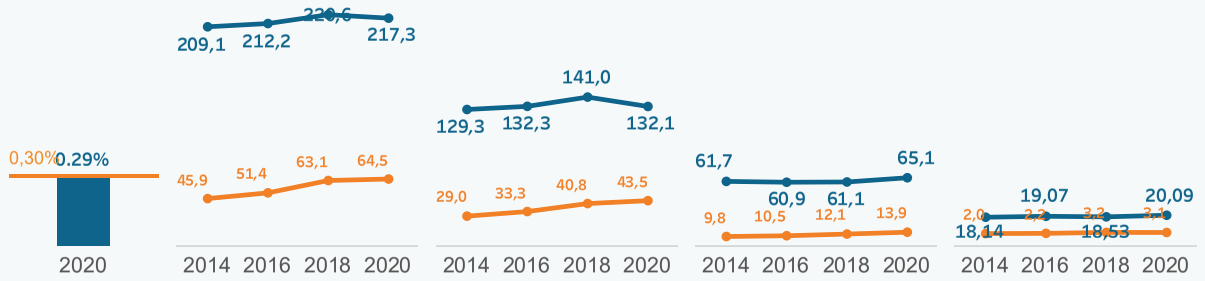
Population
8 682 910

GDP per capita
75 607 €
CoE Median 20 301 €

Avg gross annual salary
74 178 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.29% of GDP	132.1 per inh.	65.1 per inh.	20.09 per inh.
CoE Median : 0,30%	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08
217.3 per inh.			
CoE Median : 64,50			



Budget : In 2020, 1 886 877 968 € were spent on the implemented judicial system budget which is 217,3 € per inhabitant (high above the CoE median) and 0.29% of the GDP (close to the CoE median). The distribution of this budget is 61% on courts, 30% on prosecution and 9% on legal aid. Switzerland is among the states that invest more in the courts compared to the countries with the similar GDP per capita.

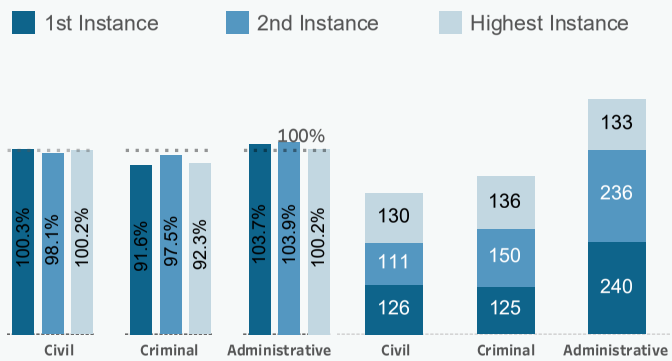
Recruitment of judges
Switzerland is the one country in Europe with a very specific way to recruit a judge. Judges are recruited among experienced attorneys, lawyers and/or court clerks. Depending on the cantons, they are elected by citizens, the Parliament or nominated by the respective Supreme court. Second instance and Supreme court judges are appointed by the cantonal parliaments and the federal parliament, upon recommendation of political parties. There is no official training program that gives access to the judges' profession.

Specialised courts
Switzerland is characterised by a high level of specialisation of courts in various matters (e.g. economic crime, minors' justice, taxes, expropriation, patents etc.). In 2020, there were 241 specialised courts (190 general jurisdiction courts), mostly at cantonal level. Juvenile courts with special courtrooms for criminal proceedings involving minors exist in some cantons.

ICT in judiciary
Switzerland has a relatively low ICT index of 5,7 which is stable compared to previous cycles and below the CoE median. The level of development is much higher for civil and criminal matters than for administrative. Switzerland investment in ICT stays proportionally lower to their general investment in courts which is by far highest in Europe.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: In total, the fastest instance was the highest one and the most efficient area of law were the civil and commercial litigious matters. Specifically, the courts have the lowest DT in 2nd instance civil and commercial litigious cases, while the highest DT is in the 1st instance administrative matters but still below the CoE median. Only in 2nd and 3rd instance criminal cases the DT indicator is above the respective CoE median. The courts' efficiency decreased in 2020 compared to the previous cycle, but in general, the reported decreases were not substantial. The pandemic affected the courts by decrease in incoming and resolved cases mostly in administrative cases in the first and second instance. This effect was not that big on civil and even less on criminal cases. Nevertheless, in criminal matters, postponements of hearings did not allow to complete as many cases as received in 2020 which caused the increase of the pending stock.

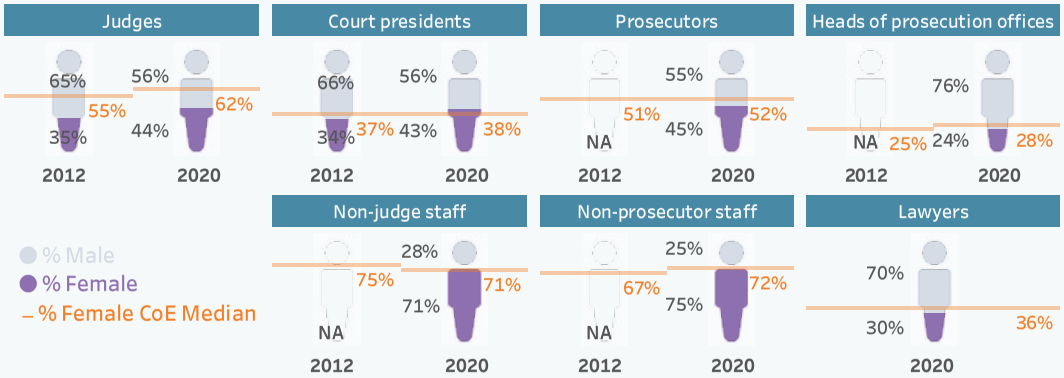
SWITZERLAND

Human resources (per 100 000 inhabitants)

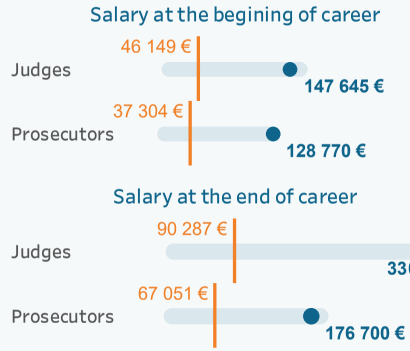
Switzerland | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	15.01	17,60	48.54	56,13	11.13	11,10	20.34	15,22	150.16	134,51
2018	14.33	17,94	59.69	59,69	10.54	11,22	24.74	14,98	149.42	127,08
2016	14.86	17,63	53.49	59,30	10.42	10,86	19.57	14,60	141.62	120,25
2014	15.66	18,06	55.74	55,33	10.84	10,27	21.13	14,57	140.16	110,17
2012	15.81	17,41	53.56	54,46	10.44	10,44	20.19	14,56	134.87	112,56
2010	14.52	16,88	55.52	61,05	5.52	9,83	9.18	12,94	128.80	102,03

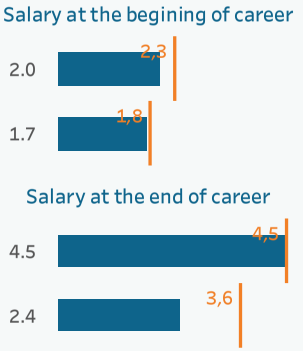
Gender balance



Absolute gross salaries

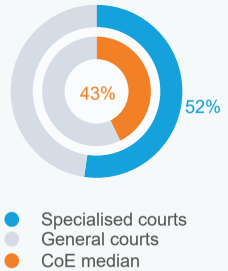


Ratio with the average annual gross salary

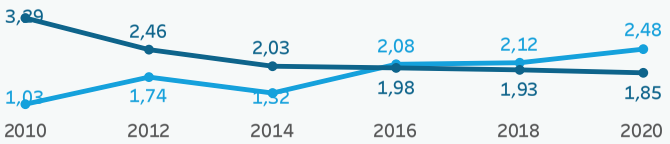


Courts (per 100 000 inhabitants)

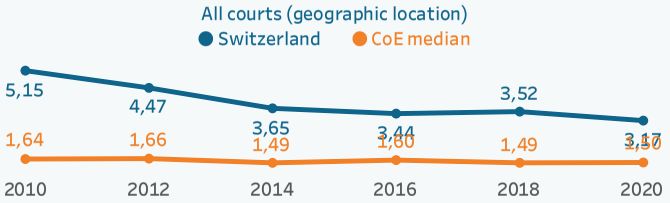
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)

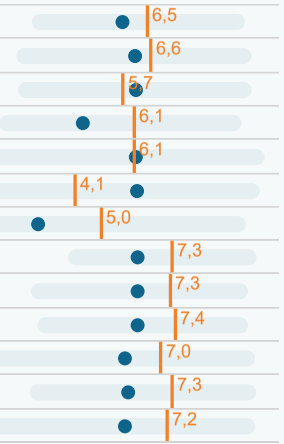


All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	5.66
Deployment rate	Civil	6.08
	Criminal	6.11
	Administrative	4.35
Communication with courts	Civil	6.1
	Criminal	6.14
	Administrative	2.87
Courts and case management	Civil	6.16
	Criminal	6.16
	Administrative	6.16
Decision support	Civil	5.74
	Criminal	5.85
	Administrative	5.74



CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	100.2%	100% / 103,0%
	2nd Instance	98.1%	104,2%
	1st Instance	100.3%	98,1%
Criminal	Highest Instance	92.3%	101,0%
	2nd Instance	97.5%	99,4%
	1st Instance	91.6%	94,7%
Administrative	Highest Instance	100.2%	101,2%
	2nd Instance	103.9%	100,9%
	1st Instance	103.7%	97,5%

Disposition Time (in days)

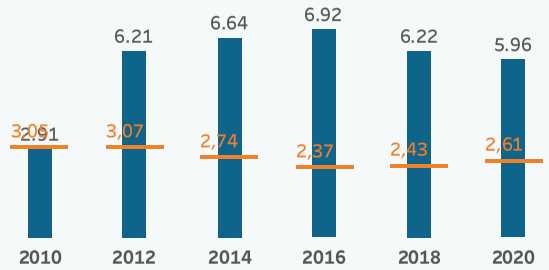
Civil	Highest Instance	130 / 172
	2nd Instance	111 / 177
	1st Instance	126 / 237
Criminal	Highest Instance	136 / 120
	2nd Instance	150 / 121
	1st Instance	125 / 149
Administrative	Highest Instance	133 / 249
	2nd Instance	236 / 253
	1st Instance	240 / 358

Evolution of Disposition Time

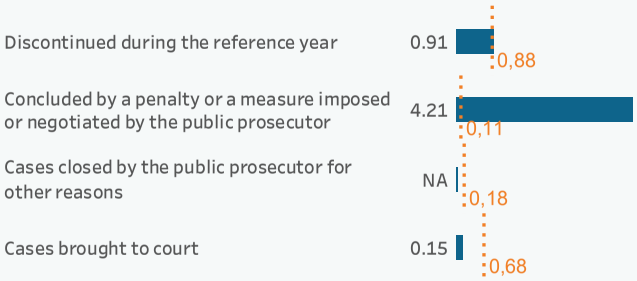
		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	97	104	118	128	125	130
	2nd Instance	144	127	100	97	112	111
	1st Instance	132	127	116	107	111	126
Criminal	Highest Instance	86	106	115	143	87	136
	2nd Instance	148	130	120	114	138	150
	1st Instance	63	137	113	96	100	125
Administrative	Highest Instance	118	127	137	122	147	133
	2nd Instance	233	232	210	255	254	236
	1st Instance	229	217	225	180	203	240

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://www.admin.ch/gov/fr/accueil/droit-federal.html ; droit cantonal : http://www.lexfind.ch/index.php?lang=FR

2. Case-law of the higher court/s
https://www.bger.ch/fr/index/juridiction/jurisdiction-inherit-templa..

3. Information about the judicial system
https://www.bger.ch/fr/index/federal/federal-inherit-template/fed..

TÜRKİYE

2020

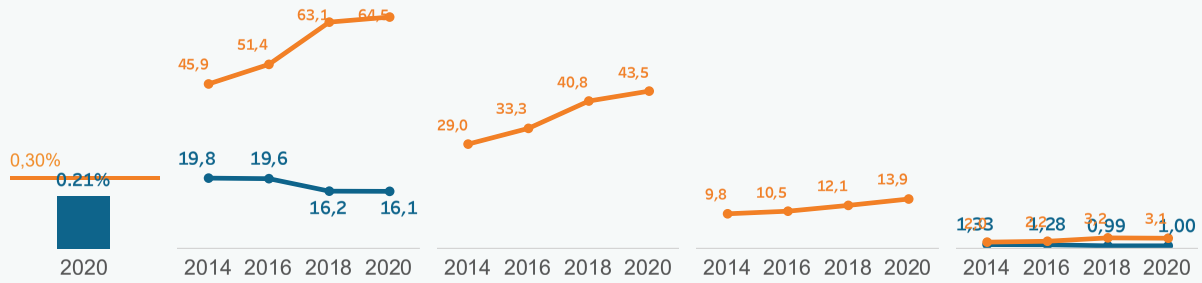
Population
83 614 362

GDP per capita
7 519 €
CoE Median 20 301 €

Avg gross annual salary
NA
CoE Median 20 612 €

Implemented judicial system budget

Judicial system		Courts	Prosecution services	Legal aid
0.21% of GDP	16.1 per inh.	NA per inh.	NA per inh.	1.00 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : Türkiye cannot separate the budget of courts and prosecution services, thus only the budget of judicial system can be analysed. The judicial system budget per inhabitant is 16,1€ in 2020 and 0,21% as percentage of GDP, both well below the respective COE medians. However, when analysing these data it should be born in mind that the national currency (lira) depreciated in relation to Euro from 2,84 in 2014 to 9,05 in 2020, and that some budget elements actually increased in the national currency.

Court related mediation

In 2020, as in previous cycle, Türkiye reported the highest number of criminal cases where parties agreed to start mediation (258 770) and made settlement agreements (219 639). These developments are due to the legislative amendments that expanded the application of mediation on a broader scope of criminal offences as of last cycle.

Professionals

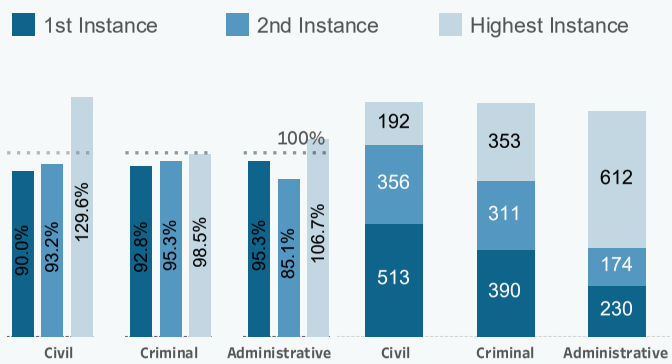
The number of professional judges (17,2), prosecutors (8,2) and lawyers (171,5) per 100 000 inhabitants increased far above average compared to the European trends between 2010 and 2020. Women still occupy less than half of judgeship positions (47%) and take only 15% of the public prosecutor's positions. However, women are majority among judges in the highest instance (61%).

ICT in judiciary

With regard to ICT developments, the judicial system of Türkiye demonstrates a very high ICT index (9,1), and it continues developing. Many applications have been developed to strengthen the access to justice for beneficiaries, such as mobile information system for lawyers, audio-visual information system, online application for legal aid, electronic sales of movables and immovables which are subject to enforcement proceedings.

Efficiency

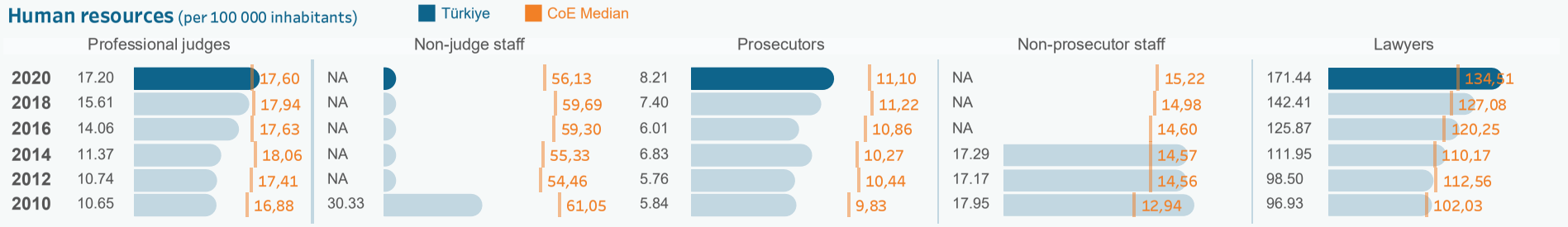
Clearance rate (%) | Disposition time (days)



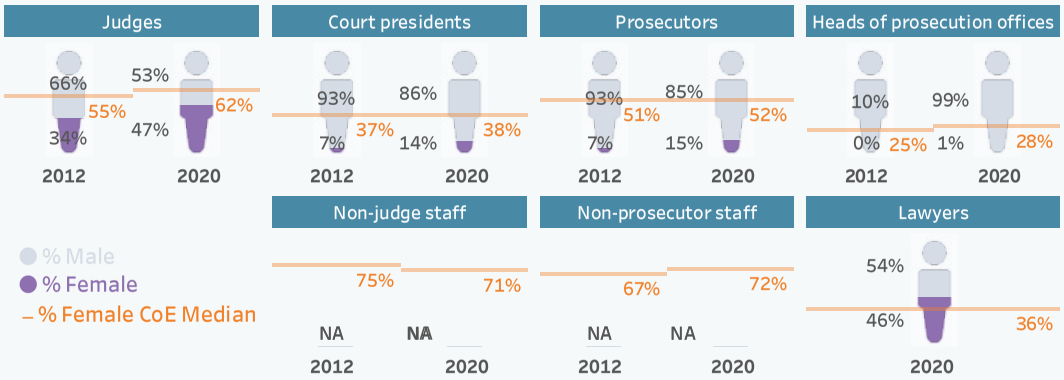
Efficiency: In 2020, the courts were most efficient at the second instance, while achieving similar levels of efficiency in all three areas of law. Specifically, the courts have the lowest Disposition Time in the second instance administrative cases, while the highest Disposition Time is in the third instance administrative cases.

The courts' efficiency mostly decreased in 2020 compared to the previous cycle, partially due to impact of the COVID-19 pandemic, but it improved in the Supreme court civil and commercial litigious and criminal cases.

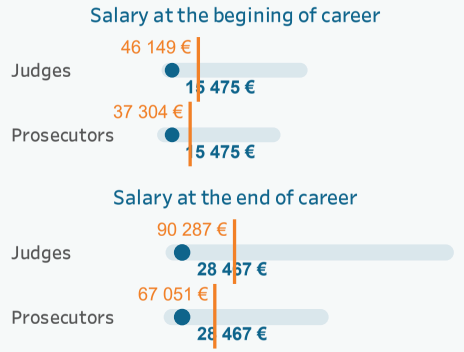
Human resources (per 100 000 inhabitants)



Gender balance



Absolute gross salaries

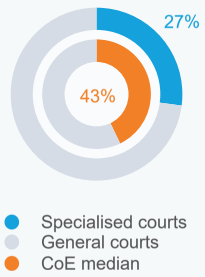


Ratio with the average annual gross salary

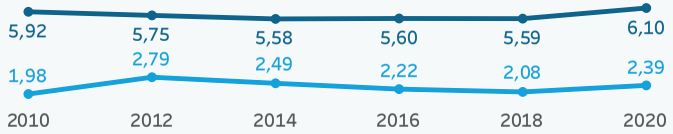


Courts (per 100 000 inhabitants)

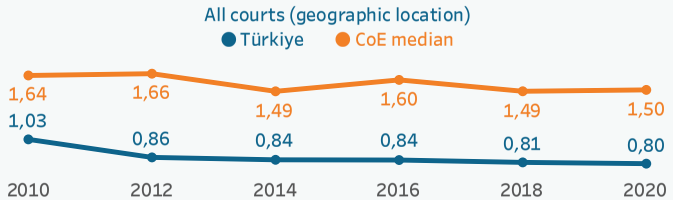
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	9.05	6,5
Deployment rate	Civil	9.53	6,6
	Criminal	9.17	5,7
	Administrative	8.33	6,1
Communication with courts	Civil	9.94	6,1
	Criminal	9.25	4,1
	Administrative	7.69	5,0
Courts and case management	Civil	9.03	7,3
	Criminal	9.03	7,3
	Administrative	9.03	7,4
Decision support	Civil	9.13	7,0
	Criminal	9.23	7,3
	Administrative	9.13	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work



Clearance Rate

Civil	Highest Instance	129.6%	100% / 103,0%
	2nd Instance	93.2%	104,2%
	1st Instance	90.0%	98,1%
Criminal	Highest Instance	98.5%	101,0%
	2nd Instance	95.3%	99,4%
	1st Instance	92.8%	94,7%
Administrative	Highest Instance	106.7%	101,2%
	2nd Instance	85.1%	100,9%
	1st Instance	95.3%	97,5%

Disposition Time (in days)

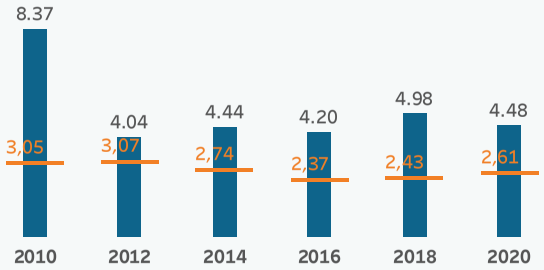
Civil	Highest Instance	192 / 172
	2nd Instance	356 / 177
	1st Instance	513 / 237
Criminal	Highest Instance	353 / 120
	2nd Instance	311 / 121
	1st Instance	390 / 149
Administrative	Highest Instance	612 / 249
	2nd Instance	174 / 253
	1st Instance	230 / 358

Evolution of Disposition Time

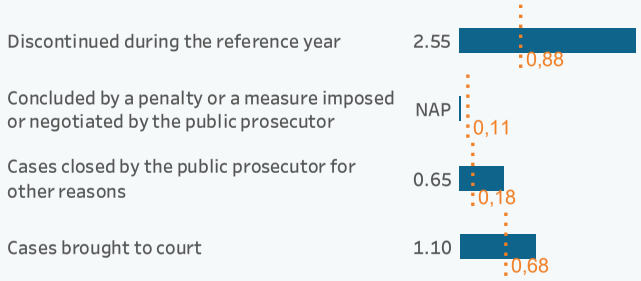
		2010	2012	2014	2016	2018	2020
Civil	Highest Instance	NA	NA	NA	437	305	192
	2nd Instance	NAP	NAP	NAP	109	NA	356
	1st Instance	NA	134	227	399	307	513
Criminal	Highest Instance	636	291	391	491	423	353
	2nd Instance	NAP	NAP	NAP	83	240	311
	1st Instance	314	226	330	302	303	390
Administrative	Highest Instance	682	543	481	907	460	612
	2nd Instance	NAP	NAP	NAP	1203	76	174
	1st Instance	187	132	212	150	177	230

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

www.adalet.gov.tr; www.mevzuat.adalet.gov.tr

2. Case-law of the higher court/s

http://emsal.danistay.uyap.gov.tr/BilgiBankasiIstemciWeb/
https://karararama.yargitay.gov.tr/YargitayBilgiBankasiIstemciW..

3. Information about the judicial system

https://magdurbilgi.adalet.gov.tr/



UKRAINE

2020

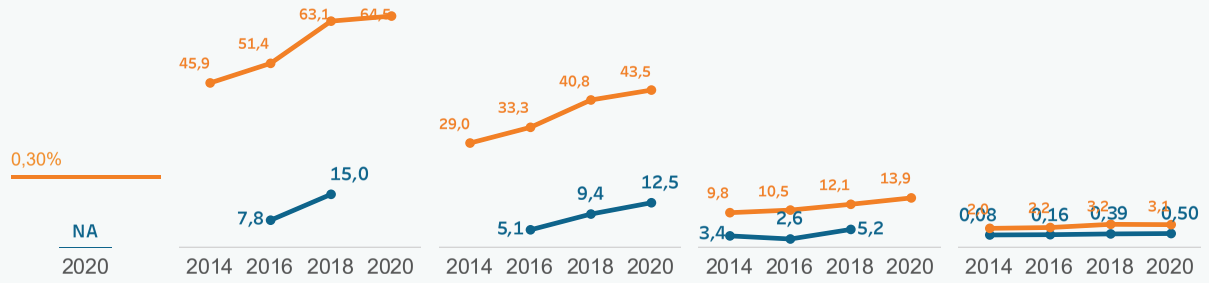
Population
41 418 717

GDP per capita
3 262 €
CoE Median 20 301 €

Avg gross annual salary
4 520 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
NA of GDP	NA per inh.	12.5 per inh.	NA per inh.	0.50 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : As data on the implemented budget for prosecution services are not available for 2020, it is not possible to analyse the judicial system budget. At the same time, the spending per inhabitant for courts (12, 53€) and legal aid (0,5€) in Ukraine remains considerably below the CoE median. Most notable increases were in respect of salaries of judges due to the entry into force of new legal provisions to this effect, placing judges' salaries at the beginning of the career closer to the CoE median and those at the Supreme Court well above the median both in absolute values and in ratio with the average salary of the country.

Legal Aid

In 2020, significant changes in the free legal aid services in Ukraine have been introduced. The COVID-19 pandemic acted as a catalyst for enhancing the access to free legal aid and the Ukrainian free legal aid system quickly adapted to new modus operandi. The free legal aid system is accessible through various digital communication channels.

Professionals and Gender balance

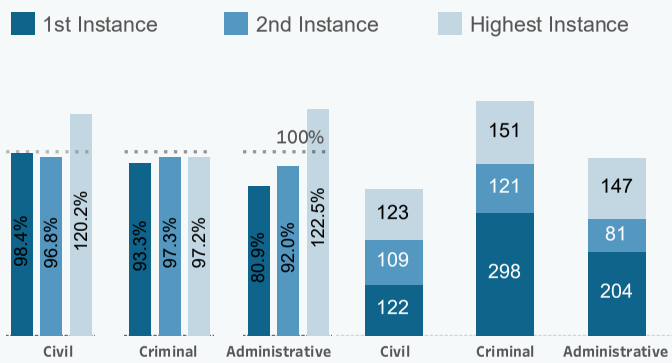
Per 100 000 inhabitants, there are 13,09 professional judges (lower than the CoE median); 64,65 non-court staff (higher than the CoE median); 21,25 prosecutors (two times more than the median) and 9,3 non-prosecution staff (lower than the median). In 2020, there are 53,8% women judges and 38% of courts presidents were women. Conversely, 40,4% prosecutors and only 4% heads of prosecution services are females.

Supreme Court reform

In pursuit of the country's judicial reforms, the number of judges in the new Supreme Court has increased by 55% compared to 2018. A consolidated jurisdiction of the Supreme Court also brought an increase in pending cases at the beginning of the year, due to the transfer of cases from the previous supreme court and specialised courts, which ceased to exist.

Efficiency

Clearance rate (%) | Disposition time (days)

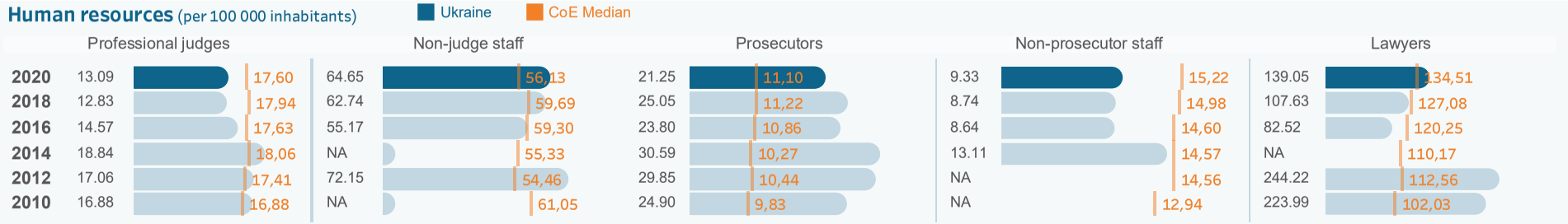


Efficiency: Looking at all jurisdictions combined, criminal cases took the longest time to be processed by the courts, contrary to the European trend in 2020. It seems that second instance courts process cases the fastest. In particular, second instance administrative cases are resolved faster than other types of cases with a Disposition Time of 80 days. The Disposition Time in all courts and in all cases is lower than the CoE median, except criminal law cases in the first instance courts and the Supreme Court.

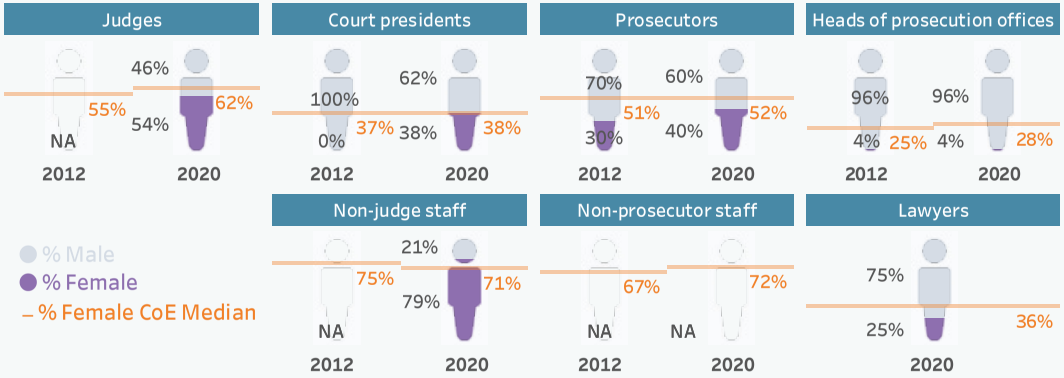
In spite of the pandemic, the number of incoming cases in all categories increased in first instance courts. The reform of the Supreme Court appears to have had a positive effect on the Clearance Rate in civil and commercial litigious cases and in administrative cases in 2020, and its efficiency in these categories of cases appears to be less affected by the pandemic.

UKRAINE

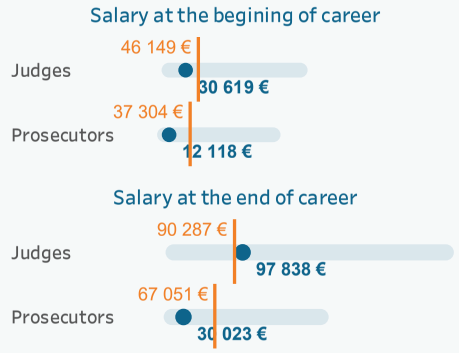
Human resources (per 100 000 inhabitants)



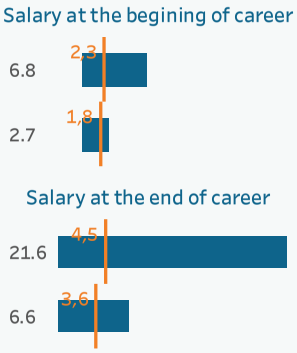
Gender balance



Absolute gross salaries

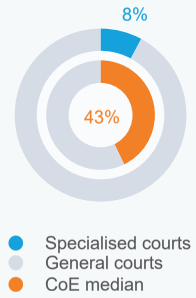


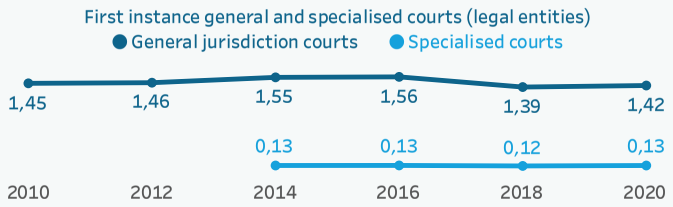
Ratio with the average annual gross salary

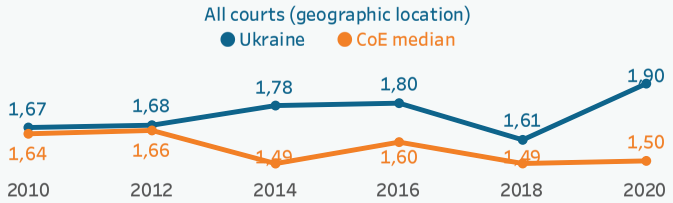


Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts







ICT in judiciary (index from 0 to 10)

Index	Total	5.03	6,5
Deployment rate	Civil	5.19	6,6
	Criminal	3.12	5,7
	Administrative	4.97	6,1
Communication with courts	Civil	4.97	6,1
	Criminal	1.6	4,1
	Administrative	4.97	5,0
Courts and case management	Civil	4.81	7,3
	Criminal	4.16	7,3
	Administrative	4.16	7,4
Decision support	Civil	7.17	7,0
	Criminal	6.35	7,3
	Administrative	7.17	7,2

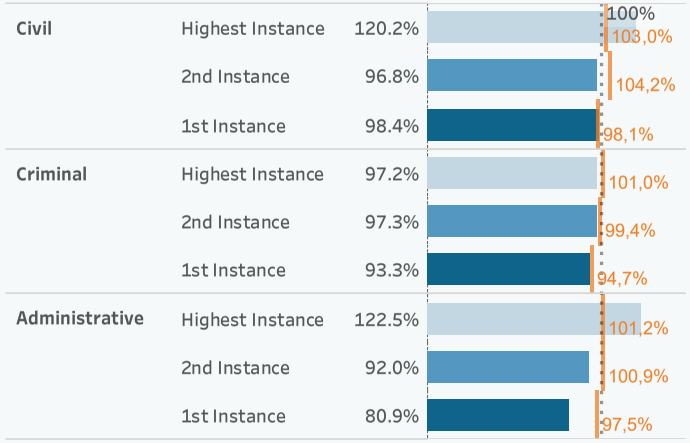
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

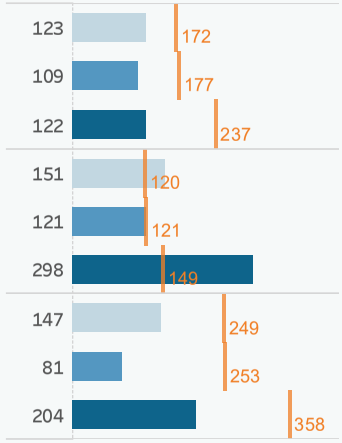
Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate



Disposition Time (in days)

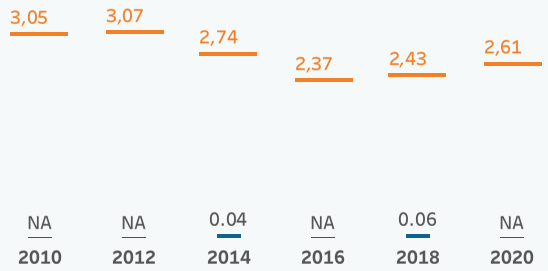


Evolution of Disposition Time

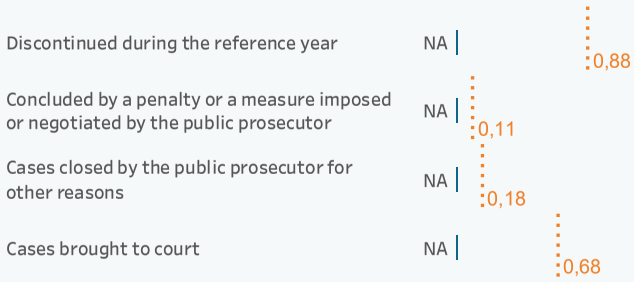
	2010	2012	2014	2016	2018	2020
Civil	249	17	NA	125	238	123
	101	21	50	54	152	109
	52	70	68	96	129	122
Criminal	109	NA	30	142	261	151
	40	41	38	68	260	121
	95	79	81	166	271	298
Administrative	70	240	254	187	368	147
	95	151	31	59	100	81
	65	33	51	138	122	204

Public prosecution services

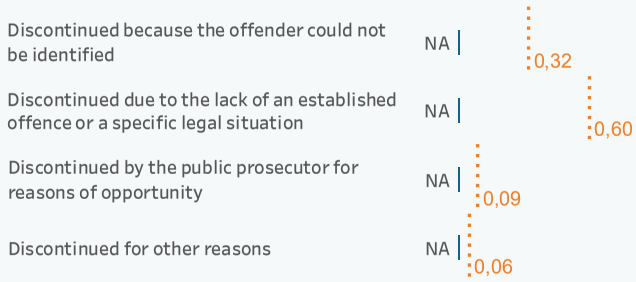
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://rada.gov.ua Https://online.minjust.gov.ua

2. Case-law of the higher court/s
https://court.gov.ua

3. Information about the judicial system
https://court.gov.ua/

UK - ENGLAND AND WALES

2020

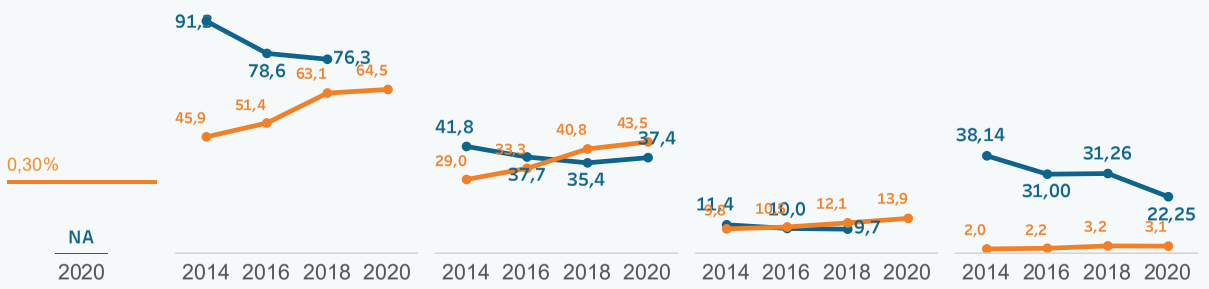
Population
59 720 000

GDP per capita
33 850 €
CoE Median 20 301 €

Avg gross annual salary
35 607 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
NA of GDP	NA per inh.	37.4 per inh.	NA per inh.	22.25 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : UK - England and Wales decreased its spending for the courts' budget since 2014, whereas CoE median values increased in the same period. These two opposing trends led to the current situation where the system spends 37,42€ per inhabitant on courts, which is below the COE median. UK systems traditionally have some of the largest legal aid budgets per inhabitant, and UK-England and Wales is still around seven times above the median COE amount with allocated 22,25€, in spite of gradual decrease since 2014.

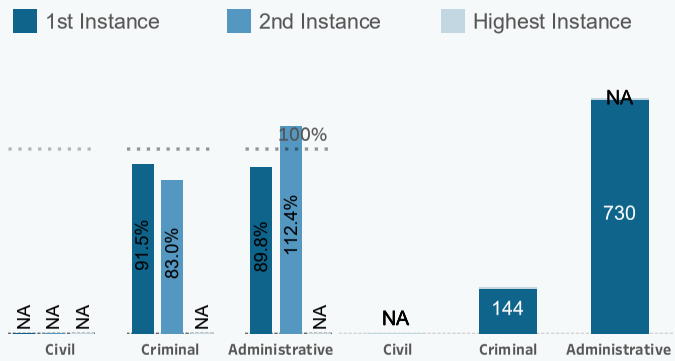
Professionals
Some of the notable characteristics of the system are low number of judges, prosecutors, non-judge and non-prosecutor staff compared to European medians per 100.000 inhabitants. While the number of judges is not available for 2020, the number of prosecutors (4,53) and non-prosecutor staff (5,83) per 100 000 are almost 4 and 2,5 times less than respective European medians. The proportion of women (60%) among prosecutors has increased further from 2012 (55%). Contrary to European trends, the number of lawyers (256 per 100 000 inhabitants) has decreased considerably since 2010 but it is still at the level almost two times higher than the COE median.

Courts
In 2020, UK-England and Wales has 326 first instance courts legal entities and 329 courts geographic locations which is around half of the numbers reported in 2010 (627 and 631 respectively). These numbers kept gradually decreasing over the last decade as part of the overall reform programme aimed at closing certain courts and locations.

ICT in judiciary
In 2020, UK-England and Wales has ICT index of 3,8 which is much lower than the COE median and even decreased by 0,3 points from 2018 level.

Efficiency

Clearance rate (%) | Disposition time (days)



Efficiency: Data for civil and commercial litigious cases are not available, while data for administrative and criminal cases were not complete which makes the efficiency analysis limited in many aspects.
According to available data, first instance courts were more efficient in criminal than in administrative matters. In 2020, the first instance courts decreased their efficiency, due to the COVID-19 crisis which caused the Disposition Times to grow.

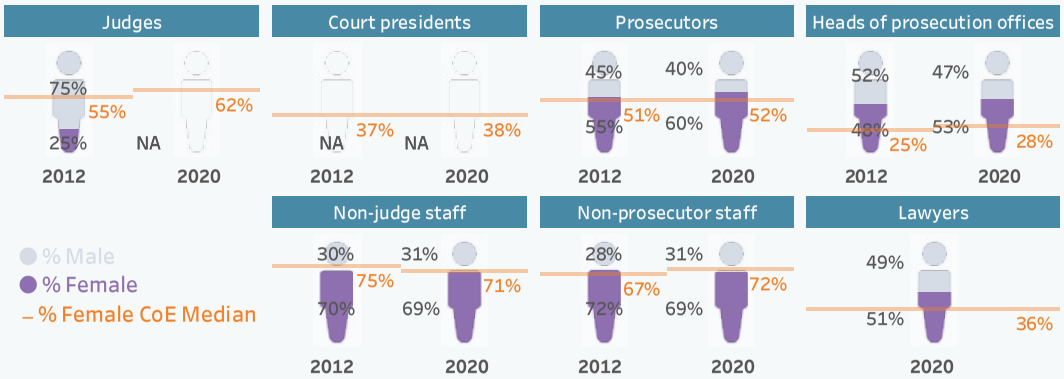
UK - ENGLAND AND WALES

Human resources (per 100 000 inhabitants)

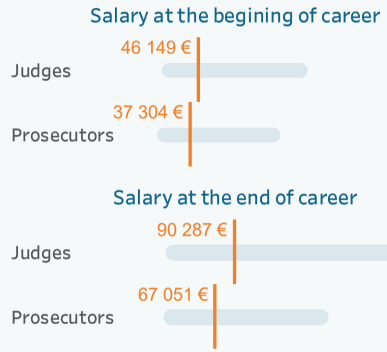
UK - England and Wales | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	NA	17,60	24.56	56,13	4.53	11,10	5.83	15,22	256.15	134,51
2018	3.10	17,94	24.01	59,69	4.15	11,22	5.12	14,98	270.31	127,08
2016	3.01	17,63	27.02	59,30	3.56	10,86	5.84	14,60	259.25	120,25
2014	3.30	18,06	31.15	55,33	3.91	10,27	6.52	14,57	252.51	110,17
2012	3.56	17,41	30.60	54,46	4.48	10,44	6.70	14,56	308.09	112,56
2010	3.59	16,88	37.11	61,05	5.19	9,83	8.68	12,94	299.14	102,03

Gender balance



Absolute gross salaries

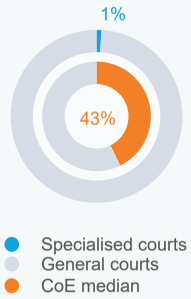


Ratio with the average annual gross salary

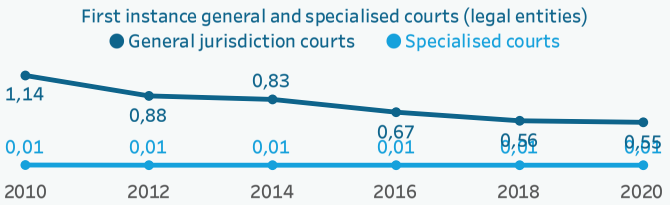


Courts (per 100 000 inhabitants)

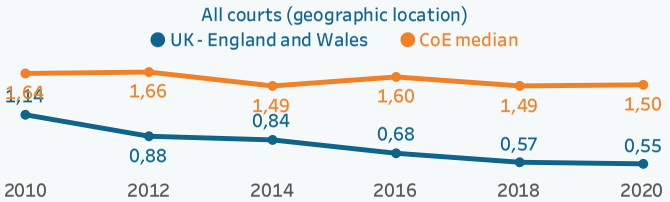
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	3.83	6,5
Deployment rate	Civil	5.25	6,6
	Criminal	3.76	5,7
	Administrative	3.51	6,1
Communication with courts	Civil	4.98	6,1
	Criminal	5.19	4,1
	Administrative	2.75	5,0
Courts and case management	Civil	6.21	7,3
	Criminal	2.18	7,3
	Administrative	5.24	7,4
Decision support	Civil	2.2	7,0
	Criminal	3.53	7,3
	Administrative	2.09	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	NA	100%
	2nd Instance	NA	103,0%
	1st Instance	NA	104,2%
Criminal	Highest Instance	NA	98,1%
	2nd Instance	83.0%	101,0%
	1st Instance	91.5%	99,4%
Administrative	Highest Instance	NA	94,7%
	2nd Instance	112.4%	101,2%
	1st Instance	89.8%	100,9%
			97,5%

Disposition Time (in days)

Civil	Highest Instance	NA
	2nd Instance	NA
	1st Instance	NA
Criminal	Highest Instance	NA
	2nd Instance	NA
	1st Instance	144
Administrative	Highest Instance	NA
	2nd Instance	NA
	1st Instance	730

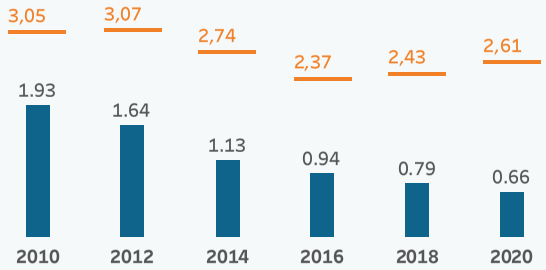
		172
		177
		237
		120
		121
		149
		249
		253
		358

Evolution of Disposition Time

	2010	2012	2014	2016	2018	2020
Civil	NA	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA	NA
Criminal	NA	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA	NA
	NA	73	82	72	75	144
Administrative	NA	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA	NA
	384	446	169	383	497	730

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	0.07	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	NA	0,11
Cases closed by the public prosecutor for other reasons	NA	0,18
Cases brought to court	0.62	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NA	0,32
Discontinued due to the lack of an established offence or a specific legal situation	NA	0,60
Discontinued by the public prosecutor for reasons of opportunity	NA	0,09
Discontinued for other reasons	NA	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
NA

2. Case-law of the higher court/s
NA

3. Information about the judicial system
NA

UK - NORTHERN IRELAND

2020

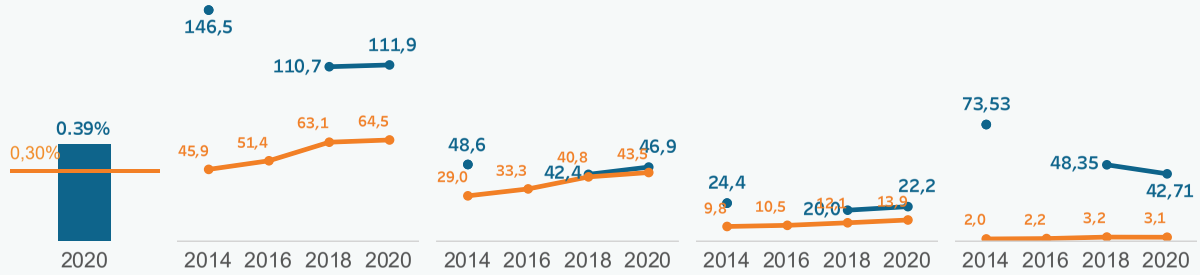
Population
1 895 500

GDP per capita
28 524 €
CoE Median 20 301 €

Avg gross annual salary
31 491 €
CoE Median 20 612 €

Implemented judicial system budget

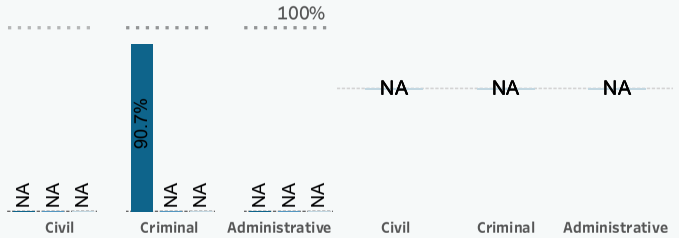
Judicial system	Courts	Prosecution services	Legal aid
0.39% of GDP	111.9 per inh.	46.9 per inh.	22.2 per inh.	42.71 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Efficiency

Clearance rate (%) | Disposition time (days)

1st Instance | 2nd Instance | Highest Instance



Budget : UK- Northern Ireland spent 212 022 355 € on the implemented judicial system budget which is 0.39% of the GDP (above the CoE median) and 111,9 € per inhabitant which is well above the COE median. In 2020, 42% was spent on all courts, 20% on prosecution services, and 38% on legal aid which makes it the system with the highest percentual share allocated to legal aid.

Legal aid

As in the most common law systems, UK - Northern Ireland continuously has some of the highest number of legal aid cases per 100.000 inhabitants, both in criminal and other than criminal cases. The average amount of legal aid granted per cases (1 273 €) is also almost three times higher than the COE median value.

Professionals

One of the notable characteristics of the system is a low number of judges per 100.000 inhabitants. With 3.9 judges per 100 000 the number is 4,5 times lower compared with the COE median. However, the ratio of non-judge staff per judge (9,4) is the highest in Europe. Judges have comparatively high absolute amounts of gross salaries both at the beginning and at the end of career. Contrary to the European trend, the number of prosecutors per 100.000 inh. (8.55) has decreased since 2010, and is now somewhat below the COE median value. The proportion of women is comparatively low among judges (36%) and comparatively high among prosecutors (64%). Similarly, women court presidents take 38% of the posts.

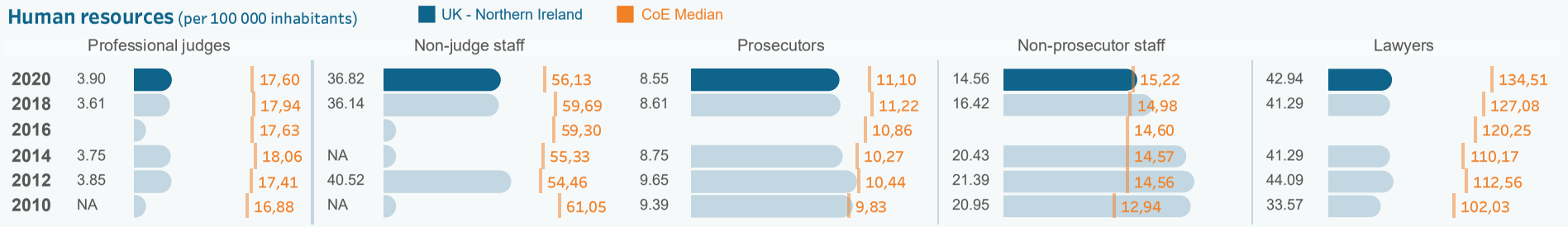
ICT in judiciary

UK - Northern Ireland has the ICT index of 2,9 which remains comparatively low, as in previous cycles. UK Northern Ireland is below the COE median values in all segments of ICT. However, percentage of courts budget spent of ICT is 6,5% which is much above the CoE median.

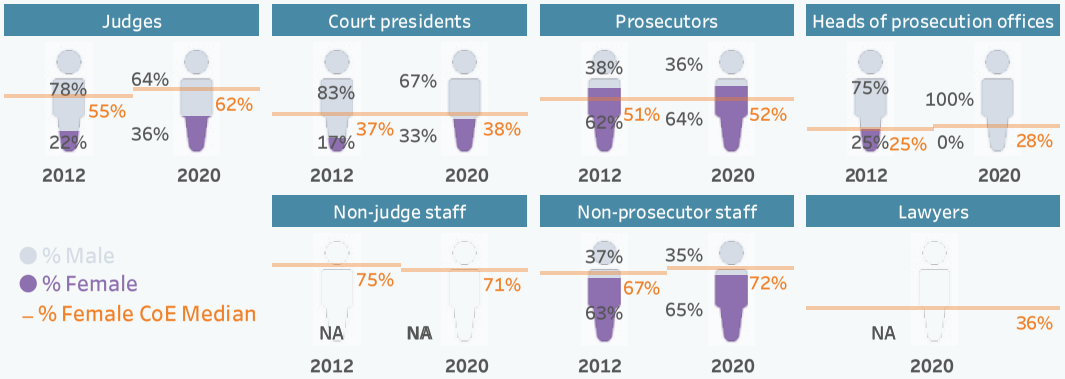
Efficiency: UK - Northern Ireland does not provide data on pending cases which makes the analysis of most of the efficiency indicators impossible. From the only provided data on incoming and resolved cases in the first instance, it could be concluded that, due to the COVID-19 pandemic, the number of incoming criminal and other than criminal cases decreased significantly compared to 2018 data (by 26% and 27,5% respectively). However, the drop in resolved cases was even larger (32% and 40%) which might lead to accumulation of pending cases and formation of backlogs.

UK - NORTHERN IRELAND

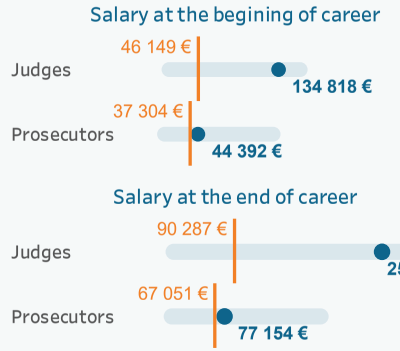
Human resources (per 100 000 inhabitants)



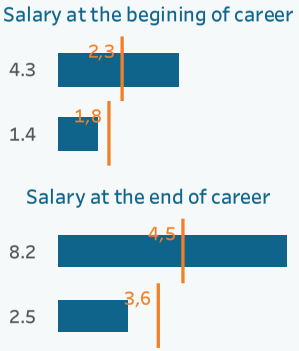
Gender balance



Absolute gross salaries

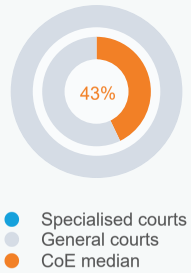


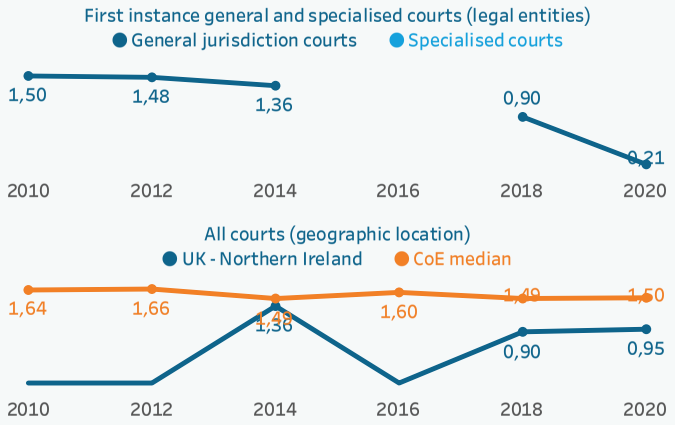
Ratio with the average annual gross salary



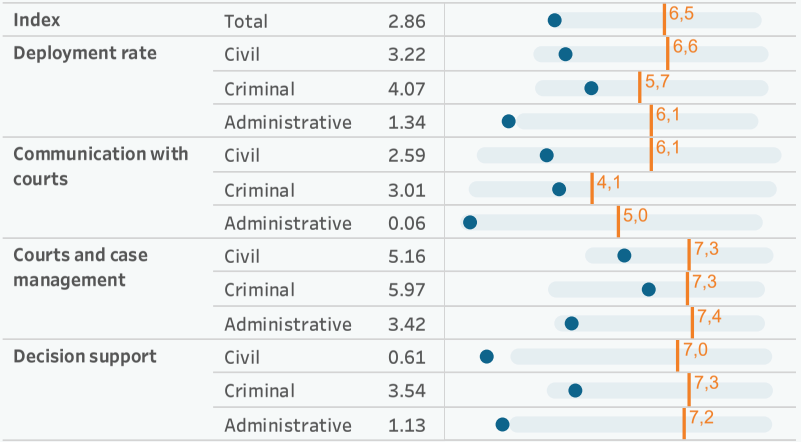
Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts





ICT in judiciary (index from 0 to 10)



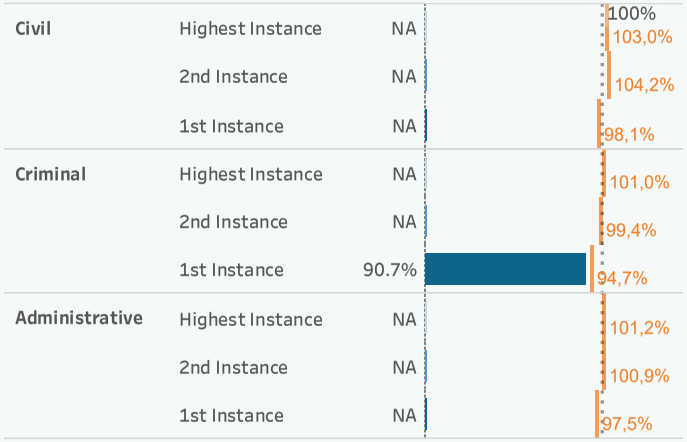
CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

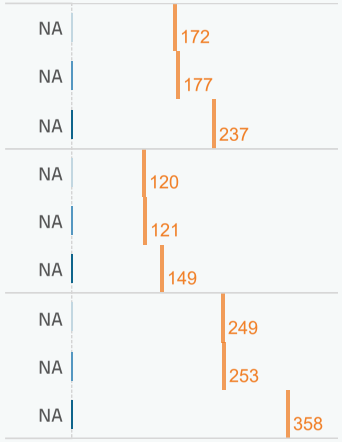
Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate



Disposition Time (in days)

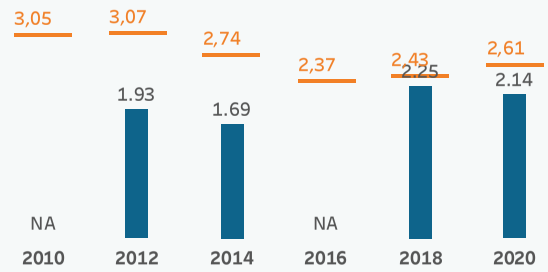


Evolution of Disposition Time

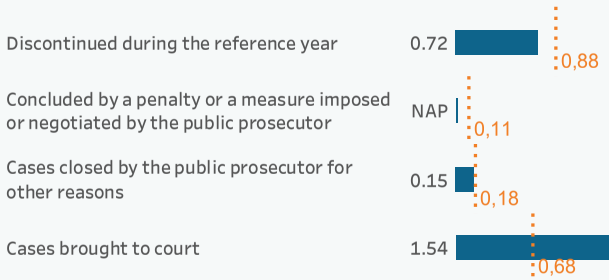
	2010	2012	2014	2018	2020
Civil	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA
Criminal	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA
Administrative	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA

Public prosecution services

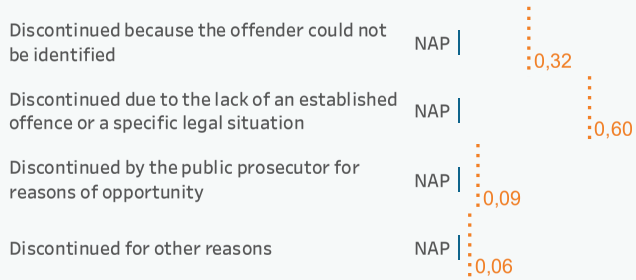
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

http://www.legislation.gov.uk

2. Case-law of the higher court/s

http://www.judiciaryni.uk

UK - SCOTLAND

2020

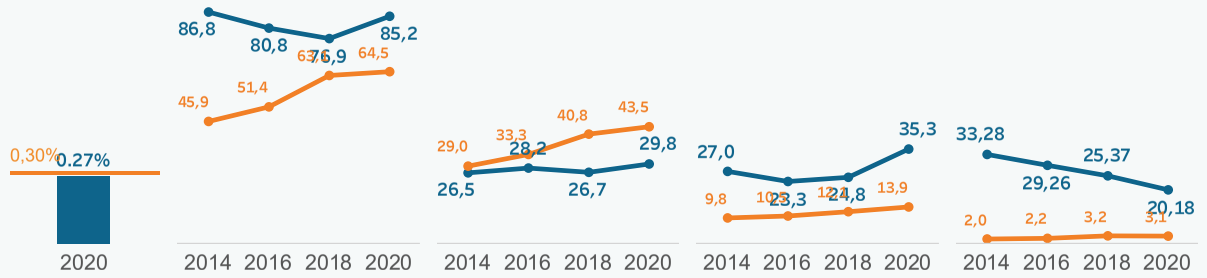
Population
5 466 000

GDP per capita
31 481 €
CoE Median 20 301 €

Avg gross annual salary
35 140 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.27% of GDP	85.2 per inh.	29.8 per inh.	35.3 per inh.	20.18 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, UK - Scotland spent 465 698 496 € on the implemented judicial system budget or 85,2 € per inhabitant which is well above the COE median and 0.27% of the GDP which is close to the COE median. In 2020, UK-Scotland has one of the highest shares of budget allocated for prosecution services (41%). The percent of budget allocated to legal aid is also very high (24%) in spite of gradual decrease of amount per inhabitant since 2014.

Legal aid

As in the most common law systems, UK - Scotland continuously has some of the highest number of legal aid cases per 100.000 inhabitants, both in criminal and other than criminal matters. The average amount of legal aid granted per cases (680€) is also almost 50% higher than the European median value.

Professionals

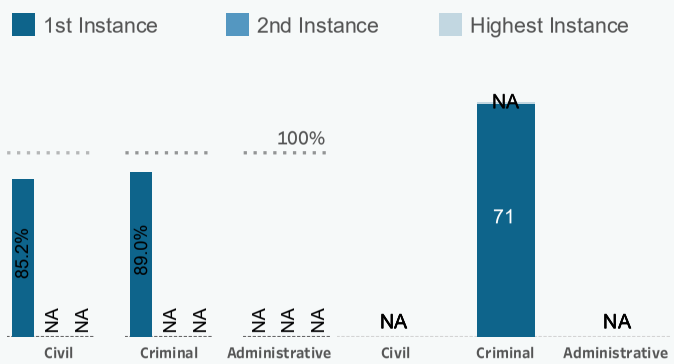
Some of the notable characteristics of the system are low number of judges per 100.000 inhabitants compared to European level (3,70 which is around five times lower than the COE median), high number of non-judge staff per judge (7,9 which is more than two times higher than the COE median), and comparatively high absolute amounts of gross salaries for judges both at the beginning and at the end of career. The number of prosecutors has been increasing since 2016, and is now 10,06 which is close to the COE median value. The proportion of women is comparatively low among judges (26%) and comparatively high among prosecutors (70%).

ICT in judiciary

UK-Scotland has an ICT index of only 1,6 which even decreased by 1,2 points compared with 2018. It is now one of the lowest registered ICT indexes in Europe.

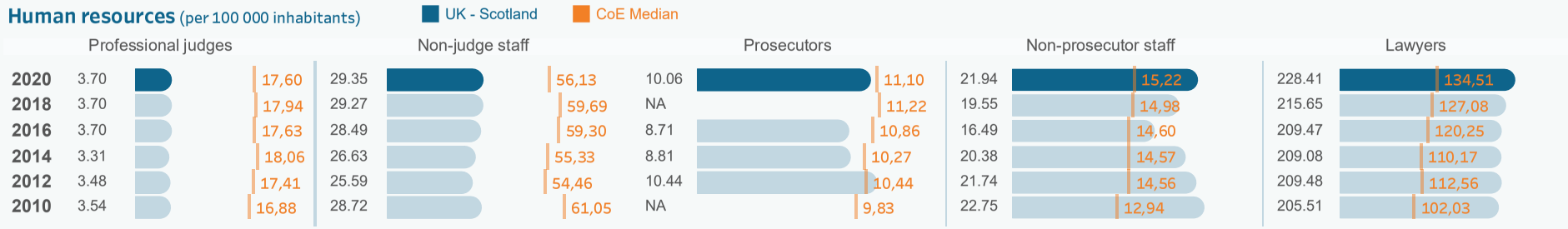
Efficiency

Clearance rate (%) | Disposition time (days)

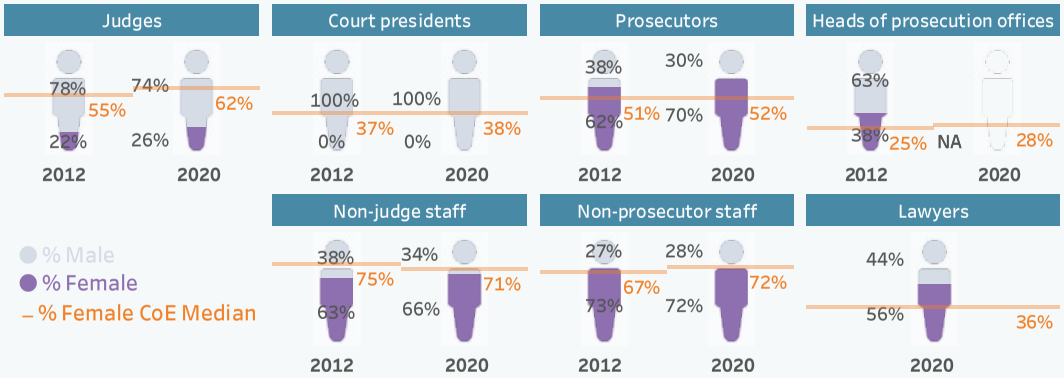


Efficiency: UK- Scotland provided very few case flow data. From the available information, it could be noted that the number of incoming and resolved first instance civil and commercial litigious cases show the same tendency of decrease by around one quarter compared to 2018 (incoming decreased by 26,7% and resolved by 23,2%). This follows the general trend identified during COVID-19 pandemic in other States and entities. UK - Scotland does not provide data on pending cases for this category which makes any further analysis of efficiency indicators practically impossible. Regarding criminal first instance cases, the number of incoming is at the similar level as in 2018. The number of resolved cases is reported for the first time in 2020, and it is lower than incoming which caused not a favourable clearance rate of 85,2%.

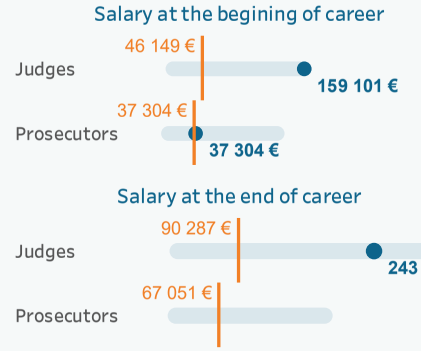
Human resources (per 100 000 inhabitants)



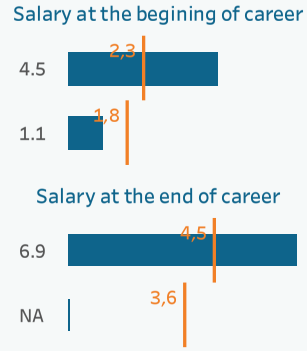
Gender balance



Absolute gross salaries

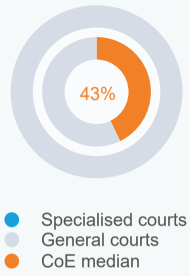


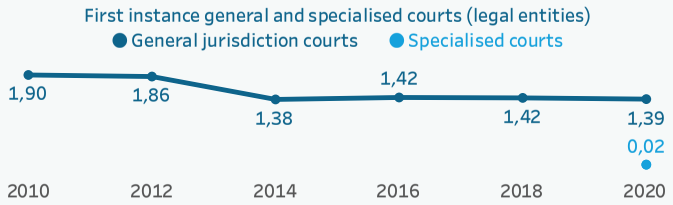
Ratio with the average annual gross salary

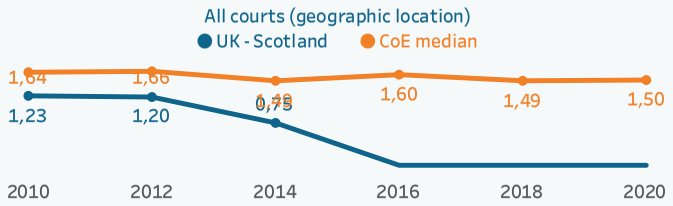


Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts







ICT in judiciary (index from 0 to 10)

Index	Total	1.57	6,5
Deployment rate	Civil	2.39	6,6
	Criminal	2.71	5,7
	Administrative	0	6,1
Communication with courts	Civil	1.48	6,1
	Criminal	1.85	4,1
	Administrative	0	5,0
Courts and case management	Civil	4.68	7,3
	Criminal	4.68	7,3
	Administrative	0	7,4
Decision support	Civil	0.11	7,0
	Criminal	1.25	7,3
	Administrative	0	7,2

CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100

CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing

CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365

The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance: Highest Instance; 2nd Instance; 1st Instance

Clearance Rate

Civil	Highest Instance	NA	100%
	2nd Instance	NA	103,0%
	1st Instance	85.2%	104,2%
			98,1%
Criminal	Highest Instance	NA	101,0%
	2nd Instance	NA	99,4%
	1st Instance	89.0%	94,7%
Administrative	Highest Instance	NA	101,2%
	2nd Instance	NA	100,9%
	1st Instance	NA	97,5%

Disposition Time (in days)

Civil	Highest Instance	NA
	2nd Instance	NA
	1st Instance	NA
Criminal	Highest Instance	NA
	2nd Instance	NA
	1st Instance	71
Administrative	Highest Instance	NA
	2nd Instance	NA
	1st Instance	NA

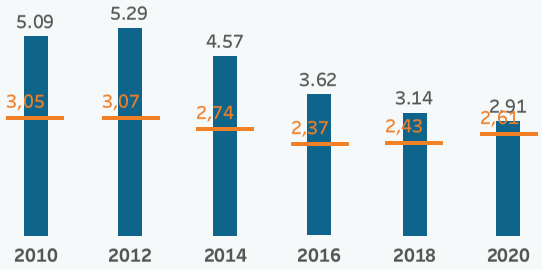
		172				
		177				
		237				
		120				
		121				
		149				
		249				
		253				
		358				

Evolution of Disposition Time

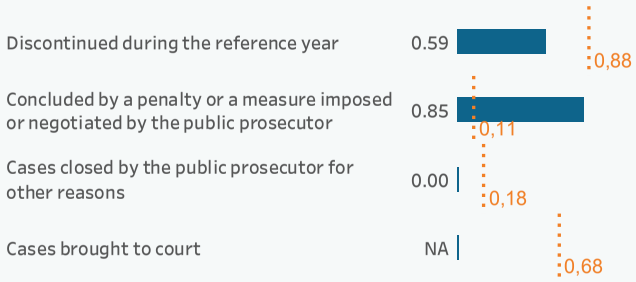
	2010	2012	2014	2016	2018	2020
Civil	NA	NAP	NAP	NAP	NAP	NA
	NA	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA	NA
Criminal	NA	NAP	NAP	NAP	NAP	NA
	NA	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA	71
Administrative	NA	NAP	NAP	NAP	NAP	NA
	NA	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA	NA

Public prosecution services

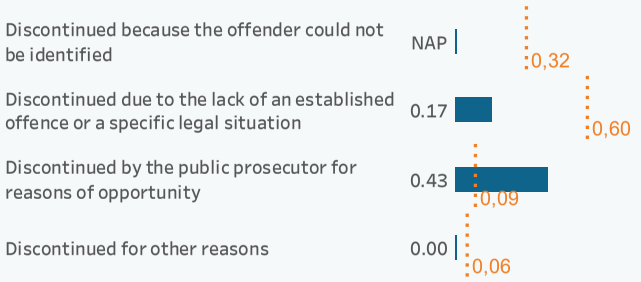
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts

NA

2. Case-law of the higher court/s

NA

3. Information about the judicial system

NA

ISRAEL

2020

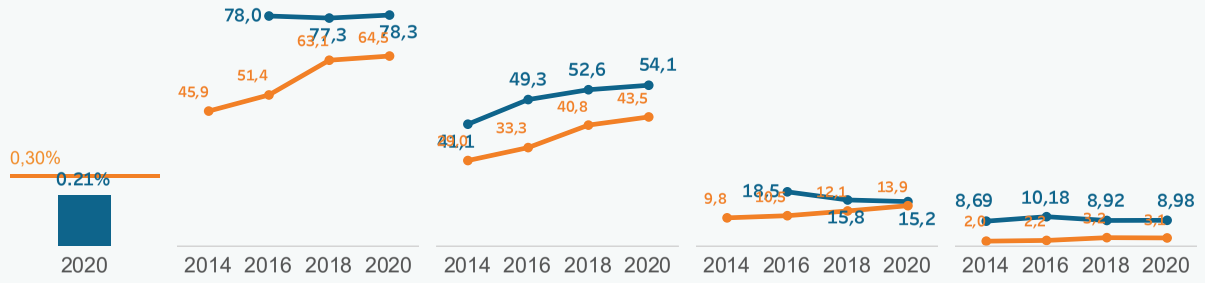
Population
9 289 761

GDP per capita
38 169 €
CoE Median 20 301 €

Avg gross annual salary
37 686 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.21% of GDP	78.3 per inh.	54.1 per inh.	15.2 per inh.	8.98 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Israel spent 727 720 569 € on the implemented judicial system budget which is 78,3 € per inhabitant (higher than the CoE median). The judicial system budget is very stable over the years. This expenditure accounts for 0.19% of the GDP, which is below the CoE median expenditure as percentage of the GDP. In 2020, 69,1% was spent on all courts, 19,4% on prosecution services and 11,5% on legal aid.

Courts organisation

In Israel, the judicial system is composed of a general court system and a specialized one. The general court system comprises both courts of general jurisdiction and specialized labour courts. The specialised system is composed of 7 military courts regulated by the ministry of defence and 23 religious courts regulated by the ministry of justice (12 rabbinical courts, 9 Sharia courts and 2 Druze religious courts). These courts are not included in the budget and they are not under administration of the Court Management.

Professionals and gender balance

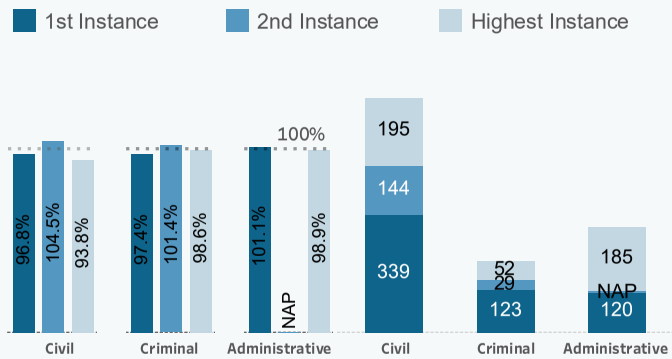
In 2020, there are 7,8 judges per 100 000 inhabitants in Israel which is significantly lower than the CoE median. On the other hand, the number of prosecutors per 100 000 inhabitants (13,6) is above the CoE median and their absolute number has doubled since 2014. More than half of judges (51,6%) and prosecutors (67,6%) are women. Half of heads of prosecution offices are also women (50%) but the percentage drops to 33% for court presidents.

ICT in judiciary

Israel has an ICT index of 7,9 (well above the Coe median) which is a decrease of -0,4 points compared with the previous cycle. This is interestingly in the area of e-communication where most of the European countries experienced increase this cycle due to effects of the pandemic. The spending on ICT represents 5,4% of the courts' budget which is quite above the CoE median.

Efficiency

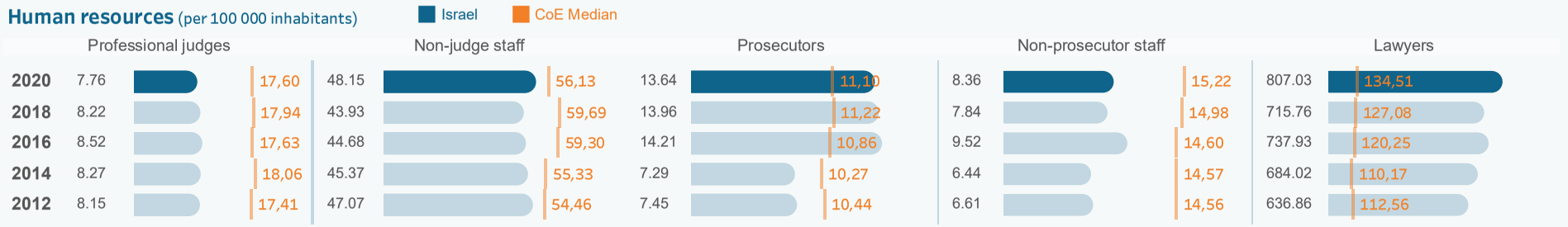
Clearance rate (%) | Disposition time (days)



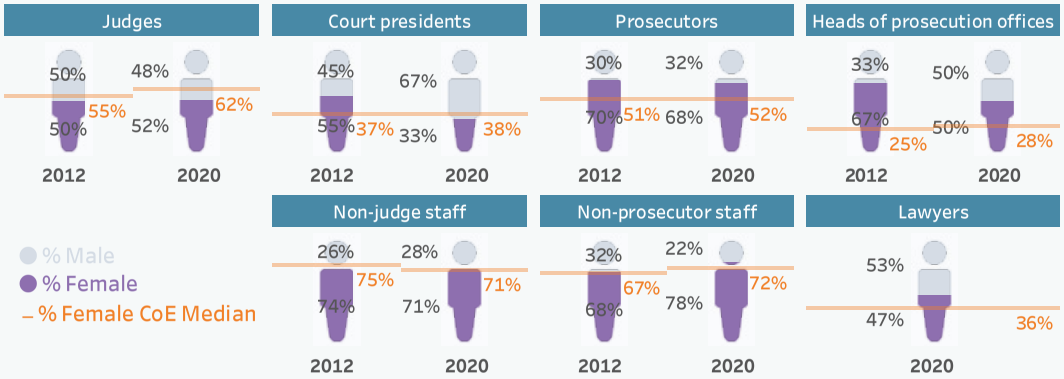
Efficiency: In 2020, the courts are most efficient in criminal cases, in particular in the second instance. Israel has Dispositions Times shorter than the CoE medians except for civil and commercial cases in first and third instances. The Disposition Time for civil and commercial litigious cases in the first instance is the highest one (339 days).

The effects of COVID-19 pandemic seem moderate, although when comparing to the previous cycle, the courts decreased their efficiency and raised Disposition Times except for in the second and the third instances criminal cases, as well as the second instance civil and commercial cases.

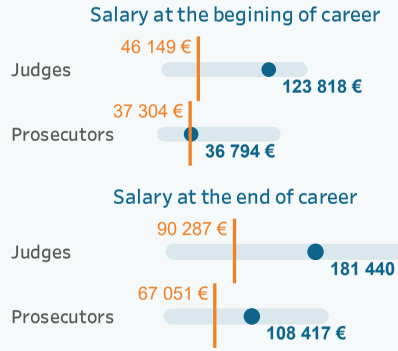
Human resources (per 100 000 inhabitants)



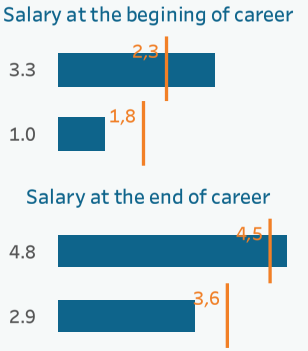
Gender balance



Absolute gross salaries

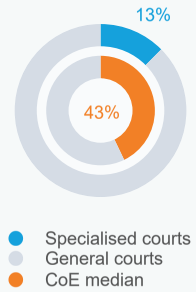


Ratio with the average annual gross salary

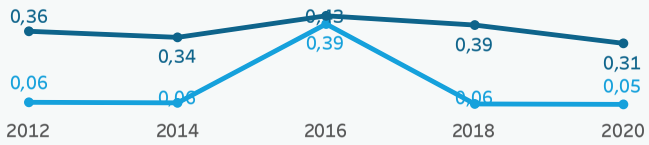


Courts (per 100 000 inhabitants)

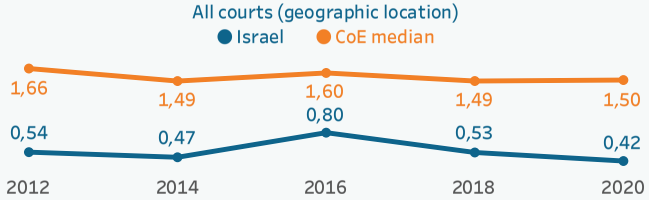
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)



All courts (geographic location)



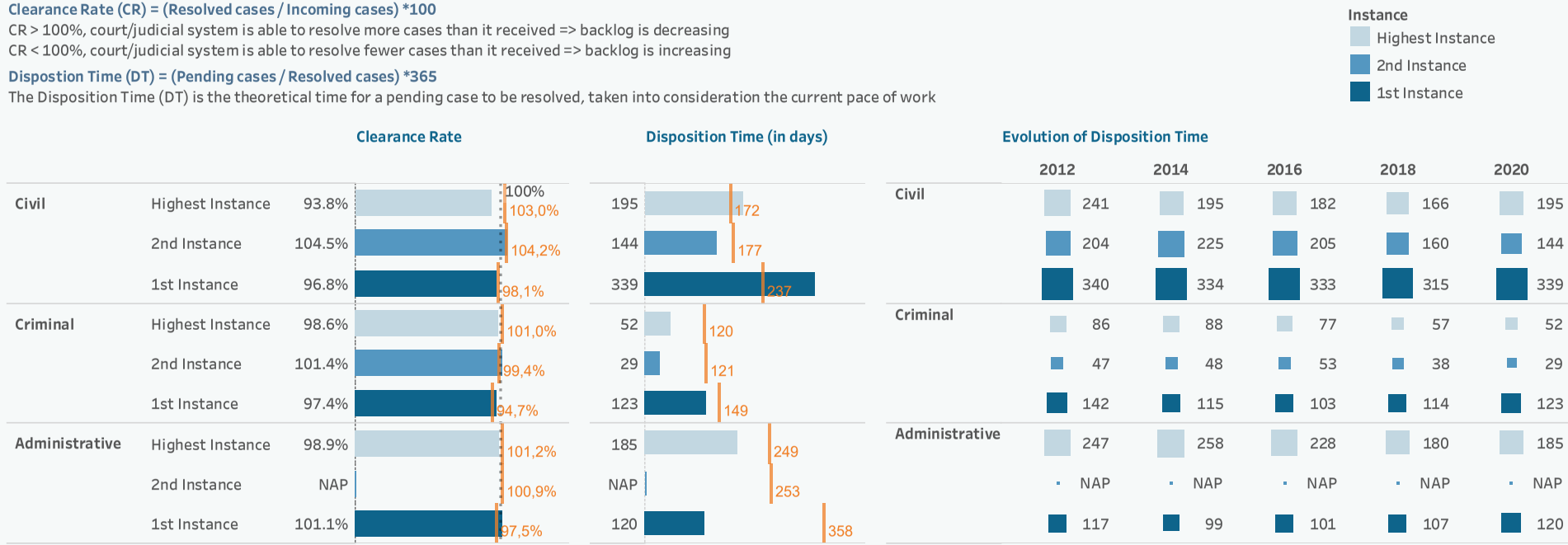
ICT in judiciary (index from 0 to 10)

Index	Total	7.86	6,5
Deployment rate	Civil	8.25	6,6
	Criminal	8.43	5,7
	Administrative	8.25	6,1
Communication with courts	Civil	8.01	6,1
	Criminal	8.29	4,1
	Administrative	8.01	5,0
Courts and case management	Civil	9.56	7,3
	Criminal	9.56	7,3
	Administrative	9.56	7,4
Decision support	Civil	5.74	7,0
	Criminal	6.23	7,3
	Administrative	5.74	7,2

CEPEJ efficiency indicators

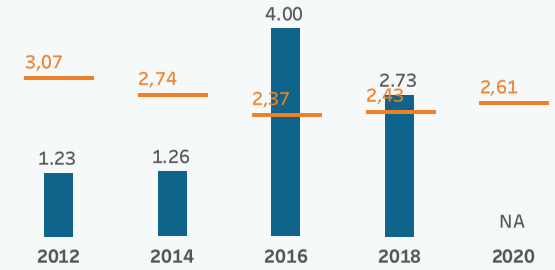
Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work



Public prosecution services

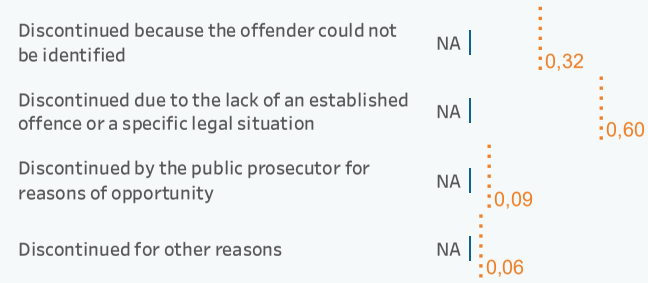
Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants



Distribution of discontinued cases per 100 inhabitants



Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
http://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawA..

2. Case-law of the higher court/s
https://supreme.court.gov.il/sites/en/Pages/home.aspx

3. Information about the judicial system
https://main.knesset.gov.il

KAZAKHSTAN

2020

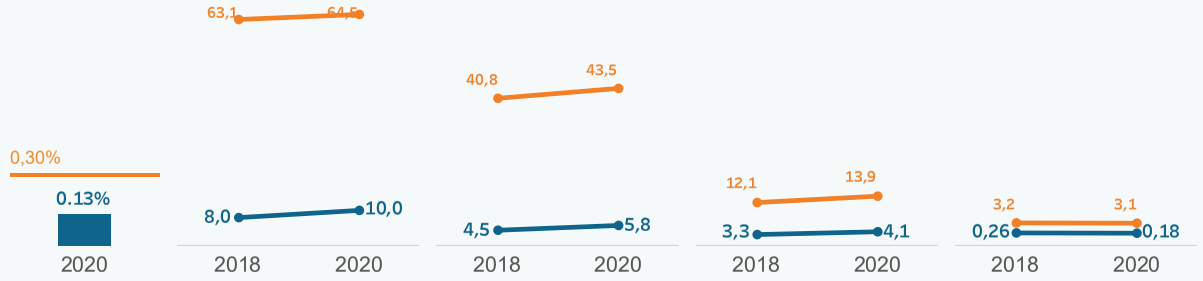
Population
18 879 552

GDP per capita
7 991 €
CoE Median 20 301 €

Avg gross annual salary
5 424 €
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.13% of GDP	10.0 per inh.	5.8 per inh.	4.1 per inh.	0.18 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



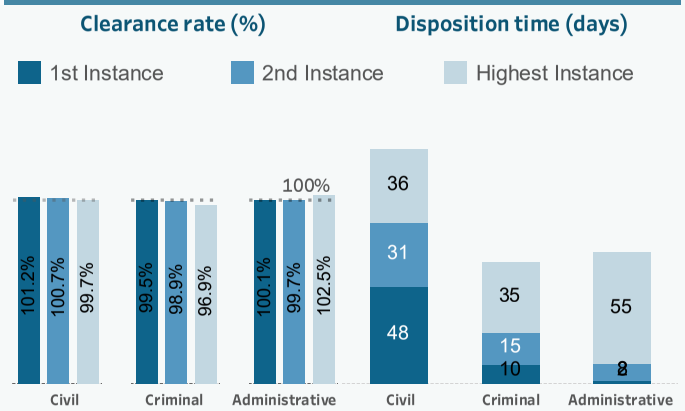
Budget : In 2020, Kazakhstan spent 189 602 746 € on the implemented judicial system budget, which is 10,04 € per inhabitant and 0,13% of the country's GDP. In 2020, 58 % was spent on all courts, 40 % on prosecution services, and 2 % on legal aid.

Promotion of judges and the quality of justice
Starting with 2019, the promotion of judges is carried out through a competitive procedure in Kazakhstan. To this end, a new Commission on the Quality of Justice made of judges has been set up in the Supreme Court. It considers a number of professional performance aspects, including the quality of the decisions and compliance with ethical standards, along with the results of the interviews for the positions.

Organisation
The number of courts per 100,000 inhabitants in Kazakhstan continues to be above the CoE median in 2020, as the number of general jurisdiction courts increased. The number of specialized courts decreased on the account of abolishing some military courts reported in 2020.

Professionals and gender balance
The number of judges per 100,000 inhabitants (12,68) is lower than the CoE median. Conversely, the number of prosecutors (30,28) is significantly higher than the median. The number of non-judge staff per judge is almost on a par with the CoE median. While 47% of judges are female, in 2020 only 14% of court presidents are women. No gender-disaggregated data on prosecutors and non-prosecution staff was available for 2020.

Efficiency



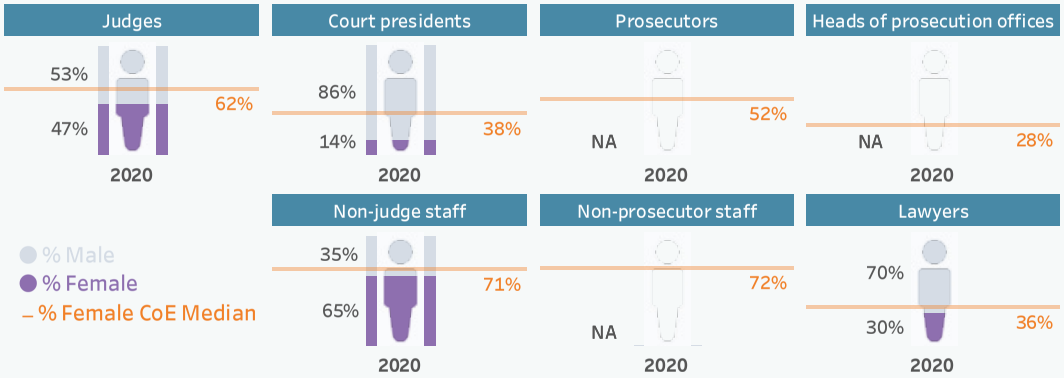
Efficiency: First instance courts in Kazakhstan appear to be the most efficient courts in 2020. The number of incoming other than criminal cases per 100 inhabitants decreased significantly compared to 2018. Pandemic-related measures, as well as access to mediation getting momentum seem to explain the decrease. These courts kept a 100% clearance rate and they solve cases considerably faster compared to the CoE median.
The second instance courts have a Clearance Rate above 100% in civil and commercial litigious cases; and the Supreme court – in administrative cases. The Disposition Time increased compared to 2018 most notably in the administrative cases and in criminal law cases in the Supreme Court, although it remains significantly lower than the CoE median. This can be explained by binding time limits set by law for the examination of cases in courts in Kazakhstan.

Human resources (per 100 000 inhabitants)

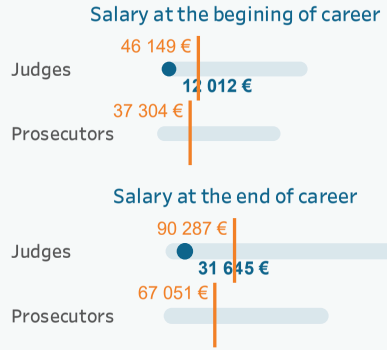
Kazakhstan CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	12.68	17,60	41.26	56,13	30.28	11,10	NA	15,22	28.86	134,512
2018	13.23	17,94	44.26	59,69	NA	11,22	NA	14,98	27.06	127,082

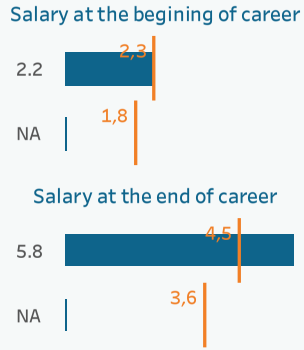
Gender balance



Absolute gross salaries

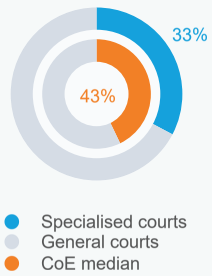


Ratio with the average annual gross salary



Courts (per 100 000 inhabitants)

Distribution (%) of 1st instance specialised and general jurisdiction courts



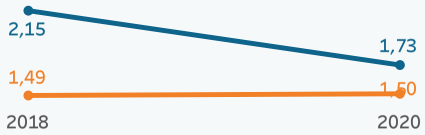
First instance general and specialised courts (legal entities)

General jurisdiction courts Specialised courts



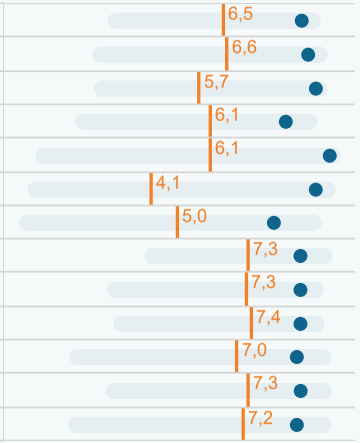
All courts (geographic location)

Kazakhstan CoE median



ICT in judiciary (index from 0 to 10)

Index	Total	9.07
Deployment rate	Civil	9.29
	Criminal	9.54
	Administrative	8.55
Communication with courts	Civil	10
	Criminal	9.54
	Administrative	8.15
Courts and case management	Civil	9.03
	Criminal	9.03
	Administrative	9.03
Decision support	Civil	8.91
	Criminal	9.04
	Administrative	8.91



CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	99.7%	100%
	2nd Instance	100.7%	103,0%
	1st Instance	101.2%	104,2%
Criminal	Highest Instance	96.9%	98,1%
	2nd Instance	98.9%	101,0%
	1st Instance	99.5%	99,4%
Administrative	Highest Instance	102.5%	94,7%
	2nd Instance	99.7%	101,2%
	1st Instance	100.1%	100,9%
			97,5%

Disposition Time (in days)

Civil	Highest Instance	36
	2nd Instance	31
	1st Instance	48
Criminal	Highest Instance	35
	2nd Instance	15
	1st Instance	10
Administrative	Highest Instance	55
	2nd Instance	8
	1st Instance	2

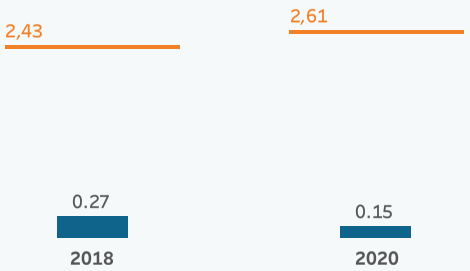
Civil	Highest Instance	172
	2nd Instance	177
	1st Instance	237
Criminal	Highest Instance	120
	2nd Instance	121
	1st Instance	149
Administrative	Highest Instance	249
	2nd Instance	253
	1st Instance	358

Evolution of Disposition Time

		2018	2020
Civil	Highest Instance	28	36
	2nd Instance	29	31
	1st Instance	32	48
Criminal	Highest Instance	17	35
	2nd Instance	13	15
	1st Instance	9	10
Administrative	Highest Instance	19	55
	2nd Instance	8	8
	1st Instance	1	2

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants



Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	0.00	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	NAP	0,11
Cases closed by the public prosecutor for other reasons	NAP	0,18
Cases brought to court	0.14	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NAP	0,32
Discontinued due to the lack of an established offence or a specific legal situation	0.00	0,60
Discontinued by the public prosecutor for reasons of opportunity	NAP	0,09
Discontinued for other reasons	0.00	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
https://adilet.zan.kz

2. Case-law of the higher court/s
https://sud.gov.kz/ https://office.sud.kz

3. Information about the judicial system
https://sud.gov.kz/ https://office.sud.kz

MOROCCO

2020

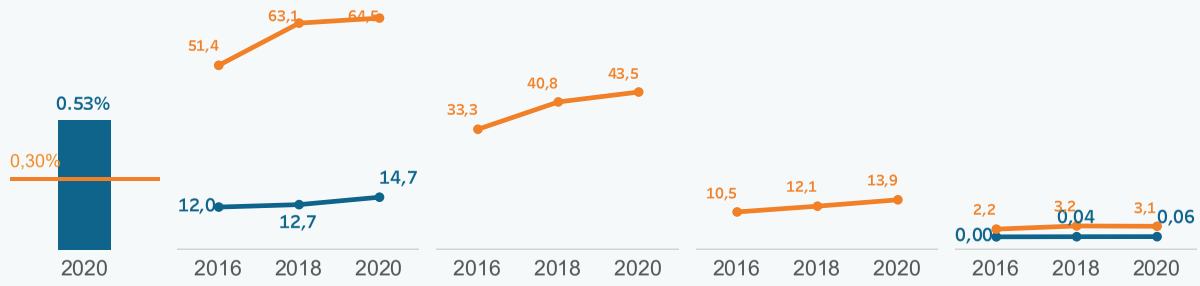
Population
36 313 189

GDP per capita
2 785 €
CoE Median 20 301 €

Avg gross annual salary
NA
CoE Median 20 612 €

Implemented judicial system budget

Judicial system	Courts	Prosecution services	Legal aid
0.53% of GDP	14.7 per inh.	NA per inh.	NAP per inh.	0.06 per inh.
CoE Median : 0,30%	CoE Median : 64,50	CoE Median : 43,53	CoE Median : 13,86	CoE Median : 3,08



Budget : In 2020, Morocco spent 534 359 626€ on the implemented judicial system budget which represents 14,7 € per inhabitant (significantly below the CoE median) and 0.53% of the GDP (above the CoE median). It is not possible to isolate the court budget from the one allocated to public prosecution services. The legal aid budget represents 0,06 € per inhabitant which is very low and below the CoE median.

Professionals of justice

The number of professional judges (8) and prosecutors (3) per 100 000 inhabitants fell between 2016 and 2020, while the number of lawyers increased (37). All these values are below the respective CoE medians. Women continue to be a minority within the different categories of professionals of justice (going from minimum 5% among court presidents to maximum 28% among judges), except for non-judge staff where 51% are women.

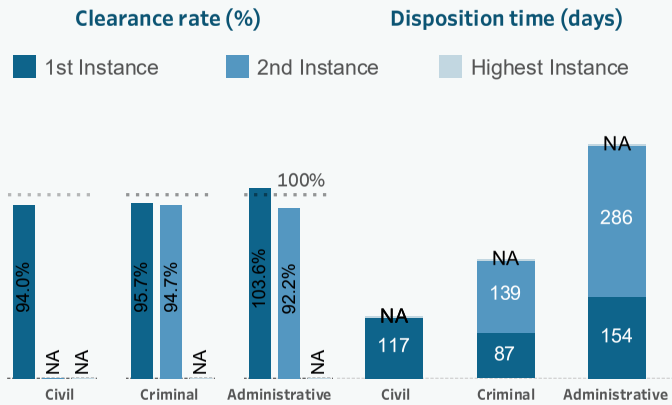
Access to justice

The Moroccan judicial system is characterised by the existence of local courts organised into 2 divisions: those within 1st instance courts (urban municipalities) and those in the jurisdiction of the resident judge (rural municipalities). They follow simplified procedures, namely for small claim cases (below 5,000 dirhams) and minor criminal offenses. They sit as a single judge assisted by a clerk. The procedure is oral and free.

Court users

The Ministry of Justice website is rich in practical information providing any interested party with simple and direct access to justice. A litigant can consult his/her file online, follow it in real time and take note of the precise decision from a judge, and if necessary, the date of the next hearing. The platform also contains a selection of legal texts. "Front offices" in the courts' entrance halls facilitate the orientation of litigants.

Efficiency



Efficiency: With regard to available data for 2020, the courts are most efficient in the first instance criminal cases. At first instance, the Disposition Time indicator is below the respective CoE medians for all three matters. On the other hand, the Disposition Time is the highest in the second instance administrative cases, exceeding the CoE median.

In 2020, the courts decreased their efficiency over the previous cycle, as demonstrated by increases in Disposition Times in respect of all available case categories. In Morocco, the COVID-19 pandemic has caused a decrease in the number of first instance incoming and resolved civil and administrative cases but had no impact on first instance incoming and resolved criminal cases whose number increased.

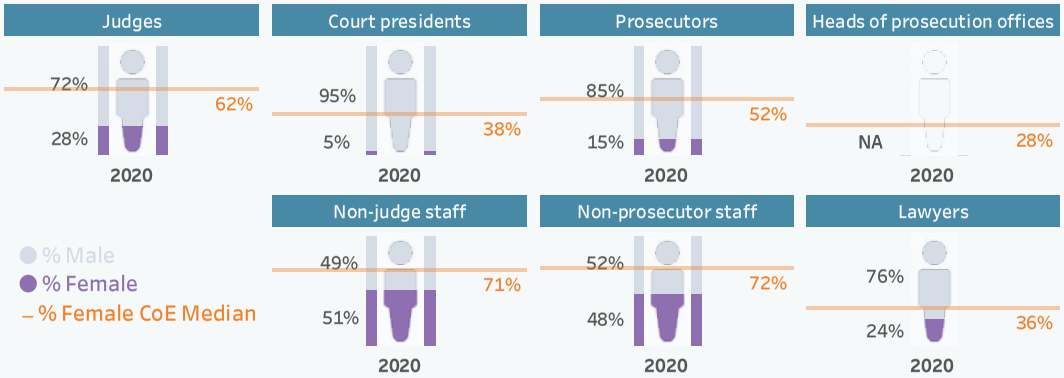
MOROCCO

Human resources (per 100 000 inhabitants)

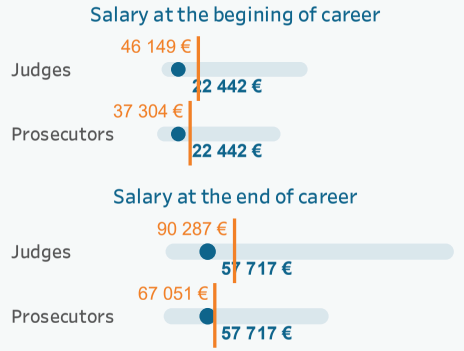
Morocco | CoE Median

	Professional judges		Non-judge staff		Prosecutors		Non-prosecutor staff		Lawyers	
2020	7.52	17,60	24.08	56,13	2.80	11,10	9.91	15,22	37.46	134,51
2018	8.44	17,94	25.53	59,69	2.81	11,22	10.31	14,98	34.38	127,08
2016	8.43	17,63	26.56	59,30	2.82	10,86	10.52	14,60	34.70	120,25

Gender balance



Absolute gross salaries

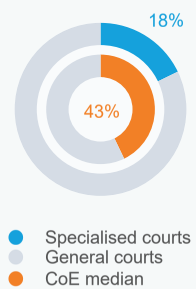


Ratio with the average annual gross salary

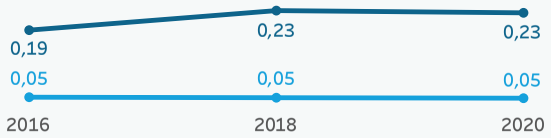


Courts (per 100 000 inhabitants)

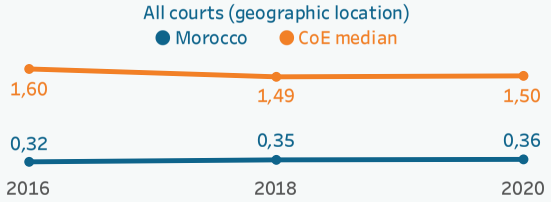
Distribution (%) of 1st instance specialised and general jurisdiction courts



First instance general and specialised courts (legal entities)

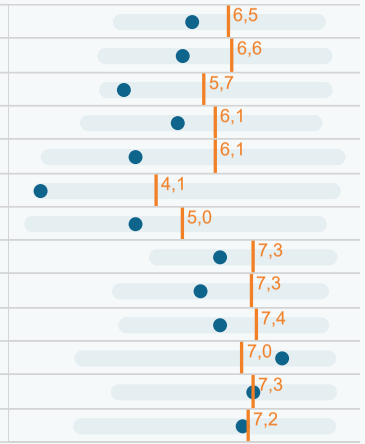


All courts (geographic location)



ICT in judiciary (index from 0 to 10)

Index	Total	5.29
Deployment rate	Civil	4.98
	Criminal	3.03
	Administrative	4.81
Communication with courts	Civil	3.42
	Criminal	0.28
	Administrative	3.42
Courts and case management	Civil	6.21
	Criminal	5.56
	Administrative	6.21
Decision support	Civil	8.26
	Criminal	7.31
	Administrative	6.96



CEPEJ efficiency indicators

Clearance Rate (CR) = (Resolved cases / Incoming cases) *100
CR > 100%, court/judicial system is able to resolve more cases than it received => backlog is decreasing
CR < 100%, court/judicial system is able to resolve fewer cases than it received => backlog is increasing

Dispostion Time (DT) = (Pending cases / Resolved cases) *365
The Disposition Time (DT) is the theoretical time for a pending case to be resolved, taken into consideration the current pace of work

Instance
- Highest Instance
- 2nd Instance
- 1st Instance

Clearance Rate

Civil	Highest Instance	NA	100% / 103,0%
	2nd Instance	NA	104,2%
	1st Instance	94.0%	98,1%
Criminal	Highest Instance	NA	101,0%
	2nd Instance	94.7%	99,4%
	1st Instance	95.7%	94,7%
Administrative	Highest Instance	NA	101,2%
	2nd Instance	92.2%	100,9%
	1st Instance	103.6%	97,5%

Disposition Time (in days)

Civil	Highest Instance	NA	172
	2nd Instance	NA	177
	1st Instance	117	237
Criminal	Highest Instance	NA	120
	2nd Instance	139	121
	1st Instance	87	149
Administrative	Highest Instance	NA	249
	2nd Instance	286	253
	1st Instance	154	358

Evolution of Disposition Time

	2016	2018	2020
Civil	455	681	NA
	NA	NA	NA
	86	75	117
Criminal	282	308	NA
	102	100	139
	91	76	87
Administrative	299	406	NA
	167	175	286
	89	80	154

Public prosecution services

Total number of criminal cases of 1st instance per 100 inhabitants

2016	2018	2020
4.16	4.04	NA
2,37	2,43	2,61

Distribution of processed cases per 100 inhabitants

Discontinued during the reference year	NA	0,88
Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	NA	0,11
Cases closed by the public prosecutor for other reasons	NA	0,18
Cases brought to court	NA	0,68

Distribution of discontinued cases per 100 inhabitants

Discontinued because the offender could not be identified	NA	0,32
Discontinued due to the lack of an established offence or a specific legal situation	NA	0,60
Discontinued by the public prosecutor for reasons of opportunity	NA	0,09
Discontinued for other reasons	NA	0,06

Note: There are different methodologies on calculating number of cases in prosecution statistics by event or by perpetrator. CEPEJ collects data per case (event) but some countries present it by perpetrator.

Judiciary related websites

1. Legal texts
www.ism.ma;https://adala.justice.gov.ma

2. Case-law of the higher court/s
www.ism.ma;https://portailjugements.justice.gov.ma

3. Information about the judicial system
www.ism.ma;http://www.justice.gov.ma;
https://www.mahakim.ma/

The latest edition of the report by the European Commission for the Efficiency of Justice (CEPEJ), which evaluates the functioning of judicial systems of 44 Council of Europe member states as well as three observer states to the CEPEJ, Israel, Kazakhstan and Morocco , continues the process carried out since 2002, focusing the content of the report on the analysis of European trends. In addition, the CEPEJ has also developed, for each participating state a profile which present in a synthetic way the main data and indicators developed by the CEPEJ as well as an analysis of the main aspects of each judicial system. All the quantitative and qualitative data collected from the CEPEJ national correspondents as well as the accompanying comments are also available on the CEPEJ-STAT dynamic database (https://www.coe.int/en/web/cepej/dynamicdatabase-of-european-judicial-systems). Relying on a methodology which is already a reference for collecting and processing large number of judicial data, this unique study has been conceived above all as a tool for public policy aimed at improving the efficiency and quality of justice. The objective of the CEPEJ for this report is to enable policy makers, justice practitioners, researchers as well as those who are simply interested in the functioning of justice in Europe and beyond, to have access to the information needed to be able to understand, analyse and reform.

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