



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: Czech Republic

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants (if possible on 1 January 2013)

10 509 286

##### 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 or federal level	68 087 191 726
Regional / federal entity level (total for all regions / federal entities)	15 713 245 823

##### 3) Per capita GDP (in €)

14 557

##### 4) Average gross annual salary (in €)

12 463

##### 5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

1 EUR = 25,140 CZK

##### A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Czech Statistical Office  
Czech National Bank

#### 1. 1. 2. Budgetary data concerning judicial system

##### 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	370 751 152
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	274 251 486
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	6 332 315
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	15 406 078
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	9 648 595
5. Annual public budget allocated to investments in new (court) buildings		NAP
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	455 033
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	64 657 645

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

other: operating costs, i.e. heating, energies, water, reparations, postal and other services etc.

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

- for criminal cases?  
 for other than criminal cases?

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

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

**8.1) Please briefly present the methodology of calculation of courts fees?**

The court fee is CZK 1000 if the monetary performance is lower than CZK 20000 and 5% if the monetary performance is higher than CZK 20000.

In non-monetary performance the court fee is CZK 2000.

**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

CZK 3771 = 150 EUR

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

59 014 432

**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. (Question modified)**

**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	24142835
12.1 Annual public budget allocated to legal aid for cases brought to court	24142835
12.1.1 in criminal law cases	18419178
12.1.2 in other than criminal law cases	5723657
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

**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 84 706 722

Comment :

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

	total court budget	court budget	allocation of the budget among the courts	the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	Yes	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No

High Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	No	No	No	No

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

Ministry of Finance is the ministry responsible for the preparation of the state budget and it is the Ministry of Finance that submits the proposal of the budget to the Government. After the budget is passed by the Government it is submitted to the House of Representatives (lower chamber) that is appropriate to pass the Bill on State Budget.

**A.2 You can indicate below:**

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

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

Ministry of Justice

1. 1. 3. Budgetary data concerning the whole justice system

**15) The following data would be useful for information**

**15.1) (Former question 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

509966190

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

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	No
Probation services	Yes
Council of the judiciary	NAP
Constitutional court	No
Judicial management body	Yes
State advocacy	No
Enforcement services	Yes
Notariat	Yes
Forensic services	No
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

## 2. Access to justice

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

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

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

- Yes  
 No

If yes, please specify:

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

#### 18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes  
 No

If yes, please specify:

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

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

Criminal cases	Other than criminal cases
Yes	Yes

Comment :

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

#### 20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

-----  
Please specify in the "comment" box below, when appropriate.

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

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

Comment :

#### 20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data

is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NA

Comment :

**21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**  
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Please specify in the "comment" box below.

Accused individuals	Yes
Victims	No

Comment :

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

Yes

No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**  
-----

Please provide in the "comment" box below any information to explain the figures provided.

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

Comment :

Each case is considered individually.

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

Yes

No

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

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

**25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

the court?

an authority external to the court?

a mixed authority (court and external bodies)?

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

Yes

No

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

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

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

criminal cases?	Yes
other than criminal cases?	Yes

**B.1 You can indicate below:**

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

Legal aid is provided either by the state or by the Czech Bar Association at its own cost.

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

Ministry of Justice

## 2. 2. Users of the courts and victims

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

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

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**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:**

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

Comment :

On the official website [www.justice.cz](http://www.justice.cz) the users can find information about all courts, public prosecutor's offices, judicial experts and interpreters, information about individual proceedings, about case-law, they can find here also downloadable forms and statistical data.

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

- Yes
- No
- Yes only in some specific situations

If yes only in some specific situations, please specify:

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

- Yes
- No

If yes, please specify:

Special section at the webpage of the Ministry of Justice - [www.justice.cz](http://www.justice.cz).



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

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

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	No	No	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	No	No	No
Ethnic minorities	No	No	No
Disabled persons	No	No	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	No	No

Comment :

**31.1) Is it possible for minors to be a party to a judicial proceedings :**

- Yes  
 No

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

The child must be always represented by his statutory representative or guardian. [Mail from NC sent on 9 April 2014: A person is considered as a "child" until 15 years, and as a "minor" from 15 until 18 years, but these categories are related to criminal law. In civil proceedings a person has the status of "child" until 18 years. Both categories must be represented by a statutory representative or guardian until 18 years (unless the court declare that he/she has full legal capacity earlier).]

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

- Yes  
 No

If yes, for which kind of offences

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

**33) If yes, does this compensation consist in:**

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

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

- Yes  
 No

If yes, please illustrate with available data concerning 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?**  
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**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

Yes

No

NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

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

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

excessive length of proceedings?

non execution of court decisions?

wrongful arrest?

wrongful condemnation?

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

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

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

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

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

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

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

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

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

(Satisfaction) surveys aimed at judges

(Satisfaction) surveys aimed at court staff

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

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

**39) If possible, please specify:**

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

**40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling 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
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	No	No
Other external bodies (e.g. Ombudsman)	Yes	Yes

Comment :

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

NA

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

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

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	86
42.2 First instance specialised Courts (legal entities)	NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	98

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.**

-----  
**If the situation is not applicable in your country, please indicate NAP.**

	Number
Total (must be the same as the data given under question 42.2)	NAP
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

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

Yes

No

If yes, please specify:

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

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

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

There is no special definition for small claims, but applications will be inadmissible for appeal if the amount in dispute is lower than 10000 CZK (cca 398 EUR).

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

Ministry of Justice

### 3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012) (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	NAP
Total number of professional judges (1 + 2 + 3)	3055	1193	1862	
1. Number of first instance professional judges	1857	644	1213	
2. Number of second instance (court of appeal) professional judges	964	407	557	
3. Number of supreme court professional judges	234	142	92	

Comment :

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

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	97	61	36	
1. Number of first instance court presidents	86	54	32	
2. Number of second instance (court of appeal) court presidents	9	6	3	
3. Number of supreme court presidents	2	1	1	

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).**

-----

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure NAP

If possible, in full-time equivalent NAP

Comment :

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**

-----

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure  Yes 5923

Comment :

**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 2012) (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 (among which women)	91 35
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes (among which women)	195 0 (16 00)
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 (among which women)	446 3 (42 82)
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 (among which women)	203 8 (17 09)
4. Technical staff	<input checked="" type="checkbox"/> Yes (among which women)	6 36 (3 68)
5. Other non-judge staff	<input checked="" type="checkbox"/> Yes (among which women)	48

Comment :

other: judicial trainees, people in charge of serving court documents (on the parties), press centre and telephone exchange.

Number of women:

1. 1600
2. 4282
3. 1709
4. 368
5. 30

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

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

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

The SJO can be also responsible for the record.

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

- Yes  
 No

If yes, please specify:

Yes, e.g. cleaning.

**C1 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

Ministry of Justice, individual courts

### 3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2012) (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	NAP
Total number of prosecutors (1 + 2 + 3)	1 242	590	652	
1. Number of prosecutors at first instance level	847	365	482	
2. Number of prosecutors at second instance (court of appeal) level	340	189	151	
3. Number of prosecutors at supreme court level	55	36	19	

Comment :

Mail from NC sent on 9 April 2014: "We have system of 4 levels of state prosecution offices: district, regional, high and Supreme. The number of high public prosecutors was in 2010 included in the number of Supreme public prosecutors and in 2012 in regional public prosecutors" (the reason provided by NC is that high public prosecutors decide at second level against decision of regional public prosecutors at first level).

**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	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	93	51	42	
1. Number of heads of prosecution offices at first instance level	82	44	38	
2. Number of heads of prosecution offices at second instance (court of appeal) level	10	6	4	
3. Number of heads of prosecution offices at supreme court level	1	1	0	

Comment :

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

Yes

No

NA

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

**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

Yes

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number  NA 1429  
 Among which women  NA 1223

**C2 You can indicate below:**

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

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

Ministry of Justice, individual public prosecutors' offices

### 3. 1. 4. Management of the court budget

**61) Who is entrusted with responsibilities related to the budget within the court?**

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

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

Comment :

Preparation of the budget, arbitration and allocation is the task of the Ministry of Justice.

### 3. 1. 5. Use of Technologies in courts

**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 caselaw	100% of courts
Electronic files	-50% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

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

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

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**Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.**



Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	100% of courts
Electronic registers	100% of courts
Electronic processing of small claims	100% of courts
Electronic processing of undisputed debt recovery	100% of courts
Electronic submission of claims	100% of courts
Videoconferencing	-50% of courts
Other electronic communication facilities	100% of courts

Comment :

other electronic communication facilities - data boxes as a mean of communication with parties (they are obligatory for legal entities, lawyers, notaries, executors etc. and voluntary for individuals) and state authorities.

### 65) The use of videoconferencing in the courts (details on question 63).

-----  
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 or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	No
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?	Yes
65.4 Is videoconferencing used in other than criminal cases?	No

Comment :

From 2013 there is a project financed from Norway grants called „Building capacities and cooperation in justice“ which is oriented on reconstruction of several prisons, education of employees of the Probation and Mediation Service and Prison Service and also increasing of the efficiency of justice by introduction and expansion of videoconferencing.

### C3 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

## 3. 2. Monitoring and evaluation

### 3. 2. 1. Performance and evaluation

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

Yes

No

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

Ministry of Justice

### 66.1) Does this institution publish statistics on the functioning of each court on the internet:

Yes

No, only in an intranet website

No

### 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, only in an intranet website

**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

If yes, please specify:

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

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

- Yes
- No

**71) Please select the 4 main performance and quality indicators that have been defined:**

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

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

Yes

No

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

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

If other, please specify:

**76) Please specify the main targets applied to the courts:**

**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other

If other, please specify :

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

Yes

No

If yes, please specify:

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

Yes

No

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

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

**81) Do you monitor waiting time during court procedures?**

- Yes  
 No

If yes, please specify:

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

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

- Yes  
 No

Please specify the frequency of the evaluation:

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

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

- Yes  
 No

If yes, please give further details:

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

**C.4 You can indicate below:**

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

mail CN 6/2/14: Q 67: The answer is „no“. The annual activity report concerning all district and regional courts is prepared by the Ministry of Justice.

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**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 lawyer)?**

NA

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

- Yes  
 No

Number of successful challenges (in a year):

NA

**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)	0	0	0	0
Civil proceedings - Article 6§1 (non-execution)	0	0	9	0
Criminal proceedings - Article 6§1 (duration)	0	0	0	0

**Please indicate the sources:**

Ministry of Justice

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

**D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter**

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

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

- civil cases?  
 criminal cases?  
 administrative cases?  
 there is no specific procedure

If yes, please specify:

Specific procedures for urgent matters:

Civil cases – before or after the commencement of proceedings the judge can make an emergency ruling if it is necessary to set up the situation of the parties or if there is a reasonable concerns that the enforcement of the judgement could be endangered.  
 Criminal cases – the police investigator can detain the suspected person in the case of emergency even without notifying him or her of the accusation. Without prior public prosecutor's approval the detention can be made if the case must be performed immediately and the prior approval couldn't be achieved, especially when a person was caught in the very act of crime or getaway.

**88) Are there simplified procedures for:**

- civil cases (small disputes)?  
 criminal cases (small offences)?

- administrative cases?  
 there is no simplified procedure

If yes, please specify:

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

**88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- Yes  
 No

**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. Case flow 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 and criminal law cases.**

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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	522186	1046760	1190182	378764
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	166919	363080	358886	171113
2. General 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)*	31337	105052	104934	31455
3. Non litigious enforcement cases	12482	185663	193150	4995
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases**	NAP	NAP	NAP	NAP
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	311448	392965	533212	171201

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

cases of the upbringing and maintenance of a minor

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

electronic payment orders

**94) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	NA	NA	NA
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and / or minor criminal cases	19037	97868	98384	18521

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

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

**96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

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

mail CN 9/1/14: Q 91: réponses aux demandes d'explication sur les différences par rapport au précédent exercice pour les pending cases au 1/1, les incoming cases et les pending au 31/12: In 2011 there was high number of incoming cases of electronic payment order (817491). More enforcement cases are handled by private executors.

[Mail from NC sent on 9 April 2014: The answer „NAP" means that courts of 1st instance do not deal with severe criminal cases, which are decided by the regional courts as 1st instance courts.]

[Q94 YM CS 25/08/2014 : NA to total and severe criminal cases - SL consistency check]

**97) Second instance courts: total number of cases****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.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	57 634	172 886	152 488	78 032
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	14 537	89 388	87 208	16 717
2. General 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)*	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	8 509	8 148	7 976	8 681
7. Other cases (e.g. insolvency registry cases)	30 331	33 083	11 382	52 032

**98) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	2387	29562	29346	2603
8. Severe criminal cases	614	1210	1177	647
9. Misdemeanour and/or minor criminal cases	NAP	NAP	NAP	NAP

Comment :

The number of total of criminal cases includes severe criminal cases which are decided by second instance courts in the first instance and number of appeals against decisions of the first instance courts in criminal cases. [Mail from NC sent on 9 April 2014: In 2010 the number of severe criminal cases was not included in the total of criminal cases (only number of appeals), which explains differences of data provided respectively for 2010 and 2012.]

[Mail from NC sent on 9 April 2014: Courts of 2nd instance do not deal with misdemeanour or minor cases. They decide about severe criminal cases in 1st level and as appellate courts against decisions of district courts. ]

**99) Highest instance courts: total number of cases**

**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.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	5100	7665	8356	4409
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	4111	3914	5000	3025
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	983	3714	3347	1350
7. Other cases (e.g. insolvency registry cases)	6	37	9	34

**99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?**

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

NA

**100) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	196	1580	1620	156
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

[Mail from NC sent on 9 April 2014:

In 2012 only the main administrative work of the Supreme Court was included – i.e. decisions about extraordinary relief in criminal cases.

In 2010 all administrative work concerning criminal cases was included, all minor activities such as register of conviction of Czech citizens by foreign court.

In 2012 with all above mentioned additional work there were 277 pending cases on 31.12.2012 – so it is still decrease.]



**101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	13150	30025	30557	12965
Employment dismissal cases	NA	NA	NA	NA
Insolvency	30331	33083	11382	52032
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.]**

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Insolvency	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	178	247	NA	182
Intentional homicide	NA	NA	NA	NA	NA	154

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

If a marriage has existed for at least 1 year, spouses have not lived together for more than 6 months and the petition for divorce by one spouse is joined by the other, the court does not establish the grounds for the breakdown of marriage and issues the judgment of divorce if the parties submit:

- a written agreement with officially verified signatures of parties which regulates the settlement of property after divorce, the rights and duties of the parties with respect to their common housing and duty to financially maintain the other spouse, if relevant, and
- a final and conclusive decision of court approving the spouses' agreement with respect to their minor children after divorce.

If there is a minor child (minor children) the court decides, before issuing the judgment of divorce, on the rights and duties of parents with respect to the child or children, in particular, which of them will be entrusted with custody of a child or children and what their duties to (financially) support and maintain children are. Marriage may not be divorced until the decision on the position of children after divorce becomes final and conclusive. The decision on parental responsibility may be replaced by an agreement of parents which must be approved by court to be valid.

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

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

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

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request 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 the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

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

- Yes  
 No

If yes, please specify:

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

- the public prosecutor's office may file a motion for commencing civil proceedings on invalidity of a contract to transfer the title to property if the provisions restricting the freedom of contracting parties were disrespected at the moment of making the contract,
- the public prosecutor's office may join civil proceedings already commenced in relation to:
  - 1) determination whether parental consent to the child's adoption should be required,
  - 2) the order for special institutional treatment of juveniles, or extension of such an institutional treatment,
  - 3) suspension, limitation and deprivation or parental responsibility,
  - 4) legal capacity,
  - 5) declaration of the death of a person,
  - 6) declaration of admissibility of taking or keeping of a person in a medical (health care) institution,
  - 7) Commercial Register (registration of companies),
  - 8) bankruptcy and composition cases including cases commenced as a result of bankruptcy proceedings.

**106.1) Does the public prosecutor also have a role in insolvency cases?**

- Yes  
 No

If yes, please specify:

The public prosecutor may join the proceedings - see above.

**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	408199	200191	NAP	83102

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	25	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)	200 191
1. Discontinued by the public prosecutor because the offender could not be identified	171 805
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	28 386
3. Discontinued by the public prosecutor for reasons of opportunity	NAP

**109) Do the figures include traffic offence cases?** Yes No**D.2 You can indicate below:**

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

Q. 99)

Number of civil and other cases refers to the Supreme Court, number of administrative cases refers to the Supreme Administrative Court.

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

Ministry of Justice

## 5. Career of judges and public prosecutors

### 5. 1. Recruitment and promotion

#### 5. 1. 1. Recruitment 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:

##### 110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

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

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

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

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Judges are appointed by President of the Republic.

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

- Yes
- No

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

Minister of Justice is competent for the promotion of judges.

##### 112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

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

The judge can be promoted to a regional or a high court if he has at least 8 years of standing and if his expertise and experience may guarantee the proper exercise of the function.

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

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

- Yes  
 No

If yes, please indicate the frequency

**115) Is the status of prosecution services:**

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

Please specify:

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

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

If "other", please specify:

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

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

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

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

Minister of Justice

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes  
 No

If "yes", please specify:

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

- Yes  
 No

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

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

Prosecutors are appointed and promoted by the Minister of Justice.  
 The application for promotion to a higher tier of Prosecuting Offices is lodged by the prosecutor to the Head of the

Supreme Public Prosecutor's Office, who also attaches his/her opinion. In the process of promotion professional qualifications of the respective prosecutor (applicant) is taken in account.

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes
- No

If "yes", please specify:

**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)?**

-----  
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

Yes. If yes, please indicate the compulsory retirement age	70
No	

Comment :

**121.1) Can a judge be transferred to another court without his consent:**

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

**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 the probation period (in years)
Yes	
No	
NAP	NAP

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

-----  
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

Yes. If yes, please indicate the compulsory retirement age	70
No	

Comment :

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

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

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

NAP

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

NAP

**E.1 You can indicate below:**

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

## 5. 2. Training

### 5. 2. 1. Training

**127) Training of judges**

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

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

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

**129) Training of public prosecutors**

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

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

--	--

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

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.**

**If your judicial training institutions do not correspond to these criteria, please specify it:**

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	No	No
One institution for prosecutors	No	No	No	No
One single institution for both judges and prosecutors	No	No	Yes	Yes

Comment :

budget of the Judicial Academy in 2012 - 2 318 395 EUR

**131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?**

**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 public prosecutors and the main reforms that have been implemented over the last two years**

[Q130 - Mail from NC sent on 9 April 2014: The training is voluntary and the frequency of attendance depends on judges. However, the training is organised „regularly“, by the Judicial Academy.]

### 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 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	26492	NA
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)	54272	NA
Public prosecutor at the beginning of his/her career	23771	NA
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)	46635	NA

Comment :

mail CN 9/1/14: The salary of the public prosecutors was increased to bring it closer to the salary of judges.

**133) Do judges and public prosecutors have additional benefits?**

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



**134) If other financial benefit, please specify:**

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

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

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

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

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

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

They can also produce literary and artistic work.

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

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

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

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

They can also produce literary and artistic work.

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

- Yes  
 No

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

**5. 4. Disciplinary procedures****5. 4. 1. Disciplinary procedures****140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

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

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

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

Ombudsman can initiate the disciplinary proceedings only against presidents and vice-presidents of the courts.

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

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

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

Executive power = Minister of Justice

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

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

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

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

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman

- Professional body  
 Executive power  
 Other

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

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

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

	Judges	Public prosecutors
Total number (1+2+3+4)	27	15
1. Breach of professional ethics	2	0
2. Professional inadequacy	24	15
3. Criminal offence	0	0
4. Other	1	0

Comment :

**145) Number of sanctions pronounced in 2012 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)	27	15
1. Reprimand	0	2
2. Suspension	0	0
3. Removal of cases	NAP	NAP
4. Fine	NAP	NAP
5. Temporary reduction of salary	9	1
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	NAP	NAP
8. Resignation	0	0
9. Other	18	12

Comment :

other:

judges:

2x discharge from disciplinary punishment

4x acquittal of disciplinary charges

12x discontinuance of proceedings

public prosecutors:

5x acquittal of disciplinary

7x discontinuance of proceedings

### 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 public prosecutors and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering questions 144 and 145**

Ministry of Justice

## 6. Lawyers

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

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

**146) Total number of lawyers practising in your country.**

10944

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

Yes

No

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

NAP

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

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

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

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

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

Proceedings before the Supreme Court:

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

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

Proceedings before the Supreme Administrative Court:

According to § 35(2) of the Judicial Administrative Procedure Code (Act No. 150/2002 Coll., as amended), a party in the proceedings according the Judicial Administrative Procedure Code may be represented by a lawyer or possibly by another person practicing special legal consultancy according to special Acts, if the petition concerns activities stated herein, (patent representatives, tax advisors, notaries). A party may be further represented by a trade union organization, by a legal entity established on the basis of the Act on Association of Citizens or by a physical person.

According to § 105(2), a petitioner in the proceedings on cassation complaint has to be represented by a lawyer, except for the case when a petitioner, his employee or a member acting on his behalf or representing him has a university-level education in law required for exercising practice a lawyer.

Proceedings before the Constitutional Court:

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

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

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

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

- Yes  
 No

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

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

- Yes  
 No

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

- Yes

No

If yes, please specify:

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

Question 146) The Registry administrated by the Czech Bar Association (The Registry office). Question 148 - In the Czech Republic there is no such source.

**F1 Comments for interpreting the data mentioned in this chapter:**

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

**F2 Useful comments for interpreting the data mentioned in this chapter:**

Act No. 85/1996 Coll., on the Legal Profession - Section 22 - 1) Law shall be practised regularly for a fee; the client may be requested to pay a reasonable fee in advance. (3) The mode and amount of the fee and reimbursement of a lawyer practising law as a sole lawyer or jointly with other lawyers, and/or its rates, shall be set by the Ministry of Justice in its executive regulation upon the Bar's expressing its opinion on the matter. (The Regulation of the Ministry of Justice No. 177/1996 Coll, providing for Lawyers' Fees and Reimbursement for Their Provision of Legal Services, as amended.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

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

Yes

No

If yes, what are the quality criteria used?

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

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

the bar association?

the Parliament?

other?

If "other", please specify:

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

the performance of lawyers?

the amount of fees?

Please specify:

Lawyers and legal trainees shall be subject to disciplinary liability for a disciplinary breach. A disciplinary breach shall be a serious or repeated culpable breach of duties imposed upon lawyers or legal trainees by the Act (Act on legal profession) herein or by special legislation or by professional rules.

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

the judge

the Ministry of justice

a professional authority

other

If other, please specify:

The three-member Disciplinary Panel composed of members of the Bar Disciplinary Commission shall decide whether a lawyer or legal trainee has committed a disciplinary breach, and on the imposition of a disciplinary measure, upon the disciplinary petition filed by the disciplinary petitioner (Chairman of the Disciplinary Commission of the Czech Bar Association and Minister of justice).  
Court decides in the last instance.

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

-----

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

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	165
1. Breach of professional ethics	165
2. Professional inadequacy	0
3. Criminal offence	47
4. Other	0

Comment :

Criminal offence - this figure means number of criminal prosecutions of lawyers or legal trainees which had been notified to the Czech Bar Association and afterwards have been hearing by the Board of directors.

The figure 47 is not included in the total number of disciplinary proceedings.

**162) Sanctions pronounced against lawyers.**

-----

**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.**

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	82
1.Reprimand	



	16
2. Suspension	4
3. Removal	3
4. Fine	22
5. Other (e.g. disbarment)	37

Comment :

other:

16x discharge from disciplinary punishment,  
8x discontinuance of proceedings,  
11x acquittal of disciplinary charges,  
2x suspend the proceedings.

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation and other forms of ADR

**163) Does the judicial system provide for judicial 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

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**  
 -----

**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:  
 Participation in mediation is voluntary for their participants. Judge/state prosecutor in criminal law cases can refer the case to Probation and Mediation Service for providing V/O mediation - if victim and offender agree with mediation, probation officer/mediator provides it (free of charge). In civil law case judge can refer the case to accredited mediator and can order 3h meeting with mediator.

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

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	No	No	No
Family law cases (ex. divorce)	Yes	Yes	No	No	No
Administrative cases	Yes	Yes	No	No	No
Employment dismissals	Yes	Yes	No	No	No
Criminal cases	Yes	Yes	Yes	No	No

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

- Yes
- No

If yes, please specify:

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

388

**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)  Yes 1 200  
 1. civil cases NA  
 2. family cases NA  
 3. administrative cases NA

4. employment dismissals cases

NA

5. criminal cases

Yes

1 200

Comment :

**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?	Yes
Arbitration?	Yes
Conciliation?	No
Other alternative dispute resolution?	No

Comment :

**G.1 You can indicate below:**

- 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

Act No. 202/2012 Sb. of Mediation in non-criminal matters is effective from September 2012. Up to now there are 88 accredited mediators for civil law cases (data as of 20 December 2013).

Mail CN 9/1/14: Q 164: Mediation in non-criminal matters was introduced in 2012 and that why court annexed mediation in civil cases was added - see comment below.

Q 165: The basic legal aid for mediation in criminal cases can provide the probation officer - mediator. Mostly it is information on the offender's and victim's rights during the criminal proceeding and on how the mediation and its conclusion can effect the decision.

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

Probation and Mediation Service

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

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

- Yes  
 No

**170) Number of enforcement agents**

398

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

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

Please specify their status and powers:

We have bailiffs working at courts (251) and private executors - private individuals licensed by the State and organized under The Chamber of Executors (147).

**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:**

The Chamber of Executors  
Ministry of Justice

## 8. 1. 2. Efficiency of enforcement services

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

- Yes  
 No

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

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

If other, please specify:

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

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

- Yes  
 No

If yes, what are the quality criteria used?

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

- a professional body  
 the judge  
 the Ministry of Justice  
 other

If "other", please specify:

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

- Yes  
 No

if yes, please specify

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

- Yes  
 No

If yes, please specify

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

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

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other

If "other", please specify:

**184) Has your country prepared or 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 length of 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 initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	33
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	3
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	30
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 initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	25
1. Reprimand	<input checked="" type="checkbox"/> number:	4
2. Suspension	<input checked="" type="checkbox"/> number:	0
3. Dismissal	<input checked="" type="checkbox"/> number:	0
4. Fine	<input checked="" type="checkbox"/> number:	12
5. Other	<input checked="" type="checkbox"/> number:	9

Comment :

other:

6x discontinuance of proceedings,

3x acquittal of disciplinary charges

8 cases are not finished

#### H.1 You can indicate below:

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

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

Ministry of Justice

Chamber of Executors

### 8. 2. Execution of decisions in criminal matters

#### 8. 2. 1. Functioning

#### 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:

[Mail from NC sent on 9 April 2014: The role of the Prison and Probation Services as authorities in charge of the enforcement of judgments in criminal matters is more and more important because of the increasing number of alternative punishments (e.g. house arrest, community service etc).]

#### 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%  
 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. Statute

#### 9. 1. 1. Functioning

**192) Do you have notaries in your country? If no please skip 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 | 448 |
| public agents?   | <input type="checkbox"/> number            |     |
| other?   | <input type="checkbox"/> number            |     |

Comment :

As of 19 December 2012 one notary office was cancelled by the Minister of Justice and one notary has execution of his activity suspended by the Minister of Justice.

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

- within the framework of civil procedure?  
 in the field of legal advice?  
 to certify the authenticity of legal deeds and certificates?  
 other?

If "other", please specify:

In area of insolvency administratory.

#### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring 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**

**Please indicate the sources for answering question 193:**

Ministry of Justice  
The Notarial Chamber of the Czech Republic

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Functioning

**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:**

3377

**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):

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

**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:**

number of court interpreters - data as of 30 September 2013

**Please indicate the sources for answering question 199:**

Ministry of Justice  
Chamber of Court Appointed Interpreters and Translators of the Czech Republic

## 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)**

9857

**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:

Ministry of Justice formulated in 2011 qualification prerequisites for appointment of a judicial experts - they differ according to different branches, but generally it is master degree and at least 10 years of professional experience.

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

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**If no, please specify in the "comments" 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 :

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

number of judicial experts - data as of 30 September 2013

**Please indicate the sources for answering question 205:**

Ministry of Justice

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Foreseen reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. 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)**

**3.1 Access to justice and legal aid**

**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**

**6.1 Personal status**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crim**

3.1

Act No. 45/2013 Sb. on victims of crimes

- is effective from April 2013;

- has unified the so far fragmented legal regulations; arranged and extended the catalogue of rights of victims;

- has granted the right to victims to be provided specialized assistance including legal aid, right to information and right to financial help;

- has established the Register of Providers of Help to victims of crimes.