



SIS 2013 Statistical Conference
Advances in Latent Variables
 Methods, Models and Applications
 University of Brescia - June, 19-21 2013



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Advances in Latent Variables - Methods, Models and Applications

Brescia - Department of Economics and Management

June 19, 2013 – June 21, 2013

January 29, 2014A selection of extended papers will be eligible for publication in Advances in Data Analysis and Classification. Submission of manuscripts: May 30, 2014

October 1, 2013 - CALL FOR PAPERSThe extended papers of the SIS 2013 Statistical Conference will be published by Springer in the new International Series Book Studies in Theoretical and Applied Statistics (call for papers)

JULY 23, 2013 - CALL FOR PAPERSA selection of extended papers will be eligible for publication in the following Springer journals: - Quality & Quantity (call for papers)- Stochastic Environmental Research and Risk Assessment (call for papers)- Advances in Data Analysis and Classification (web site; the special issue on "Latent Class Models" will be published in September)

supports the International Year of Statistics and this conference has been added to the Statistics2013 Activities Calendar The conference Time Table can be found here

Scientific Program Committee and the Local Organizing Committee want to thank all participants and speakers at the SIS conference: you made this meeting an opportunity for ideas' and experiences' exchange. Thank you

Announcements

Electronic Book "Advances in Latent Variables"

The full version of the Conference Proceedings, collected in the **Electronic Book "Advances in Latent Variables"**, Eds. Brentari E., Carpitani M., Vita e Pensiero, Milan, Italy, ISBN 978 88 343 2556 8, are available [here](#).

Posted: 2013-06-17

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Exploratory comparative analysis of justice in Europe

Carlo Cusatelli, Massimiliano Giacalone

Abstract This paper is directed to analyze the comparative legal systems and the production of statistics in the field of justice in the countries of Europe, especially during the process of gathering and processing information and in those relating to end-products and to their functionality for the purposes of judicial decision-support policies, and to identify the characteristics of the demand for statistical information that it is required to satisfy.

1 Introduction

The tendency to focus a set of skills on the part of particular importance to national agencies does not leave a clear contrast between the political-administrative model of your federal or quasi-federal states (such as Germany and Spain) and the model of the United characterized by its centralized facility (such as Italy and France). However, the presence in the first of a marked administrative decentralization seems to exert a strong influence not only on the spatial detail of the information to produce, but also upon national statistical production system, determining, in particular, the occurrence of a series of difficulties related to the management and most importantly, the integration of information between central and local administrations.

Sustainability refers to the levels of system functionality and the ability to exercise the same control over the flow of judicial activity, particularly in light of its selectivity, which contribute so much to the procedural aspects as factors related to the costs of access to justice: where scarce limitations are placed at the entrance of jurisdiction and, within it, including a degree of judgment and the next appear to have a negative impact

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on the overall performance of the judiciary.

The quality of the production processes is largely linked to the degree of computerization of the detection process, which affects the feasibility of obtaining data with a level of detail sufficient to fully meet the needs of users. An important factor for the quality of the production process is the degree of coordination among the parties involved in the detection, especially dependent organization of statistical production and the characteristics of the judicial system. The quality of products can be evaluated with respect to the fact that the statistical publications produced provide a complete picture of the functioning of the judiciary, comforted by the presence of interpretive analysis that ensure usability, including the integration of data and the articulation of the offer of judicial statistics by subject area, particularly with respect to evaluating the performance of the system to meet the needs of the community given the increasing sensitivity towards this objective knowledge. More generally, with regard to the degree of efficiency achieved by the different countries considered regarding the evaluation and management of data, it is good to keep in mind, however, the relative character of the judgments as the starting positions appear to be strongly differentiated.

2 Efficiency and quality of justice

The main source of comparison used in this exploratory analysis is the "European judicial systems: Efficiency and quality of justice", European Commission for the Efficiency of Justice (CEPEJ), edition 2012 (2010 data). The institutional role of the Commission, which was created in September 2002, is to assess the efficiency of judicial systems and to propose concrete measures to improve the quality of this service in the member countries of the Council of Europe.

The need of an organ with such tasks has been felt, especially in the search for solutions to the problem of violations of the right to a fair hearing within a reasonable time, which weigh on the jurisdiction of the European Court of Human Rights. It was felt that a special committee with the task of studying the functioning of the European judicial systems, through the collection and comparative analysis of information concerning the organization of these systems can achieve useful results.

The report presents the results of a survey conducted in 40 member states of the Council of Europe. The results are based on self-report, produced by the individual members. The data were collected with the help of the "pilot program for the evaluation of judicial systems", a tool developed by the CEPEJ in 2003. The first phase of data collection was carried out by the General Secretariat of the Council of Europe, and the analysis and reporting were developed by the research institute of the Dutch Ministry of Justice, in collaboration with the University College London. The work was funded by the Council of Europe, the Department for Constitutional Affairs of Great Britain and the Dutch Ministry of Justice. The report notes that the quality of the data is heavily dependent on the type of questions asked and instrument used for the collection, from individual efforts and the availability of national data and the way in which these data were processed and analyzed. The first part of the report provides a general overview of the work done, and thereafter shows the results obtained, the appendices contain the evaluation scheme, the various methodological issues, and information about the contributions of individual countries. In the report are chosen courts and judges, civil

and administrative jurisdictions, such as characterizing aspects of the judicial systems. In the preparation of the questionnaire were used the following measures: 1) the size was limited to 100 objects, 2) the questions were formulated so as to be able to respond to as many countries as possible, based on the data available to them, and 3) it was considered acceptable to add a few questions to which only a few countries were able to respond, in order to stimulate the measurement and collection of data about certain issues.

2.1 The information needs in the legal field: priorities and coverage

The current statistical production in the field of justice does not guarantee adequate coverage for evaluation. Information gaps affecting this sector are in part related to the lack of basic data, due, on the one hand, the absence of certain information and, second, the insufficient degree of disaggregation of those available. A second element of weakness is the lack of realization of interpretive analysis that enables you to make more accessible the data collected: the purpose of the support of judicial statistics to policy interventions and social, therefore, a need is satisfied only partially, if you rely more on personal experience and knowledge of the reality of judicial decision-makers on the basis of precise quantitative information.

The scope of information where there are major developments is functional to the management of the judicial organization: the progressive enhancement of quantitative evaluation in the administrative field is demonstrated by the development of a set-oriented studies to support the management activity (activity monitoring offices, analysis to verify the adequacy of the distribution of the workforce in the area, etc.). The current need in this area, therefore, is to further develop and strengthen the statistical production. In the first place, in fact, such studies take into account variables constructed through the aggregation of heterogeneous quantities (such as, for example, the sum of the processes occurring in a given period regardless of the degree of complexity of the procedure) that make little meaningful comparisons carried on workload and capacity for the disposal of individual offices.

In the second place, the development of analysis useful for management purposes is not carried out regularly, making the satisfaction of the ordinary needs of those responsible for the judicial organization.

Another important purpose of the information tools in the legal field consists of the performance evaluation system to meet the needs of citizens and businesses: it is necessary to consider that the compliance of the judicial system to the needs of citizens can be in general evaluated through tools largely coincide with those required to meet the knowledge needs related to the reform measures and to operations. In this context, however, it is worth highlighting the lack of data regarding the subjective aspects of the functioning of the administration of justice (satisfaction and dissatisfaction of internal and external users to the system and the general public), which represent important elements of knowledge, as well for an overall assessment of the quality of service rendered by the judiciary, to enable those responsible for the organization to guide their decisions on the basis of a complete and articulated on reality and on judicial actors interacting in the system.

2.2 The conditions for the development of statistical judicial information

The prior condition for the development of an information system in the field of justice capable of responding effectively to the needs of users consists of the availability of reliable basic data on the activity of judicial offices.

Despite progress made in recent years, the quality of the data is still one of the critical aspects of statistical production in the legal field and is partly due to the lack of accurate data provided by the peripheral structures, especially in the civil subsystem, where the measurements are still in the course of automation. These inaccuracies also depend on an additional element, common to the different jurisdictions, formed by the gap between the measured data and the data contained in the official registers, which involves a series of negative effects, not only for the quality of the data products, but also for the workload that is poured over the offices to fulfill the obligations related to the completion of the forms of detection.

A second factor that adversely affects the quality of the information consists of the delay time between the occurrence of the underlying events and the recording of related data: these, in fact, sometimes they are not inserted immediately in information systems and are then retrieved at a later time. The effect of this phase shift is the artificial production of statistics, ie such as to reflect the administrative offices rather than the actual evolution of the phenomena considered.

The quality of the data is influenced by the differences regarding the conduct of the trials, the courts and related skills, all variations of these, which require an adaptation in the procedures and content of the surveys, creating several operational difficulties in data collection.

Another requirement for the production of statistical information actually functional to support the decision-making process in the judiciary is represented on the adequacy of the systems of classification procedures adopted.

A further condition for the effectiveness of the statistical information in the field of justice with respect to the cognitive demands of the users is the presence of an integrated approach to data analysis, making it possible to obtain an overall view of the functioning of the judicial system. An examination of the range of information, however, emerged rather restrictive interpretation of the term "judicial statistics." The statistical production that is part of this, indeed, is generally limited to the information strictly related to judicial office, requiring, in order to obtain a complete picture on the performance of the judicial system, the use of a variety of information sources. The main obstacle is the lack of integration of information systems of different structures, which makes it difficult to obtain sufficiently updated data to be linked with those on the movement of the proceedings.

The limited integration of the information system is therefore, at least in part, a reflection of a sudden own organization statistical-judicial, constituted by the plurality of subjects engaged in statistical production, for some aspects not sufficiently coordinated. This produces overlaps and redundancies, informative as well as a discrepancy between the statistics produced by the various entities due to the different methodologies used. Conducting multiple surveys also makes it difficult relations with the courts, on which pours an unnecessary additional workload and costs (Fig. 1) related to the compilation of models often similar in content.

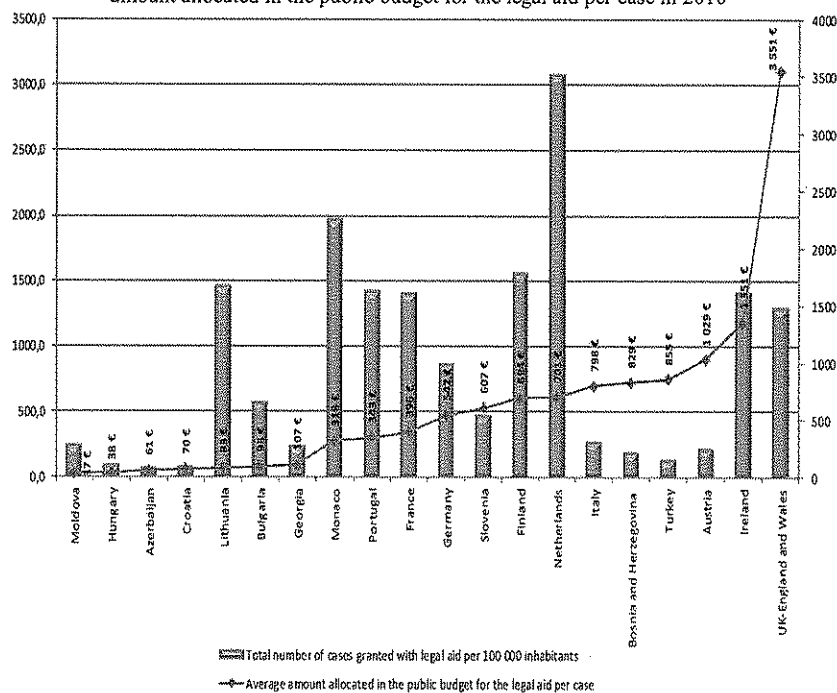
2.3 Stability of the system

The growing importance of the function of judicial review in the context of Western democratic systems, as a result of the increase in social questions posed by citizens, often not met by political systems, door, on the one hand, to increase the efficiency of the system by the establishment of new courts, the review of the procedures and the promotion of alternative methods to the jurisdiction for the resolution of disputes and, secondly, to improve the procedural guarantees, especially in the field of criminal law. These reforms will play a physiological role of updating and revision of the system and does not pose a threat to its regulatory stability.

The degree of regulatory stability is important in several respects. First, regulatory reforms presuppose systems of evaluation of their impact that they are able to predict the effectiveness: there is therefore a link between skills acquisition and management of information and ability to design reforms.

In addition, the detection of a sufficient degree of regulatory stability of a system indicates its ability to adapt and the good design of the rules. In this sense its "longevity" of the legislation due to the code, which generally encompasses the discipline of institutes of fundamental importance for the social and economic life, to be welcomed, if it exists.

Figure 1: Number of cases granted with legal aid per 100.000 inhabitants and average amount allocated in the public budget for the legal aid per case in 2010



Source: European judicial systems, Edition 2012 (2010 data): Efficiency and quality of justice, European Commission for the Efficiency of Justice (CEPEJ)

3 Final remarks

The situation that emerged from the comparative analysis, on the demand and supply of statistical information in each country and to their actual use in the field of decision-making, leads to identify a relatively recent statistical information to use as a tool to support policy and When a bid disclosure restricted in some areas (particularly those aimed at supporting reforms and performance evaluation of the system).

This is especially true for systems in the Mediterranean, where, however, mainly due to the progressive development of procedures for the detection, it is possible to observe how the supply and use of statistical information on the Justice recently are having a positive development plans both quantitative and qualitative.

The changes that have occurred in recent years have resulted in a total of more reliable information, structured and timely than ever before.

Compared to the prospect of integration at the European level of statistics on justice, finally, the analysis leads to the conclusion the ability to start, despite the differences in the various systems, a process of harmonization.

Once completed the process of computerization of all detection systems, which seems to constitute an eventuality fairly realistic even in the short term, the next step should be constituted by a coordination of the detection patterns, so as to ensure, while guaranteeing respect for local autonomy and cognitive needs peculiar to different contexts, a common information base and homogeneous European standards.

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