

# CEPEJ: 2022 Report on European Judicial Systems



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## News

On 5 October 2022, CEPEJ published its [ninth biennial evaluation report](#) on the efficiency and quality of justice in Europe. The report is based on data from 2020 on the major trends in the judicial systems of 44 CoE Member States (Liechtenstein and San Marino were again unable to provide data) and three observer states (Morocco, Israel, and Kazakhstan). It includes country profiles as well as numerous tables and graphs (→ [euclid 3/2018, 164](#) and [euclid 4/2020, 299-300](#)).

As with previous reports, CEPEJ stressed the methodological difficulty of comparing quite diverse legal systems (e.g. the various approaches to the organisation of courts or the different statistical classifications). The methodology therefore relied heavily on the [CEPEJ Scheme for Evaluating Judicial Systems](#) (in the form of a questionnaire) and on support from CEPEJ's national correspondents and other specific actors.

The report pointed out the significant impact the pandemic has had on European judicial systems, such as limiting the presence of parties and postponing hearings or resorting to remote working; these developments also had an impact on the specific data presented in the report. This can lead to large discrepancies when comparing the data for 2020 with that of previous years. CEPEJ expects that the impact of the pandemic on various efficiency indicators will gradually settle with the easing of the anti-COVID measures, but the technological aspects of the day-to-day running of the courts and the way in which they communicate with court users has been irreversibly changed and transformed by the impact of the pandemic.

The report evaluated the efficiency of justice systems based mainly on the following indicators:

- The availability and allocation of resources;
- The situation of prosecutors and judges;
- The organisation of courts, the focus on court users, and the development and proper use of information and communication technology (ICT);
- The performance of the judicial systems.

In this context, the 2022 report especially observed the following trends:

### **Budgets allocated to justice**

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

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European countries spent nearly €1.1 billion on their judicial systems, equal to €79 per capita (€7 more per capita than in 2018) and 0,35% of GDP;

- As in the previous assessment, countries with higher GDP per capita invested more in their justice systems, but less wealthy countries made greater budgetary efforts for their justice systems, as they had to allocate more budgetary resources as a percentage of GDP;
- Almost two thirds of the budget of the judicial system was allocated to the courts, about 25% to the prosecution services and the remainder to legal aid. Eastern European countries traditionally spend more on prosecution services, while Northern European and common law countries spend more on legal aid. The most significant percentage increase between 2018 and 2020, averaging 12%, was registered for the public prosecution budget;
- The COVID-19 pandemic did not lead to large variations in the overall budget. However, some changes can be observed, e.g. a decrease in the budget for the maintenance of court buildings, judicial expenditure, and training and an increase in the IT budget.

### Justice professionals and the courts

- The trends and conclusions show that there are still significant differences in the number of professional judges, which can be partly explained by the diversity of judicial organisations, geographical factors, and/or the development of European legal systems. Their numbers increased slightly between 2010 and 2020, but the regional disparities already observed in previous reports persisted;
- Since 2010, there has been a strong European trend towards an increase in the proportion of women appointed as professional judges and prosecutors, with a higher ratio of female judges and prosecutors to male judges and prosecutors for several years now. The ratio for women as prosecutors has been stable since 2012. However, women remain under-represented in the highest positions. That said, the report underlined promising developments that encourage further measures to facilitate women's careers and promote gender balance in higher and top judicial functions;
- Part-time work for judges and prosecutors is possible in the majority of states and entities, the proportion of which decreases from instance to instance and approaches zero at the highest level for both judges and prosecutors;
- For the most part, the COVID-19 pandemic did not have a noticeable structural impact in the field of judicial professionals, but there was significantly less in-person training in 2020 compared to 2018;
- Institutions and bodies that give opinions on ethical issues related to the conduct of judges and prosecutors (e.g. on political participation, the use of social media, etc.) are largely established in Europe, but their role varies widely. Their opinions are publicly available in the vast majority of cases, which provides a high degree of transparency for judges and prosecutors;
- The salaries of judges and prosecutors still vary widely between states and entities, but also between institutions, and their development is not uniform. Although the ratio of average salaries of judges and prosecutors to average gross salaries has increased overall since 2010, the ratio has actually decreased in a number of states;
- The number of lawyers continues to grow in Europe, with significant variations between countries and entities. The increase is also largely due to economic growth. Unlike judges and prosecutors, European lawyers are still predominantly male. However, there have also been shifts in favour of women.

### Information and communication technology (ICT)

- The growing role of ICT in supporting the work of courts and the increased transfer of human activities to technological tools requires ever greater attention to their evaluation and impact. The corres-

pending share of court budgets is also evidence of their growing importance. Many states and entities, however, are still unable to provide basic information on their judicial budget spending on ICT;

- The challenges posed by the COVID-19 pandemic have provided an opportunity to experiment more widely and rapidly with the potential of ICT for communicating and sharing judicial documents and data between all parties involved in the administration of justice;
- At the height of the pandemic, much could and should have been learned from sheer action. The report recommends that Member States make use of these new possibilities, but they should be brought as close as possible to the requirements of a fair trial in non-emergency situations;
- The need to ensure access to justice in times of lockdown has been met with the rapid development and deployment of ICT solutions and, in the case of videoconferencing, by the adoption of existing market solutions as an emergency measure in judicial practice. This has required much adaptation in order to balance the practical benefits of remote communication with respect for the core values of justice: ensuring fairness, transparency, and accountability; preventing procedural abuses; and avoiding compromising the public image and symbolic effect of justice.

#### Performance of legal systems

- The 2022 evaluation cycle (based on data from 2020) has been heavily influenced by the COVID-19 crisis. The pandemic created problems for courts across Europe, and states and organisations tried to remedy the unprecedented situation primarily by relying on electronic services. This is also reflected in CEPEJ's 2021 Guidelines on Videoconferencing in Judicial Proceedings (→ [eucrim 3/2021, 167](#)) and its 2022 Action Plan on Digitalization of Justice (→ [eucrim 4/2021, 230-231](#));
- The first instance courts were affected by the pandemic most, and the second and third instances showed similar results in terms of disposition time compared to the previous cycle;
- Criminal law area is still considered the most efficient area; disposition time remains the highest in administrative cases. Prosecutors have improved the ratio of cases resolved to cases received, results which are likely to have been boosted by the decreasing inflow of cases.

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