

**Council of Europe
CEPEJ 2010 report (2008 data)**

Study on 16 comparable countries

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Given the differences in historical, geographical and economic situations as well as the different ways in which the judicial systems of member states are organised, the CEPEJ does not intend to rank countries. It simply provides data validated by all Ministries of Justice, as well as a methodology and analysis that allow comparisons to be made between states or groups of states according to criteria that are deemed relevant.

These comparisons should be carried out by selecting coherent groups of judicial systems including those specific characteristics. Thereby differentiating Roman Law from Common Law states, states in transition and those of longstanding legal traditions, on the basis of geographical (area, population, study zones) or economic (euro-zone or not, wealth) criteria....

A short comparison exercise with a panel of 16 Western European states of comparable size and wealth, some being excluded from occasional comparisons, is proposed here as an example. Hence, for example, the United Kingdom is excluded from the comparison regarding the number of professional judges given that more than 90% of litigation is the responsibility of the Magistrates' Courts, which are composed of non-professional judges (*Lay judges*).

**My gratitude to Barbara Scherer and Laurence Saller for their help*

Only the following elements of comparison that are related to the **investments in the judicial system** – the input – will be studied:

- the global budget
- legal aid
- the number of professional judges and non-judge staff per inhabitant, the number of lawyers per professional judge
- the number of prosecutors per inhabitant
- the salaries of judges
- the level in terms of IT equipment

Some indicators of results – the output – are taken into account considering certain fundamental elements (i.e. methods for the management of criminal litigation).

The *Clearance Rate* and the *Disposition Time*, performance indicators by CEPEJ

Some elements related to the number of legal practitioners and the sanctions delivered against judges are provided for information purposes.

16 judicial systems are included in the initial panel **because they are deemed comparable** on the basis, in particular, of wealth and organisation, with a minimal population.

Eight countries that have a GDP per capita between 24 000 euros and 34 800 euros: Spain, Italy, Sweden, Belgium, France, Austria, the Netherlands, Finland

Are added:

- **Germany**, on the basis of the data provided by the **2008 assessment** (2006 data)
- Three countries with a significantly higher GDP (key elements will have to be taken into consideration within the budgetary comparisons): **Norway, Denmark, Switzerland**
- Two countries with a lower GDP but with a comparable judicial system: **Poland, Portugal**
- For some data (legal aid, in particular) two Common Law countries: **United-Kingdom (England and Wales) and United Kingdom (Scotland)**

Nota. To avoid hasty interpretations regarding a country's situation listed in a table or a graph, one should use the methodological explanations and the details on data and particular characteristics provided in the 2010 CEPEJ report at relevant pages.

Relevant data regarding the 16 reviewed countries

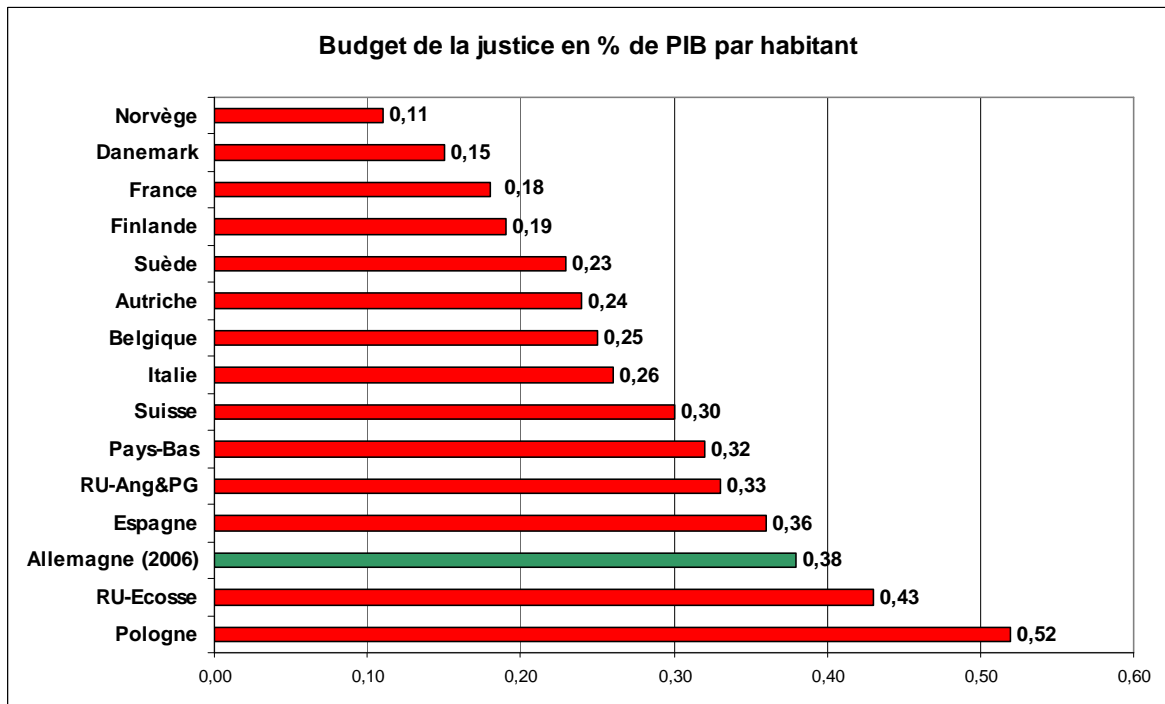
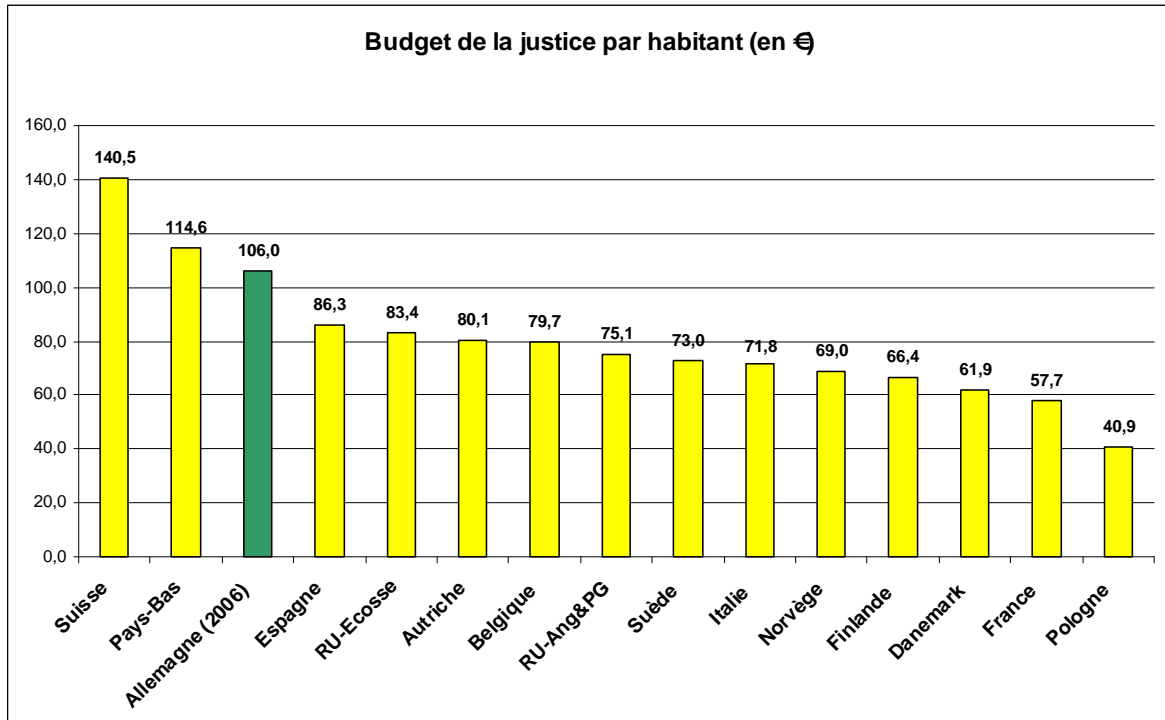
Population, GDP per capita, average gross annual salary

Country	Population	GDP Per capita	Average gross annual salary
Austria*	8 336 549	33 810 €	43 200 €
Belgium*	10 666 866	32 123 €	37 330 €
Denmark	5 475 797	42 577 €	47 769 €
Finland*	5 300 484	34 769 €	34 512 €
France*	63 937 000	32 500 €	31 837 €
Italy*	59 619 290	27 423 €	22 746 €
Luxembourg	492 000	80 600 €	42 000 €
Netherlands*	16 405 399	36 322 €	49 200 €
Norway	4 737 171	64 900 €	42 331 €
Poland	38 136 000	7 910 €	8 375 €
Portugal	10 617 575	15 668 €	19 900 €
Spain*	45 283 259	24 038 €	29 364 €
Sweden*	9 182 927	31 713 €	29 999 €
Switzerland	7 701 900	47 082 €	46 058 €
UK-England and Wales	54 439 700	22 583 €	26 121 €
UK-Scotland	5 168 500	20 109 €	25 121 €

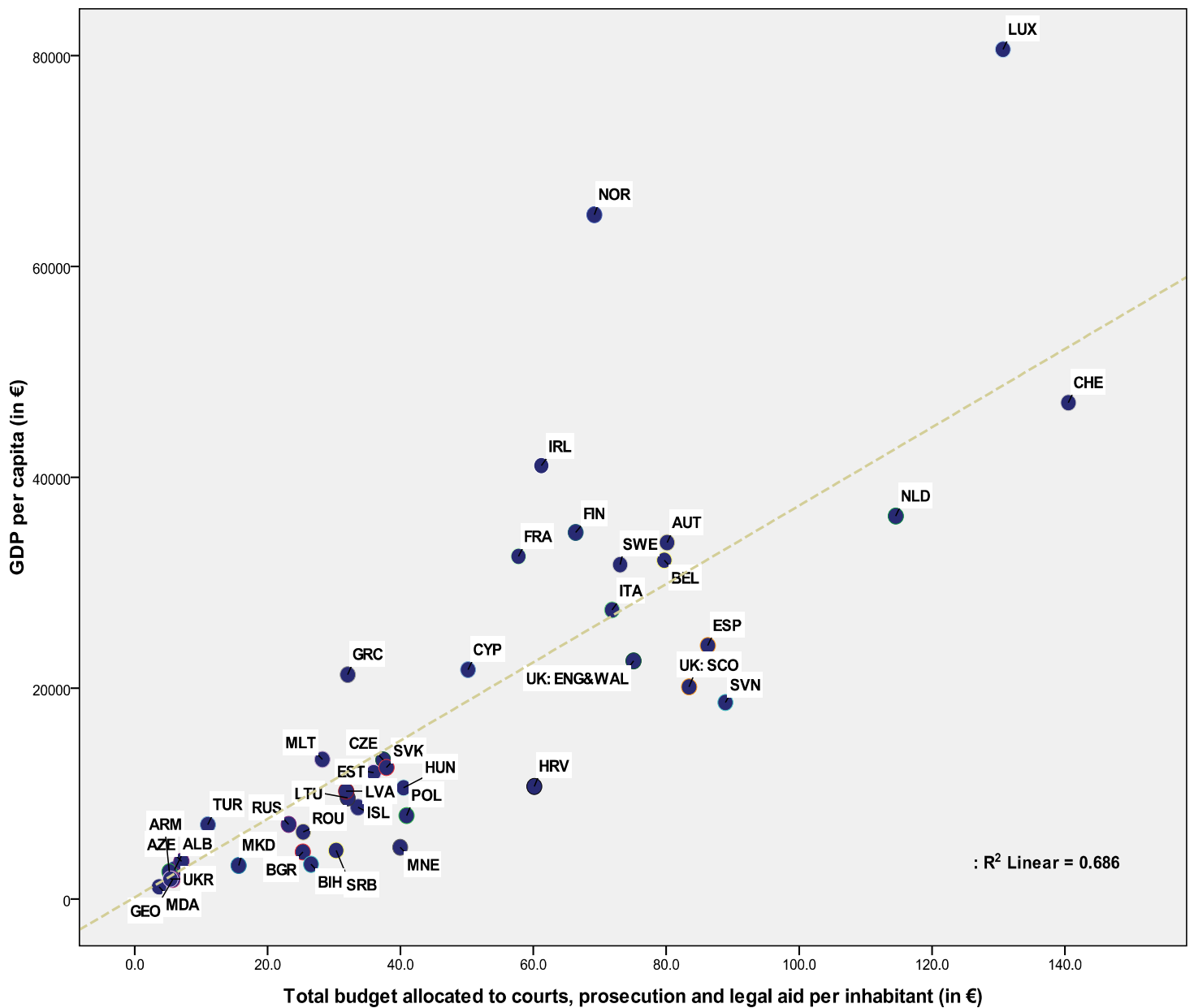
Public budget allocated to courts, legal aid and public prosecution in 2008, in €

Country	Total annual approved public budget allocated to all courts with neither prosecution nor legal aid	Total annual approved public budget allocated to legal aid	Total annual approved public budget allocated to the public prosecution system	Total annual approved budget allocated to all courts and legal aid	Total annual approved budget allocated to all courts and public prosecution	Total annual approved public budget allocated to all courts, public prosecution and legal aid
Austria	NA	18 400 000	NA	NA	649 530 000	667 930 000
Belgium	NA	60 277 000	NA	NA	789 953 000	850 230 000
Denmark	228 761 776	76 433 980	NA	305 195 756	NA	NA
Finland	256 277 000	56 600 000	38 906 310	312 877 000	295 183 310	351 783 310
France	NA	314 445 526	NA	NA	3 377 700 000	3 692 145 526
Italy	3 008 735 392	115 938 469	1 157 955 737	3 124 673 861	4 166 691 129	4 282 629 598
Netherlands	889 208 000	419 248 000	570 903 000	1 308 456 000	1 460 111 000	1 879 359 000
Norway	161 163 043	153 230 000	13 364 000	314 393 043	174 527 043	327 757 043
Poland	1 204 202 000	22 403 000	333 489 000	1 226 605 000	1 537 691 000	1 560 094 000
Portugal	513 513 518	36 432 072	NA	549 945 590	NA	NA
Spain	NA	219 707 018	NA	NA	3 686 381 622	3 906 088 640
Sweden	399 825 654	142 633 089	128 301 090	542 458 743	528 126 744	670 759 833
Switzerland	800 725 712	61 524 211	220 168 990	862 249 923	1 020 894 702	1 082 418 913
UK-England and Wales	1 437 326 465	1 878 704 340	771 190 551	3 316 030 805	2 208 517 016	4 087 221 356
UK-Scotland	151 940 889	150 000 000	129 300 000	301 940 889	281 240 889	431 240 889

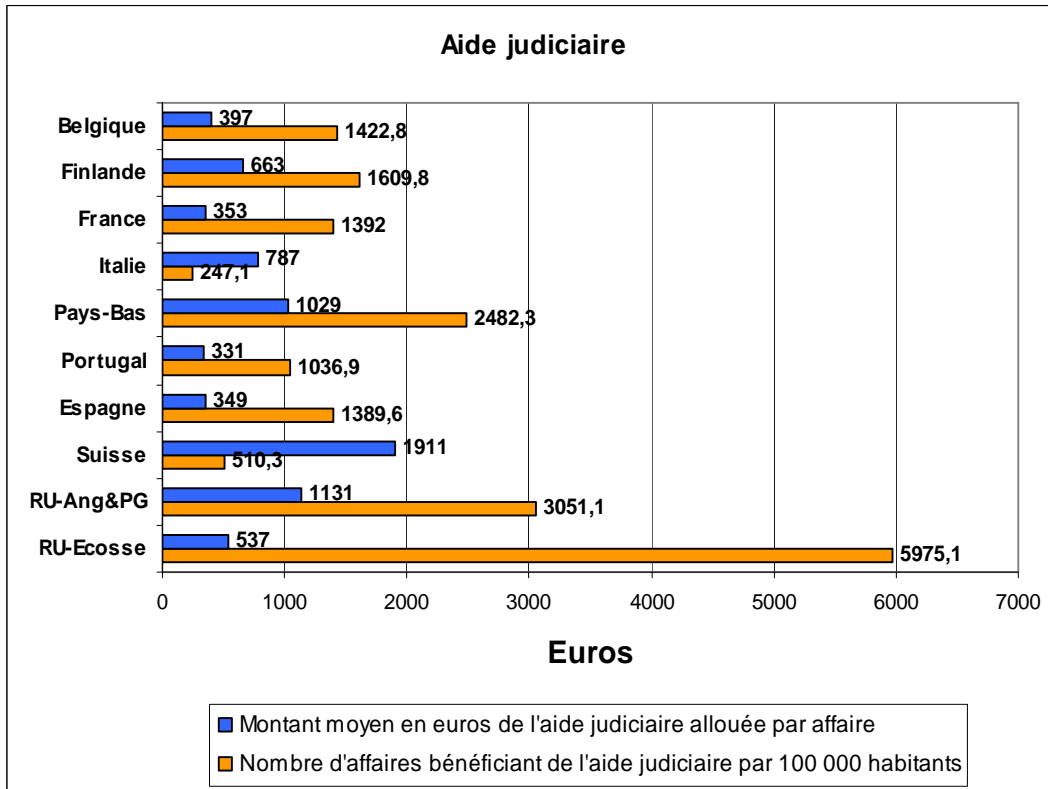
Budgets allocated to justice (courts + public prosecution + legal aid) et budgetary input proportional to the national wealth (GDP per capita)



The correlation between the GDP and the budgetary input allows states with similar levels of wealth to be compared

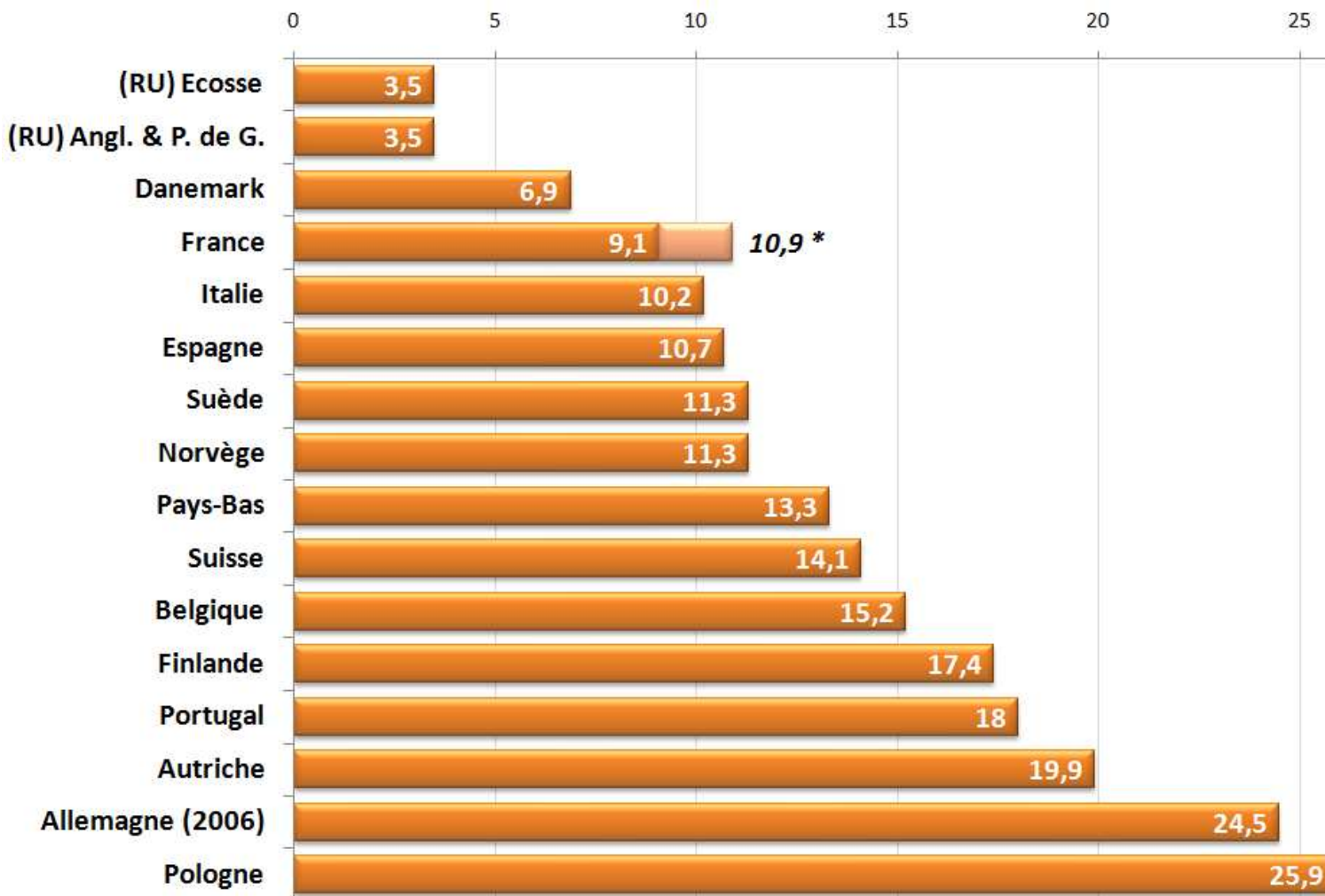


The United-Kingdom, the Netherlands and Finland allocate large sums to legal aid on the basis of the average amount allocated per case and the number of cases concerned.



The data include civil and criminal cases. The data provided by France do not include cases for which legal aid is granted without being addressed by the Legal Aid Offices.

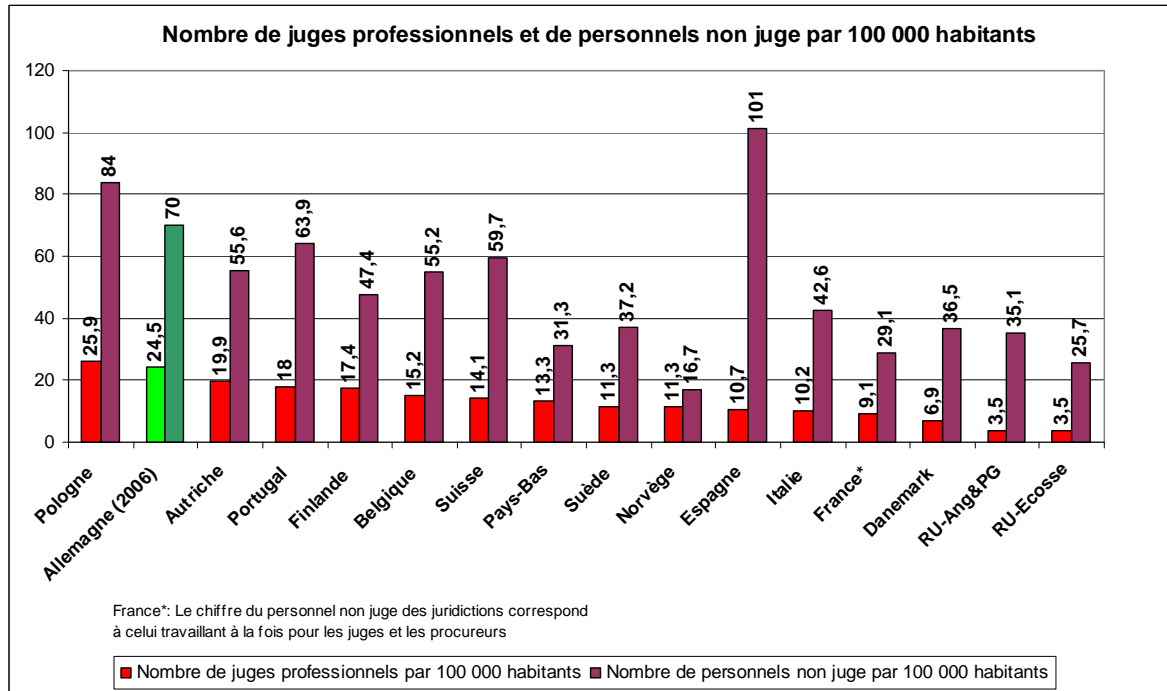
Number of professional judges for 100.000 inhabitants



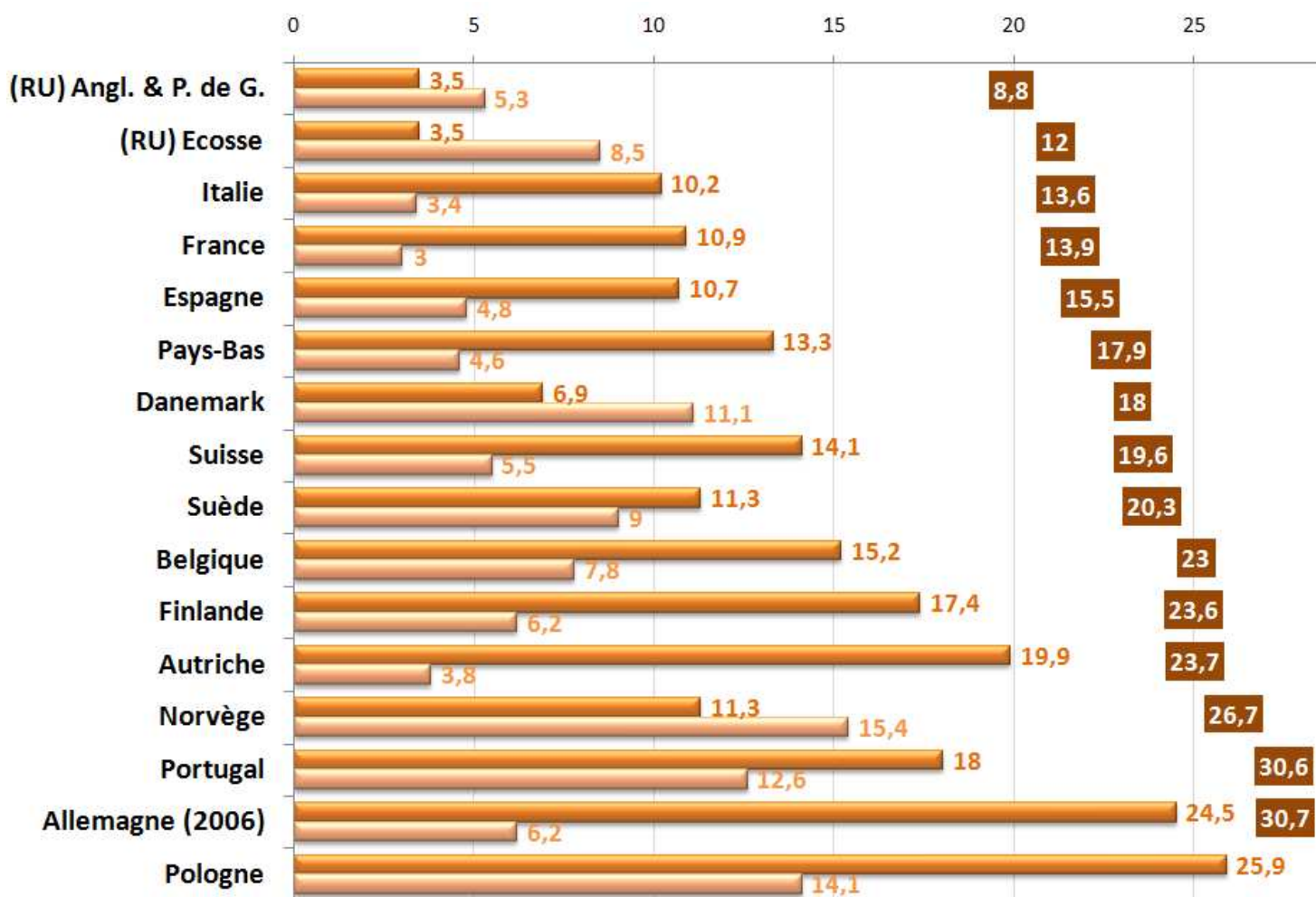
The **United Kingdom** has a very limited number of professional judges because more than 90% of litigation concerns the Magistrates' Courts, which are composed of citizen lay judges.

* The figure 9.1 from **France** was provided by the Ministry of Justice, which has confirmed the data despite the comments made on the fact it seems underestimated (it was 11.9 in 2008). After adding the administrative judges, like in 2008, the CEPEJ expert proposes 10.9.

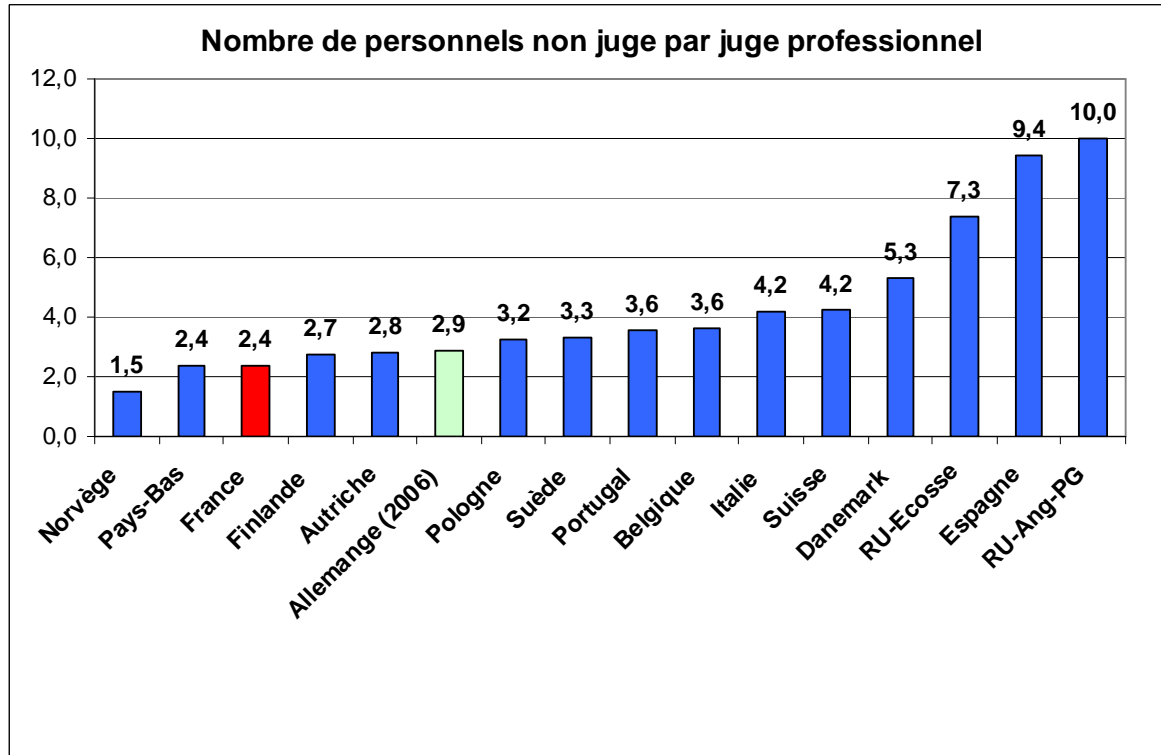
Respective proportions of judges and non-judge staff (court staff) per 100.000 inhabitants



Respective proportions and total number of judges and prosecutors per 100.000 inhabitants



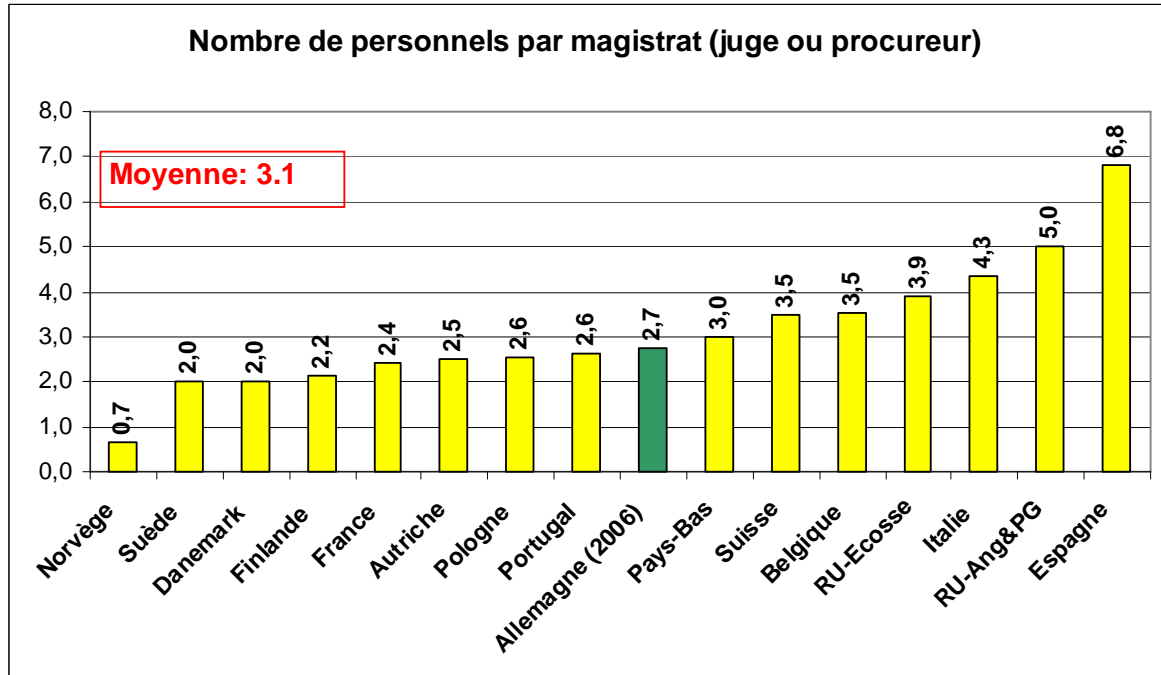
Number of non-judge staff in proportion to the number of professional judges



The percentage seems high in the **United-Kingdom** because the number of professional judges is low. It is different in the Magistrates Courts.

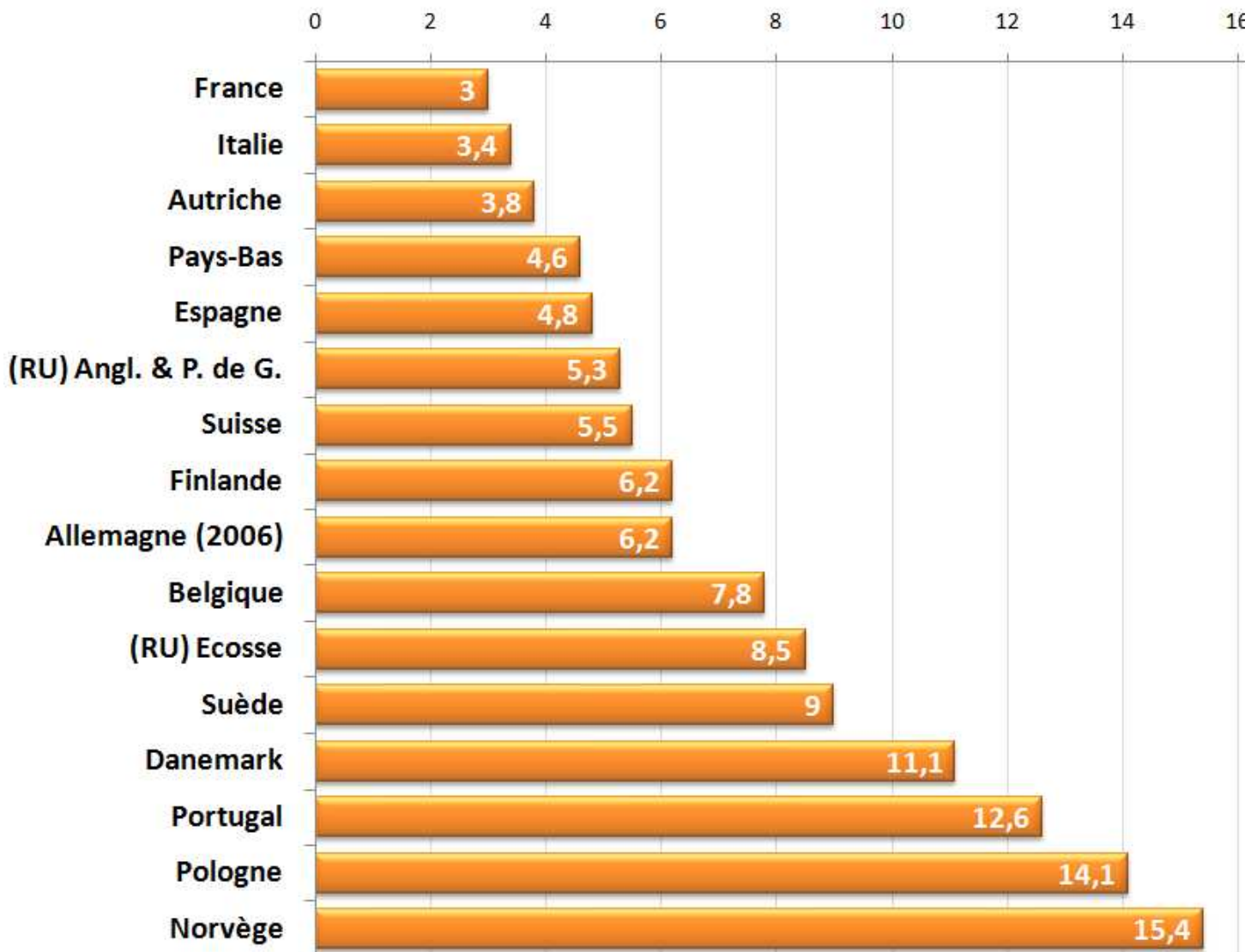
In **France**, the ratio concerns the total number of staff proportional to the total number of public prosecutors and judges, according to the data provided by the Ministry of Justice.

Number of court and prosecution services' staff proportional to the number of judges and prosecutors



This data is used to measure **France's** ratio, which does not distinguish the staff working for the public prosecution services from the courts' staff.

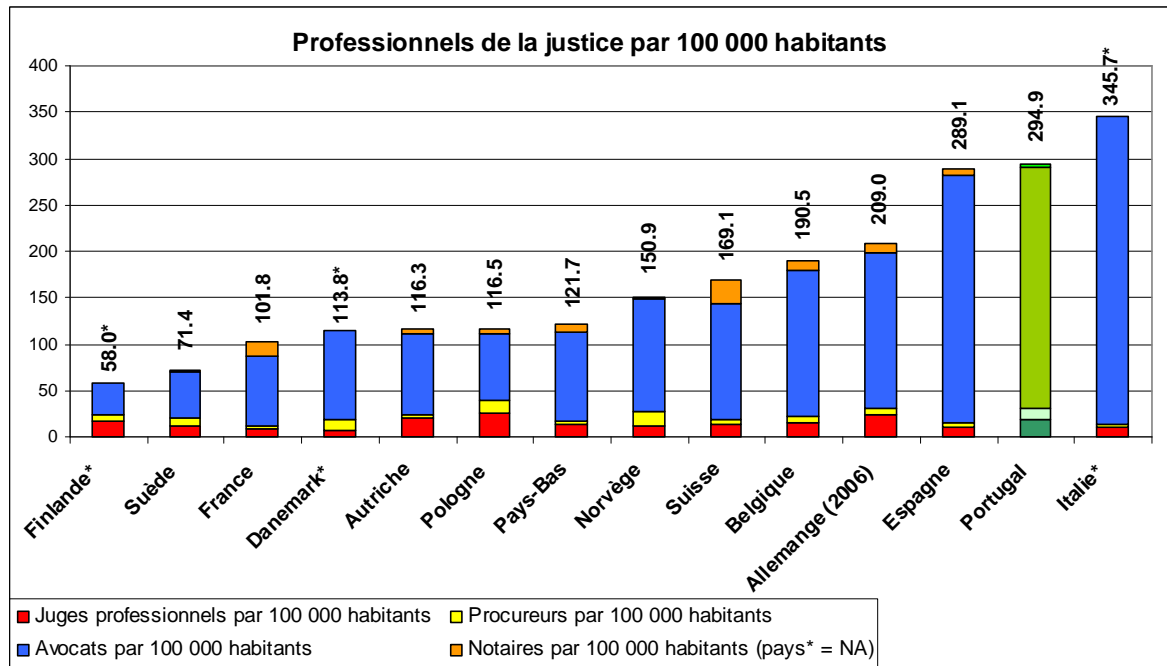
Number of public prosecutors per 100 000 inhabitants



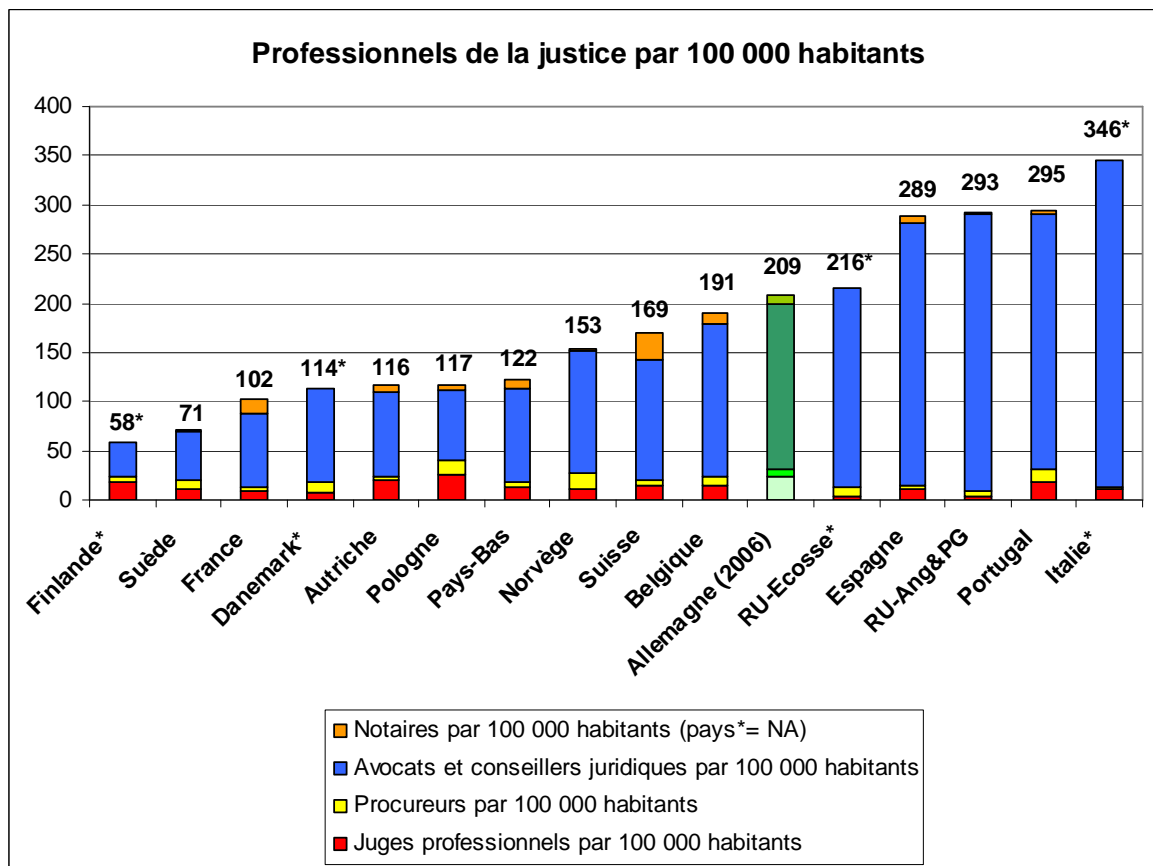
One should weigh extreme data.

In **Norway** and in **Denmark**, police officers have competences which include them in the data. In **Portugal**, public prosecutors have wide competences compared to many other states.

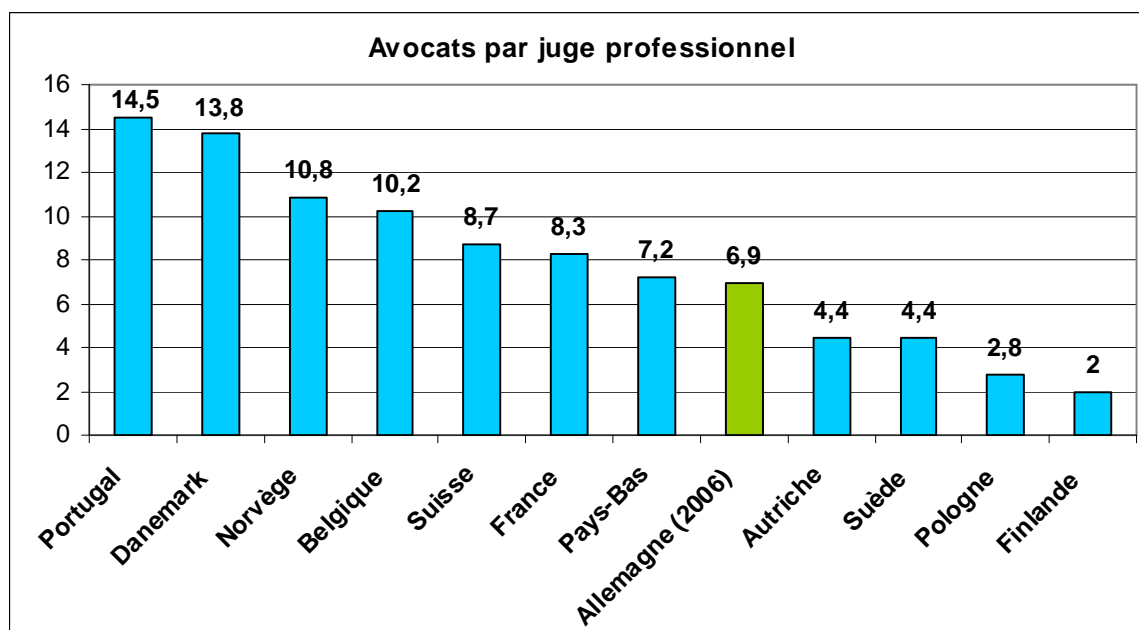
On the other hand, in **France**, **Italy** and **Austria**, advisors to the public prosecution services – not included in the data because they don't have the status of prosecutor – have similar tasks to those of public prosecutors.



The data concerning lawyers does not include legal advisors (**UK England and Wales** and **UK Scotland** are excluded because of the number of “lawyers” which cannot represent parties before the courts)

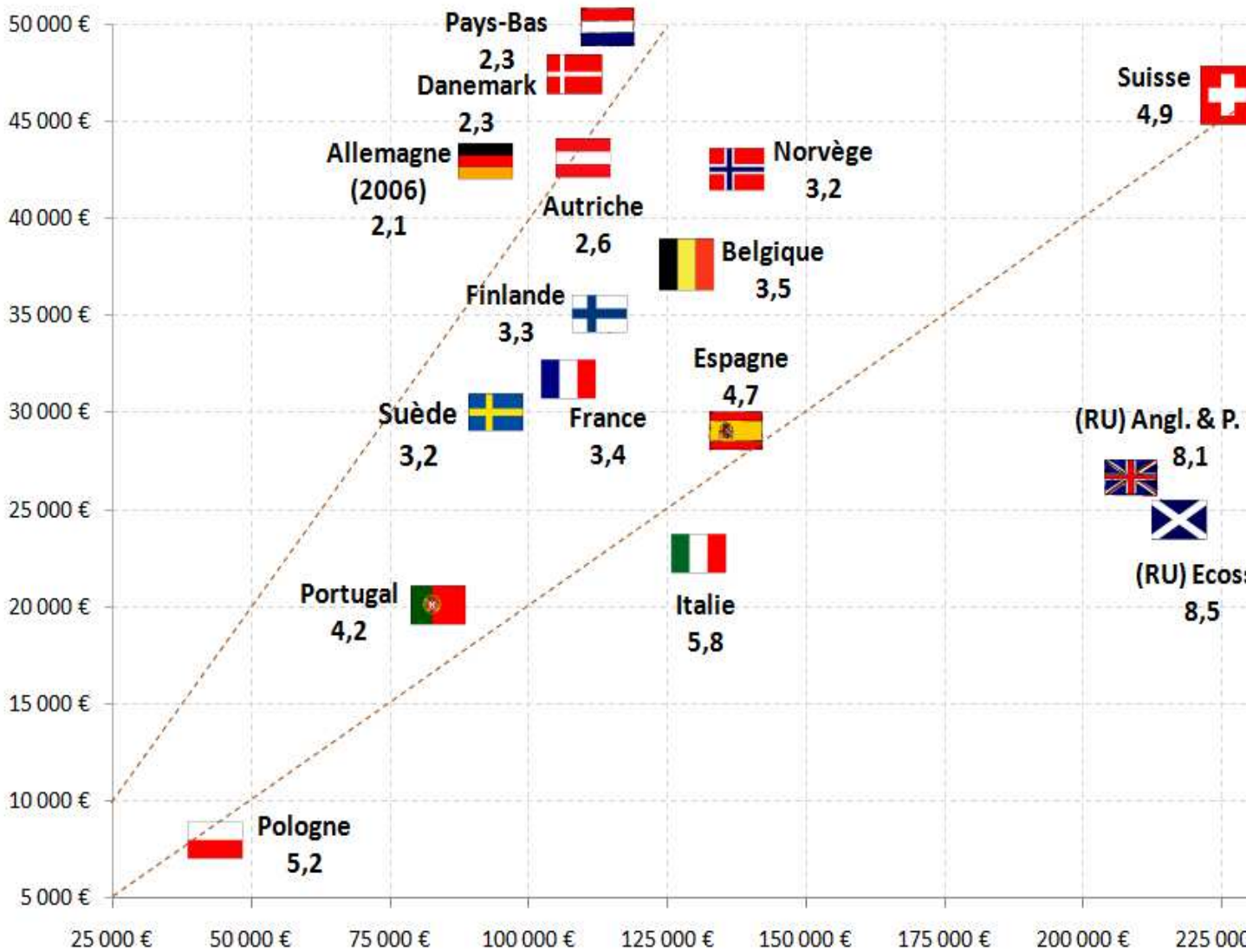


Comparison including the lawyers and the legal advisors (including **UK England and Wales** and **UK Scotland**)



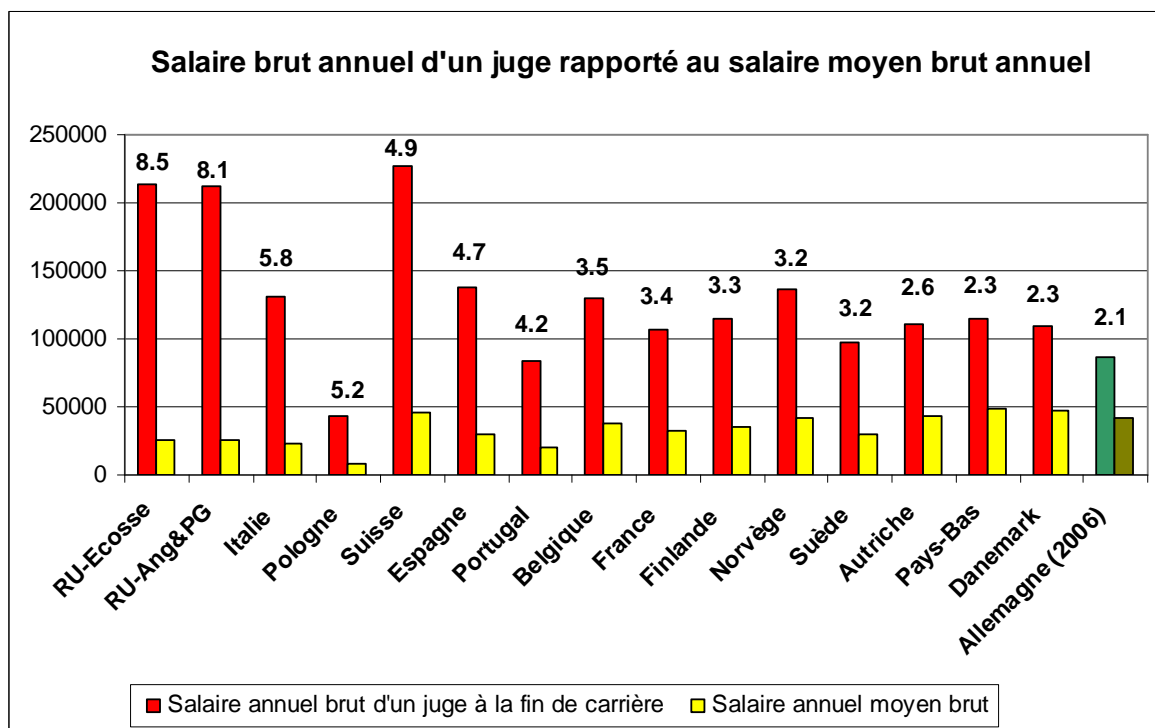
Lawyers (without legal advisors) according to the Council of Europe, which have powers to represent parties in legal proceedings

Comparison of the remuneration of a Supreme Court judge in each country

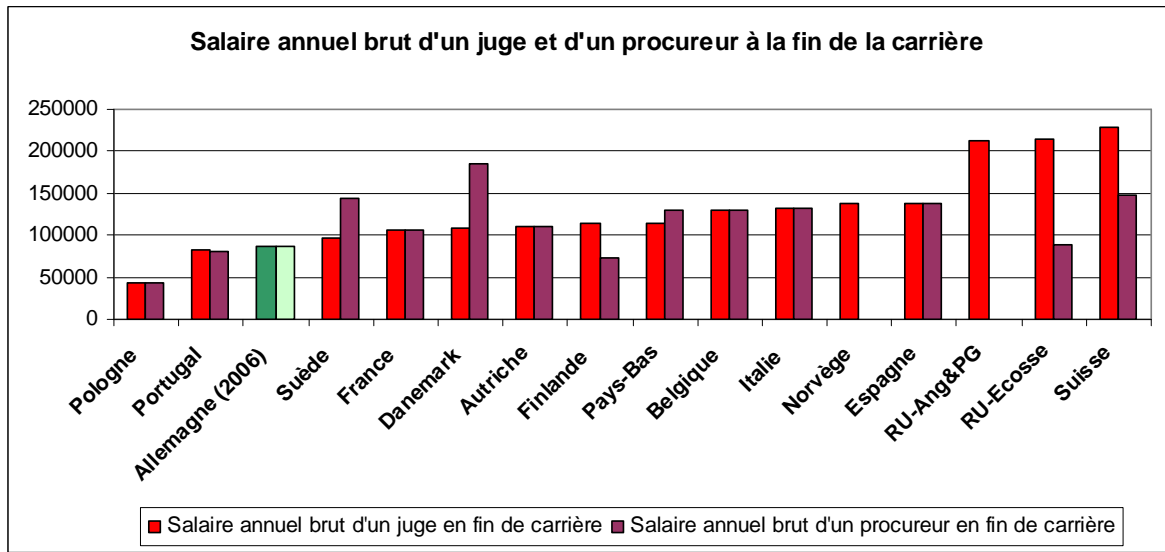


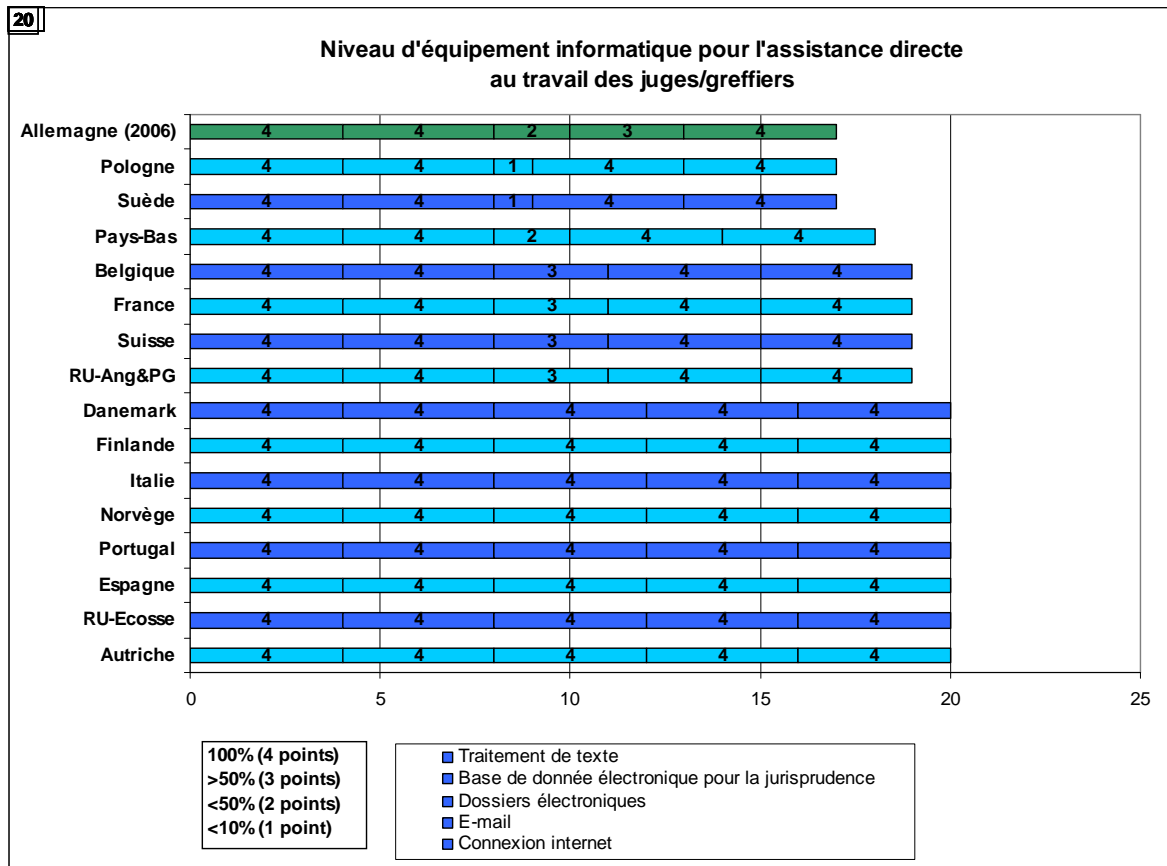
Figures for **UK – England and Wales**, **UK – Scotland** and **Switzerland** should be put in the right perspective because they have provided the highest salary.

Same data in another form and comparison with the prosecutors



Comparison of the remuneration of a Supreme Court judge in each country. Figures for **UK – England and Wales**, **UK – Scotland** and **Switzerland** should be put in the right perspective because they have provided the highest salary.

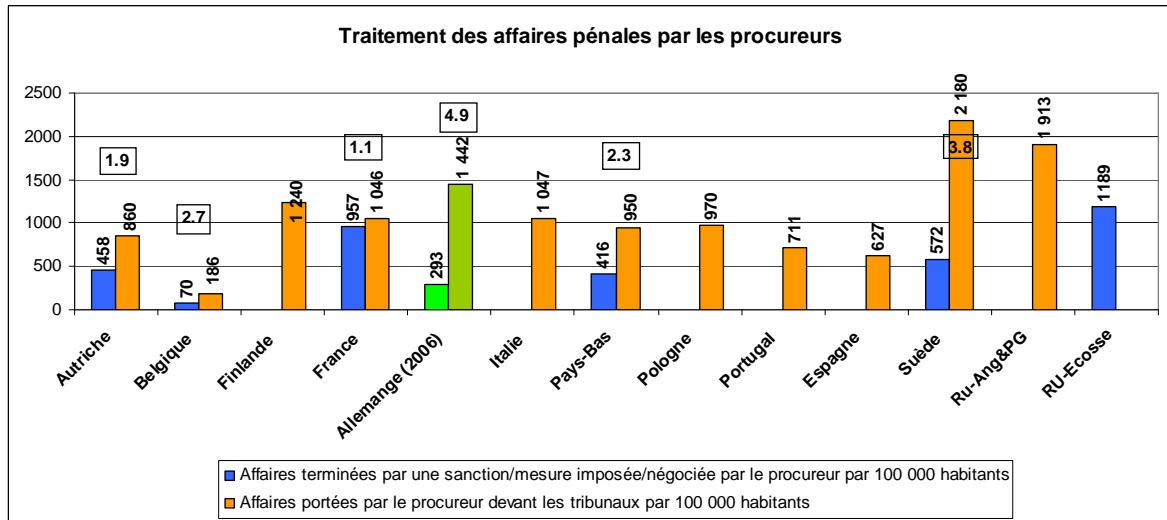




The only difference between those states is the progress in implementing electronic files.

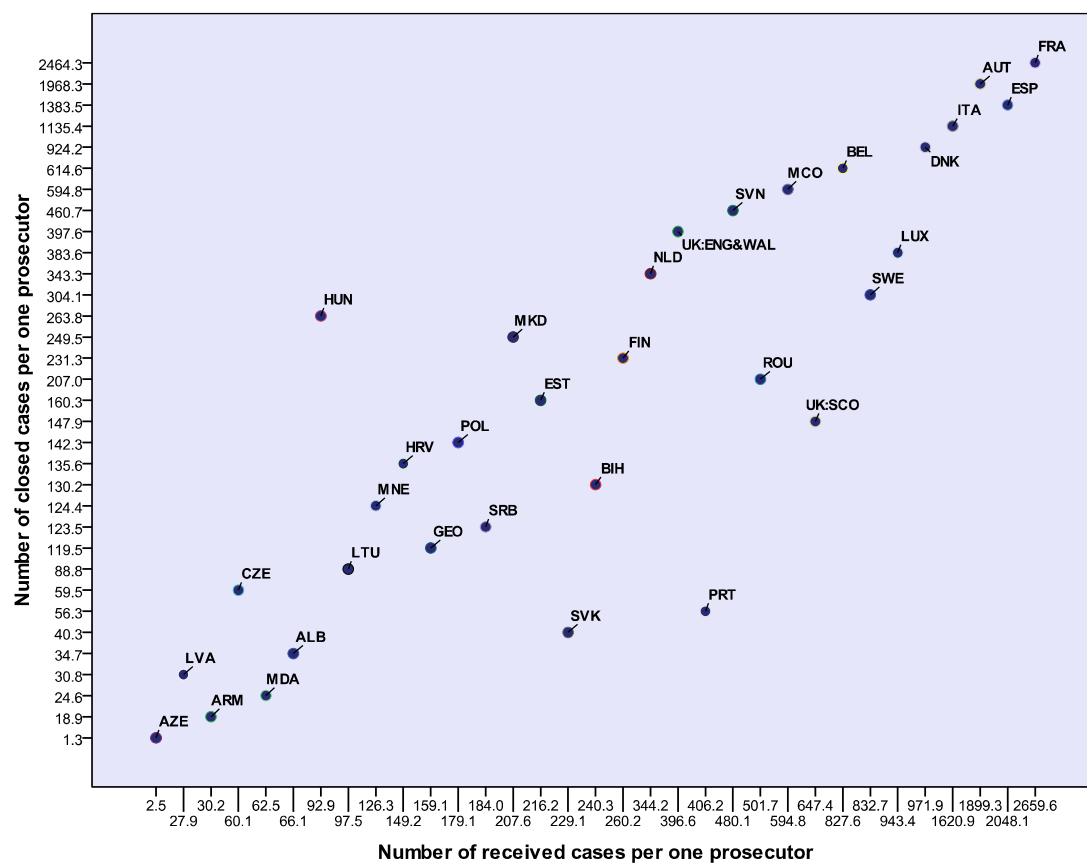
Relationship between public prosecution and judges on case processing

Evaluation of the functioning of the justice system. Ways of processing criminal cases. Limited data available.



Even if one takes into account the weight of cases closed for unknown author, given the number of prosecutors per 100,000 inhabitants (supra), the French prosecutor seems to have a particularly heavy workload.

Figure 10.10 NUMBER OF **RECEIVED** AND **CLOSED** CASES PER ONE PUBLIC PROSECUTOR (Q100)

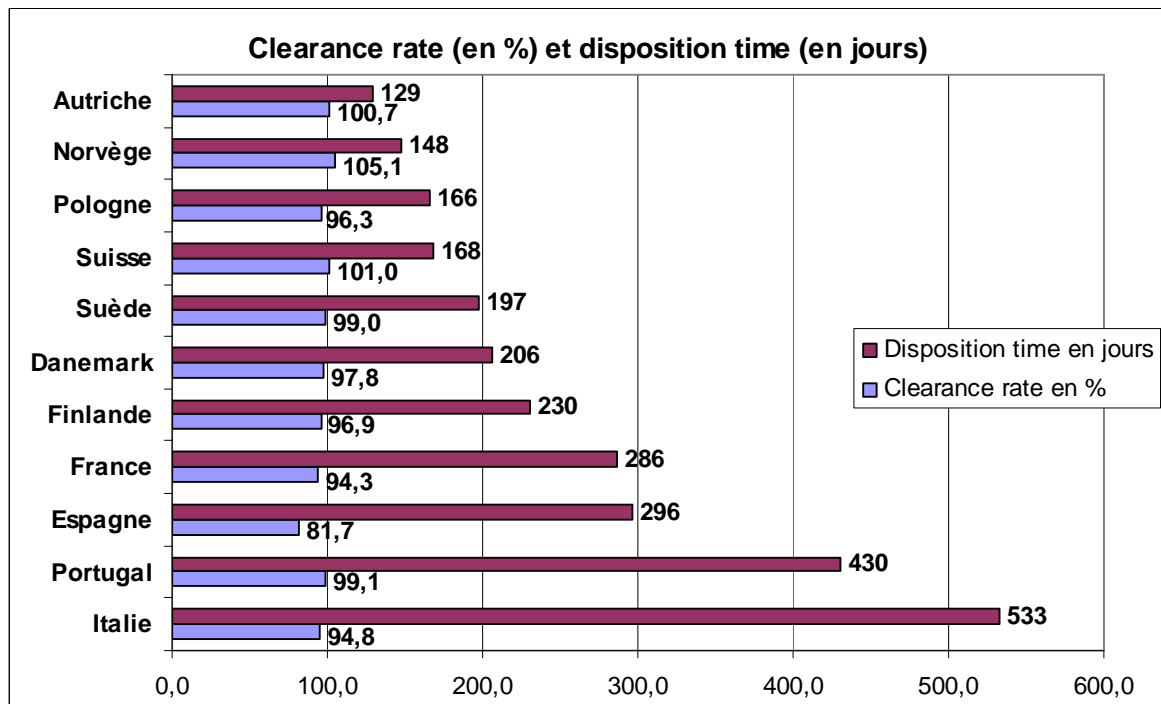


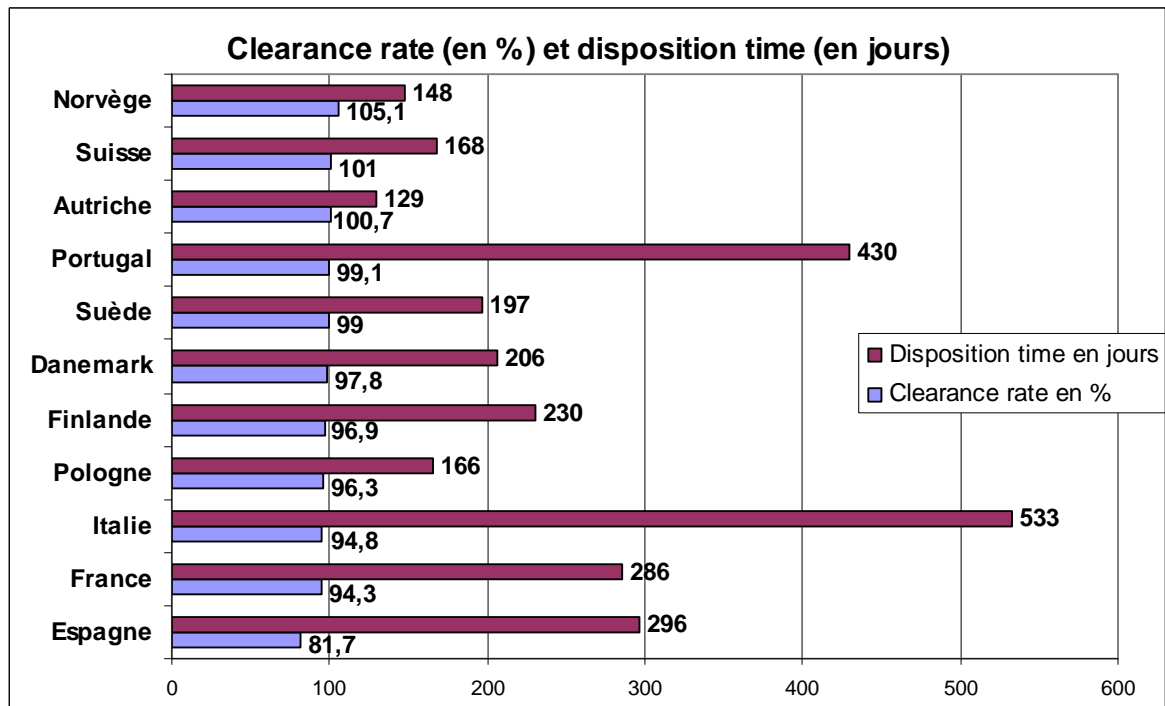
The number of closed cases is calculated as a sum of discontinued cases, cases concluded by a penalty or a measure and cases brought before the courts. 33 states or entities are considered here.

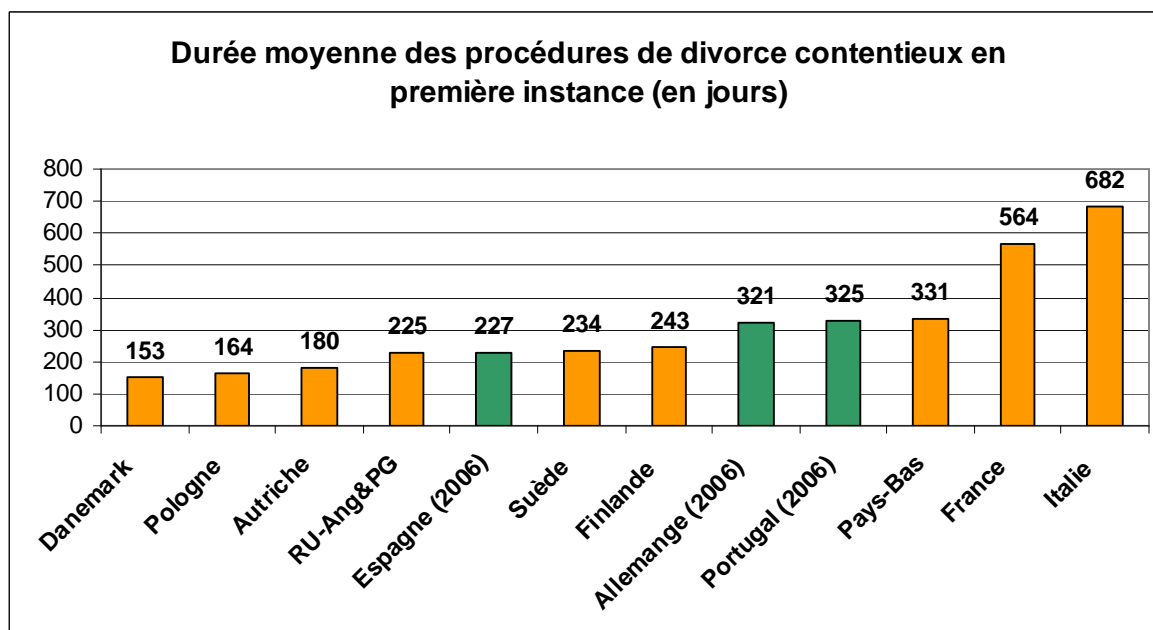
The two CEPEJ indicators applied to civil and commercial litigious cases :

- *Clearance rate* : above 100%, more cases are resolved than received. Below 100%, the caseload waiting for trial is growing.

- *Disposition time* : estimated number of days necessary for pending cases to be solved in court







One should take into account the specificities particular to divorce proceedings in the different states. Paradoxically, the ease to divorce by mutual consent extends the statistical length of the remaining litigious cases, which concern only the more complex (**Netherlands, France**).

