

## 1. Evaluation of the judicial systems (2016-2018 cycle)



Czech Republic

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**Reference data 2016 (01/01/2016 - 31/12/2016)**

**Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017**

### **Objective :**

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

### **Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

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## **1.General information**

### **1.1.Demographic and economic data**

#### **1.1.1.Inhabitants and economic general information**



**001. Number of inhabitants (if possible on 1 January of the reference year +1)**

[ 10578820 ]

Comments

**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

	Amount
State or federal level	69602886751 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	13123424860 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The expenditure on the regional level decreased due to savings.

**003. Per capita GDP (in €) in current prices for the reference year**

[ 16700 ]

Comments The Czech economy is doing well + the exchange rate.

**004. Average gross annual salary (in €) for the reference year**

[ 12253 ]

NA

Comments The Czech economy is doing well + the exchange rate.

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[ 27.02 ]

Allow decimals : 5

NAP

Comments

**A1. Please indicate the sources for answering questions 1 to 5**

Sources: Czech Statistical Office Czech National Bank

**1.1.2. Budgetary data concerning judicial system**



**006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.**

Approved budget (in €)	Implemented budget (in €)
------------------------	---------------------------

<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	411012953 [ ] NA [ ] NAP	430378322 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	330379494 [ ] NA [ ] NAP	336080541 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (equipment, investments, maintenance)</b>	3351381 [ ] NA [ ] NAP	6396630 [ ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.</b>	[ X ] NA [ ] NAP	16557121 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	3331408 [ ] NA [ ] NAP	4206217 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	2837963 [ ] NA [ ] NAP	8746849 [ ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	139504 [ ] NA [ ] NAP	95439 [ ] NA [ ] NAP
<b>7. Other (please specify)</b>	70973203 [ ] NA [ ] NAP	58295525 [ ] NA [ ] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: The data on approved budget allocated to justice expenses cannot be separated from category "Other" in the approved budget.

The approved Legal Aid budget is included in the court budget and cannot be separated at this stage. The implemented budget changes during the year, there can be movement even among individual chapters. During the year it also can increase by the expenses that were not used in previous year. That is why the implemented budget per categories can sometimes significantly differ and it also exceeds the approved budget.

**007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments:

**008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	( ) Yes ( X ) No
for other than criminal cases	( X ) Yes ( ) No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

**008-1. Please briefly present the methodology of calculation of court taxes or fees:**

- The court fee is CZK 1000 if the monetary performance is lower than CZK 20 000 and it represents 5% of the respective amount of money if the monetary performance is higher than CZK 20000. In non-monetary performance the court fee is CZK 2000.

**008-2. The amount of court fees to commence an action for 3000€ debt recovery:**

[ 150 ]

[ ] NA

[ ] NAP

Comments

**009. Annual income of court taxes or fees received by the State (in €)**

[ 45005572 ]

[ ] NA

[ ] NAP

Comments

**012. Annual approved public budget allocated to legal aid, in €.**

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
12.1 for cases brought to court	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments The data on approved budget allocated to legal aid do not exist, the approved budget is not divided to this level.

**012-1. Annual implemented public budget allocated to legal aid, in €.**

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	21135536 [ ] NA [ ] NAP	15766130 [ ] NA [ ] NAP	5369406 [ ] NA [ ] NAP
<b>12-1.1 for cases brought to court</b>	21135536 [ ] NA [ ] NAP	15766130 [ ] NA [ ] NAP	5369406 [ ] NA [ ] NAP
<b>12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: The data on implemented budget are obtained from individual courts from their economic system.

The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

### 013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in €</b>	93217029 [ ] NA [ ] NAP	107167590 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences:

### 014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
<b>Ministry of Justice</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Other ministry</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Parliament</b>	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Supreme Court</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

<b>High Judicial Council</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [ X ] NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No [ X ] NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No [ X ] NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No [ X ] NAP
<b>Courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Inspection body</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Other</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify: Ministry of Finance is the ministry responsible for the preparation of the state budget and it is the Ministry of Finance that submits the proposal of the budget to the Government. After the budget is passed by the Government it is submitted to the House of Representatives (lower chamber) that is appropriate to pass the Bill on State Budget.

## A2. Please indicate the sources for answering questions 6 to 14:

Sources: Ministry of Justice

### 1.1.3. Budgetary data concerning the whole justice system

**015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the whole justice system in €</b>	547388294 [ ] NA [ ] NAP	590474176 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences:

**015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):**

Included

<b>Court (see question 6)</b>	( X ) Yes ( ) No [ ] NAP
<b>Legal aid (see question 12)</b>	( X ) Yes ( ) No [ ] NAP
<b>Public prosecution services (see question 13)</b>	( X ) Yes ( ) No [ ] NAP

Comments:

**015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):**

	<b>Included</b>
<b>Prison system</b>	( ) Yes ( X ) No [ ] NAP
<b>Probation services</b>	( X ) Yes ( ) No [ ] NAP
<b>Council of the judiciary</b>	( ) Yes ( ) No [ X ] NAP
<b>Constitutional court</b>	( ) Yes ( X ) No [ ] NAP
<b>Judicial management body</b>	( X ) Yes ( ) No [ ] NAP
<b>State advocacy</b>	( ) Yes ( X ) No [ ] NAP
<b>Enforcement services</b>	( X ) Yes ( ) No [ ] NAP
<b>Notariat</b>	( ) Yes ( X ) No [ ] NAP
<b>Forensic services</b>	( ) Yes ( X ) No [ ] NAP
<b>Judicial protection of juveniles</b>	( ) Yes ( X ) No [ ] NAP
<b>Functioning of the Ministry of Justice</b>	( X ) Yes ( ) No [ ] NAP

Refugees and asylum seekers services	( ) Yes ( X ) No [ ] NAP
Immigration Service	( ) Yes ( X ) No [ ] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	( ) Yes ( X ) No [ ] NAP
Other	( ) Yes ( X ) No [ ] NAP

Comments - If "other", please specify:

**A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:**

Sources: Ministry of Justice
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**2. Access to justice and all courts**

**2.1. Legal Aid**

**2.1.1. Scope of legal aid**

**016. Does legal aid apply to:**

	Criminal cases	Other than criminal cases
Representation in court	( ) Yes ( ) No [ ] NA [ ] NAP	( ) Yes ( ) No [ ] NA [ ] NAP
Legal advice	( ) Yes ( ) No [ ] NA [ ] NAP	( ) Yes ( ) No [ ] NA [ ] NAP

Comments

**017. Does legal aid include the coverage of or the exemption from court fees?**

( ) Yes

( ) No

Comments - If yes, please specify: There is a possibility for participant in the proceedings to ask for waiver of court fees ordered by the court, such release should be justified by the participant's personal situation and may not serve as arbitrary or apparently unsuccessful application or protection of law.

**018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions**



(e.g. fees of an enforcement agent)?

Yes

No

Comments - If yes, please specify: Legal aid can be granted in any stage of the proceeding.

**019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?**

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

### 2.1.2. Quantitative information on legal aid

**020. (Modified question) Please indicate the number of cases for which legal aid has been granted:**

	Cases brought to court	Cases not brought to court / non-litigious cases
<b>TOTAL</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In other than criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

**021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**

	Assisted by a free of charge lawyer
<b>Accused individuals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify: As a rule, accused individuals can be granted free of charge legal representation in criminal cases. Besides, the Act on Victims has been modified in 2013. According to this reform, victims who do not have sufficient financial means can also be assisted by a free of charge lawyer.

**022. If yes, are individuals free to choose their lawyer within the framework of the legal aid**

**system?**

Yes

No

Comments

**023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.**

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
<b>Full legal aid for criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Full legal aid for other than criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Partial legal aid for criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Partial legal aid for other than criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: Czech republic has an income and assets evaluation for granting legal aid but the values are not available since each case is considered individually.

**024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid: It is possible to refuse legal aid in case of an arbitrary or apparently unsuccessful application or request of protection of law.

**025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):**

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments The legal aid can be granted (or refuse) by the court and also by the Czech Bar Association on its own expenses or on the expenses of individual lawyers.

**026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**B1. Please indicate the sources for answering questions 20 and 23 :**

Sources: Ministry of Justice

## 2.2. Users of the courts and victims

### 2.2.1. Rights of the users and victims

**028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> www.mvcr.cz	<input type="checkbox"/>
case-law of the higher court/s	<input checked="" type="checkbox"/> www.justice.cz	<input type="checkbox"/>
other documents (e.g. downloadable forms, online registration)	<input checked="" type="checkbox"/> www.justice.cz	<input type="checkbox"/>

Comments - Please specify what documents and information the addresses for "other documents" include:

**029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

Yes, always

No

Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

**030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

Yes

No

Comments - If yes, please specify: There is a specific section at the Ministry of Justice website.

**031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	<b>Information mechanism</b>	<b>Special arrangements in hearings</b>	<b>Other specific arrangements</b>
<b>Victims of sexual violence/rape</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims of terrorism</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Minors (witnesses or victims)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims of domestic violence</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Ethnic minorities</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Disabled persons</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Juvenile offenders</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other vulnerable person" and/or "other special arrangements", please specify: from April 2017 also "person who is a ripe old age" belongs also to the category "especially vulnerable victims" and has e. g. right to legal aid.

**031-1. Is it possible for minors to be a party to a judicial proceeding:**

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.):

**032. Does your country allocate compensation for victims of crime?**

Yes, please specify for which kind of offences: Compensation is granted to victims of crimes in cases where damage to health has been the cause of the action.

No

Comments

**032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments the Ministry of Justice can grant a compensation.

**033. If yes, does this compensation come from:**

- a public fund
- damages and interests to be paid by the person responsible
- a private fund

Comments The compensation is the same as in the previous cycle.

**034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

- Yes
- No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**035. Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

- Yes
- No

Comments - If yes, please specify:

**036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

- Yes
- No
- NAP

Comments - If necessary, please specify:

**2.2.2. Confidence of citizens in their justice system**

**037. (Modified question) Is there a system for compensating users in the following circumstances:**

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Non-execution of court decisions</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>Wrongful arrest</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful conviction</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

**038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?**

	<b>National level</b>	<b>Court level</b>
<b>1. (Satisfaction) surveys aimed at judges</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>2. (Satisfaction) surveys aimed at court staff</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>3. (Satisfaction) surveys aimed at public prosecutors</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>4. (Satisfaction) surveys aimed at lawyers</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>5. (Satisfaction) surveys aimed at the parties</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>7. (Satisfaction) surveys aimed at victims</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>8. Other not mentioned</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: No surveys

**040. Is there a national or local procedure for making complaints about the functioning of the judicial system? (for example the handling of a case by a judge or the duration of a proceeding)**

Yes

( ) No

Comments

**041. (Modified question) If yes, please specify certain aspects of this procedure:**

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	( X ) Yes ( ) No	( X ) Yes ( ) No
Higher court	( X ) Yes ( ) No	( X ) Yes ( ) No
Ministry of Justice	( X ) Yes ( ) No	( X ) Yes ( ) No
Council of the Judiciary	( ) Yes ( X ) No	( ) Yes ( X ) No
Other external bodies (e.g. Ombudsman)	( X ) Yes ( ) No	( X ) Yes ( ) No

**041-1. (Modified question) Please specify further certain aspects of this procedure:**

	Number of complaints	Compensations amount granted to users
Court concerned	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
Higher court	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
Ministry of Justice	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
Council of the Judiciary	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Other external bodies (e.g. Ombudsman)	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1. Number of courts

**042. Number of courts considered as legal entities (administrative structures) and geographic locations**

Number of courts

<b>42.1 First instance courts of general jurisdiction (legal entities)</b>	86 [ ] NA [ ] NAP
<b>42.2 First instance specialised courts (legal entities)</b>	[ ] NA [ ] NAP
<b>42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)</b>	98 [ ] NA [ ] NAP

Comments There are no specialised first instance courts, but judges within individual courts are specialised (e.g. for family, labour and enforcement cases at district courts, and insolvency and administrative cases at regional courts as first instance courts).

#### **043. Number (legal entities) of first instance specialised courts (or specific judicial order)**

	Number of courts
<b>Total (must be the same as the data given under question 42.2)</b>	[ ] NA [ ] NAP
<b>Commercial courts (excluded insolvency courts)</b>	[ ] NA [ ] NAP
<b>Insolvency courts</b>	[ ] NA [ ] NAP
<b>Labour courts</b>	[ ] NA [ ] NAP
<b>Family courts</b>	[ ] NA [ ] NAP
<b>Rent and tenancies courts</b>	[ ] NA [ ] NAP
<b>Enforcement of criminal sanctions courts</b>	[ ] NA [ ] NAP
<b>Fight against terrorism, organised crime and corruption</b>	[ ] NA [ ] NAP
<b>Internet related disputes</b>	[ ] NA [ ] NAP
<b>Administrative courts</b>	[ ] NA [ ] NAP
<b>Insurance and / or social welfare courts</b>	[ ] NA [ ] NAP
<b>Military courts</b>	[ ] NA [ ] NAP



Other specialised 1st instance courts

NA  
 NAP

Comments - If "other specialised 1st instance courts", please specify:

**044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

Comments - If yes, please specify:

**045. Number of first instance courts (geographic locations) competent for a case concerning:**

	Number of courts
a debt collection for small claims	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
a dismissal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
a robbery	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

**045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?**

Yes

No, please give your definition for small claims: .....

Comments There is no definition of small claim but the appeal is not admitted when the litigious value is less than 10 000 CZK (370 EUR in 2016).

**045-2. (New question) Please indicate the value in € of a small claim:**

[ 370 ]

Comments - see the explanation above.

**C. Please indicate the sources for answering questions 42, 43 and 45:**

Sources: Ministry of Justice

## 3.2. Court staff

### 3.2.1. Judges and non-judge staff



**046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts**

	Total	Males	Females
<b>Total number of professional judges (1 + 2 + 3)</b>	3005 [ ] NA [ ] NAP	1182 [ ] NA [ ] NAP	1823 [ ] NA [ ] NAP
<b>1. Number of first instance professional judges</b>	1820 [ ] NA [ ] NAP	609 [ ] NA [ ] NAP	1211 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	1083 [ ] NA [ ] NAP	494 [ ] NA [ ] NAP	589 [ ] NA [ ] NAP
<b>3. Number of supreme court professional judges</b>	102 [ ] NA [ ] NAP	79 [ ] NA [ ] NAP	23 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: The Czech Republic has a four-tier system. The number of judges of the two High Courts is included in the number of second instance judges.

**047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts**

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	92 [ ] NA [ ] NAP	56 [ ] NA [ ] NAP	36 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	80 [ ] NA [ ] NAP	44 [ ] NA [ ] NAP	36 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	10 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Number of supreme court presidents</b>	2 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments

**048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):**

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP

<b>In full-time equivalent</b>	[ ] NA [X] NAP
--------------------------------	-------------------

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

( ) Yes, please give specifications on the types of cases and an estimate in percentage. ....

( X ) No

Comments

**049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):**

	Figure
<b>Gross figure</b>	5796 [ ] NA [ ] NAP
<b>In full time equivalent</b>	5796 [ ] NA [ ] NAP

Comments Individual lay judges usually sit 20 calendar days in one calendar year.

**049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:**

	Yes	No	Echevinage
<b>in criminal law cases</b>	( )	( )	( X )
<b>- severe criminal cases</b>	( )	( )	( X )
<b>- misdemeanour and/or minor criminal cases</b>	( )	( )	( X )
<b>in family law cases</b>	( )	( X )	( )
<b>in civil cases</b>	( )	( X )	( )
<b>in labour law cases</b>	( )	( )	( X )
<b>in social law cases</b>	( )	( X )	( )
<b>in commercial law cases</b>	( )	( X )	( )
<b>in insolvency cases</b>	( )	( X )	( )

other	( )	( X )	( )
-------	-----	-------	-----

Comments - If "other", please specify:

**050. Does your judicial system include trial by jury with the participation of citizens?**

( ) Yes

( X ) No

Comments

**050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)**

[ ] Severe criminal cases

[ ] Misdemeanour cases

[ ] Other cases

Comments

**051. Number of citizens who were involved in such juries for the year of reference:**

[ ]

[ ] NA

[ X ] NAP

Comments

**052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	9714 [ ] NA [ ] NAP	1166 [ ] NA [ ] NAP	8548 [ ] NA [ ] NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	2408 [ ] NA [ ] NAP	394 [ ] NA [ ] NAP	2014 [ ] NA [ ] NAP
<b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b>	4497 [ ] NA [ ] NAP	172 [ ] NA [ ] NAP	4325 [ ] NA [ ] NAP

<b>3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)</b>	2091 [ ] NA [ ] NAP	308 [ ] NA [ ] NAP	1783 [ ] NA [ ] NAP
<b>4. Technical staff</b>	656 [ ] NA [ ] NAP	269 [ ] NA [ ] NAP	387 [ ] NA [ ] NAP
<b>5. Other non-judge staff</b>	62 [ ] NA [ ] NAP	23 [ ] NA [ ] NAP	39 [ ] NA [ ] NAP

Comments - If "other non-judge staff", please specify: Other - judicial trainees, staff in charge of court documentation, press centre and telephone exchange.

**053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:**

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties: "Senior judicial officers" (Rechtspfleger):

According to Act No. 121/2008 Coll. on senior judicial officers and senior officers of the public prosecutor's offices, he/she can carry out individual acts in the following proceedings concerning:

- payment orders,
- care of court for minors,
- grant of permission to accept or hold a person in the medical or special treatment institution, -judicial enforcement of a decision.

He/she can also carry out the following acts of a court:

- writing an applications to court,
- elimination of defects in the filings,
- deciding on court fees,
- deciding on the appointment of a representative of the participant in proceeding,
- deciding on the appointment of an expert or interpreter, -deciding on the witness fee, expert's fee and interpreter's fee.

**054. Have the courts outsourced certain services, which fall within their powers, to private providers?**

- Yes
- No

Comments

**054-1. (New question) If yes, please specify which services have been outsourced:**

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): .....

Comments

**C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

Sources: Ministry of Justice  
individual courts

**3.3. Public prosecution**

**3.3.1. Public prosecutors and staff**



**055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.**

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	1243 [ ] NA [ ] NAP	627 [ ] NA [ ] NAP	616 [ ] NA [ ] NAP
<b>1. Number of prosecutors at first instance level</b>	845 [ ] NA [ ] NAP	389 [ ] NA [ ] NAP	456 [ ] NA [ ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	344 [ ] NA [ ] NAP	202 [ ] NA [ ] NAP	142 [ ] NA [ ] NAP
<b>3. Number of prosecutors at supreme court level</b>	54 [ ] NA [ ] NAP	36 [ ] NA [ ] NAP	18 [ ] NA [ ] NAP

Please indicate any useful comment for interpreting the data above:

**056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.**

Total	Males	Females

<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	94 [ ] NA [ ] NAP	52 [ ] NA [ ] NAP	42 [ ] NA [ ] NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	83 [ ] NA [ ] NAP	44 [ ] NA [ ] NAP	39 [ ] NA [ ] NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	10 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>3. Number of heads of prosecution offices at supreme court level</b>	1 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Please provide any useful comment for interpreting the data above:

**057. Do other persons have similar duties to public prosecutors?**

- ( ) Yes, please specify their number (in full-time equivalent): .....
- ( X ) No

Comments - If yes, please specify their title and functions:

**059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

- ( ) Yes
- ( X ) No

Comments

**059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

- ( ) Yes
- ( X ) No

Comments

**060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	1452 [ ] NA	223 [ ] NA	1229 [ ] NA

Comments

**C2. Please indicate the sources for answering questions 55, 56 and 60**

Sources: Ministry of Justice  
individual prosecution offices

### 3.4. Management of the court budget

#### 3.4.1. Court budget

##### 061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court President	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Court administrative director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other", please specify: Preparation of the budget, arbitration and allocation is the task of the Ministry of Justice. Presidents of regional courts itemize the means of state budget for the management of the regional court and district courts in their respective region.

### 3.6. Performance and evaluation

#### 3.6.1. National policies applied in courts and public prosecution services

##### 066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

##### 067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

##### 068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

Yes

No

Comments

##### 068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual



Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**069. Is there a system for monitoring and evaluating the performance of the public prosecution service?**

Yes

No

Comments - If yes, please give further details:

**3.6.2. Performance and evaluation of courts**

**070. Do you have, within the courts, a regular monitoring system of court activities concerning:**

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify): .....

Comments

**071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

civil law cases

criminal law cases

administrative law cases

Comments

**072. Do you have an evaluation process to monitor waiting time during court procedures?**

Yes

No

Comments - If yes, please specify:

**073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

Yes

No

Comments

**073-0. (New question) If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-1. Is this evaluation of the court activity used for the later allocation of means to this court?**

Yes

No

Comments In 2015, a new policy from the Ministry of Justice resulted in the fact that the evaluation of the court activity is used for the later allocation of means to this court.

**074. Are there performance targets defined at the level of the court?**

Yes

No

Comments

**075. (Modified question) Please specify the main targets applied to the courts:**

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify): .....

Comments

**076. Who is responsible for setting the targets for the courts?**

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify): .....

Comments

**077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)**

Yes

No

Comments The answer should be YES - there are performance indicators such as number of cases that the judge should resolve within a month, but these are not so strictly binding.

**078. If yes, please select the main performance and quality indicators that have been defined:**

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

- ] productivity of judges and court staff
- ] percentage of cases that are processed by a single sitting judge
- ] enforcement of penal decisions
- ] satisfaction of court staff
- ] satisfaction of users (regarding the services delivered by the courts)
- ] judicial quality and organisational quality of the courts
- ] costs of the judicial procedures
- ] number of appeals
- ] other (please specify): .....

**079. Who is responsible for evaluating the performance of the courts (multiple options possible) :**

- ] High Council of judiciary
- ] Ministry of Justice
- ] Inspection authority
- ] Supreme Court
- ] External audit body
- ] Other (please specify): .....

Comments

**3.6.3. Court activity and administration**

**080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- ) Yes (please indicate the name and the address of this institution):Ministry of Justice
- ) No

Comments

**080-1. Does this institution publish statistics on the functioning of each court:**

- ) Yes, on internet
- ) No, only internally (in an intranet website)
- ) No

Comments

**081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

- ) Yes
- ) No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-1. If yes, please specify in which form this report is released:**

- Internet
- Intranet (internal) website
- Paper distribution

Comments

**081-2. (New question) If yes, please, indicate the periodicity at which the report is released:**

- Annual
- Less frequent
- More frequent

Comments

**082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

- Yes
- No

Comments - If yes, please specify:

**082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

- Yes
- No

Comments - If yes, please specify:

### 3.6.4. Performance and evaluation of judges

**083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- Yes
- No

Comments

**083-1. Who is responsible for setting the targets for each judge?**

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify): .....

Comments

## 4.Fair trial

### 4.1.Principles

#### 4.1.1.Principles of fair trial



**084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?**

[            ]

NA

NAP

Comments

**085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

Yes, number of successful challenges in a year NA

No

Comments - Please could you briefly specify:

**086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?**

	Monitoring system
For civil procedures (non-enforcement)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For civil procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations:

**D1. Please indicate the sources for answering questions in this chapter.**

Sources: Ministry of Justice

## 4.2. Timeframe of proceedings

### 4.2.1. General information

#### **087. Are there specific procedures for urgent matters as regards:**

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure

Comments - If yes, please specify: In civil matters, before or after the beginning of proceedings, the judge can make an urgent ruling if it is necessary to set up the situation of the parties or if there is a reasonable concern that the enforcement of the judgment could be endangered. In criminal matters, the police investigator can detain a suspected person in case of emergency even without notifying him or her of the accusation. Without prior public prosecutor's approval, a detention can be made if the case must be performed immediately and the prior approval couldn't be granted, especially when a person is caught in the very act of crime or getaway.

#### **088. Are there simplified procedures for:**

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify: In civil matters, there are simplified procedures in respect of payment order cases, while in criminal matters such procedures exist with regard to criminal order cases (for minor offences if the accused plead guilty and the public prosecutor agrees with the issuing).

#### **088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify:

#### **089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

- Yes
- No

Comments - If yes, please specify:

### 4.2.2. Case flow management – first instance

#### **091. (Modified question) First instance courts: number of other than criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	517801 [ ] NA [ ] NAP	1039521 [ ] NA [ ] NAP	1093080 [ ] NA [ ] NAP	464242 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	186136 [ ] NA [ ] NAP	332407 [ ] NA [ ] NAP	365678 [ ] NA [ ] NAP	152865 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	205370 [ ] NA [ ] NAP	660677 [ ] NA [ ] NAP	692231 [ ] NA [ ] NAP	173816 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	191171 [ ] NA [ ] NAP	490606 [ ] NA [ ] NAP	517490 [ ] NA [ ] NAP	164287 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	12622 [ ] NA [ ] NAP	167963 [ ] NA [ ] NAP	173069 [ ] NA [ ] NAP	7516 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	12622 [ ] NA [ ] NAP	167963 [ ] NA [ ] NAP	173069 [ ] NA [ ] NAP	7516 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.3. Other non-litigious cases</b>	1577 [ ] NA [ ] NAP	2108 [ ] NA [ ] NAP	1672 [ ] NA [ ] NAP	2013 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>3. Administrative law cases</b>	8296 [ ] NA [ ] NAP	11416 [ ] NA [ ] NAP	9157 [ ] NA [ ] NAP	10555 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>4. Other cases</b>	117999 [ ] NA [ ] NAP	35021 [ ] NA [ ] NAP	26014 [ ] NA [ ] NAP	127006 [ ] NA [ ] NAP	[ ] NA [ ] NAP

Comments Methodology has been changed in 2.1 and 2. (civil and commercial non-litigious cases) in year 2015 – more case types have

been included, which led to the big increment in the number of cases. Generally the number of incoming cases is decreasing, more use of ADR.

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. Civil and commercial non-litigious cases include: 2.1 - uncontested payment orders, cases of the upbringing and maintenance of a minor, declaration of admissibility of taking or keeping of a person in a medical (health care) institution, declaration of the death of a person, inheritance proceedings, judicial deposit cases.

**093. Please indicate the case categories included in the category "other cases":**

. Category "other cases" includes: insolvency cases and incidence disputes.

**094. (Modified question) First instance courts: number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2)</b>	16435 [ ] NA [ ] NAP	82890 [ ] NA [ ] NAP	83902 [ ] NA [ ] NAP	15423 [ ] NA [ ] NAP	1375 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences":

**4.2.3. Case flow management – second instance**



**097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.**



	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	18078 [ ] NA [ ] NAP	84465 [ ] NA [ ] NAP	85970 [ ] NA [ ] NAP	16573 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	16615 [ ] NA [ ] NAP	79178 [ ] NA [ ] NAP	80618 [ ] NA [ ] NAP	15175 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other cases</b>	1463 [ ] NA [ ] NAP	5287 [ ] NA [ ] NAP	5352 [ ] NA [ ] NAP	1398 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments Increase in the number of "other cases" in 2015 and 2016 is due to the change of methodology applied to these data.

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2)</b>	2120 [ ] NA [ ] NAP	27191 [ ] NA [ ] NAP	27271 [ ] NA [ ] NAP	2040 [ ] NA [ ] NAP	19 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

4.2.4. Case flow management – Supreme Court



099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
<b>Total of other than criminal law cases (1+2+3+4)</b>	4235 [ ] NA [ ] NAP	9935 [ ] NA [ ] NAP	9481 [ ] NA [ ] NAP	4689 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	2836 [ ] NA [ ] NAP	6065 [ ] NA [ ] NAP	5971 [ ] NA [ ] NAP	2930 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	79 [ ] NA [ ] NAP	220 [ ] NA [ ] NAP	231 [ ] NA [ ] NAP	68 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	79 [ ] NA [ ] NAP	220 [ ] NA [ ] NAP	231 [ ] NA [ ] NAP	68 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	1130 [ ] NA [ ] NAP	3246 [ ] NA [ ] NAP	2954 [ ] NA [ ] NAP	1422 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	190 [ ] NA [ ] NAP	404 [ ] NA [ ] NAP	325 [ ] NA [ ] NAP	269 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments In 2016 the administrative cases were added and for that reason all numbers show variation. Previously the number of administrative cases on this instance was NA.

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?**

( X ) Yes, please indicate the number of cases closed by this procedure:NA

( ) No

Comments

**100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.**

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec. ref. year</b>	<b>Pending cases older than 2 years from the date the case came to the Supreme court</b>
<b>Total of criminal law cases (1+2)</b>	219 [ ] NA [ ] NAP	1840 [ ] NA [ ] NAP	1760 [ ] NA [ ] NAP	263 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

<b>1. Severe criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

#### 4.2.5. Case flow management – specific cases



**101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.**

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec ref. year</b>
<b>Litigious divorce cases</b>	11675 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28500 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29907 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10268 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency</b>	111050 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29871 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20998 <input type="checkbox"/> NA <input type="checkbox"/> NAP	119923 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Cases relating to the right of entry and stay for aliens</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

. Administrative proceedings for granting international protection are held by the Ministry of the Interior of the Czech Republic. The commencement of these proceedings is bound to the alien's declaration, from which the alien's intention to apply for the granting of international protection is obvious. Other than in exceptional situations, the alien is obligated to appear at a reception centre within twenty-four hours of making the declaration, where he/she will file an application for international protection and the alien police will perform identification processes. The alien is obligated to surrender his/her travel document, undergo fingerprinting and be photographed. The alien is also required to undergo a medical examination at the reception centre. The application for international protection is used to determine the reasons that led the alien to depart from the country where he/she was staying. Once all required

tasks are completed, the applicant for international protection is transferred to an accommodation centre, where he/she awaits the first instance decision. Over the course of this period, an interview is conducted with the applicant, which is intended to more specifically define the reasons that were stated in the application for international protection. The ministry will issue a decision in the matter within a period of ninety days of the date on which proceedings are commenced. If a decision cannot be made within this timeframe due to the specific nature of the matter, the Ministry can extend it appropriately. The decision becomes legally effective as of the date it is delivered to the applicant. The Alien Police will issue a departure order to the alien on that date.

Proceedings for granting international protection can be terminated on the basis of a decision to reject the application as manifestly unfounded, or by discontinuing the proceedings.

It is possible to file an action against the ministry's decision with the applicable regional court.

**102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.**

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Litigious divorce case</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal case</b>	30 <input type="checkbox"/> NA <input type="checkbox"/> NAP	508 <input type="checkbox"/> NA <input type="checkbox"/> NAP	120 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	652 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	1110 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	33 <input type="checkbox"/> NA <input type="checkbox"/> NAP	186 <input type="checkbox"/> NA <input type="checkbox"/> NAP	52 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	252 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	86 <input type="checkbox"/> NA <input type="checkbox"/> NAP	196 <input type="checkbox"/> NA <input type="checkbox"/> NAP	39 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	155 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In 2016 more older insolvency cases are resolved and consequently the average length of proceeding is much longer.

**103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):**

. If a marriage has existed for at least 1 year, spouses have not lived together for more than 6 months and the petition for divorce by one spouse is joined by the other, the court does not establish the grounds for the breakdown of the marriage and issues the judgment of divorce if the parties submit: a written agreement with officially verified signatures of parties which regulates the settlement of property after divorce, the rights and duties of the parties with respect to their common housing and duty to financially maintain the other spouse, if relevant, and a final and conclusive decision of court approving the spouses' agreement with respect to their minor children after divorce. If there is a minor child (minor children) the court decides, before issuing the judgment of divorce, on the rights and duties of parents with respect to the child or children, in particular, which of them will be entrusted with custody of a child or

children and what their duties to (financially) support and maintain children are. The marriage remains valid until the decision on the position of children after divorce becomes final and conclusive. The decision on parental responsibility may be replaced by an agreement of parents which must be approved by court to be valid.

**104. How is the length of proceedings calculated for the five case categories of question 102? Please give a description of the calculation method.**

. The data on length of proceedings are available for all cases, where the decision is legally effective. The database contains several important case-related dates (date the application for judicial review is lodged, date the court makes a decision, date the decision becomes legally effective etc). Thus with this data we can calculate length of proceedings for each cases, where the decision is legally effective. Afterwards, the mean is calculated.

1. Employment dismissal case - average length in 1st and 2nd instances are in days, from the date the application for judicial review is lodged at court of 1st (2nd) instance to the date the court makes a decision. Average total length of the total procedure is in days from the date the application for judicial review is lodged at court of 1st instance to date the decision becomes legally effective.

2. Insolvency - average length in 1st is in days from the date the application for judicial review is lodged at court of 1st instance to date the court makes a decision about the method of the resolution of the insolvency.

3. Robbery cases and Intentional homicide – methodology for average length is the same as for employment dismissal cases. We are not able to exclude attempts. Robbery cases include Robbery (Section 173 of Czech Penal code). Intentional homicide cases include Murder, Manslaughter and Murder of a Newborn Child by its Mother (Sections 140,141 and 142 of Czech Penal code).

**4.2.6. Case flow management – public prosecution**



**105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- [ X ] to conduct or supervise police investigation
- [ X ] to conduct investigations
- [ X ] when necessary, to request investigation measures from the judge
- [ X ] to charge
- [ X ] to present the case in court
- [ X ] to propose a sentence to the judge
- [ X ] to appeal
- [ X ] to supervise the enforcement procedure
- [ X ] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- [ ] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- [ ] other significant powers (please specify): .....

Comments

**106. (Modified question) Does the public prosecutor also have a role in:**

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

### 107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
<b>Total number of first instance cases processed by the public prosecutor</b>	245057 <input type="checkbox"/> NA <input type="checkbox"/> NAP	165594 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20639 <input type="checkbox"/> NA <input type="checkbox"/> NAP	70091 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The correct number of received cases for 2014 should be 313958.

### 107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
<b>Total</b>	94 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Before the court case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>During the court case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

### 108. Total cases which were discontinued by the public prosecutor:

	Number of cases
<b>Total cases which were discontinued by the public prosecutor (1+2+3)</b>	165594 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Discontinued by the public prosecutor for reasons of opportunity</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**109. Do the figures include traffic offence cases?**

Yes

No

Comments

**D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.**

Sources: Ministry of Justice

**5. Career of judges and public prosecutors**

**5.1. Recruitment and promotion**

**5.1.1. Recruitment and promotion of judges**



**110. (Modified question) How are judges recruited?**

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): .....

Comments

**110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?**

Yes

No

Comments - If yes, please specify:

**111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:**

an authority made up of judges only

an authority made up of non-judges only

an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: Judges are appointed by the President of the Republic under the proposal of the Minister of Justice.

**112. Is the same authority (Q111) competent for the promotion of judges?**



Yes

No

Comments The Minister of justice is competent for promotion of judges.

**112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?**

Yes

No

Comments - If yes, please specify:

**113. What is the procedure for judges to be promoted? (multiple answers possible)**

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): A judge can be promoted to a regional or a high court if he has at least 8 years of standing and if his expertise and experience may guarantee the proper exercise of the function. The requirement is of 10 years of standing for a judge to be promoted to the Supreme Court. A competitive exam is used only in respect of court presidents.

**113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)**

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

**114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?**

Yes

No

Comments

**114. If yes, please specify the frequency of this assessment:**

Annual

Less frequent

More frequent

**5.1.2. Status, recruitment and promotion of prosecutors**



**115. What is the status of prosecution services?**

- [ X ] statutory independent
- [ ] under the authority of the Minister of justice or another central authority
- [ ] other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

**115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.**

- ( ) Yes
- ( X ) No

Comments - If yes, please specify:

**116. How are public prosecutors recruited?**

- [ X ] mainly through a competitive exam (open competition)
- [ ] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- [ ] a combination of both (competitive exam and working experience)
- [ ] other (please specify): .....

Comments

**117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:**

- [ ] an authority composed of public prosecutors only
- [ X ] an authority composed of non-public prosecutors only
- [ ] an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: Public prosecutors are initially recruited by the Minister of Justice.

**117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- ( ) Yes
- ( X ) No

Comments - If yes, please specify:

**118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?**

- ( X ) Yes
- ( ) No, please specify which authority is competent for promoting public prosecutors .....

Comments

**119. What is the procedure for prosecutors to be promoted? (multiple answers possible)**

- [ ] Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): Prosecutors are appointed and promoted by the Minister of Justice. The application for promotion to a higher tier of Prosecution Offices is lodged by the prosecutor to the Head of the Supreme Public Prosecutor's Office, who also attaches his/her opinion. In the process of promotion, professional qualifications of the respective prosecutor (applicant) are taken into account.

**119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

Yes

No

Comments - If yes, please specify:

**119-2. Please indicate the criteria used for the promotion of a prosecutor:**

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

**120. Is there a system of qualitative individual assessment of the public prosecutors' work?**

Yes

No

Comments

**5.1.3.Mandate and retirement of judges and prosecutors**

**121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes, please indicate the compulsory retirement age:70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The official age of retirement for judges is 70 years. The end of the office corresponds to the end of the calendar year when the respective judge has reached 70 years. An exception to the rule is the dismissal decided as a disciplinary sanction.

**121-1. Can a judge be transferred (to another court) without his/her consent:**

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards): .....

No

Comments

**122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

NAP

Comments

**123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes, please indicate the compulsory retirement age:70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The official age of retirement for prosecutors is 70 years. The end of the office corresponds to the end of the calendar year when the respective prosecutor has reached 70 years. An exception to the rule is the dismissal decided as a disciplinary sanction.

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

Comments

**125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?**

Yes, what is the length of the mandate (in years)? .....

No

Comments NAP

**126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?**

Yes, what is the length of the mandate (in years)? .....

No, what is the length of the mandate (in years)? .....

Comments NAP

**5.2.Training**

**5.2.1.Training of judges**

**127. Types of different trainings offered to judges**

Compulsory	Optional	No training proposed
------------	----------	----------------------



<b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No
<b>General in-service training</b>	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No
<b>In-service training for management functions of the court (e.g. court president)</b>	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No
<b>In-service training for the use of computer facilities in courts</b>	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No

Comments

## 128. Frequency of the in-service training of judges:

	<b>Frequency of the judges training</b>
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in courts</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: The training is organized regularly by the Judicial Academy (every year), but the participation of judges is optional.

## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors

	<b>Compulsory</b>	<b>Optional</b>	<b>No training proposed</b>
<b>Initial training</b>	<input checked="" type="checkbox"/> Yes ( ) No	( ) Yes <input checked="" type="checkbox"/> No	( ) Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	( ) Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes ( ) No	( ) Yes <input checked="" type="checkbox"/> No

<b>In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions in the courts (e.g. Head of prosecution office, manager)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in office</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments

### 130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions in office (e.g. Head of prosecution office, manager)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for the use of computer facilities in office</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: The training is organized regularly by the Judicial Academy (every year), but the participation of judges is optional.

### 131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
<b>One institution for judges</b>	[ ]	[ ]	[ ]
<b>One institution for prosecutors</b>	[ ]	[ ]	[ ]
<b>One single institution for both judges and prosecutors</b>	[ ]	[ ]	[ X ]

Comments Judicial Academy provides training both for judges and prosecutors.

### 131-0. (Modified question) If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	[ ] NA [ X ] NAP
One institution for prosecutors	[ ] NA [ X ] NAP
One single institution for both judges and prosecutors	2442847 [ ] NA [ ] NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. NAP
-------

### 5.3.Practice of the profession

#### 5.3.1.Salaries and benefits of judges and prosecutors



132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	30377 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	820800 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	69174 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	1869084 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
Public prosecutor at the beginning of his/her career	27313 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	738000 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	59339 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	1603332 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	( ) Yes ( X ) No	( ) Yes ( X ) No
Special pension	( ) Yes ( X ) No	( ) Yes ( X ) No
Housing	( X ) Yes ( ) No	( X ) Yes ( ) No
Other financial benefit	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments Judges and prosecutors are entitled to obtain housing only if they are temporarily transferred to another court/prosecution office.

**134. If “other financial benefit”, please specify:**

. Other benefits for judges are expenses for representation and expenses for specialist law books in the amount of 5,5% of the salary.

[ ] NAP

**135. Can judges combine their work with any of the following other functions/activities?**

	With remuneration	Without remuneration
Teaching	( X ) Yes ( ) No	( ) Yes ( X ) No
Research and publication	( X ) Yes ( ) No	( ) Yes ( X ) No
Arbitrator	( ) Yes ( X ) No	( ) Yes ( X ) No
Consultant	( X ) Yes ( ) No	( ) Yes ( X ) No
Cultural function	( X ) Yes ( ) No	( ) Yes ( X ) No
Political function	( ) Yes ( X ) No	( ) Yes ( X ) No
Other function	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Consultant only in advisory bodies of the ministry, government and Parliament.

**137. Can public prosecutors combine their work with any of the following other functions/activities?**

With remuneration	Without remuneration
-------------------	----------------------



<b>Teaching</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Research and publication</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Arbitrator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Consultant</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Consultant only in advisory bodies of the ministry, government and Parliament.

**139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time) or cases examination?**

- Yes  
 No

Comments - If yes, please specify the conditions and possibly the amounts:

**5.4. Disciplinary procedures**

**5.4.1. Authorities responsible for disciplinary procedures and sanctions**

**140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Court users  
 Relevant Court or hierarchical superior  
 High Court / Supreme Court  
 High Judicial Council  
 Disciplinary court or body  
 Ombudsman  
 Parliament  
 Executive power (please specify): minister of justice  
 Other (please specify): President of the Republic  
 This is not possible

Comments The President of the respective court or of a higher court, the Minister of Justice and the President of the Republic are entitled to initiate disciplinary proceedings against judges. The Ombudsman can also initiate disciplinary proceedings but only against presidents and vice-presidents of the courts.

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):minister of justice
- Other (please specify): .....
- This is not possible

Comments The Minister of Justice is entitled to initiate disciplinary proceedings against public prosecutors.

**142. Which authority has disciplinary power over judges? (multiple options possible)**

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....

Comments There is a special disciplinary panel within the Supreme Administrative Court composed of 6 members. In disciplinary proceedings against judges there are 3 judges (the judge from the Supreme Administrative Court is the presiding judge), 1 public prosecutor, 1 lawyer-member of the Bar, and 1 lawyer practising a different legal profession.

**143. Which authority has disciplinary power over public prosecutors? (multiple options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....

Comments There is a special disciplinary panel within the Supreme Administrative Court composed of 6 members. In the disciplinary proceeding against public prosecutors there are 2 judges (the judge from the Supreme Administration Court is the presiding judge), 2

## 5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
<b>Total number (total 1 to 9)</b>	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Fine</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Temporary reduction of salary</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Position downgrade</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>7. Transfer to another geographical (court) location</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>8. Resignation</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>9. Other</b>	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Judges:

1 removing a judge from the office

1 acquittal of disciplinary charges

1 discharge from disciplinary punishment 5 discontinuance of disciplinary proceeding

3 proceedings are not finished.

Prosecutors: 2 acquittal of disciplinary charges.

### E3. Please indicate the sources for answering questions 144 and 145:

Sources: Ministry of Justice

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1.Status of the profession of lawyers

#### 146. Total number of lawyers practising in your country:

[ 11310 ]

NA

NAP

Comments

#### 147. Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ( )

No ( X )

Comments There are no legal advisors (as described in the question above) in the Czech Republic.

#### 148. Number of legal advisors who cannot represent their clients in court:

[ ]

NA

NAP

Comments There are no legal advisors (as described in the question 147) in the Czech Republic.

**149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Dismissal cases	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Criminal cases - Defendant	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases - Victim	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
There is no monopoly	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly:

**149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:**

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Family member	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Self-representation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Trade union	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s):

**149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?**

- Notarial activity  
 Arbitration / mediation  
 Proxy / representation  
 Property manager  
 Real estate agent  
 Other law activities (please specify):Insolvency administrator

Comments

**149-2. What are the statuses for exercising the legal profession in court?**

- Self-employed lawyer  
 Staff lawyer  
 In-house lawyer

Comments

**150. Is the lawyer profession organised through:**

- a national bar association  
 a regional bar association  
 a local bar association

Comments

**151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

- Yes  
 No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

**152. Is there a mandatory general system for lawyers requiring in-service professional training?**

- Yes  
 No

Comments

**153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

- Yes  
 No

Comments - If yes, please specify:

**F1. Please indicate the sources for answering questions 146 and 148:**

Sources: Czech Bar Association

## 6.1.2. Practicing the profession

**154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

Yes

No

Comments

**155. Are lawyers' fees freely negotiated?**

Yes

No

Comments

**156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

## 6.1.3. Quality standards and disciplinary procedures

**157. Have quality standards been determined for lawyers?**

Yes

No

Comments - If yes, what are the quality criteria used? Professional regulations adopted by the Assembly and the Board of Directors of the Czech Bar Association regulate quality standards in general, quality criteria are not specially expressed.

**158. If yes, who is responsible for formulating these quality standards:**

the bar association

the Parliament

other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

the performance of lawyers

the amount of fees

Comments - Please specify:

**160. Which authority is responsible for disciplinary procedures?**

the judge

the Ministry of Justice

a professional authority

other (please specify): .....

Comments

**161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	150 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Data for 2016

**162. Sanctions pronounced against lawyers.**

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	70 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Fine</b>	43 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. Data for 2016



## 7. Alternative dispute resolutions

### 7.1. Mediation

#### 7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

Yes

No

Comments

**163-1. In some fields, does the judicial system provide for mandatory mediation procedures?**

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: Participation in mediation is voluntary for parties to proceedings. In criminal matters, a judge/State prosecutor can refer the case to the Probation and Mediation Service for providing V/O mediation. If the victim and the offender agree on resorting to mediation, a probation officer/mediator provides it (free of charge). In civil law cases, a judge can refer the case to an accredited mediator and can order a three-hour meeting with a mediator.

**164. Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
<b>Civil and commercial cases</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Family law cases (ex. divorce)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Administrative cases</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Employment dismissals</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Criminal cases</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**165. Is there a possibility to receive legal aid for judicial mediation procedures?**

Yes

No

Comments - If yes, please specify: Yes, for the first three-hour meeting, in the case that the participant is granted the exemption from the court fees.

**166. Number of accredited or registered mediators who practice judicial mediation:**

[ 620 ]

NA

NAP

Comments From the above mentioned number of mediators there are 398 probate and mediation officials and 222 mediators in non criminal cases. The number of mediators in non criminal cases is constantly increasing since the entry into force of a law on judicial mediation in civil matters in 2012.

**167. Number of judicial mediation procedures.**

	Number of judicial mediation procedures
<b>Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil and commercial cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Family cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Employment dismissal cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Criminal cases</b>	982 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate the source: Probation and Mediation Service

**168. Does the legal system provide for the following alternative dispute resolutions (ADR):**

mediation other than judicial mediation

arbitration

conciliation

other ADR (please specify): .....

Comments

**G1. Please indicate the source for answering question 166:**

Source: Probation and Mediation Service

**8.Enforcement of court decisions**

**8.1.Execution of decisions in civil matters**

**8.1.1.Functioning**



**169. Do you have enforcement agents in your judicial system?**

Yes

No

Comments

**170. Number of enforcement agents**

[ 276 ]

NA

NAP

Comments 156 private executors and 120 employees of the courts

**171. Are enforcement agents (multiple options are possible):**

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

**171-1. Do enforcement agents have the monopoly in exercising their profession?**

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

**171-2. Can the enforcement agent carry out the following civil enforcement proceedings:**

	Option
<b>Seizure of movable tangible properties</b>	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of immovable properties</b>	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Seizure of motorised vehicles</b>	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

**171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?**

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

**172. Is there a specific initial training or exam to become an enforcement agent?**

- Yes
- No

Comments

**172-1. Is there a system of mandatory general continuous training for enforcement agents?**

- Yes
- No

Comments

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

a national body

a regional body

a local body

NAP

Comments

**174. Are enforcement fees easily established and transparent for the court users?**

Yes

No

Comments

**175. Are enforcement fees freely negotiated?**

Yes

No

Comments

**176. Do laws provide any rules on enforcement fees (including those freely negotiated)?**

Yes

No

Comments

**H0. Please indicate the sources for answering question 170**

Source: Chamber of Executors

### 8.1.2. Efficiency of enforcement services



**177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

Yes

No

Comments

**178. Which authority is responsible for supervising and monitoring enforcement agents?**

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify): .....

Comments State supervision over private executors is carried out by the Ministry of Justice. The Chamber of Executors supervises activities of private executors and their management of private's offices. A bailiff (an employee of the court) is governed by the judge in his activities.

**179. Have quality standards been determined for enforcement agents?**

Yes

No

Comments - If yes, what are the quality criteria used?

**180. If yes, who is responsible for establishing these quality standards?**

a professional body

the judge

the Ministry of Justice

other (please specify): .....

Comments

**181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?**

Yes

No

Comments - If yes, please specify:

**182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

Yes

No

Comments - If yes, please specify: State supervision, supervision of the Chamber.

**183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

other (please specify): .....

Comments

**184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

Yes

No

Comments - If yes, please specify:

**185. Is there a system measuring the length of enforcement procedures:**

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):**

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify): .....

Comments

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. For professional inadequacy	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

4. Other	2 [ ] NA [ ] NAP
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Comments - If "other", please specify: other: motion for re-opening of the disciplinary proceedings.

**188. Number of sanctions pronounced against enforcement agents:**

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	7 [ ] NA [ ] NAP
<b>1. Reprimand</b>	1 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP
<b>4. Fine</b>	2 [ ] NA [ ] NAP
<b>5. Other</b>	4 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: other: 2 acquittal of disciplinary charges, 2 dismissal of a motion for a new trial.

**H1. Please indicate the sources for answering questions 186, 187 and 188:**

Source: Ministry of Justice Chamber of Executors
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**8.2. Execution of decisions in criminal matters**

**8.2.1. Functioning of execution in criminal matters**

**189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify): .....



Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

## 190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

Yes

No

Comments

### 191. If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

## 9. Notaries

### 9.1. Profession of notary

#### 9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
<b>TOTAL</b>	449 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Private professionals (without control from public authorities)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Private professionals under the authority (control) of public authorities</b>	449 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Public agents</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify the status:

### 192-1. What are the access conditions to the profession of notary:

diploma

payment of a fee (e.g. purchasing office)

co-opting of peers

other

Comments To enter the competition for a notarial office the notarial candidate has to pay a fee of 12000 CZK (approx. 444 EUR).

The notarial candidate has to win a competition organized by the Notary Chamber of the Czech Republic.

**192-2. (Modified question) What is the duration of appointment of a notary?**

- Limited duration, please indicate it in years: .....
- Unlimited duration

Comments The minister of justice removes the notary from the office by the end of the calendar year when the respective notary has reached 70 years.

**194. Do notaries have duties (multiple options possible):**

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify): .....

Comments The notary can work also as insolvency administrator.

**194-1. Do notaries have the monopoly when exercising their profession:**

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with: Only the notary can draw up deed with a direct enforceability.

**194-2. As well as these activities, what are the other ones that can be carried out by notaries?**

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

Comments

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

- Yes
- No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries?**

a professional body

the judge

the Ministry of Justice

the public prosecutor

the Ministry of Interior

other (please specify): .....

Comments

**196-1. Is there a system of general continuous training mandatory for all notaries?**

Yes

No

Comments

**11. Please indicate the sources for answering question 192:**

Sources: Notary Chamber

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**10. Court interpreters**

**10.1. Details on profession of court interpreter**

**10.1.1. Status of court interpreters**

**197. Is the title of court interpreters protected?**

Yes

No

Comments

**198. Is the function of court interpreters regulated by legal norms?**

Yes

No

Comments

**199. Number of accredited or registered court interpreters:**

[ 3306 ]

NA

NAP

Comments data as of 30. 11. 2017

**200. Are there binding provisions regarding the quality of court interpretation within judicial**

**proceedings?**

( X ) Yes

( ) No

Comments - If yes, please specify: In 2011, the Ministry of Justice formulated the qualification prerequisites for appointment of court interpreters: master degree or native speakers, completion and passing an exam of the two-semester programme for practising translators and interpreters entitled "Complementary Course of Law and Legal Language" at the Law Faculty of Charles University and minimum of 5 years of translation and interpreting experience (the major part must be acquired after graduation).

**201. Are the courts responsible for selecting court interpreters?**

[ ] Yes, for recruitment and/or appointment for a specific term of office

[ X ] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[ ] No, please specify which authority selects court interpreters .....

Comments

**J1. Please indicate the sources for answering question 199**

Sources: Ministry of Justice

**11.Judicial experts**

**11.1.Profession of judicial expert**

**11.1.1.Status of judicial experts**



**202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

[ ] "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

[ X ] "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

[ ] "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

[ ] Other (please specify): .....

Comments

**202-1. Are there lists or databases of technical experts registered?**

( X ) Yes

( ) No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?) Ministry of Justice and presidents of regional courts decide of the registration, the registration is unlimited in time, the experts take the oath.

**203. Is the title of judicial experts protected?**

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

**203-1. Does the expert have an obligation of training?**

	Obligation of training
<b>Initial training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Continuous training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**203-2. If yes, does this training concern:**

the proceeding

the profession of expert

other

Comments

**204. Is the function of judicial experts regulated by legal norms?**

Yes

No

Comments

**204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?**

Yes

No

Comments

**205. Number of accredited or registered judicial / technical experts:**

8908 ]

NA

NAP

Comments data as of 30. 11. 2017

**205-1. Who sets the expert remuneration?**

- the court

**206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

**207. Are the courts responsible for selecting judicial experts?**

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts .....

Comments

**207-1. Does the judge control the progress of investigations?**

Yes

No

Comments

**K1. Please indicate the sources for answering question 205**

Sources: Ministry of Justice

**12.Reforms in judiciary**

**12.1.Foreseen reforms**

**12.1.1.Reforms**

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:**

1. (Comprehensive) reform plans There is a long ongoing debate about the comprehensive reform of the civil procedural law. The Czech Civil Procedure Code was adopted in 1963 and has undergone tens of amendments since the change of political regime. Accordingly, it has become inhomogeneous and user unfriendly. Moreover, the civil procedure is deemed quite rigid and ineffective. Therefore, a Committee of Experts has been working on the new Draft Civil Procedure Code for more than a year now. The Code should be based on the Austrian Zivilprozessordnung which was in effect in the Czech lands before 1950 - thereby inclining to the social conception of the civil procedure (as opposed to the liberal one). The leading principles of the new civil procedure should be the principle of effectiveness, procedural economy and the principle of material truth. A huge emphasis should be put on the swiftness of the procedure while safeguarding everyone's right to a fair trial. This should be, among others, achieved through a wide resort to modern technologies.

The Committee has submitted the first Draft of the Civil Procedure Code at the end of July 2017. The draft is currently being reviewed by the Ministry of Justice before its public release; the latter will allow open discussion among lawyers and legal experts.

## 2. Budget NAP

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) 1) The brand new legislation concerning the Public Prosecutor's Office was prepared and submitted to the Parliament of the Czech Republic for the subsequent legislative procedure in this election period. The main aim of this new legislation was to minimize the risk of undesirable influence on the Public Prosecutor's Office and public prosecutors, mainly of the executive power, and furthermore to ensure the specialization for cases of serious economic, property and corruption crime. Nevertheless, given the end of the election period, this proposal is not going to be discussed in full anymore. 2) The new amendment to the Civil Procedure Code and related acts was adopted by the Czech Parliament in August 2017 (the Act has not yet been promulgated in the Czech Law Journal but it was already signed by the President). The Act introduces some minor changes to the civil procedure, court fees, courts organization and a significant change concerning the assignment of insolvency cases:

-The amendment secures the possibility of full use of audio-visual devices in civil proceedings. Further, it removed the sole jurisdiction of one of the 10 district courts in Prague on road-traffic offences taking place in Prague. This jurisdiction should now be distributed among all the district courts. This shall limit the corruption potential.

-There were also changes in the Court Fees Act in order to emphasise the regulatory function of court fees. Besides, a symbolic court fee in cases of claims for damages against the state was introduced as a reaction to the abnormal abuse of the current system (proceedings against the state are currently exempted from court fees).

-Finally, a new method of assignment of insolvency cases to the court chambers is going to be implemented. The so called automatic generator (computer algorithm) should assign cases randomly, and not one by one as it is now. This should prevent potential misuse of the assignment.

3.1. Access to justice and legal aid 1) By Act No. 258/2017 Coll. the existing system of legal aid guaranteed by the State to people who do not have enough resources to pay for legal representation was supplemented and extended to further areas (such as administrative proceedings or provision of legal consultations outside judicial or administrative proceedings). 2) Within the framework of the negotiations concerning the amendment of the Act on victims of crimes, the Code of Criminal Procedure has been revised. Namely, particularly vulnerable victims according to the Act on victims of crimes, are granted with free legal aid [Act No 56/2017 Coll., by which are amended Act No 45/2013 Coll. on victims of crimes and some other acts (Act on victims of crimes), as amended by Act No 77/2015 Coll., and other related acts, in force since 1 April 2017].

3) To bolster the activity of plaintiffs who were subject to discrimination, the court fee in cases of discrimination was lowered from 2.000 CZK to 1.000 CZK (by the amendment to the civil procedure legislation mentioned above under point 3).

By the same amendment, the legal position of a child within civil proceedings was supported.

4) Besides, the ministry is currently preparing the Draft Class Actions Act which should help/enable court enforcement of small claims, especially claims of consumers which are not enforced before the Czech courts at the moment. This law should not only make the proceedings more available for people with small claims, but also make them more economical for the state. Large savings in the

state treasury are expected. The first version of the proposal should be published in autumn 2017. The Act is mainly inspired by the US class action procedure, thus based on opt-out procedure. The main financial burden of the proceedings should be borne by the plaintiffs' attorneys who, in turn, should receive an extraordinary remuneration.

#### 4. High Judicial Council NAP

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. 1) A new regulation on training and selection of Judges is being prepared. Following mainly the introduction of the minimum age for entry (30 years), we have witnessed the complete disintegration of the earlier traineeship system. The latter is now only one of many ways to become a judge; in addition, the trainee's role varies throughout the regions and is often combined with the role of a judicial assistant in various ways. This traineeship system must be quickly restored. At the same time, it is necessary to put non-judge judicial legal positions on an equal footing to ensure an equal opportunity for all candidates. After passing the Judicial Examination (or any other equal examination), the candidate will be eligible to apply for appointment as a judicial candidate on the basis of a written and anonymously evaluated competitive examination which will focus not on the legal expertise but the other skills and abilities required for the judge office. After the judicial candidate's successful preparatory practice, he or she will be appointed as a judge and assigned to a first instance court.

2) A new law on judicial experts and interpreters is under negotiation. It should replace the Act n. 36/1967 Sb. on experts and interpreters for the purpose of increasing the quality of these services. In general, the criteria to become an expert or an interpreter will be clearly specified. There will be a legal claim to become a judicial expert and a court interpreter when fulfilling all the criteria. Nevertheless, given the end of the election period, this proposal is not going to be discussed in full anymore.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities As already mentioned above under point 3, an important amendment to the Civil Procedure Code and related legislation was adopted:

- This amendment brought significant changes to the extraordinary appeal to the Czech Supreme Court as the latter is flooded by extraordinary appeals which are often unfounded. An extraordinary appeal in cases of procedural errors is currently also possible; thus the system was modified so that the Supreme Court has jurisdiction only over the merits of the case. When the appeal to the Supreme Court is obviously unfounded, the Supreme Court may reject it in a simplified procedure.
- Besides, the usage of modern technology was promoted (taking evidence through examination/hearing etc. by way of audio visual devices).
- The rights of a child within proceedings were promoted.
- The Court Fees Act was amended to highlight the regulatory function of the court fee.
- The Act on Courts and Judges was amended to support public trust in the justice.
- The two decisions of the ECtHR were implemented by this amendment (Hanzelkovi v. Czech Republic, Nr. 43643/10 regarding interlocutory order and Paulik v. Slovakia, Nr. 10699/05 regarding paternity determination).

#### 7. Enforcement of court decisions NAP



8. Mediation and other ADR 1) It is a long-term goal of the Czech legislator to promote widespread acceptance of mediation and other types of ADR proceedings. In that regard, the Czech Minister of Justice appointed a group of experts to analyse the Czech Mediation Act and prepare its amendment. The issues which are of concern are for example: (i) invitation of parties by a court to resort to mediation;  
(ii) confidentiality;  
(iii) right to be represented by a third party and legal obligation to attend mediation meeting in person;  
(iv) mediation fees, etc. 2) Furthermore, the Czech legislator also pays an extra attention to the protection of consumers. Therefore, in 2016 an act amending the Czech Arbitration Act entered into force. The purpose of this act is to ensure that arbitration proceedings shall not be abused in order to harm consumers. In that regard, arbitration proceedings concerning consumers' matters were excluded.

9. Fight against crime 1) The substantial change was reached especially in the area of punishment of legal persons. Namely, the definition of crimes for which legal persons can be held criminally responsible has been amended (instead of a positive enumeration of crimes for which a legal person can be held liable, the act now contains a negative list of crimes for which a legal person cannot be held liable). At the same time, the conditions under which an unlawful act of a natural person can be attributed to a legal person were modified. Firstly, the general attribution conditions were limited; secondly, the definition of natural persons was clarified (whose acts can be attributed to a legal person); thirdly, an exculpation provision according to which the legal person will not be held liable for unlawful acts committed by natural persons, if it spent all efforts possible (which it can be fairly asked to) has been introduced (Act No 183/2016 Coll., by which is amended Act No 418/2011 Coll., on Criminal responsibility of legal persons and on proceedings against them as amended, in force since 1 December 2016). 2) In the Czech Law Journal was published an act, by which are amended Act No. 40/2009 Coll., Criminal Code as amended and other related acts on the 29 December 2016. This amendment to the Criminal Code and other acts was a monothematic reform focused on the clarification of the criminal punishment for financing and supporting of terrorism. As regards the most important changes, it can be stated as follows: introduction of definitions of a terrorist group, a financing of terrorism as a single standing criminal offence and case-law approach adjustment of preparatory acts and abetting such as travelling for the purpose of terrorism, recruitment, training and receiving of training etc. (Act No 455/2016 Coll., by which are amended Act No 40/2009 Coll., Criminal Code as amended and other related acts, in force since 1 February 2017). 3) Furthermore, a new act which is amending Act No 40/2009 Coll, Criminal Code, as amended and Act No 141/1961 Coll., Code of Criminal Procedure as amended and other related acts was adopted. By this new act, the Czech legislation is put in line with the Directive 2014/42/EU of the European Parliament and Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union. In accordance with the requirements of this directive, the act introduced a new protective measure (confiscation of a part of property), which can be imposed on the perpetrator if he/she was convicted for certain crimes stipulated by the law and he/she obtained proceeds from this act or tried to obtain them (and if another facts were discovered and if on the ground of these facts the court finds that part of a property comes from crimes – particularly apparent lack of proportion between lawful incomes and total assets of the perpetrator in a 5 years period before committing of such a crime, including property which was transmitted in this period to other persons, previous conviction of the perpetrator for a crime generating profit, contacts with criminals, participation in the organised group focused on the profit, money transfer solely in a cash etc.). This protective measure can be imposed also in relation to a part of property which is a part of common property of the spouses or was inserted into the trust by the perpetrator or by other person, if the legal conditions are fulfilled (Act No 55/2017 Coll., which is amending Act no 40/2009 Coll., Criminal Code as amended, Act No 141/1961 Coll., Code of Criminal Procedure as amended and others related acts, in force since 18 March 2017).

9.1. Prison system In the penitentiary area, the change of the system of external differentiation of prisons was achieved. The present four basic categories of prisons were reduced into two categories (prisons with security and prisons with increased security). Prisons

with security will be further internally divided into three departments depending on the level of security, given that classification in a particular department will be done by the director of the prison. The reason for this change was an effort to improve the penitentiary treatment of prisoners and to increase the security in prisons (Act No 58/2017 Coll., by which is amended Act No 40/2009 Coll., Criminal Code as amended, Act No 169/1999 Coll., on the execution of imprisonment and on the change of some related acts, as amended, and other related acts, in force since 1 October 2017).

9.2 Child friendly justice NAP

9.3. Violence against partners NAP

10. New information and communication technologies NAP

11. Other NAP