

Prosecution Department in **Israel** (the term is between 2 and 4 years and may be renewed). In **UK-Scotland**, due to uncertainty of the public sector funding, prosecution services resort to some fixed term contracts that can last for up to 2 years.

Finally, in general, national legislations pinpoint the grounds for dismissal of public prosecutors, mostly related to legal capacity, loss of nationality, existence of a criminal conviction, reorganisation of the prosecution services, disciplinary breaches, *etc.* A particular ground for dismissal or temporary suspension, closely linked to the hierarchical structure of the prosecution services, may be the results of the regular evaluation of prosecutors.

In 25 States or entities, and in **Israel**, the taking of office is preceded by a probationary period which is, as is the case for judges, generally devoted to training.

Trends and conclusions

After a probationary period, which is usually aimed at training, European public prosecutors overwhelmingly perform their functions until the age of retirement, which is an important guarantee of continuity, enabling functional autonomy and facilitating independence.

3.2.3 Number of prosecutors

Table 3.25 Variation in the number of public prosecutors per 100 000 inhabitants between 2010 and 2014 (Q1, Q55)

States/entities	Public prosecutors per 100 000 inhabitants					
	2010	2012	2014	Variation 2010-2012	Variation 2012 - 2014	Variation 2010 - 2014
Albania	9,8	11,7	11,2	19%	-4%	14%
Andorra	3,5	5,2	6,5	49%	24%	84%
Armenia	10,1	10,5	10,1	5%	-4%	1%
Austria	4,1	4,1	4,0	0%	-3%	-3%
Azerbaijan	11,0	11,6	11,3	5%	-3%	2%
Belgium	7,7	7,4	7,6	-4%	3%	-1%
Bosnia and Herzegovina	8,0	8,1	9,7	1%	20%	21%
Bulgaria	19,8	20,1	20,4	2%	1%	3%
Croatia	14,0	14,5	13,4	3%	-8%	-5%
Cyprus	13,2	12,9	12,8	-2%	-1%	-3%
Czech Republic	11,8	11,8	11,7	0%	-1%	-1%
Denmark	13,5	10,1	12,2	-25%	21%	-9%
Estonia	13,1	13,1	12,8	0%	-2%	-2%
Finland	6,9	7,4	6,6	7%	-10%	-4%
France	3,0	2,9	2,8	-4%	-2%	-6%
Georgia	8,0	9,0	11,8	13%	31%	48%
Germany	6,4	6,5	6,5	2%	-1%	1%
Greece	4,8	5,0	5,3	3%	8%	11%
Hungary	17,4	18,3	19,0	5%	4%	9%
Ireland	1,8	1,9	1,9	8%	-1%	7%
Italy	3,3	3,2	3,4	-2%	8%	5%
Latvia	17,5	22,1	22,8	26%	4%	31%
Lithuania	25,7	25,5	24,6	-1%	-3%	-4%
Luxembourg	9,0	9,0	8,3	0%	-7%	-7%
Malta	2,6	3,6	2,8	35%	-21%	6%
Republic of Moldova	20,7	20,9	19,6	1%	-6%	-5%
Monaco	11,1	13,8	10,6	24%	-24%	-5%
Montenegro	20,8	14,7	17,4	-29%	19%	-16%
Netherlands	4,7	4,7	4,7	0%	0%	0%
Norway	11,7	12,2	NA	4%	NA	NA
Poland	14,8	15,7	15,3	6%	-3%	3%
Portugal	13,9	14,9	14,2	8%	-5%	3%
Romania	10,9	12,0	11,8	11%	-2%	8%
Russian Federation	22,1	22,8	23,4	3%	3%	6%
Serbia	8,4	9,2	9,2	9%	1%	10%
Slovakia	17,2	16,7	17,5	-3%	5%	2%
Slovenia	8,0	9,2	9,4	14%	3%	17%
Spain	5,2	5,3	5,2	1%	-2%	0%
Sweden	10,6	10,6	10,4	0%	-2%	-2%
Switzerland	5,5	10,4	10,8	89%	4%	96%
The FYROMacedonia	9,8	10,0	9,7	3%	-4%	-1%
Turkey	5,8	5,8	6,8	-1%	19%	17%
Ukraine	24,9	29,8	30,6	20%	3%	23%
UK-England and Wales	5,2	4,5	3,9	-14%	-13%	-25%
UK-Northern Ireland	9,4	9,7	8,7	3%	-9%	-7%
UK-Scotland	NA	10,4	8,8	NA	-16%	NA
Israel	..	7,5	7,3	..	-2%	..
Average	10,8	11,3	11,3	7%	0%	7%
Median	9,8	10,4	10,4	3%	-1%	1%
Minimum	1,8	1,9	1,9	-29%	-24%	-25%
Maximum	25,7	29,8	30,6	89%	31%	96%

This table provides a measure of the evolution in the number of public prosecutors per 100 000 inhabitants between 2010 and 2014.

In 11 states an upward trend in the number of prosecutors is to be noticed for the period 2010-2012-2014 (**Andorra, Bosnia and Herzegovina, Georgia, Greece, Hungary, Latvia, Russian Federation, Serbia, Slovenia, Switzerland and Ukraine**). This evolution is of a particular importance in respect of the first three countries mentioned. However, the situation in **Andorra** should be qualified in the light of the very small number of prosecutors, namely 3 in 2010, 4 in 2012 and 5 in 2014. With regard to **Georgia**, the increase is only apparent because of the significant decrease in the population. As for the substantial increase in the number of prosecutors in **Switzerland**, mainly between 2010 and 2012, it is due to the abolition of the system of investigating judge and the introduction of a system of criminal prosecution entrusted to prosecutors. In **Latvia**, the number of positions in the prosecution services has been increased between 2011 and 2012 which led to the appointment of new prosecutors. In **Bosnia and Herzegovina**, in order to improve the capacity of prosecution services of managing the case flow efficiently and within a reasonable time, the High Judicial Council decided in 2014 to reinforce the staff in several prosecution offices. Similarly, in **Slovenia**, a new legislation on public prosecution adopted in November 2011 has established the Specialised State Prosecutor's Office for dealing with criminal offences against economic sector; cases of organized crime; bribery and corruption; terrorism; human trafficking, etc. It is noteworthy that in **Turkey**, even though in 2014 the courts of appeal had not started yet their activity, chief public prosecutors were appointed to carry out the efforts to make these courts operational. In respect of **Serbia**, the number of public prosecutors is stable. The impression of an increase is due to the legislative reform of the judicial map carried out in 2014 and the division of larger offices in smaller ones. The actual workforce is very much the same, although there was a shift in the criminal procedural system in 2013 when criminal investigation was handed over to the Prosecution.

A downward trend in the number of prosecutors is observed in **UK-England and Wales**, but it is far from being noticeable in absolute terms due to the population increase between 2010 and 2012, and 2012 and 2014. A slight downward trend is also noted in respect of **France and Lithuania**.

An in-depth analysis reveals a strong decrease in the number of prosecutors in **Bulgaria** between 2012 and 2014. However, this is the result of a different methodology of classification of prosecutors used in 2012 and 2014, the 2014 data excluding the number of investigators. The decrease noticed in **Denmark** between 2010 and 2012 stems from the lack of information in 2012 as regards the number of prosecutors engaged in tasks concerning administrative cases (Ledelsessekretariat) and prosecutors employed by the national police (Rigspolitiet). Finally, variations affecting the prosecution services staff in **Malta and Monaco** should be construed in the light of the limited number of prosecutors in absolute value in these countries (11 (2010), 15 (2012) and 12 (2014) for **Malta** and 4 (2010), 5 (2012) and 4 (2014) for **Monaco**).

Montenegro has experienced quite contrasting fluctuations. First, the number of prosecutors dropped significantly between 2010 and 2012 due to retirements or staff leaving the public prosecution services. In addition, the number of deputy prosecutors is prone to vary from one year to another because of those of them who are in a process of re-election. Furthermore, the number of prosecutors increased significantly between 2012 and 2014 as a result of the gradual implementation of the Criminal Procedure Code. The latter endows prosecutors with new competences, including the responsibility for investigating (previously entrusted to courts), the use of new alternative methods of dispute resolution etc.

Some additional information may be drawn from the comments provided by the States or entities. Firstly, several countries have indicated that the communicated total reflects the number of prosecutors effectively exercising their profession which is slightly less than the number set by law (**Albania, Bulgaria, Serbia, UK-Scotland**).

Some States or entities have specified that, due to the peculiarities of their systems, the provided data include other staff than prosecutors. **Norway**, for example, has included prosecutors within the police services. The data of the **Russian Federation** reflect the total number of staff in the prosecution authorities of the Federation established by presidential decrees and encompassing prosecutors, federal civil servants and other employees. Conversely, **Ireland** has indicated only the number of solicitors and barristers directly employed by the Office of the Director of Public Prosecutions (DPP), while members of the police force and the independent Bar who are also competent for prosecuting, as well as 32 State Solicitors contracted to provide a solicitor service to the DPP in cases heard outside of the capital, have not been taken into consideration. Similarly, the total indicated by the **Netherlands** excludes prosecutors at the Supreme Court level who are not employees of the National Prosecution Service. Data provided by **Israel** for 2014 are related exclusively to the State Prosecutor's Office, given that data concerning the Police Prosecution Department was not available (in contrast to the 2012 data).

A final observation concerns the absence of categorisation of public prosecutors depending on the degree of jurisdiction. 14 States or entities provided comments in this respect. Public prosecutors intervene at all court instances in **Andorra, Armenia, Cyprus, Estonia, Finland, Georgia, Ireland, Malta, Monaco, Russian Federation**, and in the vast majority of the cantons in **Switzerland**. In **Luxembourg**, the same prosecutors are competent before the Court of Appeal and the Supreme Court which constitute both together the Superior Court of Justice. The judicial systems of **Lithuania, Spain** and **Sweden** do not distinguish between prosecutors acting at first instance and those intervening at second instance. As for **UK-England and Wales**, there is no definitive separation of prosecutors whereby individual prosecutors are assigned to only either first or second instance courts on a long-term basis. Instead, all prosecutors can practice in the lower, first instance courts which is also the case in **UK-Scotland**.

As a conclusion, the average number of public prosecutors per 100 000 inhabitants remains stable (rising from 11.1 to 11.3 between 2010 and 2014).

Nevertheless, this average covers quite different situations given that some states have more than 20 public prosecutors per 100 000 inhabitants (**Bulgaria, Latvia, Lithuania, Russian Federation, Ukraine**), while in other States or entities the number of public prosecutors is less than 5 per 100 000 inhabitants (**Austria, France, Ireland, Italy, Malta, Netherlands, UK-England and Wales**).

While each state has its culture and history, two other factors may explain this disparity: the scope of the missions entrusted to public prosecutors and the number of proceedings they are dealing with.

3.2.4 Scope of the prosecutors' missions

Each state or entity was asked to indicate, among the thirteen areas of responsibility suggested, which ones are within the competence of public prosecutors.

Table 3.26 Role of public prosecutors in 2014 (Q105, Q106, Q106.1 and Q36)

States/titles	Role of public prosecutor													Role in civil and administrative cases	Role in insolvency cases	The victim of the public prosecutor	
	to conduct or supervise police investigation	to conduct investigations	when necessary, to request investigation measures from the judge	to charge	to present the case in court	to propose a sentence to the judge	to appeal	to supervise the enforcement procedure	to discontinue a case without needing a decision by a judge	to end the case by imposing a penalty or measure without requiring a judicial decision	other significant powers						
Albania																	
Andorra																	
Armenia																	
Austria																	
Azerbaijan																	
Belgium																	
Bosnia and Herzegovina																	
Bulgaria																	
Croatia																	
Cyprus																	
Czech Republic																	
Denmark																	
Estonia																	
Finland																	
France																	
Georgia																	
Germany																	
Greece																	
Hungary																	
Ireland																	
Italy																	
Latvia																	
Lithuania																	
Luxembourg																	
Malta																	
Republic of Moldova																	
Monaco																	
Montenegro																	
Netherlands																	
Norway																	
Poland																	
Portugal																	
Romania																	
Russian Federation																	
Serbia																	
Slovakia																	
Slovenia																	
Spain																	
Sweden																	
Switzerland																	
The FYROM/ Macedonia																	
Turkey																	
Ukraine																	
UK-England and Wales																	
UK-Northern Ireland																	
UK-Scotland																	
Israel																	
Total	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46
Yes	39	35	37	43	46	38	45	23	46	23	42	24	28	36	17	35	35
No or N/A	7	11	9	3	0	8	1	0	0	0	4	22	18	10	29	11	11
Nb of NA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Figure 3.27 Summary of the roles and powers of public prosecutors in criminal matters in 2014 (Q105)

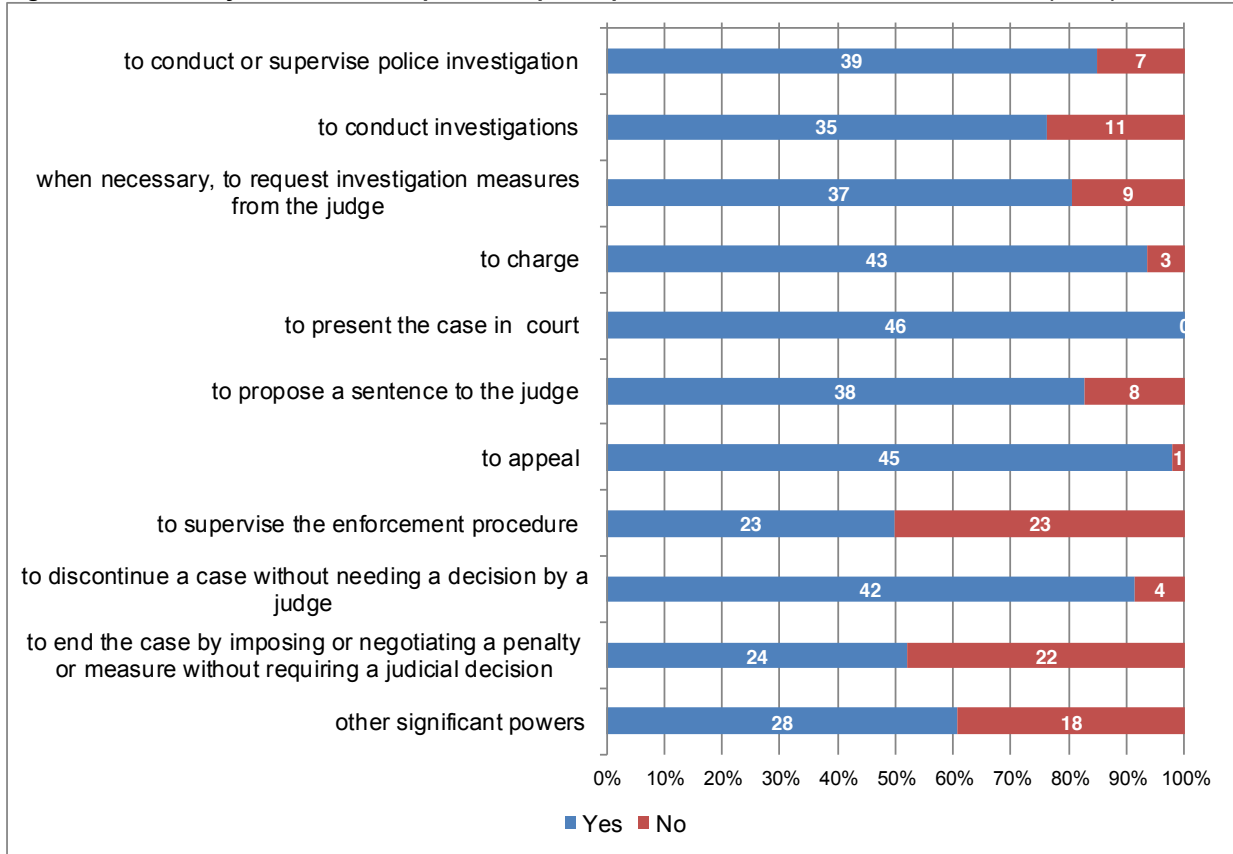


Figure 3.27 shows the answers given to these questions and helps measure the competence gaps between prosecutors of different States and entities. While in 4 states public prosecutors have jurisdiction over all thirteen assignments listed (**France, Hungary, Luxembourg and Monaco**), in 6 States or entities public prosecutors only have jurisdiction over less than half of these assignments (**Cyprus, Finland, Ireland, Malta, UK-England and Wales, UK-Northern Ireland**).

In 39 States or entities prosecutors are entitled to conduct or supervise police investigations, in 35 states they are competent for conducting personally investigations and in 37 countries they may request the judge to order specific investigation measures. In **Finland, Ireland, Malta, UK-England and Wales, UK-Northern Ireland and Israel** prosecutors do not intervene in investigative matters within the competence of the police or other specific bodies. Notwithstanding, in **Finland**, a prosecutor cooperates with the police in the pre-trial investigation and serves as the head of the pre-trial investigation in circumstances where the suspect is a police officer. Similarly, in **UK-England and Wales** and **UK-Northern Ireland**, prosecutors may provide advice or suggest lines of enquiry to the police. In **UK-Scotland**, prosecutors have no authority over the police, but are entitled to investigate all deaths which require further explanation. Likewise, in **Slovenia**, police services are technically independent in conducting investigations as to the choice of means and methods but prosecutors can set guidelines, provide expert opinions and proposals. They are also enabled to lead national or international joint investigation teams.

In **Cyprus, Italy, Norway, Sweden, the Russian Federation and Israel**, prosecutors are not endowed with the responsibility of investigating personally, but they conduct and supervise the police activity. In **Luxembourg**, prosecutors are granted enhanced powers in respect of certain investigative measures for which the police need a prior agreement from the State Prosecutor (e.g. DNA processing, vehicle searches, identity verifications etc.).

Prosecutors may discontinue a case, without the need of a judicial decision in almost all States or entities, except for **Andorra, Italy, Russian Federation and Spain**. Only 24 States or entities allow prosecutors to end a case by imposing or negotiating a penalty or a measure without a judge's decision. In **Austria and Slovenia**, prosecutors may propose alternative measures to the suspect, which constitute sanctions rather than penalties. In **Bosnia and Herzegovina**, the competent prosecutor or a judge can apply educational recommendations to a juvenile for criminal offences for which a fine or a punishment of imprisonment for a term not exceeding three years is prescribed. Among the countries that provided a negative reply on this

issue, **Finland** has indicated that in clear cases, the prosecutor is competent to self-impose a fine and confiscatory sanction in penal order proceedings, provided that the suspect does not demand that a court hear his/her case. In **Portugal**, a prosecutor may decide on the temporary suspension of the case subject to the fulfilment by the defendant of several payment orders and only with his/her consent, as well as the one of the judge.

In all States or entities prosecutors have competence to present the case in court and in 43 of them they may bring charges (**Armenia, UK-Northern Ireland** and **UK-Scotland** are the only exceptions).

Prosecutors from 38 States or entities may propose a penalty to the judge. This practice does not exist in the systems of **Cyprus, Ireland, Italy, “the former Yugoslav Republic of Macedonia”, Ukraine, UK-England and Wales, UK-Northern Ireland** and **UK-Scotland**. Nevertheless, in **Ireland**, the prosecutor may draw the attention of the judge to the principles of sentencing as enunciated in the case law of the higher courts, or may appeal against the verdict when he/she considers that the sentence is too lenient. In **Austria**, while a prosecutor has to refrain from requesting a concrete term of sentence, he/she has the right to plea with regard to the sentence by referring to the mitigating and aggravating grounds to be applied or by proposing a sentence under probation. In **Sweden** it is not compulsory for the prosecutor to propose a sentence to the judge, but this approach is well implemented in practice.

The prosecutor may appeal the judge's decision in 45 States or entities. If **UK-England and Wales** provided a negative reply, it was clarified that prosecutors have the right to apply to the Court of Appeal for an order quashing the original acquittal and ordering a retrial. This exception to the “double jeopardy” rule is applicable only in relation to the most serious “qualifying offences”, and a prosecutor may only make an application with the written consent of the Director of Public Prosecutions. A new trial is ordered by the Court of Appeal in very limited circumstances.

Prosecutors supervise the enforcement procedure in only 23 States or entities.

In 28 States or entities, prosecutors are entrusted with other significant powers within the criminal field. Some countries invoked the right of the suspect/accused person to plead guilty implying plea bargaining between the prosecutor and the suspect (**Bosnia and Herzegovina, Croatia, Georgia, Malta, Poland, Portugal, Slovakia, Slovenia, “the former Yugoslav Republic of Macedonia”**). Others referred to the specific responsibility of prosecutors to defend the interests of groups of particularly vulnerable individuals: child protection and public policies in matters of fight against illegal labour, domestic violence, racism, discrimination *etc.* in **France**; protection of minors, incapable persons and prisoners in **Latvia**. In **Estonia**, prosecutors participate in the planning of surveillance necessary to combat and detect criminal offences. **Lithuania** highlighted the involvement of prosecutors in the drawing up and implementation of national and international crime prevention programmes, as well as their participation in the legislative process. In **Hungary**, public prosecutors are bound, among other, by specific duties in the frame of Eurojust. In **Portugal**, prosecutors may carry out arrests of suspects in situations of flagrante crime and conduct house and office searches. In **Ireland**, the prosecutor may advise the police authorities on the making arrests in certain cases and on seeking search warrants authorising the conduct of searches in the course of a criminal investigation. In **Slovenia**, public prosecutors are entitled to file extraordinary legal remedies against final judicial decisions, while in **Sweden** they are granted significant powers in matters of coercive measures. In **Croatia**, the Prosecutor General decides on granting procedural immunity. In **Switzerland**, the prosecutor is competent for imposing sanctions up to 6 months of deprivation of liberty by means of penal order.

Admittedly, public prosecutors have an essential role in criminal matters. However, they are also granted important prerogatives outside the field of criminal law. They intervene in civil and/or administrative cases in 36 States or entities and in insolvency matters in 17 States or entities.

Broadly speaking, the attribution of competences to public prosecutors outside the field of criminal law is justified by their role of representing the general interest. In compliance with the European standards, they act on behalf of society and in the public interest to respect and protect individual rights, enhancing in this way the effectiveness of the rule of law³². More particularly, public prosecutors may participate to civil and/or administrative proceedings in order to ensure the defence of the State, its entities or institutions (e.g. **Croatia, Cyprus, Republic of Moldova, Portugal** and **Russian Federation**).

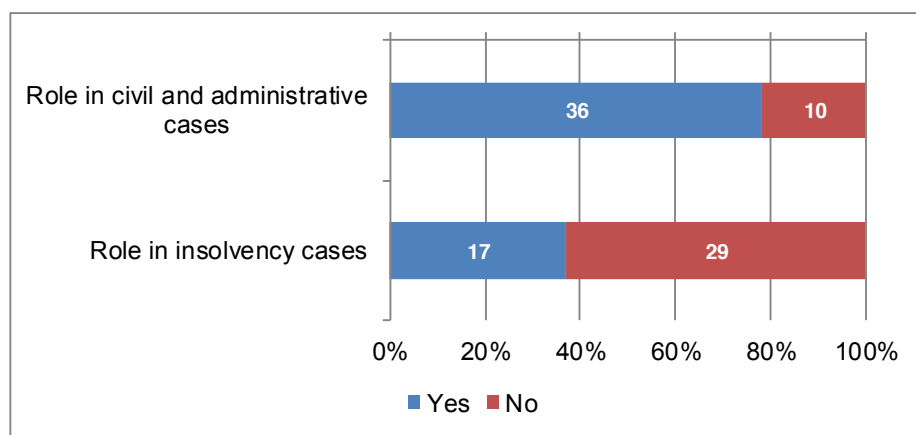
In civil matters, public prosecution services are often endowed with the responsibility of defending the interests of vulnerable individuals such as minors, victims, disabled persons, incapable and missing or

³² CCPE, *European norms and principles concerning prosecutors*, Opinion No. 9 (2014), *op. cit.* Roma Charter, points I and II.

absent persons. Their members usually intervene on behalf of the public interest and in compliance with conditions determined by law in proceedings relating to the civil status of individuals (birth certificate application, change of name, acquisition of nationality, declaration of death, questions concerning legal capacity and legal protection of persons *etc.*), in matters of family law (annulment of marriages, child's adoption, deprivation of parental rights, *etc.*), labour law (work-related accidents, professional diseases, disciplinary proceedings), commercial law (protection of property, transfer of property, confiscation of property), in proceedings of conflicts of jurisdictions, *etc.*

Most often and with the exception of the hypothesis when prosecutors represent the State before courts (**Croatia, Portugal**), their participation in administrative proceedings stems naturally from their responsibility of ensuring the proper enforcement of the law, that is to say the legality of the action of the public administration. Therefore, prosecutors may be empowered to refer the case to court and request the withdrawal or cancellation of illegal acts (**Bulgaria, Hungary, Latvia, Lithuania, Slovakia**). In **Slovenia**, Supreme State prosecutors may file an extraordinary legal remedy against final judicial decisions in civil, administrative and minor offences cases on the ground of violation of material or procedural law.

Figure 3.28 Summary of the other roles and powers of public prosecutors in 2014 (Q106 and Q106.1)

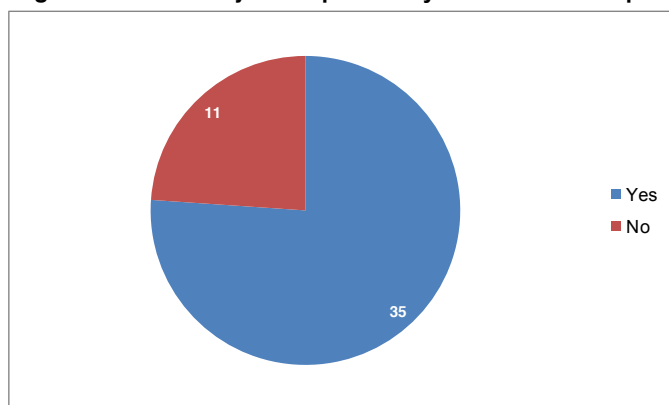


In 17 States or entities prosecutors intervene in insolvency proceedings. However, in **Germany** and **Lithuania**, they are involved in only if the insolvency matter case results in a criminal case (fraudulent bankruptcy). In **Italy** and **France**, this competence is limited to situations where a public interest is at stake. In **Spain**, public

prosecutors intervene in insolvency proceedings to substantiate the facts relevant to a finding of special civil liability (due to malfeasance or negligence) of the debtor.

Prosecutors may intervene outside the field of criminal justice in different ways. For certain matters or types of cases they are entitled to initiate proceedings, for others, they can join on-going trials and become a party to the proceedings. Sometimes, their competence is restrained to the formulation of legal opinions as it is the case in **France** for matters of filiation, guardianship and educational support.

Figure 3.29 Summary of the possibility for victims to dispute a public prosecutor's decision (Q36)



In a large majority of States or entities, the right of victims to dispute a public prosecutor's decision to discontinue a case is enshrined in the national legislation. Concretely, victims are entitled to, either exercise a remedy before the judge (**Albania, Austria, Bulgaria, Netherlands, Poland, UK-Scotland**) or file a complaint with the prosecutor's office applying most often to the hierarchically higher authority (**Armenia, Azerbaijan, Bosnia and Herzegovina, Denmark, Estonia, France, Georgia, Germany, Ireland, Lithuania, Republic of Moldova, Norway, Portugal, Serbia, Slovakia, Sweden, "the former**

Yugoslav Republic of Macedonia", **UK-England and Wales, UK-North Ireland**). In **Monaco**, the competent authority to be seized by victims is the Director of Judicial Services.

The procedure may be entirely carried out within the public prosecution services, which is the case in **Bosnia and Herzegovina, Denmark, France, Ireland, Norway, Serbia, Slovakia, Sweden** (initial remedy before the Director of the prosecution services and appeal before the Prosecutor General), and **"the former Yugoslav Republic of Macedonia"**. However, in some countries, the decision of the superior authority may

be challenged before a judge (for example in **Armenia, Estonia, Germany, Lithuania and Republic of Moldova**). In **Georgia**, the decision of the superior prosecutor is final and cannot be appealed, unless the crime concerned belongs to the category of serious offences. In **Azerbaijan, Portugal, UK-England and Wales** and **UK-North Ireland**, victims have the alternative to apply either to the office of the prosecutor or to a court. In **Bulgaria**, where the action takes place directly before a court, the judgement may be subject to an appeal initiated by the victim, the prosecutor or the accused before the competent Court of Appeal. In **Lithuania**, the victim should act first before the prosecutor, may challenge the latter's decision before the investigating judge, whose decision may be appealed before a court of second instance. In **Germany**, the application is not admissible if the proceedings refer exclusively to a criminal offence which can be pursued by the aggrieved person by means of a private action, if the public prosecution office has refrained from prosecuting the offence for reasons of discretionary prosecution, or in certain cases in matters of juvenile justice specified by law.

Some states, such as **Belgium, Monaco and France**, referred to the right of the victim to file a civil suit before the trial court or the investigative judge. Besides, in some States or entities, the law confers to victims the right to initiate private prosecutions on a subsidiary basis (**Croatia, Finland, Montenegro**), or with regard to certain categories of offenses (**Germany, Hungary, Portugal**).

3.2.5 Workload of prosecutors

Table 3.30 Number of public prosecutors per 100 000 inhabitants, number of roles of public prosecutors and number of proceedings received by the prosecution per 100 inhabitants (Q1, Q55, Q105, Q106, Q106-1 and Q107)

States/Entities	Number of prosecutors per 100 000 inhabitants	Number of roles of the public prosecutor	Number of cases received per 100 inhabitants
Albania	11,2	12	1,50
Andorra	6,5	10	6,21
Armenia	10,1	9	NQ
Austria	4,0	10	6,14
Azerbaijan	11,3	8	NA
Belgium	7,6	12	5,90
Bosnia and Herzegovina	9,7	12	1,71
Bulgaria	20,4	12	1,93
Croatia	13,4	12	1,52
Cyprus	12,8	6	NA
Czech Republic	11,7	11	3,77
Denmark	12,2	8	3,56
Estonia	12,8	10	2,44
Finland	6,6	6	1,54
France	2,8	13	7,44
Georgia	11,8	9	1,21
Germany	6,5	11	5,66
Greece	5,3	11	NA
Hungary	19,0	13	1,85
Ireland	1,9	6	0,30
Italy	3,4	8	5,45
Latvia	22,8	12	0,66
Lithuania	24,6	12	3,54
Luxembourg	8,3	13	10,79
Malta	2,8	6	NA
Republic of Moldova	19,6	10	1,87
Monaco	10,6	13	7,16
Montenegro	17,4	11	1,62
Netherlands	4,7	11	1,24
Norway	NA	8	7,41
Poland	15,3	11	2,72
Portugal	14,2	12	NA
Romania	11,8	11	3,54
Russian Federation	23,4	10	0,63
Serbia	9,2	9	2,77
Slovakia	17,5	12	1,85
Slovenia	9,4	10	4,20
Spain	5,2	10	NA
Sweden	10,4	8	5,38
Switzerland	10,8	10	6,64
The FYROMacedonia	9,7	8	1,90
Turkey	6,8	10	4,44
Ukraine	30,6	9	0,04
UK-England and Wales	3,9	5	1,13
UK-Northern Ireland	8,7	5	1,69
UK-Scotland	8,8	8	4,57
Israel	7,3	6	1,26
Average	11,3	10	3,4
Median	10,4	10	2,7
Minimum	1,9	5	0,0
Maximum	30,6	13	10,8

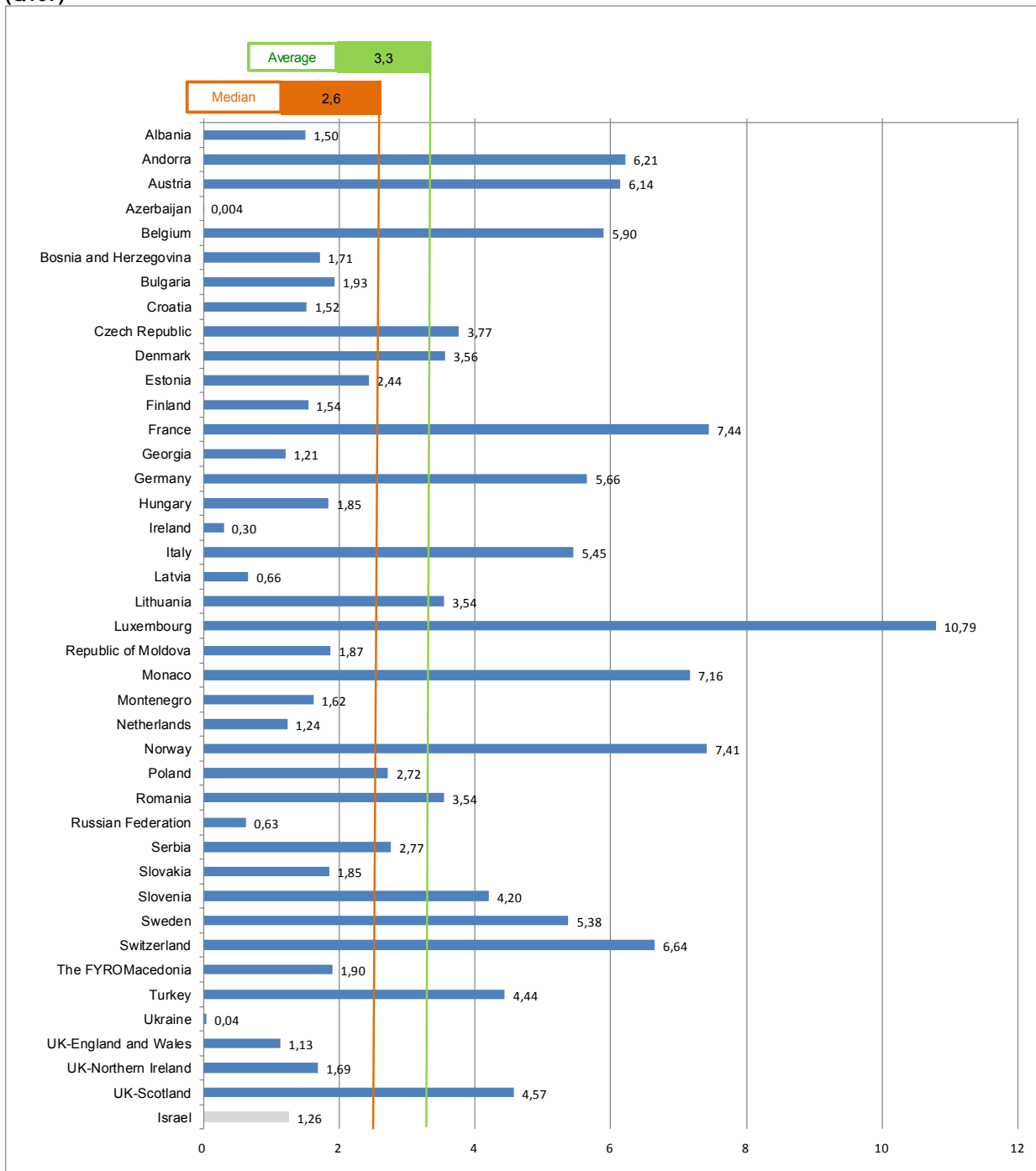
The workload of prosecutors may be measured taking into account the number of public prosecutors (and, if appropriate, the number of other staff having similar duties to prosecutors), the number of proceedings received by prosecutors, and also the diversity of their functions. The table above assesses prosecutors' workload, regard being had to these different parameters.

Beyond question, the prosecutors having the heaviest workload are to be found in **France**, which has nearly the lowest number of prosecutors in Europe (2.8 per 100 000 inhabitants), and must simultaneously cope with the largest number of proceedings received (7 cases per 100 inhabitants), while having to fill a record number of different functions (13). In the light of these criteria, prosecutors in **Austria, Ireland and Italy** also have a particularly heavy workload. This observation should be qualified by underlining that in these countries, other staff perform duties similar to those of prosecutors, although it is not possible, from the information available, to measure the impact of this factor on the workload of prosecutors. The **Netherlands** also have a small number of prosecutors, but the number of proceedings received is lower.

Conversely, most countries 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 proceedings received (less than 4 cases per 100 inhabitants), even if their jurisdiction is wide (around 10 different competences). This is particularly the case of **Ukraine** (more than 30 prosecutors per 100 000 inhabitants and less than 1 proceeding per 100 inhabitants), the **Russian Federation** (over 23 prosecutors per 100 000 inhabitants and 1 proceeding per 100 inhabitants), **Bulgaria, Hungary, Latvia, Lithuania, Republic of Moldova, Montenegro, Slovakia, Poland**. This phenomenon is accentuated in some countries where other staff exercise functions similar to those of prosecutors.

In 2014, the number of proceedings received by prosecutors was very low in **Ukraine** (18 985) and, to some extent, in **Ireland** and the **Russian Federation**. In **Ireland**, the police (An Garda Síochána) also exercise prosecution competence in relation to minor offences. Prosecution of offences is undertaken by members of the independent Bar acting on behalf of the Director of the prosecution services and 32 State Solicitors conduct prosecutions under contract for the Head of the prosecution office outside Dublin. The figures provided by both countries relate to cases considered only by the prosecution services themselves.

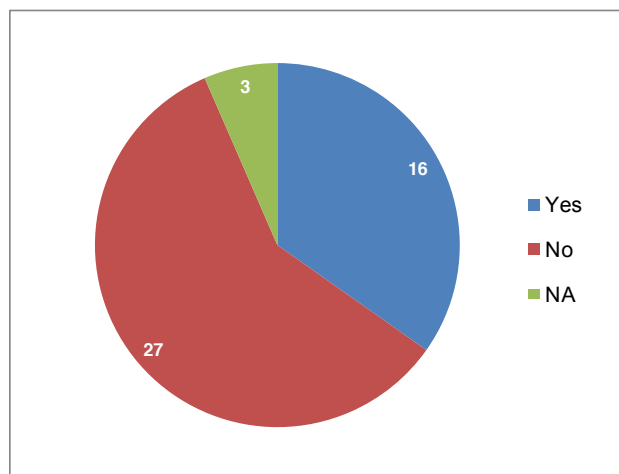
Figure 3.31 Criminal cases of first instance per 100 inhabitants received by the public prosecutors in 2014 (Q107)



It also seemed appropriate to complete this analysis of the workload of prosecutors by exploring whether other staff exercises similar duties as public prosecutors within the States and entities.

Table 3.32 Other persons with duties similar to those of public prosecutors (Q57 and Q59)

States/entities	Other persons with similar duties as public prosecutors	If yes is their number included in the number of public prosecutors?
Albania		
Andorra		
Armenia		
Austria		
Azerbaijan		
Belgium		
Bosnia and Herzegovina		
Bulgaria		
Croatia		
Cyprus		
Czech Republic		
Denmark		
Estonia		
Finland		
France		
Georgia		
Germany		
Greece		
Hungary		
Ireland		
Italy		
Latvia		
Lithuania		
Luxembourg		
Malta		
Republic of Moldova		
Monaco		
Montenegro		
Netherlands		
Norway		
Poland		
Portugal		
Romania		
Russian Federation		
Serbia		
Slovakia		
Slovenia		
Spain		
Sweden		
Switzerland		
The FYROMacedonia		
Turkey		
Ukraine		
UK-England and Wales		
UK-Northern Ireland		
UK-Scotland		
Israel		
Total	46	46
Nb of Yes	16	1
Nb of No or NAP	27	45
Nb of NA	3	0



In 16 States or entities, similar tasks to those of prosecutors are performed by other staff. These may include police services. In **Denmark**, the latter are entitled to act before courts on behalf of prosecutors in respect of certain minor offenses. Likewise, in **Greece**, senior police officers have similar competences to these of public prosecutors in respect of petty offences, namely traffic accidents. In **Malta**, police officials act as prosecutors in cases heard in front of the Court of Magistrates. In **Israel**, prosecutorial functions are mainly shared between the public prosecution services and the police. In addition, in **France**, the functions of public prosecutor before the police court and the proximity judge are ensured by a public prosecution service's official in the person of the competent Police Commissioner within the area of their respective jurisdictions. **Monaco** is experiencing a comparable organisation before the police court with a Police Commissioner for public safety.

In some states, specific authorities exercise prosecutorial functions in particular areas such as health and taxes in **Ireland**, environmental protection in **Ireland** and **Israel**, fiscal matters in **Germany**, customs, police, revenue service, forest and wildlife guard, military gendarmerie in **Poland**. In **Finland**, the Chancellor of Justice of the Government and the Parliamentary Ombudsman may also prosecute or order that charges be brought in matters falling within the purview of their supervision of legality. In **Serbia**, misdemeanour cases are not prosecuted by public prosecution.

The staff performing similar duties to those of prosecutors may be a part of the prosecution office as it is the case for the *Bezirksanwälte* in **Austria** who have a comparable status to that of *Rechtspfleger*: judicial officers with legal training, enabled to act for the public prosecutor's offices under the supervision of a public prosecutor. In **Serbia**, prosecutors' assistants can undertake specific procedural activities, authorized by a public prosecutor, i.e. deputy public prosecutor. They are appointed for an indefinite period of time. In **UK-England and Wales**, associate prosecutors are employed by the Crown Prosecution Service and have limited powers in the lower courts to undertake simple trials and non-contentious cases. While they have the right of audience of a Crown Prosecutor to conduct routine cases in the magistrates' courts, they are not entitled to institute criminal proceedings or review whether to continue proceedings instituted by the police. In **Germany**, associate prosecutors at local courts

as well as trainee jurists are competent for performing certain prosecutorial tasks in the frame of individual cases and under the prosecutor's supervision.

Substitute prosecutors in **Spain** and substitutes of deputy prosecutors in **Portugal** are appointed for a limited period of time, most often to replace a prosecutor in cases of illness, maternity leave, vacancy and *etc.* They have the same responsibilities and duties as prosecutors.

In **Switzerland**, the terminology varies depending on the cantons: technical or specialised officials, criminal investigation officers, officers in charge of the taxation of contraventions, prosecutor assistants *etc.* (12 cantons have provided a positive reply). In the **Netherlands**, paralegal workers in the Dutch Public Prosecution Service are by delegation entitled to take over some of the duties of the public prosecutor, for example to decide on whether or not to prosecute and on offering an out of court settlement. On the contrary, they have no competence in matters of pretrial detention of defendants. In addition, since 2014, a new function has been created in the prosecution service – assistant officers who may review cases or bring cases to court and who should be distinguished from assistant prosecutors.

The staff endowed with similar responsibilities to those of prosecutors may also be external to the public prosecution services. This is the case of the “Honorary Deputy Prosecutors” in **Italy**, holding a law degree and appointed for a fixed term by the High Council of the Judiciary. In **Ireland**, the Director of Public Prosecutions (DPP) employs State Solicitors under contract for prosecutions outside Dublin. More generally speaking, in this country, much of the work of the Office of the DPP is carried out by barristers in private practice rather than by barristers in the employment of the State. In **France**, deputy prosecutors (*délégués du procureur*) appointed by the *Procureur de la République* may be individuals or associations. They are not members of the prosecutor's office and are not entitled to initiate proceedings contrary to the officers of the public prosecution services. Criminal mediators also perform certain tasks comparable to those of prosecutors.

Less close to the core prosecutor's function is the activity of advisers in **Estonia** who are entitled to prepare documents and cases. Some countries have also raised the possibility of private prosecution conducted by victims (**Germany** and **Finland**).

Only 10 States or entities could provide quantitative data on persons fulfilling tasks comparable to those of prosecutors. The figures vary from 1 for **Monaco**, corresponding to the prosecution officer at the Police Court, to 1901 in **Italy**, reflecting the number of honorary deputy prosecutors. **France** and **Germany** provided a similar figure (respectively 950 and 941 deputy prosecutors). Three countries reported a value greater than 100 (**UK-England and Wales** (245), **Serbia** (191), **Austria** (150)), while three other communicated a value under this threshold (**Denmark** (86), **Spain** (70), **Ireland** (32)). Indeed, the data is difficult to be collected, or remains approximate. On the one hand, the definition of this category of staff varies from one state or entity to another, depending on the peculiarities of the national judicial systems. On the other hand, these officials are often appointed on a temporary basis and are paid according to their actual interventions.

3.2.6 Distribution of prosecutors between the different levels of jurisdiction

Table 3.33 Distribution in % of public prosecutors by instance in 2014 (Q55)

States/entities	Total number of public prosecutors	1st instance	2nd instance	Highest instance
Albania	325	85%	8%	7%
Andorra	5	NA	NA	NAP
Armenia	305	NAP	NAP	NAP
Austria	345	90%	6%	4%
Azerbaijan	1069	NA	NA	NA
Belgium	853	80%	19%	2%
Bosnia and Herzegovina	372	81%	NAP	19%
Bulgaria	1466	64%	28%	8%
Croatia	565	72%	24%	4%
Cyprus	110	NAP	NAP	NAP
Czech Republic	1232	68%	28%	4%
Denmark	690	78%	16%	8%
Estonia	168	NAP	NAP	NAP
Finland	363	NAP	NAP	NAP
France	1882	74%	23%	3%
Georgia	441	NAP	NAP	NAP
Germany	5223	91%	7%	2%
Greece	580	67%	30%	3%
Hungary	1869	62%	32%	6%
Ireland	89	NAP	NAP	NAP
Italy	2088	86%	12%	3%
Latvia	457	65%	18%	17%
Lithuania	720	90%	NAP	10%
Luxembourg	47	72%	NAP	28%
Malta	12	NA	NA	NA
Republic of Moldova	696	77%	4%	20%
Monaco	4	NAP	NAP	NAP
Montenegro	108	69%	17%	14%
Netherlands	796	89%	11%	NAP
Norway	NA	NA
Poland	5877	66%	32%	1%
Portugal	1476	94%	6%	1%
Romania	2622	45%	34%	21%
Russian Federation	34294	NAP	NAP	NAP
Serbia	657	90%	9%	2%
Slovakia	948	68%	20%	12%
Slovenia	194	74%	19%	7%
Spain	2425	NAP	NAP	2%
Sweden	1015	NAP	NAP	1%
Switzerland	893	NAP	NAP	NAP
The FYROMacedonia	200	80%	16%	5%
Turkey	5306	95%	0%	5%
Ukraine	13134	60%	31%	8%
UK-England and Wales	2247	100%	20%	NA
UK-Northern Ireland	161	NA	NA	NA
UK-Scotland	471	100%	NA	NA
Israel	605	NAP	NAP	NAP
Average	2107	78%	18%	8%
Median	690	77%	19%	5%
Minimum	4	45%	0%	1%
Maximum	34294	100%	34%	28%

The average number is 78 % for the first instance courts, 18 % for the second instance and 8 % for the Supreme Court. While these figures are close to those of judges, it should be noted that the data relating to public prosecutors concern only 30 States or entities out of 47. This situation is due to the fact that in many states, public prosecutors intervene in all courts and are not specifically assigned to a certain instance or level of jurisdiction (**Andorra, Armenia, Cyprus, Estonia, Finland, Georgia, Ireland, Malta, Monaco, Russian Federation**, the great majority of the cantons in **Switzerland**). In **Luxembourg**, the same prosecutors intervene before the Court of Appeal and the Supreme Court, while the judicial systems of **Lithuania** (since 2012), **Spain** and **Sweden** do not distinguish between prosecutors acting at first instance and those intervening at second instance. As previously explained, in **UK-England and Wales**, there is no definitive separation of prosecutors whereby individual prosecutors are assigned to only either first or second instance courts on a long-term basis. Instead, all prosecutors can practice in the lower, first instance courts which is also the case in **UK-Scotland**. For that reason the number provided for first instance is identical to the total (100 %). In **UK-England and Wales** 20 % of the prosecutors can be assigned to second instance. Furthermore, the comparison is also made difficult by the fact that administrative tasks may also be entrusted to public prosecutors of second instance or of a Supreme Court.

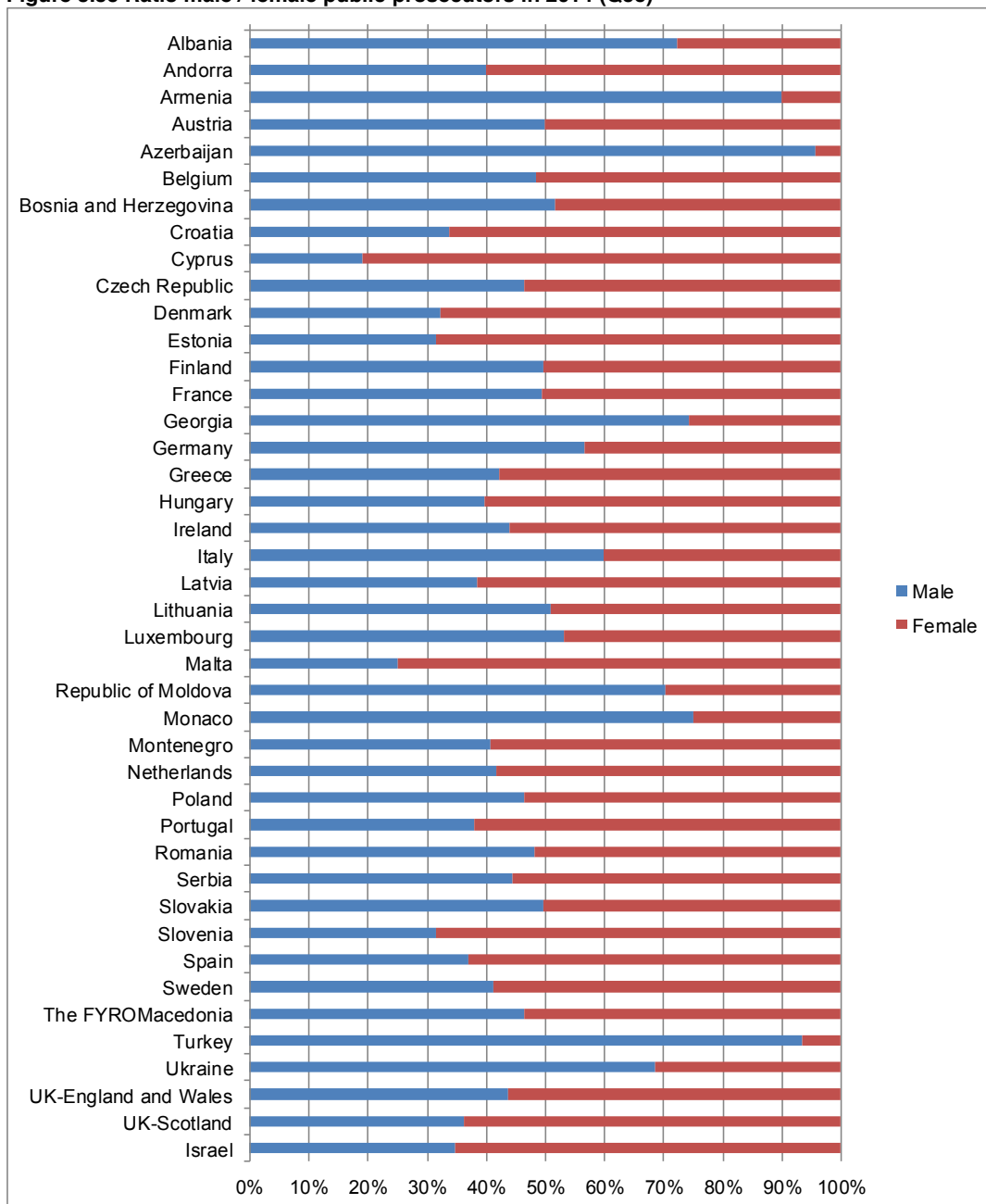
Table 3.34 Distribution in % of public prosecutors by instance and by gender in 2014 (Q55)

States/entities	Total of public prosecutors		1st instance		2nd instance		Highest instance	
	Male	Female	Male	Female	Male	Female	Male	Female
Albania	72%	28%	70%	30%	85%	15%	83%	17%
Andorra	40%	60%	NA	NA	NA	NA	NAP	NAP
Armenia	90%	10%	NAP	NAP	NAP	NAP	NAP	NAP
Austria	50%	50%	48%	52%	62%	38%	80%	27%
Azerbaijan	96%	4%	NA	NA	NA	NA	NA	NA
Belgium	48%	52%	44%	56%	65%	35%	100%	0%
Bosnia and Herzegovina	52%	48%	51%	49%	NAP	NAP	55%	45%
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	34%	66%	30%	70%	42%	58%	50%	50%
Cyprus	19%	81%	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	47%	53%	41%	59%	56%	44%	67%	33%
Denmark	32%	68%	31%	68%	41%	59%	23%	77%
Estonia	32%	68%	NAP	NAP	NAP	NAP	NAP	NAP
Finland	50%	50%	NAP	NAP	NAP	NAP	NAP	NAP
France	49%	51%	46%	54%	56%	44%	75%	25%
Georgia	74%	26%	NAP	NAP	NAP	NAP	NAP	NAP
Germany	57%	43%	55%	45%	68%	32%	78%	22%
Greece	42%	58%	35%	65%	54%	46%	74%	26%
Hungary	40%	60%	36%	64%	45%	55%	53%	47%
Ireland	44%	56%	NAP	NAP	NAP	NAP	NAP	NAP
Italy	60%	40%	57%	43%	72%	28%	91%	9%
Latvia	39%	61%	35%	65%	44%	56%	45%	55%
Lithuania	51%	49%	50%	50%	NAP	NAP	56%	44%
Luxembourg	53%	47%	38%	62%	NAP	NAP	38%	62%
Malta	25%	75%	NA	NA	NA	NA	NA	NA
Republic of Moldova	70%	30%	70%	30%	76%	24%	70%	30%
Monaco	75%	25%	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	41%	59%	44%	56%	28%	72%	40%	60%
Netherlands	42%	58%	40%	60%	55%	45%	NAP	NAP
Norway	NA	NA	NA	NA	64%	36%	54%	46%
Poland	47%	53%	42%	58%	56%	44%	63%	37%
Portugal	38%	62%	37%	63%	56%	44%	65%	35%
Romania	48%	52%	48%	52%	47%	53%	50%	50%
Russian Federation	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
Serbia	44%	56%	44%	56%	53%	47%	45%	55%
Slovakia	50%	50%	46%	54%	56%	44%	58%	42%
Slovenia	31%	69%	26%	74%	46%	54%	46%	54%
Spain	37%	63%	NAP	NAP	NAP	NAP	73%	27%
Sweden	41%	59%	NAP	NAP	NAP	NAP	38%	62%
Switzerland	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
The FYROMacedonia	47%	54%	45%	55%	44%	56%	89%	11%
Turkey	94%	6%	94%	6%	100%	0%	80%	20%
Ukraine	69%	31%	66%	34%	72%	28%	73%	27%
UK-England and Wales	44%	56%	44%	56%	60%	40%	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	36%	64%	36%	64%	NA	NA	NA	NA
Israel	35%	65%	NAP	NAP	NAP	NAP	NAP	NAP
Average	50%	50%	47%	53%	58%	42%	63%	38%
Median	47%	53%	44%	56%	56%	44%	63%	37%
Minimum	19%	4%	26%	6%	28%	0%	23%	0%
Maximum	96%	81%	94%	74%	100%	72%	100%	77%

The conclusions drawn in respect of judges are close to those resulting from this table on public prosecutors. Overall, figures are equally balanced between men and women. However, while there is a majority of women at first instance (53 %), men predominate at second instance (58 %) and even more before the Supreme Court (63 %). The recent feminisation of the public prosecution services, akin to the situation of judges, can likely explain this reality. In four years the number of women increased by 4 % among public prosecutors (by 5 % among judges).

In several States or entities, female prosecutors account for the majority at all instances (**Croatia, Denmark, Latvia, Luxembourg, Montenegro, Romania and Slovenia**). A similar positive trend in respect of female prosecutors is observed in **Bosnia and Herzegovina, Hungary and Serbia**. In **Montenegro**, the percentage of female prosecutors is more important before second instance courts and the Supreme Court than before first instance tribunals. The feminisation of the public prosecution services is the strongest one in **Denmark** (68 %), with a higher percentage of female prosecutors before the Supreme Court (77 %) than before first instance jurisdictions (68 %). By contrast, in **Albania, Germany, Italy, Republic of Moldova, Turkey and Ukraine**, male prosecutors still constitute the majority at all instances.

Figure 3.35 Ratio male / female public prosecutors in 2014 (Q55)



This figure presents the distribution between male and female prosecutors among the total number of prosecutors. Out of the 42 States or entities which were able to provide the required data, 29 indicate having between 50 % and 81 % female prosecutors. However, the threshold of 70 % is achieved or exceeded only in three of them (**Cyprus, Malta and Slovenia**). In some countries it is possible to notice a perfect parity (**Austria, Finland, and Slovakia**) or near-perfect parity (**Belgium, Bosnia and Herzegovina, Check Republic, France, Lithuania, Poland, Romania, “the former Yugoslav Republic of Macedonia”, UK-England and Wales**). In 13 States or entities, the number of male prosecutors is higher than this of female prosecutors (in 9 of them the threshold of 60 % is reached, in 7 – the percentage is higher than 70 % and in 3 – it is equal or higher than 90 %).

Luxembourg, Malta, Portugal and Spain have explicitly drawn the attention on the feminisation of their public prosecution services as a result of the increasing number of female candidate prosecutors. Accordingly, this phenomenon is more visible at first instance, but it is more and more perceptible at the level of the superior courts.

The European average for 2014 corresponds to the perfect parity – 50 % female prosecutors and 50 % male prosecutors. The positive trend of feminisation of the public prosecution services noticed in 2012 (49 % female and 51 % male) continues.

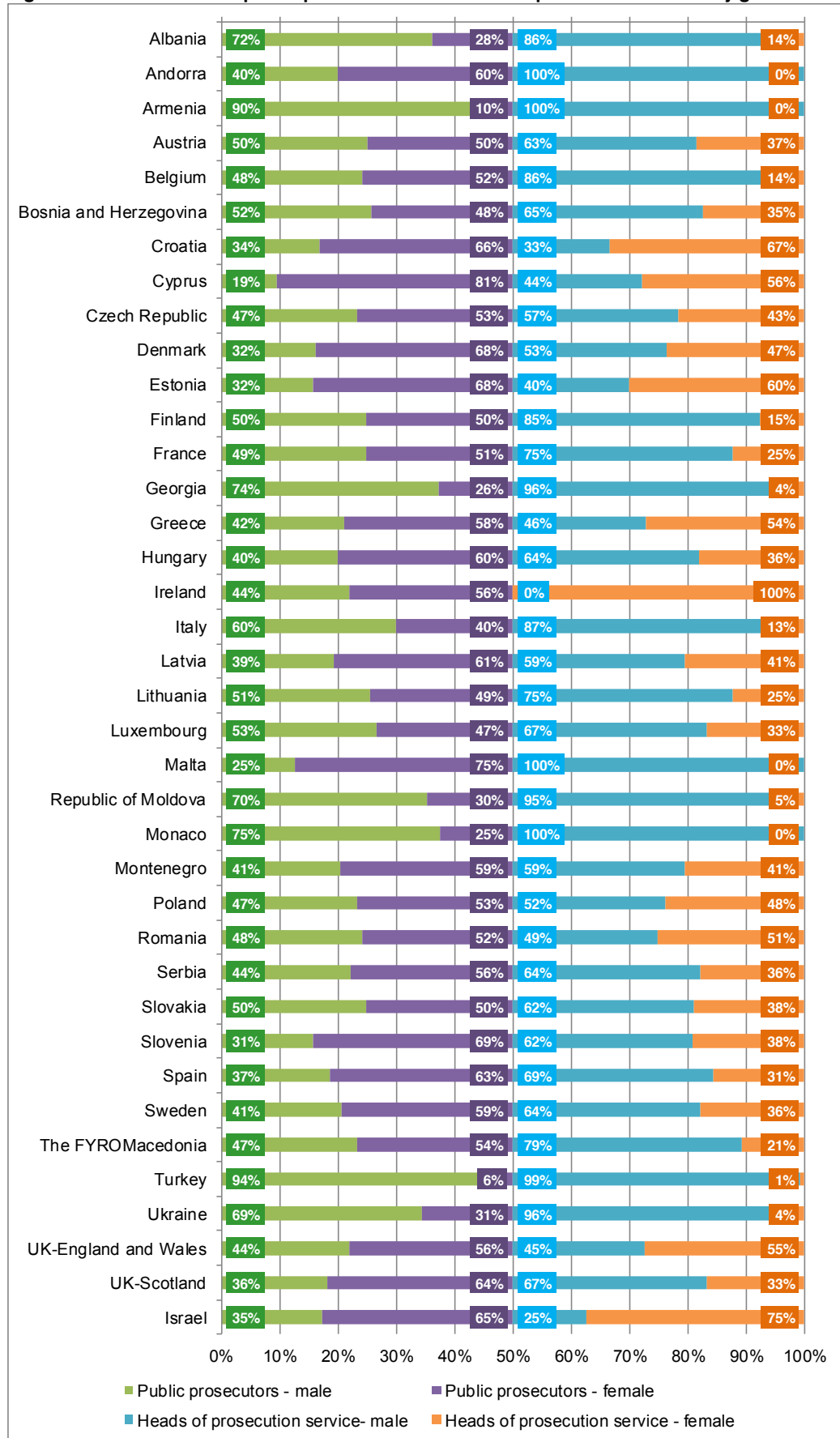
Table 3.36 Distribution in % of the number of heads of prosecution offices by instance in 2014 (Q56)

States/Entities	Total number of heads of prosecution offices	1st instance	2nd instance	Supreme court	Number of prosecutors per one head of prosecution office
Albania	35	66%	20%	14%	9,3
Andorra	1	NAP	NAP	NAP	5,0
Armenia	16	NAP	NAP	NAP	19,1
Austria	27	74%	22%	2%	12,8
Azerbaijan	NA	NA	NA	NA	..
Belgium	29	76%	21%	3%	29,4
Bosnia and Herzegovina	20	85%	NAP	15%	18,6
Bulgaria	155	73%	26%	1%	9,5
Croatia	39	64%	33%	3%	14,5
Cyprus	9	NAP	NAP	NAP	12,2
Czech Republic	95	88%	11%	1%	13,0
Denmark	17	71%	24%	6%	40,6
Estonia	5	NAP	NAP	NAP	33,6
Finland	13	NAP	NAP	NAP	27,9
France	194	81%	18%	1%	9,7
Georgia	51	NAP	NAP	NAP	8,6
Germany	NA	NA	NA	NA	..
Greece	186	75%	24%	1%	3,1
Hungary	163	83%	16%	1%	11,5
Ireland	1	NAP	NAP	NAP	89,0
Italy	170	88%	11%	1%	12,3
Latvia	61	67%	16%	16%	7,5
Lithuania	89	87%	NAP	13%	8,1
Luxembourg	3	67%	NAP	33%	15,7
Malta	1	NAP	NAP	NAP	12,0
Republic of Moldova	82	94%	5%	1%	8,5
Monaco	1	NAP	NAP	NAP	4,0
Montenegro	17	76%	18%	6%	6,4
Netherlands	NA	NA	NA	NA	..
Norway	13	0%	92%	8%	..
Poland	881	84%	15%	0%	6,7
Portugal	NA	NA	NA	NA	..
Romania	277	55%	42%	3%	9,5
Russian Federation	2909	NAP	NAP	NAP	11,8
Serbia	90	94%	4%	1%	7,3
Slovakia	61	85%	13%	2%	15,5
Slovenia	13	92%	NAP	8%	14,9
Spain	116	NAP	NAP	7%	20,9
Sweden	39	NAP	NAP	8%	26,0
Switzerland	115	NAP	NAP	NAP	7,8
The FYROMacedonia	28	82%	14%	4%	7,1
Turkey	242	93%	6%	1%	21,9
Ukraine	671	96%	3%	0%	19,6
UK-England and Wales	53	100%	100%	NA	42,4
UK-Northern Ireland	1	NA	NA	NA	161,0
UK-Scotland	9	100%	NAP	NAP	52,3
Israel	12	NA	NA	NA	50,4
Average	167	79%	24%	6%	21,1
Median	39	83%	18%	3%	12,3
Minimum	1	0%	3%	0%	3,1
Maximum	2909	100%	100%	33%	161,0

Table 3.37 Distribution in % of the number of heads of prosecution offices by instance and gender in 2014 (Q56)

States/entities	Total number of heads of prosecution offices		1st instance		2nd instance		Supreme court	
	Male	Female	Male	Female	Male	Female	Male	Female
Albania	86%	14%	91%	9%	71%	29%	80%	20%
Andorra	100%	0%	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	100%	0%	NAP	NAP	NAP	NAP	NAP	NAP
Austria	63%	37%	65%	35%	67%	33%	73%	27%
Azerbaijan	NA	NA	NA	NA	NA	NA	NA	NA
Belgium	86%	14%	86%	14%	83%	17%	100%	0%
Bosnia and Herzegovina	65%	35%	59%	41%	NAP	NAP	100%	0%
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	33%	67%	32%	68%	31%	69%	100%	0%
Cyprus	44%	56%	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	57%	43%	56%	44%	60%	40%	100%	0%
Denmark	53%	47%	42%	58%	75%	25%	100%	0%
Estonia	40%	60%	NAP	NAP	NAP	NAP	NAP	NAP
Finland	85%	15%	NAP	NAP	NAP	NAP	NAP	NAP
France	75%	25%	78%	22%	63%	37%	100%	0%
Georgia	96%	4%	NAP	NAP	NAP	NAP	NAP	NAP
Germany	NA	NA	NA	NA	NA	NA	NA	NA
Greece	46%	54%	39%	61%	69%	31%	0%	100%
Hungary	64%	36%	60%	40%	85%	15%	100%	0%
Ireland	0%	100%	NAP	NAP	NAP	NAP	NAP	NAP
Italy	87%	13%	85%	15%	100%	0%	100%	0%
Latvia	59%	41%	59%	41%	60%	40%	60%	40%
Lithuania	75%	25%	75%	25%	NAP	NAP	75%	25%
Luxembourg	67%	33%	100%	0%	NAP	NAP	0%	100%
Malta	100%	0%	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	95%	5%	95%	5%	100%	0%	100%	0%
Monaco	100%	0%	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	59%	41%	62%	38%	33%	67%	100%	0%
Netherlands	NA	NA	NA	NA	NA	NA	NA	NA
Norway	92%	8%	0%	0%	92%	8%	100%	0%
Poland	52%	48%	48%	52%	73%	27%	75%	25%
Portugal	NA	NA	NA	NA	NA	NA	NA	NA
Romania	49%	51%	50%	50%	48%	52%	63%	38%
Russian Federation	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
Serbia	64%	36%	NA	NA	75%	25%	0%	100%
Slovakia	62%	38%	62%	38%	63%	38%	100%	0%
Slovenia	62%	38%	58%	42%	NAP	NAP	100%	0%
Spain	69%	31%	NAP	NAP	NAP	NAP	75%	25%
Sweden	64%	36%	NAP	NAP	NAP	NAP	33%	67%
Switzerland	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
The FYROMacedonia	79%	21%	74%	26%	100%	0%	100%	0%
Turkey	99%	1%	99%	1%	100%	0%	100%	0%
Ukraine	96%	4%	96%	4%	100%	0%	100%	0%
UK-England and Wales	45%	55%	45%	55%	45%	55%	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	67%	33%	67%	33%	NAP	NAP	NAP	NAP
Israel	25%	75%	NA	NA	NA	NA	NA	NA
Average	69%	31%	67%	33%	72%	28%	79%	21%
Median	66%	34%	62%	38%	72%	28%	100%	0%
Minimum	0%	0%	0%	0%	31%	0%	0%	0%
Maximum	100%	100%	100%	68%	100%	69%	100%	100%

Figure 3.38 Distribution of public prosecutors and heads of prosecution offices by gender in 2014 (Q55 and Q56)



These tables show first the distribution of the heads of prosecution offices between first instance, second instance and Supreme Court level, second the distribution of these positions between men and women, and third, the male/female distribution of public prosecutors based on their level of responsibility (public prosecutor or head of prosecution office).

It should be noted that it was not possible to get a reply from almost half of the States or entities, which may be explained by the specific organisation of prosecution offices which are not always assigned to a single jurisdiction.

For the States or entities which could make the distinction requested, the average number of heads of prosecution offices is 79 % allocated at first instance level, 24 % at second instance level, and 6 % at Supreme Court level. It is relevant to recall that for court presidents, these averages are respectively 81 %, 19 % and 4 % and that the average number of presidents and heads of prosecution offices is virtually the same, 162 and 167, respectively.

The second table distributes these positions between men and women. It indicates that heads of prosecution offices are men in 69 % of cases, and that the distribution by jurisdiction level is 67 % of men at first instance tribunals, 72 % at second instance courts and 76 % at Supreme Court level. Akin to judges, one can notice that the progressive rebalancing in favour of women observed in the judiciary in general has not yet been materialised at the level of department heads. While women represent 53 % of public prosecutors at first instance level, they hold the position of head of prosecution office in only 33 % of cases. At second instance level, the figures are 42 % and 28 % respectively, and at Supreme Court level, they hold 38 % of the positions but are only heads of these prosecution offices in 20 % of cases. As a matter of fact, the review of the particular situation of each state or entity reveals, perhaps more than for judges that in some countries the positions of heads of prosecution offices are filled in 90 % or 100 % of cases by men (**Andorra, Armenia, Georgia, Malta, Republic of Moldova, Monaco, Norway, Turkey and Ukraine**). Nevertheless, this observation must be qualified regard being had to the fact that in **Andorra, Malta and Monaco** there is a single head of office, namely the Prosecutor General. The situation is similar in **Ireland** whit the unique position of Director of Public Prosecutions. However, the latter was occupied by a female prosecutor in 2014. Conversely, the important number of heads of prosecution offices in **Turkey** (242) and **Ukraine** (671) further stresses the difficulty, still perceptible for women, to access to positions of responsibility.

Trends and conclusions

Akin to the situation of judges, there has been a clear and continuous feminisation of the profession of public prosecutor. With the number of female public prosecutors increased by 4 % in the years 2010-2014, parity is now the rule.

This trend of feminization should continue due to predominantly female recruitment. In respect of heads of prosecution offices, men remain largely predominant at all levels of jurisdiction.

This evolution should be followed carefully to verify in particular if women also reach positions of responsibility in accordance with their number and professional qualities.

3.2.7 Salary of prosecutors

Table 3.39 Average gross salary of public prosecutors in absolute terms and in relation to the national average gross salary in 2014 (Q4, Q132)

States/Entities	Gross salary of a public prosecutor		In relation to the average gross salary	
	At the beginning of career	The level at the highest instance	At the beginning of career	The level at the highest instance
Albania	8 988 €	14 976 €	2,0	3,3
Andorra	73 877 €	73 877 €	3,0	3,0
Armenia	NQ	NAP	NA	NA
Austria	53 486 €	121 651 €	1,7	4,0
Azerbaijan	6 427 €	18 891 €	1,1	3,4
Belgium	66 182 €	123 229 €	1,6	3,0
Bosnia and Herzegovina	23 884 €	41 369 €	3,0	5,2
Bulgaria	15 317 €	29 219 €	3,0	5,8
Croatia	22 740 €	50 073 €	1,8	4,0
Cyprus	34 030 €	NAP	1,5	NA
Czech Republic	25 124 €	48 175 €	2,3	4,3
Denmark	53 623 €	103 714 €	1,0	2,0
Estonia	22 440 €	41 520 €	1,9	3,4
Finland	48 619 €	83 827 €	1,2	2,1
France	41 552 €	116 751 €	1,2	3,4
Georgia	9 996 €	33 540 €	NA	NA
Germany	45 294 €	110 011 €	1,0	2,4
Greece	30 159 €	84 540 €	1,9	5,2
Hungary	16 217 €	34 748 €	1,7	3,6
Ireland	30 218 €	NAP	0,8	NA
Italy	56 263 €	186 637 €	1,9	6,4
Latvia	19 369 €	25 800 €	2,1	2,8
Lithuania	16 195 €	31 625 €	2,0	3,9
Luxembourg	75 316 €	124 051 €	1,6	2,7
Malta	30 628 €	NA	1,9	NA
Republic of Moldova	3 217 €	3 301 €	1,2	1,3
Monaco	46 226 €	94 408 €	1,1	2,3
Montenegro	18 453 €	24 587 €	2,1	2,8
Netherlands	81 162 €	158 657 €	1,4	2,8
Norway	NA	111 000 €	NA	2,0
Poland	20 849 €	61 974 €	2,0	5,8
Portugal	35 699 €	85 820 €	1,8	4,2
Romania	23 676 €	35 670 €	3,8	5,8
Russian Federation	NA	NA	NA	NA
Serbia	17 728 €	37 204 €	2,8	5,9
Slovakia	28 060 €	42 916 €	2,7	4,2
Slovenia	31 368 €	52 224 €	1,7	2,8
Spain	47 494 €	106 992 €	2,1	4,7
Sweden	61 480 €	100 673 €	1,5	2,5
Switzerland	116 230 €	155 150 €	1,8	2,4
The FYROMacedonia	17 719 €	20 299 €	2,9	3,3
Turkey	21 108 €	42 828 €	1,8	3,7
Ukraine	5 094 €	27 071 €	2,4	12,6
UK-England and Wales	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA
UK-Scotland	42 501 €	NA	1,2	NA
Israel	22 924 €	78 771 €	1,0	3,3
Average	35 220 €	69 974 €	1,9	3,9
Median	30 159 €	51 149 €	1,8	3,4
Minimum	3 217 €	3 301 €	0,8	1,3
Maximum	116 230 €	186 637 €	3,8	12,6

Comments related to prosecutors' salaries

Bosnia and Herzegovina: data are based on the following presumptions: public prosecutor at the beginning of his/her career – 3 years of work experience; public prosecutor of the Supreme Court or the Highest Appellate Instance – 20 years of work experience. In 2014, the salary amounts have been increased due to the pay harmonization with the growth in average salaries as provided by law.

Bulgaria: as for the 2012 data, 2014 data indicated amounts do not include the insurance contributions.

France: a prosecutor at the beginning of his/her career corresponds to a substitute prosecutor at the first step of the second grade. A prosecutor at the Supreme Court/last instance corresponds to the Advocate General before the Court of cassation – step D3/E.

Georgia: prosecutors are not classified depending on the judicial instances. The monthly gross salary of a prosecutor at the beginning of the career is of 833 euros, of a district prosecutor – 1311 euros and of a regional prosecutor – 2795 euros. For information, the monthly gross salary of a head of office is of 3583 euros.

Germany: the national average was calculated from the sum of the annual salaries of public prosecutors of all the Länder divided by the number of Länder, regardless of the number of prosecutors by Land. Salaries of prosecutors calculated for 2014 were based on the following assumptions: outset of the career – remuneration pursuant to R1, salary bracket 1, single, no children; at the level of the Supreme Court – the basic salary R6 without any allowance for working at one of the highest federal courts and without family allowance.

Monaco: according to the Statute of the Judiciary, the hierarchy of the judiciary has three grades: 3rd - *referendary* judges, judges and substitutes to the Attorney General; 2nd – justices of the peace, first judges and first substitutes of the Attorney General; 1st – the vice president of the first instance court, the counsellor at the Court of Appeal and the Deputy Attorney General. The following are placed outside the hierarchy: members of the Court of revision, the first president of the Court of Appeal, the Attorney General, the president of the court of first instance, the vice president of the Appeal Court. Pay scales for magistrates are fixed by Order 2010-4 of 25 January 2010. The reference salary in respect of a prosecutor at the last instance is that of a deputy general prosecutor in the mid-scale.

Serbia: the salary depends on the court instance, *i.e.* judges of higher instance courts have the right to a higher salary. In principle, salaries of judges and prosecutors are equal by the law - they share the same base tenure and denominator on the same levels. Differences can occur due to different numbers of working years' experience and on-call duty hours.

Slovakia: the salaries of prosecutors in 2014 were at the same level as in 2012. The adjustments of salaries for all State officials were stopped in the years 2013 and 2014 due to State expenditures restrictions.

Switzerland: prosecutors' salaries vary significantly depending on the cantons. Accordingly, the presented data refer to the weighted average salaries by the number of prosecutors of the cantons which provided information. Provided that there is no Supreme Court prosecutor, the provided gross salary of a prosecutor at the end of the career is the salary of a federal prosecutor.

The salary earned by public prosecutors is inevitably affected by the diversity characterising their statutory situation within the states, entities and observers, which makes comparisons more difficult than for judges. In some states, public prosecutors are in a similar situation to that of judges, whereas in other states, the prosecution office's activities are fulfilled, at least partially, by police authorities. The salary levels therefore differ significantly. In **Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, France, Germany, Greece, Hungary, Italy, Luxembourg, Monaco, Portugal, Slovakia, Spain, and Turkey**, the salary of judges and that of public prosecutors are nearly identical, both at the beginning of the career, and at the Supreme Court. Generally, at the beginning of their career, the salary of judges is on average slightly higher than that of prosecutors (except for **Albania, Austria, the Netherlands** and "**the former Yugoslav Republic of Macedonia**"), while at the end of their career, the salary of prosecutors is on average slightly higher than that of judges. Nevertheless, this last observation should be qualified by two remarks. On the one hand, it is noteworthy to recall that the average calculated in respect of judges excludes countries where judges are recruited among experienced lawyers and legal experts, *i.e.* among older professionals whose salary at the beginning of the career is already significant (**Denmark, Ireland, Norway, Switzerland, UK-England and Wales, UK-Northern Ireland, and UK-Scotland**). On the other hand, the average concerning prosecutors' salary at the end of the career is mainly affected by the data of five countries: **Andorra, Georgia, Romania, Serbia** and **Ukraine**. The situation in **Andorra** is justified by the specific status of the Supreme Court judges who have Spanish and French nationality, intervening depending on the work load of the tribunal. As a consequence, the salary of a judge at the end of the career appears very low and creates the contrast with the salary of a prosecutor at the end of the career whose remuneration corresponds virtually to this of judges and prosecutors at the beginning of the career. In the other 3 states, the evolution of the prosecutors' salary during the career is of a particular importance. However, it should be specified that in **Ukraine** where the salary increases more than five-fold between the beginning and the end of the career, it is the salary of the Prosecutor General which has been communicated. Actually, in the great majority of States or entities, the salary of a prosecutor at the end of the career remains lower than the salary of a judge at the end of the career.

Prosecutors at the beginning of their career are better paid than the average national gross salary (on average 1,9 times more), except for **Ireland** where following a constitutional amendment in 2011, legislation was passed to allow for the reduction in the remuneration of public servants, as a financial emergency measure adopted in the public interest. The difference is the most significant in **Romania** (3,8), as well as in

Andorra, Bosnia and Herzegovina, Bulgaria (3), **Ukraine** (2,9), **Serbia** (2,8) and **Slovakia** (2,7). Conversely, in **Denmark, Germany, Monaco**, and, to a lesser extent, in the **Netherlands** and **Switzerland**, the gross salary of a public prosecutor at the beginning of the career is close to the national gross salary, but the latter is considerably higher in real figures in these countries compared to other European States or entities. The situation is different in the **Republic of Moldova** where the prosecutors' salary at the beginning of the career is nearly identical to the national gross salary which is quite low.

With regard to the national average gross salary, prosecutors' remuneration at the end of the career is the highest in **Italy** (6,4), **Serbia** (5,9), **Bulgaria, Poland** and **Romania** (5,8). The slightest difference is to be noticed in **Republic of Moldova** (1,3), **Denmark** and **Norway** (2), **Finland** (2,1), **Monaco** (2,3), **Germany** and **Switzerland** (2,4), and **Sweden** (2,5). The European average is of 3,9. In respect of **Ukraine** and the important coefficient characterising prosecutors' salary at the end of the career in comparison with the national gross salary (12,6), it should be recalled that this state has indicated in 2014 the salary of the Prosecutor General.

The difference between salaries at the beginning and salaries at the end of the career is the less significant in "**the former Yugoslav Republic of Macedonia**", **Switzerland, Montenegro, Latvia** and **Finland**. In **Switzerland**, provided that there is no Supreme Court prosecutor, the indicated salary corresponds to the highest salary of a federal prosecutor classified at the 29th step of remuneration scale. The difference is the most noticeable in **Ukraine, Italy, Greece, Poland** and **Serbia**. In this respect and as specified above, in **Italy**, the salaries of prosecutors do not depend on the position held but rather on the experience. The important evolution of the prosecutors' salary in **Ukraine** stems from the salary of the Prosecutor general indicated as salary of a prosecutor at the end of the career.

Trends and conclusions

The considerable statutory disparities that affect the situation of public prosecutors of the States and entities make it difficult to draw a relevant comparison between their situation and that of judges. Nevertheless, the trend observed in recent years reveals the rapprochement between judges' and prosecutors' salaries as well at the beginning of the carrier (in more than the half of the States and entities), as at the end of the career (19 States or entities). The remaining discrepancies stem either from the peculiarity of the recruitment procedure of judges (when the legal experience constitutes the core criterion of selection), or from the specificities of the public prosecution services (when prosecution functions are carried out simultaneously by prosecutors and other specific bodies such as the police, or, on the contrary, when for historical reasons, prosecutors are granted a status of particular importance). Besides the States or entities where judges are chosen among experienced professionals justifying a high initial salary, young judges nominated for the first time have a considerably higher salary compared to this of prosecutors in **Cyprus, Estonia, Finland, Georgia, Lithuania, Malta, Republic of Moldova, Sweden, Ukraine** and **Israel**. Only in 6 states, prosecutors at the end of the career earn more than judges before the Supreme Court (**Andorra** due to the above described status of the Supreme Court judges, **Belgium** where the difference is slight, **Georgia, Romania** and **Ukraine**).

3.3 Other staff in courts

3.3.1 Staff assigned to judges

Having competent staff with defined roles and a recognised status alongside judges is an essential precondition for the efficient functioning of the judicial system.

As in the previous reports, a distinction is made between five types of non-judge staff:

- the “*Rechtspfleger*” function, which is inspired by the Austrian and German systems, is, according to the European Union of *Rechtspfleger* (EUR), an independent judicial body, anchored in the constitution and performing the tasks assigned to it by law; the *Rechtspfleger* does not assist the judge, but works alongside the latter and may carry out various legal tasks, for example in the areas of family or succession law; he/she also has the competence to make judicial decisions independently on the granting of nationality, payment orders, execution of court decisions, auctions of immovable goods, criminal cases, and enforcement of judgements in criminal matters; he/she is finally competent to undertake administrative judicial tasks. The *Rechtspfleger*, to a certain extent, falls between judges and non-judge staff, such as registrars;
- non-judge staff whose task is to assist judges directly. Both judicial advisors and registrars assist judges in their judicial activities (hearings in particular) and may have to authenticate acts;
- staff responsible for various administrative matters and for court management;
- technical staff responsible for IT equipment, security and cleaning;
- other non-judge staff.

Table 3.40 Number of non-judge staff per professional judge and variation between 2010 and 2014 (Q46, Q52)

States/entities	Number of non-judge staff per professional judge			Variation		
	2010	2012	2014	Variation 2010-2012	Variation 2012 - 2014	Variation 2010 - 2014
Albania	2,1	2,1	2,4	2%	11%	14%
Andorra	4,7	4,4	4,4	-6%	-1%	-7%
Armenia	2,8	2,8	NA	0%	NA	NA
Austria	3,1	3,0	2,9	-4%	-3%	-7%
Azerbaijan	3,8	3,9	4,3	1%	12%	13%
Belgium	3,5	3,4	3,3	-3%	-3%	-6%
Bosnia and Herzegovina	3,2	3,2	3,1	1%	-3%	-2%
Bulgaria	2,7	2,7	2,7	1%	1%	2%
Croatia	3,7	3,6	4,1	-2%	13%	10%
Cyprus	4,5	4,1	4,8	-8%	16%	7%
Czech Republic	3,1	3,0	3,1	-4%	3%	-1%
Denmark	NA	4,9	5,1	NA	5%	NA
Estonia	4,4	4,2	4,4	-4%	5%	1%
Finland	2,4	2,3	2,2	-4%	-3%	-7%
France	3,0	3,1	3,2	2%	4%	6%
Georgia	6,9	4,8	4,6	-31%	-3%	-33%
Germany	2,7	2,7	2,8	0%	2%	2%
Greece	2,0	2,1	2,5	1%	19%	20%
Hungary	2,7	2,9	2,9	10%	-3%	7%
Ireland	7,0	6,6	5,8	-6%	-12%	-17%
Italy	NA	3,7	3,2	NA	-15%	NA
Latvia	3,4	3,7	3,2	8%	-12%	-5%
Lithuania	3,4	3,4	3,5	0%	1%	1%
Luxembourg	1,6	1,7	0,9	4%	-48%	-46%
Malta	9,6	9,0	9,5	-6%	5%	-1%
Republic of Moldova	3,5	3,4	4,9	-3%	42%	38%
Monaco	1,1	1,1	1,3	8%	13%	21%
Montenegro	4,1	4,0	3,4	-2%	-16%	-18%
Netherlands	2,6	2,6	3,1	-2%	21%	19%
Norway	1,5	1,5	1,5	1%	5%	6%
Poland	3,4	4,0	4,1	19%	2%	22%
Portugal	3,4	3,0	2,9	-10%	-6%	-16%
Romania	2,1	2,2	2,2	4%	3%	7%
Russian Federation	3,0	2,9	NA	-3%	NA	NA
Serbia	4,5	3,5	3,7	-21%	4%	-18%
Slovakia	3,3	3,4	3,4	4%	-1%	2%
Slovenia	3,2	3,4	3,6	7%	6%	14%
Spain	NA	8,7	9,1	NA	5%	NA
Sweden	NA	4,6	4,2	NA	-9%	NA
Switzerland	3,8	3,4	3,6	-11%	5%	-7%
The FYROMacedonia	3,5	3,5	3,7	1%	6%	7%
Turkey	2,8	NA	NA	NA	NA	NA
Ukraine	NA	4,2	NA	NA	NA	NA
UK-England and Wales	10,3	8,6	9,4	-17%	10%	-9%
UK-Northern Ireland	NA	10,5	NA	NA	NA	NA
UK-Scotland	8,1	7,4	8,0	-9%	9%	-1%
Israel	..	5,8	5,5		-5%	
Average	3,8	3,9	3,9	-2%	2%	1%
Median	3,3	3,4	3,4	-2%	3%	1%
Minimum	1,1	1,1	0,9	-31%	-48%	-46%
Maximum	10,3	10,5	9,5	19%	42%	38%
Indicators without United Kingdom entities, Ireland and Malta						
Average	3,2	3,4	3,5			
Median	3,2	3,4	3,3			

Note: as concerns **Germany**, the 2014 data was not available. Accordingly, the 2013 data is used within this section. As concerns **Italy**, data related to the administrative courts is not taken into consideration for the reply to question 52.

This ratio allows to assess how the judge is assisted and if this situation has changed.

Does the judge work as a craftsman by fulfilling most tasks him or herself, including research or writing, or on the contrary, has the Constitution or the law entrusted these missions to other positions?

The ratio appearing in the tables must be construed with caution for different reasons:

- As mentioned for judges, a considerable part of the judicial functions may be entrusted to non-professional judges who must also be assisted, which means that some of the non-judge staff is in these cases assigned to non-professional judges activities, thereby modifying the implications of the ratio observed.
- 16 states indicated the number of *Rechtspfleger* or equivalent staff. The latter carry out judicial functions independently and therefore cannot be considered as assistant judges.
- The evolution of the ratio during the last three evaluation cycles must also be construed in the light of the evolution of the numbers of judges and non-judge staff. If a significant number of judges retire without being replaced immediately, the ratio will increase without this evolution originating in a reinforcement of non-judge staff. Similarly, if the recruitment of judges is increasing, then the ratio will decrease while the non-judge staff has remained the same.
- Finally, a review of the comments made by several States or entities shows that the situation in each state or entity is often quite different, especially as regards the scope of the tasks entrusted to these non-judge staff. Accordingly, it is difficult to be certain that the proposed differentiation between the five non-judge staff categories corresponds exactly to the situation of each State or entity. This may call into question the reliability of the data collected and the lessons that may be drawn from it.

It is with these reservations in mind in particular that the average of 3,9 highlighted in the table for the 2014 data must be assessed. It marks a slight increase compared to the 2010 data (3,8) and is identical to that of 2012 (3,9).

But this stability over time encompasses considerable gaps for each evaluation cycle. While in some States or entities the team around the judge is very large (**Malta, UK-England and Wales, UK-Scotland**) with a workforce of between 7 and more than 10 staff members per judge, this is probably due to the judicial organisation specific to the common law. **Spain** also belongs to this group of states. In other states, the number of non-judge staff is much lower (**Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Czech Republic, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Monaco, Montenegro, Netherlands, Norway, Portugal, Romania, and Slovakia**) with an average of 3 staff or less.

Excluding Common Law States and entities (entities of the **United Kingdom, Ireland and Malta**), the average number of non-judge staff per professional judge for the 2014 drops from 3.9 to 3.5.

Table 3.41 Variation in the number of non-judge staff per 100 000 inhabitants between 2010 and 2014 (Q1, Q52)

States/entities	Number of non-judge staff per 100 000 inhabitants			Variation		
	2010	2012	2014	Variation 2010-2012	Variation 2012 - 2014	Variation 2010 - 2014
Albania	24,3	28,7	29,7	18,2%	3,5%	22,3%
Andorra	132,9	139,0	136,5	4,6%	1,8%	2,7%
Armenia	18,9	20,4	NQ	7,8%	NQ	NQ
Austria	55,3	54,8	54,8	1,0%	0,0%	1,0%
Azerbaijan	25,5	25,0	27,2	1,9%	8,9%	6,8%
Belgium	52,0	48,9	47,2	5,9%	3,5%	9,2%
Bosnia and Herzegovina	77,7	80,4	81,0	3,5%	0,7%	4,1%
Bulgaria	79,7	82,6	83,5	3,6%	1,1%	4,8%
Croatia	157,4	162,6	166,5	3,3%	2,4%	5,8%
Cyprus	57,5	49,0	53,8	4,9%	0,0%	6,4%
Czech Republic	90,3	86,9	88,4	3,7%	1,8%	2,1%
Denmark	NA	32,5	31,0	NA	4,7%	NA
Estonia	72,8	74,4	77,4	2,1%	4,1%	6,3%
Finland	42,5	40,8	39,5	4,0%	3,2%	7,1%
France	32,5	33,2	33,7	2,2%	1,6%	3,9%
Georgia	36,3	25,7	31,4	29,3%	22,3%	3,5%
Germany	65,6	66,9	66,0	1,9%	1,3%	0,5%
Greece	59,8	48,2	50,5	9,4%	4,8%	5,6%
Hungary	77,2	82,2	81,4	6,4%	0,9%	5,4%
Ireland	22,4	20,6	20,0	8,3%	2,6%	0,7%
Italy	NA	39,7	36,0	NA	9,2%	NA
Latvia	71,8	78,6	78,8	9,5%	0,3%	9,8%
Lithuania	81,9	87,2	89,3	6,5%	2,4%	9,1%
Luxembourg	59,2	67,6	35,2	4,2%	48,0%	40,6%
Malta	89,6	85,4	90,6	4,6%	6,0%	1,2%
Republic of Moldova	44,1	42,5	52,8	3,7%	24,2%	9,7%
Monaco	105,9	116,2	121,7	9,7%	4,7%	14,9%
Montenegro	171,8	169,5	137,7	1,3%	8,7%	9,8%
Netherlands	40,1	37,3	43,9	7,0%	7,9%	9,6%
Norway	16,2	16,3	16,7	0,1%	2,8%	2,9%
Poland	94,1	106,0	107,9	12,6%	1,8%	14,7%
Portugal	62,3	58,3	54,9	6,5%	5,7%	1,9%
Romania	39,6	43,6	45,5	10,1%	4,5%	15,1%
Russian Federation	67,3	66,6	65,7	1,0%	1,4%	2,4%
Serbia	151,4	143,7	140,3	5,1%	2,3%	7,3%
Slovakia	82,2	82,8	82,4	0,8%	0,5%	0,3%
Slovenia	159,7	161,7	162,8	1,3%	0,6%	1,9%
Spain	NA	97,3	104,6	NA	7,5%	NA
Sweden	NA	54,1	49,2	NA	9,1%	NA
Switzerland	55,5	53,6	55,7	3,5%	4,1%	0,4%
The FYROMacedonia	111,9	113,1	112,6	1,1%	0,5%	0,6%
Turkey	30,3	NA	NA	NA	NA	NA
Ukraine	NA	72,1	NA	NA	NA	NA
UK-England and Wales	37,1	30,6	31,1	7,5%	1,8%	6,1%
UK-Northern Ireland	NA	40,5	NA	NA	NA	NA
UK-Scotland	28,7	25,6	26,6	0,9%	4,0%	7,3%
Israel		47,1	45,4		3,6%	
Average	69,5	68,7	70,0	-0,8%	0,7%	-0,2%
Median	61,1	58,3	55,3	0,1%	1,4%	0,9%
Standard deviation	40,7	40,4	39,7	9,4%	10,7%	12,0%
Minimum	16,2	16,3	16,7	-29,3%	-48,0%	-40,6%
Maximum	171,8	169,5	166,5	18,2%	24,2%	22,3%

Indicators without United Kingdom entities, Ireland and Malta

Average	72,3	72,2	73,0
Median	64,0	66,7	60,7

This table complements table 3.40 by presenting the number of non-judge staff per 100 000 inhabitants.

The average of the last three evaluation cycles is quite stable, going from 69,5 staff in 2010 to 67.5 in 2012 and 70 for 2014. Excluding common law States or entities because of their specific judicial organisation, the average for the 2014 exercise is 73.

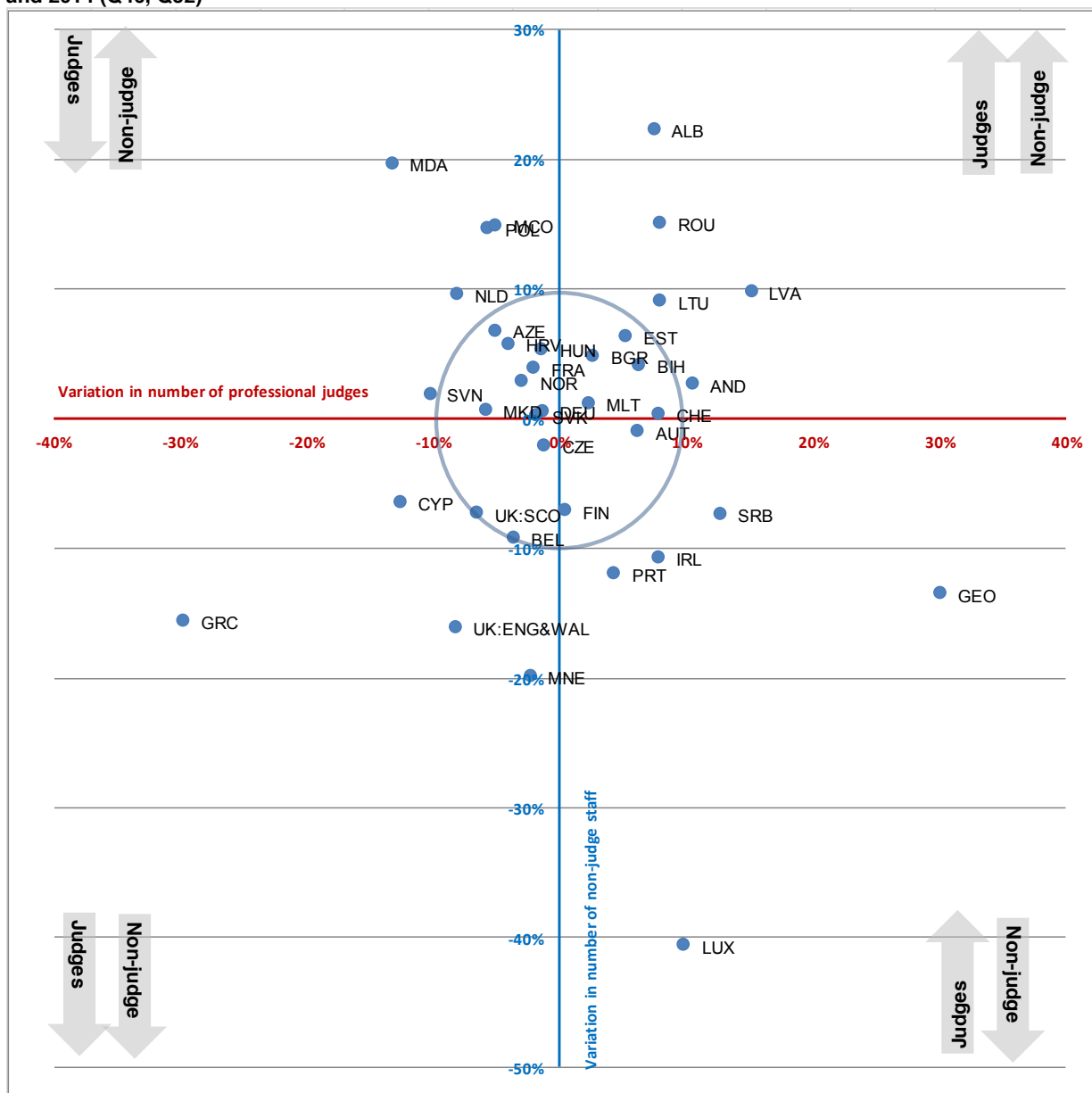
Generally, data on non-judge staff remain stable in the great majority of States or entities, as well with regard to the population, as with regard to the number of judges. In several countries the number of non-judge staff increased for the period 2010-2014 in respect of both factors. This positive trend is most perceptible in **Albania, Azerbaijan, Croatia, Republic of Moldova, Monaco, the Netherlands and Poland**. In **Albania**, the number of technical staff increased between 2012 and 2014 due to the beginning of the activity of 7 administrative courts. As to **Azerbaijan**, e-court services are in process of implementation across the country justifying an increase in the number of information technologies specialists and assistants to judges. Besides, the increase noticed in the **Czech Republic** between 2012 and 2014 is due to the running project on “improvement of the efficiency of courts by strengthening of the administrative capacities”, co-financed from the European Social Fund and the Government. Likewise, a pilot project was introduced in **Estonia** in 2013, consisting in providing each judge with a personal legal assistant. The success of the project in terms of length of proceedings led to its extension to all first and second instance courts. In “**the former Yugoslav Republic of Macedonia**”, in order to strengthen the capacities of courts and to provide more assistance to judges, a significant number of new staff are being employed. In **Slovenia**, the Supreme Court’s strategic orientation consists in decreasing the number of judges, while increasing the number of staff (corresponding mainly to “non-judge” and “administrative” categories). The Supreme Court can, in order to ensure timeliness of proceedings, distribute additional finances, on an yearly basis, for temporary employment of additional staff to individual courts.

On the contrary, in countries such as **Georgia, Ireland, Luxembourg, Montenegro, Portugal Serbia and UK-England and Wales** the number of non-judge staff decreased with regard to both parameters: population and number of judges. Nevertheless, it is noteworthy that the negative evolution observed in **Luxembourg** stems from a new methodology of presentation of data. In fact, the overall administrative tasks carried out within ordinary courts are centralised at the level of the Prosecutor General Office. The same applies to all technical staff. In this respect, the **2014** data reflect for the first time the administrative reality, excluding the staff within the responsibility of the Prosecutor General Office. Likewise, the decrease observed in **Sweden** is essentially due to the fact that 2014 data do not encompass staff on leave, nor the Swedish National Courts Administration staff, which was the case in 2012. Conversely, **Montenegro** and **Portugal** knew a real decrease in matters of non-judge staff. In **Montenegro**, besides the fact that only permanently employed staff were taken into account for 2014, in contrast with 2012 data, in accordance with the Strategy for the reform of the Judiciary, the efficiency of the judiciary was accomplished which resulted in the reduction of the number of non-judge staff. In **Portugal**, the decrease is due to retired staff that were not replaced by new one, as well as to the continuous IT modernization.

The situation in **Greece** has to be highlighted because it reveals the relative nature of the provided data and the need to qualify the analysis. Namely, one can notice a decrease in the number of non-judge staff with regard to the population while it increased in respect of the number of judges.

Finally, some variations may be justified by the fact that the national approaches of classification of non-judge staff do not correspond to the CEPEJ sub-categories. Accordingly, over the evaluation cycles and with the endeavours to improve the reporting method and better fit to the Commission’s methodology, States or entities construe differently each of the items, which can also affect the total beyond the distribution of the staff among the subcategories. As a matter of fact, some States or entities prefer to communicate only the total. Several countries provided comments in this respect, drawing the attention of the peculiarity of the organisation of their systems (**Croatia, Denmark, Estonia, Finland, Georgia, Hungary, Italy, Luxembourg, Montenegro, Slovakia, Slovenia, Spain, Sweden, UK-England and Wales, UK-Northern Ireland**).

Figure 3.42 Variations in the number of professional judges and the number of non-judge staff between 2010 and 2014 (Q46, Q52)



This figure places each state or entity according to the variations between 2010 and 2014 in the numbers of professional judges on the one hand, and non-judge staff on the other. It shows that for a fairly large majority of States or entities, the variations observed are quite slight (+ or – 10 % of each of the data).

The methodological reservations about the difficulty of comparing objectively the assistance received by judges from non-judge staff, particularly because of the variable role of non-professional judges, the specificities of common law, or the differentiated intervention of *Rechtspfleger*, requires a distribution of the assistance by the non-judge staff among the five categories used for several years by the CEPEJ.

This is the purpose of tables 3.43 and 3.44 which present this distribution per 100 000 inhabitants and by percentage. Table 3.44 shows the distribution of non-judge staff by gender for each State.

Table 3.43 Number of non-judge staff per 100 000 inhabitants and per category in 2014 (Q1, Q52)

States/entities	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger (or similar bodies)	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff
Albania	29,7	NAP	13,8	3,8	8,2	3,9
Andorra	136,5	22,1	84,5	24,7	5,2	NAP
Armenia	NQ	NAP	NQ	NQ	NQ	NQ
Austria	54,8	9,1	0,2	5,1	0,3	40,1
Azerbaijan	27,2	NAP	14,0	8,0	5,3	NAP
Belgium	47,2	NAP	17,2	22,1	7,9	NAP
Bosnia and Herzegovina	81,0	2,6	31,1	38,0	9,2	NAP
Bulgaria	83,5	NAP	62,0	20,7	NAP	0,8
Croatia	166,5	9,0	126,8	13,7	17,0	NAP
Cyprus	53,8	NAP	16,7	0,9	17,6	18,6
Czech Republic	88,4	19,7	43,1	19,1	5,8	0,7
Denmark	31,0	10,1	0,3	19,3	1,2	0,1
Estonia	77,4	3,9	19,0	39,1	12,3	3,3
Finland	39,5	NAP	NA	NA	NA	NA
France	33,7	NAP	28,4	3,8	1,6	NAP
Georgia	31,4	0,1	12,0	2,3	17,1	NAP
Germany	66,0	10,5	35,4	9,3	1,4	9,4
Greece	50,5	NA	NA	NA	NA	NA
Hungary	81,4	7,9	9,2	NA	NA	64,3
Ireland	20,0	0,5	16,7	2,8	0,0	NAP
Italy	36,0	NAP	22,6	6,8	0,8	5,8
Latvia	78,8	NAP	53,5	17,7	7,2	0,4
Lithuania	89,3	NAP	46,9	27,4	12,1	2,9
Luxembourg	35,2	NAP	34,1	0,9	0,2	NAP
Malta	90,6	NAP	53,8	13,7	2,1	21,0
Republic of Moldova	52,8	NAP	26,3	17,1	9,3	NAP
Monaco	121,7	NAP	52,9	34,4	29,1	5,3
Montenegro	137,7	NAP	91,0	6,3	NA	40,5
Netherlands	43,9	NAP	NA	NA	NA	NA
Norway	16,7	NAP	0,4	NA	NA	NA
Poland	107,9	4,8	60,9	19,0	9,7	13,5
Portugal	54,9	NAP	51,0	1,0	2,2	0,7
Romania	45,5	NAP	27,3	7,1	8,3	2,9
Russian Federation	65,7	NAP	32,9	18,6	14,1	NAP
Serbia	140,3	NAP	60,6	48,9	30,9	NAP
Slovakia	82,4	19,0	38,8	NA	NA	24,6
Slovenia	162,8	24,5	52,4	79,5	6,4	NAP
Spain	104,6	7,9	NAP	NAP	NAP	96,7
Sweden	49,2	NAP	33,8	7,3	1,1	7,1
Switzerland	55,7	0,1	25,3	25,9	1,1	3,3
The FYROMacedonia	112,6	NAP	27,1	68,8	7,8	8,9
Turkey	NA	NAP	37,9	0,1	NA	0,7
Ukraine	NA	NAP	53,4	NA	4,6	0,0
UK-England and Wales	31,1	NAP	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	26,6	NAP	23,4	3,2	NAP	NAP
Israel	45,4	0,8	9,3	22,8	4,2	8,2
Average	70,0	9,5	36,8	18,2	8,0	15,0
Median	55,3	8,5	32,9	13,7	6,8	5,3
Minimum	16,7	0,1	0,2	0,1	0,0	0,0
Maximum	166,5	24,5	126,8	79,5	30,9	96,7

Table 3.44 Number of non-judge staff by gender and distribution of the total between the different categories in 2014 (Q52)

States/entities	Gender		Categories of non-judge staff				
	Male	Female	1. Rechtspfleger (or similar bodies)	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff
Albania	28%	72%	NAP	46%	13%	28%	13%
Andorra	29%	71%	16%	62%	18%	4%	NAP
Armenia	NA	NA	NAP	NQ	NQ	NQ	NQ
Austria	30%	70%	17%	0%	9%	0%	73%
Azerbaijan	NA	NA	NAP	51%	29%	19%	NAP
Belgium	28%	72%	NAP	36%	47%	17%	NAP
Bosnia and Herzegovina	25%	75%	3%	38%	47%	11%	NAP
Bulgaria	NA	NA	NAP	74%	25%	NAP	1%
Croatia	14%	86%	5%	76%	8%	10%	NAP
Cyprus	39%	61%	NAP	31%	2%	33%	35%
Czech Republic	12%	88%	22%	49%	22%	7%	1%
Denmark	NA	NA	33%	1%	62%	4%	0%
Estonia	12%	88%	5%	24%	50%	16%	4%
Finland	NA	NA	NAP	NA	NA	NA	NA
France	17%	83%	NAP	84%	11%	5%	NAP
Georgia	41%	59%	0%	38%	7%	54%	NAP
Germany	NA	NA	16%	54%	14%	2%	14%
Greece	28%	72%	NA	NA	NA	NA	NA
Hungary	16%	84%	10%	11%	NA	NA	79%
Ireland	39%	61%	3%	83%	14%	0%	NAP
Italy	34%	66%	NAP	63%	19%	2%	16%
Latvia	9%	91%	NAP	68%	22%	9%	1%
Lithuania	NA	NA	NAP	52%	31%	14%	3%
Luxembourg	61%	39%	NAP	97%	3%	1%	NAP
Malta	NA	NA	NAP	59%	15%	2%	23%
Republic of Moldova	22%	78%	NAP	50%	32%	18%	NAP
Monaco	22%	78%	NAP	43%	28%	24%	4%
Montenegro	28%	72%	NAP	66%	5%	NA	29%
Netherlands	NA	NA	NAP	NA	NA	NA	NA
Norway	12%	88%	NAP	2%	NA	NA	NA
Poland	NA	NA	4%	56%	18%	9%	13%
Portugal	36%	64%	NAP	93%	2%	4%	1%
Romania	NA	NA	NAP	60%	16%	18%	6%
Russian Federation	NA	NA	NAP	50%	28%	22%	NAP
Serbia	NA	NA	NAP	43%	35%	22%	NAP
Slovakia	16%	84%	23%	47%	NA	NA	30%
Slovenia	13%	87%	15%	32%	49%	4%	NAP
Spain	NA	NA	8%	NAP	NAP	NAP	92%
Sweden	22%	78%	NAP	69%	15%	2%	14%
Switzerland	34%	66%	0%	45%	46%	2%	6%
The FYROMacedonia	39%	61%	NAP	24%	61%	7%	8%
Turkey	NA	NA	NAP	NA	NA	NA	NA
Ukraine	NA	NA	NAP	NA	NA	NA	NA
UK-England and Wales	29%	71%	NAP	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	34%	66%	NAP	88%	12%	NAP	NAP
Israel	24%	76%	2%	21%	50%	9%	18%
Average	26%	74%	11%	51%	24%	12%	20%
Median	28%	72%	9%	50%	18%	9%	13%
Minimum	9%	39%	0%	0%	2%	0%	0%
Maximum	61%	91%	33%	97%	62%	54%	92%

As mentioned above, 16 States or entities have communicated quantitative data in respect of the category of *Rechtspfleger* or similar bodies.

Half of the non-judge staff is composed of clerks and assistants whose task is to assist judges directly in their judicial activities.

The functions of administration and management of courts are provided by about 20 % of non-judge staff,

with certain unusual situations since 7 states declare that the staff specially dedicated to these functions represents more than 40 % of all their non-judge staff (**Belgium, Bosnia and Herzegovina, Denmark, Estonia, Slovenia, Switzerland, “the former Yugoslav Republic of Macedonia”**). In **Switzerland** for example, the category of staff entrusted with duties related to the administration and management of courts encompasses also the staff responsible for the administration and management of trial files.

The most telling evidence concerning the difficulty of identifying a common denominator between European States and entities in matters of non-judge staff is provided by the subcategory “other non-judge staff”. The content of the latter varies from the staff of specific courts or bodies as for example the Supreme Court and the Office for Administration of Judicial Budget in **Albania**, or the Division of Provision of Secrecy Regime and the Supreme Court Division of Case-Law in **Latvia**, to staff responsible for the handling of case files in **Austria** (*Kanzlei*), judicial trainees in the **Czech Republic**, staff in charge of court documentation in the **Czech Republic** and **Monaco**, court interpreters in **Estonia**, assistants, receptionists, porters and others in **Italy**, consultants of the Supreme Court in **Latvia**, translators and court psychologists in **Lithuania**, social workers in **Monaco**, counsellors, secretaries, couriers in **Montenegro**, assistant magistrates, judicial assistants and probation counsellors in **Romania**, court police in “**the former Yugoslav Republic of Macedonia**”, court typists in **Israel** etc. **Hungary** included in this category for 2014 the staff in charge of different administrative tasks and of the management of the courts and the technical staff.

In conclusion, a category-by-category comparison in matters of non-judge staff proves to be inappropriate, or even impossible.

The first part of the Table breaks down non-judge staff between men and women, making it possible to measure the feminisation rate of such staff. The average rate of 74 % is very significant.

Trends and conclusions

The data which, in the previous report, characterised the distribution of the workload between judges, independent non-judge staff having judicial functions and those who assist the judge directly, focused mainly on the following points:

- a distinction between assistance of the judge in jurisdictional activities, the independent exercise of judicial functions by non-judge staff (the *Rechtspfleger* or its equivalent) and administrative tasks;
- a fairly major difficulty in assessing the content of the missions as regards administrative matters;
- a considerably stable number of staff;
- a strong feminisation of this staff category;
- a transfer to private companies of certain tasks traditionally provided by the administration of justice, such as guarding, maintenance, cleaning of the buildings, IT maintenance or training.

These questions remain largely valid. One should also attempt to better assess the management part within administrative tasks (3rd category of tasks of non-judge staff), and the weight of outsourced tasks. It could also be instructive to better identify innovative organisations in which the Constitution or the law assign judicial functions to independent non-judge staff, thus shortening the timeframe for dealing with a part of proceedings.

3.3.2 Staff attached to the public prosecution services

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 to non-prosecutor staff (*Rechtspfleger* or its equivalent) some functions of the prosecution services.

Table 3.45 Variation in the number of non-prosecutor staff per prosecutor between 2010 and 2014 (Q55, Q60)

States/entities	Number of non-prosecutor staff per public prosecutor			Variations		
	2010	2012	2014	2010 - 2012	2012 - 2014	2010 - 2014
Albania	NAP	NA	NA	NA	NA	NA
Andorra	1,7	1,0	1,0	-40%	0%	-40%
Armenia	NAP	0,5	0,6	NAP	14%	NAP
Austria	1,0	1,1	1,2	14%	9%	24%
Azerbaijan	1,2	0,7	0,7	-41%	0%	-41%
Belgium	3,3	3,3	2,9	-1%	-11%	-12%
Bosnia and Herzegovina	1,8	2,0	1,7	10%	-15%	-7%
Bulgaria	NA	2,0	2,0	NA	-2%	NA
Croatia	NA	1,8	1,8	NA	3%	NA
Cyprus	0,9	0,7	0,6	-21%	-14%	-33%
Czech Republic	1,2	1,2	1,2	-7%	3%	-4%
Denmark	NA	NA	0,7	NA	NA	NA
Estonia	0,5	0,5	0,5	9%	-6%	3%
Finland	0,5	0,4	0,4	-5%	0%	-5%
France	NA	NA	NA	NA	NA	NA
Georgia	0,7	NQ	0,8	NQ	NQ	25%
Germany	2,0	2,0	2,2	0%	11%	11%
Greece	NA	NA	NA	NA	NA	NA
Hungary	1,3	1,5	1,5	15%	-1%	14%
Ireland	1,3	0,9	1,0	-27%	10%	-20%
Italy	4,8	4,7	4,2	-1%	-10%	-11%
Latvia	1,0	0,9	0,9	-14%	-2%	-15%
Lithuania	0,9	0,7	0,8	-26%	17%	-14%
Luxembourg	0,8	2,3	2,3	188%	0%	188%
Malta	2,3	1,7	1,7	-27%	0%	-27%
Republic of Moldova	0,6	0,5	0,5	-2%	-15%	-17%
Monaco	1,5	1,0	1,5	-33%	50%	0%
Montenegro	1,0	1,5	1,5	48%	-2%	45%
Netherlands	4,9	5,0	4,7	3%	-7%	-4%
Norway	NA	NA	NA	NA	NA	NA
Poland	1,3	1,2	1,2	-7%	1%	-6%
Portugal	1,2	1,1	1,1	-10%	-0,1%	-10%
Romania	1,3	1,2	1,3	-10%	9%	-2%
Russian Federation	0,4	0,4	NA	-4%	NA	NA
Serbia	1,7	1,7	1,8	-5%	10%	5%
Slovakia	0,8	1,0	1,0	34%	-3%	30%
Slovenia	1,4	1,2	1,4	-12%	18%	3%
Spain	0,8	1,0	0,8	23%	-20%	-2%
Sweden	0,4	0,4	0,4	-6%	4%	-3%
Switzerland	1,7	1,9	1,9	16%	0,8%	17%
The FYROMacedonia	1,0	1,0	1,2	-6%	28%	20%
Turkey	3,1	3,0	2,5	-3%	-15%	-18%
Ukraine	NA	NA	0,4	NA	NA	NA
UK-England and Wales	1,7	1,5	1,7	-11%	12%	0%
UK-Northern Ireland	2,2	2,2	2,3	-1%	5%	5%
UK-Scotland	NA	2,1	2,3	NA	11%	NA
Israel	..	0,9	0,9		1,1%	
Average	1,5	1,5	1,5	1%	2%	3%
Median	1,3	1,2	1,2	-5%	0%	-3%
Minimum	0,4	0,4	0,4	-41%	-20%	-41%
Maximum	4,9	5,0	4,7	188%	50%	188%

Note: data submitted by Germany relate to the cut-off date of 31 December 2013.

This table shows the evolution in the number of non-prosecutor staff per public prosecutor between 2010 and 2014. The average number of staff remained stable (1.5) between 2010 and 2014. The main reason of the variations observed for this period relates to changes in the methodology of presentation of data used by the States or entities, due to the existing discrepancies between national definitions of non-prosecutor staff and the CEPEJ terminology. Moreover, **Luxembourg** indicated that there had been a general increase in the number of public servants at all levels in 2012, affecting also the number of staff assisting prosecutors. In **Slovakia**, the increase of the number of non-prosecutor staff resulted from organisational changes in the prosecution services. The military prosecution services were abolished in 2011 and all the staff was assigned to the prosecution services. Finally, the substantial increase in employments in State prosecutor's offices in **Slovenia** in 2014 is the result of the Government's decision to strengthen the fight against corruption and other fields of criminality defined within the prosecution policy.

In some States or entities, the staffing levels are proportionally low since they represent less than one staff member per public prosecutor (**Armenia, Azerbaijan, Cyprus, Denmark, Estonia, Finland, Georgia, Latvia, Lithuania, Republic of Moldova, Spain, Sweden, Ukraine and Israel**).

But in other States or entities, these staff represent more than 2 staff members per prosecutor (**Belgium, Bulgaria, Germany, Italy, Luxembourg, Netherlands, Turkey, UK-Northern Ireland and UK-Scotland**), which, however, in any case remains modest compared to the situation of non-judge staff in some states (*supra*).

The comments formulated on this point by the States and entities focus essentially on the assessment methods as regards the number of staff working sometimes simultaneously on other tasks, on the fluctuating count at times of this staff who may be attached to different bodies, or on the evolution of the field of their competences. In **France**, prosecutors' assistants are under the responsibility of the director of the register services who works in close cooperation with the president of the court and the respective prosecutor. Accordingly, data on non-prosecutor staff cannot be distinguished from the general data on staff provided in the frame of question 52. In addition, the specialised divisions of the prosecution offices can resort to specialised assistants attached to other administrations in order to deal with the more complex litigations (44 specialised assistants in 2014).

Table 3.46 Variation in the number of non-prosecutor staff per 100 000 inhabitants between 2010 and 2014 (Q1, Q60)

States/entities	Number of non-prosecutor staff per 100 000 inhabitants			Variations		
	2010	2012	2014	2010 - 2012	2012 - 2014	2010 - 2014
Albania	NAP	NA	NA	NA	NA	NA
Andorra	5,9	5,2	6,5	-10,8%	23,9%	10,5%
Armenia	NAP	5,3	5,8	NAP	10,0%	NAP
Austria	4,0	4,5	4,8	14,2%	5,9%	21,0%
Azerbaijan	12,9	8,0	7,8	-37,8%	-2,6%	-39,4%
Belgium	25,5	24,2	22,0	-4,7%	-9,1%	-13,4%
Bosnia and Herzegovina	14,3	15,9	16,1	10,9%	1,6%	12,6%
Bulgaria	NA	41,0	40,5	NA	-1,2%	NA
Croatia	NA	25,7	24,4	NA	-4,9%	NA
Cyprus	12,4	9,6	8,2	-22,9%	-14,9%	-34,4%
Czech Republic	14,5	13,6	13,8	-6,3%	1,8%	-4,7%
Denmark	NA	NA	8,1	NA	NA	NA
Estonia	6,0	6,5	6,0	9,4%	-7,9%	0,8%
Finland	3,1	3,2	2,8	1,4%	-10,6%	-9,4%
France	NA	NA	NA	NA	NA	NA
Georgia	5,4	NQ	10,0	NQ	NQ	85,2%
Germany	12,6	12,9	14,1	1,9%	9,9%	11,9%
Greece	NA	NA	NA	NA	NA	NA
Hungary	22,5	27,1	27,8	20,4%	2,6%	23,6%
Ireland	2,3	1,8	2,0	-20,9%	8,7%	-14,0%
Italy	15,5	15,0	14,6	-3,2%	-3,0%	-6,1%
Latvia	17,7	19,2	19,6	8,5%	1,9%	10,6%
Lithuania	23,9	17,4	19,8	-27,0%	13,2%	-17,3%
Luxembourg	7,2	20,8	19,4	187,2%	-6,7%	167,8%
Malta	6,0	5,9	4,7	-0,9%	-21,5%	-22,2%
Republic of Moldova	11,4	11,2	9,0	-1,5%	-19,9%	-21,1%
Monaco	16,7	13,8	15,9	-17,3%	14,7%	-5,1%
Montenegro	21,6	22,6	26,3	4,5%	16,4%	21,6%
Netherlands	22,9	23,7	22,1	3,6%	-6,7%	-3,4%
Norway	NA	NA	NA	NA	NA	NA
Poland	19,4	19,0	18,7	-1,8%	-1,8%	-3,5%
Portugal	16,5	15,9	15,2	-3,4%	-4,7%	-8,0%
Romania	14,2	14,1	15,1	-0,7%	6,8%	6,1%
Russian Federation	8,3	8,3	NA	-1,1%	NA	NA
Serbia	14,6	15,1	16,8	3,9%	11,1%	15,4%
Slovakia	13,0	16,9	17,2	29,9%	1,8%	32,2%
Slovenia	11,0	11,0	13,3	0,0%	21,0%	21,0%
Spain	4,2	5,2	4,1	24,4%	-21,0%	-1,8%
Sweden	4,7	4,4	4,5	-6,6%	1,8%	-4,9%
Switzerland	9,2	20,2	21,1	119,9%	4,7%	130,2%
The FYROMacedonia	10,0	9,6	11,8	-3,6%	22,8%	18,3%
Turkey	17,9	17,2	17,3	-4,3%	0,7%	-3,6%
Ukraine	NA	NA	13,1	NA	NA	NA
UK-England and Wales	8,7	6,7	6,5	-22,9%	-2,7%	-24,9%
UK-Northern Ireland	21,0	21,4	20,4	2,1%	-4,5%	-2,5%
UK-Scotland	22,7	21,7	20,4	-4,5%	-6,2%	-10,4%
Israel	..	6,6	6,4		-2,7%	
Average	13,0	14,4	14,3	7%	1%	9%
Median	12,9	14,1	14,6	-1%	1%	-3%
Minimum	2,3	1,8	2,0	-38%	-21%	-39%
Maximum	25,5	41,0	40,5	187%	24%	168%

This table shows the number of non-prosecutor staff attached to public prosecutors, per 100 000 inhabitants in 2010, 2012 and 2014.

While the averages remain close from one evaluation to another, going from 13 in 2010 to 14.4 in 2012, then 14.3 in 2014, the gaps between the States or entities are significant, as was the case as regards the differences observed in the number of public prosecutors per 100 000 inhabitants. For some States or entities, the average of non-prosecutor staff exceeds 20 per 100 000 inhabitants (**Belgium, Bulgaria, Croatia, Hungary, Montenegro, Netherlands, Switzerland, UK-Northern Ireland, and UK-Scotland**). Others, however, have a number of staff lower than 5 per 100 000 inhabitants (**Austria, Finland, Ireland, Malta, Spain, and Sweden**).

Trends and conclusions

To assess the evolutions in the number of non-prosecutor staff pertinently, one should bear in mind that public prosecution offices are organised very differently from one State or entity to another. In some States or entities, public prosecutors work within courthouses with judges and benefit from assistance from officials attached to public prosecutors or judges rather than to just one of the groups. In other States or entities, public prosecution offices are assisted by specialised police services. Finally, while several States or entities have in place an essentially judicial organisation of the public prosecution office, it is marked by a considerable degree of autonomy in respect of judges. This autonomy is manifested by immovable, technical, statutory or administrative specificities.

The variations observed often do not correspond to modifications in the allocation of human resources leading to significant decreases or increases in the numbers. They are rather due to changes in the method of presentation of data in order to ensure their relevance with regard to the different fields of competence of non-prosecutor staff, the bodies to which the latter are attached and the specificities of the administrative organisation of the different States or entities.

3.4 Lawyers

Respecting the lawyer's mission is essential to the rule of law. Recommendation Rec(2000)21 of the Committee of Ministers of the Council of Europe, on the freedom of exercise of the profession of lawyer, defines the lawyer as "*a person qualified and authorised according to the 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*"³³.

According to this definition, a lawyer may be entrusted with legal representation of a client before a court, as well as with the responsibility to provide legal assistance.

In certain States or entities, other titles and definitions of a lawyer are used, such as solicitor (a person who gives legal advice and prepares legal documents) and barrister (a person who represents his/her clients in court). In **UK- England and Wales**, in the 1990s solicitors gained additional qualifications of solicitor-advocate and were allowed to plead before the higher courts. Insofar as **Ireland** is concerned, solicitors have had full rights of audience in all courts since the early 1970s. The word "attorney" is also used and is similar to the term "lawyer" as mentioned in this report (a person authorised to practice law, conduct lawsuits or give legal advice).

For practical purposes, the report uses the definition of lawyer set out in Recommendation Rec(2000)21, provided that the possibility to take legal action on behalf of a client determines the activity of the courts. Where possible, a distinction will be made between the above-mentioned categories.

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.

³³ Committee of Ministers of the Council of Europe, *Freedom of Exercise of the Profession of Lawyer*, Rec(2000)21, 25 October 2000.

3.4.1 Number of lawyers

Table 3.47 Variation in the number of lawyers between 2010 and 2014 (Q146, Q147 and Q148)

States/entities	Number of lawyers			Variation			Number of lawyers include legal advisors that cannot represent clients in court
	2010	2012	2014	2010-2012	2012 - 2014	2010 - 2014	
Albania	5 025	6 070	2 500	21%	-59%	-50%	
Andorra	152	167	186	10%	11%	22%	
Armenia	1 129	1 373	1 600	22%	17%	42%	
Austria	7 510	7 861	8 092	5%	3%	8%	
Azerbaijan	761	818	927	7%	13%	22%	
Belgium	16 517	17 336	18 134	5%	5%	10%	
Bosnia and Herzegovina	1 299	1 350	1 434	4%	6%	10%	
Bulgaria	11 825	12 010	12 696	2%	6%	7%	
Croatia	4 133	4 392	4 487	6%	2%	9%	
Cyprus	2 400	2 558	3 114	7%	22%	30%	
Czech Republic	10 158	10 944	11 842	8%	8%	17%	
Denmark	5 814	6 021	6 134	4%	2%	6%	
Estonia	788	846	934	7%	10%	19%	
Finland	1893	1 935	2 115	2%	9%	12%	
France	51 758	56 176	62 073	9%	10%	20%	
Georgia	3 470	3 703	3 799	7%	3%	9%	
Germany	155 679	160 880	163 513	3%	2%	5%	
Greece	41 794	42 113	42 052	1%	0%	1%	
Hungary	12 099	13 000	13 000	7%	0%	7%	
Ireland	10 933	11 055	11 588	1%	5%	6%	
Italy	211 962	226 202	223 842	7%	-1%	6%	
Latvia	1 360	1 343	1 363	-1%	1%	0%	
Lithuania	1 660	1 796	1 988	8%	11%	20%	
Luxembourg	1 903	2 020	2 180	6%	8%	15%	
Malta	1 600	1 400	1 485	-13%	6%	-7%	
Republic of Moldova	1 676	1 753	1 814	5%	3%	8%	
Monaco	25	31	31	24%	0%	24%	
Montenegro	620	704	756	14%	7%	22%	
Netherlands	16 275	17 068	17 713	5%	4%	9%	
Norway	6 662	6 969	7 333	5%	5%	10%	
Poland	38 750	43 974	52 760	13%	20%	36%	
Portugal	27 591	28 341	29 337	3%	4%	6%	
Romania	20 620	20 919	23 244	1%	11%	13%	
Russian Federation	65 602	68 292	70 000	4%	3%	7%	
Serbia	7 883	8 032	8 399	2%	5%	7%	
Slovakia	4 546	5 210	5 827	15%	12%	28%	
Slovenia	1 294	1 417	1 628	10%	15%	26%	
Spain	125 208	131 337	135 016	5%	3%	8%	
Sweden	5 000	5 246	5 575	5%	6%	12%	
Switzerland	10 129	10 842	11 546	7%	6%	14%	
The FYROMacedonia	2 111	2 498	2 241	18%	-10%	6%	
Turkey	70 332	74 496	86 981	6%	17%	24%	
Ukraine	102 540	111 026	NQ	8%	
UK-England and Wales	165 128	174 279	180 667	6%	4%	9%	
UK-Northern Ireland	604	804	760	33%	-5%	26%	
UK-Scotland	10 732	11 131	11 181	4%	0%	4%	
Israel		50 850	56 750	..	12%	..	
Average	24998	25850	24900	7%	6%	14%	
Median	6662	6520	6134	6%	5%	10%	
Minimum	25	31	31	-13%	-59%	-50%	
Maximum	211962	226202	223842	33%	22%	42%	

This table presents the number of lawyers in each state or entity, with the specification whether this figure includes or not legal advisors who cannot represent their clients in court. The CEPEJ wished to indicate the number of legal advisors who cannot represent their clients in court, but only **Norway** has been able to provide this data (140 legal advisors out of 7333 lawyers).

Table 3.48 Number of lawyers per 100 000 inhabitants between 2010 and 2014 (Q146)

States/entities	Number of lawyers per 100 000 inhabitant			Trend
	2010	2012	2014	
Albania	157	216	86	
Andorra	179	219	242	
Armenia	35	45	53	
Austria	90	93	94	
Azerbaijan	8	9	10	
Belgium	152	155	162	
Bosnia and Herzegovina	34	35	37	
Bulgaria	161	165	176	
Croatia	94	103	106	
Cyprus	298	295	363	
Czech Republic	97	104	113	
Denmark	105	107	108	
Estonia	59	66	71	
Finland	35	36	39	
France	80	86	94	
Georgia	78	83	102	
Germany	190	201	202	
Greece	370	381	388	
Hungary	121	131	132	
Ireland	239	241	251	
Italy	350	379	368	
Latvia	61	66	68	
Lithuania	51	60	68	
Luxembourg	372	385	387	
Malta	383	332	346	
Republic of Moldova	47	49	51	
Monaco	70	86	82	
Montenegro	100	114	122	
Netherlands	98	102	105	
Norway	135	138	142	
Poland	101	114	137	
Portugal	259	270	283	
Romania	96	98	104	
Russian Federation	46	48	48	
Serbia	108	112	118	
Slovakia	84	96	107	
Slovenia	63	69	79	
Spain	272	285	291	
Sweden	53	55	57	
Switzerland	129	135	140	
The FYROMacedonia	103	121	108	
Turkey	97	99	112	
Ukraine	224	244	NQ	
UK-England and Wales	299	308	315	
UK-Northern Ireland	34	44	41	
UK-Scotland	206	209	209	
Israel		637	684	
Average	136	142	147	
Median	101	110	108	
Minimum	8	9	10	
Maximum	383	385	388	

With the exception of **Albania** and **Ukraine** which report a very significant drop in the number of lawyers, in almost every other member State or entity, the number of lawyers regularly and significantly increased between 2010 and 2014, passing on average from 25.663 to 28.170 lawyers.

Albania now makes a distinction between lawyers who actively exercise their profession and those who do not, which explains why the number of lawyers in this State has decreased from 5.025 in 2010 and 6.070 in 2012, to 2.500 in 2014. Not-practicing lawyers possess the license of lawyer but work as judges, prosecutors, lawyers in public administration *etc.*

The situation in **Ukraine** is similar as for 2014 only lawyers duly registered and exercising their profession are taken into account. Thus, the number of lawyers decreased from 102.540 in 2010 and 111.026 in 2012 to 25.123 in 2014. It is specified for this last year that more than 6 000 other lawyers are registered but do not exercise their profession as a result of a disciplinary proceeding against them.

In **Poland**, the number of lawyers increased significantly between 2010 and 2012 as a result of the part-deregulation of the lawyer's profession. The increase in **UK-Northern Ireland** during the same period is explained by various factors, namely an increase of the number being called to the Bar, an increase in the number of applications from solicitors to transfer to the Bar, an increase in the number of temporary call applications from outside the jurisdiction (**Ireland, UK-England and Wales**), and a different administrative system now in operation for recording the issue of practicing certificates.

It should be added that for 4 States and entities the number of lawyers reported includes legal advisors without providing the number of those advisors (**Cyprus, Portugal, UK-England and Wales** and **Israel**). **Finland** has specified that till 2014, jurists who have a Master's degree in law could offer similar legal services than members of the Bar. From the beginning of the year 2014, only advocates, public legal aid attorneys and counsels who have obtained the license referred to in the Licensed Counsel Act are allowed to represent a client in court. The provided data encompasses exclusively members of the Finnish Bar Association who are entitled to use the professional title of "advocate".

3.4.2 Lawyers' monopoly on legal representation

As a final remark, it is interesting to draw attention to the issue of lawyers' monopoly on legal representation. Such a monopoly exists in criminal matters in 33 States or entities in respect of defendants and in 22 States or entities in respect of victims. With regard to civil proceedings, lawyers have a monopoly in 18 States or entities, while concerning administrative proceedings their monopoly is ensured in 14 States or entities. In 13 States or entities, lawyers do not have monopoly of legal representation as a general rule in all types of proceedings.

Table 3.49 Monopoly of legal representation (Q149)

States/entities	Civil cases	Criminal cases		Administrative cases
		Defendant	Victim	
Albania				
Andorra				
Armenia				
Austria				
Azerbaijan				
Belgium				
Bosnia and Herzegovina				
Bulgaria				
Croatia				
Cyprus				
Czech Republic				
Denmark				
Estonia				
Finland				
France				
Georgia				
Germany				
Greece				
Hungary				
Ireland				
Italy				
Latvia				
Lithuania				
Luxembourg				
Malta				
Republic of Moldova				
Monaco				
Montenegro				
Netherlands				
Norway				
Poland				
Portugal				
Romania				
Russian Federation				
Serbia				
Slovakia				
Slovenia				
Spain				
Sweden				
Switzerland				
The FYROMacedonia				
Turkey				
Ukraine				
UK-England and Wales				
UK-Northern Ireland				
UK-Scotland				
Israel				
Nb of Yes	18	33	22	14
Nb of No	29	14	25	33

In fact, most of the time, national legislations either establishes as a principle the lawyers' monopoly, enumerating exceptions to this rule (e.g. **Belgium** ; **Croatia**, **Lithuania**, **Monaco**, **Russian Federation** and **Montenegro** in criminal proceedings; **Denmark**, **France**, **Hungary**, **Italy**, **Luxembourg**, **Malta** and **Netherlands** in civil matters; **Slovakia** in administrative matters; some cantons of **Switzerland**; **Turkey**), or it provides for the principle of the absence of such a monopoly except for certain specific categories of cases, proceedings (exceeding certain values), courts (some specialised tribunals and often the Supreme Court and courts of appeal) or persons in respect of which legal representation by a lawyer is mandatory.

Generally, in civil matters before first instance tribunals, including labour and commercial cases, the function of representation before courts may also be exercised by prosecutors (*supra*), representatives of associations, institutions or public authorities, NGO, trade unions, family members (parents, marriage partners, other relatives), notaries, legal advisors or persons with a Master's Degree in law, assistants of attorneys or bailiffs, trainee lawyers, and even by any person of full legal capacity. In a great majority of States or entities, a party can represent him/herself.

In criminal matters, legal representation of victims may be carried out by public prosecutors, members of the family, victim protection associations, persons with a Master's Degree in law, minors' representatives, NGO and other capable persons. In some States or entities, victims can represent themselves before the courts. The principle of lawyers' monopoly applies essentially with regard to defendants, even though there could be exceptions (self-representation, relatives, attorneys' assistants, lecturers at universities *etc.*).

Sometimes, the judge's approval is required in order to depart from the rule of mandatory legal representation by a lawyer (for example in **Germany**, in criminal matters, in respect of other persons than lawyers and law lecturers at German universities; in **Montenegro** in civil and administrative matters; in **Norway** in general, and in the **Russian Federation** in criminal matters and only in addition to a professional lawyer).

In administrative matters, the general rule is the absence of monopoly and the categories of competent persons and authorities for intervening before courts are as various as in civil matters.

Chapter 4. Court organisation and court users

A *court* is defined in the explanatory note as a “body established by law and appointed to adjudicate on specific type(s) of judicial disputes within a specified administrative structure where one or several judge(s) is/are sitting on a temporary or permanent basis”.

In this section, a distinction is made between:

- *first instance courts of general jurisdiction (legal entities)*: these courts deal with all issues which are not attributed to specialised courts,
- *first instance specialised courts (legal entities)*,
- *all courts considered as geographical locations*: these are premises or court buildings where judicial hearings take place. If there are several court buildings in the same city, they must be taken into account. The figures include the locations for first instance courts of general jurisdiction and first instance specialised courts, as well as the locations for High Courts and/or Supreme Court.

4.1 Organisation of the court system

Table 4.1a Number of 1st instance courts as legal entities and number of all courts as geographic locations in 2014 (Q1, Q42)

States/entities	Total number of 1st instance courts	First instance courts of general jurisdiction	First instance specialised courts	% of specialised courts of 1st instance	All courts (geographic location)
Albania	29	22	7	24%	38
Andorra	2	2	NAP	NAP	3
Armenia	17	16	1	6%	21
Austria	147	129	18	12%	103
Azerbaijan	105	87	18	17%	112
Belgium	238	13	225	95%	288
Bosnia and Herzegovina	72	67	5	7%	98
Bulgaria	145	113	32	22%	168
Croatia	139	65	74	53%	203
Cyprus	20	6	14	70%	21
Czech Republic	86	86	NAP	NAP	98
Denmark	26	24	2	8%	29
Estonia	6	4	2	33%	22
Finland	36	27	9	25%	81
France	1 880	786	1 094	58%	643
Georgia	26	26	NAP	NAP	29
Germany	1 008	761	247	25%	1 101
Greece	NA	298	NA	NA	329
Hungary	131	111	20	15%	157
Iceland	10	8	2	20%	10
Ireland	4	3	1	25%	94
Italy	653	515	138	21%	691
Latvia	35	34	1	3%	48
Lithuania	59	54	5	8%	62
Luxembourg	8	5	3	38%	8
Malta	8	1	7	88%	2
Republic of Moldova	48	46	2	4%	53
Monaco	5	1	4	80%	1
Montenegro	18	15	3	17%	22
Netherlands	12	11	1	8%	40
Norway	66	64	2	3%	73
Poland	313	287	26	8%	NA
Portugal	520	292	228	44%	NA
Romania	243	233	10	4%	244
Russian Federation	9 460	9 460	NAP	NAP	3 455
Serbia	155	93	62	40%	162
Slovakia	63	54	9	14%	64
Slovenia	60	55	5	8%	77
Spain	3 667	2 224	1 443	39%	763
Sweden	72	60	12	17%	95
Switzerland	276	167	109	39%	301
The FYROMacedonia	28	25	3	11%	34
Turkey	6 275	4 337	1 938	31%	652
Ukraine	719	665	54	8%	766
UK-England and Wales	482	479	3	1%	482
UK-Northern Ireland	25	25	NAP	NAP	25
UK-Scotland	75	74	1	1%	40
Israel	33	28	5	15%	39
Average*	398	342	142	26%	262
Median*	65	55	9	17%	81
Minimum	2	1	1	1%	1
Maximum	9 460	9 460	1 938	95%	3 455

Note: Spain and Turkey are not included in the average and the median for 1st instance courts due to their specific methodology for counting the number of courts (each judge being considered as a court).

Table 4.1b Number of 1st instance courts as legal entities and number of all courts as geographic locations per 100 000 inhabitants in 2014 (Q1, Q42)

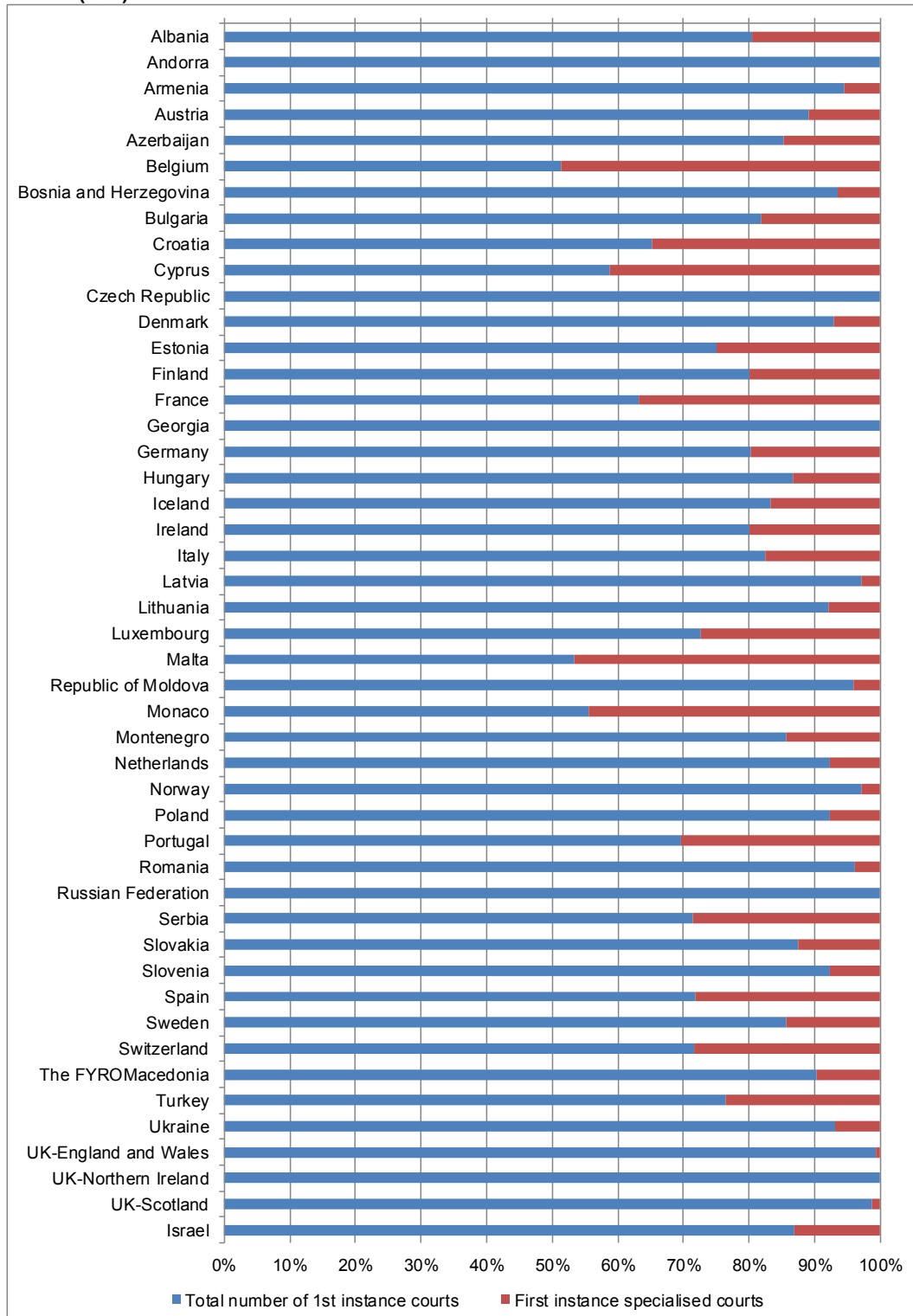
States/entities	Total number of 1st instance courts per 100 000 inhabitants	First instance courts of general jurisdiction per 100 000 inhabitants	First instance specialised courts per 100 000 inhabitants	All courts (geographic location) per 100 000 inhabitants
Albania	1,0	0,8	0,2	1,3
Andorra	2,6	2,6	NA	3,9
Armenia	0,6	0,5	0,0	0,7
Austria	1,7	1,5	0,2	1,2
Azerbaijan	1,1	0,9	0,2	1,2
Belgium	2,1	0,1	2,0	2,6
Bosnia and Herzegovina	1,9	1,8	0,1	2,6
Bulgaria	2,0	1,6	0,4	2,3
Croatia	3,3	1,5	1,8	4,8
Cyprus	2,3	0,7	1,6	2,4
Czech Republic	0,8	0,8	NA	0,9
Denmark	0,5	0,4	0,0	0,5
Estonia	0,5	0,3	0,2	1,7
Finland	0,7	0,5	0,2	1,5
France	2,8	1,2	1,6	1,0
Georgia	0,7	0,7	NA	0,8
Germany	1,2	0,9	0,3	1,4
Greece	NA	2,7	NA	3,0
Hungary	1,3	1,1	0,2	1,6
Iceland	3,0	2,4	0,6	3,0
Ireland	0,1	0,1	0,0	2,0
Italy	1,1	0,8	0,2	1,1
Latvia	1,7	1,7	0,0	2,4
Lithuania	2,0	1,8	0,2	2,1
Luxembourg	1,4	0,9	0,5	1,4
Malta	1,9	0,2	1,6	0,5
Republic of Moldova	1,4	1,3	0,1	1,5
Monaco	13,2	2,6	10,6	2,6
Montenegro	2,9	2,4	0,5	3,5
Netherlands	0,1	0,1	0,0	0,2
Norway	1,3	1,2	0,0	1,4
Poland	0,8	0,7	0,1	NA
Portugal	5,0	2,8	2,2	NA
Romania	1,1	1,0	0,0	1,1
Russian Federation	6,5	6,5	NA	2,4
Serbia	2,2	1,3	0,9	2,3
Slovakia	1,2	1,0	0,2	1,2
Slovenia	2,9	2,7	0,2	3,7
Spain	7,9	4,8	3,1	1,6
Sweden	0,7	0,6	0,1	1,0
Switzerland	3,4	2,0	1,3	3,7
The FYROMacedonia	1,4	1,2	0,1	1,6
Turkey	8,1	5,6	2,5	0,8
Ukraine	1,7	1,5	0,1	1,8
UK-England and Wales	0,8	0,8	0,0	0,8
UK-Northern Ireland	1,4	1,4	NA	1,4
UK-Scotland	1,4	1,4	0,0	0,7
Israel	33,0	28,0	5,0	39,0
Average*	2,0	1,4	0,8	1,8
Median*	1,4	1,2	0,2	1,5
Minimum	0,1	0,1	0,0	0,2
Maximum	13,2	6,5	10,6	4,8

Note: Spain and Turkey are not included in the average and the median for 1st instance courts due to their specific methodology for counting the number of courts (each judge being considered as a court).

Courts perform different tasks according to the competences described by law. In the majority of cases, courts are responsible for dealing with civil and criminal law cases, and possibly administrative matters. In addition, courts may have a responsibility for the maintenance of registers (land, business, civil registers, etc.) and have special departments for enforcement cases. A comparison of the court systems between the States or entities therefore needs to be done with care, taking into consideration the differences in competences.

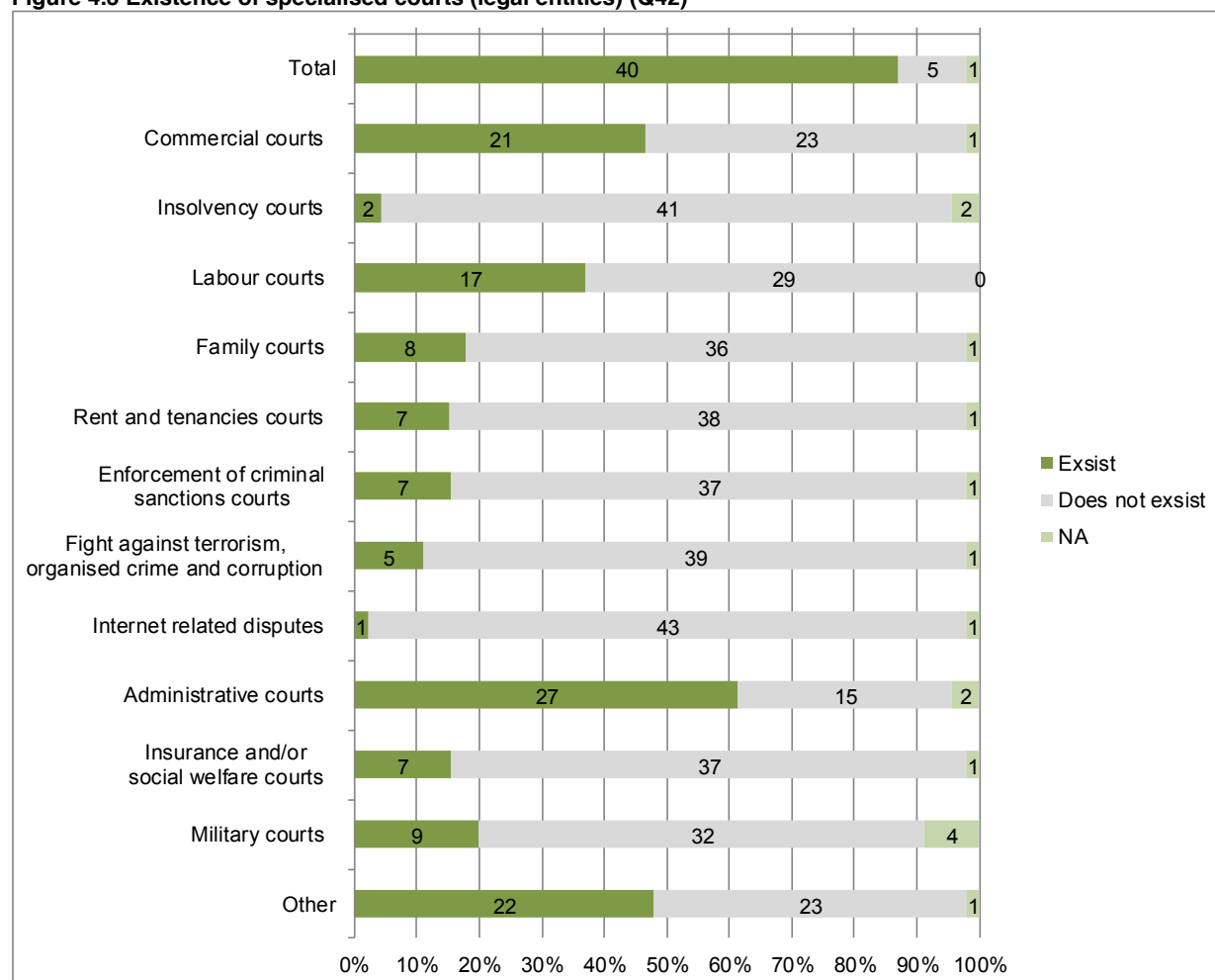
4.1.1 Courts of general jurisdiction and specialised courts

Figure 4.2 Number of first instance courts of general jurisdiction vs number of first instance specialised courts in 2014 (Q42)



The court networks in the 48 States or entities concerned differ between those where most of the case categories are addressed by courts of general jurisdiction, and those where a significant part of the disputes are addressed by specialised courts. In 19 States or entities, there are no specialised courts of first instance (**Andorra, Czech Republic, Georgia, UK-Northern Ireland**) or few specialised courts of first instance (**Armenia, Bosnia and Herzegovina, Denmark, Latvia, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Slovenia, Romania, Russian Federation, “the former Yugoslav Republic of Macedonia”, Ukraine, UK-England and Wales, UK-Scotland**) specialised courts of first instance. On the contrary, specialised courts represent more than 30 % of the first instance courts in **Croatia, France, Portugal** and even close to 50 % in **Belgium, Malta or Monaco**.

Figure 4.3 Existence of specialised courts (legal entities) (Q42)



Specialised first instance courts deal with various matters. Most of the responding States or entities mentioned specialised administrative courts, commercial courts and labour courts. Several States or entities listed courts that deal for instance with military cases, family cases, enforcement of criminal sanctions, rent and tenancies. Particular courts exist for example in **Finland** (High Court of Impeachment: charges against Ministers), **Spain** (violence against women) or **Turkey** (civil and criminal intellectual property courts).

4.1.2 Organisation of the court system as regards common case categories: small claims, dismissals and robbery cases

In order to give a comparative view of the judicial organisation, the CEPEJ proposed to identify specific common cases categories and to indicate the subsequent court organisation.

Table 4.4 Number of 1st instance courts competent for cases concerning small claims, dismissals and robberies (geographic locations) in 2014 (Q1, Q45)

States/entities	Debt collection for small claims		Dismissal		Robbery	
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants
Albania	NAP	NAP	NAP	NAP	NAP	NAP
Andorra	1	1,3	1	1,3	1	1,3
Armenia	NAP	NAP	NAP	NAP	NAP	NAP
Austria	115	1,3	16	0,2	16	0,2
Azerbaijan	87	0,9	87	0,9	5	0,1
Belgium	229	2,0	34	0,3	27	0,2
Bosnia and Herzegovina	56	1,5	51	1,3	51	1,3
Bulgaria	NA	NA	NA	NA	NA	NA
Croatia	88	2,1	75	1,8	53	1,3
Cyprus	6	0,7	3	0,3	6	0,7
Czech Republic	NAP	NAP	NAP	NAP	NAP	NAP
Denmark	24	0,4	24	0,4	24	0,4
Estonia	17	1,3	16	1,2	16	1,2
Finland	27	0,5	27	0,5	27	0,5
France	308	0,5	216	0,3	168	0,3
Georgia	26	0,7	26	0,7	26	0,7
Germany	646	0,8	110	0,1	646	0,8
Greece	NAP	NAP	NAP	NAP	NAP	NAP
Hungary	111	1,1	20	0,2	131	1,3
Iceland	8	2,4	8	2,4	8	2,4
Ireland	84	1,8	NAP	NAP	92	2,0
Italy	370	0,6	145	0,2	145	0,2
Latvia	34	1,7	34	1,7	34	1,7
Lithuania	49	1,7	54	1,8	49	1,7
Luxembourg	3	0,5	3	0,5	2	0,4
Malta	2	0,5	2	0,5	2	0,5
Republic of Moldova	47	1,3	46	1,3	47	1,3
Monaco	1	2,6	1	2,6	1	2,6
Montenegro	15	2,4	15	2,4	17	2,7
Netherlands	11	0,1	11	0,1	11	0,1
Norway	65	1,3	65	1,3	65	1,3
Poland	245	0,6	245	0,6	287	0,7
Portugal	1	0,0	23	0,2	23	0,2
Romania	176	0,8	42	0,2	218	1,0
Russian Federation	NA	NA	NA	NA	NA	NA
Serbia	83	1,2	67	0,9	93	1,3
Slovakia	54	1,0	54	1,0	54	1,0
Slovenia	55	2,7	4	0,2	11	0,5
Spain	1 788	3,9	345	0,7	1 902	4,1
Sweden	48	0,5	48	0,5	48	0,5
Switzerland	112	1,4	91	1,1	82	1,0
The FYROMacedonia	26	1,3	26	1,3	26	1,3
Turkey	NAP	NAP	249	0,3	293	0,4
Ukraine	NAP	NAP	NAP	NAP	NAP	NAP
UK-England and Wales	173	0,3	NA	NA	90	0,2
UK-Northern Ireland	12	0,7	NAP	NAP	17	0,9
UK-Scotland	NAP	NAP	NAP	NAP	39	0,7
Israel	28	0,3	5	0,1	6	0,1
Average*	92	1,1	50	0,9	70	1,0
Median*	52	1,1	31	0,7	31	0,9
Minimum	1	0,0	1	0	1	0
Maximum	1 788	3,9	345	3	1 902	4

Note: Spain and Turkey are not included in the average and the median for 1st instance courts due to their specific methodology of counting the number of courts (each judge being considered as a court).

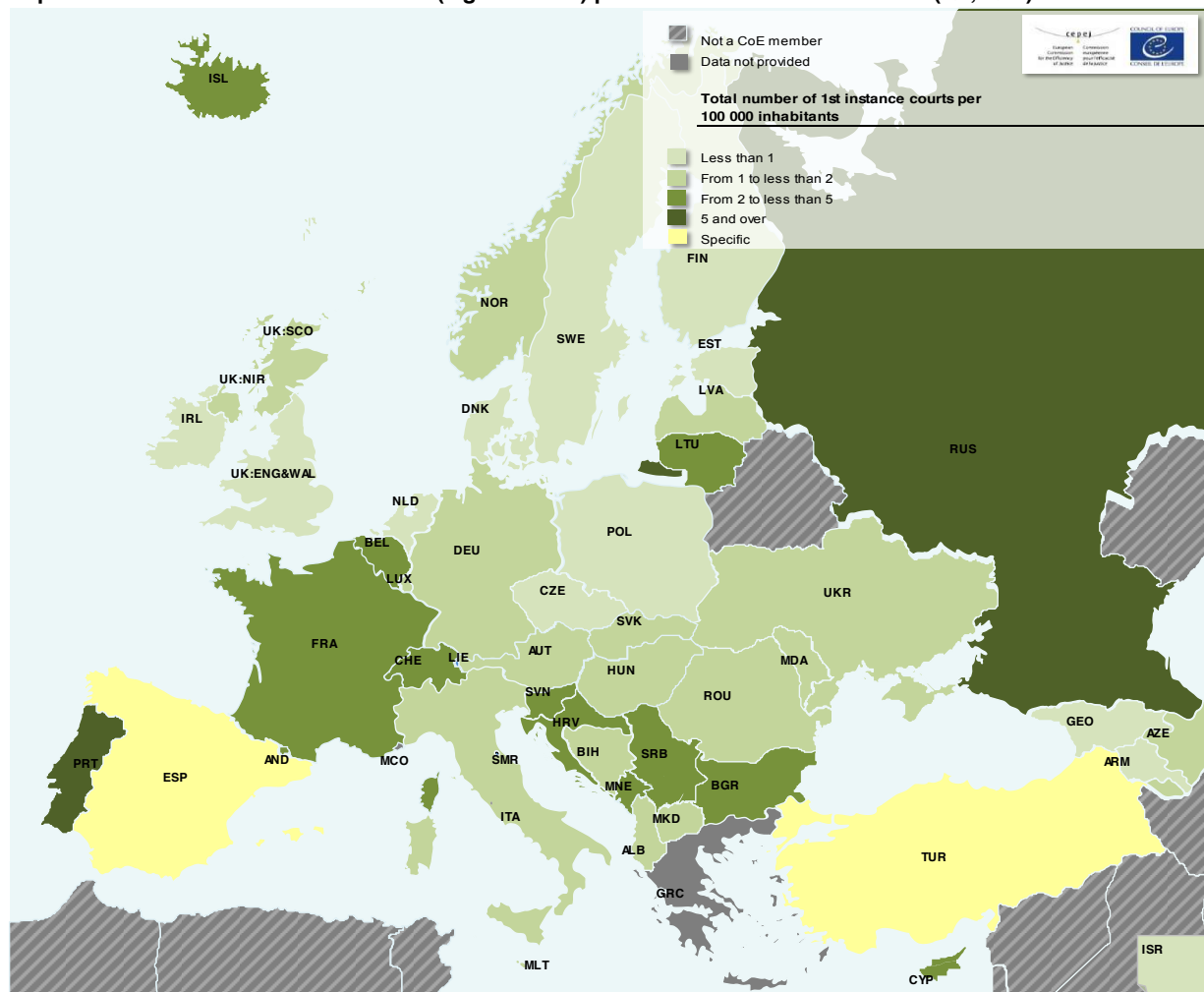
Note: for the monetary value of a small claim in 2014 (Q45), please see the CEPEJ dynamic data base (www.coe.int/CEPEJ).

4.1.3 Density of the judicial map

Access to courts is a key element of the fundamental principle of access to justice. Therefore it is worth examining how the court system is organised on the territory of the States or entities concerned and then how litigants can physically accede to a judge.

Considering the differences between the systems including, or not, a significant number of specialised courts (see above), this specific analysis is based on the total number of first instance courts (general jurisdiction and specialised courts) in order to highlight the density of the court systems.

Map 4.5 Number of first instance courts (legal entities) per 100 000 inhabitants in 2014 (Q1, Q42)



Note: in **Spain** and **Turkey**, each individual judge is considered as a court. Therefore the number of “courts” is particularly high and cannot be considered together with the other Member States or entities for the purpose of comparing the systems. For the same reason, the data of these two countries were not considered while calculating the European average and median.

Court organisation on the territory varies significantly among the 48 States or entities considered.

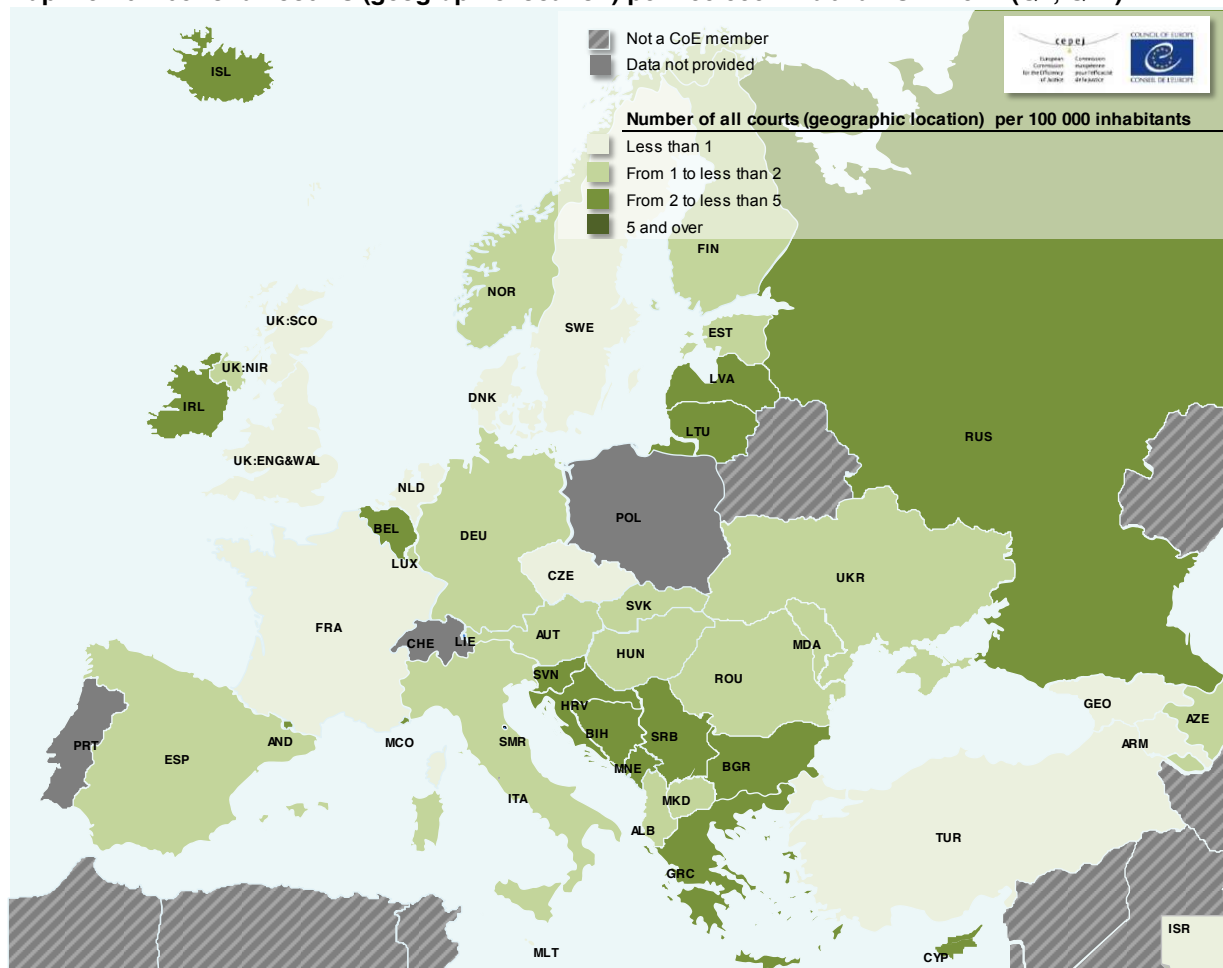
12 States or entities have a network of courts with a low density, offering to the litigants less than one court (considered as a legal entity) per 100 000 inhabitants. However, half of the 48 States or entities considered have less than 1,4 first instance court per 100 000 inhabitants, while only 2 states have a strong density with 5 (**Portugal**) or more (**Russian Federation**: 6,5) courts per 100 000 inhabitants.

This can be interpreted with regard to the number of court buildings available on the territory and to the size of the courts. Some states have made the choice to concentrate their court system and keep a small number of large courts, while others have made the choice to disseminate smaller courts throughout their territory.

To assess this phenomenon, it is proposed to consider first of all, below, the total number of geographic locations of courts (it being understood that the number of courts of appeal and supreme courts, included in the data below, does not have a significant impact on the ratio, except for small states with a small number of first instance courts) against the number of first instance courts considered as legal entities. The following phenomenon can be observed:

- a concentration of courts (legal entities) in the same location (for instance **Austria, France, Russian Federation**),
- a splitting of the same court (legal entity) into various locations (for instance **Bosnia and Herzegovina, Croatia, Estonia, Finland, Latvia, Switzerland**); this phenomenon is of particular importance in **Ireland**, where there are only 4 courts of first instance disseminated through more than 90 locations.

Map 4.6 Number of all courts (geographic location) per 100 000 inhabitants in 2014 (Q1, Q42)



4.1.4 Evolution in the judicial maps

In many States or entities, the judicial organisation is old. To take into consideration demographic trends, new technical means of transport and communication of court users, and the increased specialisation of judges, many states have recently set up, or are thinking of setting up (28 States or entities note that changes in the court organisation are foreseen), a new division of jurisdictions that would improve the efficiency of justice while creating economies of scale.

These reforms of the judicial system are often designed to lead to a better management of property assets by grouping jurisdictions together and transferring staff from different small courts into one single place. These reforms have not always generated the expected savings, nor been implemented in full consultation with court staff. They constitute a real challenge for the distribution of the courts on the territory and for the equal access to justice for court users, and even for the redefinition of powers and competences between various courts.

Table 4.7 Variation of the number of courts between 2010 and 2014 (Q42)

States/entities	First instance courts of general jurisdiction			First instance specialised courts			All courts (geographic location)		
	2010-2012	2012-2014	2010-2014	2010-2012	2012-2014	2010-2014	2010-2012	2012-2014	2010-2014
Albania	0,0%	0,0%	0,0%	0,0%	600,0%	600,0%	-6,1%	22,6%	15,2%
Andorra	0,0%	0,0%	0,0%	NA	NA	NA	0,0%	0,0%	0,0%
Armenia	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	-22,2%	0,0%	-22,2%
Austria	0,0%	-16,2%	-16,2%	0,0%	157,1%	157,1%	0,0%	-30,9%	-30,9%
Azerbaijan	1,2%	1,2%	2,4%	0,0%	0,0%	0,0%	0,0%	0,9%	0,9%
Belgium	0,0%	-51,9%	-51,9%	0,0%	-14,1%	-14,1%	0,0%	0,0%	0,0%
Bosnia and Herzegovina	4,7%	0,0%	4,7%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Bulgaria	NA	0,0%	NA	0,0%	-5,9%	-5,9%	-7,6%	-1,2%	-8,7%
Croatia	1,5%	-3,0%	-1,5%	5,7%	0,0%	5,7%	2,6%	28,5%	31,8%
Cyprus	0,0%	0,0%	0,0%	27,3%	0,0%	27,3%	16,7%	0,0%	16,7%
Czech Republic	0,0%	0,0%	0,0%	NA	NA	NA	0,0%	0,0%	0,0%
Denmark	0,0%	0,0%	0,0%	100,0%	0,0%	100,0%	0,0%	0,0%	0,0%
Estonia	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Finland	0,0%	0,0%	0,0%	0,0%	-18,2%	-18,2%	0,0%	-1,2%	-1,2%
France	0,5%	1,0%	1,6%	-0,1%	-5,4%	-5,4%	1,6%	0,5%	2,1%
Georgia	-35,0%	0,0%	-35,0%	NA	NA	NA	-32,6%	0,0%	-32,6%
Germany	-1,5%	-0,5%	-2,1%	-2,3%	-1,2%	-3,5%	-1,6%	-0,6%	-2,2%
Greece	-13,0%	-25,9%	-35,5%	NA	NA	NA	-13,0%	-18,2%	-28,8%
Hungary	0,0%	-15,3%	-15,3%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Iceland	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Ireland	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	-11,8%	-10,5%	-21,0%
Italy	0,0%	-58,2%	-58,2%	0,0%	19,0%	19,0%	0,0%	-49,9%	-49,9%
Latvia	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Lithuania	0,0%	-8,5%	-8,5%	0,0%	0,0%	0,0%	0,0%	-7,5%	-7,5%
Luxembourg	0,0%	0,0%	0,0%	-40,0%	0,0%	-40,0%	0,0%	0,0%	0,0%
Malta	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Republic of Moldova	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	-1,8%	-1,9%	-3,6%
Monaco	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Montenegro	-11,8%	0,0%	-11,8%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Netherlands	0,0%	-42,1%	-42,1%	0,0%	0,0%	0,0%	-6,3%	-33,3%	-37,5%
Norway	0,0%	-3,0%	-3,0%	0,0%	0,0%	0,0%	-1,4%	0,0%	-1,4%
Poland	-21,4%	0,0%	-21,4%	-7,1%	0,0%	-7,1%	17,3%	NA	NA
Portugal	6,5%	26,4%	34,6%	-6,4%	123,5%	109,2%	-5,4%	NA	NA
Romania	-0,9%	0,0%	-0,9%	0,0%	0,0%	0,0%	-0,8%	0,0%	-0,8%
Russian Federation	-6,5%	1,4%	-5,2%	NA	NA	NA	NA	1,8%	NA
Serbia	0,0%	55,0%	55,0%	0,0%	0,0%	0,0%	0,0%	25,6%	25,6%
Slovakia	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Slovenia	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	16,7%	16,7%
Spain	4,7%	-5,3%	-0,8%	1,8%	-1,1%	0,7%	1,9%	0,0%	1,9%
Sweden	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Switzerland	-23,6%	-15,7%	-35,5%	72,8%	-22,1%	34,6%	-11,4%	-16,2%	-25,7%
The FYROMacedonia	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Turkey	1,2%	-0,3%	0,9%	46,6%	-8,0%	34,9%	-13,1%	0,0%	-13,1%
Ukraine	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
UK-England and Wales	-20,7%	-3,6%	-23,6%	-25,0%	0,0%	-25,0%	-20,8%	-3,6%	-23,6%
UK-Northern Ireland	0,0%	-7,4%	-7,4%	NA	NA	NA	NA	NA	NA
UK-Scotland	0,0%	-25,3%	-25,3%	NA	NA	NA	0,0%	-37,5%	-37,5%
Israel	NA	-3,4%	NA	NA	0,0%	NA	NA	-9,3%	NA
Average	-2%	-4%	-7%	4%	21%	24%	-3%	-3%	-6%
Median	0%	0%	0%	0%	0%	0%	0%	0%	0%
Minimum	-35%	-58%	-58%	-40%	-22%	-40%	-33%	-50%	-50%
Maximum	6%	55%	55%	100%	600%	600%	17%	28%	32%

Map 4.8 Variation of the absolute number of all courts (geographic locations) between 2010 and 2014 (Q42)

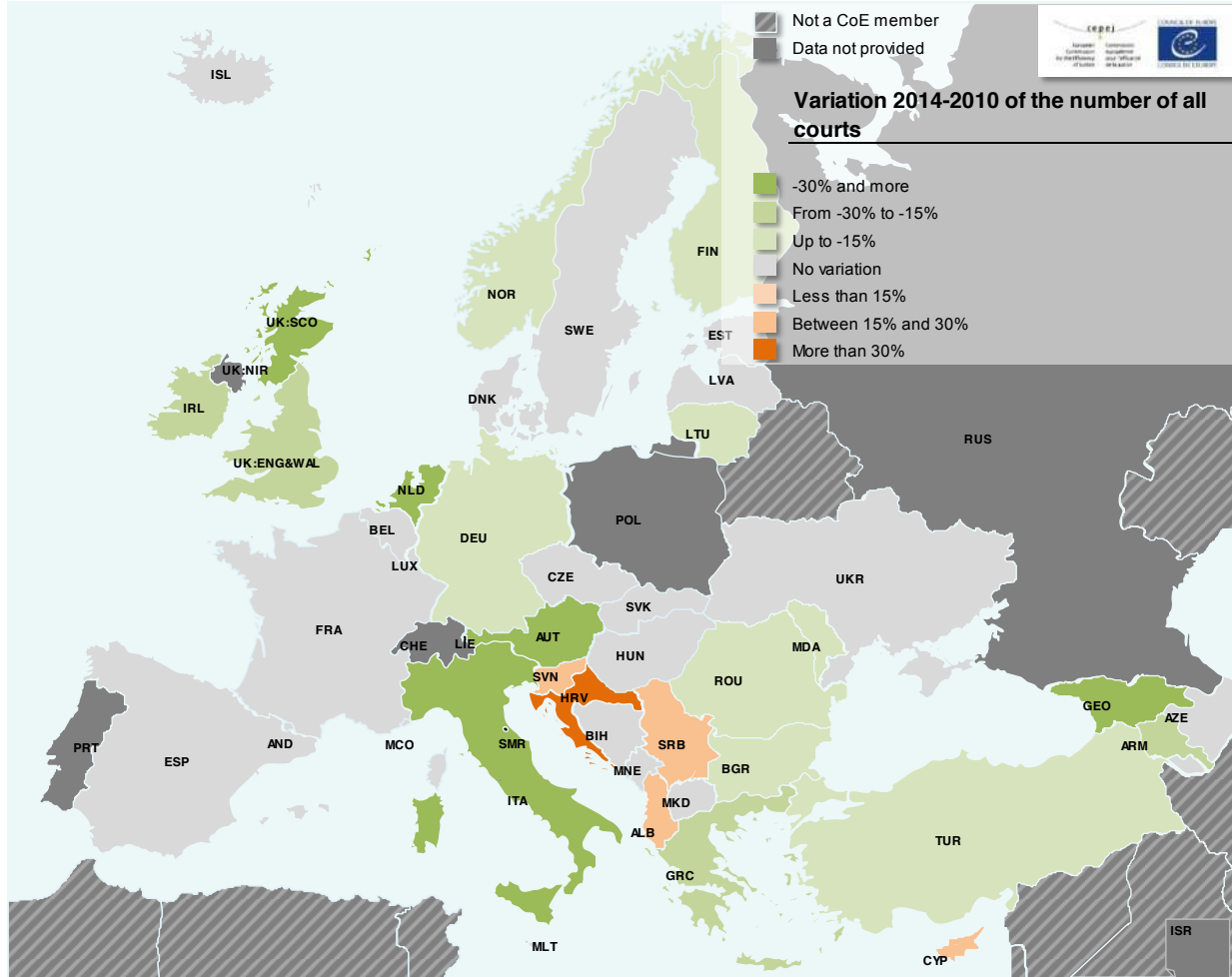


Figure 4.9 Variation of the number of specialised courts between 2010 and 2014 (Q42)

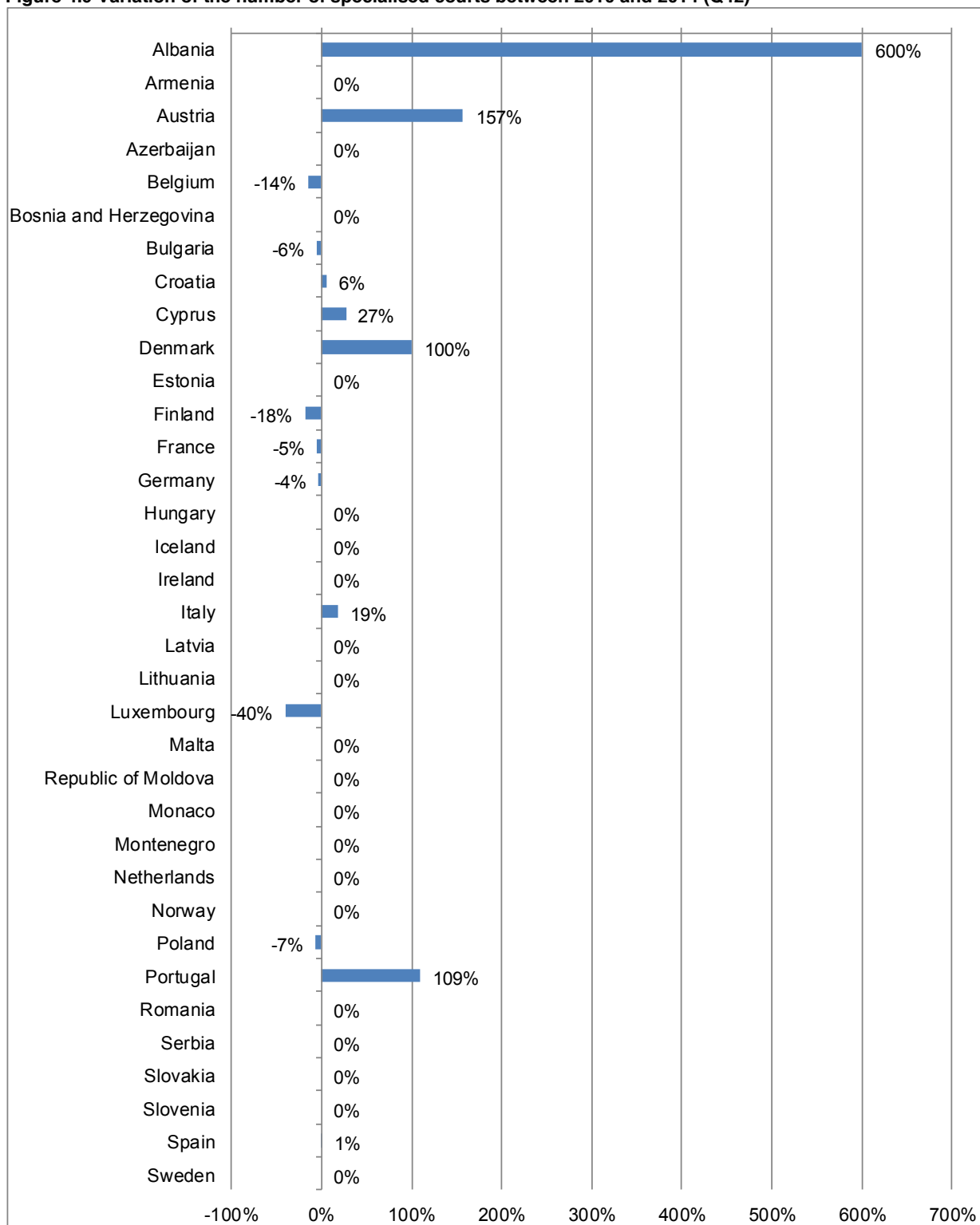
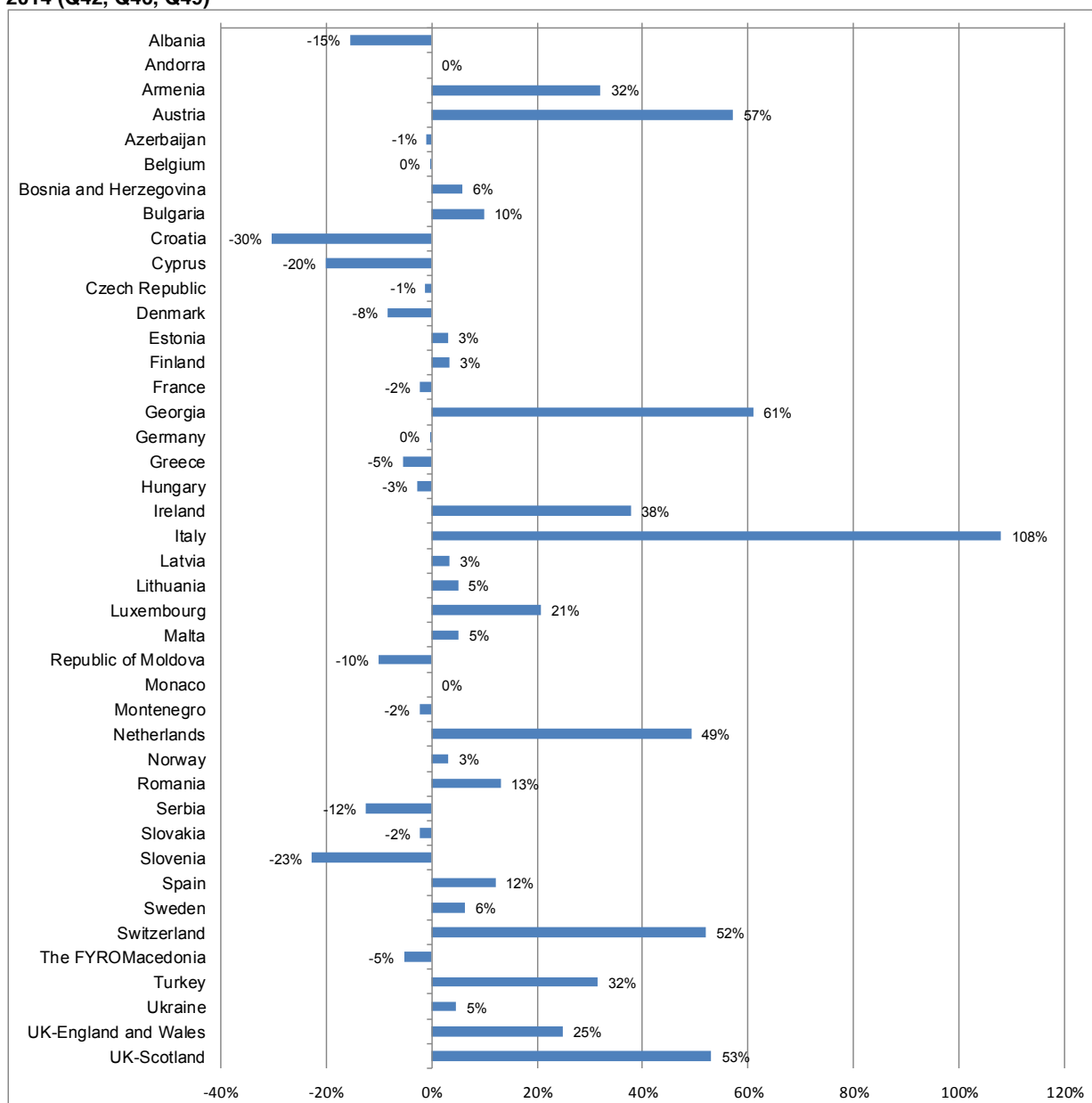


Figure 4.10 Variation of the average number of first instance judges per first instance court between 2010 and 2014 (Q42, Q46, Q49)



One third of the States or entities have initiated a concentration of their judicial system and decreased the number of courts between 2010 and 2014, some of them significantly: **Turkey** (- 13 %), **Ireland** (- 21 %), **Armenia** (- 22 %), **UK-England and Wales** (- 24 %), **Greece** (- 29 %), **Austria** (- 31 %), **Georgia** (- 33 %), **Netherlands** (- 38 %), **UK-Scotland** (- 38 %), **Italy** decreasing this number by 50 %. **Poland** and **Switzerland** can be added to this list, although the number of geographic locations, which was chosen here for the analysis, is not available; indeed the number of first instance courts (legal entities) has decreased by 21 % and 35 %, respectively, for these two states during the same period. It can also be noted that **Belgium** has reduced its number of courts (legal entities), but has kept the same number of locations.

Some of these states have decided to accompany the general decrease of the number of courts by a stronger specialisation of their court system (**Austria, Italy**).

Often, the reform of the judicial map goes hand in hand with a strong concentration of judges in the same court. The relevance of this trend could be highlighted by considering the evolution of the number of judges sitting in a court. Considering the data available, it was decided to calculate in Figure 4.10 above the variation of the number of first instance professional judges and non-professional judges (assuming that most of them work at first instance) against the total number of first instance courts. From this partial indicator (which cannot be reasonably used for other purposes than this specific analysis), one can note that

some states, which have significantly reduced the number of their courts, have at the same time concentrated a high number of judges and staff into a restricted number of large courts. This can be underlined in particular for **Italy, Belgium, Georgia, Netherlands, Poland,** and **UK-Scotland**, where the number of judges per court has significantly increased. At this stage at least, one can think that the concentration of the judicial map has not resulted in a decrease in the judicial staff in these states, unlike in **UK-England and Wales,** and **Switzerland**.

On the other hand, 6 states have chosen to decentralise their judicial system and have increased the number of courts in the period considered: **Croatia** (+ 32 %), **Serbia** (+ 26 %), **Cyprus** (+ 17 %), **Slovenia** (+ 17 %) and **Albania** (+ 15 %). **Portugal** can be added to this list, although the number of geographic locations, which has been chosen here for the analysis, is not available. Indeed, the number of first instance courts (legal entities) has increased by + 35 % in the same period. As regards **Croatia**, it is worth mentioning that although the number of court locations has increased, the number of legal entities remains stable, while **Bosnia and Herzegovina** has increased the number of courts (legal entities), but has kept the same number of locations.

This evolution can be explained mainly by a decision to split the existing courts of general jurisdiction into several courts. It can also be explained by the setting up of specialised courts, in addition to the existing courts of general jurisdiction (**Albania, Cyprus, Portugal**) (see below). In **France**, the global number of court locations has slightly increased, but the reform has mainly resulted in the abolition of specialised courts (mainly 70 courts for military pensions).

As we can see from Figure 4.10, the increase of the number of courts has logically resulted in the setting up of smaller courts (decrease in the number of judges per court) in **Albania, Cyprus,** and **Serbia**. It may be that there is no impact of the reform on the volume of judicial staff – at least at this stage.

In other states, the reform of the court organisation has not had a strong impact on the number of courts itself, but has led to a reduction in the judicial staff in the existing courts – and then, possibly, in their activity. This can be noted in particular for **Denmark, Finland, “the former Republic Yugoslav of Macedonia”, Republic of Moldova, and Czech Republic**.

Generally speaking the European trend goes towards a decrease in the number of courts and a consequent increase in the size of the courts, including more judges, as well as a stronger specialisation of the judicial system.

4.2 Quality of the court system and court users

4.2.1 Information technology (IT) in the European courts

The use of information technologies (IT), ranging from end user applications such as smart phones, personal computers and tablet PCs, to information infrastructures, such as internet and the services deriving from that, are taken more and more for granted. Introduced as a tool to improve performance, IT is proving to be more than a technical element, changing the relations between individuals and between individuals and organisations, both in the private and the public sector.

The CEPEJ has therefore decided to devote a thematic report to this subject, based on the information collected in the 2014-2016 evaluation cycle and the previous cycles. This report (CEPEJ(2016)2) is available on: www.coe.int/cepej.

4.2.2 Court users

To underline the growing importance of the development of a quality policy concerning courts or the judiciary in general, the CEPEJ created a special working group and adopted a checklist for the promotion of the quality of justice and of the courts: a practical tool that can be used by courts to introduce specific quality measures³⁴.

The existence of quality systems and quality standards for the judicial system, individual courts and individual judges, as well as the organisation of their monitoring both at national and at court levels are key

³⁴ See www.coe.int/cepej - Document CEPEJ(2008)2.

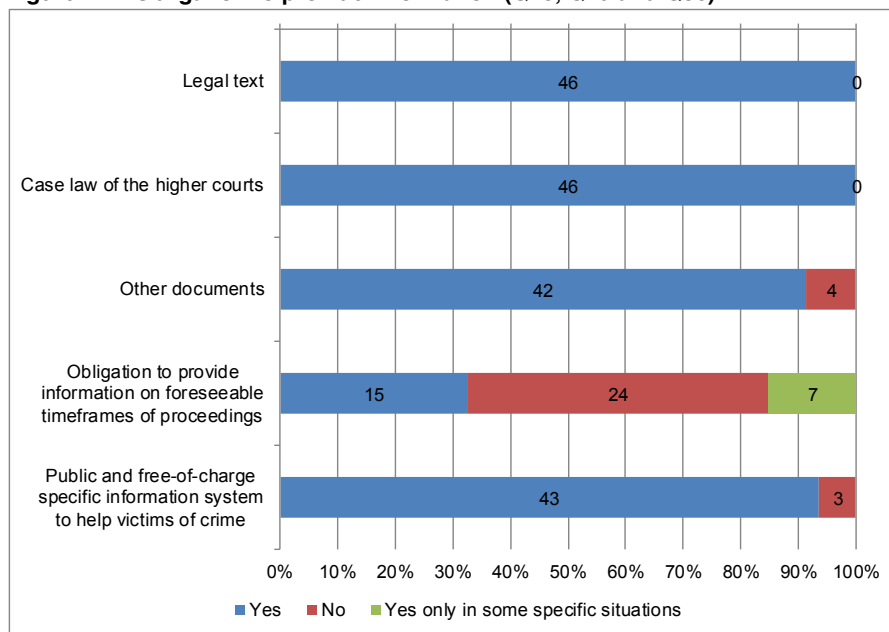
elements to improve the quality of the public service delivered by the judicial system to litigants and to society as a whole. Information on such systems are available in the CEPEJ dynamic data base: www.coe.int/CEPEJ.

For this report, the CEPEJ chose to focus on the systems aimed directly at the court users and contributing to the proper implementation of Articles 5 and 6 ECHR in particular.

4.2.1.1 Information of the court users

Getting correct and sufficient information is essential to guarantee an effective access to justice. It is now very easy to obtain information regarding laws, procedures, forms, documents and courts from official websites.

Figure 4.11 Obligation to provide information (Q28, Q29 and Q30)



Every state or entity has established websites making available national legislation and court case-law within the Ministry of Justice, Parliament, an Official Gazette, etc. These websites, such as those containing the case law of higher courts, are often used by practitioners.

Court users seeking practical information about their rights or about the courts will make a better use of specific websites offered by the relevant courts or those created in their interest by the Ministry of Justice. Many

States or entities indicate that these websites include forms that users can download to allow them to exercise their rights (**Bulgaria, Estonia, Finland, Greece, Hungary, Lithuania and Portugal**), applications concerning, for example, legal aid (**Finland**) or the getting of certificates (**Serbia**). These "practical" websites are developing in Europe.

Information on timeframes of proceedings

It is not only important to provide general information on rights and proceedings via websites, but also to provide court users information in accordance with their expectations concerning the foreseeability of the procedures, i.e. the expected timeframe of a court procedure. This specific information, provided in the interests of the users, but not yet provided across Europe, can only be given by states which have set up an efficient case management system within their jurisdictions.

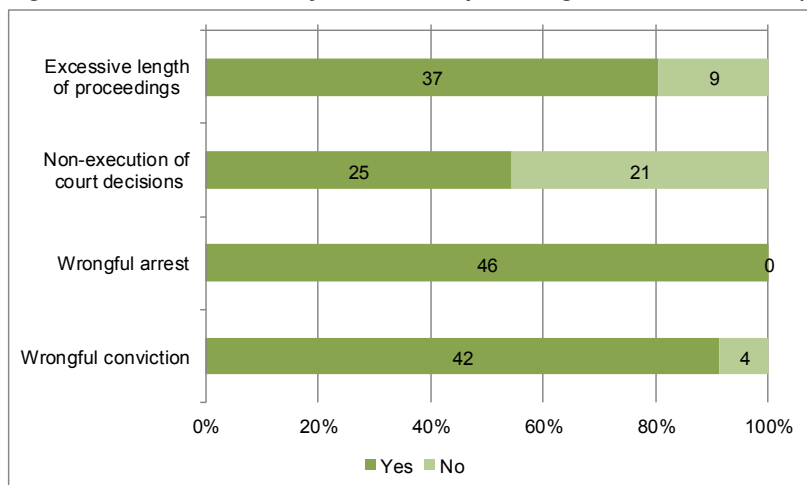
Factors such as an increase in the court case load, the complexity of the case which requires the intervention of experts or other legal actors, or the backlog of courts, make this requirement difficult to meet: indeed, it is not easy for a court to provide the parties with a detailed timetable of the planned procedure or a specific and reliable date for the final hearing. More and more Member states, even if their number is still low (6 in the 2008 edition, 15 for this evaluation exercise) are obliged to provide this information, at least in certain particular circumstances.

Information for victims of crimes

Almost all the States and entities concerned, except **Andorra, Armenia and Montenegro**, have established free-of-charge information systems. The increasing care devoted to victims by the public service of justice in Europe can again be noticed in this area.

4.2.1.2 Compensation systems

Figure 4.12 Existence of a system for compensating court users in 2014 (Q37)



All the States and entities concerned have set up specific systems which make it possible for the court users to be compensated following dysfunctions within the court system which have affected them.

In the criminal law field, wrongful arrests and wrongful detention can be compensated in almost all the states.

Excessive lengths of judicial proceedings, which remain the main ground raised under ECHR

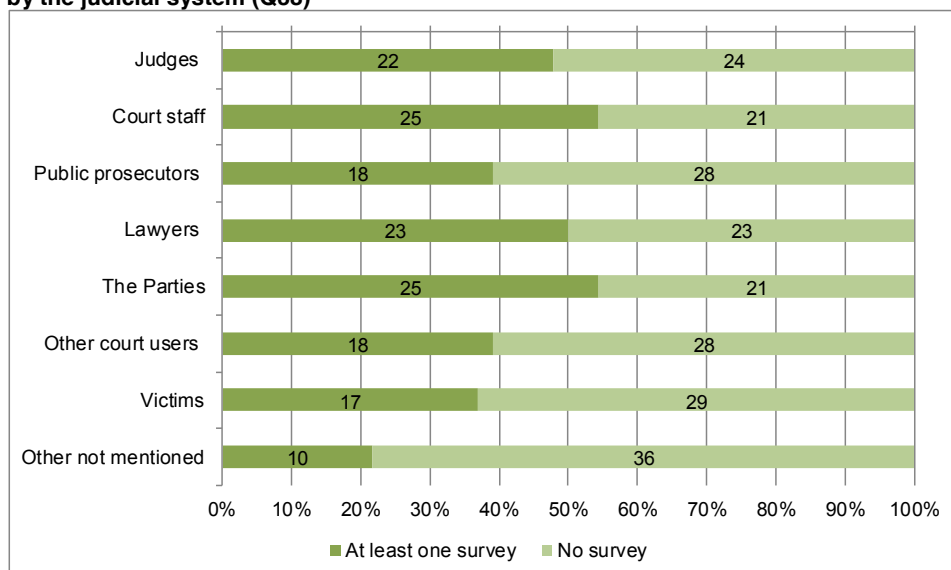
Article 6 by applicants before the European Court of Human Rights, are subject to compensation in a wide majority of States or entities (37). The second main ground raised by applicants regarding ECHR Article 6 is the non-enforcement of national court decisions; this dysfunction can be the subject of a compensation in half of the States and entities concerned (25).

4.2.2.3 Court satisfaction surveys

Information about the level of court users' and court personnel's (judges and staff) satisfaction with (and trust in) the courts are relevant tools for the quality policies of judicial systems. Within its framework, the CEPEJ adopted a model report and a model survey accompanied by a methodology guide, prepared by Jean-Paul Jean and Hélène Jorry³⁵.

Surveys to measure the level of satisfaction are conducted among persons who had contacts with a court (litigants, victims, lawyers, other legal professionals - legal experts, interpreters, representatives of government agencies, etc.), and were directly involved in the procedure (e.g. parties, victims). Opinion surveys on justice aimed at the public at large measure only the public perception of the satisfaction in the justice system at a given moment. This also applies to satisfaction surveys conducted among court staff (judges and non-judge staff) or the public prosecution system (prosecutors or non-prosecutor staff).

Figure 4.13 Existence of surveys to measure the trust in justice and the satisfaction with the services delivered by the judicial system (Q38)



³⁵ CEPEJ Study n°14 "Report on conducting satisfaction surveys aimed at Court users in Council of Europe Member states", Jean-Paul Jean and Hélène Jorry.