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"THE INDEPENDENCE OF THE JUDICIAL SYSTEM FROM THE EXECUTIVE AND LEGISLATIVE POWER"

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REPORT

WORKSHOP: A COMPARATIVE PICTURE ON ISSUES RELATED TO INDEPENDENCE THROUGH THE CEPEJ REPORT ON EUROPEAN JUDICIAL SYSTEMS

by

Ms Elsa GARCIA-MALTRAS DE BLAS (Senior Prosecutor, European Training Network (EJTN), Brussels, Belgium) 1. In the framework of the seminar "The Independence of the Judicial System from the Executive and the Legislative Power", the aim of this workshop is:

- To make an introduction of the role and works of the European Commission for the Efficiency of Justice (CEPEJ), namely regarding the evaluation cycles and reports on European Judicial Systems
- To examine those parts of the CEPEJ report relevant to the topic of independence of the judicial system and see to what extent differences between systems and trends can be identified or conclusions drawn.
- To take the data in CEPEJs report as a starting point to encourage participant's reflections on the strenghts and weaknesses of different systems regarding Independence of the judicial systems.

1. The CEPEJ and the evaluation of European Judicial systems

2. The European Commission for the efficiency of justice (CEPEJ) was set up on 18 September 2002 by Resolution Res(2002)12 of the Committee of Ministers in order to improve the efficiency and the functioning of the justice system of member states, with a view to ensuring that everyone within their jurisdiction can enforce their legal rights effectively, thereby generating increased confidence of the citizens in the justice system. Its creation reflected the wish to reinforce the rule of law and the protection of fundamental rights in European countries, as both aspects are intrinsecally linked to the existence of judicial systems which are fair, efficient and accesible.

3. To this end, CEPEJ's tasks include examining the results achieved by the different judicial systems, making use of common statistical criteria, and defining problems and areas for possible improvements. In addition, it promotes the application of COE's recommendations in the field of justice, as well as the exchange of views and information on the functioning of European judicial systems. CEPEJ is composed of experts from all the 47 member States of the COE. A number of observers are also associated with the work of CEPEJ, such us European institutions (Council, Parliament, Commission) and relevant international non-governmental organisations (ie. European Association of Judges, European Union of Rechtspfleger, International Union of Judicial Officers, EJTN, European Network of Councils of the Judiciary, etc).

4. One of CEPEJ's greatest achievements has been to set up a regular evaluation process of European judicial systems in European countries. This started as a pilot exercise in 2003, when the Working Group in charge of this task (CEPEJ-GT-EVAL) first elaborated a detailed questionnaire and its explanatory note ("pilot scheme") on quantitative and qualitative aspects of justice that was sent to the member states of the COE. 42 of them participated in this exercise and a pilot report comprising judicial data for the year 2002 was issued in 2004.

5. In the Action Plan adopted at their 3rd Summit (Warsaw, May 2005) the Heads of State and Government of the 47 Council of Europe's member states expressed their support for the evaluation process set up by CEPEJ and their will to strengthen it.

6. Ever since, and drawing from lessons learnt, a bi-annual evaluation exercise has been taking place. This means that, in addition to the pilot report, two full evaluation cycles have now been achieved by the CEPEJ, resulting in two detailed reports on the concrete functioning of justice in 45 European states (edition 2006 with data of 2004 and edition 2008 with data of 2006). Currently, the evaluation scheme has already been sent to member states that by the end of the year will have to

provide data for 2008, with a view of elaborating and publishing a new report in 2010. In the long term, the evaluation process aims to define a core of key quantitative and qualitative data (European justice indicators) to be regularly collected and equally processed in all European states and to bring out shared indicators to measure the quality and efficiency of court activities.

7. The CEPEJ's report on European Judicial Systems gives a comparative snapshot of many aspects related to justice: budgetary data, incoming civil and criminal cases, anual salaries of judges or prosecutors, geographical distribution of courts, satisfaction surveys amongst court users, disciplinary proceedings against lawyers...are only some examples. It is divided in 16 chapters which cover public expenditures on justice, access to justice, court users (rights and public confidence), court organisation, ADR, judges, non-judge staff, fair trial and court activity, prosecutors, status and career of judges and prosecutors, lawyers, execution of court decisions, notaries and judicial reforms.

8. The report is unique in the number of subjects and countries covered and offers policy makers, practitioners and researchers a wealth of information and a tool for reflection and policy making. It is however not the end but the beginning of the evaluation process. Beyond the useful data it contains, there is room for in depth analysis on specific issues and this task is also undertaken by CEPEJ during the year following the adoption of each report. Topics such as access to justice, use of ICT, execution of court decisions, or court organisation have or will be the subject of CEPEJ studies. In addition, the continuity of evaluation cycles will hopefully allow for a dinamic approach, in which the evolution of judicial systems can be followed and major trends identified, and proposals can be made accordingly to improve the efficiency and quality of justice.

9. The CEPEJ report itself alerts of the need to be very cautious when it comes to the comparison of quantitative figures from very different countries with varied geographical, economic and legal situations. The closer the characteristics between compared systems the more meaningful the comparison will be. Thus the recommendation to think of comparing clusters of countries: according to the characteristics of the judicial systems (for instance civil law and common law countries; countries in transition or with old judicial traditions), geographical criteria (size, population) or economic criteria (for instance within or outside the Euro zone). In any case, comparing (as the report says), is not ranking. The particularities of the systems, which explain differences from one country to another must be always kept in mind, and to this end the explanations and country reports carefully read before trying to reach any conclusión.

10. The data collected in the report is provided by member states and one of CEPEJ's main concerns is to ensure the quality and control the coherence of such data. A number of improvements have been introduced to this end since the first pilot experience:

- The updating and revisión of the Evaluation Scheme (questionnaire and explanatory note) was undertaken by the Working Group EVAL, to come up with a stable questionnaire that could be used systematically and introducing more precise definitions in the explanatory not aimed at helping national correspondents to answer the questions in a homogeneous way. To facilitate the process of collecting and processing judicial data, an online electronic version of the Scheme was created. Each national correspondent could accede to a secured webpage to register and to submit the relevant replies to the Secretariat of the CEPEJ.
- A meeting between the National Correspondents, responsible for filling in the questionnaire, the EVAL working group and the scientific expert in charge of processing the information submitted by member states is organised during the elaboration of the report. This allows to validate, clarify and improve the quality of the data provided.
- A peer evaluation pilot process concerning the systems for collecting and processing judicial data in the member states was set up in 2008. This process aims at supporting the states in

improving the quality of their judicial statistics and developing their statistics system so that such statistics are in line with the common indicators defined through the CEPEJ's Evaluation Scheme. It is also due to facilitate exchange of experiences between national judicial statistics systems, share good practices, identify benchmarks and facilitate knowledge transfer. Thus it should contribute to ensuring the transparency and accountability of the CEPEJ process for evaluating European judicial systems. Three volunteer member states (Bosnia and Herzegovina, France and Poland) participated in this exercise that has been extended into 2009.

 Finally, the CEPEJ has also drafted Guidelines on judicial statistics for the relevant services in the member states, which aim at ensuring quality of national judicial statistics collected and processed by the member states, as a tool for public policy and should also facilitate comparison of data on European countries by ensuring adequate homogeneity despite the substantial differences between countries.

2. A comparative picture of issues related to Independence of the judicial system through the CEPEJ's report

11. CEPEJ's report contains comparative information on many characteristics of the judicial systems, some of which can be directly linked to the topic of independence of the judiciary. Taking Recommendation (94) 12 of the Committee of Ministers to member states on Independence, efficiency and role of judges as a starting point, we have identified those parts of the Report relevant to different aspects of judicial Independence. Not all the essential aspects inherent to judicial independent can be found in the Report, but it has been possible to select information about the following standards included in the Recommendation:

Proper working conditions: material and personal means

- Budget allocated to courts
- Number of professional judges
- Support staff: Non-judicial tasks
- Support equipment: Office automation and data processing facilities
- Remuneration

General principles on the independence of judges

- Recruitment and career
- Terms of office
- Training
- Conflicts of interest

Failure to carry out responsabilitites and disciplinary offences

12. The most representative tables and figures contained in the Report for each of these topics are provided to participants for reflection and discussion during the workshop. A similar exercise could be done in relation to public prosecutors. The full version of the report as well as individual country reports and additional information about CEPEJ can be found in its website:

http://www.coe.int/T/dghl/cooperation/cepej/default_en.asp

PROPER WORKING CONDITIONS: MATERIAL AND PERSONAL MEANS

BUDGET ALLOCATED TO COURTS

Figure 1. Annual public budget allocated to all courts per inhabitant in 2006 (without prosecution and legal aid), in €





Figure 2. Annual public budget allocated to all the courts without prosecution and legal aid in 2006, as a percentage of per capita GDP



Figure 4. Average percentage of the main components of the court budget at European level in 2006 (Q8)



NUMBER OF PROFESSIONAL JUDGES

Number of professional judges sitting in court per 100.000 inhabitants

SUPPORT STAFF: NON-JUDICIAL TASKS

$\begin{array}{ c c c c c c c c c c c c c c c c c c c$	Country	Number of non-judge staff working in courts (fte)	(Rechtspfleger)whose task is to assist the judges such as registrars		Staff in charge of different administrative tasks as well as of the management of the courts		Technical staff			
$\begin{array}{ c c c c c c c c c c c c c c c c c c c$			Number	%	Number	%	Number	%	Number	%
Austria 4 735 718 15,2% 33 0,7% 3 901 82,4% 83 1,7% Azerbaijan 1 723 664 37,5% 536 31,0% 547 31,6% Belgium 5 835 1 872 32,1% 2 888 49,5% 1 075 18,4% Bosnia and Herzegovina 4 271 0	Andorra				79		22			
Azerbaijan1 72364637,5%53631,0%54731,6%Belgium5 8351 87232,1%2 88849,5%1 07518,4%Bosnia and Herzegovina2 5631134,4%113844,4%95937,4%35313,8%Bulgaria7 1682022,8%77910,9%2 98541,6%3 20244,7%Croatia7 1682022,8%77910,9%2 98541,6%3 20244,7%Cyprus44031872,3%245,5%10724,3%Czech Republic8 9111 63718,4%4 42049,6%1 86721,0%98711,1%Denmark1 424 </td <td>Armenia</td> <td>965</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>	Armenia	965								
$\begin{array}{c c c c c c c c c c c c c c c c c c c $	Austria	4 735	718	15,2%	33	0,7%	3 901	82,4%	83	1,7%
$\begin{array}{c c c c c c c c c c c c c c c c c c c $	Azerbaijan	1 723			646	37,5%	536	31,0%	547	31,6%
Bulgaria 4 271 Image: Coordia	Belgium	5 835			1 872	32,1%	2 888	49,5%	1 075	18,4%
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	Bosnia and Herzegovina	2 563	113	4,4%	1 138	44,4%	959	37,4%	353	13,8%
$\begin{array}{c c c c c c c c c c c c c c c c c c c $	Bulgaria	4 271								
$\begin{array}{c c c c c c c c c c c c c c c c c c c $	Croatia	7 168	202	2,8%	779	10,9%	2 985	41,6%	3 202	44,7%
$\begin{array}{ c c c c c c c c c c c c c c c c c c c$	Cyprus	440			318	72,3%	24	5,5%	107	24,3%
$\begin{array}{c c c c c c c c c c c c c c c c c c c $	Czech Republic	8 911	1 637	18,4%	4 4 2 0	49,6%	1 867	21,0%	987	11,1%
$\begin{array}{c c c c c c c c c c c c c c c c c c c $	Denmark	1 424								
$\begin{array}{c c c c c c c c c c c c c c c c c c c $	Estonia	1 021	83	8,1%	842	82,5%	83	8,1%	13	1,3%
$ \begin{array}{ c c c c c c c c c c c c c c c c c c c$	Finland	2 554								
Germany 57 530 11 821 20,5% 37 035 64,4% 11 977 20,8% Greece 6 500 Hungary 7 937 464 5,8% 3 264 41,1% 2 912 36,7% 1 297 16,3% Iceland 60 10 16,7% 32 53,3% 18 30,0% Ireland 1 080 38 3,1% 128 2,7% Latvia 1 444 827 57,3% 437 30,3% 180 12,5% Lithuania 2 613 1 230 47,1% 1 001 38,3% 382 14,6% Luxembourg 245 126 51,4% 112 45,7% 7 2.9% Malta 354 150 42,4% 146 41,2% 58 16,4% Moldova 1 636 653 39,9% 260 15,9% 723 44,2%	France	15 199			1 864	12,3%				
Greece 6 500	Georgia	718			599	83,4%	74	10,3%	45	6,3%
Hungary7 937464 $5,8\%$ $3 264$ $41,1\%$ $2 912$ $36,7\%$ $1 297$ $16,3\%$ Iceland6010 $16,7\%$ 32 $53,3\%$ 18 $30,0\%$ Ireland1 08038 $3,1\%$ 128 $2,7\%$ Italy27 067 </td <td>Germany</td> <td>57 530</td> <td>11 821</td> <td>20,5%</td> <td>37 035</td> <td>64,4%</td> <td>11 977</td> <td>20,8%</td> <td></td> <td></td>	Germany	57 530	11 821	20,5%	37 035	64,4%	11 977	20,8%		
Iceland 60 10 16,7% 32 53,3% 18 30,0% Ireland 1 080 38 3,1% 128 2,7% Italy 27 067 Latvia 1 444 827 57,3% 437 30,3% 180 12,5% Lithuania 2 613 1 230 47,1% 1 001 38,3% 382 14,6% Luxembourg 245 126 51,4% 112 45,7% 7 2,9% Malta 354 150 42,4% 146 41,2% 58 16,4% Moldova 1 636 653 39,9% 260 15,9% 723 44,2% Monaco 47 17 36,2% 25 53,2% 5 10,6% Netherlands 5 160 Poland 31 623 1 417 <t< td=""><td>Greece</td><td>6 500</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<>	Greece	6 500								
Ireland 1 080 38 3,1% 128 2,7% Image: Constraint of the state	Hungary	7 937	464	5,8%	3 264	41,1%	2 912	36,7%	1 297	16,3%
Italy 27 067 Image: constraint of the state of the s	Iceland	60	10	16,7%	32	53,3%	18	30,0%		
Latvia 1 444 827 57,3% 437 30,3% 180 12,5% Lithuania 2 613 1 230 47,1% 1 001 38,3% 382 14,6% Luxembourg 245 126 51,4% 112 45,7% 7 2,9% Malta 354 150 42,4% 146 41,2% 58 16,4% Moldova 1 636 653 39,9% 260 15,9% 723 44,2% Monaco 47 17 36,2% 25 53,2% 5 10,6% Montenegro 868 Norway 891 437 30,3% 312 4,3% Poland 31 623 1 417 4,5% 20 543 65,0% 5 915 18,7% 3 748 11,9% Portugal 7	Ireland	1 080	38	3,1%	128	2,7%				
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Luxembourg 245 126 51,4% 112 45,7% 7 2,9% Malta 354 150 42,4% 146 41,2% 58 16,4% Moldova 1636 653 39,9% 260 15,9% 723 44,2% Monaco 47 17 36,2% 25 53,2% 5 10,6% Montenegro 868	Lithuania	2 613			1 230	47,1%	1 001	38,3%	382	14,6%
Malta 354 150 42,4% 146 41,2% 58 16,4% Moldova 1 636 653 39,9% 260 15,9% 723 44,2% Monaco 47 17 36,2% 25 53,2% 5 10,6% Montenegro 868 <td>Luxembourg</td> <td>245</td> <td></td> <td></td> <td>126</td> <td>51,4%</td> <td>112</td> <td>45,7%</td> <td>7</td> <td>2,9%</td>	Luxembourg	245			126	51,4%	112	45,7%	7	2,9%
Monaco 47 17 36,2% 25 53,2% 5 10,6% Montenegro 868 5 10,6% Montenegro 868 <td< td=""><td>Malta</td><td>354</td><td></td><td></td><td>150</td><td>42,4%</td><td>146</td><td>41,2%</td><td>58</td><td>16,4%</td></td<>	Malta	354			150	42,4%	146	41,2%	58	16,4%
Monaco 47 17 36,2% 25 53,2% 5 10,6% Montenegro 868 <	Moldova	1 636			653	39,9%	260	15,9%	723	44,2%
Netherlands 5 160 Image: state st	Monaco	47			17	36,2%	25	53,2%	5	10,6%
Netherlands 5 160 Image: constraint of the state of	Montenegro	868								
Poland 31 623 1 417 4,5% 20 543 65,0% 5 915 18,7% 3 748 11,9% Portugal 7 187 6 500 90,4% 372 5,2% 312 4,3% Romania 9 359 9 <td></td> <td>5 160</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>		5 160								
Portugal 7 187 6 500 90,4% 372 5,2% 312 4,3% Romania 9 359	Norway									
Portugal 7 187 6 500 90,4% 372 5,2% 312 4,3% Romania 9 359	Poland	31 623	1 417	4,5%	20 543	65,0%	5 915	18,7%	3 748	11,9%
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								-		22,0%
5107a Kia 4282 515 19,0% 2255 52,1% 9/0 22,1% 206 6.2%	Slovakia	4 282	813	19,0%	2 233	52,1%	970	22,7%	266	6,2%
Slovenia 2 705						, , , , , , , , , , , , , , , , ,		j •		,
Spain 40 513 3 020 7,5%			3 020	7.5%						
Sweden 3 251			3 020	.,_,0						
Switzerland 4 127 64*			64*							

Table 54. The distribution of non-judge staff in courts (Q55, Q56)

Country	Number of non-judge staff working in courts (fte)	Non-judge staff (Rechtspfleger)		Non-judge staff whose task is to assist the judges such as registrars		Staff in charge of different administrative tasks as well as of the management of the courts		Technical staff	
		Number	%	Number	%	Number	%	Number	%
FYROMacedonia	2 061			1 746	84,7%	148	7,2%	167	8,1%
Turkey	23 832			20 050	84,1%	138	0,6%	229	1,0%
UK-Scotland	1 231								
UK-England and Wales	26 000								



Figure 33. The proportional distribution of court staff (Q56)



Figure 34. The number of non-judge staff for each professional judge (Q55)

SUPPORT EQUIPMENT: OFFICE AUTOMATION AND DATA PROCESSING FACILITIES

Table 33. Classification of countries on the level of computerization of courts for *the three areas of application*

Very high level of computerization >39 points	High level of computerizations (32- 38)	Moderate level of computerizations (26- 31)	Low level of computerisation (less than 25)
Austria	Czech Republic	Belgium	Cyprus
Denmark	Romania	Italy	Ukraine
Estonia	Slovenia	Georgia	FYROMacedonia
Finland	Iceland	Luxembourg	Serbia
Hungary	UK-Northern Ireland	Poland	Armenia
Malta	Germany	Andorra	Monaco
UK England and Wales	Lithuania	Ireland	Russian Federation
Switzerland	France	Azerbaijan	Bosnia and Herzegovina
Portugal	Latvia	Croatia	Montenegro
Slovakia	Netherlands	Greece	Moldova
UK-Scotland	Sweden		
Norway	Bulgaria		
Spain			
Turkey			
14	12	10	10



Figure 26. Level of implementation of computer equipment for the direct assistance of a judge or non-judge staff (Q62)

0 500 Miles 0 500 Km

REMUNERATION



Figure 59. Gross annual salaries of judges in 2006, in € (Q114)

Table 93. Comparative	detailed table of judges and prosecutors salaries in 2006, in €
(Q114)	

Country	Gross annual salary of a first instance professional judge at the beginning of his/her career	Gross annual salary of a judge of Supreme Court or of the highest appellate court	Gross annual salary of the prosecutor at the beginning of his/her career	Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court	Salary of a judge in regard of that of a prosecutor at the beginning of their careers	Salary of a judge in regard of that of a prosecutor at the end of their careers
Andorra	67 581	36 430	67 581	100 100	1,0	0,4
Armenia	7 618	11 594				
Austria	43 393	105 251	46 073	105 251	0,9	1,0
Azerbaijan	7 176	11 968	3 436	7 540	2,1	1,6
Belgium	56 487	122 196	56 487	122 169	1,0	1,0
Bosnia and Herzegovina	24 024	41 223	24 024	41 223	1,0	1,0
Bulgaria	5 676	11 136	5 676	11 136	1,0	1,0
Croatia	22 930	52 054	22 930	52 054	1,0	1,0
Cyprus	52 616	93 525				
Czech Republic	21 838	42 760	18 438	39 579	1,2	1,1
Denmark	91 904	130 341	40 269	80 537	2,3	1,6
Estonia	24 840	34 115	15 384	23 846	1,6	1,4
Finland	50 000	105 000	35 000	63 000	1,4	1,7
France	35 777	105 317	35 777	105 317	1,0	1,0
Georgia	4 320	8 580	5 184	6 192	0,8	1,4
Germany	38 829	86 478	38 829	86 478	1,0	1,0
Greece	33 226	73 716	33 226	73 716	1,0	1,0
Hungary	30 430	42 154	30 430	42 154	1,0	1,0
Iceland	97 240	130 000				
Ireland	127 664	222 498				
Italy	37 454	122 278	37 454	122 278	1,0	1,0
Latvia	13 677	31 686	15 257	29 689	0,9	1,1
Lithuania	14 816	30 852	12 286	27 366	1,2	1,1
Luxembourg	76 607	140 201	76 607	140 201	1,0	1,0
Malta	27 524	32 480	24 873	32 630	1,1	1,0
Moldova	2 352	4 390	2 165	2 502	1,1	1,8
Monaco	41 238	Compensations	41 238	118 616	1,0	
Montenegro	14 760	19 005	14 760	21 994	1,0	0,9
Netherlands	70 000	115 000	85 000	115 000	0,8	1,0
Norway	87 000	125 000	66 000	25.402	1,3	1.0
Poland	14 904	37 403	14 904	37 403	1,0	1,0
Portugal	33 477	80 478	33 477	78 134	1,0	1,0
Romania	6 936	34 082	7 936	28 153	0,9	1,2
Russian Federation	14 967	35 220	9 523	24 982	1,6	1,4
Serbia Slovakia	13 991 18 995	22 258 27 438	13 991 17 299	22 258 26 458	1,0	1,0
	23 736				1,1 0,9	1,0
Slovenia Spain	45 230	48 660 115 498	26 016 45 230	48 036 115 498	1,0	1,0 1,0
Sweden	45 230 96 500	115 498	45 230 64 500	113 498	1,0	1,0
Sweden	96 500 88 044	204 968	73 062	143 500	1,5	
Turkey	17 251	204 988	17 251	28 988	1,2	1,6 1,0
FYROMacedonia	17 231	14 870	17 231	14 870	1,0	1,0
Ukraine	5 640	35 259	12 103	8 160	2,9	4,3
UK-Northern Ireland	140 608	288 905	39 525	50 003	3,6	4,5
UK-Northern Ireland UK-Scotland	140 808	288 905	39 525	46 000	3,0 4,5	5,8
UK-England and Wales	143 708	233 742	28 463	128 774	4,5	1,8

GENERAL PRINCIPLES ON THE INDEPENDENCE OF JUDGES

RECRUITMENT AND CAREER

Figure 54. Modalities of recruitment of the judges in Europe (Q99)



Table 83. Modalities of recruitment of judges (Q99)

	Modalities of recruitment						
Competitive exam	Working experience	Combination of both	Other				
Andorra	Cyprus	Albania	Finland				
Austria	Croatia	Armenia	Hungary				
Bulgaria	Ireland	Azerbaijan	Luxembourg				
Czech Republic	Iceland	Belgium	Montenegro				
Greece	Malta	Bosnia and Herzegovina	Serbia				
Italy	Norway	Denmark	Slovenia				
Lithuania	Slovakia	Estonia	Sweden				
Moldova	UK-Northern Ireland	France	Switzerland				
Portugal	UK-Scotland	Georgia					
Spain	UK-England and Wales	Germany					
Turkey		Latvia					
Ukraine		Monaco					
		Netherlands					
		Poland					
		Romania					
		Russian Federation					
		FYROMacedonia					

	Composition of the authorities competent for the recruitment of judges					
Judges only	Non-judges	Judges a	and non-judges			
Cyprus	Andorra	Albania	Netherlands			
Latvia	Czech Republic	Armenia	Norway			
Lithuania	Luxembourg	Austria	Poland			
	Serbia	Azerbaijan	Portugal			
	Slovenia	Belgium	Romania			
	Ukraine	Bosnia and Herzegovina	Russian Federation			
		Bulgaria	Slovakia			
		Croatia	Spain			
		Denmark	Sweden			
		Estonia	Switzerland			
		Finland	FYROMacedonia			
		France	Turkey			
		Georgia	UK-Northern Ireland			
		Germany	UK-Scotland			
		Greece	UK-England and Wales			
		Hungary				
		Iceland				
		Ireland				
		Italy				
		Moldova				
		Monaco				
		Montenegro				

Table 84. Composition of the authorities competent for the recruitment of judges (Q100)

TRAINING

Table 87. Types of mandatory trainings for judges (Q110)

No mandatory training	Initial training	All trainings except for specific functions	At least 2 types of training	All trainings mandatory
Croatia	Austria	Greece	Andorra	Georgia
Cyprus	Azerbaijan	UK-Scotland	Armenia	Hungary
Czech Republic	Bulgaria	Iceland	Belgium	Lithuania
Finland	Ireland		Bosnia and Herzegovina	Montenegro
Serbia	Italia		Denmark	Norway
Slovenia	Luxembourg		Estonia	Romania
	Portugal		France	FYROMacedonia
	Russian Federation		Germany	Sweden
	Spain		Latvia	Ukraine
	Switzerland		Malta	
	UK-England and Wales		Monaco	
	UK-Northern Ireland		Netherlands	
			Poland	
			Slovakia	
			Turkey	

TERMS OF OFFICE

Country	Length of the mandate of judges			Length of the mandate of prosecutors		
	Undetermined	If mandate renewable, length	A probation period	Undetermined	If mandate renewable, length	A probation period
Albania	Yes			Yes		
Andorra	No	6 years		No	6 years	
Armenia	Yes			Yes		
Austria	Yes			Yes		
Azerbaijan	Yes		5 years	Yes		
Belgium	Yes			Yes		
Bosnia and Herzegovina	Yes	Exception*		Yes		
Bulgaria	Yes		5 years	Yes		5 years
Croatia	Yes		5 years	Yes		5 years
Cyprus	Yes			Yes		
Czech Republic	Yes			Yes		
Denmark	Yes			Yes		
Estonia	Yes			Yes		
Finland	Yes	Exception*		Yes	Exception*	
France	Yes			Yes		
Georgia	No	10 years		Yes		
Germany	Yes		1 to 5 years	Yes		
Greece	Yes			Yes		
Hungary	Yes		3 years	Yes		3 years
Iceland	Yes			No	5 years	
Ireland	Yes			Yes		
Italy	Yes			Yes		
Latvia	Yes		3 years	Yes		
Lithuania	Yes		5 years	Yes		
Luxembourg	Yes		1 an	Yes		1 an
Malta	Yes		5 years	No	Contract	5 years
Moldova	Yes		5 years	Yes		
Monaco	Yes	3 years renewable once*		Yes	3 years renewable once*	
Montenegro	Yes			No	5 years	
Netherlands	Yes			Yes		
Norway	Yes	Exception*		Yes		
Poland	Yes			Yes		
Portugal	Yes			Yes		
Romania	Yes			Yes		
Russian Federation	Yes			Yes		
Serbia	Yes			Yes		
Slovakia	Yes			Yes		
Slovenia	Yes			Yes		
Spain	Yes			Yes		
Sweden	Yes			Yes		

Table 97. Characteristics of the mandate of judges and prosecutors (Q107, Q108)

-	-	

Country	Length of the mandate of judges			Length of th	e mandate of pro	secutors
	Undetermined	If mandate renewable, length	A probation period	Undetermined	If mandate renewable, length	A probation period
Switzerland	No	4 to 6 years		No	4 to 6 years	
FYRO Macedonia	Yes			Yes		
Turkey	Yes			Yes		
Ukraine	Yes			Yes		
UK-Northern Ireland	Yes			No	Individual contract	
UK-Scotland	Yes			No	Individual contract	
UK-England and Wales	Yes			No	Individual contract	

CONFLICTS OF INTEREST

Figure 62. Combination of a judge work with other activities – number of countries concerned (Q117)



Table 57. Number of successful challenges of a judge in 2006 (Q83)

Country	Number of successful challenges
France	77
Hungary	4150
Monaco	1
Poland	522

FAILURE TO CARRY OUT RESPONSIBILITIES AND DISCIPLINARY OFFENCES



Figure 66. Distribution of the sanctions pronounced against judges at the European level in 2006 (Q125)





Table 102. Disciplinary proceedings initiated and sanctions pronounced per 1000 judges and prosecutors in 2006 (Q124, Q125)

Country	Total number of disciplinary proceedings initiated against :		Total number of sanctions pronounced against :		Ratio - number of disciplinary proceedings initiated:		Ratio - number of sanctions pronounced:	
	Judges	Prosecutors	Judges	Prosecutors	Per 1000 judges	Per 1000 prosecutors	Per 1000 judges	Per 1000 prosecutors
Andorra	0	0	0	0	0	0	0	0
Armenia	na	3	na	13	-	7	-	31
Austria	22	0	26	0	13	0	16	0
Azerbaijan	41	43	34	42	83	37	69	36
Belgium	22	3	6	1	14	4	4	1
Bosnia and Herzegovina	17	na	20	na	20	-	24	-
Bulgaria	3	6	3	3	2	4	2	2
Croatia	22	2	9	4	11	3	5	7
Cyprus	1	na	na	na	10	-	-	-
Czech Republic	40	10	22	6	13	8	7	5
Estonia	2	1	1	1	8	5	4	5
Finland	12	2	12	2	13	6	13	6
France	3	3	12	2	0	2	2	1
Georgia	84	145	36	145	309	300	132	300
Germany	55	26	25	4	3	5	1	1
Hungary	14	5	9	5	5	3	3	3
Iceland	0	0	0	0	0	0	0	0
Ireland	0	0	0	0	0	0	0	0
Italy	68	24	51	15	11	11	8	7
Latvia	15	21	15	21	29	38	29	38
Lithuania	4	32	4	15	5	37	5	18
Luxembourg	1	0	1	0	6	0	6	0
Moldova	9	38	6	45	21	49	14	58
Montenegro	0	0	0	0	0	0	0	0
Monaco	0	0	0	0	0	0	0	0
Norway	56	na	9	na	109	-	18	-
Poland	60	76	44	41	6	13	4	7
Portugal	26	24	25	16	14	18	14	12
Romania	11	10	4	6	2	4	1	2
Russian Federation	530	na		na	17	-	0	-
Serbia		na	103	0	0	-	41	0
Slovakia	18	6	1	5	13	8	1	7
Slovenia	1	2	1	2	1	11	1	11
Spain	71	155	19	5	16	79	4	3
Sweden	3	0	3	0	2	0	2	0
Switzerland*	28	7	4	2	-	-	-	-
FYROMacedonia		na		na	0	-	0	-
Ukraine	117	1305	110	1305	17	133	16	133
UK-England and Wales * see the comments below		5	32	5	0	2	8	2

* see the comments below.