

Evaluation of the judicial systems (2018 - 2020)



Germany

Generated on : 24/09/2020 14:49

Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

Instruction :

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

- User manual
- Explanatory note

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

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

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



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

[83 019 200]

Comments

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

	Amount
State or federal level	385 998 000 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	658 933 000 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

[40 852]

Comments

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

[53 688]

NA

Comments With regard to this question, no data are available for 2018. The data from 2017 have therefore been included.

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

[]

Allow decimals : 5

NAP

Comments

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

Sources: On question 1: Federal Statistical Office (Wiesbaden); intercensal population updates on basis of 2011 census, subject-matter series 1, series 1.3.

On question 2: Federal Statistical Office (Wiesbaden); tax and finance (subject-matter series 14, series 2.

On question 3: Federal Statistical Office, national accounts (subject-matter series 18, series 1.2, table 1.4)

On question 4: Federal Statistical Office, Statistical Yearbook (Germany and abroad), table 6.1.2.

1.1.2. Budgetary data concerning judicial system

006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution

services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	[X] NA [] NAP	[X] NA [] NAP
1. Annual public budget allocated to (gross) salaries	[X] NA [] NAP	[X] NA [] NAP
2. Annual public budget allocated to computerisation	[X] NA [] NAP	[X] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	[X] NA [] NAP	[X] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	[X] NA [] NAP	[X] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	[X] NA [] NAP	[X] NA [] NAP
6. Annual public budget allocated to training	[X] NA [] NAP	[X] NA [] NAP
7. Other (please specify)	[X] NA [] NAP	[X] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: The budget of the courts cannot be separated from budget from the public prosecution.

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	10 578 742 300 [] NA [] NAP	10 244 986 292 [] NA [] NAP
Total annual public budget allocated to all courts and legal aid together	[X] NA [] NAP	[X] NA [] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: It is an aggregation of the Federal Courts and the Lander's budgets. All Landers are included. Baden-Württemberg:

The budget allocated to the public prosecution services cannot be separated from the budget allocated to all courts.

Bavaria:

The budget of the public prosecution offices cannot be presented separately. Finance courts: The budget allocated to legal aid cannot be separated from the budget approved for the finance courts and has therefore been included under question 6.

Administrative courts: There is no separate position in the budget for legal aid.

Separating the budget allocated to Land administrative courts and legal aid from the budget approved for all courts is not possible. The budget allocated to Land administrative courts and legal aid has therefore been included under question 6.

Other (finance courts): other material administrative expenditure, capital expenditure and special financing expenditure for finance courts.

Brandenburg: The budget plan for 2017/2018 was based on an assumption of greater expenditure. Furthermore, due to budget funds not being fully utilised in 2018, reserves were used for personnel and administrative expenditure.

Bremen:

The total annual public budget allocated to all courts and public prosecution services cannot be presented either separately or jointly since parts thereof (IT expenditure for the entire justice system including prisons and the senatorial authority, as well as training expenditure) are centrally estimated.

Mecklenburg-Western Pomerania:

The approved budget includes expenditure for the courts, the public prosecutor general and all four public prosecution offices. The individual budgets cannot be shown separately.

Rhineland-Palatinate:

Under the system currently in place, the budgets allocated to courts and public prosecution offices cannot be shown separately. The expenditure shown therefore includes the expenditure for public prosecution offices. Saarland:

7.a) Budget allocated to public prosecution services:

For the public prosecutor general and the public prosecution office, the only data shown separately are the estimates for the staffing and materials expenditure budget (i.e. not including statutory expenditure).

Saxony:

Expenditure for IT, basic and further training, maintenance and operating costs for buildings and facilities, internal court costs, public relations work, trans-regional cooperation etc. is centrally estimated, spent and managed for all parts of Saxony's justice system (courts, public prosecution offices, prisons, Justice Ministry, Central Office for Information Technology, Training Centre). Insofar as it is incurred by the courts and public prosecution offices, this type of expenditure cannot therefore be shown separately.

Thuringia:

Excl. costs for maintenance and construction of court buildings.

No information has been provided in this regard by the other Federal Länder.

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

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

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

- In criminal proceedings, fees related to the proceedings will arise in an amount stipulated by law, while the amounts of fees charged in other court proceedings will be primarily oriented by the amount in dispute or the transaction value.

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

[324]

[] NA

[] NAP

Comments -

009. Annual income of court fees received by the State (in €):

[4 322 388 298]

[] NA

[] NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	755 656 823 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	647 411 572 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: Bavaria

Administrative courts: no separate estimate for legal aid

Labour and social courts: No answer can be provided regarding question 12 because – as explained under questions 6 and 7 – legal aid and court costs etc. are estimated together in one budgetary item. For this reason, only question 12.1 can be answered here.

Brandenburg

The budget plan for 2017/2018 was based on an assumption of greater expenditure.

The expenditure depends on the number of court proceedings and their value. This means that it cannot be controlled by the justice administration. The target was derived from a prognosis based on the actual numbers of previous years, taking into account any changes

made to the law governing costs.

Bremen:

Actual expenditure over the financial year fell behind the approved funds.

Hesse

As regards questions 12 and 12.1, it should be noted that the amount indicated only refers to attorney fees paid within the framework of legal aid. No data can be provided regarding court costs paid within the framework of legal aid – especially regarding costs for experts or interpreters and witness compensation – as these data are not collected separately.

Mecklenburg-Western Pomerania

The budget plan for 2018/2019 was based on an assumption of greater expenditure.

Lower Saxony

As concerns the estimation of legal aid, no separation is made between criminal cases and cases other than criminal cases. It is not possible to differentiate between the areas of law in which legal aid was granted.

Saxony

Expenditure is dependent on the number of court proceedings and the value of the subject matter, both of which are beyond the control of the judicial administration. The target is therefore based on a prognosis reached on the basis of how expenditure has developed in previous years, taking into account any possible changes to the law governing costs.

Saxony-Anhalt

Legal assistance in line with the Act on Legal Advice and Assistance

Schleswig-Holstein

In terms of legal aid, no target data can be provided since most jurisdictions include legal aid expenditure in the estimate of expenditure on legal matters, which is why it cannot be shown separately. In terms of legal aid, no target data can be provided (legal aid is only estimated in one of the jurisdiction chapters in a separate budgetary item; apart from that, legal aid is included in the estimate of expenditure on legal matters; see explanations to question 6.3).

Thuringia

The information provided with regard to questions 12.2 and 12.1.2 (non-litigious cases) refers to expenditure for legal advice and assistance.

No information has been provided in this regard by the other Federal Länder.

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	[X] NA [] NAP	[X] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	[X] NA [] NAP	[X] NA [] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The budget of the courts cannot be separated from budget from the public prosecution.

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

Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level

Ministry of Justice	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Other ministry	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Parliament	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Supreme Court	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
High Judicial Council	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Courts	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Inspection body	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

If any other Ministry and/or inspection body and/or other, please specify: Budgetary laws, budget plans, individual plans, budget accounts from the Länder.

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

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

Comments - If "other", please specify: Bavaria

Labour and social courts: Exact responsibilities are set out in the business roster of each individual court.

Others: Budget management is usually the responsibility of civil servants of the higher intermediate service working in the court administration.

Administrative courts: Budget commissioners.

Brandenburg:

Information provided applicable where a budget commissioner is appointed who is not the head of the court.

Bremen:

The court management is usually supported by a budget officer.

Hamburg:

Responsibility for budget planning, arbitration and allocation lies with the Authority for Justice and Equality as the competent ministerial office. This is done in close coordination with the courts. Budget evaluation and control is based on revenue and expenditure accounting by the Court of Audit and Parliament.

North Rhine-Westphalia:

Specially commissioned court staff.

Saxony:

A budget commissioner is appointed for each court in accordance with section 9 of the Saxon Budget Code (SäHO), unless the court president carries out this task him/herself. Individual budget-related tasks (see table above) can be transferred by the court president or budget commissioner to other court staff, regardless of their function, by including these in the roster allocating court business.

Saxony-Anhalt:

"Other" refers to authorising officers and budget managers within each court.

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

Sources: Information provided by the Länder upon request submitted to the Land justice administrations.

Budgetary laws, budget plans, individual plans, budget accounts from the Länder.

Information from federal courts.

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	17 079 829 012 [] NA [] NAP	16 792 836 023 [] NA [] NAP

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

Bavaria

The figure provided covers the budget for the justice system and the administrative courts.

Finance, labour and social courts: NA

Administrative courts: Question 15.1 includes the overall allocation for the administrative courts incl. further training costs

Berlin

Consumer protection matters, Bar Examinations Office

Brandenburg

The budget plan for 2017/2018 was based on an assumption of greater expenditure. The total budget calculation for EPL 04 did not include the chapter for Europe and consumer protection departments, Land Office for Occupational Health and Safety, Consumer Protection and Health (LAVG) and INTERREG. The indicated budget includes Land and federal funds only.

Bremen

Figures take account of expenditure in product plan justice as well as justice expenditure in product plan 96, IT budget, of the Free Hanseatic City of Bremen.

Actual expenditure over the financial year fell behind the approved funds.

Rhineland-Palatinate

Rhineland-Palatinate Constitutional Court

Saxony

Expenditure for the justice system in the Free State of Saxony is estimated in section 06 of the Land budget, with the exception of building and maintenance works/management and rental of real estate. This section thus accounts for all expenditure falling within the portfolio of the Saxony State Ministry of Justice. This portfolio includes the courts and public prosecution offices, prisons, Bobritzsch Training Centre, and the Central Office for Information Technology of the Saxon Justice System. Section 06 is split into various chapters, including chapters for each individual jurisdiction and for the public prosecution offices en bloc. However, it is not possible to provide a detailed breakdown of the funds approved in the budget plan and those actually spent over the financial year on each individual branch of the justice system. This is because part of the expenditure earmarked for each branch is estimated in a central chapter and some of these funds are centrally managed. Budget planning for these funds is also centralised. Expenditure on building and maintenance, as well as management and rental of real estate, is estimated in section 14 of the Land budget for the entire of Saxony. Any such expenditure falling within the remit of the Saxony State Ministry of Justice is consolidated into a single chapter within this section. Offices within the remit of the Saxony State Ministry of Finance are responsible for planning and managing funds under section 14. Investment-related expenditure for major building works (i.e. those entailing total building costs exceeding 1 million euros) can be attributed to individual facilities and thus, as a rule, to courts or public prosecution offices. However, investment-related expenditure for minor building works cannot be separated according to courts/public prosecution offices. At each individual court and public prosecution office, as well as at the Central Office for Information Technology in the Saxon Justice System and the Saxony State Ministry of Justice, budget planning, administration and execution fall within the purview of the head of office and the budget commissioner. In total – graded according to the volume of funds – more than 50 offices are involved in planning and managing budgetary resources. It is therefore not possible to draw up an organisational diagram. Expenditure is dependent on the number and scale of court/criminal proceedings as well as the number of inmates, all of which are beyond the control of the judicial administration. Moreover, human resources management entails a certain degree of employee fluctuation (newly hired staff, parental leave, long-term sickness etc.); potential salary increases under collective bargaining agreements can only be estimated; IT projects and planned building works are subject to ongoing amendment. Target figures are based on forecasts and usually differ from actual expenditure.

Saxony-Anhalt

In accordance with the Land Government’s decision on the structuring of the Saxony-Anhalt Land Government and the remits of the various departments, the Ministry of Justice is also responsible for women’s and equality policy. The corresponding budgetary resources are set down in section 11 (judicial budget). The judicial budget does not include expenditure for building maintenance.

Schleswig-Holstein

The information given under question 15.1 is based on the estimate for 2018 in section 09 (2018 target) and the budget actually executed in 2018 (2018 actual).

The information shows the total expenditure of the Justice Ministry including expenditure on the Ministry itself, the prison service and the public prosecution offices.

Explanation of significant deviations between the executed budget in 2018 and the approved budget in 2018: - additional revenues, particularly in the area of court costs,

- reduced expenditure, particularly in the area of staff costs, expenditure on legal matters and other expenditure. Thuringia

Information comprises all estimated/actual expenditure for courts, public prosecution offices, prisons, ministry (incl. Bar Examinations Office), and includes personnel, payments, procedural expenses, investment and IT. It does not include expenditure for building works and maintenance of Land-owned justice facilities or expenditure in the areas of migration and consumer protection.

No information has been provided in this regard by the other Federal Länder.

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

	Included	Not included	Does not exist (NAP)
Courts (see question 6 or 7)	(X)	()	()

Legal aid (see question 12 or 7)	(X)	()	()
Public prosecution services (see question 13 or 7)	(X)	()	()

015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	(X)	()	()
Probation services	(X)	()	()
High Judicial Council	()	()	(X)
Constitutional court	()	(X)	()
Judicial management body	(X)	()	()
State advocacy	()	(X)	()
Enforcement services	(X)	()	()
Notariat	()	(X)	()
Forensic services	()	(X)	()
Judicial protection of juveniles	()	(X)	()
Functioning of the Ministry of Justice	(X)	()	()
Refugees and asylum seekers services	()	(X)	()
Immigration Service	()	(X)	()
Some police services (e.g. : transfer, investigation, prisoners' security)	()	(X)	()
Other	(X)	()	()

If "other", please specify: Training centres for the administration of justice, such as the German Judicial Academy, the Northern German College for the Administration of Justice and educational/further training centres.

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

Sources: Budgetary laws, budget plans, individual plans, budget accounts from the Länder

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- Legal aid system before going to court:

According to the Act on Advisory Assistance and Representation for Citizens with a Low Income (Advisory Assistance Act; Gesetz über Rechtsberatung und Vertretung für Bürger mit geringem Einkommen, Beratungshilfegesetz) persons seeking legal aid have access to advisory assistance for the exercise of rights outside court proceedings and in mandatory conciliation proceedings.

Provisions to be met are as follows: litigants cannot mobilise the necessary resources due to their personal and economic circumstances (which is determined according to the standards set out for assistance with court costs under the provisions of the Code of Civil Procedure); there are no other possibilities for assistance, use of which can be expected from the litigant; use of advisory assistance does not seem frivolous (section 1 (1)).

Advisory assistance consists of advice and necessary representation in all legal matters except in criminal and regulatory offence laws in which only advice is granted (section 2 (1) and (3)). Advisory assistance is usually provided by attorneys (section 3). Litigants can apply for a certificate of eligibility at the local court; the application can also be made retroactively within four weeks of directly contacting a consultant (section 6). If legal aid is granted the person has to pay at most 15 Euro to the attorney. Special provisions apply for cross border disputes pursuant to Directive 2003/8/EC and in case of maintenance pursuant to Regulation (EC) No 4/2009.

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

Yes

No

NAP

If yes, please specify:

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

Yes

No

NAP

If yes, please specify: -

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

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

Comments - If yes, please specify:

2.1.2. Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
TOTAL	506 470 <input type="checkbox"/> NA <input type="checkbox"/> NAP	506 470 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	506 470 <input type="checkbox"/> NA <input type="checkbox"/> NAP	506 470 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

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

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

Comments - If yes, please specify: The assistance of defence counsel is necessary under certain conditions. In cases of necessary defence, defence counsel is appointed for an accused person who does not yet have defence counsel. The incomes and assets of the accused person are immaterial.

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: Section 114 (1), first sentence, of the Code of Civil Procedure (Zivilprozessordnung, ZPO), applies:

Any parties who, due to their personal and economic circumstances, are unable to pay the costs of litigation, or are able to so pay them only in part or only as instalments, will be granted assistance with the court costs upon filing a corresponding application, provided that the action they intend to bring or their defence against an action that has been brought against them has sufficient prospects of success and does not seem frivolous.

In accordance with section 115 (1) ZPO, the parties are to use their income.

Section 115: Use of income and assets

(1) The parties are to use their income. The term “income” comprises all earnings in money or in money’s worth. The following are to be deducted in determining the parties’ income:

1.

a) The amounts designated in section 82 (2) of Book XII of the Social Code (Sozialgesetzbuch Teil XII, SGB XII);

b) For parties earning an income from economic activities, an amount of 50 percent of the maximum standard rate initially assessed or later updated for the single, or single-parent, beneficiary of benefits granted under stage 1 standard support needs pursuant to the annex to section 28 of Book XII of the Social Code (SGB XII);

2.

a) For the party and the party’s spouse or partner under a civil union, the amount of the maximum standard rate initially assessed or later updated for the single, or single-parent, beneficiary of benefits granted under stage 1 standard support needs pursuant to the annex to section 28 of Book XII of the Social Code (SGB XII), increased in each case by 10 percent;

b) In the event of further maintenance payments being made based on a statutory obligation to pay such maintenance, for each person entitled to maintenance, in each case the amount of the maximum standard rate initially assessed or later updated for the person of the corresponding age entitled to benefits granted under standard support needs of stages 3 to 6 pursuant to the annex to section 28 of Book XII of the Social Code (SGB XII), increased in each case by 10 percent;

3. The costs of residential accommodation and heating costs, insofar as they are not obviously disproportionate to the general life circumstances of the party concerned;

4. Extra allowances for additional needs pursuant to section 21 of Book II of the Social Code (SGB II) and pursuant to section 30 of Book XII of the Social Code (SGB XII);

5. With a view to special obligations to which the party is subject, further amounts as appropriate; section 1610a of the Civil Code (Bürgerliches Gesetzbuch, BGB) shall apply mutatis mutandis. The amounts in force at the time at which assistance with court costs is approved shall govern. The Federal Ministry of Justice publishes, in the Federal Law Gazette (Bundesgesetzblatt, BGBI.), the amounts initially assessed or later updated in accordance with the third sentence hereinabove at number 1 lit. b and with number 2. Where these amounts are not full amounts in euros, they are to be rounded down where they are equal to 0.49 euros and less, and shall be rounded up where they are equal to 0.50 euros and higher. The maintenance allowance amounts stipulated by the third sentence hereinabove at number 2 shall be reduced by the income earned by the person entitled to maintenance. Should an annuity be paid, it is to be deducted instead of the allowance amount wherever reasonable. According to the 2017 announcement on legal aid, from 1 January 2017 onwards

the determinative amounts to be deducted from the party's income in accordance with section 115 (1), third sentence, no. 1 letter b and no. 2 of the Code of Civil Procedure (Zivilprozessordnung, ZPO) are: 1. for parties earning an income from economic activities (section 115 (1), third sentence, no. 1 letter b ZPO): 215 euros;

2. for the party and the party's spouse or partner under a civil union (section 115 (1), third sentence, no. 2 letter a ZPO): 473 euros; 3. for each additional person who receives maintenance from the party due to statutory support obligations, depending on their age (section 115 (1), third sentence, no. 2 letter b ZPO): a) adults: 377 euros;

b) children from the age of 14 up until their 18th birthday: 359 euros;

c) children from the age of 6 up until their 14th birthday: 333 euros;

d) children up to their 6th birthday: 272 euros.

For determining the instalments, the following applies in accordance with section 115 (2) ZPO:

Out of that part of the monthly income remaining after deductions ("income to be used"), monthly instalments are to be assessed in the amount of half of the income to be used; such monthly instalments are to be rounded down to a full amount in euros. Where the amount of a monthly instalment is lower than 10 euros, the assessment of monthly instalments is to be desisted from. Where the income to be used is greater than 600 euros, the monthly instalment shall amount to 300 euros plus that part of the income to be used that is in excess of 600 euros. As a maximum, and regardless of the number of court instances in which the proceedings are pursued, a maximum of 48 monthly instalments are to be paid. In accordance with section 115 (3) ZPO, the party is to use its assets to the extent this can reasonably be expected of it. The details are regulated by law.

Legal aid is granted if a party, due to their personal and economic circumstances, is unable to pay the costs of litigation, or can only pay the costs in part or in instalments. This requires an examination of the specific case.

023. If yes, please specify in the table:

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

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid: Please refer to the answer to question 23. In accordance with section 114 (1), first sentence, of the Code of Civil Procedure (Zivilprozessordnung, ZPO), parties in need will be granted assistance with the court costs upon filing a corresponding application, provided that the action they intend to bring or their defence against an action that has been brought against them has sufficient prospects of success and does not seem frivolous. However, the requirements for determining the prospects of success cannot be excessive. In general, it must merely seem possible based on a summary examination of the factual and legal situation that the applicant can successfully pursue his case. The approval procedure is explicitly not designed for taking decisions on contentious legal matters. Furthermore, there is no mandatory taking of evidence on the facts relevant to a decision on the merits. In accordance with section 118 (2), second sentence, ZPO, no witnesses or experts are examined, unless it cannot be established by any other means whether or not the action brought by a party, or the defence against an action brought by others against it, holds out sufficient prospects of success and does not seem frivolous.

Legal aid is only granted if the intended legal action or legal defence has sufficient prospects of success and does not appear to be frivolous.

025. 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)

Comments

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

- Yes
- No

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

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

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

Comments

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

Sources: Re question 20: Federal Statistical Office:
Special publication series (Fachserie) 10, Civil Courts, Family Courts, Administrative Courts, Financial Courts, Social Courts, Labour Courts

Re question 23.:
Section 115 of the Code of Civil Procedure (Zivilprozessordnung, ZPO), section 166 of the Code of Administrative Court Procedure (Verwaltungsgerichtsordnung, VwGO), section 73a of the Act on Social Court Procedure (Sozialgerichtsgesetz, SGG); section 142 of the Code of Finance Court Procedure (Finanzgerichtsordnung, FGO); sections 114 et seq. of the Code of Civil Procedure (<https://www.gesetze-iminternet.de/zpo/index.html#BJNR005330950BJNE157201311>)

2.2. Court users and victims

2.2.1. Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public

may have free of charge access to the following:

	Yes	Internet adresse(es)
legal texts (e.g. codes, laws, regulations, etc.)	()	(X) regarding federal law: www.gesetze-im-internet.de; regarding the law of the states ("Bundesländer"): www.justiz.de/onlinedienste/bundesundlandesrecht/index.php, http://www.landesrecht-bw.de/jportal/portal/page/bsbawueprod.psml, http://gesetze.berlin.de/jportal/portal/page/bsbeprod.psml, www.recht.nrw.de, www.lexsoft.de/cgi-bin/lexsoft/justizportal_nrw.cgi, http://www.gesetze-rechtsprechung.sh.juris.de/jportal/page/bsshoprod.psml
case-law of the higher court/s	()	(X) www.rechtsprechung-im-internet.de, www.bundesverfassungsgericht.de, www.bundesgerichtshof.de, www.bundesverwaltungsgericht.de, www.bundesfinanzhof.de, www.bundesarbeitsgericht.de, www.bsg.bund.de, www.bundespatentgericht.de, www.justiz.de/onlinedienste/rechtsprechung/index.php, http://lrw.juris.de/cgi-bin/laender_rechtsprechung/list.py?Gericht=bw&Art=en, http://gerichtsentscheidungen.berlin-brandenburg.de/jportal/portal/t/14lr/bs/10/page/sammlung.psml/bs/10/ https://www.berlin.de/sen/justiz/service/justiz-onlinedienste/ www.nrwe.de, www.vgh.nrw.de, https://www.schleswig-holstein.de/DE/Fachinhalte/E/entscheidungssammlung_justiz/landesrechtsprechungsdatenbank.html

<p>other documents (e.g. downloadable forms, online registration)</p>	<p>()</p>	<p>(X)</p> <p>www.justiz.de/bundlaender/index.php, http://www.justiz-bw.de, http://gerichtsentscheidungen.berlin-brandenburg.de/jportal/portal/t/14lr/bs/10/page/sammlung.psm1/bs/10/, https://www.berlin.de/sen/justiz/service/justiz-onlinedienste/, www.justiz.nrw, https://www.schleswig-holstein.de/DE/Justiz/Gerichte/gerichte_node.html</p>
------------------------------------------------------------------------------	------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Please specify what documents and information are included in “other documents”: The website www.justiz.de provides nationwide access to online services that provide free information, e.g. with regard to register entries, publication of insolvency notices, compulsory auction schedules, interpreters and translators and legal service providers.

Baden-Württemberg: Forms, e.g. legal aid application forms; information on proceedings is also provided online by the courts themselves
Bavaria:

Labour jurisdiction: information from the Labour Ministry; ordinary jurisdiction: Forms and information brochures (see the websites www.justiz.Bavaria.de and www.freistaats.Bavaria/)

Berlin

(Application) forms used uniformly in all of Germany; online registration to access nationwide justice portals (register portal, compulsory enforcement portal...)

Hamburg:

Laws and statutory instruments, further information, e.g. <https://justiz.hamburg.de/>

Lower Saxony:

Forms and form completion assistance in the fields of labour law, advisory assistance, guardianship, family law, land register law, insolvency law, summary proceedings for recovery of debt, law governing estates, legal aid, criminal law, law governing compulsory enforcement, other; the online portal “Opferschutz Niedersachsen” (Victim Protection Lower Saxony) provides victims and relatives easy access to information and assistance regarding their rights as well as further information for professionals who work with victims.

North Rhine-Westphalia: Application forms, information brochures regarding various legal topics, more general information, glossary explaining legal terms, links, explanations of the organisational structure of the court system and the Ministry of Justice

Saxony:

Collection of Saxony’s laws and statutory instruments (Revosax), websites of some courts, collection of decisions of the ordinary courts of Saxony (ESAMOSplus) Saxony-Anhalt:

No changes in comparison with previous years. Forms, general information on procedures and legal aspects, public relation publications, <http://www.landesrecht.Saxony-Anhalt.de>

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

() Yes, always

(X) No

() Yes, only in some specific situations

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

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

(X) Yes

() No

Comments - If yes, please specify: -

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

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

Comments - If "other vulnerable person" and/or "other special arrangements", please specify: Where they do not have capacity to contract, children are also not capable of suing and being sued, and must be represented in court (e.g. by their parents). Under the law, children are entitled to legal aid. In parent and child matters concerning the child the court shall appoint a suitable guardian ad litem for minors to the extent necessary for representing the child's interests. The guardian ad litem for minors shall determine the interests of the child and shall assert these in the court proceedings. He shall inform the child of the object, course, and potential result of the proceedings in a suitable manner."

Victims of domestic violence may apply for special measures of the court in accordance with the Violence Protection Act (Gewaltschutzgesetz, GewSchG), such as a ban on coming close and the sole allocation of the joint dwelling. In accordance with section 184, second sentence, of the Courts Constitution Act (Gerichtsverfassungsgesetz, GVG), Sorbs may speak Sorbian in court. Section 186 of the Courts Constitution Act contains special provisions for hearing impaired or speech impaired persons for communication in court. The entitlement to join criminal proceedings as private accessory prosecutor opens up the opportunity, pursuant to section 397a (1) of the Code of Criminal Procedure (Strafprozessordnung, StPO), to appoint counsel who is to provide assistance to the aggrieved person at no charge, as well as the right to be present, pursuant to section 406h (1), first sentence, of the Code of Criminal Procedure (StPO), during the course of the entire main proceedings of the trial. Other special arrangements of protection have been provided for by the Code of Criminal Procedure (StPO), such as the audio-visual transmission or recording of testimony during the main hearing (section 247a of the Code of Criminal Procedure (StPO)) or the removal of the defendant from the courtroom during an examination of a witness (who may be a victim) (section 247 of the Code of Criminal Procedure (StPO)). Inasmuch as, in various instances, there is the concern of the witness being placed at risk, any assessment of such risk by the court and the public prosecutor's office will have to consider the age of a juvenile or child. In some instances, the group of witnesses under the age of 16 is given particular consideration: inter alia, the removal of the defendant from the courtroom during their examination by the court is facilitated (section 247, second sentence, of the Code of Criminal Procedure (StPO)); it is permissible to have their examination conducted solely by the presiding judge (section 241a of the Code of Criminal Procedure (StPO)); or the showing of an audio-visual recording of a witness examination before the court is facilitated (section 255a (2) of the Code of Criminal Procedure (StPO)); the same applies to the exclusion of the public from the hearing (section 172 number

4 of the Courts Constitution Act (GVG)). In addition, psychosocial assistance in proceedings (psychosoziale Prozessbegleitung) is embodied in law in order to allow victims of serious criminal offences to receive support before, during and after the main hearing. Child and juvenile victims will generally be legally entitled to free psychosocial assistance in proceedings. As regards other victims of violent or sexual offences, need for such psychosocial assistance will be determined on a case-by-case basis by the court. The latter was included within German law by implementing the Victims Rights Directive (EU) 2012/29 with the Third Act on Reforming the Laws Governing Victims' Rights (3. Opferrechtsreformgesetz).

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

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.): -In criminal proceedings, minor victims can play an active role in criminal proceedings and participate in criminal proceedings as joint plaintiffs under the conditions of section 395 of the Code of Criminal Procedure. Joint plaintiffs who are victims of certain offences which are listed in the catalogue of section 397a (1) of the Code of Criminal Procedure receive, upon request and irrespective of their economic preconditions, a free victim lawyer as assistance. All other joint plaintiffs receive legal aid in accordance with section 397a (2) of the Code of Criminal Procedure for the involvement of a lawyer if they are unable to adequately safeguard their own interests or cannot be reasonably expected to do so. Joint plaintiffs are entitled to be present at the main hearing and have their own procedural rights, which are described in more detail in section 397 of the Code of Criminal Procedure, such as the right to ask questions or the right to request evidence. Victims of criminal offences who are entitled to participate in criminal proceedings as joint plaintiffs under the condition of section 395 of the Code of Criminal Procedure, but who do not wish to join the proceedings as joint plaintiffs, receive according to section 406h of the Code of Criminal Procedure a lawyer under the conditions of section 397a of the Code of Criminal Procedure. They are also entitled to be present at the main hearing and their legal counsel has according to section 406h of the Code of Criminal Procedure a right to ask questions.

-Family court proceedings are governed by the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction (Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der Freiwilligen Gerichtsbarkeit, FamFG). The English version of these provisions can be found here: https://www.gesetze-im-internet.de/englisch_famfg/index.html

According to section 9 (1) no. 3 of the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction, a child with limited capacity to contract has capacity to participate in proceedings if he or she is at least 14 years old and is asserting a right granted under civil law in proceedings that affect him or her. Any person with capacity to participate in proceedings can make or accept legally effective declarations – either on their own or via a representative appointed by them.

Minors have capacity to be a party to an action since they can be holders of rights. But since they do not have full capacity to contract, they do not have capacity to sue and be sued. For this reason, they must be represented in court proceedings by a legal representative.

032. Does your country allocate compensation for victims of offences?

Yes, please specify for which kind of offences: Compensation in accordance with the Act on Compensation for Victims of Violent Crime (Opferentschädigungsgesetz, OEG) is not contingent on the nature of the criminal offence. It is also not conditional on the offenders being prosecuted. It is, rather, conditional on a person having suffered harm to their health by an intentional, unlawful violent act within German state territory. Equally, surviving dependants of persons who died as a result of the health damage also have a right to benefits. Medical and healthcare benefits are provided, as are pensions to compensate for the health and economic consequences of the damage to health caused by the violent act, as well as benefits to ensure a person's livelihood. Pension payments are made if the damage to health is permanent and reaches a certain minimum level. Psychological damage is recognised as constituting health damage. Additionally, (restricted) benefits have also been provided since 1 July 2009 for damage caused by violent acts committed abroad. The criminal offences which are normally connected with an intentional, unlawful violent at-tack and can cause damage to health, for instance include grievous bodily harm, murder/intentional manslaughter, rape and sexual coercion. Also, deprivation of liberty may constitute a physical attack. According to the law, the following are deemed to be equivalent to a physical attack • the intentional application of poison, • the at least negligent bringing about of a risk to life and limb of another by virtue of a felony committed with means that pose a danger to the public (e.g. arson, explosives attack).

No

Comments

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify: Section 158 (3) sentence 1 of the Code of Criminal Procedure statutes the transmission of reports upon the request of the aggrieved persons: If an aggrieved person resident in Germany reports an offence committed in another Member State of the European Union, the public prosecution office shall - with the exception of the cases referred to in sentence 2 -, upon the request of the aggrieved person, transmit the report to the competent criminal prosecuting authority of the other Member State if the offence is not subject to German criminal law or if prosecution of the offence is dispensed with pursuant to section 153c subsection 1, sentence 1, number 1, also in conjunction with section 153f of the Code of Criminal Procedure. Prosecutors, like other public bodies, must observe the provisions of § 48 (3) of the Code of Criminal Procedure in criminal proceedings. Accordingly, in cases in which the witness is also the injured party, the negotiations, hearings and other investigative acts concerning him must always be carried out taking into account his particular need for protection. The personal circumstances of the witness and the nature and circumstances of the offence shall be taken into account. According to No. 19a of the Guidelines for Criminal and Fines Proceedings (RiStBV), the Public Prosecutor's Office must treat a victim witness who can be identified as being subject to considerable psychological stress with particular empathy and consideration. In order to protect the privacy of the witness questions concerning facts which might dishonour the witness or concerning his / her previous convictions or concerning their personal sphere of life are to be asked only insofar as this is necessary (section 68a of the Code of Criminal Procedure). According to No. 173 RiStBV, public prosecutors ensure that injured persons or their heirs are informed as early as possible of the possibility of asserting claims for compensation pursuant to §§ 403 et seq. of the Code of Criminal Procedure. According to No. 174a RiStBV, they must also check whether victims of criminal offences have already been sufficiently informed of their rights and powers in accordance with their information claims under §§ 406i et seq. of the Code of Criminal Procedure and, if necessary, make up for them. If an injured party submits an application for the appointment of a lawyer as assistance during the investigation procedure, the public prosecutor's office must immediately forward this application to the court in accordance with § 174b RiStBV.

In the case of minor victims of criminal offences, the public prosecutor's office is to avoid repeated interrogations prior to the main hearing as far as possible in accordance with No. 19 (1) RiStBV. In addition, the Public Prosecutor's Office examines in accordance with No. 19 (2) RiStBV whether the video-recording of a judicial interrogation pursuant to § 58a of the Code of Criminal Procedure is indicated in the interlocutory proceedings and suggests, if necessary, such an interrogation and its recording. In this case, it is to ensure

that the defence counsel and the accused have the opportunity to participate so that the necessary prerequisites for the use of the recording of the interrogation in the main trial are fulfilled.

The public prosecution office carries out important functions for those injured by criminal offences within the framework of the criminal law confiscation of assets: - In the investigation procedure, the public prosecutor takes preliminary measures to prevent the hiding of incriminated assets and to secure confiscation (section 111b et seq of the Code of Criminal Procedure, section 73 et seq of the Criminal Code). According to section 111l of the Code of Criminal Procedure the public prosecution office shall give the aggrieved person notice of the enforcement of seizure or asset seizure and shall at the same time invite the aggrieved person to declare whether he/she wishes to claim the sum of money equal to the value of that which was obtained by virtue of the offence and the amount thereof. Movable property shall be surrendered to the aggrieved person who has been deprived of it by the offence (section 111n (2) of the Code of Criminal Procedure). - The public prosecution office is also responsible for the return transfer of retracted objects to the aggrieved person and the enforcement of the judicially ordered confiscation of assets (section 459h et seq of the Code of Criminal Procedure). The aggrieved person shall be given notification without delay upon the confiscation order becoming final (section 459i of the Code of Criminal Procedure). The objects confiscated pursuant to sections 73 et seq of the Criminal Code shall be returned to the aggrieved person. The proceeds generated by realization of the objects attached on the ground of asset seizure or a confiscation order shall be disbursed to the aggrieved person. In cases involving a less serious criminal offence and a minor degree of guilt, the public prosecution office may dispense with the preferment of public charges and concurrently issue the direction to the accused according to section 153a (1) sentence 2 number 5 of the Code of Criminal Procedure: making of a serious attempt to reach a mediated agreement with the aggrieved person (victim-offender mediation) thereby trying to make reparation for the offence, in full or to a predominant extent, or to strive therefor. Section 154c of the Code of Criminal Procedure regulates that the public prosecution office may dispense with prosecution of less serious criminal offences of victims of coercion or extortion or human trafficking (sections 240, 253 and 232 of the Criminal Code).

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

Yes

No

NAP

Comments - If necessary, please specify: Section 171 of the Code of Criminal Procedure states that if the Public Prosecutor's Office does not act on a request to bring a public action, or if, after the investigation has been concluded, it decides to terminate the proceedings, it shall give the applicant a written notice stating the reasons of the decision. If the applicant is at the same time the aggrieved person, he/she is in the notice, to be informed of the possibility of challenge and of the deadline provided for this (section 172 (1) of the Code of Criminal Procedure) (section 171, first and second sentence, of the Code of Criminal Procedure). If the applicant is at the same time the aggrieved person, he/she has a right to complain against the notice in accordance with section 171 of the Code of Criminal Procedure within two weeks of notification to the superior official at the public prosecution office (section 172 (1), second sentence, of the Code of Criminal Procedure). The applicant can request a court ruling (proceedings to enforce an action) against the rejection notice of the superior official of the public prosecution office, within one month of the notification. He/she is to be informed of this and of the form provided for this; the deadline does not run if the information has not been provided (section 172 (2), first and second sentences, of the Code of Criminal Procedure). The Higher Regional Court has jurisdiction to rule on the application (section 172 (4), first sentence, of the Code of Criminal Procedure). The application against the rejection notice is not admissible if the proceedings refer exclusively to a criminal offence which can be pursued by the aggrieved person by means of a private action, or if the public prosecution office has refrained from prosecuting the offence for reasons of discretionary prosecution (for instance in accordance with section 153 et seqq. of the Code of Criminal Procedure and section 45 of the Youth Courts Act [Jugendgerichtsgesetz, JGG]).

037. Is there a system for compensating users in the following circumstances:

Number of requests for compensation	Number of condemnations	Total amount (in €)
-------------------------------------	-------------------------	---------------------

Total	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Excessive length of proceedings	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Non-execution of court decisions	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Wrongful arrest	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Wrongful conviction	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Other	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): As a general rule, in the case of excessively long court proceedings, the person concerned has to file a complaint about undue delay (Verzögerungsrüge) with the court at which the proceedings seem excessively long. If necessary, he or she can then file an application for compensation even if the original proceedings have not yet been concluded. Adequate compensation is granted for pecuniary disadvantages. To the extent that an alternative form of redress would appear insufficient, a fixed amount of €1,200 per year is granted as a general rule for non-pecuniary disadvantages.

The law of state liability is only partly regulated by national law (see below). In addition, there are provisions of Land law, as well as customary and judge-made law.

Provisions of federal law

If the parties to a legal dispute suffer damage because of the excessive length of proceedings, a compensation claim may ensue from section 839 of the Civil Code (Bürgerliches Gesetzbuch, BGB) in conjunction with Article 34 of the Basic Law (Grundgesetz, GG) if there is a case of an official being culpable of refusal or delay in exercising a public function in breach of duty (section 839 (2), second sentence, of the Civil Code). However, the manner in which a judge conducts the proceedings within the scope of section 839 (2), second sentence, of the Civil Code may only be examined for its justifiability due to the constitutional principle of judicial independence.

A creditor's first port of call in procedural terms against the non-execution of a court decision by a bailiff is to lodge a reminder in accordance with section 766 (2) of the Code of Civil Procedure. The court responsible for execution rules on the reminder. If a senior judicial officer of the court responsible for execution wholly or partially rejects a creditor's motion to issue a compulsory enforcement measure, the creditor may lodge an immediate complaint (section 567 (1) no. 2 of the Code of Civil Procedure). If the organ responsible for execution has delayed compulsory enforcement culpably and in breach of duty, there may be a compensation claim under section 839 (1) of the Civil Code in conjunction with Article 34 of the Basic Law.

A claim may also exist under section 839 of the Civil Code in conjunction with Article 34 of the Basic Law in the case of wrongful arrest if the acting official can be accused of a culpable breach of official duty. As regards rulings by the judge responsible for matters of custody, as well as discretionary decisions by the public prosecution office in the investigation proceedings, the decision may only be examined for its justifiability.

In the case of a wrongful judgment, there is an official liability claim under section 839 of the Civil Code in conjunction with Article 34 of the Basic Law if the breach of duty consists of a criminal offence (section 839 (2), first sentence, of the Civil Code).

The claim under section 839 of the Civil Code in conjunction with Article 34 of the Basic Law is to be asserted in the courts of ordinary jurisdiction.

Distinct from these claims are compensation claims under provisions of special statutes, which as a rule are not intended to compensate for the entire damage, but provide lump sums instead.

In cases of acquittal, discontinuation of the proceedings or refusal to initiate the main proceedings, section 2 (1) of the Act on Compensation for Criminal Prosecution Measures (Gesetz über die Entschädigung für Strafverfolgungsmaßnahmen, StrEG) provides for compensation for the damage suffered due to the execution of

remand detention or temporary arrest. Where the proceedings are discontinued in accordance with a discretionary provision, compensation

may be granted ex bono (section 3 of the Act on Compensation for Criminal Prosecution Measures). The subject of the compensation is the property damage caused by the criminal prosecution measure. In cases of deprivation of liberty on the basis of a court ruling, this can also be immaterial damage (section 7 (1) of the Act on Compensation for Criminal Prosecution Measures). The immaterial compensation is €25 for each day of deprivation of liberty commenced.

The decision on whether or not there is a fundamental obligation to provide compensation is made by the court in the judgment or in the order concluding the proceedings. This is a so-called 'fundamental ruling' in accordance with sections 8 and 9 of the Act on Compensation for Criminal Prosecution Measures. If the public prosecution office discontinues the proceedings, the court issues a fundamental ruling upon application by the accused persons, who must lodge this application within one month after being served with notification about the discontinuation of proceedings. With this notification, the accused must be informed about the right to apply, the application deadline and the court with jurisdiction. Once the fundamental ruling has become final and binding, the claim must be lodged with the investigating public prosecution office within six months. If the deadline is missed, a claim is ruled out. In examining the compensation claim, no official investigation is conducted. Rather, applicants must explain and substantiate their claims. The Land administration of justice, which may however delegate the powers to the public prosecution office or the chief public prosecutor, rules on the application.

Anyone who has suffered damage from a criminal conviction is compensated by the Treasury if the conviction is quashed or reduced in reopened proceedings or otherwise in criminal proceedings after having become final and binding (section 1 (1) of the Act on Compensation for Criminal Prosecution Measures). The same applies if a measure of correction and prevention or an ancillary measure has been ordered without a conviction (section 1 (2) of the Act on Compensation for Criminal Prosecution Measures). The above information applies accordingly in other respects. The implementation of the Act is incumbent on the Länder.

The Act on Legal Redress for Excessive Length of Court Proceedings and of Criminal Investigation Proceedings (Gesetz über den Rechtsschutz bei überlangen Gerichtsverfahren und strafrechtlichen Ermittlungsverfahren, ÜVerfBesG) came into force on 3 December 2011. The "Erfahrungsbericht über die Anwendung des Gesetzes über den Rechtsschutz bei überlangen Gerichtsverfahren und strafrechtlichen Ermittlungsverfahren," a report on the application of said Act, provides information on case rates and the outcome of proceedings (Official Record of the German Parliament (Bundestagsdrucksache) 18/2950).

2.2.2 Confidence and satisfaction of citizens with their justice system

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

	National level	Court level
1. Surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. Surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. Surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. Surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. Surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

7. Surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: Baden-Württemberg
A large number of courts in Baden-Württemberg have conducted "customer satisfaction surveys" in the past. All of these courts commissioned and carried out those surveys on their own initiative. The results of customer satisfaction surveys are published regularly under the list of projects available on the intranet of the Ministry of Justice and European Affairs.

Bavaria
Staff surveys are carried out at the Bavarian courts and public prosecution offices every six years as part of a regular audit; in addition to the latter, stand-alone staff surveys are largely carried out three years after the most recent regular audit.

Saxony-Anhalt
Confidential internal satisfaction surveys are carried out on a discretionary basis by the court/prosecution offices as part of ongoing quality management programmes.

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

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Higher court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Ministry of Justice	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: NA as to the number of complaints and the annual compensation amounts granted.

If there are fears that a judge is biased, the judge may be recused by lodging an objection under section 42 of the Code of Civil Procedure (Zivilprozessordnung, ZPO). The motion to recuse a judge must be filed with the court at which the judge is a member; it may be made orally to be recorded by the court registry. The grounds for the recusal must be substantiated; the party may not be permitted to issue an affidavit. In order to substantiate the challenge, reference may be made to the testimony of the challenged judge. The challenged judge must make an official statement concerning the grounds for the recusal. The court at which the judge is a member must rule on the motion to recuse him/her, without that judge being involved in the decision.

Pursuant to section 198 of the Courts Constitution Act (Gerichtsverfassungsgesetz, GVG), whoever as the result of the unreasonable length of a set of court proceedings experiences a disadvantage as a participant in those proceedings must be given reasonable compensation. The reasonableness of the length of proceedings is assessed in the light of the circumstances of the particular case concerned, in particular the complexity thereof, the importance of what was at stake in the case, and the conduct of the participants and of third persons therein. A court action to enforce a claim under subsection (1) may be brought at the earliest six months after the filing of the censure of delay.

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

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

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	753 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	245 <input type="checkbox"/> NA <input type="checkbox"/> 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)	1 076 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

	Number of courts
Total (must be the same as the data given under question 42.2)	245 [] NA [] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	108 [] NA [] NAP
Family courts	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	51 [] NA [] NAP
Insurance and / or social welfare courts	68 [] NA [] NAP
Military courts	[] NA [X] NAP
Other specialised 1st instance courts	18 [] NA [] NAP

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

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

(X) Yes

() No

Comments - Please specify: The possibility of combining courts is being considered by individual Länder in order to reduce costs. The regional structures have proven effective.

On 5 November 2019, the Land Government of Schleswig-Holstein adopted a statutory instrument on the concentration of jurisdiction which combines existing concentrations of jurisdiction while adding further concentration provisions. The instrument will be promulgated

at the end of the month.

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

	Number of courts
a debt collection for small claims	638 [] NA [] NAP
an employment dismissal	108 [] NA [] NAP
a robbery	753 [] NA [] NAP
an insolvency case	192 [] NA [] NAP

Comments The number of insolvency departments at the Local Court was called at www.justiz.de on 17th July 2019.

045-1. Is your definition for small claims the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition for small claims: Claims up to EUR 600 are regarded as "small claims" (section 495a of the Code of Civil Procedure [Zivilprozessordnung, ZPO]).

045-2. Please indicate the value in € of a small claim:

[600]

Comments The data is published by the Federal Ministry of Justice and Consumer Protection.

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

Sources: The data are published by the Federal Ministry of Justice.

3.2. Court staff

3.2.1. Judges and non-judge staff

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

Total	Males	Females

Total number of professional judges (1 + 2 + 3)	20 323 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of first instance professional judges	15 827 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of second instance (court of appeal) professional judges	4 039 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of Supreme Court professional judges	457 [] NA [] NAP	310 [] NA [] NAP	147 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: The number of supreme court professional judges is based on judicial statistics. These data are collected and collated every two years (last updated 31/12/2018).

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of first instance court presidents	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of second instance (court of appeal) court presidents	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of Supreme Court presidents	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments There is no evidence of how many heads of courts there are. There are at least as many heads of courts as there are courts. The total number of heads of the courts is at least the number of Regional Courts plus the number of Higher Regional Courts and the supreme courts.

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

	Figure
Gross figure	[X] NA [] NAP
In full-time equivalent	[X] NA [] NAP

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

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

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

(X) No

[] NAP

Comments

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

	Figure
Gross figure	105 690 [] NA [] NAP
In full time equivalent	[] NA [X] NAP

Comments Schleswig-Holstein: As regards the civil courts and the specialist courts, the numbers from the previous survey were used. The number provided with regard to criminal courts includes 1,256 alternate lay judges.

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

	Yes	No	Echevinage
criminal cases (severe)	()	()	(X)
criminal cases (misdemeanour and/or minor)	()	()	(X)
family law cases	()	(X)	()
labour law cases	()	()	(X)
social law cases	()	()	(X)
commercial law cases	()	()	(X)
insolvency cases	()	(X)	()
other civil cases	()	()	(X)

[] NAP

Comments - If “other”, please specify: Administrative law cases, finance law cases, in matters subject to the laws governing agriculture, as well as in the Notarsenat, a senate of the court responsible for matters involving notaries, and in the Anwaltsgerichtshof (appellate instance of the disciplinary court for lawyers (Anwaltsgericht)).

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

() Yes

(X) No

Comments

050-1. If yes, for which type of case(s)?

- Criminal cases
- Other than criminal cases

Comments

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

- []
- NA
- NAP

Comments

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

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	54 072 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	8 860 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	28 469 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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)	6 678 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Technical staff	1 996 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other non-judge staff	8 069 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other non-judge staff", please specify:

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Total non-judge staff working in courts at first instance level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Total non-judge staff working in courts at Supreme Court level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Differentiating non-judge staff at first and second instance level based on their gender is not possible since the ordinary court system in Germany consists of three instances (local courts, regional courts and higher regional courts). At the same time, regional courts function as a court of appeal on fact and law but can also hear cases at first instance. Unlike in the case of judges (question 46), non-judge staff are not allocated to individual instances.

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

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

Comments - Please briefly describe their status and duties: Senior judicial officers are civil servants of the executive judicial service who have completed three years of legal training at a university of applied sciences and have passed the state senior judicial officers' examination. As the "second pillar of the third power", they primarily take on tasks in the field of "voluntary jurisdiction" (including in inheritance cases, care cases, parent-and-child and adoption cases, land registry cases, commercial, cooperative and partnership register cases, cases related to associations, cases related to the marriage property register, ship register cases, etc.), but are also responsible for a large number of further court activities, e.g. in the field of the court payment demand proceedings, legal aid, compulsory enforcement, forced sales and coercive administration, insolvency cases, in the field of cost setting, execution of penalties, in the proceedings before the Federal Patent Court, as well as in international legal transactions. The number of senior judicial officers in the Local Courts is already higher today than the number of judges. The scope of the activities of senior judicial officers is regulated in the Act on Senior Judicial Officers (Rechtspflegergesetz, RPflG). Senior judicial officers are factually independent and bound only by law and order in performing their tasks and in their rulings in the same way as judges (section 9 of the Act on Senior Judicial Officers). Admissible appeals exist against their decisions in accordance with the general rules of procedure (section 11 of the Act on Senior Judicial Officers).

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

054-1. If yes, please specify which services have been outsourced: IT services Training of staff Security Archives Cleaning

Other types of services (please specify): In certain Länder, the fields of building cleaning, medical services, janitor services and security are outsourced to external firms.

Comments In certain Länder, the fields of building cleaning, medical services, janitor services and security are outsourced to external firms.

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

Sources: Surveys; annual reports and statistics from individual Länder

3.3. Public prosecution**3.3.1. Public prosecutors and staff**

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

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	5 882 [] NA [] NAP	3 026 [] NA [] NAP	2 856 [] NA [] NAP
1. Number of prosecutors at first instance level	5 276 [] NA [] NAP	2 646 [] NA [] NAP	2 630 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	459 [] NA [] NAP	293 [] NA [] NAP	166 [] NA [] NAP
3. Number of prosecutors at Supreme Court level	147 [] NA [] NAP	87 [] NA [] NAP	60 [] NA [] NAP

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices.

Total	Males	Females

Total number of heads of prosecution offices (1 + 2 + 3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of heads of prosecution offices at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of heads of prosecution offices at Supreme Court level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Please provide any useful comment for interpreting the data above: There is no evidence of how many heads of prosecutors there are. However, since the structure of the public prosecutor's offices (public prosecutor's offices, Attorney General's Office and General Prosecutor's Office) is the same as that of the courts (District Court, Higher Regional Court, Federal Supreme Court), there are at least as many senior prosecutors as there are courts. The total number of heads of the public prosecution offices is at least the number of Regional Courts plus the number of Higher Regional Courts at which the chief public prosecution offices are located.

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

Yes

No

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

057-1. Please specify their number (in full-time equivalent):

[987]

[] NA

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

Yes

No

[] NAP

Comments The number cited concerns exclusively associate public prosecutors at a local court (Amtsanwälte). This figure as well reflects job shares (not a number of heads). Besides these associate public prosecutors, there are trainee jurists, civil parties to criminal proceedings, and revenue authorities. However, their number is not known (NA) and therefore was not included in the answer to question 57. Officials of the public prosecution office: The office of the public prosecution office at the Local Courts can also be exercised by officials of the public prosecution office with a right of audience before the local courts (section 142 (2) of the Courts Constitution Act). The jurisdiction of the officials of the public prosecution office does not encompass preparing public charges in local court proceedings in criminal matters falling under the jurisdiction of courts other than the local courts. In accordance with the Order regarding the Organisation and Service Operations of the Public Prosecution Offices (Anordnung über Organisation und Dienstbetrieb der Staatsanwaltschaft, OrgStA) issued by some Land administrations of justice, officials of the public prosecution office are only assigned criminal matters in which the criminal court judge rules, and then only the criminal matters designated in a list. Trainee jurists: Responsibility may be assigned to trainee jurists for discharging the duties of an official of the public prosecution office with a right of audience before the local courts and, in an individual case, for discharging the duties of a public prosecutor under the latter's supervision (section 142 (3) of the Courts Constitution Act).

Civil party to criminal proceedings:

Under certain preconditions, some criminal offences can be prosecuted by aggrieved persons by means of a private charge without needing to first call on the public prosecution office. A private charge can also be filed by someone who is entitled to file a request to

prosecute in addition to or in place of the aggrieved person.

Revenue authorities:

Tasks comparable to those of the public prosecution office are performed by the revenue authorities in the fiscal criminal proceedings: If the revenue authority conducts the investigation independently in accordance with section 386 (2) of the Fiscal Code (Abgabenordnung, AO), it has the same rights and obligations as the public prosecutor's office has in an investigation (section 399 (1) of the Fiscal Code).

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

Yes

No

Comments -

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	11 998 [] NA	3 166 [] NA	8 832 [] NA

Comments This figure indicates the number of full-time equivalent staff (not the number of individuals).

- It includes the number of associate prosecutors (i.e. officials of the public prosecution office with a right of audience only before the Local Courts – in German: "Amtsanwälte" – see question 57).

- It covers the public prosecution offices and associate prosecutors' offices based at the Regional Courts (1st instance), the public prosecution offices based at the Higher Regional Courts (2nd instance), and the Office of the Federal Prosecutor General (in this case: number of individuals).

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

Sources: Federal Office of Justice, personnel overviews, staffing numbers

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

Yes, please specify	No
---------------------	----

judges

(X) Baden-Württemberg:
ChancenG Bavaria: Ordinary jurisdiction: The Bavarian State Ministry of Justice's 2018 Equal Opportunities Strategy; Administrative jurisdiction: BayGIG (Bavarian Act to Promote Equality of Women and Men) and Equal Opportunities Strategy 2016-2021 of the Bavarian Ministry of the Interior, for Sport and Integration; Fiscal, labour and social jurisdictions: Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG (Basic Law).
Berlin: § 8 LGG Bln
Brandenburg: LGG Bbg
Hamburg: HmbGleiG Lower Saxony: Possibility of preferential appointment of the under-represented sex in cases of equal aptitude, qualifications and professional achievements (sections 12, 13 of the Lower Saxony Equal Rights Act [Niedersächsisches Gleichberechtigungsgesetz, NGG]) North Rhine-Westphalia: Pursuant to section 7 (1), first sentence, of the North-Rhine Westphalian Act on Gender Equality (Landesgleichstellungsgesetz, LGG) in conjunction with section 14 (2) of the Land Civil Servants Act (Landesbeamten-gesetz, LBG), women are to be given priority for posts by which a civil service employment relationship or judicial tenure is established, in the event of equal aptitude, qualifications and professional achievements if, within the purview of the appointing authority, there are fewer women than men holding positions within the band

()

	<p>proceeding from the same starting grade within the envisaged career bracket, unless reasons specific to an individual male candidate tilt the balance in his favour. Rhineland-Palatinate: Land Act on Gender Equality (Landesgleichstellungsgesetz, LGG) Schleswig-Holstein: Pursuant to section 4 of the Act on Gender Equality of 13 December 1994 (Gleichstellungsgesetz, GstG SH), in cases of equal aptitude, qualifications and achievements women are to be given priority, if women are under-represented.</p>	
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

prosecutors

(X) Baden-Württemberg:
ChancenG Bavaria: Ordinary
jurisdiction: The Bavarian State
Ministry of Justice's 2018
Equal Opportunities Strategy;
Administrative jurisdiction:
BayGIG (Bavarian Act to
Promote Equality of Women
and Men) and Equal
Opportunities Strategy 2016-
2021 of the Bavarian Ministry
of the Interior, for Sport and
Integration; Fiscal, labour and
social jurisdictions: Eliminating
under-representation as a
criterion in aptitude
comparisons pursuant to Article
33 para. 2 GG (Basic Law).
Berlin: Brandenburg: Hamburg:
Lower Saxony: Possibility of
preferential appointment of the
under-represented sex in cases
of equal aptitude, qualifications
and professional achievements
(sections 12, 13 of the Lower
Saxony Equal Rights Act
[Niedersächsisches
Gleichberechtigungsgesetz,
NGG]) North Rhine-
Westphalia: Pursuant to section
7 (1), first sentence, of the
North-Rhine Westphalian Act
on Gender Equality
(Landesgleichstellungsgesetz,
LGG) in conjunction with
section 14 (2) of the Land Civil
Servants Act
(Landesbeamten-gesetz, LBG),
women are to be given priority
for posts by which a civil
service employment
relationship or judicial tenure is
established, in the event of
equal aptitude, qualifications
and professional achievements
if, within the purview of the
appointing authority, there are
fewer women than men holding
positions within the band
proceeding from the same
starting grade within the

()

	<p>envisaged career bracket, unless reasons specific to an individual male candidate tilt the balance in his favour. Rhineland-Palatinate: Land Act on Gender Equality (Landesgleichstellungsgesetz, LGG) Schleswig-Holstein: Pursuant to section 4 of the Act on Gender Equality of 13 December 1994 (Gleichstellungsgesetz, GstG SH), in cases of equal aptitude, qualifications and achievements women are to be given priority, if women are under-represented.</p>	
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

non-judge staff

(X) Federal Courts of Germany: § 8 Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Federal Act on Gender Equality) Baden-Württemberg: ChancenG Bavaria: Ordinary jurisdiction: The Bavarian State Ministry of Justice's 2018 Equal Opportunities Strategy; Administrative jurisdiction: BayGIG (Bavarian Act to Promote Equality of Women and Men) and Equal Opportunities Strategy 2016-2021 of the Bavarian Ministry of the Interior, for Sport and Integration; Fiscal, labour and social jurisdictions: Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG (Basic Law). Berlin: Section 8 LGG Bln Brandenburg: LGG Bbg Hamburg: HmbGleiG Hesse: Art. 11,12 et seq. Equal Rights Act of the state Hesse ("HGIG") Mecklenburg-Western Pomerania: Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG (Basic Law). Lower Saxony: Possibility of preferential appointment of the under-represented sex in cases of equal aptitude, qualifications and professional achievements (sections 12, 13 of the Lower Saxony Equal Rights Act [Niedersächsisches Gleichberechtigungsgesetz, NGG]) North Rhine-Westphalia: Civil servants: Pursuant to section 7 (1), first sentence, of the North-Rhine Westphalian Act on Gender Equality (Landesgleichstellungsgesetz,

()

LGG) in conjunction with section 14 (2) of the Land Civil Servants Act (Landesbeamtengesetz, LBG), women are to be given priority for posts by which a civil service employment relationship or judicial tenure is established, in the event of equal aptitude, qualifications and professional achievements if, within the purview of the appointing authority, there are fewer women than men holding positions within the band proceeding from the same starting grade within the envisaged career bracket, unless reasons specific to an individual male candidate tilt the balance in his favour. Employees: Pursuant to section 7 (2), first sentence, of said Act, in cases of equal aptitude, qualifications and achievements, women are to be given priority when establishing an employment relationship if, within the purview of the agency responsible for making the selection, there are fewer women than men in the respective group of employees, unless reasons specific to an individual male candidate tilt the balance in his favour.

Rhineland-Palatinate: Land Act on Gender Equality (Landesgleichstellungsgesetz, LGG) Saarland: Saarland Act on Gender Equality Saxony-Anhalt: Act on the Advancement of Women (Frauenfördergesetz, FrFG) Schleswig-Holstein: Pursuant to section 4 of the Act on Gender Equality of 13 December 1994 (Gleichstellungsgesetz, GstG SH), in cases of equal aptitude, qualifications and achievements women are to be given priority,

	if women are under-represented.	
lawyers	()	(X)
notaries	()	(X)

enforcement agents

(X) Baden-Württemberg:
Chancengleichheit in Bayern: Ordinary
jurisdiction: The Bavarian State
Ministry of Justice's 2018
Equal Opportunities Strategy;
Fiscal, labour and social
jurisdictions: Eliminating
under-representation as a
criterion in aptitude
comparisons pursuant to Article
33 para. 2 GG (Basic Law).
Berlin: Section 8 LGG Bln
Brandenburg: LGG Bbg
Hamburg: HmbGleiG Hesse:
Section 11,12 et seq. Equal
Rights Act of the state Hesse
("HGIG") Mecklenburg-
Western Pomerania:
Eliminating under-
representation as a criterion in
aptitude comparisons pursuant
to Article 33 para. 2 GG (Basic
Law). North Rhine-Westphalia:
Pursuant to section 7 (1), first
sentence, of the North-Rhine
Westphalian Act on Gender
Equality
(Landesgleichstellungsgesetz,
LGG) in conjunction with
section 14 (2) of the Land Civil
Servants Act
(Landesbeamtengesetz, LBG),
women are to be given priority
for posts by which a civil
service employment
relationship or judicial tenure is
established, in the event of
equal aptitude, qualifications
and professional achievements
if, within the purview of the
appointing authority, there are
fewer women than men holding
positions within the band
proceeding from the same
starting grade within the
envisaged career bracket, unless
reasons specific to an individual
male candidate tilt the balance
in his favour. Saarland:
Saarland Act on Gender
Equality Saxony-Anhalt: Act on

()

	<p>the Advancement of Women (Frauenfördergesetz, FrFG) Schleswig-Holstein: Pursuant to section 4 of the Act on Gender Equality of 13 December 1994 (Gleichstellungsgesetz, GstG SH), in cases of equal aptitude, qualifications and achievements women are to be given priority, if women are under-represented.</p>	
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

Yes, please specify	No
---------------------	----

judges

(X) Bavaria: Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG (Basic Law). Berlin: Section 8 LGG Bln Brandenburg: LGG Bbg Hamburg: HmbGleiG Lower Saxony: Possibility of prioritisation of the under-represented sex in cases of equal aptitude, qualifications and professional achievements (sections 12, 13 of the Lower Saxony Equal Rights Act [Niedersächsisches Gleichberechtigungsgesetz, NGG]) North Rhine-Westphalia: Pursuant to section 7 (1), second sentence, of the Land Act on Gender Equality (LGG) in conjunction with section 19 (6) of the Land Civil Servants Act (LBG), women are to be given priority for promotion in the event of equal aptitude, qualifications and professional achievements if – within the purview of the authority responsible for the promotion – there are fewer women than men at the grade to which promotion is sought within the band proceeding from the same starting grade within the career bracket concerned, unless reasons specific to an individual male candidate tilt the balance in his favour. Rhineland-Palatinate: Land Act on Gender Equality (Landesgleichstellungsgesetz, LGG) Saarland: LGG Saxony-Anhalt: Section 4 of the Act on the Advancement of Women (Frauenförderungsgesetz, FrFG) Schleswig-Holstein: Pursuant to section 4 of the Act on Gender Equality of 13 December 1994 (Gleichstellungsgesetz, GstG SH), in cases of equal aptitude,

()

	qualifications and achievements women are to be given priority, if women are under-represented.	
--	-------------------------------------------------------------------------------------------------------	--

prosecutors

(X) Baden-Württemberg:
ChancenG Bavaria: Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG (Basic Law).
Berlin: Section 8 LGG Bln
Brandenburg: LGG Bbg
Hamburg: HmbGleiG Lower
Saxony: Possibility of prioritisation of the under-represented sex in cases of equal aptitude, qualifications and professional achievements (sections 12, 13 of the Lower Saxony Equal Rights Act [Niedersächsisches Gleichberechtigungsgesetz, NGG])
North Rhine-Westphalia: Pursuant to section 7 (1), second sentence, of the Land Act on Gender Equality (LGG) in conjunction with section 19 (6) of the Land Civil Servants Act (LBG), women are to be given priority for promotion in the event of equal aptitude, qualifications and professional achievements if – within the purview of the authority responsible for the promotion – there are fewer women than men at the grade to which promotion is sought within the band proceeding from the same starting grade within the career bracket concerned, unless reasons specific to an individual male candidate tilt the balance in his favour.
Rhineland-Palatinate: Land Act on Gender Equality (Landesgleichstellungsgesetz, LGG)
Saarland: LGG
Saxony-Anhalt: Section 4 of the Act on the Advancement of Women (Frauenfördergesetz, FrFG)
Schleswig-Holstein: Pursuant to section 4 of the Act on Gender Equality of 13 December 1994 (Gleichstellungsgesetz, GstG)

()

	SH), in cases of equal aptitude, qualifications and achievements women are to be given priority, if women are under-represented.	
--	----------------------------------------------------------------------------------------------------------------------------------	--

non-judge staff

(X) Federal Courts of Germany: § 8 Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Federal Act on Gender Equality) Baden-Württemberg: ChancenG Bavaria: Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG (Basic Law). Berlin: Section 8 LGG Bln Brandenburg: LGG Bbg Hamburg: HmbGleiG Hesse: Art. 11,12 et seq. Equal Rights Act of the state Hesse (“HGIG”) Mecklenburg-Western Pomerania: Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG (Basic Law). Lower Saxony: Possibility of prioritisation of the under-represented sex in cases of equal aptitude, qualifications and professional achievements (sections 12, 13 of the Lower Saxony Equal Rights Act [Niedersächsisches Gleichberechtigungsgesetz, NGG]) North Rhine-Westphalia: Pursuant to section 7 (1), second sentence, of the Land Act on Gender Equality (LGG) in conjunction with section 19 (6) of the Land Civil Servants Act (LBG), women are to be given priority for promotion in the event of equal aptitude, qualifications and professional achievements if – within the purview of the authority responsible for the promotion – there are fewer women than men at the grade to which promotion is sought within the band proceeding from the same starting grade within the career bracket concerned, unless reasons

()

	<p>specific to an individual male candidate tilt the balance in his favour. Rhineland-Palatinate: Land Act on Gender Equality (Landesgleichstellungsgesetz, LGG) Saarland: Saarland Act on Gender Equality Schleswig-Holstein: Pursuant to section 4 of the Act on Gender Equality of 13 December 1994 (Gleichstellungsgesetz, GstG SH), in cases of equal aptitude, qualifications and achievements women are to be given priority, if women are under-represented. Saxony-Anhalt: Section 4 of the Act on the Advancement of Women (Frauenförderungsgesetz, FrFG)</p>	
lawyers	()	(X)
notaries	()	(X)

enforcement agents

(X) Baden-Württemberg:
ChancenG Bavaria: Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG (Basic Law).
Berlin: Section 8 LGG Bln
Brandenburg: LGG Bbg
Hamburg: HmbGleiG Hesse: Art. 11,12 et seq. Equal Rights Act of the state Hesse (“HGIG”)
Mecklenburg-Western Pomerania: Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG (Basic Law). Lower Saxony: Possibility of prioritisation of the under-represented sex in cases of equal aptitude, qualifications and professional achievements (sections 12, 13 of the Lower Saxony Equal Rights Act [Niedersächsisches Gleichberechtigungsgesetz, NGG]) North Rhine-Westphalia: Pursuant to section 7 (1), second sentence, of the Land Act on Gender Equality (LGG) in conjunction with section 19 (6) of the Land Civil Servants Act (LBG), women are to be given priority for promotion in the event of equal aptitude, qualifications and professional achievements if – within the purview of the authority responsible for the promotion – there are fewer women than men at the grade to which promotion is sought within the band proceeding from the same starting grade within the career bracket concerned, unless reasons specific to an individual male candidate tilt the balance in his favour. Rhineland-Palatinate: Land Act on Gender Equality (Landesgleichstellungsgesetz, LGG) Saarland: Saarland Act

()

	<p>on Gender Equality Schleswig-Holstein: Pursuant to section 4 of the Act on Gender Equality of 13 December 1994 (Gleichstellungsgesetz, GStG SH), in cases of equal aptitude, qualifications and achievements women are to be given priority, if women are under-represented.</p> <p>Saxony-Anhalt: Section 4 of the Act on the Advancement of Women (Frauenförderungsgesetz, FrFG)</p>	
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

[] NA


Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

	Yes	No
judges	(X)	()
prosecutors	(X)	()
non-judge staff	(X)	()
lawyers	()	(X)
notaries	()	(X)
enforcement agents	(X)	()

Attachments

 Bavarian Equal Opportunities Strategy 2018.pdf

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? Federal Courts: https://www.bmjv.de/DE/Service/Statistiken/Statistiken_node.html (in German)

Bavaria:

The Bavarian Equal Opportunities Strategy 2018 is attached (in German).

Hesse:

<https://soziales.hessen.de/familie-soziales/frauen/hessisches-gleichshyberechtigungsgesetz/vordrucke-frauenfoerder-und> (in German)

061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?

(X) Yes

() No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? Bavaria:

The Bavarian Equal Opportunities Strategy 2018: See Question 061-4.

North Rhine-Westphalia

Pursuant to section 5 (1), first sentence, of the Land Act on Gender Equality (LGG), within the scope of its responsibility for personnel matters, each agency with at least 20 employees must issue an equality plan covering a period of three to five years and updates its plan continuously after the expiration of that period. Pursuant to section 5a (1) of said Act the office issuing the equality plan must prepare a report on personnel development and implemented measures within six months after the end of the period covered by the plan.

Hesse:

https://soziales.hessen.de/sites/default/files/media/hglg-broschuere_0.pdf (in German)

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
the recruitment of judges	(X) Equal opportunities officer	()
the promotion of judges	(X) Equal opportunities officer	()
the recruitment of prosecutors	(X) Equal opportunities officer	()
the promotion of prosecutors	(X) Equal opportunities officer	()
the recruitment of non-judge staff	(X) Equal opportunities officer	()
the promotion of non-judge staff	(X) Equal opportunities officer	()

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) Federal Courts of Germany:

Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Federal Act on Gender Equality) of 24 April 2015 (Federal Law Gazette I, p. 642, 643), as last amended by Article of the Act of 23 December 2016 (Federal Law Gazette I, p. 3191).

English version: http://www.gesetze-im-internet.de/englisch_bgleig/englisch_bgleig.html#p0059

Baden-Württemberg:

Section 15 of the Act to Establish Equal Opportunities for Women and Men in the Public Service in Baden-Württemberg (ChancenG) of 23 February 2016.

Bavaria:

Bavarian Act on the Equal Treatment of Women and Men [Bayerisches Gleichstellungsgesetz - BayGIG] of 24 May 1996 (GVBl. p. 186), BayRS 2039-1-A

Berlin:

Section 16 of the Land Act on Gender Equality (LGG) as amended on 18 November 2010* (women's representative)

Brandenburg:

Section 19a and section 22 (1) no. 1 of the Act on Gender Equality of the Land of Brandenburg:

<http://bravors.lvnbb.de/gesetze/lgg>

Bremen:

NA

Hamburg: Sections 18 - 21 of the Hamburg Act on the Equal Treatment of Men and Women in the Public Service (HmbGleiG) of 2 December 2014

Hesse: Section 15 HGIG, a state law provision entered into force on January 1 2016. It stipulates the appointment of a women's and equal opportunities commissioner in (public) offices with more than 50 public servants. It inter alia applies to the Ministry of Justice of Hesse

Mecklenburg-Western Pomerania:

Act on the Equal Treatment of Men and Women in the Public Service of the Land of Mecklenburg-West Pomerania – Equal Treatment Act (GIG M-V of 11.07.2016 – GVOBl. M-V 2016, p. 550).

Lower Saxony:

Equal opportunities officer

North Rhine-Westphalia:

Section 15 et seqq. of the Land Equal Treatment Act of 9 November 1999 primarily concerns the appointment, official status, duties, rights and potential remedies of the equal opportunities officers.

Rhineland-Palatinate:

Sections 18 to 30 of the Land Equal Treatment Act (LGG) of 22 December 2015 (GVBl. 2015, p. 505) sets out rules on, inter alia, the recruitment procedure, terms of office, duties and participation rights of the equal opportunities officers who work in the agencies.

Saarland:

Saarland Act on Gender Equality

Saxony: The recruitment, legal status, duties, competences and rights of the women's officers are regulated in sections 18 to 22 of the Act on the Advancement of Women in Saxony (SächsFFG).

Saxony-Anhalt: Full time equal opportunities officer, §§ 14,15 des Frauenfördergesetzes.

Schleswig-Holstein: Sections 18 et seqq. of the Act on the Equal Treatment of Women in the Public Service (Gleichstellungsgesetz - GstG) of 13 December 1994 (GVOBl. Schl.-H. p. 562), recently amended by the Act of 11 December 2014 (GVOBl. Schl.-H. p. 464).

Thuringia:

According to the Thuringian Equal Treatment Act these functions lie with the respective equal opportunities officer. However, apart from prison service, not every agency has appointed an equal opportunities officer.

As far as the appointment of judges and public prosecutors is concerned, this question must be answered in the negative. When it comes to the promotion of judges and public prosecutors, the respective Council for Judicial Appointments or the Main Council of Public Prosecutors conducts an ad-hoc review where necessary in accordance with the Thuringian Judiciary Act of whether the principles of equal treatment for men and women have been put into effect.

As far as non-judicial professions are concerned, it is the task of the equal opportunities officer, if one has been appointed, to ensure compliance with the requirements.

[] NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) Federal Courts of Germany:

According to § 24 of the Federal Act on Gender Equality the equal opportunities officer is a member of the personnel management and reports directly to the head of the agency. The equal opportunities officer is not bound by instructions in the discharge of her duties.

Baden-Württemberg:

The equal opportunities officer is a female employee who is part of the agency in which she will exercise her function. The agency management must relieve the equal opportunities officer from her other official obligations to the necessary extent. The equal opportunities officer may only be relocated, transferred or seconded against her will if this is unavoidable for urgent organizational reasons – particularly considering her role as equal opportunities officer. She is not bound by instructions in the discharge of her duties, and receives the personnel and material resources needed to fulfil her tasks.

Bavaria:

Bavarian Act on Gender Equality

Article 16 – Legal status

(1) Equal opportunities officers report directly to the head of their agency or to his or her permanent deputy.

Berlin:

The women's representatives are independent.

Brandenburg:

The Land equal opportunities officer is appointed by the Land government and reports in an administrative sense to the ministry responsible for matters of equality. The equal opportunities officer of the Ministry of Justice is appointed by the Ministry of Justice and reports to the Ministry of Justice. Neither are bound by instructions in the discharge of their duties.

Bremen: NA

Hamburg:

§ 19 HmbGleiG: directly assigned to the management of the service, do not belong to staff council, independent authority ("The equality commissioners are directly assigned to the management of the service. They may not belong to the staff council. They are not bound by instructions in the exercise of the tasks and rights with which they have been assigned.")

Hesse:

The women's and equal opportunities commissioner, who must be a woman, is directly allocated to the unit management. Her responsibilities and competences are part of her official duties in the respective office. To the extent of her activity as women's and equal opportunities commissioner she is independent.

Mecklenburg-Western Pomerania:

Mecklenburg-Western Pomeranian Act on Gender Equality

Section 19 – Legal status

(1) Equal opportunities officers continue to be a member of their agency in this role. They report directly to the head of their agency.

Lower Saxony:

The Equal Opportunities Officer is an independent member of the administration.

North Rhine-Westphalia:

Pursuant to section 16 (1) LGG, the equal opportunities officer performs her tasks as a member of the agency's administrative department. In so doing, she is not bound by technical instructions and can determine in particular the priority of her individual tasks. A conflict of interests with her other official duties should be avoided.

Rhineland-Palatinate:

The equal opportunities officer is part of the administrative department. She is directly subordinate in the exercise of her duties to the agency management (section 20 (1) sentence 1 LGG). In the exercise of her office, she is not bound by technical instructions and may not be obstructed (section 20 (2) LGG). Furthermore, she may not be disadvantaged or favoured on account of her office. This applies in particular to her career development. She is protected from termination, transfer, secondment, relocation and assignment in the same way as members of the body representing staff (section 20 (3) LGG).

Saarland:

The women's officer

Saxony:

Pursuant to section 18 SächsFFG, the women's officer at the Saxony Ministry of Justice is a representative of the employer. She is appointed by the State Secretary. The women's officer is part of the administrative department. She reports directly to the agency management. The women's officer is not bound by instructions in the discharge of her duties.

Saxony-Anhalt:

The full-time equal opportunities officer is an employee of the Ministry for Justice and Equality. Pursuant to section 14 of the Act on the Advancement of Women (FrFG) of the Land of Saxony-Anhalt, the Land Administrative Office and every supreme Land authority with more than 300 employees in its remit is required to appoint a full-time equal opportunities officer. There are full-time equal opportunities officers in the State Chancellery, the Ministries, the Land parliament and the Land Administrative Office. As a staff unit, they are directly subordinate to the agency management. They aim to ensure the equal treatment of female and male employees in the administrative sector. In particular, this includes improving the professional situation and career development, as well as promoting the compatibility of family and work for women and men. Their tasks and rights are set out in section 15 FrFG.

Schleswig-Holstein:

Pursuant to section 18 of the Act on Gender Equality (Gleichstellungsgesetz, GstG SH) the equal opportunities officer reports directly to the head of the agency. According to section 21 of said Act she is not bound by technical instructions in the discharge of her duties and the exercise of her rights under that Act.

Thuringia:

The council for judicial appointments and the prosecutors' central staff council are made up of judges and public prosecutors. They are free in their deliberations and voting decisions and are not subject to the right to issue instructions. There are no statistics pertaining to equal opportunities officers. The equal opportunities officer in each prison is not subject to the right to issue instructions, and turns directly to the prison governor as head of agency should any issues arise.

[] NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. block a decision or allow an appeal) Federal Courts of Germany:

The possibilities of participation and the right of objection of the equal opportunities officer are given in section 32 to 35 of the Federal Act on Gender Equality. For example, according to section 32 of the Federal Act on Gender Equality the equal opportunities officer has different possibilities of participation, e.g. she shall be entitled and obliged to bring matters directly before the head of the agency, has a right of initiative in respect of all matters which are subject to her participation (cf. section 25 subsection 1 and section 27 subsection 1 of the Federal Act on Gender Equality). Furthermore the equal opportunities officer shall have a right of objection vis-à-vis the head of the agency (section 33 Federal Act on Gender Equality) and may bring the matter before the administrative court (section 34 Federal Act on Gender Equality). Concerning settling issues of fundamental significance, in particular as regards interpreting this Act, the equal opportunities officer and her deputies may turn directly to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (section 35 Federal Act on Gender Equality).

Baden-Württemberg:

The equal opportunities officer reports directly to the agency management and has a direct right of recitation. She is to be fully trained at an early stage to the extent required to properly exercise her duties and rights of participation. All of the documents and information necessary for this must be given to her early on. She has a right of initiative for measures aimed at advancing the career development of women. She can also voice her opinion on substantive issues related to equal rights for men and women, the career development of women, and the compatibility of family, care and career. In addition, she can hold consultation hours during the working day, and can convene a meeting of the agency's female employees. When filling job vacancies, the equal opportunities officer can participate in interviews and discussions related to the staff selection process. The agency must include the equal opportunities officer at an early stage in decisions on every staff appointment and promotion. She must be informed of all data relevant to the decision and must receive the necessary application documents at an early stage. This includes application documents from male applicants who meet the requirements of the available position or office. The equal opportunities officer may only access data from personnel files if the persons concerned have provided their consent. The equal opportunities officer does not have a formal right of veto against personnel decisions.

Bavaria:

Bavarian Act on Gender Equality

Article 17 – Tasks

(1) Equal opportunities officers are tasked with promoting and monitoring enforcement of this Act and of the Equal Opportunities Strategy and with supporting the latter's implementation. In addition, equal opportunities officers are tasked with promoting implementation of this Act, on their own initiative, and with improving the situation of women as well as women's and men's ability to reconcile work and family life.

Berlin:

The women's officers have a right to information, the right to access files and the right to put forward their opinion.

Brandenburg:

The Land equal opportunities officer acts in an advisory capacity only. The equal opportunities officer of the Ministry of Justice has a comprehensive right to information. She can object to measures planned by the Ministry and thereby initiate a review process. She also has the right to seek a finding before the court that the Land Equal Rights Act has been violated.

Bremen:

NA

Hamburg:

Section 21 HmbGleiG: right to information and possibility of statement, possibility to participate in personnel selection interviews, right to complaint, right to suggest measures to achieve gender equality ("The equal opportunities officers are to be immediately and comprehensively informed of all pending personnel, social and organisational measures relating to the equal treatment of men and women and the compatibility of gainful employment and family work; they must be afforded the opportunity to give their opinion on these measures. They are authorised to participate in discussions regarding staff selection. Should the equality opportunities officers consider a planned measure to be incompatible with this Act, they can raise an objection to this measure (...) with the agency management. If an objection is raised on time, the agency must check the objections and, if necessary, come to a new decision. The measure may only be enacted if a decision dismissing the objection has been justified to the equal opportunities officer in writing. The equal opportunities officer can propose measures aimed at ensuring the equal treatment of women and men and improving the compatibility of family and career at the agency. The agency shall review the proposals and disclose the results to the equality opportunities officers in writing.")

Hesse:

The women's and equal opportunities commissioner has the right to be involved in all personal, organisational and social measures early on. She has the opportunity to participate in staff council meetings. Apart from this information and consultative function she has a right to object, if she considers a measure not to be in compliance with the Equal Rights Act of the state Hesse (HGIG). If the objection is not redressed, she has the right to bring an action to the administrative court.

Mecklenburg-Western Pomerania:

Mecklenburg-Western Pomeranian Act on Gender Equality

Section 18 – Tasks

(1) In each agency in which a staff committee, a council of judges or a council of public prosecutors is to be elected, the female employees shall elect an equal opportunities officer and a deputy to be appointed by the agency. The equal opportunities officers support the agency in regard to matters concerning gender equality and women's and men's ability to reconcile work, family life and care work. They provide advice on enforcing this Act and other provisions governing gender equality. In addition, they promote implementation of this Act on their own initiative and act as a point of contact for employees. More specifically, their tasks include: 1. participation in all personnel, organisational and social measures taken in their agency which concern gender equality, women's and men's ability to reconcile work, family life and care work, and protection against sexual harassment in the workplace; 2. advising and supporting all employees in respect of their professional promotion, overcoming discrimination, and issues around the reconciliation of work, family life and care work; and 3. supporting implementation of the General Act on Equal Treatment as regards protecting against gender discrimination and sexual harassment within the agency.

Lower Saxony:

Unbound action, exchange of information with the Department, right to information

North Rhine-Westphalia:

Pursuant to section 17 (1) LGG, the equal opportunities officer supports and advises the agency and participates in the implementation

of the Land Equal Rights Act and all other provisions and measures affecting – or potentially affecting – the equal treatment of men and women. This applies in particular to personnel measures including job advertisements, selection procedures and interviews. If the equal opportunities officer is not involved in the measure, or is not involved in the measure on time, then the measure will be unlawful according to section 18 (3) first sentence LGG.

Pursuant to section 16 (1) LGG the equal opportunities officer performs her duties as a member of the administration of the agency. In this respect, she is not bound by technical instructions and is, in particular, free to decide on the prioritization of her tasks. A conflict of interests in regard to her other official duties is to be avoided.

Rhineland-Palatinate:

The equal opportunities officer has the right to participate in all social, organisational and personnel measures relating to

1. equal treatment of men and women or
2. the compatibility of career and family or
3. the protection of female employees from harassment and sexual harassment in the workplace.

The agency must inform the equal opportunities officer of all measures in which the equal opportunities officer has the right to participate. It must inform the equal opportunities officer in a timely and comprehensive manner which enables her to perform her duties and exercise her rights. This includes providing the equal opportunities officer with all of the required documents. Personnel files should only be provided to the equal opportunities officer if the employees in question have already provided written consent. For staff appointments, promotions and upgrades to higher pay bands, the equal opportunities officer must be involved before the staff representation body or the body representing staff with disabilities. All documents related to the application and selection process must be provided to the equal opportunities officer if she requests them. She can participate in all interviews. If the agency submits a written opinion to another agency, the contents of which concern the equality issues mentioned in section 24 (1) LGG, then the equal opportunities officer can also add her own opinion. The equality opportunities officer can object to a measure taken by the agency if the measure is incompatible with this Act or with other provisions concerning the equal treatment of women and men. This also applies when the equal opportunities officer is not involved in a particular measure or is not informed of a measure in time (section 29 (1) LGG).

Saarland:

Section 23 LGG (tasks and rights of women's officers) and section 24 LGG (right to object)

Saxony:

The women's officer monitors the implementation of the Act on the Advancement of Women. She has the right of initiative. She must be informed of and involved in the relevant procedures at an early stage. She can raise objections with the agency management to violations of SächsFFG or other equality provisions, section 22 SächsFFG. She does not have any additional powers.

Saxony-Anhalt:

The full-time equal opportunities officers contribute to the implementation of the Act on the Advancement of Women. They work with the Central Office for Women's Policy of the Land of Saxony-Anhalt in matters relating to the Act's objectives. As staff units they are directly subordinated to the agency's management. They must be informed comprehensively and on time of all personnel, social and organisational measures and must be involved in the process upon their request. They are not bound by any technical orders or instructions in the discharge of their duties. Equal opportunities officers are to be given the documents needed to carry out their tasks if they so request. All necessary information from personnel files must be provided to them. If their rights are not observed, if formal requirements are not complied with, or if the objectives for advancement plans for women are not adhered to, equal opportunities officers may raise an objection – with suspensive effect – vis-à-vis the agency management. The objection must be discussed once again, and a final decision made, within a period of two weeks. For more details, we refer to section 15 FrFG.

Schleswig-Holstein:

Where the Justice Ministry's equal opportunities officer objects to a measure, the measure may only be continued upon the express instruction of the Minister. Where a subordinate agency's equal opportunities officer raises an objection, a decision by the superior agency must be obtained.

Thuringia:

With regard to the rights of equal opportunities officers, we refer to sections 19 to 21 of the Thuringia Act on the Equal Treatment of Men and Women.

As for the rights of the council for judicial appointments and the prosecutors' central staff council, we would refer to section 49 of the

Judiciary Act of Thuringia, which in its current version reads as follows:

(1) If the council for judicial appointments submits an opinion contradicting the measure intended by the minister responsible for the judiciary, then an oral discussion of the matter must take place between the minister or his permanent deputy and the council for judicial appointments with the aim of reaching an agreement. The agreement discussions must take place within four weeks of the opinion's receipt by the council for judicial appointments.

(2) If the oral discussion does not lead to an agreement, a decision shall be made by the minister responsible for the judiciary.

[] NAP

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	(X)	()
in public prosecution services (prosecutors)	(X)	()
for courts' non-judge staff	(X)	()

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.
Baden-Württemberg:

The equal opportunities officer is to be involved at an early stage in social and organisational measures undertaken by her agency as far as these may impact upon the workplace conditions for female employees.

Bavaria:

A Gender Equality Officer

Hesse:

Working hours / Modalities of teleworking and presence in the work space: Yes (part-time Work at administrative courts)

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment in different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the work space	()	(X)

Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) : Bavaria:
Measures are continuously being implemented to improve gender equality in the public service in Bavaria. Under the Bavarian Act on Gender Equality, these measures must, for instance, be documented, updated and evaluated in Gender Equality Strategies. See question 61-4.
Saxony-Anhalt:
Training/publications on gender equality in relation to evaluations

are planned (please specify) : NA

Comments - If the situation changed since reference year, please specify in the comments. NA

[] NAP

061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:

recruitment procedures (please specify): NA

promotion procedures and access to the functions of responsibility (please specify) : NA

Comments - If the situation changed since reference year, please specify in the comments. NA

[] NAP

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

	Yes, please specify	No
judges and court staff are more chosen among males or females according to the type of cases	()	(X)
the composition of hearings with several judges is always mixed	()	(X)
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	()	(X)

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments. Saxony-Anhalt: Gender-disaggregated data on victims can be found in: Interministerial Victim Protection Report of the Land government of Saxony-Anhalt (Interministerieller Opferschutzbericht der Landesregierung Sachsen-Anhalt), last updated: 30.10.2015- https://mj.Saxony-Anhalt.de/fileadmin/Bibliothek/Politik_und_Verwaltung/MJ/MJ/recht/opferschutzbericht_1.pdf (in Deutsch)

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	() defined and coordinated at national level by one institution (X) defined and coordinated at national level by several institutions () defined and coordinated at unit/stakeholder level () other
IT Governance	() governed on national level by one institution (X) governed on national level by several institutions () organised at unit/stakeholder level () other

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

administrative, technical and scientific staff only

mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff

other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): By national structure is meant: -E-Justice-Council (E-Justice-Rat)

-Joint Commission of the Federal and States governments for the Information Technology in the Judiciary (Bund-Länder-Kommission für Informationstechnik in der Justiz)

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non

Comments - please also describe in case of “other alternatives”

065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?

Yes

No

Comments (please specify projects that have experienced national developments) -

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

Yes

No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

Business processes

Workload

Human resources

Costs

Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

Yes

No

Comments (please specify in particular if national frameworks of information security exist): -

065-6. Is the protection of personal data managed by courts ensured at legislative level?

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) -

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

Comments

062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - if it exists in other matters please specify 3rd instance judgements as of 2010 are available free online and in open data. Link

with ECHR case law is being planned.

062-6. Is there a computerised national record centralising all criminal convictions?

- Yes
- No

Comments

062-6-1. If yes, please specify the following information:

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

- Yes
- No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

	Availability rate
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

062-8. Are there voice recording tools?

- Yes
- No

062-8-1. If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments -

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Business registry	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------	------------------------------------------------------------------------	------------------------------------------------------------------------

Comment – if it exists in other matters please specify e.g. edict database, insolvency database, list of experts, list of interpreters, list of mediators, data warehouse

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Justice expenses management	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Name of the tool: HV SAP

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
------------------------------	---------------------------------------------------	------------------------------------------------------	-----------------------------------

For judges	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court users

users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
-----------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------

Comments - if it exist in other matters please specify

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	[X]	[]	[X]	[] SMS [] E-mail [X] Specific computer application [] Other	[X]
Criminal	[X]	[]	[X]	[] SMS [] E-mail [X] Specific computer application [] Other	[X]
Administrative	[X]	[]	[X]	[] SMS [] E-mail [X] Specific computer application [] Other	[X]

Comments

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

(X) Yes

() No

Communication between court and parties not represented by lawyer

(X) Yes

() No

Comments

064-6-1. If yes, please specify the following information:

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework

Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Notaries (as defined in Q192 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Judicial police services	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists.

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

Admissibility of electronic evidence	Legislative framework
---------------------------------------------	------------------------------

Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

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

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
within the public prosecution services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

3.6.2. Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

Yes

No

Comments

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

number of incoming cases

length of proceedings (timeframes)

- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

- Yes
- No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

() Yes

(X) No

Comments

073-0. If yes, please specify the frequency:

() Annual

() Less frequent

() More frequent

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

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

() Yes

(X) No

Comments

073-2. If yes, which courses of action are taken?

[] Identifying to the causes of improved or deteriorated performance

[] Reallocating resources (human/financial resources based on performance (treatment))

[] Reengineering of internal procedures to increase efficiency (treatment)

[] Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

() Yes

(X) No

Comments

073-4. If yes, please specify the frequency:

() Annual

() Less frequent

() More frequent

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

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

() Yes

(X) No

Comments

073-6. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments

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

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

Comments

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):

Comments

3.6.3. Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals

appeal ratio

clearance rate

disposition time

other (please specify): Some of the Länder did mention a monitoring system concerning other court activities such as statistics on the nature of resolution are kept (e.g. in civil cases: dealt with by contentious judgment/by acknowledgement/by settlement, etc.).

Comments Some of the Länder did mention a monitoring system concerning other court activities such as statistics on the nature of resolution are kept (e.g. in civil cases: dealt with by contentious judgment/by acknowledgement/by settlement, etc.).

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of prosecutors and prosecution staff

satisfaction of prosecution staff

satisfaction of users (regarding the services delivered by the by the public prosecution)

costs of the judicial procedures

clearance rate

disposition time

percentage of convictions and acquittals

other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

civil law cases

criminal law cases

administrative law cases

Comments In 2018, Länder have monitored the number of pending cases and the backlogs.

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	()	(X)
within the public prosecution services	()	(X)

Comments

3.6.4. Information regarding courts /public prosecution services activity



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

Yes (please indicate the name and the address of this institution):Federal Statistical Office, Wiesbaden (www.destatis.de),
rechtspflegestatistik@destatis.de.

No

Comments

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

Yes, on internet

No, only internally (in an intranet website)

No

Comments

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution):Federal Statistical Office, Wiesbaden (www.destatis.de),
rechtspflegestatistik@destatis.de.

No

Comments

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

Yes, on internet

No, only internally (in an intranet website)

No

Comments

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

Yes

No

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

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

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

- Annual
- Less frequent
- More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

- Yes
- No

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

081-4. If yes, please specify in which form this report is released:

- Internet
- Intranet (internal) website
- Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

- Annual
- Less frequent
- More frequent

Comments

3.6.5 Courts administration

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

- Yes
- No

Comments - If yes, please specify:

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

- Yes

(X) No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

() Yes

(X) No

Comments

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

[] Executive power (for example the Ministry of Justice)

[] Legislative power

[] Judicial power (for example the High Judicial Council, Supreme Court)

[] President of the court

[] Other (please specify):

Comments

114. Is there a system of qualitative individual assessment of the judges' work?

() Yes

(X) No

Comments

114-1. If yes, please specify the frequency of this assessment:

() Annual

() Less frequent

() More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

() Yes

(X) No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

[] Executive power (for example the Ministry of Justice)

[] Prosecutor General /State public prosecutor

[] Public prosecutorial Council

[] Head of the organisational unit or hierarchical superior public prosecutor

[] Other (please specify):

Comments

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

Yes

No

Comments

120-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

Comments

C4. Please indicate the sources for answering the questions in this chapter:

Sources: The data are based on information of the Bund and the Länder.

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial

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

[]

[] NA

[X] NAP

Comments - Please add methodology for calculation used.

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

Yes

No

Comments - Please could you briefly specify:

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[]

[X] NA

Comments If there are fears that a judge is biased, the judge may be recused by lodging an objection under section 42 of the Code of Civil Procedure (Zivilprozessordnung, ZPO). The motion to recuse a judge must be filed with the court at which the judge is a member; it may be made orally to be recorded by the court registry. The grounds for the recusal must be substantiated; the party may not be permitted to issue an affidavit. In order to substantiate the challenge, reference may be made to the testimony of the challenged judge. The challenged judge must make an official statement concerning the grounds for recusal. The court at which the judge is a member must rule on the motion to recuse him/her, without that judge being involved in the decision.

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

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): If the ECHR finds a violation of Article 6, the Human Rights Division in the Federal Ministry of Justice and Consumer Protection coordinates any measures (individual/general) necessary to execute the judgment with the federal and Länder ministries concerned. The Human Rights Division is responsible for the Action Plans to be submitted to the Committee of Ministers of the CoE. This may also include general measures aimed at the prevention of similar violations. There is no specific monitoring system for Art. 6 violations; these violations are dealt with under the same principles as other violations. The low number of violations found with respect to Germany does not indicate any need for such a specific mechanism.

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

Yes

No

NAP

Comments In civil cases, section 580 No. 8 of the Code of Civil Procedure (ZPO) ist applicable (also in administrative proceedings, section 153 of the Code of Administrative Court Procedure). In criminal cases, section 359 No. 6 of the Code of Criminal Procedure (StPO) is applicable. ZPO (Code of Civil Procedure)

Section 580

Action for retrial of the case

An action for retrial of the case may be brought:

(...)

8. Where the European Court of Human Rights has established that the European Convention for the Protection of Human Rights and Fundamental Freedoms or its protocols have been violated, and where the judgment is based on this violation.

StPO (Code of Criminal Procedure)

Section 359

Reopening for the Convicted Person's Benefit

Reopening of the proceedings concluded by a final judgment shall be admissible for the bene-fit of the convicted person

(...)

6. if the European Court of Human Rights has held that there has been a violation of the European Convention on the Protection of Human Rights and Fundamental Freedoms or of its Protocols and the judgment was based on that violation.

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

Sources: The data are based on information of the Bund and the Länder.

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

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

Comments - If yes, please specify:

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: Civil cases:

Pursuant to section 313a of the Code of Civil Procedure, the court judgment may omit the section addressing the facts and merits of the case and the reasons on which the judgment is based if no appellate remedies are admissible against the judgment and if the parties to the dispute have waived the statement of the reasons, or if the essential content of the reasons has been included in the record of the hearing. It is not possible to omit the section addressing the facts and merits of the case and the reasons on which the judgment is based in the event that a party is sentenced to recurrent performance that will become due in the future, or if the judgment is expected to be enforced abroad.

In administrative cases pursuant to § 84 (1), third sentence, § 117 (5) of the Verwaltungsgerichtsordnung, the administrative court may justify its decision in abbreviated form insofar as the administrative court follows the grounds of the (contested) administrative act or opposition decision and states this in its decision. However, the judicial decision must also contain a minimum level of substantive reasoning, even though the reasons for the decision must be clear and therefore a complete replacement of the grounds for the decision by reference is not permitted. The same applies in the area of financial jurisdiction in accordance with § 90a (3), § 105 (5) of the Finance Court Rules and in the field of social justice pursuant to § 105, § 136 (3) of the Social Court Act. "

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

- Yes
- No

Comments - If yes, please specify: Civil Law:

Pursuant to section 139 of the Code of Civil Procedure, the task of directing the substance of the proceedings is the responsibility of the court. This means that the court must discuss with the parties the circumstances and facts as well as the relationship of the parties to the dispute, both in terms of the factual aspects of the matter and of its legal ramifications, and it must ask questions. It must work towards ensuring that the parties to the dispute make declarations in due time and completely, regarding all significant facts, and in particular must ensure that the parties amend by further information those facts that they have asserted only incompletely, that they designate the evidence, and that they file the relevant petitions. The court may base its decision on an aspect that a party has recognisably overlooked or has deemed to be insignificant, provided that this does not merely concern an ancillary claim, only if it has given corresponding notice of this fact and has allowed the opportunity to address the matter. The same applies for any aspect that the court assesses differently than both parties do. The court must draw the parties' attention to its concerns regarding any items it is required to take into account ex officio. Notice by the court as provided for by this rule must be given at the earliest possible time, and a written record must be prepared.

Criminal Law:

Section 213 II of the German Code of Criminal Procedure (StPO)

In particularly extensive first instance proceedings in front of the Regional or Higher Regional Court, in which the main hearing is expected to last longer than ten days, the chairman shall coordinate the external course of the main hearing with the defence counsel, the public prosecutor's office and the joint plaintiff's representative before the date is determined.



4.2.2. Case flow management – first instance

091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	703 935 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 261 954 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 227 172 <input type="checkbox"/> NA <input type="checkbox"/> NAP	738 819 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	2 509 519 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

2.2.1. Non litigious land registry cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	5 428 233 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	1 727 738 <input type="checkbox"/> NA <input type="checkbox"/> NAP	126 423 <input type="checkbox"/> NA <input type="checkbox"/> NAP	87 651 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 766 513 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	845 199 <input type="checkbox"/> NA <input type="checkbox"/> NAP	748 328 <input type="checkbox"/> NA <input type="checkbox"/> NAP	726 730 <input type="checkbox"/> NA <input type="checkbox"/> NAP	866 972 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	440 716 <input type="checkbox"/> NA <input type="checkbox"/> NAP	945 094 <input type="checkbox"/> NA <input type="checkbox"/> NAP	960 583 <input type="checkbox"/> NA <input type="checkbox"/> NAP	443 995 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The high number of administrative pending cases on January 1st and December 31st is a result from the numerous unresolved cases in 2017 due to the rise of asylum seekers since 2015.

Cases of guardianship law in 2018 are not included in the "other cases " category, because changeover of data collections by the Lander.

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

. NAP

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

- . -Local Court family cases
- guardianship and curator cases at the family court
- custodianship cases
- curator cases at the custodianship court
- proceedings regarding judgments and orders at the labour court

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1 190 913 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

1. Severe criminal cases	236 345 [] NA [] NAP	673 637 [] NA [] NAP	662 297 [] NA [] NAP	246 940 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	98 206 [] NA [] NAP	380 649 [] NA [] NAP	370 270 [] NA [] NAP	108 365 [] NA [] NAP	[X] NA [] NAP
3. Other cases	[X] NA [] NAP	[X] NA [] NAP	158 346 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: As only the number of resolved "other cases" is available, these will not be included in the total.

4.2.3. Case flow management – second instance



097. Second instance courts (appeal): Number of "other than criminal law" cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	65 161 [] NA [] NAP	93 235 [] NA [] NAP	92 194 [] NA [] NAP	66 211 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	53 918 <input type="checkbox"/> NA <input type="checkbox"/> NAP	50 376 <input type="checkbox"/> NA <input type="checkbox"/> NAP	47 169 <input type="checkbox"/> NA <input type="checkbox"/> NAP	57 214 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	19 499 <input type="checkbox"/> NA <input type="checkbox"/> NAP	41 700 <input type="checkbox"/> NA <input type="checkbox"/> NAP	41 629 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 348 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases" please specify

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	63 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	20 920 <input type="checkbox"/> NA <input type="checkbox"/> NAP	50 390 <input type="checkbox"/> NA <input type="checkbox"/> NAP	51 149 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 164 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	1 088 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 815 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 772 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 129 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Other cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	179 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

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

4.2.4. Case flow management – Supreme Court



099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	9 529 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 678 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 713 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 494 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative law cases	3 414 [] NA [] NAP	5 806 [] NA [] NAP	5 672 [] NA [] NAP	3 548 [] NA [] NAP	[X] NA [] NAP
4. Other cases	1 195 [] NA [] NAP	1 755 [] NA [] NAP	1 837 [] NA [] NAP	1 113 [] NA [] NAP	[X] NA [] NAP

Comments - If "Other cases", please specify

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

(X) Yes

() No

Comments

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? [0]

cases closed by this procedure? [0]

Comments number of cases are not available

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	727 [] NA [] NAP	3 158 [] NA [] NAP	3 007 [] NA [] NAP	878 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Other cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify It is not possible to differentiate between "severe criminal cases" and "minor criminal cases" (NA). The total number of cases means the number of appeals on points of law, including referrals and regulatory offences pursuant to the Act on Regulatory Offences (OWiG) as well as regulatory offences pursuant to the Act Against Restraints of Competition (GWB) and the Energy Act (EnBW) before the criminal panels (including antitrust panel).

4.2.5. Case flow management and timeframes – specific cases

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	[X] NA [] NAP	[X] NA [] NAP	167 836 [] NA [] NAP	[X] NA [] NAP
Employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	173 096 [] NA [] NAP	[X] NA [] NAP
Insolvency	[X] NA [] NAP	139 752 [] NA [] NAP	[X] NA [] NAP	[] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	5 419 [] NA [] NAP	[X] NA [] NAP

Intentional homicide	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	749 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	250 963 <input type="checkbox"/> NA <input type="checkbox"/> NAP	149 593 <input type="checkbox"/> NA <input type="checkbox"/> NAP	181 300 <input type="checkbox"/> NA <input type="checkbox"/> NAP	219 360 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	19 099 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Regarding the number of cases relating to asylum seekers, there were many unresolved cases in 2017 (see Scoreboard data 2017 (rise of asylum seekers since 2015)). Schleswig-Holstein: With regard to this question, no data are available for 2018 for Employment dismissal cases for pending cases on 31 Dec ref. year. The data from 2017 have therefore been included.

With regard for all Länder, no data are available for 2018 for the cases of Robbery and Intentional homicide (resolved cases) yet. The data from 2017 have therefore been included.

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

. Asylum seekers can avail themselves of judicial protection against a notice of rejection from the public authorities, both in proceedings on the merits and, if necessary, in proceedings for provisional court relief (interim relief): They can bring an action before the Administrative Court (first instance) in proceedings on the merits. Judgments by the Administrative Court in asylum cases that dismiss an action as manifestly inadmissible or manifestly unfounded are incontestable (section 78 (1), first and second sentences, of the Asylum Act [Asylgesetz, AsylG]). To contest other judgments by the Administrative Court, it is possible to file a request for appeal to the Administrative Court, pursuant to section 78 (2), first sentence, and subsection (4), first sentence, AsylG. The request is decided on by the Higher Administrative Court (second instance) in a court order (section 78 (5), first sentence, AsylG). If such a request is rejected by the Higher Administrative Court, the judgment handed down by the Administrative Court is final (section 78 (5), second sentence, AsylG). If the Higher Administrative Court grants the request for appeal, the application procedure is continued in the form of appellate proceedings before the Higher Administrative Court (section 78 (5), third sentence, AsylG). To contest an appellate judgment by a Higher Administrative Court, an appeal on points of law may be filed to the Federal Administrative Court – if this has been admitted by the Higher Administrative Court, or by the Federal Administrative Court in response to a complaint against non-admission (section 132 (1) of the Code of Administrative Court Procedure, [Verwaltungsgerichtsordnung, VwGO]). Since July 2017 is also possible (unlike under the previous law, cf. section 78 (2), second sentence, AsylG in the version of 2 September 2008) to contest first-instance judgments of the Administrative Court in asylum cases (with the exception of qualified dismissals of actions within the meaning of section 78 (1) AsylG, cf. section 78 (6) AsylG) by filing an "immediate appeal on law in lieu of an appeal on facts and law" with the Federal Administrative Court (supreme federal court, third instance) in accordance with section 134 VwGO. A requirement for this is that the "immediate appeal on law in lieu of an appeal on facts and law" is admitted by the Administrative Court in the judgment or on request by order, and that the claimant and defendant agree to the submission in writing. In certain cases, in particular where an asylum application has been rejected as inadmissible or manifestly unfounded, the action before the Administrative Court does not have a suspensive effect; the asylum seeker bringing the action is still enforceably required to leave the Federal territory. In such cases, the asylum seeker can request the Administrative Court to grant interim relief in the form of an order recognising the suspensive effect of the action, in accordance with section 80 subsection (5) VwGO (cf. section 36 (3), first sentence, AsylG, section 34a (2), first sentence, AsylG). The Administrative Court decides on the request by order. The applicant may not be deported until the Administrative Court has reached its decision (cf. section 36 (3), eighth sentence, AsylG and section 34a (2), second sentence, AsylG). In certain cases, interim relief is governed by section 123 VwGO (for example in inadmissible follow-up asylum proceedings where no new deportation decision is issued). No ordinary legal remedy is available against a decision by the Administrative Court in summary proceedings (cf. section 80 AsylG).

Administrative court proceedings relating to (general) law concerning foreigners are governed primarily – in proceedings on the

merits and in interim relief – by the general provisions of the VwGO: If a foreigner wishes to contest a measure by the foreigners authority (for example an order terminating residence), he may, as a rule, bring an action before the Administrative Court. If the measure taken by the authority is an administrative act (such as an expulsion pursuant to section 53 of the Residence Act [Aufenthaltsgesetz]), then as a rule (administrative) appeal proceedings must be conducted before the action is brought, provided this is not ruled out by (Land) statute (cf. section 68 (1) VwGO). To contest the Administrative Court's judgment, an appeal on fact and law may be filed to the Higher Administrative Court, if such an appeal is admitted by the Administrative Court in its judgment or by the Higher Administrative Court on separate application (see section 124 (1) VwGO). To contest an appellate judgment by the Higher Administrative Court, an appeal on points of law only may be filed to the Federal Administrative Court (under the preconditions enumerated in section 132 VwGO), if the Higher Administrative Court, or the Federal Administrative Court in response to a complaint against non-admission, has admitted it (section 132 (1) VwGO). Judgments of the Administrative Court may be contested in an "immediate appeal on law in lieu of an appeal on facts and law" to the Federal Administrative Court, if this is agreed upon in writing by the claimant and the defendant, and admitted by the Administrative Court (section 134 (1) VwGO). If necessary, interim court relief may be available on request in accordance with sections 80, 123 VwGO.

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

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	8 [] NA [] NAP	192 [] NA [] NAP	257 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Litigious divorce case	2 [] NA [] NAP	294 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Employment dismissal case	3 [] NA [] NAP	65 [] NA [] NAP	195 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Insolvency	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Intentional homicide	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

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

. The family court has exclusive jurisdiction for marriage cases and other family cases. The family court is a department of the Local Court.

Anyone wishing to bring a marriage case to court, that is anyone wishing to divorce, must be represented by a lawyer. Also the respondent needs representation by lawyer if motions are to be lodged. As a rule, the spouses are to pay half the court costs of the divorce case and the ancillary cases; plus, each spouse pays their own legal costs.

It is possible to apply for legal aid. Spouses wishing to divorce can reduce the costs of the proceedings by the respondent agreeing to the divorce for the record of the court registry or in the oral hearing without appointing a lawyer.

The family court deliberates on the divorce application and the ancillary cases to the divorce made pending in good time together, and also rules on them as a matter of principle at the same time (comprehensive divorce proceedings). The divorce is hence as a rule not to be issued until clarity has been reached regarding all the ancillary cases. The purpose of the comprehensive divorce proceedings is to ensure for those concerned that nothing remains unresolved or uncertain after the divorce. The advantage of this is that those concerned are informed of all the consequences entailed by the divorce, particularly of the economic consequences. This is particularly significant for the economically weaker spouse, given that their rights are to be safeguarded before the divorce is granted. By virtue of the fact that all proceedings are placed in the hands of one single judge and dealt with at the same time, the family court also obtains a more profound insight into the situation of the marriage and the family and is able to help to bring about proper, coordinated rulings. Aspects that are deliberated on and ruled on by the family court in the comprehensive divorce proceedings include: pension settlement cases, maintenance cases, spousal home and budget cases, as well as property cases and parent-and-child cases.

In order to agree on an arrangement covering only the ancillary effects of the divorce, mediation proceedings offer an alternative to court proceedings. Mediation seeks to reach an agreed resolution of the conflict over ancillary matters with the aid of a neutral person who is not called on to make a decision – the mediator. Mediation is particularly well suited to take into account the situation and interests of the persons concerned, because their autonomy plays a more central role in mediation proceedings than it does in court proceedings. A mediation proceeding may therefore lead to results which are more readily accepted, and is generally a more sustainable option. Results can include, for example, contractual agreements on maintenance, assets, property, on parental responsibility or on access to the children. In divorce proceedings, the court can order that the spouses attend, either individually or together, an information meeting, free of charge, about mediation or another possible form of extra-judicial conflict resolution for pending ancillary matters with a person or provider designated by the court, and that they submit confirmation of their attendance. If such a meeting leads to a mediation proceeding, the court proceeding will be interrupted. If the attempt to reach a friendly settlement is made by a judge designated for that purpose and having no decision-making power in the matter (conciliation judge), he or she can apply all methods of conflict resolution including mediation. The divorce itself cannot be the subject of a conciliation hearing, because the granting of a divorce is subject to requirements that cannot be fulfilled by the parties themselves.

104. How is the length of proceedings calculated for the six case categories of question 102?

Please give a description of the calculation method.

. The judicial business statistics include in each case the day of the receipt of the proceedings and the date on which they are dealt with, recorded in the DD.MM.YYYY format.

On the basis of this information, the duration of the proceedings is calculated as follows:

duration of proceedings = 1 + [date on which processed (number of days + (number of months * 30) + (year * 360)) - [date of receipt (number of days + (number of months * 30) + (year * 360))]

4.2.6. Case flow management – public prosecution



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

[X] to conduct or supervise police investigation

[X] to conduct investigations

[] when necessary, to request investigation measures from the judge

[X] to charge

[X] to present the case in court

[X] to propose a sentence to the judge

[X] to appeal

[X] to supervise the enforcement procedure

[X] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

[X] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

[X] other significant powers (please specify): Other: to conduct or supervise police investigation; to conduct investigations •to conduct investigations: Unless otherwise provided by law (for instance in accordance with section 153 and section 153a of the Code of Criminal Procedure), the public prosecution office is obliged to intervene with regard to all prosecutable criminal offences provided that there are sufficient factual indications (section 152 (2) of the Code of Criminal Procedure). As soon as the public prosecution office receives knowledge of a criminal offence through a criminal information or by other means, it must investigate the facts for its decision on whether public charges are to be preferred (section 160 (1) of the Code of Criminal Procedure). To this end, the public prosecution office is entitled to demand information from all authorities and to carry out investigations of any kind, either itself or to have them performed by the authorities and officers of the police service unless other statutory provisions particularly regulate their powers. The public prosecutor shall ascertain not only incriminating but also exonerating circumstances, and shall ensure that evidence, the loss of which is to be feared, is taken (section 160 (2) of the Code of Criminal Procedure). •to conduct or supervise police investigation: The authorities and officers of the police service are obliged to comply with requests or applications from the public prosecution office, and in this case are entitled to obtain information from all authorities (section 161 (1) of the Code of Criminal Procedure). •when necessary, to request investigation measures from the judge: If the public prosecution office considers it to be necessary for the court to carry out investigation measures, it makes an application prior to lodging of the public charge to the Local Court in the district in which it or its branch office making the application is located. If, additionally, it considers it to be necessary to issue an arrest or custody order, it can, regardless of section 125 and section 126a, lodge such a motion with the court referred to in sentence 1 (section 162 (1) sentences 1 and 2 of the Code of Criminal Procedure). After preferment of public charges, the court seized of the matter shall be the competent court (section 162 (3) sentence 1 of the Code of Criminal Procedure). •to charge It is the public prosecution office which is called on to prefer public charges (section 152 (1) of the Code of Criminal Procedure). The written charge, which the public prosecution office has to present to the court which has jurisdiction for the main hearing, contains the application to open the main proceedings. The files are presented to the court (section 199 (2) of the Code of Criminal Procedure) with the written charge. •to present the case in the court: During the main hearing the public prosecutor has to read out the charges, may ask questions and file applications and finally presents his arguments in the closing speech. •to discontinue a case without requiring a judicial decision: In accordance with section 153 (1) sentence 2 of the Code of Criminal Procedure (dispensing with prosecution of petty offences), section 153c of the Code of Criminal Procedure (non-prosecution of offences committed abroad), section 153d of the Code of Criminal Procedure (dispensing with court action on political grounds) and section 153f of the Code of Criminal Procedure (dispensing with prosecution of criminal offences under the Code of Crimes against International Law), the public prosecution office can discontinue the proceedings without a court ruling. The same applies in accordance with section 154 (1) of the Code of Criminal Procedure with minor secondary criminal offences, and in accordance with section 154a (1) sentence 1 of the Code of Criminal Procedure with individual severable parts of an offence or some of several violations of the law committed as a result of the same offence if these are not particularly significant in addition to a penalty or measure of reform and prevention that is anticipated or has already been imposed with

binding effect. Moreover, the public prosecution office may dispense with preferment of public charges if the accused is extradited to a foreign government because of the offence or is transferred out of the area of application of the Code of Criminal Procedure (section 154d (1) and (2) of the Code of Criminal Procedure). The same applies if he/she is to be extradited to a foreign government or transferred to an international criminal court of jus-tice because of another offence and the penalty or the measure of re-form and prevention which might be the result of the domestic prosecution is negligible in comparison to the penalty or measure of reform and prevention which has been imposed on him with binding effect abroad or which he may expect to be imposed abroad (section 154d (2) of the Code of Criminal Procedure). If coercion or extortion (sections 240 and 253 of the Criminal Code) was committed by threats to reveal a criminal offence, the public prosecution office may dispense with prosecuting the offence, the disclosure of which was threatened, unless expiation is imperative because of the seriousness of the offence (section 154c (1) of the Code of Criminal Procedure). If the victim of coercion or extortion (sections 240 and 253 of the Criminal Code) files charges in respect thereof (section 158) and if as a result a misdemeanour committed by the victim comes to light, the public prosecution office may dispense with prosecution of the misdemeanour unless expiation is imperative because of the seriousness of the offence (section 154c (2) of the Code of Criminal Procedure). If the preferring of public charges for a misdemeanour depends on the evaluation of a question which must be determined according to civil law or administrative law, the public prosecution office may set a time limit to decide the question in civil proceedings or in administrative court proceedings. The person who reported the criminal offence shall be notified there-of. After this time limit has expired without any result, the public prosecution office may terminate the proceedings (section 154d of the Code of Criminal Procedure). Public charges are not to be preferred for an erroneous suspicion or insult (sections 164 and 185 to 188 of the Criminal Code) as long as criminal or disciplinary proceedings are pending for the reported or alleged offence (section 154e (1) of the Code of Criminal Procedure). If the absence of the accused or some other personal impediment prevents the opening or conduct of the main proceedings for a considerable time, and if public charges have not yet been preferred, the public prosecution office may provisionally terminate the proceedings after it has clarified the facts so far as possible and secured the evidence so far as necessary (section 154f of the Code of Criminal Procedure). In accordance with section 45 (1) of the Youth Courts Act (Jugendgerichtsgesetz – JGG), section 153 of the Code of Criminal Procedure is also applicable in criminal proceedings against juveniles (14 to under 18 years old at the time of the offence). Section 153 of the Code of Criminal Procedure applies either directly or - if juvenile criminal law applies to them - via section 45 (1) of the Youth Courts Act to young adults (18 to under 21 years old at the time of the offence). The other possibilities of ending the proceedings stated above are generally applicable in proceedings against juveniles and young adults (cf. section 2 (2) of the Youth Courts Act); further possibilities for the discontinuation of proceedings by the public prosecutor are provided by section 45 (2) and (3) of the Youth Courts Act. •to supervise the enforcement procedure: The final judgment has to be executed by the public prosecution office and, if juvenile criminal law applies, by the youth court judge as head of enforcement (cf. section 82 of the Youth Courts Act).

Comments

106. Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify: In general the public prosecutor has not a role in insolvency cases. But in taking preliminary measures of confiscation according to Section 111b to Section 111q of the Code of Criminal Procedure the public prosecution office shall file for insolvency concerning the defendant if the assets of the defendants do not suffice to satisfy the claims of the persons injured by his offence (Section 111i para (2) of the Code of Criminal Procedure). This new regime is in force since July 2017. Whether the insolvency proceedings are to be opened or not, lies in the competence of the court. Section 111i of the Code of Criminal Procedure has also been taken into account in the enforcement of the ordered confiscation especially concerning the compensation procedure (sections 459h, 459m, 459n of the Code of Criminal Procedure).

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

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	4 918 315 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 794 977 <input type="checkbox"/> NA <input type="checkbox"/> NAP	167 786 <input type="checkbox"/> NA <input type="checkbox"/> NAP	985 563 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments These figures include first-instance criminal cases led by the public prosecution offices based at the Regional Courts (investigations with a "Js" file number) and the public prosecution offices based at the Higher Regional Courts (investigations with an "OJs" file number). Regarding the latter ("OJs" investigations), figures only exist for the number of cases newly received by the prosecutor generals' offices.

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

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

Comments

108. Total number of cases which were discontinued by the public prosecutor.

	Number of cases
Total number of cases which were discontinued by the public prosecutor (1+2+3+4)	3 304 719 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Discontinued by the public prosecutor because the offender could not be identified	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	1 577 448 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Discontinued by the public prosecutor for reasons of opportunity	1 228 139 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	499 132 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments After checking the available data now it is possible to distinguish between No. 2, No. 3 and No. 4

109. Do the figures include traffic offence cases?

(X) Yes

() No

Comments

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

Sources: Federal Office of Justice: Local Court case-load overviews

Federal Statistical Office:

Subject-matter series 10, series 2.1 (civil courts)

Subject-matter series 10, series 2.2 (family courts)

Subject-matter series 10, series 2.3 (criminal courts)

Subject-matter series 10, series 2.4 (administrative courts)

Subject-matter series 10, series 2.5 (fiscal courts)

Subject-matter series 10, series 2.6 (public prosecution offices)

Subject-matter series 10, series 2.7 (social courts)

Subject-matter series 10, series 2.8 (labour courts)

Subject-matter series 10, series 3 (criminal prosecution)

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. How are judges recruited?

[X] mainly through a competitive exam (open competition)

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

[X] a combination of both (competitive exam and working experience)

[X] other (please specify): Finance Courts: Baden-Württemberg: The prerequisite for working as a judge at a finance court is relevant professional experience (in particular as a civil servant of the tax administration, lawyer or judge in another jurisdiction or public prosecutor). Bavaria: The posts in the finance courts are not occupied externally. Especially well-suited civil servants of the tax administration are selected to work as a judge in a finance court after an unspecified period spent working in the administration. There is hence no special appointment procedure.

Comments Finance Courts: Baden-Württemberg: The prerequisite for working as a judge at a finance court is relevant professional experience (in particular as a civil servant of the tax administration, lawyer or judge in another jurisdiction or public prosecutor). Bavaria: The posts in the finance courts are not occupied externally. Especially well-suited civil servants of the tax administration are selected to work as a judge in a finance court after an unspecified period spent working in the administration. There is hence no special appointment procedure.

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

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

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

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

- Yes
- No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

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

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

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

5.1.2. Status, recruitment and promotion of prosecutors



115. What is the status of public prosecution services?

- statutory independent
- under the authority of the Minister of Justice or another central authority
- other (please specify):

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

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

- Yes
- No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

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

Comments

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

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: Recruitment and appointments are done by the Minister of Justice, in some cases in cooperation with a committee for the selection of judges, a gender equality officer and the general prosecutors' offices.

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

- Yes
- No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): Promotion post advertised, selection among the applicants on the basis of current assessments and report from the general prosecutors' offices on occupation of the post.

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

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

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

5.1.3.Mandate and retirement of judges and prosecutors



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

Yes, please indicate the compulsory retirement age:65-67

No

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

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

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):"Section 30 of the German Judiciary Act stipulates the following:

"Transfer and discharge from office (1) A judge for life or for a specified term can only be transferred to another office or discharged from office without his own written consent 1. in judicial impeachment proceedings (Article 98 paragraphs 2 and 5 of the Basic Law), 2. in formal disciplinary proceedings, 3. in the interests of the administration of justice (section 31), 4. on changes being made in the organisation of the courts (section 32). (2) Save in the case of subsection (1) number 4, a transfer or discharge from office can only be ordered on the strength of a judicial decision that has entered into final and binding effect."

No

Comments Section 30 of the German Judiciary Act stipulates the following: "Transfer and discharge from office (1) A judge for life or for a specified term can only be transferred to another office or discharged from office without his own written consent 1. in judicial impeachment proceedings (Article 98 paragraphs 2 and 5 of the Basic Law), 2. in formal disciplinary proceedings, 3. in the interests of the administration of justice (section 31), 4. on changes being made in the organisation of the courts (section 32). (2) Save in the case of subsection (1) number 4, a transfer or discharge from office can only be ordered on the strength of a judicial decision that has entered into final and binding effect.

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

Yes, duration of the probation period (in years):5

No

Comments

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

Yes, please indicate the compulsory retirement age:65-67

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: "The service relationship of a public prosecutor ends for instance on a criminal judgment gaining legal force by means of which the public prosecutor has been sentenced to at least one year's imprisonment because of an intentional criminal offence (section 41 (1) of the Act on Federal Civil Servants [Bundesbeamtengesetz – BBG] and section."

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

Yes, duration of the probation period (in years):5

No

Comments

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

[]

[] NA

[X] NAP

Comments

125-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

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)?

[]

[] NA

[X] NAP

Comments

126-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

E1. Please indicate the sources for answering the questions in this chapter:

Sources: The German Judiciary Act and Judiciary Acts of the Lander.

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No

In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in courts	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on ethics	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments

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

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

Comments - Please indicate any information on the periodicity of the continuous training of judges: Bavaria:

Ordinary jurisdiction: Bavaria offers around 50 one-day training events and around 75 multi-day seminars for judges each year (excluding courses offered by the German Judicial Academy and IT training).

Berlin:

Participation is voluntary and ranges from 0 days to several weeks per year (taking into account the Land's own training programmes as well as the courses offered by the German Judicial Academy and the EJTN).

Brandenburg:

On average, judges attend 1 to 2 training events each year.

Bremen:

Various training courses offered each month.

Hesse:

The information pertains to the training programmes offered by the Hessian Judicial Academy, which is attached to the Hesse Ministry of Justice and organises the training of all professional groups within the Hessian justice administration (except for prison staff). In 2018, 46

(one to four-day) seminars were offered for judges. None of the training events were held twice. Seminars that are not exclusively aimed at judges (family law, civil law), can also be attended by public prosecutors. North Rhine-Westphalia:

Training programmes are offered at varying intervals.

Saxony:

No exact details can be provided on frequency, since this varies greatly (0 to multiple trainings per year per judge).

Thuringia:

On average, judges attend 1 to 2 seminars per year.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on ethics	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

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

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

In-service training on ethics	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
--------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: Bavaria:

Bavaria offers around 50 one-day training events and around 75 multi-day seminars for public prosecutors each year (excluding courses offered by the German Judicial Academy and IT training).

Berlin:

Participation is voluntary and ranges from 0 days to several weeks per year (taking into account the Land's own training programmes as well as the courses offered by the German Judicial Academy and the EJTN).

Brandenburg:

On average, public prosecutors attend 1 to 2 training events each year.

Bremen:

Various training courses offered each month.

Hesse:

In 2018, there was no training exclusively designated for public prosecutors.

North Rhine-Westphalia:

Training programmes are offered at varying intervals.

Saxony:

No exact details can be provided on frequency, since this varies greatly (0 to multiple trainings per year per judge).

Thuringia:

On average, public prosecutors attend 1 to 2 training events per year.

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

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Comments

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

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please

indicate briefly how these judges and/or prosecutors are trained?

. They receive academic training at the universities, decentralised compulsory initial training at the Regional Courts (Landgerichte), and additionally benefit from a wide offer of voluntary training which is well received.

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
Total	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Only for judges	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Only for prosecutors	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Only for other non-judge staff	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Only for other non-prosecutor staff	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other common training	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments:

E2. Please indicate the sources for answering the questions in this chapter:

Sources: -

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors

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

Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
---------------------------	-------------------------	----------------------------------------	--------------------------------------

First instance professional judge at the beginning of his/her career	49 605 <input type="checkbox"/> NA <input type="checkbox"/> NAP	37 908 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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)	84 809 <input type="checkbox"/> NA <input type="checkbox"/> NAP	57 670 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	49 605 <input type="checkbox"/> NA <input type="checkbox"/> NAP	37 908 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	84 809 <input type="checkbox"/> NA <input type="checkbox"/> NAP	57 670 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Housing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other financial benefit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

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

. "Unlike contracted employees, judges and public prosecutors acquire pension claims in accordance with the Civil Service Benefits Act (Beamtenversorgungsgesetz) and are not included in the statutory pensions insurance scheme.
Other financial benefit: Unlike contracted employees, judges and public prosecutors acquire a right to claim assistance with medical expenses and are not required to join the statutory health insurance scheme. Furthermore, married judges and prosecutors receive family allowances, and those with children receive child allowances."

NAP

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

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

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. With regard to the obligation to have ancillary activities approved, section 46 of the German Judiciary Act (Deutsches Richtergesetz), sections 99 to 101 of the Act on Federal Civil Servants and the Ordinance on the Ancillary Activities of Judges in the Federal Civil Service (Verordnung über die Nebentätigkeit der Richter im Bundesdienst) apply to federal judges. Sections 71 (1) of the German Judiciary Act and section 40 of the Act on the Status of Civil Servants (Beamtenstatusgesetz) in conjunction with the provisions of the respective Land law apply to judges in the service of a Land. If no exceptional arrangement applies, non-remunerated ancillary activities do not have to be approved. Taking over care for someone other than a family member is for instance excepted from this. The following activities are also exempt from approval: literary, artistic, academic or lecturing activities, administration of own property or of property of which the judge has the usufruct, freelance expert consultancy work connected with teaching or research at public universities and academic institutions, as well as activities in trade unions, professional organisations or self-help institutions by which professional interests are promoted. All other ancillary activities are subject to approval.

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

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

Mediator	(X) Yes () No	(X) Yes () No
Other function	(X) Yes () No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: With regard to the obligation to have ancillary activities approved, section 46 of the German Judiciary Act (Deutsches Richtergesetz), sections 99 to 101 of the Act on Federal Civil Servants and the Ordinance on the Ancillary Activities of Judges in the Federal Civil Service (Verordnung über die Nebentätigkeit der Richter im Bundesdienst) apply to federal judges. Sections 71 (1) of the German Judiciary Act and section 40 of the Act on the Status of Civil Servants (Beamtenstatusgesetz) in conjunction with the provisions of the respective Land law apply to judges in the service of a Land. If no exceptional arrangement applies, non-remunerated ancillary activities do not have to be approved. Taking over care for someone other than a family member is for instance excepted from this. The following activities are also exempt from approval: literary, artistic, academic or lecturing activities, administration of own property or of property of which the judge has the usufruct, freelance expert consultancy work connected with teaching or research at public universities and academic institutions, as well as activities in trade unions, professional organisations or self-help institutions by which professional interests are promoted. All other ancillary activities are subject to approval.

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

() Yes

(X) No

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

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

(X) Yes

() No

Comments

138-1. If yes, how is this institution / body formed

() only by judges

() by judges and other legal professionals

(X) other, please specify: Following evaluation reports by GRECO (Group of States against Corruption), the Federal Ministry of Justice and Consumer protection published a compendium on ethical and professional conduct of judges and prosecutors; Moreover, a presidium is established at each court which determines the composition of the adjudicating bodies, appoints the investigating judges, regulates representation and allocates court business.

Comments Following evaluation reports by GRECO (Group of States against Corruption), the Federal Ministry of Justice and Consumer protection published a compendium on ethical and professional conduct of judges and prosecutors. Moreover, a presidium is established at each court which determines the composition of the adjudicating bodies, appoints the investigating judges, regulates representation and allocates court business.

138-2. Are the opinions of this institution / body publicly available?

(X) Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments

138-4. If yes, how is this institution / body formed

only by prosecutors

by prosecutors and other legal professionals

other, please specify:

Comments

138-5. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

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

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify): The head of the immediate superior authority, and, as possibly the next highest superior authority, the Ministry of Justice may initiate disciplinary proceedings against judges.

Other (please specify): Citizens can lodge a supervisory complaint, which may lead to the initiation of disciplinary proceedings. The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

This is not possible

Comments The executive power authorized to initiate disciplinary proceedings can be the head of the immediate superior authority, and, as possibly the next highest superior authority, the Ministry of Justice may initiate disciplinary proceedings against judges. Citizens can also lodge a supervisory complaint, which may lead to the initiation of disciplinary proceedings. The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

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

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

Executive power (please specify):The head of the immediate superior authority, and, as possibly the next highest superior authority, the public prosecutor general and the Ministry of Justice may initiate disciplinary proceedings against public prosecutors.

Other (please specify):Citizens can lodge a supervisory complaint, which may lead to the initiation of disciplinary proceedings. The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

- This is not possible

Comments The head of the immediate superior authority, and, as possibly the next highest superior authority, the public prosecutor general and the Ministry of Justice may initiate disciplinary proceedings against public prosecutors..

Citizens can also lodge a supervisory complaint, which may lead to the initiation of disciplinary proceedings. The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

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

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament

Executive power (please specify):The bodies empowered to initiate disciplinary proceedings (see above) can impose a reprimand by means of a disciplinary order. All further disciplinary measures (including fines, reduction of remuneration, demotion, removal from judicial office) first and foremost require the lodging of a disciplinary action by the Ministry of Justice, on which the judicial service courts then rule.

- Other (please specify):The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

Comments Regarding the executive power, the bodies empowered to initiate disciplinary proceedings (see above) can impose a reprimand by means of a disciplinary order. All further disciplinary measures (including fines, reduction of remuneration, demotion, removal from judicial office) first and foremost require the lodging of a disciplinary action by the Ministry of Justice, on which the judicial service courts then rule.

The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

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

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

Executive power (please specify):Disciplinary power lies partly with the bodies also empowered to initiate disciplinary proceedings (including reprimand, fines, reduction in salary [only by the Ministry of Justice], in some cases – after the disciplinary action has been lodged by the Ministry of Justice – in the judicial service courts (including demotion, removal from the civil service).

Other (please specify):The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

Comments Disciplinary power lies partly with the bodies also empowered to initiate disciplinary proceedings (including reprimand, fines, reduction in salary [only by the Ministry of Justice], in some cases – after the disciplinary action has been lodged by the Ministry of Justice – in the judicial service courts (including demotion, removal from the civil service).

The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

5.4.2.Number of disciplinary procedures and sanctions

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

	Judges	Prosecutors
Total number (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify: - stating incorrect professional title on social media (Ordinary jurisdiction - judges)
- unspecified (3 cases)

These figures were provided by the Lander of Baden-Württemberg, Bavaria, Berlin, Hamburg, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palpatinate, Saxony and Thuringia.

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

	Judges	Prosecutors
Total number (total 1 to 10)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

These figures were provided by the Lander of Baden-Württemberg, Bavaria, Berlin, Hamburg, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saxony and Thuringia.

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

Sources: Information provided by the Länder (survey of courts and evaluation of files).

6.Lawyers

6.1.Profession of lawyer

6.1.1. Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	165 104 <input type="checkbox"/> NA	107 105 <input type="checkbox"/> NA	57 999 <input type="checkbox"/> NA

Comments

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

Yes ()

No ()

Comments

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

[]

NA

NAP

Comments

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

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	[<input type="checkbox"/>]	[<input checked="" type="checkbox"/>]	[<input checked="" type="checkbox"/>]
Dismissal cases	[<input type="checkbox"/>]	[<input type="checkbox"/>]	[<input type="checkbox"/>]
Criminal cases – Defendant	[<input type="checkbox"/>]	[<input type="checkbox"/>]	[<input type="checkbox"/>]
Criminal cases – Victim	[<input type="checkbox"/>]	[<input type="checkbox"/>]	[<input type="checkbox"/>]
Administrative cases	[<input type="checkbox"/>]	[<input type="checkbox"/>]	[<input type="checkbox"/>]

NAP

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

Section 78 of the Civil Procedure Act: Proceedings in which the parties must be represented by counsel

(1) The parties to disputes before the regional courts (Landgerichte, LG) and the higher regional courts (Oberlandesgerichte, OLG) must be represented by an attorney. Where, based on section 8 of the Introductory Law of the Courts Constitution Act (Einführungsgesetz zum Gerichtsverfassungsgesetz), a Land has established a supreme court for its territory, the parties to a dispute must likewise be represented by an attorney before this court as well. In proceedings before the Federal Court of Justice (Bundesgerichtshof, BGH), the parties to the dispute must be represented by an attorney admitted to practice before said court.

(2) Public authorities and legal persons under public law, including the co-operation groupings they may form by way of fulfilling their tasks as governed by public law, may have themselves represented by their own employees who are qualified to hold judicial office, or by employees who are qualified to hold judicial office and who are working with other public authorities or legal persons under public law, including the co-operation groupings they may form by way of fulfilling their tasks as governed by public law.

(3) These rules are not to be applied to proceedings before a judge correspondingly delegated or requested, nor are they to be applied to actions in the proceedings that may be taken before the records clerk of the court registry.

(4) Any attorney authorised to represent parties before the courts in accordance with the stipulations of subsections (1) and (2) may represent himself.

Section 138 of the Code of Criminal Proceedings

(1) Attorneys admitted to practice before a German court, as well as professors of law at German institutions of higher education as defined in the Framework Act for Higher Education who are qualified to hold judicial office, may be engaged as defence counsel.

(2) Other persons may be engaged only with the approval of the court. In cases where the assistance of defence counsel is mandatory and the person chosen is not among the persons who may be appointed as defence counsel, such person may additionally be admitted as counsel of the accused's own choice only together with one who may be so appointed.

(3) If witnesses, private prosecutors, private accessory prosecutors, persons entitled to private accessory prosecution and aggrieved persons can avail themselves of the assistance of an attorney or representation by an attorney, they may, in accordance with subsection (1) and subsection (2), first sentence, also choose the other persons designated therein.

Administrative cases:

In addition to the (general) Administrative Jurisdiction, in Germany there are two specialised public-law jurisdictions: the Fiscal Jurisdiction and the Social Jurisdiction. Only the Administrative and Social jurisdictions have three tiers. The Administrative Courts form the first instance of the Administrative Jurisdiction, the second instance comprises the Higher Administrative Courts/Administrative Courts of Appeal, while the Federal Administrative Court is the supreme court. The Social Courts form the first instance of the Social Jurisdiction, the second instance comprises the Higher Social Courts, while the Federal Social Court is the supreme court. The Fiscal Jurisdiction has two tiers. It comprises the Finance Courts of the Länder as courts of first instance, and the Federal Finance Court as supreme court. In all three jurisdictions, parties may at least represent themselves before the courts of first instance. Details in this regard are set out in section 67 VwGO, section 73 of the Social Courts Act and section 62 of the Code of Finance Court Procedure.

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	(X) Yes () No	(X) Yes () No	(X) Yes () No
Family member	(X) Yes () No	() Yes (X) No	() Yes (X) No
Self-representation	(X) Yes () No	() Yes (X) No	() Yes (X) No
Trade union	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other	(X) Yes () No	(X) Yes () No	(X) Yes () No

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

Only in local courts (i.e. in civil proceedings where the amount in dispute is €5,000 or less) is it not obligatory to be represented by a lawyer. Where the amount in dispute is above this threshold, first-instance civil proceedings start at the regional court where the parties are obliged to be represented by a lawyer. Administrative cases: 1. Employees of the party or of an enterprise affiliated with them (section 15 of the Companies Act [Aktiengesetz]); authorities and legal entities under public law, including the associations formed by them to perform their public tasks, can also be represented by employees of other authorities or legal entities under public law, including the associations formed by them to perform their public tasks,

2. adult family members (section 15 of the Fiscal Code (Abgabenordnung, AO), section 11 of the Civil Partnership Act, persons with qualification for judicial office and joined parties if the representation is not connected with a remunerated activity,

3. tax advisers, tax representatives, certified public accountants, sworn auditors, persons and associations within the meaning of section 3a of the Tax Consulting Act (Steuerberatungsgesetz), as well as companies within the meaning of section 3 Nos. 2 and 3 of the Tax

Consulting Act acting via persons within the meaning of section 3 No. 1 of the Tax Consulting Act, in tax-related matters,

4. professional agricultural associations for their members,
5. trade unions and associations of employers, as well as combinations of such associations for their members or for other associations or combinations with a comparable orientation and their members,
6. associations whose statutory tasks largely encompass joint representation of interests, advice and representation of benefit recipients in accordance with social compensation law or persons with disabilities and which, taking account of the nature and the extent of their activities, as well as of the group of their members, offer an assurance of proper representation in the proceedings, for their members in matters of welfare of victims of war and of the law on persons with serious disabilities, as well as concomitant matters,
7. legal entities whose shares are all in the economic ownership of one of the organisations designated in numbers 5 and 6 if the legal entity exclusively provides legal advice and representation in proceedings of this organisation and of its members or of other associations or combinations with a comparable orientation and their members in accordance with their statutes, and if the organisation is liable for the activity of the agents.

Different arrangements apply before social courts and finance courts.

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

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent

Other law activities (please specify):The lawyer is adviser and representative in all legal matters (section 3 (1) of the Federal Regulations for Practising Lawyers (Bundesrechtsanwaltsordnung, BRAO). Inasmuch as particular prerequisites exist pursuant to other legislation that govern the provision of legal services, these must also be observed by lawyers. In particular, lawyers may pursue notarial activities only if they have been appointed as a notary in accordance with the stipulations of the Federal Regulations for Notaries (Bundesnotarordnung, BNotO) (so-called lawyers commissioned as notaries (Anwaltsnotar) and must do so in the premises of the combined law firm / notarial office (Anwaltsnotariat)).

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

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

Comments

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

- Yes
- No

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

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

Yes

No

Comments

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

Yes

No

Comments - If yes, please specify:

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

Sources: The data are based on information of the Bund.

https://www.brak.de/w/files/04_fuer_journalisten/statistiken/zahlen-zur-anwaltschaft

6.1.2. Practicing the profession

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

Yes

No

Comments -

155. Are lawyers' fees freely negotiated?

Yes

No

Comments -

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

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

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

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

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

a judge

Ministry of Justice

a professional authority

other (please specify):

Comments

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

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

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	[X] NA [] NAP
1. Reprimand	[X] NA [] NAP
2. Suspension	[X] NA [] NAP
3. Withdrawal from cases	[X] NA [] NAP
4. Fine	[X] NA [] NAP
5. Other	[X] NA [] NAP

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

7. Court related mediation and other alternative Dispute Resolution

7.1 Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

(X) Yes

() No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

[] Before/instead of going to court

[] Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

[X] No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: There are no mandatory mediation procedures before going to court or ordered by a judge in the course of a judicial proceeding in Germany.

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

(X) Yes

() No

Comments - If there are mandatory informative sessions, please specify which fields are concerned: In parent and child matters

concerning parental custody upon separation or divorce, the place of residence of the child, rights of contact, and surrender of the child, the family court may order that the parents individually or jointly participate in a free informational interview concerning mediation or other options for out-of-court conflict resolution with a person or agency named by the court and shall submit confirmation thereof (Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction – section 156). The mediation itself, however, remains voluntary.

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
Family cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
Administrative cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
Labour cases including employment dismissals	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
Criminal cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes () No [X] NAP
Consumer cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

- () Yes
- (X) No
- [] NAP

Comments - If yes, please specify (only one or both options)::

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments Germany does not have a system of accreditation or registration for mediators. In addition, there is no statistical data available on the number of court annexed mediation cases. For these reasons, Germany cannot provide information on the number of accredited or registered mediators who practice judicial mediation.

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Civil and commercial cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Family cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Labour cases including employment dismissal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
6. Consumer cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate the source:

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify): All forms of out-of court conflict resolution are possible as a matter of principle.

Comments

G1. Please indicate the source for answering question 166:

Source: The data are based on information of the Bund and the Länder.

8. Enforcement of court decisions

8.1. Execution of decisions in civil matters

8.1.1. Functioning

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

- Yes



() No

Comments

170. Number of enforcement agents

	Total	Male	Female
Number of enforcement agents	5 046 [] NA	[X] NA	[X] NA

Comments The number of enforcement agents includes the number of court bailiffs, prison officers and the number of senior judicial officers working in coercive execution at the local Courts.

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

[] judges

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

[X] bailiffs working in a public institution

[X] other

Comments - Please specify their status and powers: The enforcement agents are a public facility, namely bailiffs who are tied to the judicial administration of the Länder.

The bailiff is responsible for coercive enforcement of monetary claims in moveable property (by pledging and public auction (section 808 et seq. of the Code of Civil Procedure), as well as for compulsory enforcement because of other acts or omissions, namely the surrender of moveables and real estate (sections 883-885 the Code of Civil Procedure).

The enforcement court (a department of the Local Court) is responsible for the coercive enforcement of monetary claims in moveable property insofar as these are rights against third-party debtors. Coercive enforcement takes place in this case by means of pledging and transfer for seizure or instead of payment in accordance with sections 829 et seq. and 835 et seq. of the Code of Civil Procedure.

The land registry office (a department of the Local Court) is responsible for coercive enforcement of monetary claims on immovable property if an equitable mortgage is to be entered (section 867 of the Code of Civil Procedure).

Compulsory enforcement of monetary claims on immovable property by forced auctioning or forced administration is carried out by the enforcement court (a department of the Local Court) in accordance with the provisions contained in sections 15 et seq. or 146 et seq. of the Forced Sale Act (Zwangsversteigerungsgesetz).

As a rule senior judicial officers act at the enforcement court and at the land registry office. These are not enforcement agents in the strict sense of the word, but special court bodies which carry out special court tasks as the "second pillar of the third power" in addition to judges, largely in the field of "voluntary" jurisdiction (including in inheritance cases, custodianship cases, parent-and-child and adoption cases, in land registry cases, commercial, co-operative and partnership register cases, in insolvency cases, association-related cases, cases related to the marriage property register, ship register cases, etc.). Moreover, they carry out a large number of other judiciary activities, such as in the field of court payment demand proceedings, legal aid, setting of costs, execution of penalties, etc., and in proceedings for which the enforcement court has jurisdiction (pledging of receivables, forced auctioning, forced administration). The scope of the activities of senior judicial officers is regulated in the Act on Senior Judicial Officers (Rechtspflegergesetz, RPflG). Senior judicial officers enjoy professional independence in performing their tasks and in their rulings in the same way as judges and are bound only by law and order (section 9 RPflG). In this respect, they are not subject to any instructions. Admissible appeals exist against their decisions in accordance with the general rules of procedure (section 11 of the Act on Senior Judicial Officers).

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

(X) Yes

() No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: The right to use coercive measures in enforcing claims is a right exclusively enjoyed by the state and, in areas in which a court-appointed enforcement officer is responsible, by said officer. Every court-appointed enforcement

officer pursues his or her activities in an administrative district allocated to him or her. Private parties (collection agencies) are also active in the field of recovering debts (without using coercive measures); they are not allowed to use coercive measures.

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

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

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

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence

- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

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

- Yes
- No

Comments

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

- Yes
- No

Comments

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

- a national body
 - a regional body
 - a local body
- NAP

Comments

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

- Yes
- No

Comments -

175. Are enforcement fees freely negotiated?

- Yes
- No

Comments -

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

- Yes
- No

H0. Please indicate the sources for answering question 170

Source: Federal Office of Justice, staffing overviews of ordinary courts and the public prosecution offices, 2018 (counted in full-time positions, not in the number of individuals filling those positions).

8.1.2. Efficiency of enforcement services

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

Yes

No

Comments

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

professional body

judge

Ministry of Justice

public prosecutor

other (please specify): Reference is made to the answer re Question 171 for more details.

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

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

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

professional body

judge

Ministry of Justice

other (please specify):

Comments

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

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

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

other (please specify): All the complaints listed are likely to arise in practice. However, there is no current statistical material on the number of complaints in each case.

Comments

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

Yes

No

Comments - If yes, please specify:

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

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

Comments

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

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

() more (please specify):

[] NA

Comments

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

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	[X] NA [] NAP
1. For breach of professional ethics	2 [] NA [] NAP
2. For professional inadequacy	14 [] NA [] NAP
3. For criminal offence	6 [] NA [] NAP
4. Other	2 [] NA [] NAP

Comments - If "other", please specify: Enforcement agent collected unjustified fees in many cases.

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	[X] NA [] NAP
1. Reprimand	8 [] NA [] NAP
2. Suspension	1 [] NA [] NAP
3. Withdrawal from cases	1 [] NA [] NAP
4. Fine	2 [] NA [] NAP
5. Other	4 [] NA [] NAP

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

- Reduction of salary

- Request for dismissal in response to the institution of disciplinary proceedings aimed at removal of civil service status. The request was granted.

- The proceedings in these cases have not yet been concluded.

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

Source: The data are based on information of the Bund and the Länder.

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

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

Judge

Public prosecutor

Prison and Probation Services

Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). The final judgment has to be executed by the public prosecution office and, if juvenile criminal law applies, by the youth court judge as head of enforcement (cf. section 82 of the Youth Courts Act).

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

Yes

No

Comments

191. If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

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

	Total	Male	Female
TOTAL (1+2+3+4)	7 045 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Private professionals (without control from public authorities)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Professionals appointed by the State	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Public officials	7 045 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

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

192-1. What are the access conditions to the profession of notary (multiple options possible):

- diploma
- professional experience/professional training
- exam
- appointment procedure by the State
- other (please specify):

Comments

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement:70
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: dismissal as a disciplinary sanction

194. What kind of activities do notaries perform (multiple options possible):

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):

Comments

194-1. Do notaries have the exclusive rights when exercising their profession:

Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)

Authentication

Certification of signatures

Legality control of documents submitted by the parties

Mediation

Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify):

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with:

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

Real estate transaction

Family law

Succession law

Company law

Legality control of gambling activities

Other

Comments

194-3. Do notaries use specialised digital systems in their activity?

In establishing authentic instruments

In recording authentic instruments (archives)

Other activity (please specify):

Comments

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

Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

professional body

court

Ministry of Justice

public prosecutor

other (please specify):

Comments

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

Yes

No

Comments

I1. Please indicate the sources for answering question 192:

Sources: www.bnotk.de/Notar/Statistik/index.php

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments The answers to the Questions 197, 198, and 200 were given in the past only in the light of federal legislation. It is correct that there is no federal legislation under the Court Constitution Act that definitely set out standards for the quality of court interpreters.

However, there is legislation in the States (Bundesländer) which govern the rights and duties of court interpreters.

Most States have a rule defining the title of interpreters which also includes court interpreters. Some States apply all rules for interpreters also for court interpreters. Others have special rules for court interpreters.

Therefore, one must say that the title of court interpreters is protected in most States in Germany. But there are different standards.

The quality of court interpreters is dealt with under legislation of the States (Bundesländer). They must be reliable, fulfil certain qualifications and must apply for the general application to be sworn in. In most cases the regional courts (Landgerichte) are in charge of these administrative proceedings. In some States the higher regional courts (Oberlandesgerichte) are in charge.

It is planned to govern these qualifications for court interpreters by a federal law with the same standards for all within the country which will be set into force in 2021.

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

Yes

No

Comments Concerning Question 198 it is to say that federal legislation in Sections 185, 187 and 189 to 191 of the Court Constitution Act (Gerichtsverfassungsgesetz - GVG) together with rules of the States regulate the function of court interpreters. They have to be sworn in either in general or in individual cases directly by the court in the hearing.

See also the comment in Q 197.

199. Number of accredited or registered court interpreters:

[24 539]

[] NA

[] NAP

Comments Date retrieved 17th July 2019

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

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam): Court interpreters must be sworn in for their work in court. Regularly, courts appoint only interpreters, that are sworn in general. The prerequisites to be sworn in general are regulated by state law and differ from state to state (Bundesländer). Usually there is for example the requirement of an examination to prove a certain level of linguistic ability. See also the comment in Q 197.

201. Are the courts responsible for selecting 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, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: <http://www.justiz-dolmetscher.de>

11.Judicial experts

11.1.Profession of judicial expert

11.1.1.Status of judicial experts



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

experts who are requested by the parties to bring their expertise to support their argumentation,

experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,

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

Other (please specify):

Comments -

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

Yes

No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?):

202-2. Who is responsible for registering judicial experts?

- Ministry of justice
- Courts
- Independent body (association of judicial experts)
- Other

Comments

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long
- No

Comments There are no lists or databases of registered judicial experts.

203. Is the title of judicial experts protected?

- Yes
- No

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

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

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

Comments

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

- judicial proceedings
- the profession of expert
- other

Comments

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

- Yes
- No

Comments The Act Amending the Law on Judicial Experts (Gesetz zur Änderung des Sachverständigenrechts) entered into force in the autumn of 2016. It introduced new legal rules for judicial experts. In particular, under the new rules the expert is obligated to examine without undue delay whether there are reasons that seem apt to justify a lack of confidence in his impartiality. The expert has to inform the court of such reasons without undue delay (section 407a paragraph 2 of the Code of Civil Procedure).

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

(X) Yes

() No

Comments The Act Amending the Law on Judicial Experts (Gesetz zur Änderung des Sachverständigenrechts) entered into force in the autumn of 2016. It introduced new legal rules for judicial experts. In particular, under the new rules the expert is obligated to examine without undue delay whether there are reasons that seem apt to justify a lack of confidence in his impartiality. The expert has to inform the court of such reasons without undue delay (section 407a paragraph 2 of the Code of Civil Procedure).

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Publicly appointed judicial experts do not exist for all areas of expertise.

205-1. Who sets the expert remuneration?

- The remuneration of experts has been provided for by law (Act on the Remuneration of Experts, Interpreters and Translators as well as the Compensation of Honorary Judges, Witnesses and Third Parties, Justizvergütungs- und –entschädigungsgesetz, JVEG). It is permissible to conclude fee agreements with experts who are involved on a recurrent basis. The amount of the remuneration agreed may not exceed the amount of the remuneration provided for by said Act.

According to section 413 of the Code of Civil Procedure, experts are remunerated pursuant to the Judicial Remuneration and Compensation Act (Justizvergütungs- und –entschädigungsgesetz, JVEG). The amount of the remuneration is set by the court.

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

(X) Yes

() No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: There is no statutory time limit for submitting the report.

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

3.Criminal cases	[X] NA [] NAP
4.Other cases	[X] NA [] NAP

Comments

207. Are the courts responsible for selecting judicial experts?

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects judicial experts

Comments

207-1. Does the judge control the progress of the expertise?

- Yes
- No

Comments

K1. Please indicate the sources for answering question 205

Sources: NAP

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

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

<p>1. (Comprehensive) reform plans The Federal Ministry of Justice and Consumer Protection is conducting a research project into how the Act on Compulsory Auctions and Compulsory Administration (Gesetz über die Zwangsversteigerung und Zwangsverwaltung – ZVG) needs to be reformed.</p> <p>As of 1 January 2018, all courts of the Federation and the Länder in the ordinary jurisdiction and the specialized courts should, as a matter of principle, be reachable electronically for the citizens, the lawyers, the authorities and the other process participants. At the same time, all courts will generally be subject to uniform technical framework conditions, which are regulated in the Electronic Rights Directive (ERVV) of 24 November 2017. From 1 January 2022, lawyers and authorities will be required to communicate electronically with the authorities.</p>

2. Budget no foreseen reforms

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) Since the 2015 review, the Act on the amendment of the laws governing experts and on the further amendment of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit - FamFG) was adopted by legislative bodies and entered into force on 15 October 2016. This amendment stipulates, inter alia, that the expert is under obligation to immediately review the matter as to conflicts of interest and to report them, along with any delays that may arise, and establishes measures serving to accelerate evidence as provided by an expert. However, the initial legislative proposal by the federal government, as laid out in Germany's 2015 report, to require mandatory hearing of the parties prior to appointing an expert, was changed by legislators. In point of fact, the law establishes that the hearing of the parties shall be the general rule, thereby giving the court more flexibility in the matter at hand with a view to discouraging unnecessary delay in proceedings.

In accordance with recent European Court of Human Rights rulings, German legislators, in the context of debate on the above amendments have implemented special measures aimed at accelerating family proceedings concerning the place of residence of a child, the right of contact, or the surrender of the child, as well as proceedings based upon endangerment to the welfare of the child. In such vital cases, in addition to the right to compensation (see question 37), participating parties have the right to complain about delays (Beschleunigungsrüge) and, if no remedy is achieved, to bring the matter before the second instance court for evaluation of the timeliness of proceedings (Beschleunigungsbeschwerde). The court of second instance may advise on binding measures to accelerate proceedings before the first instance court.

3.1. Access to justice and legal aid On 2 June 2017, the "Act to Adjust the Environmental Appeals Act and other Provisions to Requirements under European and International Law" entered into force. This new legislation significantly extends the possibilities for recognised environmental associations to bring court actions concerning environmental law.

4. High Judicial Council no foreseen reforms

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. organisation, education and training, etc. no foreseen reforms.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities no foreseen reforms.

7. Enforcement of court decisions The Federal Ministry of Justice and Consumer Protection is conducting a research project into how the Act on Compulsory Auctions and Compulsory Administration (Gesetz über die Zwangsversteigerung und Zwangsverwaltung – ZVG) needs to be reformed.

8. Mediation and other ADR no foreseen reforms

9. Fight against crime no foreseen reforms

9.1. Prison system no foreseen reforms

9.2 Child friendly justice no foreseen reforms

9.3. Violence against partners no foreseen reforms

10. New information and communication technologies no foreseen reforms

11. Other no foreseen reforms