



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Czech Republic

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2011)

10 517 247

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	66 450 119 712
Regional / federal entity level (total for all regions / federal entities)	17 924 740 622

3) Per capita GDP (in €)

14 324

4) Average gross annual salary (in €)

11 395

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

1 EUR = 25,060 CZK

A.1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Czech Statistical Office
Czech National Bank

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	346 497 809
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	200 850 638
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	7 412 689
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.	<input checked="" type="checkbox"/> Yes	12 058 220
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	4 608 165
5. Annual public budget allocated to investments in new (court) buildings		NAP
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	101 057
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	121 467 040

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

Other: e. g. purchase of fuels, office supplies, mobile phones, first-aid kits, gowns etc.

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

for criminal cases?

for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

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.

9) Annual income of court taxes or fees received by the State (in €)

37 452 793

10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

. NA 557 183 160

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	No
Probation services	Yes
Council of the judiciary	NAP
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	28361213	21474461	6886752

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

. Amount 83 446 289

Comment :

14) Authorities formally responsible for the budgets allocated to the courts (multiple

options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	Yes	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	No	No	No	No

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

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.

A.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Q6#2#3 : There has been a lot of investments to computerization in 2009 and 2010, e. g. implementation of electronic data boxes (i. a. for all courts), new interactive forms for registration to the business register, developing of the electronic payment order, etc.

Q6#2#4 : Cuts in the justice expenses have been done due to economic crisis.

Q6#2#5 : The difference between 2008 and 2010 is caused by escalation of prices of energy, VAT, etc. The repairing works are more expensive due to smaller volume of investments.

Table 2.5bis – The increase can be explain by the escalation of prices of VAT, energies, water, gas, etc. Variation of the exchange rate between national currency and EURO should be also taken into account. (cf CN 08/07)

Q9 : The income of fees is connected with the number of incoming cases: in 2008 there were 360 945 incoming civil cases, while in 2010 there were 459 508 incoming civil cases.

Q12: Under Table 2.15 please add following comment: „Only the public budget for legal aid is indicated. The Czech Bar Association also contributes to legal aid on its own costs.“

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

Ministry of Justice

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

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.

18) 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

If yes, please specify:

Granting legal aid could be granted in every stage of the proceedings – it could be granted even only for enforcement of judicial decision.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

If legal aid is granted, it covers all costs, including lawyer's fees, fees of judicial experts, etc.

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

21) 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? Please specify in the "comment" box below.

Accused individuals	Yes
Victims	No

Comment :

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NAP
for other than criminal cases?	NAP	NAP

Comment :

Each case is considered individually.

24) 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

If yes, please explain the exact criteria for denying legal aid:

It is possible to refuse legal aid in case when it is arbitrary or apparently unsuccessful application or protection of law.

25) Is the decision to grant or refuse legal aid taken by :

the court?

an authority external to the court?

a mixed decision-making authority (court and external bodies)?

26) 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

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

Several private insurance companies offer individuals to insure against financing court proceedings and legal expenses in certain areas (e.g. employment claims, real estate, bodily harm, etc.).

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

In the Czech Republic the legal aid is provided by the court or by the Czech Bar Association. Both can grant and refuse legal aid.

Please indicate the sources for answering the questions 20 and 23

Ministry of Justice

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

28) 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:

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- | | | |
|---|---|----------------|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.mvcr.cz |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.nsoud.cz |
| <input type="checkbox"/> other documents (e.g. downloadable forms, online registration)? | <input checked="" type="checkbox"/> Yes | www.justice.cz |

Comment :

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No

If yes, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
 No

If yes, please specify:

Special section at the webpage of the Ministry of Justice - www.justice.cz.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	information mechanism	special arrangements in court hearings	other
Victims of rape	No	No	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	No	No	No
Ethnic minorities	No	No	No
Disabled persons			

	No	No	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking)	No	No	No

Comment :

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

Cases where damage to health has been the cause of action.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

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

- Yes
 No

If yes, please specify:

36) 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 judicial decision".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
 non execution of court decisions?
 wrongful arrest?
 wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

The right to compensation for damage caused as a result of the decision to remand a person in custody is possessed by the person remanded in custody if criminal prosecution against the person has been discontinued, or the person has been acquitted, or the case has been committed to a different body.

The right to compensation for damage caused as a result of the judgment of conviction shall be possessed by the person having fully or partly served the sentence if the judgment has been later declared illegal and quashed.

Generally speaking, the right to compensation of damage is not possessed by a person who was fully responsible for his or her custody or conviction.

If the injured person dies as a result of wrongful arrest or wrongful conviction his or her surviving relatives are entitled to compensation of their subsistence costs. Compensation for the loss of profit shall be provided to the injured party in the amount substantiated by the injured party, if this is not possible, then in the amount of CZK 170 for every day spent in custody, prison, protective psychiatric or medical treatment.

Act No. 82/1998 Sb., regulating liability for damage caused in the course of execution of public authority by an improper decision or due to maladministration, was amended by Act No. 160/2006 Sb., which came into effect on 27th April 2006.

The amendment provides that, unless a time-limit has been set by the law, a breach of the duty to act or to issue a decision within a reasonable time shall also be considered maladministration. The purpose of this amendment is also to facilitate the provision of compensation for non-proprietary harm at a national level, i.e. without the necessity to appeal to the European Court of Human Rights.

When setting the amount of reasonable compensation the seriousness of the harm sustained as well as its circumstances shall be taken into consideration. Where the alleged non-proprietary harm subsists in the breach of a right to have one's matter disposed of within a reasonable time the following issues will be considered: the total length of proceedings, complexity of the matter, acts of the injured party contributing to the delays in proceedings, whether or not the injured used all means available to remove or prevent the delays in proceedings, acts of public authorities during proceedings, and the significance of the subject-matter of proceedings for the injured.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

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

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complainant, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	Yes	Yes	No
Ministry of Justice	Yes	Yes	No
High Council of the Judiciary	No	No	No
Other external bodies (e.g. Ombudsman)	Yes	Yes	No

Comment :

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	86
42.2 First instance specialised Courts (legal entities)	NAP
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)	98

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	NAP
Commercial courts	
Labour courts	
Family courts	
Rent and tenancies courts	
Enforcement of criminal sanctions courts	
Administrative courts	
Insurance and / or social welfare courts	
Military courts	
Other specialised 1st instance courts	

Comment :

44) 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

If yes, please specify:

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	NAP
a dismissal	NAP
a robbery	NAP

Please give the definition for small claims and indicate the monetary value of a small claim:

There is no special definition for small claims, but applications will be inadmissible for appeal if the amount in dispute is lower than 10000 CZK (cca 399 EUR).

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

Ministry of Justice

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010)

(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	3063	1186	1877
1. Number of first instance professional judges	1863	655	1208
2. Number of second instance (court of appeal) professional judges	969	391	578
3. Number of supreme court professional judges	231	140	91

Comment :

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	90	57	33
1. Number of first instance court presidents	78	47	31
2. Number of second instance (court of appeal) court presidents	8	7	1
3. Number of supreme court presidents	4	3	1

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure

Yes

6 180

50) Does your judicial system include trial by jury with the participation of citizens?

- Yes
 No

If yes, for which type of case(s)?

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (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). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> Yes	9498
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	2105
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	4564
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)	<input checked="" type="checkbox"/> Yes	1952
4. Technical staff	<input checked="" type="checkbox"/> Yes	833
5. Other non-judge staff	<input checked="" type="checkbox"/> Yes	44

Comment :

other: judicial trainees or people in charge of serving court documents (on the parties)

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

Senior Judicial Officer (Law No. 189/1994 Coll., as amended).

The Senior Judicial Officer is appropriate for simple matters where no court hearing and decision is needed, both in civil and criminal proceedings.

The SJO can be also responsible for the record.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

- Yes
 No

If yes, please specify:

yes, e.g. cleaning.

C.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Q50: Lay judges are engaged in District Courts and Regional Courts. They are elected by Local Councils of their respective community or region. The panel consists of one professional judge and two lay judges. Such a panel decides at District Court in criminal proceedings and in civil proceedings in employment cases; at Regional Court as the court of first instance in criminal proceedings such a panel may decide criminal cases where the law provides that the minimum term of imprisonment exceeds five years. Individual lay judges usually sit 20 calendar days in one

calendar year. (Figure 7.7 of CN 08/07)

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

Ministry of Justice and individual courts

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	1 240	590	650
1. Number of prosecutors at first instance level	857	379	478
2. Number of prosecutors at second instance (court of appeal) level	245	126	119
3. Number of prosecutors at supreme court level	138	85	53

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	94	49	45
1. Number of heads of prosecution offices at first instance level	84	43	41
2. Number of heads of prosecution offices at second instance (court of appeal) level	7	4	3
3. Number of heads of prosecution offices at supreme court level	3	2	1

Comment :

57) Do other persons have similar duties to public prosecutors?

Yes

No

Number (full-time equivalent)

58) If yes, please specify their title and function:

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

Yes

No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31

December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

Yes

1 527

C.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

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

Ministry of Justice and individual Public Prosecutor's Offices

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

Comment :

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	-10% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	0 % of courts
Videoconferencing	-50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	100% of courts
Electronic registers	100% of courts
Electronic processing of small claims	100% of courts
Electronic processing of undisputed debt recovery	100% of courts

Electronic submission of claims	100% of courts
Videoconferencing	-50% of courts
Other electronic communication facilities	100% of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	No	No	No

Comment :

Videoconferencing is used only in european or international cross-border cases so far (up to 10 per year). Pilot project for use at the national level will start in 2012. Legislation allows use of the videoconferencing in criminal and civil cases, but there is still lack of the technical equipment and connectivity problems (with network capacity).

C.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

Follow-up of cases online is available on the website www.justice.cz.

3. 2. Performance and evaluation

3. 2. 1. Performance and evaluation

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

Yes

No

If yes, please indicate the name and the address of this institution:

Ministry of Justice -Department of Supervision

67) Are individual courts required to prepare an annual 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

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

number of incoming cases?

number of decisions delivered?

number of postponed cases?

length of proceedings (timeframes)?

other?

If other, please specify:

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

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

Yes

No

Please specify:

Department of Supervision of the Ministry of Justice prepares semi-annual reports on court activities.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

Yes

No

71) Please select the 4 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

other:

If other, please specify:

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

Yes

No

73) Who is responsible for setting the targets for each judge?

executive power (for example the ministry of Justice)?

legislative power

judicial power (for example a High Judicial Council or a Higher Court)

other

If other, please specify:

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

Yes

No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- other

If other, please specify:

76) Please specify the main targets applied to the courts:**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, please specify:

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
- No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
- No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- in civil law cases
- in criminal law cases
- in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
- No

If yes, please specify:

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

Yes

No

Please specify the frequency of the evaluation:

Ministry of Justice prepares a plan of controls according to analysis of annual reports of the courts.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

If yes, please give further details:

Statistics and Annual Activity Report delivered by the Supreme Public Prosecutor's Office.

C.4

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	3	0	1	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	0	0

Please indicate the sources:

Ministry of Justice

Office of the Government Agent before the European Court of Human Rights

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

there is no specific procedure

If yes, please specify:

Specific procedures for urgent matters:

Civil cases – before or after the commencement of proceedings the judge can make an emergency ruling if it is necessary to set up the situation of the parties or if there is a reasonable concerns that the enforcement of the judgement could be endangered.

Criminal cases – the police investigator can detain the suspected person in the case of emergency even without notifying him or her of the accusation. Without prior public prosecutor’s approval the detention can be made if the case must be performed immediately and the prior approval couldn’t be achieved, especially when a person was caught in the very act of crime or getaway.

88) Are there simplified procedures for:

- civil cases (small disputes)?
- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

In civil cases - payment order, in criminal cases - criminal order (for minor offences if the accused plead guilty and the public prosecutor agrees with the issuing).

89) 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

If yes, please specify:

4. 2. 2. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	395 271	1 588 953	1 508 639	475 585
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	181 074	459 508	474 591	165 991
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	32 130	107 017	107 969	31 178
3. Enforcement cases	13 636	293 637	293 623	13 650
4. Land registry cases**	NAP	NAP	NAP	NAP
5. Business register cases**	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	168 431	728 791	632 456	264 766

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

cases of the upbringing and maintenance of a minor

93) If "other cases", please indicate the case categories included:

electronic payment orders and probate proceedings

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	20 119	97 675	98 387	19 407
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and / or minor offences cases	NA	NA	NA	NA

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases: Severe criminal cases - crimes in which the law provides a minimum term of imprisonment of 5 years, are decided by regional courts in the first instance. Minor criminal cases are tried by district courts in the first instance, regional courts being appellate courts in such cases.

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

Business register cases, administrative cases and insolvency registry cases are decided by the regional courts, e. g. the second instance courts, as the first instance courts - so these cases are included in the table concerning second instance courts.

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	36 702	257 518	251 516	42 704
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	16 696	76 101	76 899	15 898
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA

3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	4 281	157 224	157 636	3 869
6. Administrative law cases (litigious and non-litigious)	9 155	7 815	9 061	7 909
7. Other cases (e.g. insolvency registry cases)	6 570	16 378	7 920	15 028

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	1 827	30 154	30 084	1 897
8. Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

Business register cases, administrative law cases and insolvency registry cases are decided by the regional courts, i. e. second instance courts, as first instance courts.

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	6 661	9 104	9 688	6 077
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	5 628	6 013	6 515	5 126
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	1 033	3 044	3 130	917
7. Other cases (e.g. insolvency registry cases)	30	47	43	34

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	311	2 869	2 811	369
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	14 551	34 166	34 515	14 543
Employment dismissal cases	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[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. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	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)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	389	419	NA	391
Intentional homicide	NA	NA	82	252	NA	250

103) Where appropriate, please inform about 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 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. Marriage may not be divorced 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 four case categories? Please give a description of the calculation method.

From filing the action until the decision is legally effective - in days.

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

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to discontinue a case without requiring a judicial decision (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

If "other significant powers", please specify:

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
 No

If yes, please specify:

Public prosecutor's office is authorized to file a motion for opening civil proceedings or enter civil proceedings already opened in cases stipulated by law, for example:

- the public prosecutor's office may file a motion for commencing civil proceedings on invalidity of a contract to transfer the title to property if the provisions restricting the freedom of contracting parties were disrespected at the moment of making the contract,
- the public prosecutor's office may join civil proceedings already commenced in relation to:

- 1) determination whether parental consent to the child's adoption should be required,
- 2) the order for special institutional treatment of juveniles, or extension of such an institutional treatment,
- 3) suspension, limitation and deprivation or parental responsibility,
- 4) legal capacity,
- 5) declaration of the death of a person,
- 6) declaration of admissibility of taking or keeping of a person in a medical (health care) institution,
- 7) Commercial Register (registration of companies),
- 8) bankruptcy and composition cases including cases commenced as a result of bankruptcy proceedings.

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	423 891	221 577	NAP	82 994

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	221 577
1. Discontinued by the public prosecutor because the offender could not be identified	181 256
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	30 321
3. Discontinued by the public prosecutor for reasons of opportunity	NAP

109) Do the figures include traffic offence cases?

- Yes
 No

D.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that

have been implemented over the last two years

Q91 : Continual decrease of pending cases is one of our (Ministry of Justice) main goal. Number of legislative changes (mainly in civil procedure law), more consequent controls of courts, especially of cases older than 3 years and other provisions were accepted with the aim of speeding the proceedings and decreasing number of pending cases.

Q97 : Other methodology was used, which is explained in the comments. In 2008 there are only civil litigious cases, without business register cases, administrative law cases and insolvency cases. These cases are decided by the regional courts, i. e. second instance courts, as first instance courts. In previous questionnaire they were involved in the table concerning first instance courts.

Q. 102) - the data given are concerning the proceedings according to the previous Criminal Code (Act No. 140/1961 Coll., which is still used for the crimes committed till 30th December 2009). From 1st January 2010, there is new Criminal Code (Act No. 40/2009 Coll.) and the average length of proceedings calculated according this Criminal Code is as follows: robbery cases - average length in 1st instance 122 days, average length in 2nd instance 277 days and average total length of the procedure is 127 days; intentional homicide - average length in 1st instance 0, average length in 2nd instance 113 days and average total length of the procedure 113 days.

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

Ministry of Justice

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

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 President of the Republic.

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

Minister of Justice is competent for the promotion of judges.

113) Which procedures and criteria are used for promoting judges? Please specify.

The 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 judge can be promoted to the Supreme Court if he has at least 10 years of standing and if his expertise and experience may guarantee the proper exercise of the function.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
- No

115) Is the status of prosecution services:

- Indépendant?
- Under the authority of the Minister of justice ?
- Other?

Please specify:

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

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:

Minister of Justice

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Prosecutors are appointed and promoted by the Minister of Justice.

The application for promotion to a higher tier of Prosecuting 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) is taken in account.

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

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

- Yes
- No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

The office ceases to exist at the end of the calendar year when the respective judge has reached 70 years of age.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	NAP

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

- Yes
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:
 The office of public prosecutor ceases to exist on 31 December of the calendar year when the prosecutor has reached 70 years of age.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	NAP

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

NAP

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

NAP

E.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Annual
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer	Regular (e.g. every 3 months)

facilities in courts	
----------------------	--

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

130) Frequency of the in-service training of public prosecutors

General in-service training	Annual
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Regular (e.g. every 3 months)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s). If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	No
One institution for prosecutors	No	No	No
One single institution for both judges and prosecutors	No	No	Yes

Comment :

budget of the Judicial Academy in 2010 - 2 272 000 EUR

E.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance	24 324	

professional judge at the beginning of his/her career		
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)	54 384	
Public prosecutor at the beginning of his/her career	19 632	
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 Public prosecutor General)	42 816	

Comment :

133) Do judges and public prosecutors have the following additional benefits?

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

134) If other financial benefit, please specify:

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

Other benefit for judges - expenses for representation and expenses for specialist law books the amount of 5,5% of the salary.

135) Can judges combine their work with any of the following other functions ?

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

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

Judges can work as consultants only for the Ministry of Justice, Government and Parliament.

They can also produce literary and artistic work.

137) Can public prosecutors combine their work with any of the following other functions ?

Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No

Consultant	Yes	No
Cultural function	Yes	No
Political function	No	No
Other function	Yes	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

Prosecutors can work as consultants only for the Ministry of Justice, Government and Parliament.

They can also produce literary and artistic work.

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)?

Yes

No

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

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

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

- Citizens
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

President of the respective court or of higher court, Minister of Justice and President of the Republic.

Ombudsman only against presidents and vice-presidents of the courts.

141) Who has been 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
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

Executive power = Minister of Justice

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on 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
- Other?

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	22	10
1. Breach of professional ethics	2	4
2. Professional inadequacy	20	6
3. Criminal offence	0	0
4. Other	0	0

Comment :

Q144#1#1 - How to explain the decrease of 42.11% of the number of disciplinary proceedings initiated against judges between 2008 and 2010?

No special reason - the disciplinary motion can file Minister of Justice and also presidents of the respective and superior courts.

Q144#2#1 - How to explain the increase of 66.67% of the number of disciplinary proceedings initiated against public prosecutors between 2008 and 2010?

No special reason - the disciplinary motion can file Minister of Justice and also heads of the respective and superior public prosecutor's office.

Ombudsman can initiate the disciplinary proceedings only against presidents and vice-presidents of the courts(Figure 11.32 cf CN 08/07)

there was a change concerning disciplinary proceedings which was explained in the questionnaire – the disciplinary court is

no more composed only of judges - the disciplinary panels against judges are composed of 6 members, 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. (In the disciplinary proceeding against public prosecutors there are 2 judges (the judge from the Supreme Administration Court is the presiding judge), 2 public prosecutors, 1 lawyer-member of the Bar, and 1 lawyer practising a different legal profession.) (Figure 11.36 cf CN 08/07)

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	20	9
1. Reprimand	4	0
2. Suspension	0	0
3. Removal of cases	NAP	NAP
4. Fine	NAP	NAP
5. Temporary reduction of salary	7	3
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	NAP	NAP
8. Resignation	0	0
9. Other	9	6

Comment :

other:

judges:

1x discharge from disciplinary punishment,
4x discontinuance of proceedings,
4x acquittal of disciplinary charges.
2 cases are not finished.

public prosecutors:

4x acquittal of disciplinary charges
2x discontinuance of proceedings.
1 case is not finished.

E.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

Since October 1, 2008, there has been only one disciplinary court, namely the Supreme Administrative Court. There are panels 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.

In the disciplinary proceeding against public prosecutors there are 2 judges (the judge from the Supreme Administration Court is the presiding judge), 2 public prosecutors, 1 lawyer-member of the Bar, and 1 lawyer practising a different legal profession.

Please indicate the sources for answering questions 144 and 145

Ministry of Justice

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

10 158

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

Yes

No

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

NAP

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

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

A lawyer is entitled to provide legal services – legal services are to be understood as representation in proceedings before courts and other state authorities, defense in criminal cases, provision of legal advice, preparation of documents, preparation of legal analyze and other forms of legal aid (§ 1(2) of the Act on Legal Profession, No. 85/1996 Coll., as amended).

A lawyer is further entitled to substitute officially certified signature required under special legal regulations by his declaration having the same effects, if a lawyer prepared the document himself and an acting person signed it in his own hand in a lawyer's presence (§25a of the Act on Legal Profession No. 85/1996 Coll., as amended).

Proceedings before the Supreme Court:

According to § 241 of the Civil Procedure Code (Act No. 99/1963 Coll., as amended), within proceedings on appellate review of a decision (an extraordinary remedial measure) and appellant has to be represented by a lawyer or a notary, except for the case when an appellant is a physical person with education in law, or where an appellant is a legal entity, the state, a municipality, or a higher self-administrative unit on behalf of which a person with education in law is acting.

According to § 265d of the Criminal Code (Act No. 141/1961 Coll., as amended), a defendant may submit the appellate review only through a defense counsel. According to § 35(1), only a lawyer may be a defense counsel in criminal proceedings.

Proceedings before the Supreme Administrative Court:

According to § 35(2) of the Judicial Administrative Procedure Code (Act No. 150/1961 Coll., as amended), a party in the proceedings according the Judicial Administrative Procedure Code may be represented by a lawyer or possibly by another person practicing special legal consultancy according to special Acts, if the petition concerns activities stated herein, (patent representatives, tax advisors, notaries). A party may be further represented by a trade union organization, by a legal entity established on the basis of the Act on Association of Citizens or by a physical person. According to § 105(2), a petitioner in the proceedings on cassation complaint has to be represented by a lawyer, except for the case when a petitioner, his employee or a member acting on his behalf or representing him has a university-level education in law required for exercising practice a lawyer.

Proceedings before the Constitutional Court:

According to § 29 to § 31 of the Act on the Constitutional Court (Act No. 182/1993 Coll., as amended), only a lawyer or a notary may represent a party or an enjoined party in proceedings before the Constitutional Court. Individuals (natural individuals or legal entities) must be represented by a lawyer or a notary. In such proceedings, a representative is not entitled to be represented by another representative (prohibition on substitution).

150) Is the lawyer profession organised through? (multiple options possible)

- a national bar?
 a regional bar?
 a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

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

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

Ref. 146

Total number of lawyers practising in the Czech Republic is 10.158. 9.180 lawyers were recorded in the list of lawyers kept by the Czech Bar Association on December 31,2010 in an active manner and 978 discontinued their practising. Out of 9.180 active lawyers, 8.945 are Czech lawyers, 110 European lawyers and 125 foreign lawyers. Out of 9.180 active lawyers, 3.399 are women and 5.781 are men.

Q146 : The increase of 20.78% of the total number of lawyers practicing in Czech Republic between 2008 and 2010 has some explanations :

- The system of admission of articling attorneys, their 3 year practice and final examination has the long-term persistence, so the fact of economic crisis was not yet reflected.
- The other reason is that the profession of lawyer (contrary to other professions like judges, public prosecutors, notaries, private executors) is open for everyone who satisfy the conditions.

Ref. 150

Czech Bar Association is established through Law No. 85/1996 Coll., on Legal Profession, as amended; It is a self-governing organization performing public administration in the area of the Legal Profession and, as such, it protects and guarantees the quality of the provision of the legal services by lawyers.
See www.cak.cz.

Sources for answering questions 146 and 148 are:

Department for registry of lawyers of the Czech Bar Association and Act on the Legal Profession.

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

- Yes
 No

155) Are lawyers' fees freely negotiated?

- Yes
 No

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

F.2

Useful comments for interpreting the data mentioned in this chapter:

Ref. 155

As for the payment for the provided legal services, this issue is governed by the Decree of the Ministry of Justice on remuneration of lawyers and their reimbursement for provision of legal services (lawyer's tariff), No. 177/1996 Coll., as subsequently amended. According to § 1(1) of the lawyer's tariff, it applies that a lawyer's remuneration is governed by his contract with a client (the so-called contractual remuneration) and where a lawyer's remuneration is not determined in this way, it is governed by other provisions of the lawyer's tariff. Contractual remuneration of a lawyer has to be adequate and it may not be obviously disproportionate to the value and complexity of the case (article 10, par 2 of the Code of Ethic).

Usefull comments:

Reimbursement of costs of legal representation in civil proceedings is governed by the Decree of the Ministry of Justice No. 484/2000 Coll., stipulating a lump sum remuneration for representation of a party by a lawyer, or of notaries when deciding on reimbursement of costs in civil proceedings. It is structured in such way that a lump sum is always stipulated for one instance of proceedings. On the basis of a court decision, a party unsuccessful in the proceedings is obliged to pay this lump sum rate stipulated in the decree to a lawyer (a notary) who represented the other party that was successful in the case.

REGULATION of the Ministry of Justice No. 177/1996 Sb. of 4th June 1996, providing for fees and remuneration of lawyers for their provision of legal services (the lawyer's tariff) as amended by Regulation No. 235/1997 Sb., Regulation No. 484/2000 Sb., Regulation No. 68/2003 Sb., Regulation No. 618/2004 Sb. and Regulation No. 276/2006 Sb. The Ministry of Justice, under s. 22 (2) of Act No. 85/1996 Sb. on the legal profession, decrees as follows:
<http://www.cak.cz/scripts/detail.php?id=2239>

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

- Yes
 No

If yes, what are the quality criteria used?

Quality standards are determined in the Act on the Legal Profession and in the Code of Conduct. See <http://www.cak.cz/scripts/detail.php?id=1993> and <http://www.cak.cz/scripts/detail.php?id=2238>.

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

- the bar association?
 the Parliament?
 other?

If "other", please specify:

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

Minister of justice and chairman of the Disciplinary Commission of the Czech Bar Association could file a disciplinary motion against lawyers. 3-members (lawyers, members of the Disciplinary Commission of the Czech Bar Association) of the Disciplinary senate decide on the disciplinary offence and a disciplinary measures, specified in the § 32 of the Law of Legal Profession. President of the Bar decides about the event. appeal, Court decides in the last instance.

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	212	160	NA	52	NA

Comment :

There is a mistake in the previous answer - in 2008 there was 168 disciplinary proceedings initiated against lawyers.

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	146	19	NA	10	36	81

Comment :

other:

15x discharge from disciplinary punishment,

22x discontinuance of proceedings,

31x acquittal of disciplinary charges,

13x temporary disbarment.

14 proceedings are not finished.

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

- Yes
- No

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
Civil and commercial cases	No	No	No	No	No
Family law cases (ex. Divorce)	No	No	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	Yes	No	No	No	No

165) Is there a possibility to receive legal aid for mediation procedures?

- Yes
- No

If yes, please specify:

The basic legal aid for mediation in criminal cases can provide the probation officer – mediator. Mostly it is information on the offender’s and victim’s rights during the criminal proceeding and on how the mediation and its conclusion can effect the decision.

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

281

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	<input checked="" type="checkbox"/> Yes	726
1. civil cases		NAP
2. family cases		NAP
3. administrative cases		NAP
4. employment dismissals cases		NAP
5. criminal cases	<input checked="" type="checkbox"/> Yes	726

Comment :

The settlement was concluded in 80% of the cases.

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

--	--

Mediation other than judicial mediation?	No
Arbitration?	No
Conciliation?	No
Other alternative dispute resolution?	No

Comment :

G.1

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

On the present the bill of the law on mediation in civil cases is in the legislative procedure.

Q164: Mediation in civil cases provided by private mediators exists, but Ministry of Justice has no data about it. As we are speaking about judicial mediation, it exists and is regulated by law only in criminal cases. (cf CN 08/07)

Q166 : In connection with the new Criminal Code in the end of 2009 there were 90 new people engaged as probate servants who were educated in the field of mediation and they can mediate between offender and victim. That is the explanation of the increase of 49.47% of the total number of accredited or registered mediators who practice judicial mediation between 2008 and 2010.

Please indicate the source for answering question 166:

Probation and Mediation Service of the Czech Republic

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

170) Number of enforcement agents

484

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

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

We have bailiffs working at courts (339) and private executors - private individuals licensed by the State and organized under The Chamber of Executors (145).

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

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

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

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

- Yes
 No

Please indicate the source for answering question 170:

Ministry of Justice
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

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

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

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

If yes, what are the quality criteria used?
The Chamber of Executors

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

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

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

- Yes
 No

if yes, please specify

182) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

Department of Supervision of the Ministry of Justice carries out inspections.

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?

If other, please specify:

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

- Yes
- No

If yes, please specify:

The private executors will have more powers and for their decision they won't need the approval of the court, the bailiffs will carry out only the enforcement of court decision concerning children.

185) Is there a system measuring the timeframes of the enforcement procedures:

- for civil cases?
- for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	15
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	0
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	15
3. for criminal offence	<input checked="" type="checkbox"/> number:	0
4. Other	<input checked="" type="checkbox"/> number:	0

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	13
1. Reprimand	<input checked="" type="checkbox"/> number:	3
2. Suspension	<input type="checkbox"/> number:	0
3. Dismissal	<input type="checkbox"/> number:	0
4. Fine	<input checked="" type="checkbox"/> number:	2
5. Other	<input checked="" type="checkbox"/> number:	8

Comment :

other:

3x discontinuance of proceedings,

5x acquittal of disciplinary charges.

2 cases are not finished.

H.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

Since October 1, 2008, there has been only one disciplinary court, namely the Supreme Administrative Court. There are panels composed of 6 members.

In the disciplinary proceeding against enforcement agents there are 2 judges (the judge from the Supreme Administrative Court is the presiding judge), 2 enforcement agents, 1 lawyer -member of the Bar and 1 lawyer practising a different legal profession.

Please indicate the source for answering the questions 186, 187 and 188:

Ministry of Justice

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions 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 his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

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

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

H.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

- | | | |
|--|--|-----|
| private professionals (without control from public authorities)? | <input type="checkbox"/> number | |
| private professionals under the authority (control) of public authorities? | <input checked="" type="checkbox"/> number | 450 |
| public agents? | <input type="checkbox"/> number | |
| other? | <input type="checkbox"/> number | |

Comment :

In the Czech Republic there are a limited number of notaries – numerus clausus system.

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?
 other?

If "other", please specify:

In area of insolvency administratory.

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

I.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

The system of notary in the Czech Republic is one of strong and stable elementś of the czech legal system, which is not often changed. In last two years no law, meaning the reform of notarial services, was implemented. Only, in line with the overall new e-government implementation is a distinct increasing shift to electronic processing services.

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

Yes

No

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

Yes

No

199) Number of accredited or registered court interpreters:

3 375

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

If yes, please specify (e.g. having passed a specific exam):

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

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

Comment :

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Q199 - number of court interpreters - data related to 30 November 2011.

Q199 - No special reason for explaining the increase of 513.64% of the total number of accredited or registered court interpreters between 2008 and 2010. Court interpreters are appointed by the Minister of Justice and also independently by presidents of regional courts.

Please indicate the sources for answering question 199:

Ministry of Justice

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. 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
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law 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)

203) Is the title of judicial experts protected?

- Yes
- No

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

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

10 161

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

- Yes
- No

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?

If no, please indicate in the "comment" box below which authority selects 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 .

Comment :

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Q. 205 - number of judicial experts - data related to 30 November 2011

Please indicate the sources for answering question 205:

Ministry of Justice

12. Foreseen reforms

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. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

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)

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crime and prison system

10. Other

3. Court fees - the significant amendment of the Court Fees Act is effective from September 1st, 2011. The minimum fee increased (from 600 CZK to 1,000 CZK) and also other fees for non monetary performance (including for example divorce) increased (from 1,000 CZK to 2,000 CZK). On the other hand the number of cases exempt from court fees decreased. In general, court fees increased by 30-50%.

8. Act of Mediation in non-criminal matters is in legislative process and should be effective in the first half of 2012.