



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)

[8 542 320]

Comments Source: OFS-ESPOP, Population résidente permanente au 01.01.2019

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	65 417 170 000 [] NA [] NAP
Regional / federal entity level (total for all regions / federal entities)	130 718 770 000 [] NA [] NAP

Comments Source : Office fédéral de la statistique

Niveau fédéral: CHF 71'887 mios

Niveau territorial = cantons + communes = CHF 92'756 mios + CHF 50'981 mios

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

[73 697]

Comments PIB par habitant à prix courant pour l'année 2018 (chiffre provisoire de l'Office fédéral de la statistique): CHF 80986.-

<https://www.bfs.admin.ch/bfs/fr/home/statistiques/themes-transversaux/mesure-bien-etre/indicateurs/pib-reel-par-habitant.assetdetail.9486259.html>

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

[71 641]

[] NA

Comments Salaire moyen annuel brut 2016 (donnée la plus récente) = CHF 6502.- x 12 = CHF 78'024.-

Augmentation 2017 : + 0.4 %

Augmentation 2018 : + 0.5 %

Total : + 0.9 % soit CHF 78'726.-

En fait augmentation du salaire moyen en Suisse, mais en raison de l'évolution du taux de change baisse du chiffre en Euros

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

[1.09]

Allow decimals : 5

[] NAP

Comments

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

Sources: Office fédéral de la statistique (OFS)

Swiss Statistical Office (SSO)

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)	1 206 155 451 [] NA [] NAP	1 204 248 815 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	878 917 949 [] NA [] NAP	874 729 088 [] NA [] NAP
2. Annual public budget allocated to computerisation	41 497 713 [] NA [] NAP	33 532 671 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	77 756 894 [] NA [] NAP	79 662 993 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	37 485 927 [] NA [] NAP	36 845 014 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	10 292 125 [] NA [] NAP	8 045 913 [] NA [] NAP
6. Annual public budget allocated to training	5 647 179 [] NA [] NAP	3 249 574 [] NA [] NAP
7. Other (please specify)	154 557 664 [] NA [] NAP	168 183 562 [] 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: Le budget global des tribunaux est en légère hausse par rapport à 2016. Cette hausse est due principalement à une hausse du budget de la rubrique "Autres".

La rubrique "Autres" comprend de façon nouvelle par rapport à 2016 les coûts de prestations de services de tiers (sécurité, déménagement, etc.) ainsi que les coûts de commissions judiciaires tels que celles de surveillance du barreau, d'examen du barreau, de conciliation en matière de droit du travail. Elle comprend comme en 2016 déjà la littérature juridique, mobilier, fournitures de bureau, frais de déplacement non liés à un dossier judiciaire, perte sur débiteurs, frais de communication téléphonique lorsqu'ils ne sont pas imputés au budget informatique, frais de publication de recueil de jurisprudence (sur papier ou sur internet), les frais de ports, frais de recouvrement de créances.

Q6.5: la construction de nouveaux bâtiments est plutôt rare, ce qui explique les variations observées.

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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> 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: -

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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions? La règle générale de payer des (avances) de frais de justice est tempérée par la possibilité d'obtenir l'aide judiciaire, lorsque les conditions pour son octroi sont remplies.

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

- Tarif dépendant de la valeur litigieuse en matière civile et en fonction de la complexité de l'affaire dans les autres types de procédure.

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

[646]
 NA
 NAP

Comments Montant variable selon les cantons. Le montant précité correspond aux frais de justice calculés dans le canton de Zurich. Calcul avec le calculateur du canton de Zürich: https://www.gerichte-zh.ch/fileadmin/user_upload/Dokumente/Themen/Allgemeine_Dokumente/Prozesskosten/P_Gebuehrenrechner_V.pdf

La valeur est différente de celle indiquée en 2014 en raison de la variation du taux de change et de l'adaptation du tarif des frais de justice.

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

[244 010 727]
 NA
 NAP

Comments Comprend tous les revenus perçus par les tribunaux. Les revenus encaissés en 2018 en monnaie nationale sont supérieurs à

ceux de 2016:

- 2016: CHF 266198909

- 2018: CHF 268143700

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)	150 774 859 [] NA [] NAP	65 847 918 [] NA [] NAP	84 926 941 [] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	150 774 859 [] NA [] NAP	65 847 918 [] NA [] NAP	84 926 941 [] 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 Le montant total de l'aide judiciaire correspond dans cet exercice de collecte des données 2018 au montant de l'aide judiciaire des affaires portées devant les tribunaux. En effet, même si dans quelques cantons parfois de l'aide judiciaire est accordée pour des affaires non contentieuses ou non portées devant les tribunaux (rubrique 12.2), ce type d'aide est exceptionnel et n'influence guère le budget total d'aide judiciaire. Ainsi une mention NA à la rubrique 12.2 se justifie. Les rares cas sont payés par le budget des tribunaux.

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)	158 287 560 [] NA [] NAP	68 761 599 [] NA [] NAP	89 525 961 [] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	158 287 560 [] NA [] NAP	68 761 599 [] NA [] NAP	89 525 961 [] 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: Le budget exécuté est supérieur au budget approuvé en raison du nombre plus important de demandes d'aide judiciaire ou des sommes plus importantes octroyées que supposé au moment de la confection du budget. Dans bon nombre de cantons les montants dépensés pour l'aide judiciaire sont en forte augmentation depuis l'introduction des nouveaux codes de procédure prévoyant davantage d'implication des défenseurs en procédure pénale. Concernant la mention NA à la rubrique 12-1.2 : voir remarque au sujet de la rubrique 12.2

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)	519 399 354 [] NA [] NAP	521 979 640 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	1 611 361 [] NA [] NAP	1 578 945 [] 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: Le budget exécuté est supérieur au budget approuvé en raison de la nature et des coûts engendrés par les affaires introduites supérieurs aux estimations lors de la confection du budget.

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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Supreme Court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Inspection body	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

If any other Ministry and/or inspection body and/or other, please specify: -

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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Court President	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court administrative director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other", please specify: Autre = organe composé de juges au sein de certains tribunaux des cantons qui évaluent l'utilisation du budget (env. contrôle interne de gestion)

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

Sources: Budgets et comptes d'Etat 2018 des cantons et de la Confédération

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 €	2 754 467 039 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 731 122 386 <input type="checkbox"/> NA <input type="checkbox"/> 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: Budget inférieur à celui de 2016 en raison de la variation du taux de change et de restrictions budgétaires au sein de certains cantons.

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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal aid (see question 12 or 7)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public prosecution services (see question 13 or 7)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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: -

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

Sources: Budget et Comptes d'Etat 2018 des cantons et de la Confédération
Enquête auprès des cantons

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
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Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice, ADR and other legal services	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] 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.

- Réponse correspondant à la situation dans la majorité des cantons et au niveau de la Confédération

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

- (X) Yes
() No
[] NAP

If yes, please specify: exonération de l'avance de frais au début du procès et de l'envoi d'une facture pour les frais de justice à la fin du procès si la partie au bénéfice de l'aide judiciaire venait à être condamnée ou à perdre son procès.

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
(X) No
[] NAP

If yes, please specify: Les frais de poursuite pour des créances pécuniaires sont peu importants. Il n'est pas nécessaire d'avoir recours à un agent d'exécution. Il est possible d'intenter soi-même une poursuite qui débouchera ensuite sur un commandement de payer, une saisie de salaire ou de biens ou un acte de défaut de biens. En outre, le montant de ces frais peut être ajouté au montant de la créance et sera remboursé par le débiteur.

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	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments - If yes, please specify: traduction

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	<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 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	<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 - Please specify when appropriate: Les décisions en matière d'aide judiciaire sont souvent des décisions incidentes non incluses dans les statistiques judiciaires ou encore des considérants intégrés dans le jugement final d'une affaire et donc non répertoriées séparément. Ceci explique pourquoi les cantons et la Confédération ne sont pas en mesure de produire des statistiques relatives au nombre d'affaires ayant bénéficié de l'aide judiciaire.

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify: avocat indemnisé par l'autorité judiciaire

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: Les sommes étant variables en fonction de la situation de chaque cas particulier, nous ne pouvons qu'énoncer ci-

desous les principes applicables mais pas indiquer de montants.

En ce qui concerne le revenu minimum nécessaire pour procéder au-dessous duquel l'assistance judiciaire est accordée, il se compose du montant mensuel de base en matière de poursuite pour dettes, majoré de 25%. S'y ajoutent, le cas échéant, les suppléments suivants:

- les frais de logement (loyer ou intérêts hypothécaires, sans l'amortissement de la dette), dans une mesure adaptée aux moyens de l'intéressé, avec les charges courantes;
- les cotisations sociales non encore déduites du salaire;
- les primes de l'assurance-maladie obligatoire, sous déduction d'éventuels subsides;
- les primes d'assurances privées pour la RC, le ménage et les bâtiments;
- les frais médico-pharmaceutiques et dentaires à charge de l'intéressé et de sa famille (les franchises et les quote-parts seulement pour la part excédant le montant de fr. 600.- par année);
- les frais de déménagement;
- les dépenses indispensables à l'exercice d'une profession (surplus de nourriture indispensable, frais de repas à l'extérieur, frais de vêtements et de blanchissage excédant la moyenne, frais de déplacement au lieu de travail, formation continue);
- les cotisations aux associations professionnelles;
- les contributions d'entretien ou d'assistance dues en vertu d'une obligation légale ou morale, dans la mesure où elles ne sont pas excessives.

L'assistance judiciaire est accordée, pour autant que les autres conditions soient également remplies, si les ressources de l'intéressé sont inférieures ou égales au minimum pour procéder, ou ne le dépassent que de peu. Lorsque les ressources dépassent plus largement le minimum nécessaire, on évalue les frais judiciaires et les honoraires d'avocat susceptibles d'être engendrés par la procédure, et l'on examine si l'excédent de ressources permet d'amortir ces dépenses dans le délai d'une année pour les affaires peu onéreuses et dans le délai de deux ans pour les autres. Si tel est le cas, l'assistance judiciaire est refusée. Dans le cas contraire, l'assistance judiciaire pourra être accordée, mais de façon limitée. Le cas échéant, l'intéressé pourra être amené à entamer sa fortune, à la vendre ou à la grever de gages (par exemple au moyen d'une cédula hypothécaire) pour faire face aux frais de la procédure, avant que ne lui soit accordée l'assistance judiciaire.

L'absence de ressources suffisantes est également réputée établie lorsque l'intéressé touche des prestations d'aide sociale, ou des prestations complémentaires AVS/AI sans disposer d'une fortune lui permettant de supporter les frais de la procédure et d'avocat.

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 type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input 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: Procès dénué de chance de succès, recours téméraire, mémoire manifestement irrecevable. Pour plus de détails voir le commentaire général relatif à cette question

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: Guide social, rubrique "assistance judiciaire"

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.)	<input type="checkbox"/>	<input checked="" type="checkbox"/> https://www.admin.ch/gov/fr/accueil/droit-federal.html ; droit cantonal : http://www.lexfind.ch/index.php?lang=FR

case-law of the higher court/s	()	(X) https://www.bger.ch/fr/index/jurisdiction/jurisdiction-inheritance-template/jurisdiction-recht.htm
other documents (e.g. downloadable forms, online registration)	()	(X) rvoir les sites des tribunaux cantonaux: exemples : ZH : http://www.gerichte-zh.ch/themen/ehe-und-familie/formulare.html ; BE: http://www.justice.be.ch/justice/fr/index/zivilverfahren/zivilverfahren/formulare_merkblaetter.html ; SG : https://www.gerichte.sg.ch/g/formulare.html ; LU: https://gerichte.lu.ch/rechtsgebiete/formulare ; VD : https://www.vd.ch/themes/etat-droit-finances/justice/services-en-ligne/ ; GE: http://ge.ch/justice/formulaires ; TI : https://www4.ti.ch/poteri/giudiziario/giustizia-civile/giudici-dipace/

Please specify what documents and information are included in “other documents”: Adresses de sites contenant des formulaires permettant déposer un mémoire ou une requête devant des tribunaux.

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

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: Autres modalités particulières: Les autorités administratives et judiciaires ne perçoivent pas de frais de la victime et de ses proches pour les procédures leur permettant de faire valoir leurs droits en matière de conseils, d'aide immédiate, d'aide à plus long terme, d'indemnisation et de réparation morale.

La victime et ses proches ne sont pas tenus de rembourser les frais de l'assistance gratuite d'un défenseur. (art. 30 LAVI)

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.): - comme inculpé dans le droit pénal des mineurs

- dans le droit de la famille, le code de procédure civile (CPC) règle de façon spéciale la procédure applicable aux enfants (art. 295 ss CPC);le tribunal ordonne la représentation de l'enfant si nécessaire et désigne un curateur expérimenté dans le domaine de l'assistance et en matière juridique (art. 299 CPC)

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

Yes, please specify for which kind of offences:art. 1 LAVI

No

Comments L'aide aux victimes comprend :

- les conseils et l'aide immédiate;
- l'aide à plus long terme fournie par les centres de consultation;
- la contribution aux frais pour l'aide à plus long terme fournie par un tiers;
- l'indemnisation;
- la réparation morale;
- l'exemption des frais de procédure;

Les prestations comprennent l'assistance médicale, psychologique, sociale, matérielle et juridique appropriée dont la victime ou ses proches ont besoin à la suite de l'infraction et qui est fournie en Suisse. Si nécessaire, les centres de consultation procurent un hébergement d'urgence à la victime ou à ses proches.

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

Yes

No

Comments Autorité cantonale compétente pour l'octroi d'indemnité et de réparation morale aux victimes (art. 19 ss LAVI)

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 Coûts à charge des cantons (art. 18 LAVI)

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: -

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: Le procureur n'intervient pas dans l'octroi d'aide aux victimes. Selon l'art. 322 du Code de procédure pénale suisse (CPP), les parties peuvent attaquer l'ordonnance de classement dans les dix jours devant l'autorité de recours. Les victimes ne possèdent pas ce droit. L'ordonnance de classement leur est adressé pour information (art. 321 CPP).

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 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
Excessive length of proceedings	<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

Non-execution of court decisions	<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
Wrongful arrest	<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
Wrongful conviction	<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
Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Selon la jurisprudence, un montant de 200 fr. (= 186 Euros) par jour en cas de détention injustifiée de courte durée constitue une indemnité appropriée, dans la mesure où il n'existe pas de circonstances particulières qui pourraient fonder le versement d'un montant inférieur ou supérieur (jurisprudence du Tribunal fédéral: arrêt du 8 juin 2017 ATF 143 IV 339).

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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Annual	<input type="checkbox"/> Annual
	<input type="checkbox"/> Other regular	<input type="checkbox"/> Other regular
	<input type="checkbox"/> Ad hoc	<input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: 8 cantons (BE, GL, FR, SO, AI, AG, VS et GE) et la Confédération ont réalisé une ou des enquêtes de satisfaction en 2018 Auprès des juges: 3

Auprès du personnel des tribunaux: 6

Auprès des procureurs: 3

Auprès des avocats: 3 et la Confédération

Auprès des parties: 2

Autre enquête non mentionnée est le baromètre des préoccupations des Suisses effectué annuellement par le Crédit Suisse:

https://www.credit-suisse.com/about-us/fr/rapports-recherche/etudes-publications/barometre-des-preoccupations.html?WT.i_short-url=%2Fbarometre%2Fpreoccupations&WT.i_target-url=%2Fabout-us%2Ffr%2Frapports-recherche%2Fetudes-publications%2Fbarometre-des-preoccupations.html : 66% est le taux de confiance envers le Tribunal fédéral suisse, seule la police fait mieux.

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 Pas d'autres plaintes adressées au Tribunal fédéral en 2018, à part les 8 mentionnées sous Q 41-1.

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Plainte à l'autorité de surveillance; recours en matière de droit public pour violation des garanties de procédure, notamment celles garanties par la CEDH.

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

	Number of complaints	Compensation amount granted
Court concerned	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Higher court	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Ministry of Justice	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" 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 checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: Le Tribunal fédéral suisse (cour suprême de la Suisse) et les cours constitutionnelles cantonales appliquent la jurisprudence du Tribunal fédéral suisse ainsi que celle de Cour EDH de Strasbourg.

Les 8 affaires mentionnées sont des plaintes à l'autorité de surveillance traitées par le Tribunal fédéral en 2018. Le nombre de plaintes déposées auprès des cours suprêmes cantonales (cours d'appel) n'est pas connu. En règle générale aucune indemnité n'est versée, mais en cas de plainte relative au délai de traitement d'une affaire, l'instance concernée est invitée à faire diligence et en cas de problème systémique à prendre les mesures d'organisation pour éviter une répétition d'une telle situation à l'avenir. Cependant dans certains cas particuliers, une indemnité peut être versée.

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)	165 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	181 <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)	301 <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)	181 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Insolvency courts	16 [] NA [] NAP
Labour courts	40 [] NA [] NAP
Family courts	16 [] NA [] NAP
Rent and tenancies courts	40 [] NA [] NAP
Enforcement of criminal sanctions courts	4 [] NA [] NAP
Fight against terrorism, organised crime and corruption	1 [] NA [] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	22 [] NA [] NAP
Insurance and / or social welfare courts	7 [] NA [] NAP
Military courts	8 [] NA [] NAP
Other specialised 1st instance courts	23 [] NA [] NAP

Comments - If “other specialised 1st instance courts”, please specify: Tribunaux spécialisés en matière - de contributions publiques (AG, GL)

- d'expropriation (ZG, AG, TI)
- pénale pour mineurs (BE, UR, FR, VD, GE)
- de criminalité économique (BE, FR)
- de mesures de protection de l'adulte et de l'enfant (BS, GE)
- de mesures de contrainte (SZ, LU, FR, GE, GR, TG, VS)
- d'application des peines et des mesures (VS)
- de brevets d'invention (Confédération)

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: Oui dans 8 cantons sur 26: BE, FR, JU, NE, TI, VD, UR, VS.

FR: Analyse du pouvoir judiciaire

TI: Réduction du nombre de justice de paix

VD: Augmentation de la valeur litigieuse pour saisir la Chambre des affaires patrimoniale: aujourd'hui CHF 100'000.- pour passer à CHF

300'000.- voire CHF 500'000.-

VS: Nouvelle constitution en chantier qui pourrait avoir des répercution sur l'organisation judiciaire

NE: Réorganisation de l'organisation judiciaire : un seul ressort de 1re instance pour tout le canton

JU: Poursuite de l'analyse de la justice commencée en 2017 et institution d'un vrai poste de procureur général au Ministère public.

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

	Number of courts
a debt collection for small claims	96 [] NA [] NAP
an employment dismissal	94 [] NA [] NAP
a robbery	82 [] NA [] NAP
an insolvency case	92 [] NA [] NAP

Comments

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: La définition correspond à celle de la note explicative dans la mesure où une valeur litigieuse (seuil le plus bas) sert à définir la compétence en matière civile des autorités judiciaires inférieures. Chacun des 26 cantons est autonome en matière d'organisation judiciaire et par voie de conséquence pour définir la valeur litigieuse jusqu'à laquelle le tribunal civil du niveau le plus bas est compétent pour trancher les litiges. C'est pourquoi, le montant varie considérablement d'un canton à l'autre : de CHF 2000 (=1'820 Euros) à CHF 100'000 (= 91'000 Euros) en passant par CHF 30000 (= 27'300 Euros).

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

[1 820]

Comments valeurs extrêmes: 1820 à 91000 Euros.

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

Sources: Récolte de données auprès des cantons

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)	1 224 [] NA [] NAP	725 [] NA [] NAP	537 [] NA [] NAP
1. Number of first instance professional judges	815 [] NA [] NAP	439 [] NA [] NAP	376 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	409 [] NA [] NAP	262 [] NA [] NAP	147 [] NA [] NAP
3. Number of Supreme Court professional judges	38 [] NA [] NAP	24 [] NA [] NAP	14 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above:

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	423 [] NA [] NAP	259 [] NA [] NAP	164 [] NA [] NAP
1. Number of first instance court presidents	384 [] NA [] NAP	231 [] NA [] NAP	153 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	38 [] NA [] NAP	27 [] NA [] NAP	11 [] NA [] NAP
3. Number of Supreme Court presidents	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Comments

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

	Figure
Gross figure	3 430 [] NA [] NAP
In full-time equivalent	[X] NA [] NAP

Comments - If necessary, please provide comments to explain the answer provided: Les juges sont indemnisés par affaire en règle générale et une estimation en ETP n'est pas possible.

BL: sans les juges de paix

FR: Certains juges suppléants/assesseurs siègent dans plusieurs autorités.

GE: Ce chiffre comprend 272 juges assesseurs, 91 juges suppléants et 196 juges prud'hommes. Ces juges exercent dans les domaines suivants : en matière pénale, civile, de droit du travail, de droit social, de faillite, TPAE, TMIN et TAPI.

JU: Le nombre indiqué comprend les juges suppléants du Tribunal cantonal et du Tribunal de première instance. NE: 13 assesseurs et 5 suppléants pour les tribunaux de 1ère instance et 1 juge siégeant occasionnellement pour le Tribunal cantonal (0.25 EPT pour ce dernier)

SG: 6 juges en 1re instance; 8 juges en 2e instance; 9 juges au tribunal administratif. Ne figure pas dans ces chiffres les présidents de tribunaux d'arrondissement qui peuvent fonctionner comme juges suppléants extraordinaires.

SH juges suppléants de la cour suprême cantonale (cour d'appel) et au tribunal de 1re instance ainsi que les membres suppléants de commissions de 1re instance.

SO: 14 juges suppléants en 1re instance et 8 en 2e instance

UR: Vice-président du tribunal d'appel est payé par indemnité.

VS: juges suppléants de deuxième instance rémunérés au dossier.

TF: Juges suppléants du TF (19 pers./ 2 EPT) et du TFB (41 pers./ 2.1 EPT).

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. na

No

NAP

Comments La situation varie fortement d'un canton à l'autre et d'un tribunal à l'autre. Parfois ces juges sont appelés juges suppléants et fonctionnent à la demande en cas d'absence, de récusation ou de surcharge des juges ordinaires. Parfois, ils sont sollicités de façon systématique pour juger des affaires (exemple les juges du Tribunal fédéral des brevets).

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	1 018 <input type="checkbox"/> NA <input type="checkbox"/> NAP
In full time equivalent	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments La tendance à la professionnalisation de la justice tend à ce que le nombre de juges non professionnels non rémunérés diminue.

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)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
criminal cases (misdemeanour and/or minor)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
family law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
labour law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

social law cases	()	()	(X)
commercial law cases	()	()	(X)
insolvency cases	()	()	(X)
other civil cases	()	()	(X)

NAP

Comments - If "other", please specify: Nombre de cantons par types d'affaires: 10/26 en matière pénale (46%)

7/26 en matière familiale (27%)

9/26 en matière civile (35%)

9/26 en matière droit du travail (35%)

7/26 en matière droit social (27%)

6/26 en matière commerciale (23%)

6/26 en matière de faillite

En ce qui concerne les infractions mineures, les juges occasionnels n'y participent en principe pas, car la majorité des sanctions sont prononcées par les procureurs et, lorsqu'une affaire est portée devant un tribunal, elle est jugée par juge unique.

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)	5 099 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 704 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 395 <input 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	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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)	1 920 [] NA [] NAP	694 [] NA [] NAP	1 226 [] NA [] 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)	2 580 [] NA [] NAP	654 [] NA [] NAP	1 927 [] NA [] NAP
4. Technical staff	115 [] NA [] NAP	75 [] NA [] NAP	40 [] NA [] NAP
5. Other non-judge staff	484 [] NA [] NAP	282 [] NA [] NAP	202 [] NA [] NAP

Comments - If “other non-judge staff”, please specify: Autres personnels non juges: stagiaires, apprentis, auditeurs, personnel administratif spécialisé dans les questions de protection de l'adulte et de L'Enfant.

Concernant la catégorie « Autres personnels non juges », l'augmentation observée entre 2016 et 2018 est expliquée par une demande accrue de spécialistes et effort dans la formation (stagiaires, apprentis, auditeurs, etc.) caractérisant cette période. Concernant les variations observées dans la répartition hommes/femmes, elles sont dues à la politique du personnel.

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)	5 099 [] NA [] NAP	1 704 [] NA [] NAP	3 395 [] NA [] NAP
1. Total non-judge staff working in courts at first instance level	2 653 [] NA [] NAP	746 [] NA [] NAP	1 907 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	2 166 [] NA [] NAP	835 [] NA [] NAP	1 331 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	280 [] NA [] NAP	123 [] NA [] NAP	157 [] NA [] NAP

Comments

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: Rechtspfleger: un greffier juriste avec compétences décisionnelles sera institué au Ministère public jurassien prochainement (projet de modification de la LiCPP en cours)

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

- Yes
- No

Comments

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):

Comments 5 cantons (BE, GE, LU, OW, VD) + Confédération.

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

Sources: Etats du personnel des cantons et de la Confédération; Rapports de gestion des autorités judiciaires cantonales et fédérales.

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)	900 [] NA [] NAP	522 [] NA [] NAP	378 [] NA [] NAP
1. Number of prosecutors at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of prosecutors at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of prosecutors at Supreme Court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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)	115 [] NA [] NAP	89 [] NA [] NAP	26 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of heads of prosecution offices at Supreme Court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Please provide any useful comment for interpreting the data above:

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

Yes

No

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

"Sachbearbeiterinnen mit staatsanwaltschaftlicher Befugnissen"

Juristische Sekretärinnen und Sekretäre

juristische Praktikanten und akademische Mitarbeitende

Les procureurs peuvent déléguer certains actes d'instruction aux greffiers-juristes du Ministère public, aux conditions fixées par le code de procédure pénale.

Sachbearbeiter mit staatsanwaltlichen Befugnissen (historisch gewachsen; früher Verhörschreiber)

il s'agit du greffier du Ministère public qui a certaines compétences découlant de la loi (LiCPP, RSJU 321.1)

Übertretungsstrafrichter

Procureurs assistants

Staatsanwaltassistentin

Untersuchungsbeamte und Untersuchungsbeamtinnen

Assistenzstaatsanwälte

Substituts du Procureur

Untersuchungsbeamte inkl. Wirtschaftsprüfer (Juristen in dieser Funktion dürfen sich im Geschäftsverkehr auch Assistenzstaatsanwalt nennen).

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

[311]

[] NA

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

() Yes

(X) No

[] NAP

Comments 14 oui pour fonctions similaires sur 27 réponses. Extrapolation à partir des données fournies par ces 14 cantons représentant la moitié de la population suisse. Marge d'erreur relativement importante.

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

(X) Yes

() No

Comments Oui dans 14 cas sur 27.

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	2 113 [] NA	532 [] NA	1 581 [] NA

Comments L'augmentation du volume des affaires nouvelles a conduit à une augmentatin du personnel.

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

Sources: Rapports de gestion des parquets cantonaux, parfois intégrés dans celui des autorités judiciaires cantonales et rapport de gestion du Ministère public de la Confédération.

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	()	()
prosecutors	()	()
non-judge staff	()	()
lawyers	()	()
notaries	()	()
enforcement agents	()	()

[X] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Quelques cantons possèdent des règles relatives aux quotas.

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

	Yes, please specify	No
judges	()	()
prosecutors	()	()
non-judge staff	()	()
lawyers	()	()
notaries	()	()
enforcement agents	()	()

[X] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Oui, dans certains cantons, pour des postes rattachés aux administrations surtout.

La part des femmes dans les tribunaux de première instance est déjà souvent majoritaire, aussi parmi les juges, donc promotion inutile. Des efforts pour la parité sont faits aussi et désormais pour augmenter la part d'hommes pour certaines fonctions moins bien rémunérées (tâches administratives).

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)

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? Pas à notre connaissance.

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? Il existe une Loi fédérale sur la promotion de l'égalité hommes-femmes et une politique pro-active de la part des autorités fédérales, mais rien de précis par domaine d'activité.

Loi fédérale sur l'égalité entre femmes et hommes (Loi sur l'égalité, LEg) du 24 mars 1995 (Etat le 1er janvier 2017):

<https://www.admin.ch/opc/fr/classified-compilation/19950082/index.html>

In english:

<https://www.admin.ch/opc/en/classified-compilation/19950082/index.html>

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)
the promotion of judges	()	(X)
the recruitment of prosecutors	()	(X)
the promotion of prosecutors	()	(X)
the recruitment of non-judge staff	()	(X)
the promotion of non-judge staff	()	(X)

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments Il y a un bureau fédéral de l'égalité et des bureaux de l'égalité dans la majorité des cantons.

NB. L'égalité hommes / femmes est inscrite dans la Constitution, mais une différence constante de salaire en défaveur des femmes de +/- 15-20% est constatée et relativement stable dans le temps.

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

(title, date, nature of the text) Loi fédérale sur l'égalité entre femmes et hommes (Loi sur l'égalité, LEg) du 24 mars 1995 (Etat le 1er janvier 2017)

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) Bureau fédéral de l'égalité rattaché au Département fédéral de l'intérieur
Bureaux cantonaux de l'égalité rattachés à différents types de départements, souvent celui de la justice ou des affaires sociales.

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) Fonctions d'information mais aussi avec de possibles conséquences juridiques.

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. La tâche de veiller au respect de l'égalité entre sexes relève souvent de la politique générale du personnel et est devenue une évidence.

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. La féminisation s'observe dans pratiquement tous les domaines de la justice.

Cette tendance s'observe également dans l'ensemble de la fonction publique en Suisse.

Cela peut signifier une baisse d'attractivité de ces domaines.

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) : Loi fédérale sur l'égalité entre femmes et hommes (Loi sur l'égalité, LEg) du 24 mars 1995 (Etat le 1er janvier 2017)

are planned (please specify) : Variables selon les cantons.

Comments - If the situation changed since reference year, please specify in the comments. Variables selon les cantons.

[] 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): -

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

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

[] 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) cela dépend des instances (femmes majoritaires en 1ère instance)	()
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. Commentaire concernant la réponse positive à la première ligne: cela dépend des instances (femmes majoritaires en 1ère instance)

Source: enquête ECEJ auprès des cantons.

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	<input type="checkbox"/> defined and coordinated at national level by one institution <input checked="" type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input type="checkbox"/> governed on national level by one institution <input checked="" type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments Nouveaux projets en cours: Justitia 4.0 <https://www.justitia40.ch/fr/>

Le projet Justitia 4.0 permettra au système judiciaire suisse de passer au numérique dans les domaines du droit pénal, civil et administratif. D'ici 2026, toutes les parties d'une procédure judiciaire pourront communiquer par voie électronique via un portail central hautement sécurisé avec quelque 300 tribunaux, les ministères publics, les barreaux et les autorités d'exécution à l'échelon cantonal et fédéral. Cette transformation entraîne le remplacement des dossiers physiques actuels par des dossiers électroniques et l'optimisation de l'environnement de travail de la justice ainsi que de l'infrastructure. Simultanément, une base légale est élaborée pour introduire une obligation (comprenant des exceptions) de communiquer par voie électronique pour les parties impliquées dans une procédure. Ce travail se déroule sous l'égide de l'Office fédéral de la justice.

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): Il existe un organe de stratégie informatique au niveau de la Confédération et une convention entre les cantons et la Confédération concernant la cyberadministration. Cependant dans le domaine de l'informatique judiciaire, le gouvernement fédéral vient de décider en décembre 2015 qu'il ne voulait engager aucune dépense en matière de cyberadministration dans le domaine judiciaire, notamment pour réaliser une application de consultation en ligne des dossiers judiciaires (refus de mettre en oeuvre la motion Bischof).

C'est à la suite de cette décision négative que les autorités judiciaires cantonales et fédérales ont décidé conjointement de démarrer un projet commun de numérisation de la justice. Il s'agit du projet Justitia 4.0.

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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)	(X) Yes () No	(X) Yes () Non
---	---------------------	----------------------

Comments - please also describe in case of "other alternatives" En principe les équipes sont toujours mixtes (informaticiens - utilisateurs). Les organisations de projet prévoient en règle générale un "chef de projet utilisateur" qui coordonne les vœux et organise les utilisateurs par exemple pour les tests et un "chef de projet informatique" qui est à la tête des développeurs impliqués dans le projet; il peut arriver que les informaticiens soient une entreprise externe. L'un des deux chefs de projet ("utilisateur" ou "informatique" est nommé "chef de projet général". Le choix se fait en fonction du centre de gravité du projet: S'il s'agit principalement d'un changement de technologie sans qu'il y ait de grandes modifications des fonctionnalités utilisateur, le chef de projet informatique sera désigné comme chef de projet général; en revanche, si le projet porte sur l'introduction de nouvelles fonctionnalités, le chef de projet utilisateur fonctionnera comme chef de projet général. Les projets stratégiques sont en règle générale développés par les développeurs des pouvoirs judiciaires tandis que le développement des applications non stratégiques est confié à des entreprises externes. Ainsi le savoir-faire informatique concernant les applications stratégiques est présent au sein des Pouvoirs judiciaires ce qui permet des interventions rapides en cas de besoin.

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

- (X) Yes
- () No

Comments (please specify projects that have experienced national developments) Echange de renseignements et d'expériences lors des conférences des procureurs, des secrétaires généraux des tribunaux cantonaux et des présidents des tribunaux cantonaux (conférence de la justice) notamment en matière d'application de gestion de dossier.

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

- () Yes
- (X) No

L'Office fédéral de la Justice organise annuellement une réunion de tous les représentants en matière d'informatique juridique. Au cours de cette réunion, des bonnes pratiques sont présentées. Un canton peut alors reprendre les bonnes pratiques dans ses applications. En ce qui concerne les projets ayant connu des développements nationaux dans le domaine judiciaire on peut citer notamment:
- la base de données CHStat (www.CHStat.ch) qui contient toutes les données judiciaires récoltées pour l'exercice d'évaluation de la CEPEJ des 26 cantons et de la Confédération;
- le projet eLP qui permet aux offices des poursuites (autorités chargées du recouvrement des créances pécuniaires) de tous les cantons de communiquer électroniquement avec les gros créanciers et certains débiteurs

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): oui il y a des conférences intercantionales dans ce domaine.

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.) La protection des données contenues dans les documents judiciaires liés à des procédures concrètes est assurée par les dispositions contenues dans les codes et les lois de procédure. La protection des données contenues dans des documents de l'administration judiciaire est assurée par la Loi fédérale sur la protection des données.

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 La jurisprudence est constitué de textes officiels des autorités. De ce fait, elle n'est pas protégée par le droit d'auteur et peut être téléchargée librement à partir des sites internet.

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 checked="" type="checkbox"/> Yes all judgements <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<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 checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<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 checked="" type="checkbox"/> Yes all judgements <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - if it exists in other matters please specify -

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

- Yes
- No

Comments Il est consultable uniquement par les magistrats de l'ordre judiciaire qui ont besoin des informations figurant au casier judiciaire en fonction de critères très restrictifs. L'Office fédéral des statistiques reçoit aussi des données afin de pouvoir établir les statistiques de la criminalité.

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 Il s'agit du casier judiciaire.

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 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 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 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

Comments

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	() in all courts () in most of the courts (X) in some courts / some pilot phases () not available for this matter [] NA	() in all courts () in most of the courts (X) in some courts / some pilot phases () not available for this matter [] NA	() Yes () Pilot testing (X) No [] NA
Criminal	() in all courts () in most of the courts (X) in some courts / some pilot phases () not available for this matter [] NA	() in all courts () in most of the courts (X) in some courts / some pilot phases () not available for this matter [] NA	() Yes () Pilot testing (X) No [] NA
Administrative	() in all courts () in most of the courts (X) in some courts / some pilot phases () not available for this matter [] NA	() in all courts () in most of the courts (X) in some courts / some pilot phases () not available for this matter [] NA	() Yes () Pilot testing (X) No [] 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
- (X) 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)

(X) Yes

() No

Comments - if it exists in other matters please specify -

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

Comment – if it exists in other matters please specify Les registres sont gérés par le Ministère de la Justice ou par les cantons mais en principe pas par les tribunaux.

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Justice expenses management	<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 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 checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Système communiquant avec le ministère des finances, par exemple SAP au niveau de la Confédération.

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 checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<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 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

3.5.6 Technologies used for communication between courts, professionals and/or court 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 Les dépôt de mémoires par voie électronique doivent se faire par l'intermédiaire d'une plate-forme de distribution (= env. office de poste électronique): Il existe deux exploitants agréés de plateforme de distribution: Incamail et PrivaSphere.

Au niveau administratif: dépend des règles figurant dans les codes cantonaux de procédure administrative (env. les 2/3 des cantons autorisent la communication électronique dans les procédures administratives).

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 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

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 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 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 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 Les demandes d'aide judiciaire sont soumises aux mêmes règles que les autres documents adressés à une autorité judiciaire.

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

	Requesting legal aid electronically
Availability rate	<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
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 type="checkbox"/> Yes <input checked="" 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 Communication sécurisée via les plateformes d'échanges IncaMail et PrivaSphere agréées par le Ministère de la Justice (Office fédéral de la justice). Il s'agit d'une messagerie sécurisée transitant par une plateforme d'échange qui fonctionne comme un bureau de poste virtuel et délivre des quittances sur le moment où les communications électroniques ont été effectuées. Le système est en service depuis 2007 pour les communication avec la Cour suprême (Tribunal fédéral) et depuis 2011 pour les procédures civiles et pénales dans tous les cantons ainsi que pour les procédures administratives dans certains cantons.

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]	[] SMS [] E-mail [] Specific computer application [X] Other	[X]
Criminal	[]	[]	[X]	[] SMS [] E-mail [] Specific computer application [X] Other	[X]
Administrative	[]	[]	[X]	[] SMS [] E-mail [X] Specific computer application [X] Other	[X]

Comments Les notifications indépendamment de leur contenu peuvent être adressées aux parties en suivant les mêmes canaux que les autres communications effectuées dans le cadre d'une procédure judiciaire.

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 Communication sécurisée via les plateformes d'échanges IncaMail et PrivaSphere agréée par le Ministère de la Justice (Office fédéral de la justice)

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 type="checkbox"/> 100% <input checked="" 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 type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
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) - 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 type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Administrative	<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) - 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 type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments Communication sécurisée via les plateformes d'échanges IncaMail et PrivaSphere agréée par le Ministère de la Justice (Office fédéral de la justice)

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 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"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<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"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<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"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Judicial police services	<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"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments Communication sécurisée via les plateformes d'échanges IncaMail et PrivaSphere agréée par le Ministère de la Justice (Office fédéral de la justice) qui est à disposition de tous les acteurs d'une procédure. La police judiciaire possède des canaux de communication spécifiques (voir notamment le projet d'harmonisation de l'informatique dans le domaine policier - HIP).

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. recouvrement de créances pécuniaires eLP (LP = Loi fédérale sur la poursuite pour dettes et la faillite)

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

Comments Peu utilisé mais augmentation du nombre d'essais pilotes au sein des autorités judiciaires cantonales.

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

(X) 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 checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input 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 checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input 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 checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <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
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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 checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments La distinction droit commun et droit spécialisé n'existe pas. Le moyen de preuve est admis quel que soit le support de la preuve: analogique ou digital. Le droit de procédure et la jurisprudence règlent les questions d'admissibilité des preuves.

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: Réponse correspondant à la situation dans la majorité des cantons.

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 Réponse correspondant à la situation dans la majorité des cantons.

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):diverses listes permettant de contrôler l'avancement des affaires

Comments Contenu dans les rapports de gestion annuels des autorités judiciaires cantonales et fédérales ainsi que dans les outils de controlling et de statistiques intégrés dans les applications de gestion de dossiers judiciaires.

Catégorie "autre": diverses listes permettant de contrôler l'avancement des affaires.

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):diverses listes permettant de contrôler l'avancement des affaires

Comments Contenu dans les rapports de gestion annuels des autorités judiciaires cantonales et fédérales ainsi que dans les outils de controlling et de statistiques intégrés dans les applications de gestion de dossiers judiciaires.

Catégorie "autre": diverses listes permettant de contrôler l'avancement des affaires.

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

Yes

No

Comments Avec l'introduction du budget global pour les tribunaux (dans le cadre d'un processus de contractualisation), ceux-ci s'engagent à atteindre certains objectifs de performance notamment en matière de nombre d'affaires par année à terminer, de clearance rate et de délai moyen de traitement des affaires.

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

No

Comments Les objectifs liés au budget global sont définis d'entente entre les tribunaux et les autorités compétentes pour l'octroi du budget et à l'avance mais en se fondant sur les performances des années passées.

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

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

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):commissions parlementaires

Comments La situation varie d'un canton à l'autre. Une minorité de cantons possèdent un conseil de la magistrature. La plupart du temps c'est le parlement qui octroie le budget et qui contrôle les activités du tribunal en confiant cette tâche à sa commission de gestion. Il est à noter qu'il n'y a pas d'organe d'inspection (avec des exceptions au sein de certains cantons). Catégorie "autre": commissions parlementaires.

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):Commission parlementaire ou commission ad hoc

Comments La plupart du temps c'est le parlement qui octroie le budget et qui contrôle les activités du ministère public en confiant cette tâche à sa commission de gestion. Dans certains cantons le ministère public est rattaché au pouvoir exécutif (département de la justice) qui exerce alors les activités d'évaluation.

Catégorie "autre": Commission parlementaire ou commission ad hoc

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):liste permettant un suivi de l'état d'avancement des affaires

Comments Contenu dans les rapports de gestion annuels des autorités judiciaires cantonales et fédérales ainsi que dans le controlling interne des autorités judiciaires (tribunaux). Catégorie "autre": liste permettant un suivi de l'état d'avancement des affaires

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):liste permettant un suivi de l'état d'avancement des affaires

Comments Contenu dans les rapports de gestion annuels des autorités judiciaires cantonales et fédérales ainsi que dans le controlling interne des autorités judiciaires (parquets).

Catégorie "autre": liste permettant un suivi de l'état d'avancement des affaires

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 Les statistiques selon EUGMONT existent dans tous les tribunaux. Les affaires introduites depuis plus de 2 ans font en règle générale l'objet d'un suivi particulier (obligation de justifier la longue durée).

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	<input checked="" type="checkbox"/> alerte si un dossier n'a fait l'objet d'aucune modification dans l'application de gestion de dossier pendant une certaine durée (1 mois ou 2 mois)	<input type="checkbox"/>
within the public prosecution services	<input checked="" type="checkbox"/> alerte si un dossier n'a fait l'objet d'aucune modification dans l'application de gestion de dossier pendant une certaine durée (1 mois ou 2 mois)	<input type="checkbox"/>

Comments Les tribunaux et les MP tiennent en règle générale des tableaux de bord des affaires qui signalent lorsqu'il n'y a plus eu aucun mouvement dans une affaire depuis plus de 2 mois (ou une autre durée selon l'instance et le type de procédure).

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):ESEHA www.chstat.ch

No

Comments Les données récoltées tous les deux ans auprès des cantons pour pouvoir répondre au questionnaire de la CEPEJ sont conservées et gérées dans la base de données CHStat : <http://chstat.ch/fr/ecej/index.php>

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

Yes, on internet

No, only internally (in an intranet website)

No

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): ESEHA, www.chstat.ch

No

Comments Les données récoltées tous les deux ans auprès des cantons pour pouvoir répondre au questionnaire de la CEPEJ sont conservées et gérées dans la base de données CHStat : <http://chstat.ch/fr/ecej/index.php>

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 Voir CHStat: <http://chstat.ch/fr/ecej/index.php>

Données réservées aux autorités judiciaires et protégées par mot de passe.

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): Le rapport contient une synthèse de l'activité et du volume des affaires traitées par l'autorité judiciaire concernée durant la période précédente et son destinataire est en règle générale le parlement (cantonal ou fédéral).

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

Internet

Intranet (internal) website

Paper distribution

Comments Le canal de publication varie selon le canton.

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): Le rapport contient une synthèse de l'activité et du volume des affaires traitées par l'autorité judiciaire concernée durant la période précédente et son destinataire est en règle générale le parlement (cantonal ou fédéral).

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

Internet

Intranet (internal) website

Paper distribution

Comments Le canal de publication varie selon le canton.

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: Dans les grandes affaires il y a une concertation sur le calendrier de la procédure (ZH, NE, Confédération)

Dans d'autres cantons, une ou plusieurs rencontre annuelle est organisée, notamment à des fins de coordination ou d'harmonisation de processus (LU, SO, VD, GE)

La direction des autorités judiciaires réunit le Ministère public et les tribunaux au sein d'un même organe (BE, GE)

Coordination en matière de détention (GL, FR)

Le nombre de cantons ayant répondu positivement dépasse maintenant la moitié de la population.

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

No

Comments - If yes, please specify: réunions périodiques (la plupart du temps annuelles) entre la fédération suisse des avocats et le Tribunal fédéral ainsi qu'entre les tribunaux cantonaux et les barreaux cantonaux.

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 les performances individuelles sont mesurées mais aucun objectif n'est fixé.

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 les performances individuelles sont mesurées dans certains cantons des objectifs sont fixés au même titre que pour les employés de la fonction publique

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?

(X) Yes

No

Comments

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

Annual

Less frequent

More frequent

Comments N'existe pas toujours pour les procureurs généraux mais existe en règle générale pour leurs subordonnés.

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

Sources: Récolte de données auprès des cantons

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

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: La requête peut être déposée dès que le juge ou la cour est connue (art. 47 ss, spécialement art. 49 CPC et art. 56 ss, spécialement art. 58 CPP)

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

[]

NA

Comments

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): Les décisions de la Cour EDH concernant la Suisse sont mises en ligne par l'Office fédéral de la Justice et par le Tribunal fédéral suisse. Ensuite, soit des processus législatifs soit des modifications de jurisprudence sont mises en place. Les parties concernées ayant obtenu gain de cause devant la Cour EDH peuvent demander la révision du jugement attaqué et celui-ci est modifié dans le sens de la décision de la Cour EDH.

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 Demande de révision auprès de l'autorité (judiciaire) qui a prononcé la décision ayant fait l'objet de la requête à la CourEDH

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

Sources: CPC, CPP, Loi sur le Tribunal fédéral

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: Procédure sommaire : art. 261 CPC

Procédure de l'ordonnance pénale : art. 352 ss CPP

Procédure administrative régie par le droit cantonal

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: Procédure civile: procédure simplifiée: art. 243 ss CPC

Procédure pénale : procédure simplifiée : art. 358 CPP

Procédure administrative régie par le droit cantonal

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:

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

Yes

No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance



091. 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)	104 058 <input type="checkbox"/> NA <input type="checkbox"/> NAP	316 913 <input type="checkbox"/> NA <input type="checkbox"/> NAP	317 206 <input type="checkbox"/> NA <input type="checkbox"/> NAP	103 765 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 886 <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)	66 862 <input type="checkbox"/> NA <input type="checkbox"/> NAP	218 556 <input type="checkbox"/> NA <input type="checkbox"/> NAP	218 957 <input type="checkbox"/> NA <input type="checkbox"/> NAP	66 461 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 296 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	23 581 <input type="checkbox"/> NA <input type="checkbox"/> NAP	48 493 <input type="checkbox"/> NA <input type="checkbox"/> NAP	47 493 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 581 <input type="checkbox"/> NA <input type="checkbox"/> NAP	45 <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)	[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	6 110 [] NA [] NAP	10 589 [] NA [] NAP	10 729 [] NA [] NAP	5 970 [] NA [] NAP	502 [] NA [] NAP
4. Other cases	7 505 [] NA [] NAP	39 275 [] NA [] NAP	40 027 [] NA [] NAP	6 753 [] NA [] NAP	43 [] NA [] NAP

Comments "Affaires administratives pendantes": augmentation des stocks engendrée par une augmentation du nombre de nouvelles affaires introduites et une CR en-dessous de 100%. "Affaires administratives pendantes depuis plus de 2 ans": diminution du nombre d'affaires anciennes grâce à des efforts ciblés sur ces affaires.

"Autres affaires pendantes au 31 décembre 2018": Diminution du stock par rapport à la situation au 1.1.2018 grâce à un CR au-dessus de 100%.

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

. accréditations, demande de pièces, déclaration d'absence, ouverture de testaments, délivrance de certificats d'héritiers, annulation de titres, etc.

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

. affaires de la chambre des avocats, affaires de surveillance des autorités judiciaires inférieures, affaires de surveillance en matière de poursuite pour dettes, etc.

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)	11 095 [] NA [] NAP	40 961 [] NA [] NAP	40 840 [] NA [] NAP	11 216 [] NA [] NAP	669 [] NA [] NAP
1. Severe criminal cases	3 334 [] NA [] NAP	8 916 [] NA [] NAP	9 039 [] NA [] NAP	3 211 [] NA [] NAP	104 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	7 761 [] NA [] NAP	32 045 [] NA [] NAP	31 801 [] NA [] NAP	8 005 [] NA [] NAP	565 [] NA [] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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: Nombre total d'affaires pénales: une augmentation généralisée du volume des affaires pénales est observée. Nombre d'infractions graves pendantes depuis plus de 2 ans: diminution du nombre d'affaires anciennes grâce à des efforts ciblés sur ces affaires.

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)	24 652 [] NA [] NAP	48 419 [] NA [] NAP	47 897 [] NA [] NAP	25 174 [] NA [] NAP	2 134 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	4 861 [] NA [] NAP	16 442 [] NA [] NAP	16 290 [] NA [] NAP	5 013 [] NA [] NAP	338 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	289 [] NA [] NAP	2 756 [] NA [] NAP	2 652 [] NA [] NAP	393 [] NA [] NAP	3 [] 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	18 658 [] NA [] NAP	27 291 [] NA [] NAP	27 106 [] NA [] NAP	18 843 [] NA [] NAP	1 576 [] NA [] NAP
4. Other cases	844 [] NA [] NAP	1 930 [] NA [] NAP	1 849 [] NA [] NAP	925 [] NA [] NAP	217 [] NA [] NAP

Comments - If "Other cases" please specify Affaires civiles et commerciales contentieuses pendantes depuis plus de 2 ans: augmentation du stock d'affaires en raison d'une CR en-dessous de 100%.

Autres affaires: variation du volume des affaires en 2017 et 2018, affectant la période 2016-2018.

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)	3 379 [] NA [] NAP	10 044 [] NA [] NAP	9 747 [] NA [] NAP	3 676 [] NA [] NAP	52 [] 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	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" 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. Nombre total d'affaires pénales pendantes au 31 décembre 2018: augmentation du stock d'affaires en raison d'une CR en-dessous de 100%.

Nombre total d'affaires pénales pendantes depuis plus de 2 ans: effort réalisé pour terminer les affaires anciennes.

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)	2 233 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	5 831 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	5 830 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	2 234 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	13 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	591 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 771 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 759 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	603 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input checked="" 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 checked="" type="checkbox"/> NAP	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

2.3. Other non-litigious cases	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
3. Administrative law cases	1 638 [] NA [] NAP	4 053 [] NA [] NAP	4 060 [] NA [] NAP	1 631 [] NA [] NAP	11 [] NA [] NAP
4. Other cases	4 [] NA [] NAP	7 [] NA [] NAP	11 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP

Comments - If "Other cases", please specify Nombre total d'affaires "autres que pénales" pendantes depuis plus de 2 ans: la diminution observée résulte de l'effort effectué pour terminer les affaires les plus anciennes. Aucune affaire non-contentieuse n'a été introduite dans ce domaine en 2018.

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

Yes

No

Comments

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

cases received by the Highest court? [2 673]

cases closed by this procedure? [2 673]

Comments Sont comprises dans ce chiffre toutes les affaires jugées par juge unique à savoir les recours manifestement irrecevables ainsi que les autres affaires jugées par juge unique, notamment en cas de non paiement de l'avance de frais, de retrait du recours.

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)	773 [] NA [] NAP	1 964 [] NA [] NAP	2 210 [] NA [] NAP	527 [] NA [] NAP	52 [] 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	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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 Augmentation du volume des affaires en matière pénale qui perdure. Toutefois, on observe une diminution du stock d'affaires pénales pendantes au 31 décembre 2018 grâce à une CR au-dessus de 100 %.

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	9 960 [] NA [] NAP	11 437 [] NA [] NAP	10 861 [] NA [] NAP	9 236 [] NA [] NAP
Employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Insolvency	4 637 [] NA [] NAP	37 595 [] NA [] NAP	37 995 [] NA [] NAP	4 137 [] NA [] NAP
Robbery case	[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
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Cases relating to the right of entry and stay for aliens	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Faillite: affaires pendantes au début et à la fin de l'année 2018: diminution du stock grâce à une CR supérieure à 100 %.

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:

. Les demandeurs d'asile déposent une demande traitée par l'Office fédéral des migrations (autorité administrative). Cette décision qui applique la loi fédérale sur l'asile peut être portée devant le Tribunal administratif fédéral qui en règle générale est compétent pour trancher ces affaires de manière définitive.

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	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Litigious divorce case	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	263 <input type="checkbox"/> NA <input type="checkbox"/> NAP	260 <input type="checkbox"/> NA <input type="checkbox"/> NAP	134 <input type="checkbox"/> NA <input type="checkbox"/> NAP	280 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	47 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 <input type="checkbox"/> NA <input type="checkbox"/> NAP	134 <input type="checkbox"/> NA <input type="checkbox"/> NAP	67 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Divorce contentieux: augmentation de la durée moyenne en raison de la charge des tribunaux et de l'augmentation de la complexité des divorces litigieux.

Faillite: diminution de la durée de traitement de ces affaires en première instance en raison des priorités mises sur ces affaires urgentes.

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

. procédure réglée dans le CPC (art. 274 ss)

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

Please give a description of the calculation method.

. Les cantons appliquent en règle générale la méthode de la durée moyenne réduite (80% des affaires, en enlevant 10% des procédures les plus courtes et 10% des procédures les plus longues), depuis l'inscription de la procédure au niveau de l'instance, sans les procédures suspendues.

La durée moyenne totale a été calculée : (nb aff. 1re instance x nb de jours 1re instance + nb aff. 2e instance x nb de jours 2e instance + nb aff. 3e instance x nb de jours 3e instance) / nombre d'affaires 1re instance

4.2.6. Case flow management – public prosecution

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

possible):

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

Comments

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

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify: rôle limité au procès pénaux

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	531 294	92 253	426 201	12 840
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments Le procureur peut prononcer jusqu'à 6 mois d'emprisonnement lorsque le prévenu a reconnu sa culpabilité (plaider coupable). Il existe un intérêt des prévenus à terminer leur affaire pénale rapidement et sans publicité des débats en acceptant la sanction figurant dans l'ordonnance de condamnation du procureur.

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	426 201
	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP
Before the court case	426 201
	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP

During the court case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
-----------------------	--

Comments Le procureur peut prononcer jusqu'à 6 mois d'emprisonnement lorsque le prévenu a reconnu sa culpabilité (plaider coupable)

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)	92 253 <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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Discontinued by the public prosecutor for reasons of opportunity	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments absence de réponses en nombre et en qualité suffisants reçues de la part des cantons

109. Do the figures include traffic offence cases?

Yes

No

Comments

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

Sources: Rapports de gestion des ministères publics et récolte de données auprès des cantons

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?

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

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: Les systèmes suivants existent :

- élection des juges par le peuple

- élection des juges par le parlement (avec procédure de sélection par une commission parlementaire ou une autre commission ad hoc)

- nomination des juges par la cour suprême cantonale (cour d'appel)

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): Lorsqu'un juge de première instance désire accéder à une fonction de juge cantonal (2e instance), il lui incombe de poser sa candidature lorsqu'un poste est mis au concours. La même règle est applicable pour accéder à un poste de juge fédéral (Cour suprême). Les juges de 2e instance et de la Cour suprême sont nommés par les parlements cantonaux respectivement le Parlement fédéral, sur recommandation des partis politiques et, dans la plupart des cas, après examen des candidatures par une commission parlementaire. Pour les cantons qui possèdent un Conseil supérieur de la magistrature, celui-ci est impliqué dans la sélection et la promotion des juges.

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"): Il n'y a pas de cursus pour les juges, donc pas de promotion. Les juges sont nommés pour un poste spécifique et doivent postuler puis être élu pour un nouveau poste dans une juridiction supérieure.

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): Gouvernement ou parlement

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). Les solutions varient d'un canton à l'autre les systèmes principaux sont les suivants:

- subordination administrative uniquement à un département cantonal (en règle générale celui de la justice) : modèle le plus répandu
 - nomination par le parlement (aucune subordination uniquement obligation de rendre des comptes sur la gestion administrative) exceptionnellement le peuple
 - subordination administrative au tribunal cantonal
 - subordination administrative à une commission indépendante (de surveillance)
- "Autre": Gouvernement ou parlement

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: Les procureurs généraux sont parfois élus par le peuple ou par le parlement cantonal ou fédéral

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): les prestations des procureurs font l'objet d'une évaluation périodique, en règle générale, annuelle. Elle sert de base pour une promotion à l'intérieur du parquet.

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:
- 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):
- No

Comments Les juges sont nommés à un poste dans une juridiction déterminée. En règle générale un transfert se fait soit par une postulation du juge dans cette nouvelle juridiction, soit par un transfert avec son accord.

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

- Yes, duration of the probation period (in years):
- No

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:

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Oui dans 10 cantons et pour les procureurs fédéraux, sauf pour le procureur général de la Confédération qui est soumis à réélection périodique par le parlement. Lorsque le procureur est nommé à vie il peut, en règle générale, être démis de ses fonctions pour violation grave de ses devoirs de fonction. L'âge à la retraite obligatoire varie en fonction des cantons. Il est en règle générale de 65 ans pour les hommes et de 64 ans pour les femmes.

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

Yes, duration of the probation period (in years):0.25

No

Comments Dépend des cantons: La majorité prévoit 0.25 année

AG 0.25

AI 0.25

AR 0.4

BE 0.5

BL 0.25

BS 0.5

GR 0.6

NW 0.08

SG 0.25

TI 0.25

UR 0.4

ZH 0.25

CH NA

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

[4]

[] NA

[] NAP

Comments De 1 à 10 ans selon le canton. TF: 6 ans. Médiane = 4.

125-1. Is it renewable?

Yes

No

[] NAP

Comments Renouvellement jusqu'à un âge maximum; par exemple 68 ans pour les juges du Tribunal fédéral (cour suprême)

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)?

[4]

[] NA

[] NAP

Comments Varie selon les cas entre 4 et 10 ans : La majorité prévoit 4 ans

AG 4
 AR 4
 BE 6
 BS 6
 FR 4
 JU 5
 LU 4
 NE 6
 NW 4
 SO 4
 SZ 4
 TI 4
 UR 10
 ZG 4
 ZH 4

126-1. Is it renewable?

- Yes
 No
 NAP

Comments Renouvellement jusqu'à un âge maximum correspondant souvent avec l'âge de la retraite des employés de la fonction publique

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

Sources: Récolte de données auprès des cantons

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)	<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
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 judicial functions (e.g. judge for economic or administrative issues)	<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 of the court (e.g. court president)	<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 courts	<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	() Yes (X) No	(X) Yes () No	() Yes (X) No
--------------------------------------	---------------------	---------------------	---------------------

Comments Quelques cantons ont rendu obligatoire la formation initiale dispensée en cours d'emploi de l'Académie suisse de la magistrature, rattachée aux universités de Lucerne et Zurich. Il n'existe pas de filière de formation nationale obligatoire pour les juges. La formation continue facultative est proposée par une fondation pour la formation continue des juges suisses; les universités proposent de nombreux séminaires et cours ouverts au public auxquels les juges participent sur une base volontaire; enfin, il existe des associations par branche du droit qui organisent aussi des séminaires servant de formation continue.

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

	Frequency of the judges training
General in-service training	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for management functions of the court (e.g. court president)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in courts	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training on ethics	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: Des cours de formation continue sont organisés régulièrement, chaque année, par les institutions mentionnées dans le commentaire à la question 127. Les juges déterminent eux-mêmes auxquels ils désirent participer sur une base volontaire. C'est la raison pour laquelle nous avons modifié la façon de répondre à cette question par rapport aux exercices précédents.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	(X) Yes () No	() Yes (X) No
General in-service training	() Yes (X) No	(X) Yes () No	() Yes (X) No

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

Comments réponses correspondant à la situation au sein de la majorité des cantons

Une formation initiale en cours d'emploi existe au sein de l'Académie suisse des procureurs qui est rattachée à l'université de Lucerne. 17 cantons ont répondu que cette formation était obligatoire.

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

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

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: réponses correspondant à la situation dans la majorité des cantons

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	[]	[]	[]
One institution for prosecutors	[]	[]	[]

One single institution for both judges and prosecutors	[]	[]	[]
--	-----	-----	-----

Comments Aucune école nationale de la magistrature; uniquement des initiatives privées pour la formation initiale et continue: cf. commentaire général en relation avec la question 131

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	[] NA [X] NAP
One institution for prosecutors	[] NA [X] NAP
One single institution for both judges and prosecutors	[] NA [X] 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?

. voir le commentaire général à la question 131

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	[] NA [X] NAP	[] NA [X] NAP
1. Only for judges	[] NA [X] NAP	[] NA [X] NAP
2. Only for prosecutors	[] NA [X] NAP	[] NA [X] NAP
3. Only for other non-judge staff	[] NA [X] NAP	[] NA [X] NAP
4. Only for other non-prosecutor staff	[] NA [X] NAP	[] NA [X] NAP

5. Other common training	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP

Comments:

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

Sources: récolte de données auprès des cantons et programmes de formation des Académies de la magistrature et des procureurs ainsi que de la Fondation pour la formation continue des juges

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	145 054 <input type="checkbox"/> NA <input type="checkbox"/> NAP	126 604 <input type="checkbox"/> NA <input type="checkbox"/> NAP	159 400 <input type="checkbox"/> NA <input type="checkbox"/> NAP	139 126 <input 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)	323 116 <input type="checkbox"/> NA <input type="checkbox"/> NAP	301 090 <input type="checkbox"/> NA <input type="checkbox"/> NAP	355 773 <input type="checkbox"/> NA <input type="checkbox"/> NAP	330 868 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	118 207 <input type="checkbox"/> NA <input type="checkbox"/> NAP	100 216 <input type="checkbox"/> NA <input type="checkbox"/> NAP	129 898 <input type="checkbox"/> NA <input type="checkbox"/> NAP	110 128 <input 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).	172 900 <input type="checkbox"/> NA <input type="checkbox"/> NAP	131 950 <input type="checkbox"/> NA <input type="checkbox"/> NAP	190 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	145 000 <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Housing	() Yes (X) No	() Yes (X) No
Other financial benefit	() Yes (X) No	() Yes (X) No

Comments

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

[X] 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	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Les activités accessoires donnant lieu à rémunération sont en règle générale soumises à autorisation préalable par la commission administrative du tribunal.

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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: Les activités accessoires donnant lieu à rémunération sont en règle générale soumises à autorisation préalable par le chef du parquet.

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
- 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.)

- Yes
- No

Comments Les tribunaux de la Confédération se sont dotés de règles éthiques suite au rapport du GRECO sur le sujet. Ces règles ont codifié les usages appliqués et attendus des juges dans leur vie professionnelle et privée. Les règles sont accessibles: par exemple pour le Tribunal fédéral suisse (cour suprême): <https://www.bger.ch/fr/index/federal/federal-inherit-template/federal-publikationen/federal-pubgeflogenheiten.htm>

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

- only by judges
- by judges and other legal professionals
- other, please specify:

Comments Commission de l'association suisse des magistrats de l'ordre judiciaire qui peut être saisie de façon facultative et volontaire par un juge qui ne saurait pas quelle règle de conduite adopter

138-2. 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

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.

[X] 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

[X] High Judicial Council

[] Disciplinary court or body

[] Ombudsman

[X] Parliament

[] Executive power (please specify):

[X] Other (please specify): commission de surveillance

[] This is not possible

Comments

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):
- Other (please specify):commission de surveillance
- This is not possible

Comments La commission de surveillance du ministère public de la Confédération est une institution nouvelle qui possède le pouvoir d'intenter des procédures disciplinaires contre le procureur général de la Confédération.

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):
- Other (please specify):

Comments

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):
- Other (please specify):

Comments

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)	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: 4 Autre = ZG : réceptions de recours en matière de surveillance (pour les juges et les procureurs)

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

	Judges	Prosecutors
Total number (total 1 to 10)	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	0 <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	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	0 <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 [] NA [] NAP	0 [] NA [] NAP
9. Other	0 [] NA [] NAP	3 [] NA [] NAP
10. Dismissal	0 [] NA [] NAP	0 [] NA [] 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. 9. autre = Blâme

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

Sources: Rapports de gestion 2018 et rapport des conseils de la magistrature 2018

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	12 764 [] NA	8 935 [] NA	3 830 [] NA

Comments Répartition H/F: estimation sur la base des proportions communiquées par la Fédération suisse des avocats (FSA) en 2017.

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

Yes ()

No (X)

Comments

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

[]

[X] NA

[] NAP

Comments Majorité des cantons ont des conseillers juridiques mais aucun n'est en mesure d'en donner le nombre.

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	[]	[]	[X]
Dismissal cases	[]	[]	[X]
Criminal cases – Defendant	[X]	[X]	[X]
Criminal cases – Victim	[]	[]	[X]
Administrative cases	[]	[]	[]

[] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly: Lors des exercices précédents, les réponses positives concernant le monopole des avocats dans les affaires civiles et pénales correspondaient à la situation de la majorité des cantons à travers toutes les instances. Un réexamen de la situation selon la nouvelle formulation de la question amène à une différenciation des réponses données.

Le CPC (art. 68) autorise les parties à être représentées par des avocats, mais aussi par d'autres personnes selon le type d'affaires.

Le CPP (art. 127) prévoit que la défense des prévenus est réservée aux avocats.

La LTF (art. 40) prévoit que seuls les avocats peuvent agir comme mandataires dans les affaires civiles et pénales. Mais les parties peuvent toujours elles-mêmes en leur propre nom (voir question 149-0)

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	(X) Yes () No	(X) Yes () No
Self-representation	(X) Yes () No	(X) Yes () No	(X) Yes () No
Trade union	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s): Pour la Cour suprême (Tribunal fédéral), les organismes et personnes pouvant représenter les clients ne peuvent le faire qu'en matière de droit public.

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

[X] Notarial activity

[X] Arbitration / mediation

[X] Proxy / representation

[X] Property manager

Real estate agent

Other law activities (please specify):

Comments "Autres" - représentant d'actionnaires lors d'une assemblée générale d'une SA, d'une fondation par exemples.

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: Formation spécifique selon la spécialisation à suivre en cours d'emploi.

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

Sources: Registres cantonaux des avocats et récolte de données auprès des cantons

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? Oui: 16 cantons / 26: 61.5%.

Liste des titres des documents contenant ces normes, par canton:

AR: BGFA; bei Mitgliedschaft die Standesregeln des CH-Anwaltsverbands; der appenzellische Anwaltsverband kennt keine eigenen Standesregeln

BE: Berufsregeln nach BGFA

BL: Standesregeln

GE: Soin et diligence, interdiction conflit d'intérêts, secret professionnel. GR: BGFA

JU: loi et code de déontologie.

LU: Das BGFA gilt für im kantonalen Register eingetragene Rechtsanwälte. Für nicht eingetragene Rechtsanwälte gilt das kantonale Recht. NW: BGFA, Kantonales Recht (Anwaltsgesetz, Anwaltsverordnung), Standesregeln Anwaltsverband

OW: Anwaltsgesetz / Berufsregeln BGFA

SG: Berufsregeln; Art. 12 BGFA; Standesregeln SAV

SH: Fachanwälte SAV

SO: Berufsregeln (Art. 12 und 13 BGFA); Standesregeln des Schweizerischen Anwaltsverbandes (SAV) SZ: Standesregeln schweizerischer Anwaltsverband

UR: BGFA, Auftragsrecht, Standesregeln.

ZG: Grundsätze im Anwaltsgesetz (BGFA) und Standesregeln des kantonalen Advokatenvereins

ZH: Anwaltsprüfung durch die am Obergerichts angegliederte Anwaltsprüfungskommission. guter Leumund

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

the bar association

the Parliament

other (please specify):

Comments 12 réponses sur 26 cantons.

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)	162 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	78 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	53 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Les 53 affaires placées dans autres sont des procédures qui sont répertoriées en fonction d'autres critères au sein des cantons et ne peuvent de ce fait pas être attribués à l'une des catégories énumérées de 1 à 3.

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	71 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3. Withdrawal from cases	1 [] NA [] NAP
4. Fine	35 [] NA [] NAP
5. Other	17 [] 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. Autres : Blâme et renonciation à prononcer toute sanction malgré le constat d'une faute professionnelle

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?

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

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: a) Le Code de procédure civile prévoit en principe une conciliation obligatoire au début d'un procès (art.197 CPC). La loi règle les exceptions (art. 198 ss CPC). Si toutes les parties en font la demande, la procédure de conciliation est remplacée par une médiation (art. 213 CPC). Le tribunal peut conseiller en tout temps aux parties de procéder à une médiation (art. 214 CPC).

L'obligation de procéder à une médiation est ainsi plutôt de nature indirecte. Formellement il n'existe pas de médiation obligatoire mais seulement une conciliation obligatoire qui peut déboucher sur une médiation à la demande des parties qui dès ce moment devient obligatoire.

b) La loi fédérale sur la procédure pénale applicable aux mineurs prévoit aussi la médiation à son art. 17:

al. 1: L'autorité d'instruction et les tribunaux peuvent en tout temps suspendre la procédure et charger une organisation ou une personne compétente dans le domaine de la médiation d'engager une procédure de médiation dans les cas suivants:

a. il n'y a pas lieu de prendre de mesures de protection ou l'autorité civile a déjà ordonné les mesures appropriées;

b. les conditions fixées à l'art. 21, al. 1, DPMIn ne sont pas remplies.

al. 2 Si la médiation aboutit à un accord, la procédure est classée.

Lorsqu'elle est ordonnée la médiation devient obligatoire.

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Labour cases including employment dismissals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Consumer cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments Le renvoi judiciaire à la médiation commence par une sélection par le juge des affaires qui se prêtent à la médiation et qui en fait la proposition aux parties. En cas d'accord, il en résulte un engagement en médiation qui en définit les contours et la durée. Le processus de médiation échappe aux magistrats de l'ordre judiciaire. Un médiateur privé en est chargé selon les termes de l'engagement en médiation. La procédure est en règle générale suspendue pendant la durée projetée pour la médiation. A la fin du processus de médiation, les parties ont trouvé ou non un accord issu de la médiation. Le juge en prend acte et clôt ou reprend la procédure suspendue.

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Yes

No

NAP

Comments - If yes, please specify (only one or both options):: Lorsque l'assistance judiciaire est accordée pour le procès et que la médiation judiciaire a lieu, elle bénéficie en règle générale automatiquement aussi de cette aide. En outre, dans certains cantons l'aide judiciaire est accordée sans conditions particulières aux mineurs impliqués dans une procédure.

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	376 <input type="checkbox"/> NA <input type="checkbox"/> NAP	125 <input type="checkbox"/> NA <input type="checkbox"/> NAP	251 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments extrapolation à partir d'un nombre de réponses correspondant au tiers de la population suisse. D'où une marge d'erreur importante.

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"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
1. Civil and commercial cases	<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
2. Family cases	<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
3. Administrative cases	<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
4. Labour cases including employment dismissal cases	<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
5. Criminal cases	<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
6. Consumer cases	<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 - Please indicate the source: On peut estimer que dans le contentieux civil le renvoi en médiation représente entre 0,5 et 1 % du total des affaires (cf. à ce sujet Jean Mirimanoff, Rapport sur la pratique de(s) tribunaux civils de 1e instance des cantons de la Suisse romande en matière de renvoi judiciaire à la médiation, Genève septembre 2019, p. 7, ch. 5)

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):

Comments

G1. Please indicate the source for answering question 166:

Source: Récolte de données auprès des cantons Jean Mirimanoff, Rapport sur la pratique de(s) tribunaux civils de 1e instance des cantons de la Suisse romande en matière de renvoi judiciaire à la médiation, Genève septembre 2019

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	2 001 [] NA	886 [] NA	1 115 [] NA

Comments

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

judges

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

bailiffs working in a public institution

other

Comments - Please specify their status and powers: des employés des offices des poursuites et des faillites qui en Suisse sont compétents pour la réalisation forcée des créances pécuniaires pouvant déboucher sur des saisies ou des faillites

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

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: l'organisation diffère d'un canton à l'autre; il existe une interaction entre les employés des offices de poursuites et la Poste suisse qui intervient dans la procédure. En cas d'opposition, le juge intervient pour accorder la mainlevée. Globalement il n'y a pas de monopole mais pour chaque étape intermédiaire il y a souvent un monopole pas toujours. Ainsi la notification d'un commandement de payer n'est pas confiée systématiquement à la Poste suisse mais parfois à un huissier communal ou à un agent de police, selon l'organisation locale mise en place.

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 [] NAP
Seizure of immovable properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No [] NAP

Seizure from a third party of the debtor claims regarding a sum of money	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of remunerations	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of motorised vehicles	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Eviction measures	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Enforced sale by public tender of seized properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Other	() Yes with monopoly () Yes without monopoly () No [X] 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 immovable 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 Les préposés aux offices des poursuites et des faillites bénéficient de formations organisées par la conférence des préposés: formation initiale et continue. En règle générale cette formation est obligatoire pour les préposés. Les autres employés sont souvent au bénéfice d'une formation commerciale attestée par un certificat fédéral de capacité.

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

Yes

No

Comments Cours organisés par la conférence des préposés aux offices des poursuites et des faillites

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 Conférence des préposés aux offices des poursuites et des faillites au niveau national et associations régionales et locales aussi selon les cantons

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

Yes

No

Comments tarif publié des frais de poursuites: <https://www.admin.ch/opc/fr/classified-compilation/19960496/index.html>

175. Are enforcement fees freely negotiated?

Yes

No

Comments

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

Yes

No

Comments <https://www.admin.ch/opc/fr/classified-compilation/19960496/index.html>

H0. Please indicate the sources for answering question 170

Source: Récolte de données auprès des cantons

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):

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: L'exécution de décisions rendues contre des autorités publiques ne pose en règle générale aucun problème. Dans un Etat de droit, les autorités respectent la séparation des pouvoirs et exécutent les décisions prises par d'autres autorités ou alors elles intentent un recours. Mais il n'existe aucune obligation pour les agents de l'Etat de devoir recourir systématiquement lors d'une décision prononcée contre des autorités publiques.

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

Yes

No

Comments - If yes, please specify: Le contrôle est effectué par l'organe de tutelle ou de surveillance des offices des poursuites et des faillites: Tribunal cantonal, Département cantonal, ou autre.

Il y a une modification dans la manière de répondre à cette question par rapport aux exercices précédents. Les instances énumérées ci-

dessus effectuent un contrôle visant à déterminer si l'administration des offices des poursuites et des faillites est effectuée correctement. Les vices affectant la procédure d'exécution elle-même peuvent être portés soit à l'autorité de surveillance pour se plaindre de dysfonctionnement systémiques, soit devant les tribunaux ordinaires pour des griefs liés aux garanties procédurales.

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):faute professionnelle

Comments "Autre": faute professionnelle

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" 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)	0 [] NA [] NAP
1. For breach of professional ethics	0 [] NA [] NAP
2. For professional inadequacy	0 [] NA [] NAP
3. For criminal offence	0 [] NA [] NAP
4. Other	0 [] NA [] NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

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

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

Source: Récolte de données auprès des cantons

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). Autre autorité: Département cantonal de justice et police

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)	3 725 [] NA [] NAP	2 802 [] NA [] NAP	923 [] NA [] NAP
1. Private professionals (without control from public authorities)	646 [] NA [] NAP	506 [] NA [] NAP	140 [] NA [] NAP
2. Professionals appointed by the State	2 834 [] NA [] NAP	2 104 [] NA [] NAP	730 [] NA [] NAP

3. Public officials	245 [] NA [] NAP	192 [] NA [] NAP	53 [] NA [] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "other", please specify the status: "Fonctionnaires": Augmentation au sein des cantons de ZH, UR, SZ, NW, GL, SO, GR, TG et NE

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:65
- no, please specify the duration of the appointment:

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

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):rédaction de contrats, représentant d'actionnaire à l'assemblée générale d'une S.A.

Comments "Autre": rédaction de contrats, représentant d'actionnaire à l'assemblée générale d'une SA

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 représentation d'actionnaires dans les assemblées générales des SA ou des conseils de fondation.

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 Utilisation d'applications informatiques disponibles sur le marché.

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):Département de Justice et Police

Comments Département de Justice et Police

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

- Yes
- No

Comments

II. Please indicate the sources for answering question 192:

Sources: Données fournies par les cantons.

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes

No

Comments Uniquement dans certains cantons: 6 sur 27.

199. Number of accredited or registered court interpreters:

[4 451]

NA

NAP

Comments Lors des exercices précédents, beaucoup de cantons n'avaient pas encore introduit de listes d'interprètes accrédités ou enregistrés. Cette pratique tend à se généraliser, raison pour laquelle leur nombre est en hausse.

11 cantons avec un nombre; mais AR, JU, VS: NA

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): Des formations spécifiques sont organisées par le canton de Zurich et plusieurs autres cantons alémaniques se sont joints à cette initiative, qui contribue à améliorer la qualité des interprétations

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: Récolte de données auprès des cantons

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 Il ne s'agit pas à proprement parler d'enregistrement mais de choix d'un expert dans une affaire spécifique pour lui confier un mandat d'expertise (avec une liste de questions ou de points à examiner).

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long
- No

Comments Il n'y a pas d'enregistrement à proprement parler mais une durée de mandat définie pour l'affaire concernée.

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	() Yes (X) No
Continuous training	() Yes (X) 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
- (X) No

Comments Les dispositions procédurales règlent l'engagement des experts dans le cadre de procédures judiciaires mais pas l'exercice de la profession (cf. par exemple art. 182 CPP).

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 Les règles usuelles en matière de récusation s'appliquent (cf. par exemple art. 183 al. 3 CPP).

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	32	30	2
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments Réponses pour 9 cantons, dont 7 mentionnent zéro expert.

LU: 20 (fonctionnant comme juges assesseurs au tribunal cantonal) , VD: 12.

205-1. Who sets the expert remuneration?

- Le tribunal (cf. par exemple art. 184 al. 6 CPP concernant l'établissement d'un devis et l'art. 190 concernant l'indemnisation équitable)

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

- () Yes

(X) No

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

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)	[X] NA [] NAP
1.Civil and commercial litigious cases	[X] NA [] NAP
2.Administrative cases	[X] NA [] 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

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

[] No, please specify which authority selects judicial experts

Comments En règle générale, le magistrat responsable du dossier contacte des experts (psychiatres, médecins, etc.) en fonction des besoins de la procédure et de la disponibilité de ceux-ci.

207-1. Does the judge control the progress of the expertise?

(X) Yes

() No

Comments cf. par exemple art 184 ss CPP

K1. Please indicate the sources for answering question 205

Sources: Récolte de données auprès des cantons

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms



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

1. (Comprehensive) reform plans FR: Analyse du pouvoir judiciaire par une mandataire externe qui pourrait déboucher sur une réforme générale

VS: Constituante qui pourrait déboucher sur une nouvelle organisation judiciaire et démarrage d'un projet d'analyse de l'organisation judiciaire

Confédération: révision en cours de la loi sur le Tribunal fédéral qui pourrait élargir les compétences de la cour suprême à toutes les décisions de principe quelle que soit la matière et limiter l'accès pour les affaires bagatelles

2. Budget BL: Etude de l'introduction d'un budget global

SG: révision des échelles de salaire des magistrats de l'ordre judiciaire

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) ZH: mise en oeuvre d'une stratégie commune des tribunaux civils et pénaux

BE: concentration des tribunaux pénaux

UR: Réduction du nombre des tribunaux de districts

SZ: réorganisation du parquet: concentration au niveau cantonal et plus des districts

GL: introduction de la fonction à temps partiel de vice-président du tribunal de 1re instance et au sein de la cour suprême cantonale (cour d'appel)

SO: Démarrage d'une étude de la charge des tribunaux de 1re instance

AI: Introduction en cours d'un organe de surveillance de la justice

NE: regroupement du ministère public en un seul lieu; un seul ressort pour la première instance à l'échelon du canton

JU: concentration de la police et du parquet en un seul lieu; idem pour les offices des poursuites

3.1. Access to justice and legal aid NE: nouvelle loi cantonale sur l'assistance judiciaire entrée en vigueur 1.1.2019

JU: introduction de mesures visant à améliorer le taux de recouvrement de l'assistance judiciaire

4. High Judicial Council VD: réflexion en cours sur la haute surveillance du Tribunal cantonal (cour d'appel) et la création d'un Conseil de la magistrature

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. GL: augmentation du nombre de greffiers - juristes

AR: Constituante qui pourrait adopter des dispositions modifiant le mode d'élection des juges

TG: augmentation du nombre de juges cantonaux (cour d'appel) à l'étude

VS: spécialisation des juges envisagée avec le regroupement des tribunaux de districts

NE: enquête de satisfaction auprès des avocats planifiée pour fin 2019

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities GL: révision en cours de loi cantonale d'organisation judiciaire

BS: nouvelle législation sur l'exécution des décisions judiciaires

7. Enforcement of court decisions BS: nouvelle législation sur l'exécution des décisions judiciaires

8. Mediation and other ADR VS: Pérennisation de la Permanence de médiation civile de l'Ordre judiciaire

NE: Une loi cantonale sur la médiation est en préparation.

9. Fight against crime ZH: le gouvernement fixe régulièrement des priorités en matière de lutte contre la criminalité

9.1. Prison system FR: Depuis le 1er janvier 2018, la Prison centrale de Fribourg et les Etablissements de Bellechasse ont fusionné en une même unité autonome: les Etablissements de détention fribourgeois (EDFR).

SG: mesures de construction dans les établissements du canton

TG: agrandissement de la prison de Frauenfeld envisagée

9.2 Child friendly justice VD: Projet de Renforcement de la protection de l'enfant en cours.

9.3. Violence against partners FR: Des travaux législatifs sont en cours pour mettre en œuvre la loi fédérale sur l'amélioration de la protection des victimes de violence.

SG: révision législative en cours dans le domaine de lutte contre les violences conjugales

10. New information and communication technologies Confédération: projet de numérisation de la justice au niveau national: Justitia 4.0

La quasi totalité des cantons ont démarré des projets pour participer au projet national (intercantonal)

Dans plusieurs cantons démarrage de projet pour changer de version ou changer de logiciel de l'application de gestion de dossier

AR: publication sur internet de la jurisprudence

ZG: mise en service sur internet d'une base de données pour la jurisprudence administrative

11. Other -