



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: San Marino

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)

33 153

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 | 641 267 724 |
| Regional / federal entity level (total for all regions / federal entities) | NA |

3) Per capita GDP (in €)

33 425

4) Average gross annual salary (in €)

34 976

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

NA

A.1

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

- 1) Bulletin des statistiques
- 2) Compte général de l'Etat
- 3) Comptes nationaux
- 4) Rapport statistique

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 | 5 420 165 |
| 1. Annual public budget allocated to (gross) salaries | <input checked="" type="checkbox"/> Yes | 4 004 926 |
| 2. Annual public budget allocated to computerisation (equipment, investments, maintenance) | <input checked="" type="checkbox"/> Yes | 51 097 |
| 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 | 288 192 |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | | NA |
| 5. Annual public budget allocated to investments in new (court) buildings | <input checked="" type="checkbox"/> Yes | 1 044 046 |
| 6. Annual public budget allocated to training and education | <input checked="" type="checkbox"/> Yes | 30 120 |

7. Other (please specify):

 Yes

1 784

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:

frais de téléphone: 3746

de papeterie et papiers: 10698

fax 598

achat de meubles, mobilier et matériel 83523

Mission et les voyages: 13159

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:

en matière civile a accordé une exemption de la cour en raison de la contestation ou la nature de l'instance: les causes de la valeur modérée, les cas dans lesquels l'État est partie, les cas relatifs à des cas de protection des enfants dans lequel le le sujet pour être admissible à l'aide juridique

(L. 99/2003; D. 157/2003; L. 172/2004; D. 8/2010)

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

2 700 390

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

792 288

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 | No |
| Legal aid | No |
| Public prosecution services | No |
| Prison system | No |
| Probation services | No |
| Council of the judiciary | No |
| Judicial protection of juveniles | No |
| Functioning of the Ministry of Justice | No |
| 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 €) | NA | NA | NA |

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

409 149

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 | No | No | No | No |
| Other ministry | No | No | No | No |
| Parliament | No | No | 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):

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

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

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 | No | No |

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

Yes

No

If yes, please specify:

pour les affaires pénales est la possibilité d'utiliser le défenseur public
pour d'autres entreprises ont la possibilité de demander le patronage du Conseil des Douze

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:

l'aide juridique accordée par le Conseil des Douze peut couvrir tous les frais juridiques liés à un procès

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 :

voir paragraphe 18

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 | 0 |
| in criminal cases | 0 |
| other than criminal cases | 0 |

Comment :

Le système juridique saint-marinais prévoit la création de l'aide juridique (Décembre 20, 1884 Loi). Cela permet, sous certaines hypothèses et éprouvée (la pauvreté, à juste titre en litige) pour être en mesure de profiter de nombreux avantages, y compris:
exonération du paiement de la cour (la loi 99/2003). La procédure par les formats dell'ammesso procureur à l'aide juridique

sont sur du papier ordinaire (art. 13)

d'exemption dans le paiement des taxes, droits et responsabilités. Ces "sera récupérable uniquement de la infructueuse n'est pas admissible à l'aide juridique»

le cas de Saint-Marin a stabilisé l'extension de l'aide juridique, non seulement le jugement de cognizione mais aussi les procédures d'exécution ultérieures (Arrêt de la loi commissaire Décembre 23 1922, à cause civile 117, l'année 1922)

la loi n ° 20 Juin 2008. 97 a également introduit des formes particulières d'assistance aux victimes de la violence entre les sexes. L'article. 17 prévoit que toutes les procédures, pénales, civiles, administratives ou de la victime de la violence est fourni gratuitement des conseils juridiques, même en dehors des conditions de l'aide juridique quand elle n'est pas en mesure d'assurer la défense juridique

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 | Yes |

Comment :

Pour la loi n. 5 del 25.1.1984 (reform de l'institution du defenseur public) le defenseur public doit assumer la défense de l'accusé, le

intercepté et arrêté sans un défenseur de leur confiance.

Le défenseur public est nommé par décret pour la période du 1er Janvier au 31 décembre de chaque année

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 | NA | NA |
| for other than criminal cases? | NA | NA |

Comment :

en matière penale il suffit que le demandeur il demande

en matiere autre che penale, le demandeur doit fournir la documentation de ses revenus

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:

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?

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

Please indicate the sources for answering the questions 20 and 23

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.consigliograndeegenerale.sm |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.collegiogarante.sm |
| <input type="checkbox"/> other documents (e.g. downloadable forms, online registration)? | <input checked="" type="checkbox"/> Yes | www.giustizia.sm |

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:

les règlements concernant la prévention et la répression de la violence entre les sexes (loi n ° 20 Juin 2008. 97) fournit la procédure particulièrement favorable pour les victimes de violence, y compris domestique.

Sont conçus en particulier:

- mesures discriminatoires à l'encontre des divulgations de moyens de communication. (art 3)

- l'assistance aux victimes de la violence (art. 4), en particulier les victimes de violence domestique, l'Etat doit assurer: une information adéquate sur les mesures envisagées par la loi relative à la protection, la sécurité et les droits de soins et de sauvetage; l'existence des services sociaux, qui services sont en mesure de fournir une intervention rapide, mais aussi psychologique; la mise à disposition des actions de soutien moral, soutien à la protection et l'éducation, l'inclusion possible dans la famille-type de la victime la communauté, la prestation de programmes de sécurité, etc ...

- des formes particulières de protection de la confidentialité de la victime (article 16)

- initiative de formation pour les services sociaux et les tribunaux (art. 19)

- une assistance juridique gratuite en dehors des conditions pour l'aide juridique (article 17)

- La fourniture des interventions spécifiques de prévention par la police

- Des mesures spéciales de protection à la fois dans le procès civil que des poursuites pénales.

Concernant le processus civile détecte la possibilité de protection contre la violence familiale (art. 26) en adoptant des ordonnances de protection spéciales (article 27). en ce qui concerne le procès pénal de l'art. 24 de la Loi prévoit que le procès se déroule à huis clos si la victime est un mineur et qu'aucune mesure n'est prise pour répéter le témoignage reçu à l'enquête préliminaire dans le cadre de l'audience, si le droit de défendre l'accusé a déjà été fixé au cours de la 'enquête, que l'enquête imminente a déjà été enregistré sur bande vidéo

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 | Yes | Yes | Yes |
| Victims of terrorism | No | No | No |
| Children (witnesses or victims) | Yes | Yes | Yes |
| Victims of domestic violence | No | No | No |
| Ethnic minorities | No | No | No |
| Disabled persons | No | No | Yes |
| Juvenile offenders | No | No | No |
| Other (e.g. victims of human trafficking) | No | No | No |

Comment :

voir réponse 30

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

Yes

No

If yes, for which kind of offences

la victime peut intenter une action civile pour les dommages subis à la suite de l'infraction dans une procédure pénale par le demandeur, auquel cas le tribunal correctionnel peut également procéder à la reconnaissance et l'évaluation des dommages subis ou peut intenter une action civile indépendante.

pas de procédures sont prévues pour la compensation aux organismes de bienfaisance d'État ou autres, même par rapport à la criminalité spécifique et prédéterminée

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:

même si l'approbation de la déclaration de revenus du procureur préparé par le commissaire de la loi en tant que juge d'instruction, le nouvel article 135 du Code de procédure pénale, telle que modifiée par la loi 93/2008, permet à un juge de s'opposer pénale d 'appel

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):

les dispositions actuellement en vigueur exigent que (article 9 de la loi constitutionnelle 30 Octobre 2003 n. 144) à toute personne ayant subi un dommage par suite de la juge d'instruction judiciaire adoptée par la malveillance, négligence grave ou déni de justice peut agir contre l'Etat pour obtenir la préjudice financier, pour dommage matériel et moral aussi dérivé de privation injuste de liberté.

Moins d'un an des dommages, l'Etat peut tenter une action en réparation contre le magistrat, ou lorsque la violation a causé des dommages

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 complaint, etc.) | Time limit for dealing with the complaint | No time limits |
|--|--|---|----------------|
| Court concerned | No | No | No |
| Higher court | No | No | No |
| Ministry of Justice | No | No | No |
| High Council of the Judiciary | No | No | No |
| Other external bodies (e.g. Ombudsman) | No | No | 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) | 1 |
| 42.2 First instance specialised Courts (legal entities) | 1 |
| 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) | 1 |

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) | 1 |
| Commercial courts | 1 |
| Labour courts | 1 |
| Family courts | 1 |
| Rent and tenancies courts | 1 |
| Enforcement of criminal sanctions courts | 1 |
| Administrative courts | 1 |
| Insurance and / or social welfare courts | 1 |
| Military courts | 1 |
| Other specialised 1st instance courts | 1 |

Comment :

In San Marino there is only one Court, that performs all functions.

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 | 1 |
| a dismissal | 1 |
| a robbery | 1 |

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

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

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) | 14 | 10 | 4 |
| 1. Number of first instance professional judges | 11 | 7 | 4 |
| 2. Number of second instance (court of appeal) professional judges | 3 | 3 | NA |
| 3. Number of supreme court professional judges | NA | NA | NA |

Comment :

Pour les juges des cours suprêmes, sont entendu les juges pour la troisième instance

With very small numbers like ours, it is normal that the decrease of just a couple of units involves a very high proportion. Maybe in the 2010 survey, the two judges for the third instance, which are not provided in the grid and that maybe they were counted in 2008.

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) | 1 | NA | 1 |
| 1. Number of first instance court presidents | 1 | NA | 1 |
| 2. Number of second instance (court of appeal) court presidents | 1 | NA | 1 |
| 3. Number of supreme court presidents | 1 | NA | 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 Yes 1
If possible, in full-time equivalent NAP

Comment :

In addition to the explanation of the previous question, we must consider that the judges for the third instance does not have full-time professionals. Moreover, the Constitutional Court, composed of six members, was gradually stripped of jurisdiction which held provisionally.

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

NAP

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 | 50 |
| 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | | NAP |
| 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 | 9 |
| 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 | 1 |
| 4. Technical staff | | NA |
| 5. Other non-judge staff | <input checked="" type="checkbox"/> Yes | 40 |

Comment :

sont inclus dans la demande 5: les secrétaires, le personnel de secrétariat, opérateur de la papeterie, la certification des opérateurs de bureau, le personnel clé, le soutien administratif

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

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:

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

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

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 | 1 | NA |
| 1. Number of prosecutors at first instance level | 1 | 1 | NA |
| 2. Number of prosecutors at second instance (court of appeal) level | 1 | 1 | NA |
| 3. Number of prosecutors at supreme court level | 1 | 1 | NA |

Comment :

Le "Procuratore del Fisco", dans la République de San Marino, est différente pour le rôle et les tâches des procureurs généraux dans d'autres pays, et qui est unique pour tous les niveaux de tribunaux.

In 2008 they were also counted, the two "procuratori del fisco", which are two judges mediators, which in the absence of the prosecutor must be him replaced. But their role is that of judges conciliators.

As in 2008, the number of directors of the ministry is unique.

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) | 1 | 1 | NA |
| 1. Number of heads of prosecution offices at first instance level | 1 | 1 | NA |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | 1 | 1 | NA |
| 3. Number of heads of prosecution offices at supreme court level | 1 | 1 | NA |

Comment :

Dans la République de San Marino, le Ministère de la Justice dispose d'un bureau unique pour tous les niveaux de tribunaux, et aussi le chef administratif du ministère est unique.

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

8

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

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 | No | No |
| Court administrative director | Yes | Yes | Yes | No |
| Head of the court clerk office | Yes | Yes | Yes | No |
| Other | No | No | No | No |

Comment :

Le Président du Tribunal et le directeur administratif proposent le projet de budget, qui est fixé par la loi, pour ensuite avoir la gestion quotidienne

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 | 0 % of courts |
| Electronic files | 0 % 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 | 0 % of courts |
| Court management information system | 0 % of courts |
| Financial information system | 100% of courts |
| Videoconferencing | 0 % 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 | 0 % of courts |
| Website | 0 % of courts |
| Follow-up of cases | |

| | |
|---|----------------|
| online | 0 % of courts |
| Electronic registers | 100% of courts |
| Electronic processing of small claims | 0 % of courts |
| Electronic processing of undisputed debt recovery | 0 % of courts |
| Electronic submission of claims | 0 % of courts |
| Videoconferencing | 0 % 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? |
| | No | No | No | No |

Comment :

donné la petite taille du territoire et de l'unicité de la cour, vous n'avez pas besoin de vidéoconférence

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

une réforme majeure a été mis en œuvre, mais pas dans la période considérée (Septembre 2011)

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:

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:

La loi prévoit que le juge en chef de la Cour d'avoir à soumettre à la Grand Conseil général (Parlement) un rapport annuel sur la justice, les données y compris, les statistiques, les activités et les propositions

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:

Le conseil grand e general (parlament)

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 administrave 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:

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

- Yes
 No

If yes, please give further details:

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)?

40

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) | NA | 5 | NA | NA |
| Civil proceedings - Article 6§1 (non-execution) | NA | 5 | NA | NA |
| Criminal proceedings - Article 6§1 (duration) | NA | 5 | NA | NA |

Please indicate the sources:

Agent de la Republique de Saint-Marin a la CEDU

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:

plainte de travail nouvelles

plainte pour dommage redouté

la réintégration et le comptage

évaluation technique préalable

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:

tentative de conciliation

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)* | 2 295 | 1 309 | 1 071 | 2 533 |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)* | 1 785 | 909 | 756 | 1 938 |
| 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)* | 80 | 172 | 150 | 102 |
| 3. Enforcement cases | 169 | 97 | 80 | 186 |
| 4. Land registry cases** | NAP | NAP | NAP | NAP |
| 5. Business register cases** | NAP | NAP | NAP | NAP |
| 6. Administrative law cases (litigious and non-litigious) | 69 | 96 | 79 | 86 |
| 7. Other cases (e.g. insolvency registry cases) | 192 | 35 | 6 | 221 |

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

volontaria giurisdizione

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

no

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) | 349 | 766 | 469 | 646 |
| 8. Criminal cases (severe criminal offences) | 349 | 766 | 469 | 646 |
| 9. Misdemeanour and / or minor offences cases | NAP | NAP | NAP | NAP |

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".

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.

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) | 227 | 73 | 74 | 226 |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)* | 227 | 50 | 59 | 218 |
| 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)* | 0 | 0 | 0 | 0 |
| 3. Enforcement cases | 0 | 0 | 0 | 0 |
| 4. Land registry cases | NAP | NAP | NAP | NAP |
| 5. Business register cases | NAP | NAP | NAP | NAP |
| 6. Administrative law cases (litigious and non-litigious) | 0 | 23 | 15 | 8 |
| 7. Other cases (e.g. insolvency registry cases) | 0 | 0 | 0 | 0 |

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) | 8 | 18 | 12 | 14 |
| 8. Criminal cases | 8 | 18 | 12 | 14 |

| | | | | |
|---|-----|-----|-----|-----|
| (Severe criminal offences) | | | | |
| 9. Misdemeanour and/or minor offences cases | NAP | NAP | NAP | NAP |

Comment :

es données fournies ne comprennent pas le nombre de dossiers soumis

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) | 9 | 10 | 8 | 11 |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6) | 5 | 5 | 3 | 7 |
| 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) | 0 | 0 | 0 | 0 |
| 3. Enforcement cases | NAP | NAP | NAP | NAP |
| 4. Land registry cases | NAP | NAP | NAP | NAP |
| 5. Business register cases | NAP | NAP | NAP | NAP |
| 6. Administrative law cases (litigious and non-litigious) | 4 | 5 | 5 | 4 |
| 7. Other cases (e.g. insolvency registry cases) | 0 | 0 | 0 | 0 |

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) | 0 | 6 | 6 | 0 |
| 8. Criminal cases (severe criminal offences) | 0 | 6 | 6 | 0 |
| 9. Misdemeanour cases (minor offences) | NAP | NAP | NAP | NAP |

Comment :

Il n'y a pas un troisième degré en matière pénale, le tribunal d'une juridiction de troisième instance pénale que, relativement aux plaintes dans les affaires pénales et seulement sur la légitimité des mesures de précaution, réels ou personnels ou liés à l'exécution de la peine

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 | 84 | 145 | 108 | 88 |
| Employment dismissal cases | 6 | 3 | 2 | 7 |
| 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 | 105% | NA | 210 | NA | NA | NA |
| Employment dismissal cases | NA | NA | NA | NA | NA | NA |
| Robbery cases | NA | NA | NA | NA | NA | NA |
| Intentional homicide | 0 | 0 | NAP | NAP | NAP | NAP |

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

sensiblement la même procédure est appliquée à des changements réguliers et des ajouts à la loi n ° 26 avril 1986. 49.

il ya une tentative de réconciliation, sont remis à la Commissaire de la loi relative à l'adéquation des obligations parentales mesures, l'adoption de mesures conservatoires.

De sorte que le commissaire de la loi peut facilement prendre une décision concernant la détermination de la vérification, le couple doit présenter leurs déclarations d'impôt et tous les documents relatifs aux revenus et en étant capable de primumio personnel et le commissaire de la loi, si constestazione, prendre toutes les informations appropriées, prendre en compte le niveau de vie des époux et de déterminer un montant équitable de la maintenance. L'instruction de la cause est habituellement rapide, parce qu'il concentre dans quelques audiences. En outre, si le processus devrait se poursuivre pendant un réglage de la vérification, le commissaire de la loi émet un jugement définitif n'est pas le seul chef de la revendication relative au mariage sciogliamento

104) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

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:

Le prix n'est mentionné qu'à titre de commissaire du droit du juge d'instruction.

N'est que récemment que la réglementation de l'écoute électronique, le commissaire de la loi à titre d'enquêteur tribunal renvoie l'affaire devant un autre magistrat pour obtenir l'autorisation d'enquête.

Le commissaire de la loi en tant que juge d'instruction peut déposer une plainte pénale avant le procès, avec l'assentiment du Procureur de l'IRS, mais la décision peut être contestée devant le juge d'appello.

Le commissaire de la loi en tant que juge d'instruction dans la phase préliminaire de l'enquête exerce des fonctions équivalentes à celles du procureur, sous le contrôle de la légalité du "procureur del fisco", mais il couvre les fonctions de poursuite, en plus de leurs fonctions de l'Office

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

Yes No

If yes, please specify:

en matière civile, le procureur del fisco a des pouvoirs relativement à la procédure en matière d'adoption, la tutelle des adultes incapables, bans de mariage (en opposition)

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 | NAP | NAP | NAP | NAP |

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) | NA |
| 1. Discontinued by the public prosecutor because the offender could not be identified | NA |
| 2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | NA |
| 3. Discontinued by the public prosecutor for reasons of opportunity | NA |

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

par la loi n ° 17 Juin 2008. 93, la législature: la place pour lire les procédures d'enregistrement des rapports sur la criminalité, la mise en place d'un registre des rapports sur la criminalité, a limité la durée de la période d'enquête et secret introduit une obligation d'informer promptement le tribunal empêché; mis en place un recours contre le rejet de l'affaire, renforcé le processus de la publicité, et également archivées dans le même temps protégé la confidentialité des situations délicates de la publication aveugle

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

les données ont été fournies par le Tribunal unique

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:

Le concours aux juges "Commissario della legge" est ouverte aux diplômés en droit qui ont acquis le statut de professeur d'université ou à la suite de concours font partie du personnel de l'enseignement universitaire pour les questions juridiques, ainsi que des avocats qui ont exercé profession pendant au moins six ans.

Peuvent être nommés juges "Commissario della legge" les uditores (uditori commissariali) avec au moins quatre années de service. L'évaluation de professionnalisme est effectuée par le Conseil de la magistrature en séance plénière, à laquelle le juge en chef doit présenter un rapport spécial.

Le concours pur procureur fiscal (procuratore del fisco) est ouvert aux avocats qui ont atteint la trentième année de l'âge et les diplômés en droit qui ont acquis le statut de professeur d'université ou à la suite de concours font partie du personnel de l'enseignement universitaire pour les questions juridiques .

Peut être nommés procureurs (procuratore del fisco) les uditores (uditore commissariale) avec au moins deux années de service. L'évaluation de professionnalisme est effectuée par le Conseil de la magistrature en séance plénière, à laquelle le juge en chef doit présenter un rapport spécial.

Le concours est ouvert aux diplômés qui ont réussi l'examen de qualification de la profession et ne pas avoir atteint le 36e anniversaire de.

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:

Le début de la nomination des magistrats est demandé au Conseil Grand et Général avec un rapport motivé par le juge en chef (magistrato dirigente) avec l'avis conforme du Conseil de la magistrature . Le Conseil Grand et Général, prenant note de la demande, décide avec majorité absolue

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

- Yes
- No

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

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

le Conseil giudiciale decide sur relation motivèè da le juge en chef (magistrato dirigente)

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:

voir paragraphe 110

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:

le conseil judiciaire

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:

le Conseil judiciaire decide sur relation motivèè da le juge en chef (magistrato dirigente)

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:
après une période d'essai de trois ans, les juges sont confirmés a durée indéterminée

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) |
| | 3 |

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:
comme le judge

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) |
| | 3 |

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)?

NA

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)?

NA

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 | Compulsory |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | Compulsory |
| In-service training for management functions of the court (e.g. court president) | Compulsory |
| In-service training for the use of computer facilities in courts | Compulsory |

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) | Annual |
| In-service training for management functions of the court (e.g. court president) | Annual |
| In-service training for the use of computer facilities in courts | Annual |

129) Training of public prosecutors

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

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) | Annual |
| In-service training for management functions of the court (e.g. Head of prosecution office, manager) | Annual |
| In-service training for the use of computer facilities in office | Annual |

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 | No |

Comment :

L'un des devoirs de la fonction de juge de Saint-Marin est de maintenir une formation continue et à jour. Nous avons un système de "common law" qui fait de l'étude et de formation professionnelle obligatoires pour maintenir l'autorité de la fonction

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 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) | | |
| Public prosecutor at the beginning of his/her career | | |
| 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) | | |

Comment :

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

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

134) If other financial benefit, please specify:

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

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

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

Le bureau du juge est incompatible avec la subordination et l'inscription à des mouvements ou des partis politiques ou des syndicats, avec la présentation des candidats aux élections législatives et locales, avec l'exercice de toute activité industrielle ou commerciale, avec prenant les postes de directeur et le vérificateur de la société, et limité aux juges de première instance, les juges et les médiateurs pour les auditeurs, à l'exercice des services professionnels et des bureaux de recrutement et de toute autre utilisation publique ou privée se situe dans la République et à l'étranger,

sauf le poste de professeur d'université.

La fonction de juge d'appel ou supérieur est incompatible avec l'exercice de la profession sur le territoire de la République.

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

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

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

voir paragraphe 136

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:

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:

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) | NA | NA |
| 1. Breach of professional ethics | NA | NA |
| 2. Professional inadequacy | NA | NA |
| 3. Criminal offence | NA | NA |
| 4. Other | NA | NA |

Comment :

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) | NA | NA |
| 1. Reprimand | NA | NA |
| 2. Suspension | NA | NA |
| 3. Removal of cases | NA | NA |
| 4. Fine | NA | NA |
| 5. Temporary reduction of salary | NA | NA |
| 6. Position downgrade | NA | NA |
| 7. Transfer to another geographical (court) location | NA | NA |
| 8. Resignation | NA | NA |
| 9. Other | NA | NA |

Comment :

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

a Saint-Marin il y à la procédure de syndicat et la procédure par la responsabilité civile des magistrats.

La puissance du syndicat d'initiative appartient au Conseil de la magistrature se réunit en session ordinaire, au moins un tiers du Conseil de la magistrature en séance plénière ou au moins un tiers des membres de la Commission Conseil pour les Affaires de Justice

Le processus se déroule en face du collège le garant des règles constitutionnelles.

Quiconque a subi des dommages résultant d'une ordonnance du tribunal a adopté le magistrat par malveillance ou négligence grave ou pour déni de justice, peut agir contre l'Etat pour obtenir la et les dommages moraux dérive aussi de privation injuste de liberté du personnel.

a procédure se déroule devant les tribunaux pour la responsabilité civile des juges.

Please indicate the sources for answering questions 144 and 145

Lois n. 144 e 145 du 30 octobre 2003

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.

114

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:

NA

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:

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:

Question 146 : The number 114 is found at the Order of Lawyers and Notaries San Marino, available at: www.avvocati-notai.sm

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:**

le statut des avocats et des notaires contient tous les charges

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?

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:

L'ordre des avocats et des notaires assurer le bon fonctionnement de la profession

160) Which authority is responsible for disciplinary procedures?

the judge

the Ministry of justice

a professional authority

other

If other, please specify:

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 | 0 | 0 | 0 | 0 | 0 |

Comment :

Aucune action disciplinaire contre un avocat a été initiée par l'ordre durant la période 2008-2010

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 | 0 | 0 | 0 | 0 | 0 | 0 |

Comment :

voir paragraphe 161

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 | No | No | No | No | No |

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

Yes

No

If yes, please specify:

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

NA

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) | NAP |
| 1. civil cases | NAP |
| 2. family cases | NAP |
| 3. administrative cases | NAP |
| 4. employment dismissals cases | NAP |
| 5. criminal cases | NAP |

Comment :

l'institut de médiation n'a pas encore été disciplinés dans notre système

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 :

voir paragraph 167

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

Please indicate the source for answering question 166:

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

10

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:

Les huissiers de justice, en vertu de la spécification (description de poste) fourni par aucune loi. 15, 1918, et sous la loi organique pour les employés de l'État (Loi n. 40 années 1972, tel que modifié), les employés publics sont classés dans le plan d'effectifs de la Cour unique.

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:

Loi n ° 106 Septembre 17 1993, qui contient la dotation des fonctionnaires (matériel organique des ministères, des

organismes autonomes et régions autonomes de l'État)

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:

Pour superviser le travail des huissiers de justice appartient aux dirigeants du bureau de la chancellerie d'appartenance

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

Il n'y a pas de véritable norme de qualité, mais vous pouvez vous référer aux critères généraux fixés pour l'administration publique tels que:

- a) la concurrence et des critères de sélection établis par la loi 31 Juillet, 2009 107,
b) Les droits et responsabilités prévus par la loi pour les employés Décembre 22, 1972, n.41 article. 26 et suivant
c) les profils de rôles (qualifications, devoirs, niveau de salaire) allocation statutaire pour Septembre 17, 1993 n.106 départements organiques, des secteurs et des organismes autonomes de l'État autonome
d) le droit déclaratoire annexé à le 25 Novembre, 1980 n.86
e) En outre, il existe un certain nombre d'obligations spécifiques, qui sont étroitement liés aux tâches assignées, qui sont dérivés de la réglementation des activités réservées aux huissiers de justice. Peut entraîner pénale, civile, disciplinaire
f) les obligations générales telles que le devoir de fidélité, de loyauté, d'obéissance, ainsi que les obligations liées au fait de mener à bien une fonction publique (obligation d'impartialité, de légalité, de la diligence, au secret professionnel).

Les huissiers de justice doivent être en possession d'un diplôme d'études secondaires et permis de conduire. Assurez-vous de l'activité de service de l'assistance judiciaire et lors des audiences. Afin de s'assurer que l'exécution et la saisie en vertu des règles régissant ces fonctions, la supervision de la tenue des registres prescrits.

L'huissier de justice peut encourir dans l'exercice de ses fonctions avec responsabilité, pénale, civile, disciplinaire.

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:

voir 179

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

Enregistrements informatiques

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:

n'y a pas de plaintes

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:

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) | NAP |
| 1. for breach of professional ethics | NAP |
| 2. for professional inadequacy | NAP |
| 3. for criminal offence | NAP |
| 4. Other | NAP |

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) | NAP |
| 1. Reprimand | NAP |
| 2. Suspension | NAP |
| 3. Dismissal | NAP |
| 4. Fine | NAP |
| 5. Other | NAP |

Comment :

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

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

Tribunal Unique

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:

Les fonctions du juge de l'exécution sont exercées par le commissaire de la loi, et plus particulièrement affecté à la Loi sur l'organisation, réalisée par un commissaire de la loi en personne ou par un autre juge délégué par lui, par décret prévoit que l'exécution de toute peine infligée par jugement, l'exécution et la supervision sur la maison de la prévention et la répression et sur toutes les autres mesures prévues par application de la loi, la modification et la cessation des peines et mesures de sécurité, le cas échéant, le procureur se sentaient l'Inland Revenue.

Il préside le conseil d'administration de l'aide sociale, qui supervise les fonctions de réhabilitation et de réinsertion dans la société

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 | 114 |
| public agents? | <input type="checkbox"/> number | |
| other? | <input type="checkbox"/> number | |

Comment :

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:

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

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:

NA

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:

Please indicate the sources for answering question 199:

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)

0

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:

Please indicate the sources for answering question 205:

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**

en Septembre 2011 ont été introduites des réformes majeures du système judiciaire, qui comprennent: l'organisation de la cour, l'incompatibilité des juges, le recrutement, la durée, le juge en chef, Conseil judiciaire, l'abstention et le défi des magistrats et l'action du syndicat