



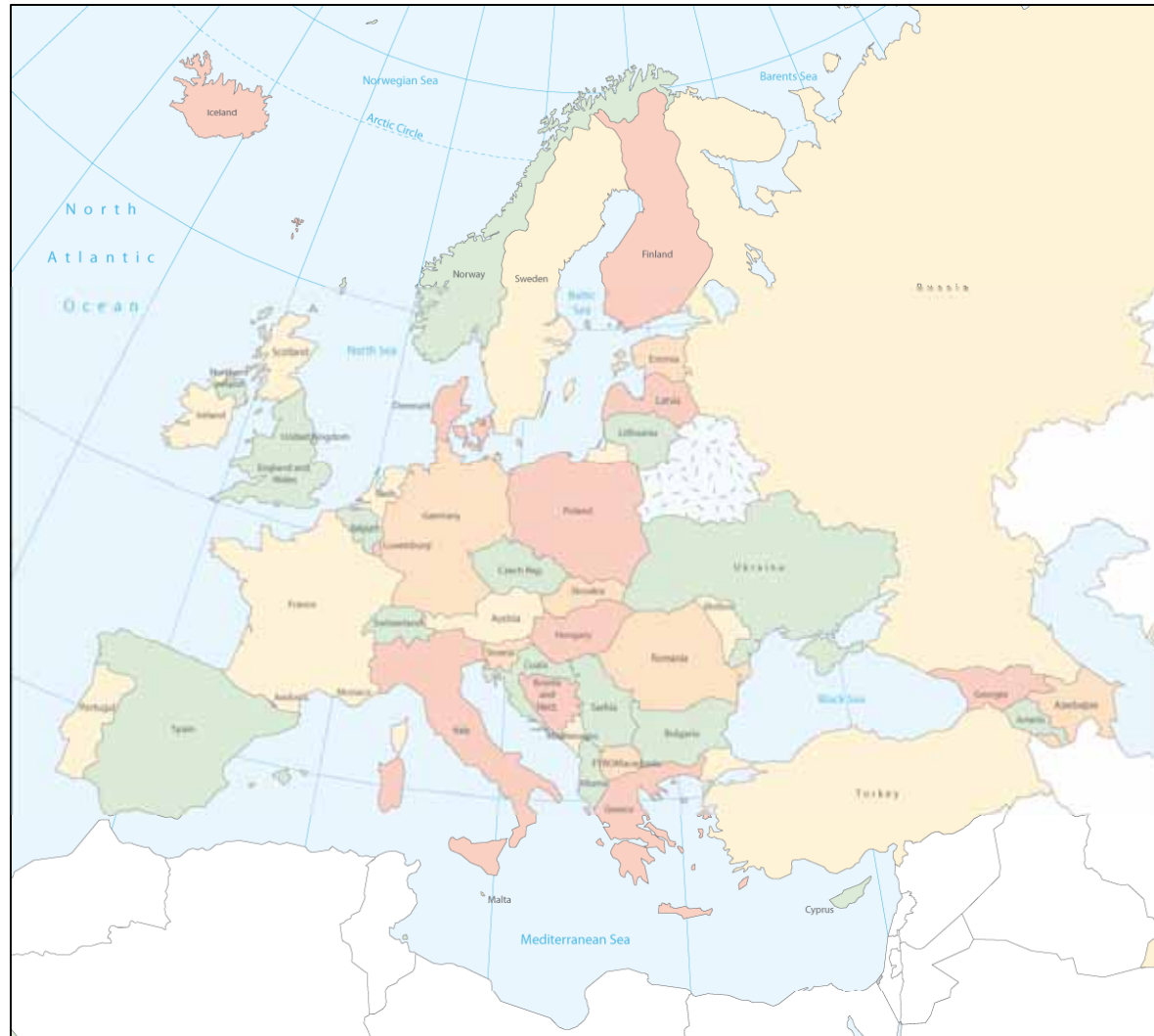
# Evaluation of European judicial systems by the CEPEJ, Council of Europe



# Council of Europe



- 47 member states
- 800 million citizens
- Founded in 1949





# CEPEJ



- Founded in 2002
- Exponential growth in number of cases before the European Court of Human Rights:

**40% for excessive length of  
judicial proceedings**

**➔ need of reforms of judicial systems**



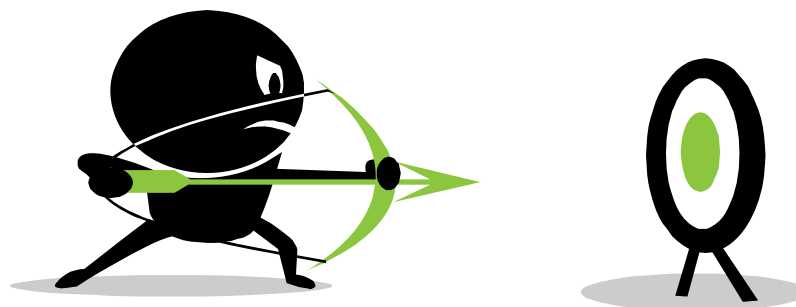
# CEPEJ



- Aim:

prevent violations of art. 6 of the European Convention on Human Rights

**→ increase efficiency and quality of justice**

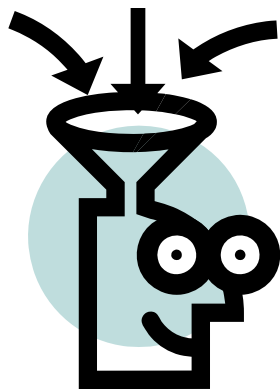




# CEPEJ



- **How? Knowledge about the different judicial systems in Europe**



- Evaluation and comparison
- Depth study by working groups
- Concrete and practical solutions for Courts



# Evaluation



**Pilot 2003:** 40 states or entities

→ Challenges

→ An European first!

→ Success: one of the priorities of the action plan of the Council of Europe (Warsaw 2005), ...





# Evaluation



- 1. 2006 (data 2004): 45 (not CHE)**
- 2. 2008 (data 2008): 45 (not LIE and SMR)**
- 3. 2010 (data 2010): 47 (not DEU and LIE)**

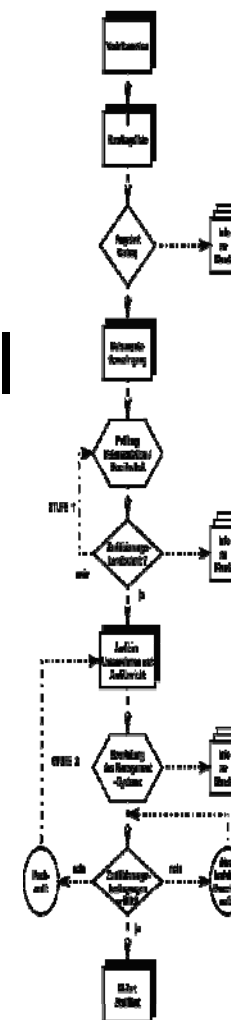
→ dynamic process of evaluating  
European judicial systems:  
**comparisons and trends**



# Evaluation 2010



- Start in September 2009
- Filling in the online questionnaire till December ((April 2010!!!))
- Meeting National correspondents
- Adoption in September 2010
- Publication in October 2010







# Evaluation 2010



- Data collected: **2008!**
- 182 questions and many comments
  - General informations
  - Public budgets for the judiciary (courts, prosecution, legal aid)
  - Legal aid (access to justice)
  - Fair trial and court activity (length of proceedings)
  - Courts





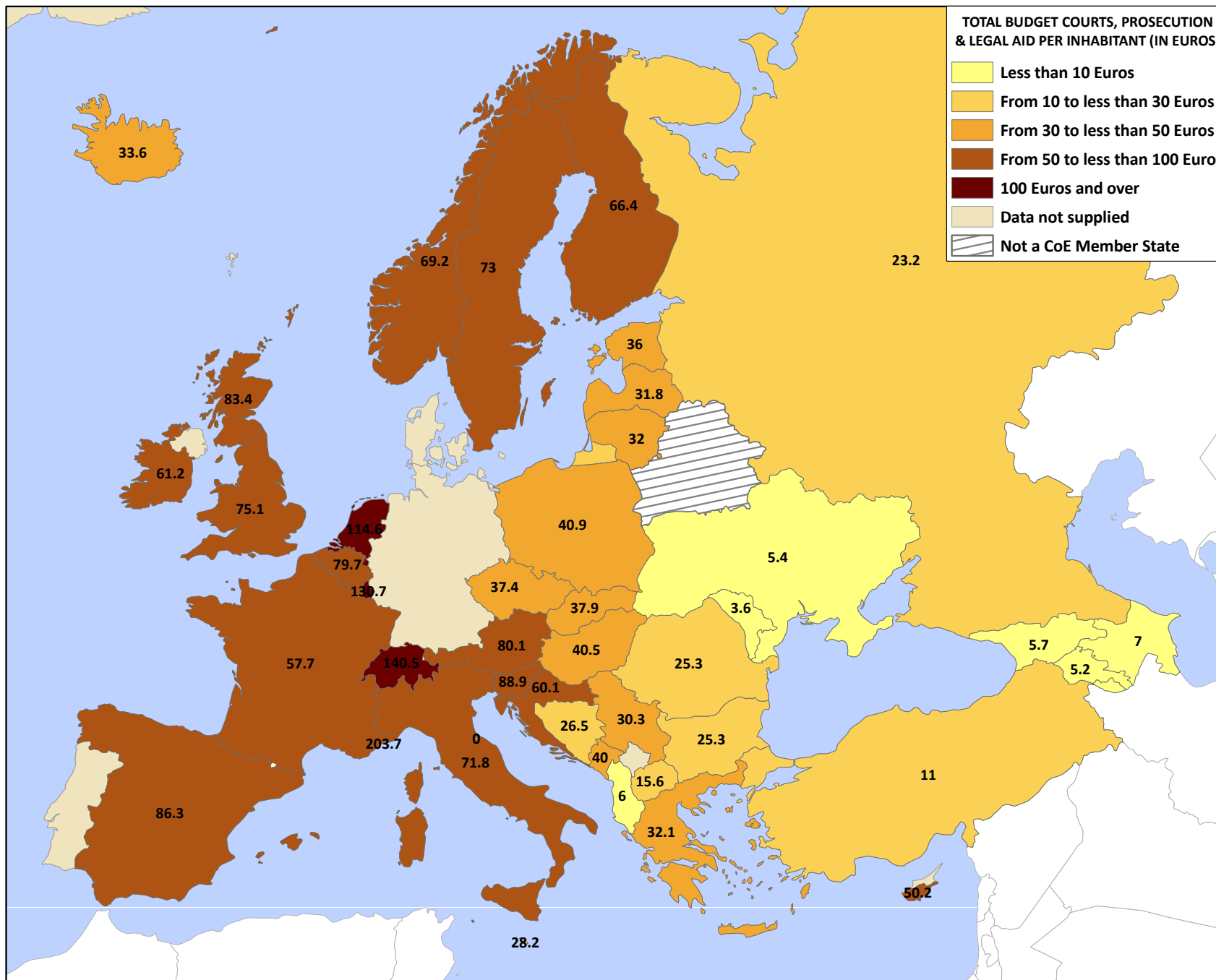
# Evaluation 2010



- Professionals (judges, prosecutors, staff for judges and prosecutors, lawyers, notaries, court interpreters)
- Court users
- Execution of court decisions
- Alternative Dispute Resolution
- Reforms

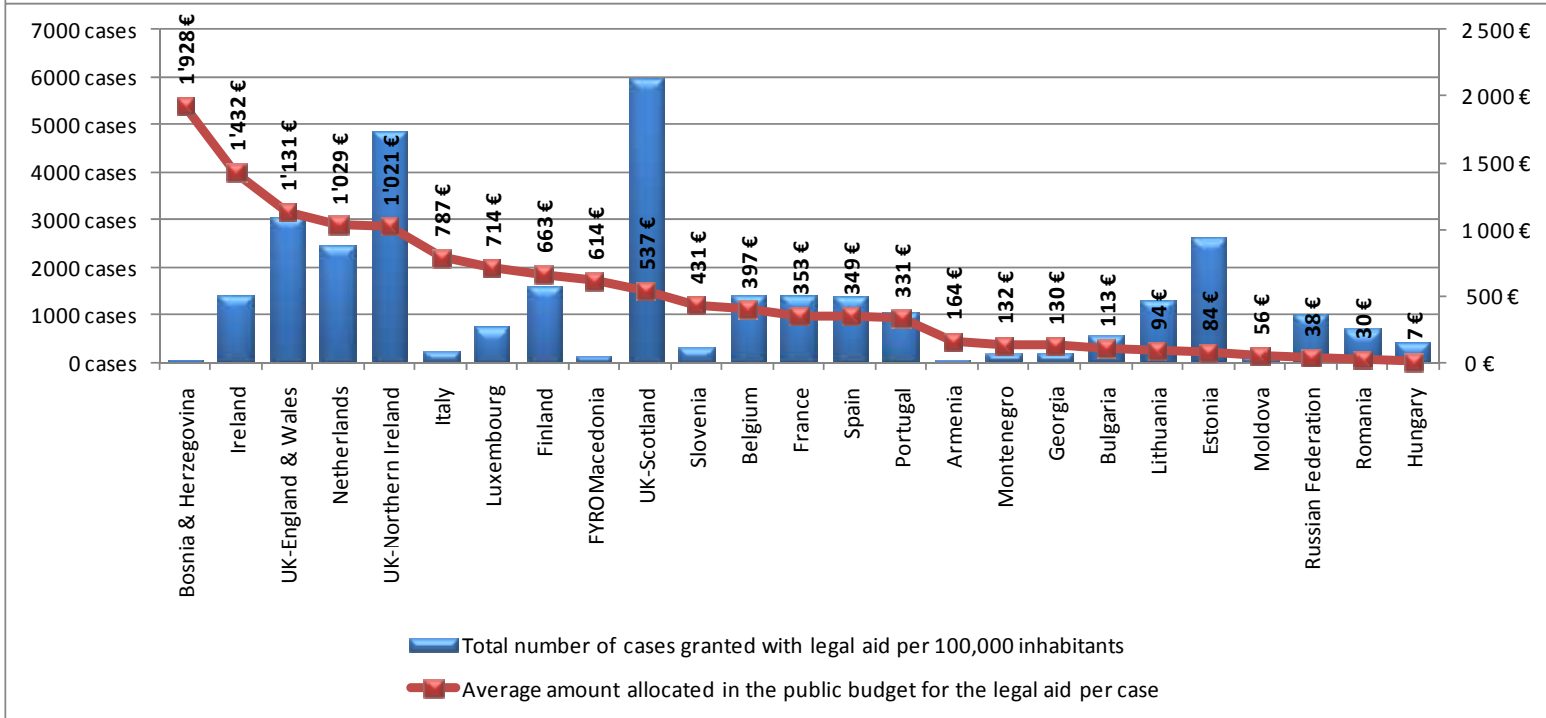
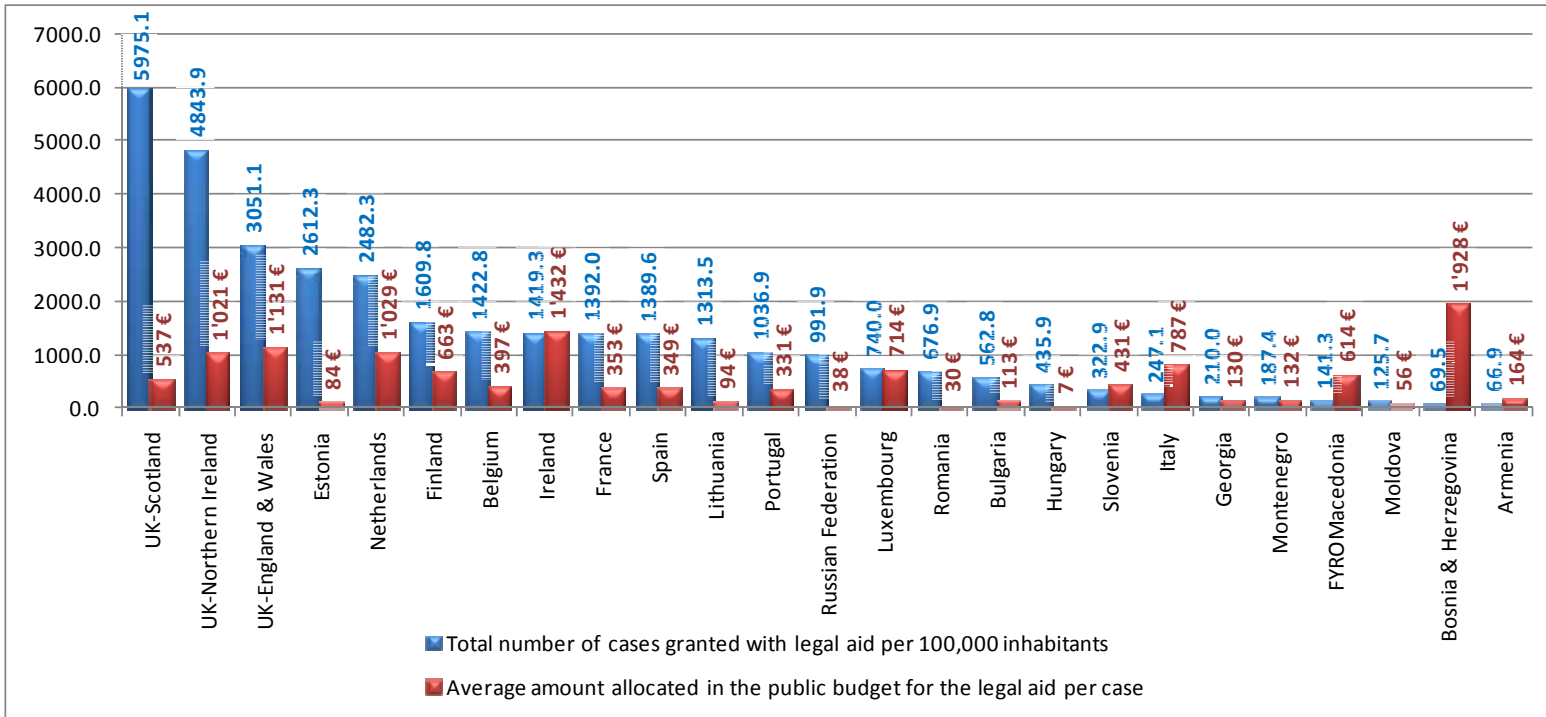


**B  
U  
D  
G  
E  
T  
  
P  
E  
R  
  
I  
N  
H  
A  
B  
I  
T  
A  
N  
T**



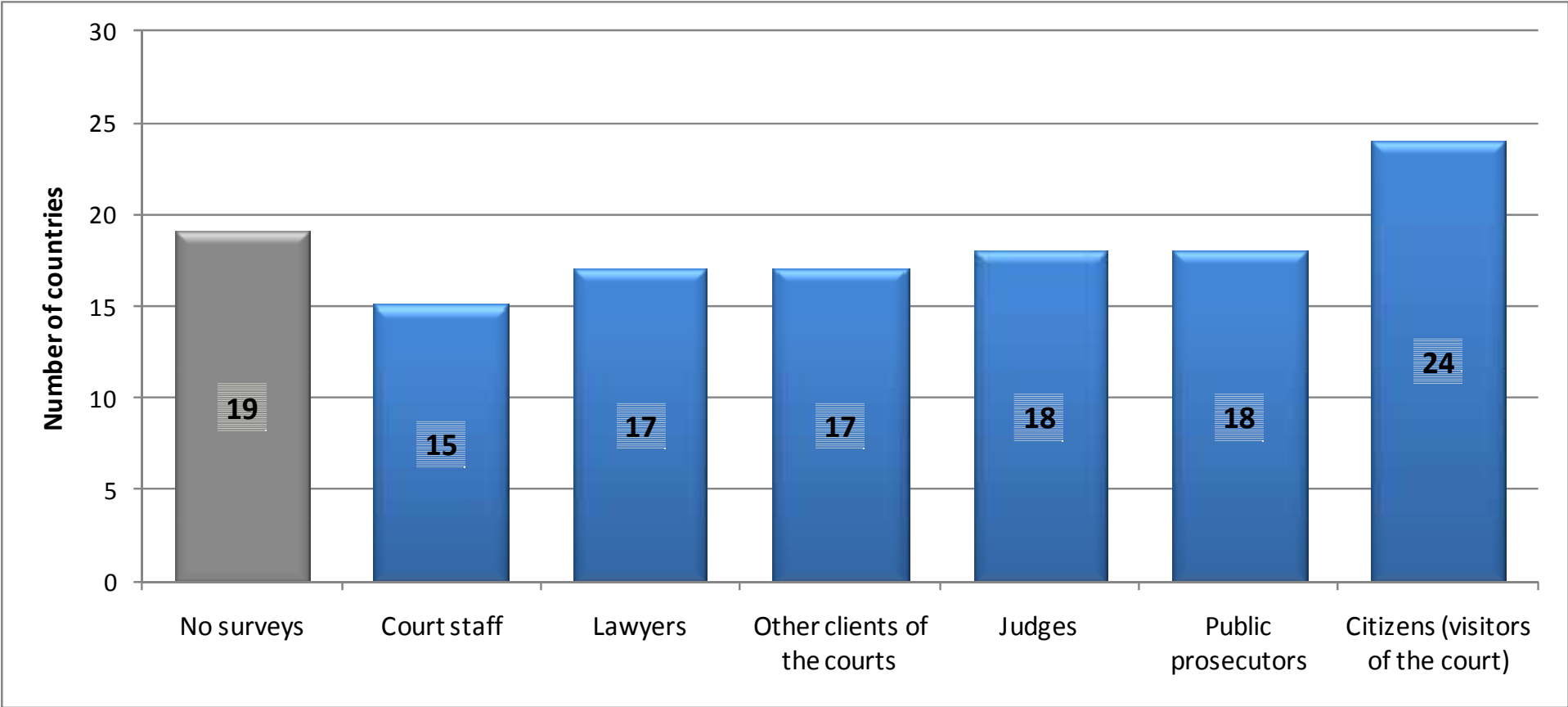
**CONFIDENTIAL**

# LEGAL AID



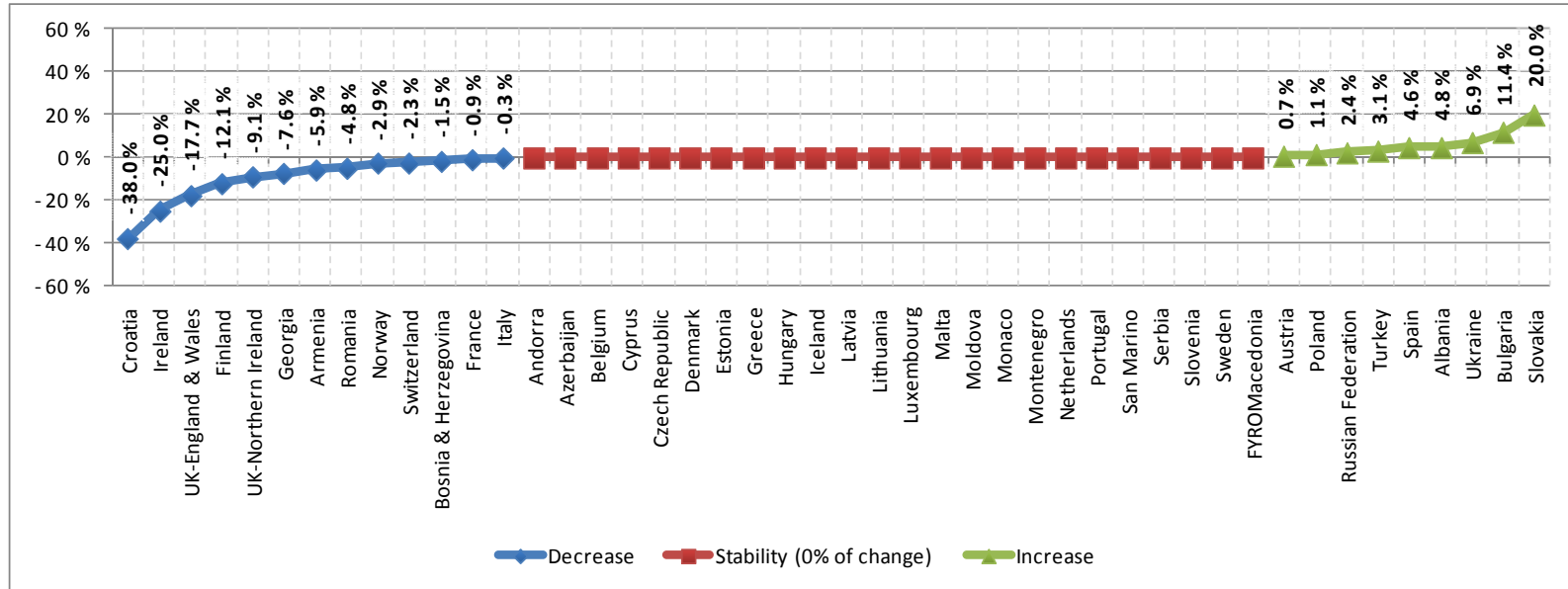
# CONFIDENTIAL

# GROUPS CONCERNED BY SATISFACTION SURVEYS in 2008

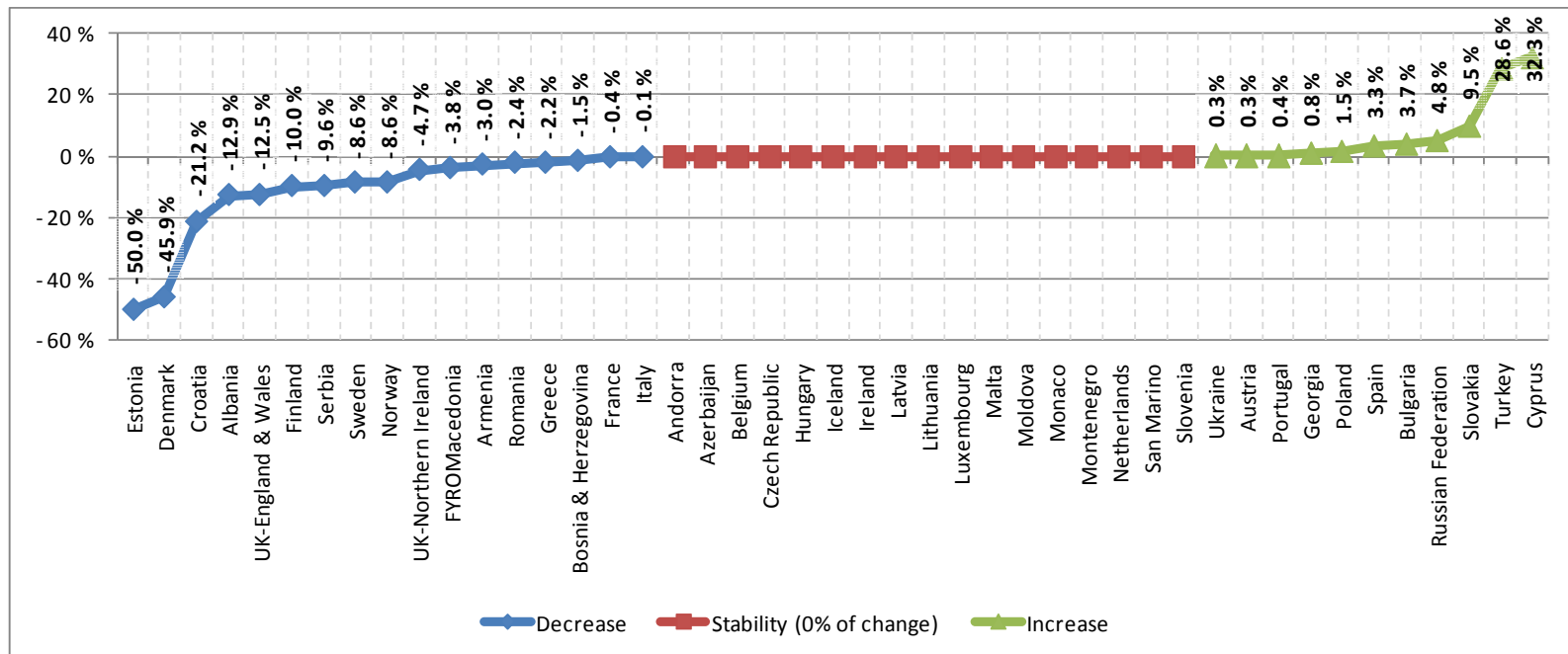


**CONFIDENTIAL**

## Average annual variation 2006-2008 of number of 1st instance courts

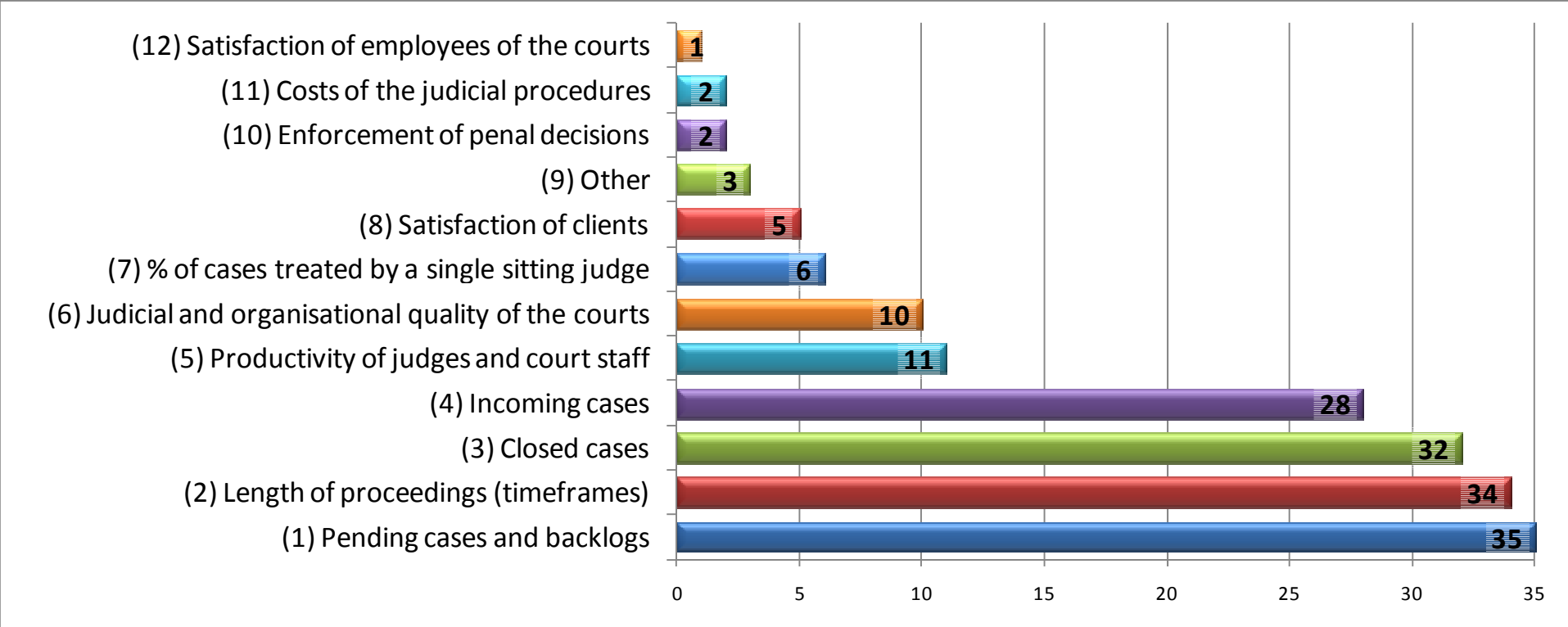


## Average annual variation 2004-2008 of number of 1st instance courts



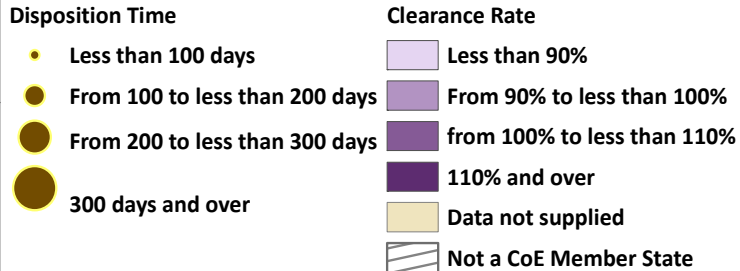
CONFIDENTIAL

# Number of states or entities using PERFORMANCE AND QUALITY INDICATORS FOR A PROPER FUNCTIONING OF COURTS

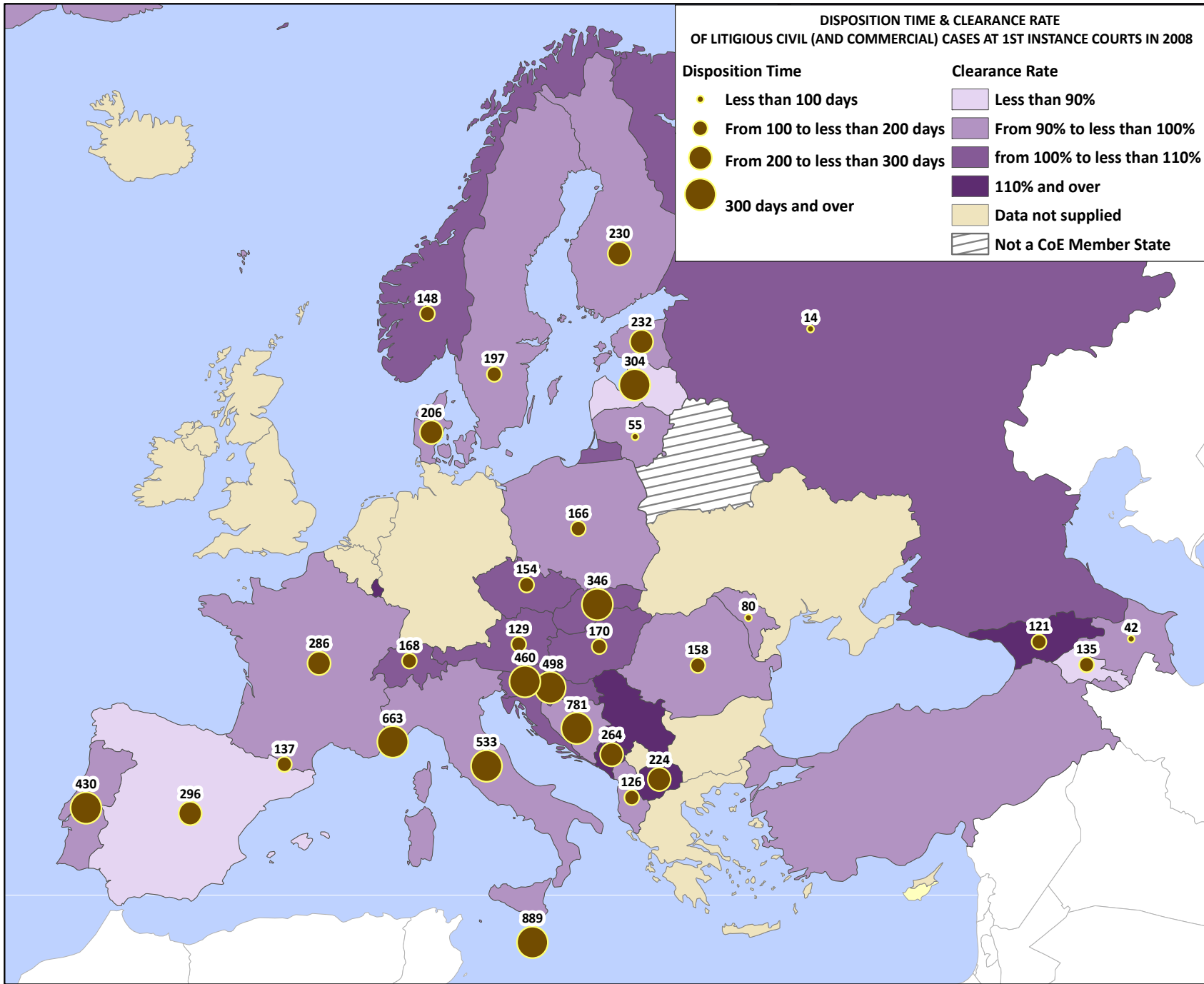


**CONFIDENTIAL**

DISPOSITION TIME & CLEARANCE RATE OF LITIGIOUS CIVIL (AND COMMERCIAL) CASES AT 1ST INSTANCE COURTS IN 2008



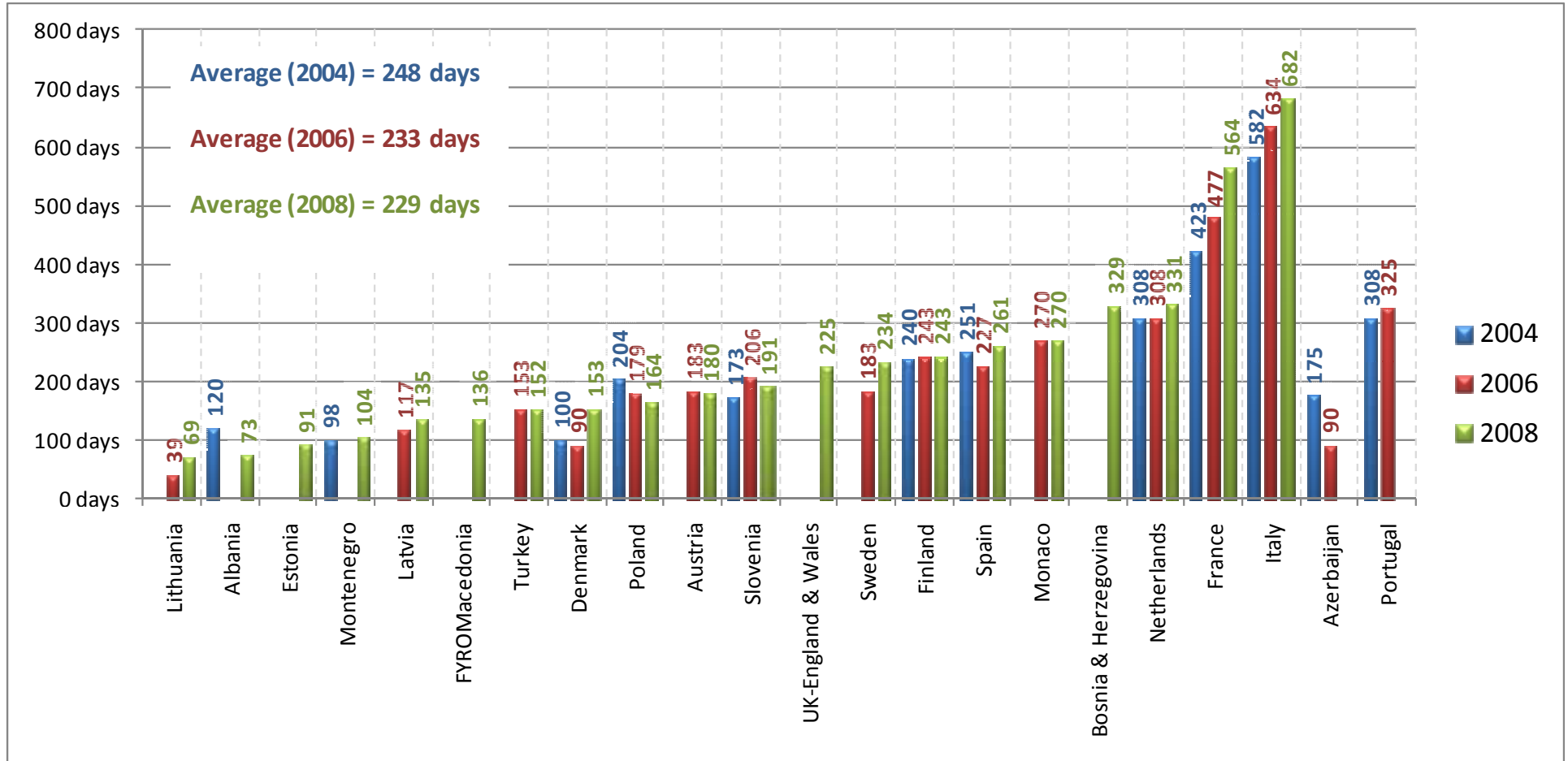
DT  
and  
CR



C  
O  
N  
F  
I  
D  
E  
N  
T  
I  
A  
L



## AVERAGE LENGTH OF PROCEEDINGS for LITIGIOUS DIVORCE cases at first instance courts between 2004 and 2008, in days



**CONFIDENTIAL**

## **AVERAGE LENGTH OF PROCEEDINGS for LITIGIOUS DIVORCE cases at first instance courts between 2004 and 2008, in days**

### **Comments**

**Albania:** in non-litigious divorce cases, a draft agreement is presented to the court by both partners. The court may approve the agreement by decision. If the judge realises that the agreement does not provide enough security for the children or one of the partners, he shall suspend the procedure for three months. If the partners have not rectified the agreement accordingly, the judge shall refuse the approval for the non-litigious divorce.

**Azerbaijan:** the length of consideration of the divorce case is 90 days, but when one party does not agree, the judge can decide on a new term of no more than 90 days for conciliation. Then the maximum length of this type of case is 180 days. One month is provided for submitting appeal and two months for the Court of Appeal to consider the case. The total is then 270 days with conciliation period and 6 months without conciliation period.

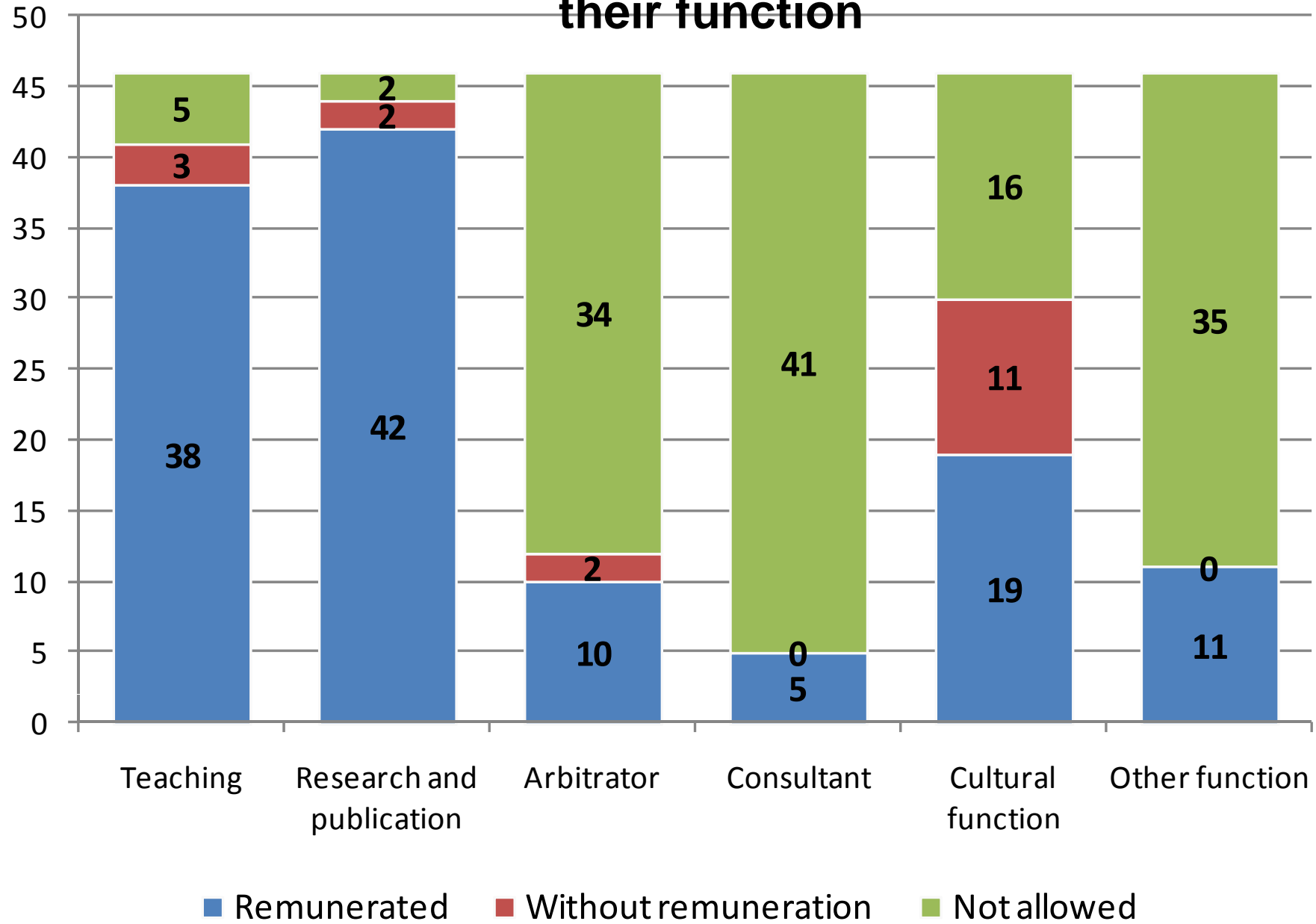
**Bosnia and Herzegovina:** prior to filing a request for divorce, the couple with underage children must try to reconcile through the legally prescribed procedure which is handled by the municipal social workers. Court decision by which a marriage is divorced, in principle, may be appealed only on the ground of grave procedural mistakes. There is no mandatory timeframe for the divorce case to be decided on, but the law prescribes that courts are obliged to process with urgency all family law cases, including divorce cases, involving interests of underage persons.

**Czech Republic:** If a marriage has existed for at least 1 year, spouses have not lived together for more than 6 months and the petition for divorce by one spouse is joined by the other, the court does not establish the grounds for the breakdown of marriage and issues the judgment of divorce under several conditions. If there are children, the court decides, before issuing the judgment of

...

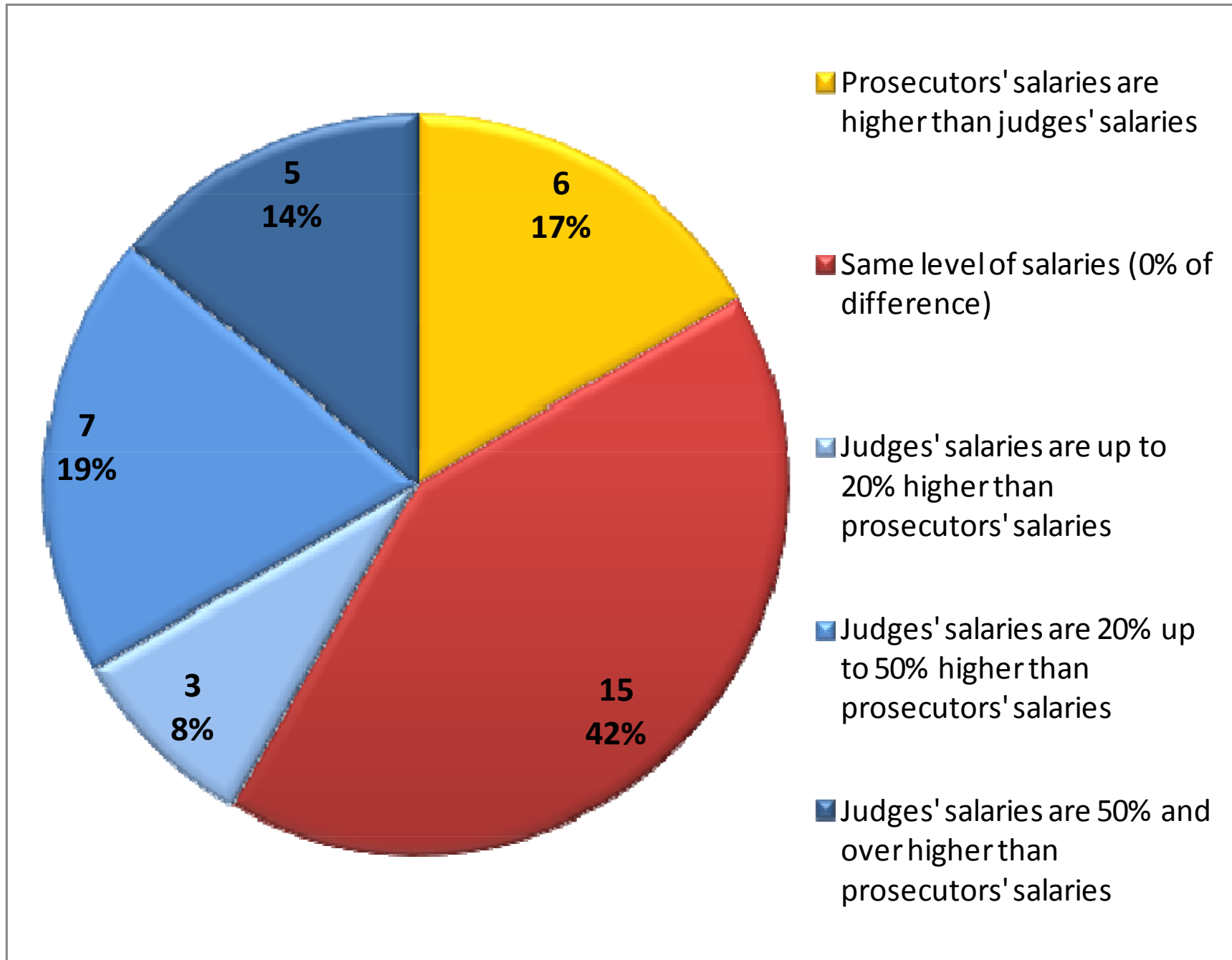
**CONFIDENTIAL**

# ACTIVITIES with which JUDGES are allowed to combine their function



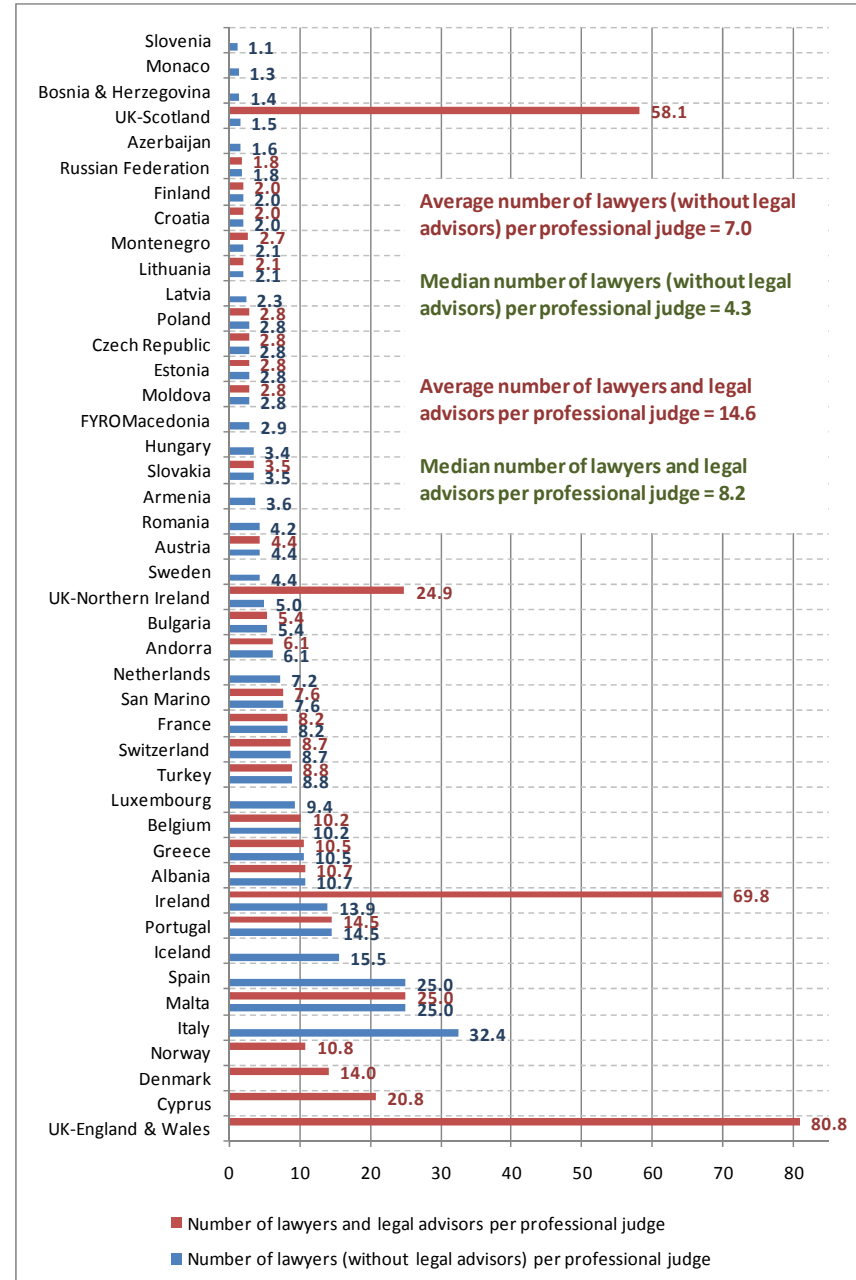
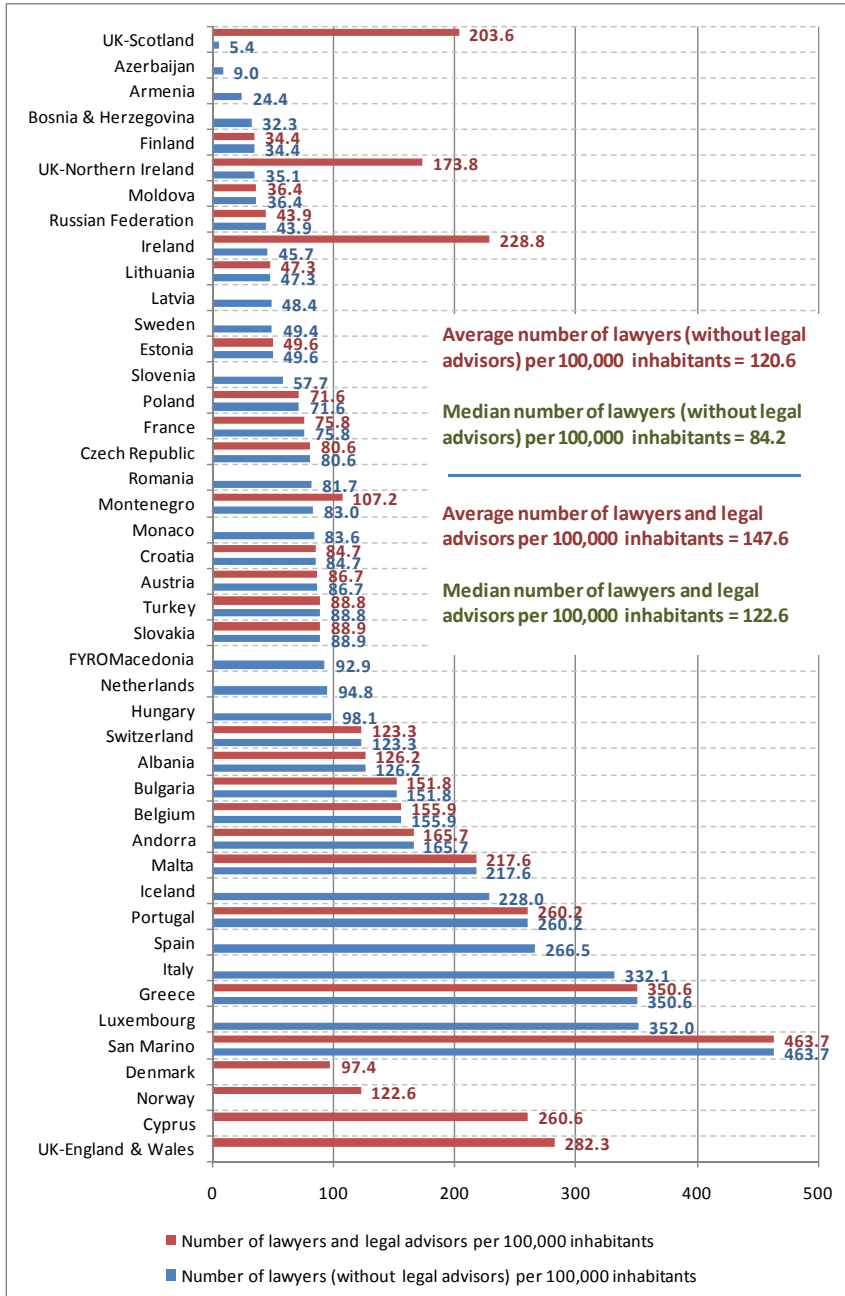
CONFIDENTIAL

# Differences between judges' and prosecutors' salaries



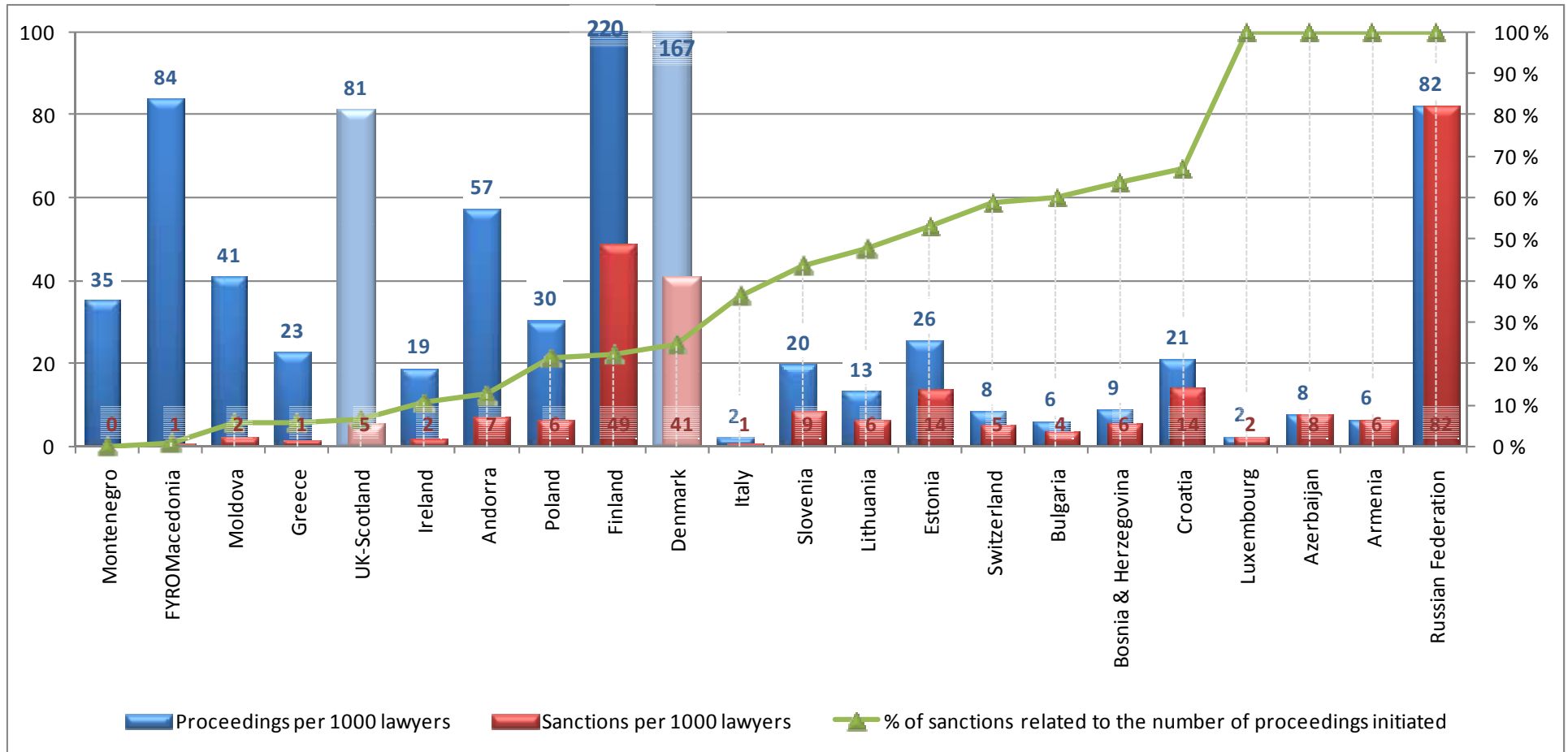
C  
O  
N  
F  
I  
D  
E  
N  
T  
I  
A  
L

# Number of lawyers (+/- legal advisors) per 100,000 inhabitants / per one judge



CONFIDENTIAL

# NUMBER OF SANCTIONS related to the number of INITIATED PROCEEDINGS per 1.000 LAWYERS in 2008



**CONFIDENTIAL**

# Aims achieved?



- Knowledge of European judicial systems
  - Comparisons, identifications of problems, exchange of solutions
- Studies (of the CEPEJ and universities)
  - Study on the quality systems in Europe.
- Recommendations
  - Checklist for time management
  - Handbook on the realisation of Court user satisfaction surveys

# Aims achieved?

- **Increase of efficiency (length of proceedings) and quality of justice?**  
**Improved court systems?**
  - Case studies?







# Improvements?

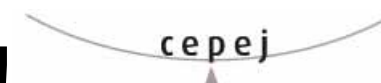


- Quality of data
- Harmonisation of definitions
- Getting more informations (e.g. Length of proceedings)





# Visit our website!



**Council of Europe** [www.coe.int](http://www.coe.int) **European Commission for the Efficiency of Justice**

INTERNET PORTAL | LEGAL COOPERATION | CONTACT | RESTRICTED ACCESS

[www.coe.int/cepej](http://www.coe.int/cepej) [FRANCAIS]

### At a glance

- Home
- About the CEPEJ
- Secretariat

### Activities

MEETINGS

- Calendar
- Meeting reports
- Restricted access

EVENTS

- Conferences
- European Day for Civil Justice
- The Crystal Scales of Justice Award

WORK IN PROGRESS

- Evaluation of Judicial Systems
- Translations of proceedings
- Work on...
- Work on...
- Work on...

### Documents

- CEPEJ documents
- Legal instruments
- Thematic files
- Press releases
- Publications

SEARCH

- Simple search
- Advanced search

### Countries

- Country Profiles A-Z

### Partners

- COC bodies, international organisations and research centres

## The European Commission for the Efficiency of Justice

We invite you to browse through the site to learn more about the European Commission for the Efficiency of Justice (CEPEJ) and its activities.



### The news (08/11/2008)

#### Exploitation of the report of the CEPEJ: call for projects

On 5 October 2008, the CEPEJ published its report on the European judicial systems and decided to publish the analysis of the facts and figures thus presented, to understand the functioning of justice systems, define common indicators to evaluate the functioning of justice systems, identify main trends and difficulties and orient the public policies of justice towards more quality and efficiency. In making its unique database available for use to researchers wishing to benefit from its official scientific support, the CEPEJ invites the European scientific community to work on a specific studies. The CEPEJ will study other proposals of projects aiming at analysing the results presented in its report. The CEPEJ will be pleased to be assisted in this work by all interested parties. The CEPEJ will be pleased to be assisted in this work by all interested parties. The CEPEJ will be pleased to be assisted in this work by all interested parties.

#### 2008

- Calendar
- Activities programme
- Mid-term programme

#### Evaluation of judicial systems

2008 Report (Word | PDF)

Special file

#### European Day for Civil Justice

2008 Edition

#### The crystal scales of Justice Award

European prize for innovative practice contributing to the quality of civil justice

#### Respect for court decisions in Russia: Round Table at the Council of Europe

On 30 and 31 October a high level Round Table was held between representatives of the Council of Europe and the Russian Federation to discuss solutions to the structural problem of non-enforcement of domestic court decisions against the State and its entities in the Russian Federation. The conclusions adopted by the participants take namely into account the Report edited by the CEPEJ in December 2005. (more...)

#### Linz Regional Court wins the "Crystal Scales of Justice" Prize

The Council of Europe and the European Commission, during a ceremony at the Pans Court of Cassation, disclosed the identity of the "Crystal Scales of Justice" award winner in the European competition intended to further innovative methods applied in a court with a view to improving the quality and efficiency of judicial service. The winning project is an initiative by the regional court of Linz (Austria), offering persons amenable to justice a one-stop service for conducting any business with or obtaining any information from the court. (more...)

Special file

# www.coe.int/cepej