



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: **Czech Republic**
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Contact Name: **Ivana Borzova**
.....

I. General information

1. Number of inhabitants

Number: 10,201.000	Year of reference: 2002.....
Source:Czech Statistical Office	

2. Total annual State/regional public budget

Budget: 28,705 mil. EUR	Year of reference: ...2002...
Source: Czech Statistical Office	

3. Average gross annual salary

Salary: 5.950 EUR	Year of reference: ...2002...
Source : Czech Statistical Office	

II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: 8,558 mil. EUR Year : 2002
Source : Ministry of Justice

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: 8,408 mil. EUR Year : 2002
Source : Ministry of Justice

- annual public budget spent on legal aid in other court cases

Annual budget: 150.000 EUR Year : 2002
Source : Ministry of Justice

6. Total number of legal aid cases (in a year)

Number of cases: not recorded Year :
Source :

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: not recorded Year :
Source :

- the total number of legal aid cases in other court cases (in a year)

Number of cases: Year :
Source :

8. Does your country have an income and asset test for granting legal aid?

Yes / No: N

9. If yes, what is the maximum income level for granting legal aid?

Income level: - Year :
.....

10. Is it possible to refuse legal aid for lack of the merit of the case?
(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: N
.....

If yes, is the decision taken by :
(please indicate the right answer) - the court
- a body external to the court
- a mixed decision-making body (court and external)
- other:

What factors are taken into account ?

Factors:
.....

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: Y
.....

If yes, is this true for :
- criminal cases? Yes/No N
- other than criminal cases? Yes/No Y

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: N
.....

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise: Y
.....

If yes, is this true for :
- criminal cases ? Yes/No Y
- other than criminal cases? Yes/No Y

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / No N
 - the State? Yes / No N

If yes, please indicate the references of these studies published in the year 2002 or 2003:
 (Author / instance) (Title) (Type of courts or costs reported on):

.....

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? Yes / No Y
 internet address: www.mvcr.cz

- to the case-law of the higher court/s? Yes / No Y
 internet address: www.nsoud.cz

- to other documents (for examples legal forms)? Yes / No Y
 internet address: www.justice.cz

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / No Y

Comments: www.justice.cz

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No N

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / No N

Comments:

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?
Yes / No N

If yes, are these surveys

- at national level Yes / No N

- at court level Yes / No N

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / No Y

Please specify:

- at court level/internal procedure Yes / No Y

- at court level/external procedure Yes / No N

- at national level/internal procedure Yes / No N

- at national level/external procedure Yes / No N

Comments: Complaints should be addressed to the President of court

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes / No Y

- time limit for dealing with the complaint: Yes / No Y

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts: 94
.....

23. Number of general jurisdiction first instance courts

Number of courts: 86
.....

24. Number of specialised first instance courts

Please specify the different areas of specialisation

(area of specialisation)

(number of courts)

.....
.....
.....

25. Number of professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)

Number of judges: 2.716 fte Year : 2002
.....

Source : Ministry of Justice
.....

26. Number of non-professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)

Number of judges: fte Year : 2002
7.767.....

Source :
.....Ministry of Justice.....

Please give details:
.....lay judges.....

27. Number of non-judge administrative staff who are working in courts
(present the information in full time equivalent and for permanent posts)

Number of staff: fte Year :
8.591..... 2002.....

Source : Ministry of Justice.....

28. Annual budget allocated to all courts

Annual budget: 214,4 mil. EUR Year :
..... ...2002.....

Source : Ministry of Justice
.....

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget: 476,8 mil. EUR 2002 Year :
.....

Source : Ministry of Justice
.....

30. Has the budget for justice increased during the last 5 years? Yes / No

What are the figures?

Budget	160 mil EUR	Year	1999
.....
Budget	215,4 mil. EUR	Year	2002
.....

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / No Y
- the Government Yes / No Y
- the Parliament Yes / No Y
- the Judicial Council Yes / No N
- the Courts Yes / No N
- other:

.....

32. Who manages the budget of the courts?

- the President of the Court Yes / No Y
- the person administratively responsible for the court Yes / No N
- other:

.....

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: the court / public prosecutor / lawyer / other:the court.....
- in other than criminal cases the court / public prosecutor / lawyer / other: ...the court.....

III. B. <i>Efficiency</i>

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases:	not recorded	Year :
Source :
	

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases:	16.761	Year :
Source :	Statistics of Ministry of Justice	...2002.....
	

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: not recorded Year :
Source :
.....
.....

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: not recorded Year :
Source :
.....
.....

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: 77.165 Year :
Source : Statistics of Ministry of Justice
.....
.....

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: not recorded Year :
Source :
.....
.....

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: not recorded Year :
Source :
.....
.....

Please indicate, if possible:

Number of convicted persons: 1.441 % of convicted persons:
.....
Number of acquitted persons: not recorded % of acquitted persons:
.....
.....

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: not recorded Year :
Source :
.....
.....

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: not recorded Year :
Source :
.....

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: 146 Year : 2002
Source : Ministry of Justice
.....

Please indicate also if possible:

Number of convicted persons: 152 % of convicted persons:
.....
Number of acquitted persons: not recorded % of acquitted persons:
.....

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: not recorded Year :
Source :
.....

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: 266.101 Year : 2002
Source : Ministry of Justice
.....

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: not recorded Year :
Source :
.....

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: not recorded Year :
Source :
.....

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: 36.665 2002 Year :
Source : Ministry of Justice
.....

.....

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: 31.758 Year : 2002
Source : Ministry of Justice

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: not recorded Year :
Source :

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: not recorded Year :
Source :

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: 254 Year : 2002
Source : Ministry of Justice

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: not recorded Year :
Source :

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: 6,26 mil. EUR Year : 2002
Source : Ministry of Justice

54. In general, do the courts in your country have computer facilities?

- for judges Yes / No Y
- for non-judges court staff Yes / No Y

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary? Yes / No Y

If yes, please specify the name and the address of this institution

(Name) ...Ministry of Justice..... (Address) ...Vysehradská 16, Prague 2, Czech Republic.....

56. What kind of facilities can be used by the clients of the courts to communicate with the courts?

- Telephone Yes / No Y
- Mail Yes / No Y
- Fax Yes / No Y
- E-mail Yes / No Y
- Internet Yes / No Y

57. Is there an electronic form to carry out certain procedural steps? Yes / No Y

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: not recorded Year :
.....
Source :
.....

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / No

Y

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No

Y

61. Are reasons given for all prison sentences? Yes / No

Y

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: 176 days Year : 2002
.....
Source : Statistics of Ministry of Justice
.....

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: 481 days Year : 2002
.....
Source : Statistics of Ministry of Justice
.....

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: not recorded days Year :
.....
Source :
.....

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: not recorded days Year :
.....
Source :
.....

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: not recorded days Year :
.....
Source :
.....

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: 647 days Year : 2002
.....
Source : Statistics of Ministry of Justice
.....

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes / No Y

69. Do you have a way of analysing queuing time during court procedures?

Yes / No N

If yes, please specify:

.....

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary : 15.153 EUR Year :
Source : Ministry of Justice ...2002.....
.....

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary : 47.100 EUR 2002 Year :
Source : Ministry of Justice
.....

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes / No N

If yes, please specify:

.....

73. Are judges recruited and nominated by an independent institution? Yes / No
N

(if yes), who are represented in this institution:

- the members of the judiciary Yes / No
- officials not part of the judiciary Yes / No
- a mixture of the two categories referred to above Yes / No

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes / No

74. Is there a system of induction and continuation training for judges?

Yes, but not compulsory

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: 10-15% Year : 2002

Source :
Judicial Academy
.....

75. Is there a system of supervision and control on the courts - other than through appeal ? Yes / No

N

If yes, please specify:
.....

76. Is there in your country a system of temporary judges? Yes / No N

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify:
.....

77. Annual number of disciplinary proceedings against judges

Number of proceedings: 20 Year :
.....2002.....

Source : Ministry of Justice
.....

78. Annual number of sanctions against judges

Number of sanctions: 10 Year : 2002
.....

Source : Ministry of Justice
.....

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget:46,3 mil. EUR..... Year :
.....2002.....

Source : Ministry of Justice
.....

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: 1.067 Year : 2002
.....

Source : Ministry of Justice
.....

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary : 13.770 EUR 2002 Year :
Source : Ministry of Justice

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : 42.450 EUR Year :
Source : Ministry of Justice ...2002.....

83. Can public prosecutors combine their work with other professions? Yes / No

If yes, please specify: N

84. Are public prosecutors recruited and nominated by an independent institution? Yes / No
N

(If yes), who are represented in this institution:

- the public prosecutors? Yes / No
- other stakeholders outside? Yes / No
- a mixture of the two categories referred to above? Yes / No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes / No

85. Is there a system of induction and continuation training for public prosecutors?

Yes, but not compulsory

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: 10-15% Year : 2002
Source : Judicial Academy

86. Is there a system of supervision and control on public prosecutors? Yes / No Y

If yes, please specify: Superior Prosecuting Attorney's Office supervises the activity of imperior

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: 7 Year : 2002
.....
Source : Ministry of Justice
.....

88. Annual number of sanctions against public prosecutors

Number of sanctions: 1 Year : 2002
.....
Source : Ministry of Justice
.....

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: 7.334 Year : 2002
.....
Source : Czech Bar Association,
Register
.....

90. Is there a national bar association? Yes / No Y

91. Have quality standards been formulated for lawyers? Yes / No Y

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No Y
- the legislature Yes / No N
- other Yes / No N

92. Can disciplinary proceedings be instituted against lawyers? Yes / No Y

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: 132 Year : 2002
.....
Source : Czech Bar Association
.....

94. Annual number of sanctions against lawyers

Number of sanctions: 190 Year : 2002
.....
Source : : Czech Bar Association
.....

95. Is it possible to complain about the performance of lawyers? Yes / No Y

If yes, please specify: All complaints should be addressed to the President, General Secretary or Chair of the Disciplinary Board of the Czech Bar Association

.....

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: 3.200.-EUR (about) Year : 2002

.....

Source : Law No 484/2000 Coll.
.....

IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

Number of mediators: 188 Year : 2002

.....

Source : Probation and Mediation Service
.....

98. How much public budget is devoted to mediation?

Amount: 2,5 mil. EUR Year : 2002

.....

Source : Probation and Mediation Service
.....

99. Number of incoming mediation cases (in a year)

Number of cases: 3.781 Year : 2002

.....

Source : Probation and Mediation Service
.....

100. Number of cases solved through mediation (in a year)

Number of cases: 1.243 Year : 2002

.....

Source : Probation and Mediation Service
.....

If possible, please specify:

- number of criminal cases solved through mediation: 1.243

- number of cases other than criminal solved through mediation: 0

.....

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No Y

- in other than criminal cases? Yes / No N

Year : Source : Probation and Mediation Service
...2002.....

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
0			
.....
.....
.....
.....

- in other than criminal cases:

Private executors	102	2002	The Chamber of Private Executors
.....
.....
.....

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / No Y

If yes, please specify: The Chamber of Private Executors
.....

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: 5 Year : 2002
.....
Source : Ministry of Justice
.....

105. Annual number of sanctioned enforcements agents

Number of agents: 2 Year : 2002
.....

Source : Ministry of Justice
.....

106. Is it possible to file a complaint against an enforcement agent? Yes / No Y

If yes, please specify: Complaints should be addressed to the Chamber of Private Executors
.....

107. Does the court play a role in the execution of court decisions? Yes / No Y

If yes, please specify: The court orders the execution of judgements and designates the executor to carry out the execution
.....

108. Are the courts competent to decide against public authorities? Yes / No Y

Are the courts involved in executing decisions against public authorities? Yes / No Y