



**Reference data 2020 (01/01/2020 - 31/12/2020)**

**Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021**

**Objective :**

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 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. 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.

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## 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)

[ 8 682 910 ]

Comments Au 1.1.2021

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## 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	85 598 204 265 [ ] NA [ ] NAP
Regional / federal entity level (total for all regions / federal entities)	145 830 948 005 [ ] NA [ ] NAP

Comments Source: chiffres fournis par la Section „VGR“ de l'OFS. Niveau fédéral: augmentation effective des dépenses de 20 mias pour le niveau fédéral entre 2018 et 2020, explicable par les mesures de lutttes anti-COVID et les indemnités pour l'économie.

Niveau territorial (cantons + communes, sans les assurances sociales) - l'augmentation observée est aussi expliquée par les mesures de lutte anti-COVID et les indemnités pour l'économie.

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

[ 75 607 ]

Comments PIB, valeur transmise à Eurostat: 656484.6663 mios Euros / divisé par le nombre d'habitants.

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

[ 74 178 ]

[ ] NA

Comments Sources et commentaires OFS: 2020 chiffre provisoire (livré en janvier 2022, estimé sur la base de l'Enquête Suisse sur la structure des salaires 2018 et de l'Indice suisse des salaires nominaux ISS); Salaire mensuel brut (valeur centrale) 2018 (source : Enquête Suisse sur la structure des salaires 2018 / Indice suisse des salaires nominaux ): 6'538.- CHF \*(107.2/105.4) = 6'650.- CHF  
Salaire annuel brut 2020 : 79'800 CHF. (=6'650.- CHF \*12).

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

[ 1.07045 ]

Allow decimals : 5

[ ] NAP

Comments Source: AFC.

## A1. Please indicate the sources for answering the questions in this part

Sources: OFS + Administration fédérale des contributions AFC

### 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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	1 141 187 601 [ ] NA [ ] NAP	1 147 358 398 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	927 795 469 [ ] NA [ ] NAP	933 406 278 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (2.1 + 2.2)</b>	34 997 786 [ ] NA [ ] NAP	34 073 520 [ ] NA [ ] NAP
<b>2.1 Investments in computerisation</b>	17 074 541 [ ] NA [ ] NAP	15 065 139 [ ] NA [ ] NAP
<b>2.2 Maintenance of the IT equipment of courts</b>	17 923 245 [ ] NA [ ] NAP	19 008 381 [ ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	98 553 592 [ ] NA [ ] NAP	94 669 071 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	40 960 377 [ ] NA [ ] NAP	33 906 704 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	1 630 006 [ ] NA [ ] NAP	1 769 840 [ ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	4 658 029 [ ] NA [ ] NAP	1 981 626 [ ] NA [ ] NAP
<b>7. Other (please specify)</b>	32 592 342 [ ] NA [ ] NAP	47 551 359 [ ] 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: 6.3. "Frais de justice": Somme des montants transmis par les cantons.

6.5. "Nouveaux bâtiments": le budget est relatif à un nombre plus faible de cantons par rapport à 2018 et pour des montants moins importants; en 2020 il y a eu moins de projets de bâtiments. 6.6. "Formation": nombreuses formations continues annulées ou reportées à cause de la COVID. 6.7. La rubrique "Autres" comprend, comme en 2018, 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 aussi 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. La diminution de la rubrique "Autres" par rapport aux exercices précédents est dû à des activités réduites notamment en ce qui concerne les déplacements en raison de la pandémie Covid.

**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 the one allocated to legal aid, please fill in 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:

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

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes, at the beginning of the procedure <input checked="" type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

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

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

- 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 Valeur estimée sur la base des tarifs de frais cantonaux pour les litiges portés devant les tribunaux. Voir aussi calculateur du canton de Zürich: <https://www.gerichte->

Lorsque le litige débouche sur une conciliation devant l'autorité de conciliation, le cas dans une grande partie des affaires, la taxe exigée est nettement inférieure. environ de Euros 100 à 300.-

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

[ 229 084 845 ]

[ ] NA

[ ] NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	154 124 532 [ ] NA [ ] NAP	55 532 359 [ ] NA [ ] NAP	98 592 173 [ ] NA [ ] NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	154 124 532 [ ] NA [ ] NAP	55 532 359 [ ] NA [ ] NAP	98 592 173 [ ] NA [ ] NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments Q12.1 catégorie "other than criminal cases": Extrapolation fondée sur les réponses de 9 cantons (AG, BL, FR, GL, JU, TG, TI, VD, ZH).

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	174 482 622 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	171 734 601 [ ] NA [ ] NAP	72 349 836 [ ] NA [ ] NAP	99 384 765 [ ] NA [ ] NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	2 748 021 [ ] 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: Les estimations dans le cadre de l'élaboration des budgets ont sous-estimé les besoins réels de l'aide judiciaire. En effet, ces besoins sont dépendants de la situation financière des parties à la procédure.

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**012-2. Does legal aid include:**

	Legal aid includes:
<b>Coverage of court fees</b>	( ) Yes ( ) No [ X ] NAP

<b>Exemption from court fees</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
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Comments 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.

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**012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:**

	Amount calculated/estimated included
<b>Coverage of court fees</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Exemption from court fees</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in € (including 13.1)</b>	556 112 377 [ ] NA [ ] NAP	565 036 948 [ ] NA [ ] NAP
<b>13.1. Annual public budget allocated to training of public prosecution services</b>	1 453 626 [ ] NA [ ] NAP	1 025 202 [ ] 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: 13.1- Formations annulées ou reportées en raison de la COVID, ce qui explique la différence entre le budget approuvé et celui effectivement alloué.

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**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
<b>Ministry of Justice</b>	<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

<b>Other ministry</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Parliament</b>	( ) Yes (X) No [ ] NAP	(X) Yes ( ) No [ ] NAP	( ) Yes (X) No [ ] NAP	(X) Yes ( ) No [ ] NAP
<b>Supreme Court</b>	(X) Yes ( ) No [ ] NAP	( ) Yes (X) No [ ] NAP	(X) Yes ( ) No [ ] NAP	(X) Yes ( ) No [ ] NAP
<b>High Judicial Council</b>	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP
<b>Courts</b>	(X) Yes ( ) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Inspection body</b>	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP
<b>Other</b>	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP

Comments - If "Other Ministry" and/or "Inspection body" and/or "Other", please specify:

**014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation**

	Criteria used	Main criteria
Previous years' budget costs	[ ]	[ ]
Special needs assessment	[X]	[ ]
Number of judges/non judges' staff	[X]	[X]
Number of incoming cases	[X]	[X]
Number of pending cases	[X]	[ ]
Number of resolved cases	[ ]	[ ]
Other	[X]	[X]

[ ] NAP

Comments - If "Other", please specify Personnel affecté aux tribunaux et complexité des affaires.

**014-1. Who is entrusted with responsibilities related to the budget within a first instance court?**

<b>Preparation of the budget</b>	<b>Arbitration and allocation of the budget</b>	<b>Day to day management of the budget</b>	<b>Evaluation and control of the use of the budget</b>
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<b>Court President and/or judge(s)</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Head of court administration and/or non-judges</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Mixed body (judge(s) and non-judge(s))</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Other</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box: LU: Comptabilité  
NE: Les hypothèses budgétaires sont définies par la Commission administrative des autorités judiciaires (CAAJ). Le projet de budget est préparé par le secrétariat général des autorités judiciaires et soumis à la CAAJ pour validation. Le suivi budgétaire est effectué par la responsable financière des autorités judiciaires.

## A2. Please indicate the sources for answering the questions in this part

Sources: Différentes sources sont utilisés en fonction des cantons: Budget des juridictions cantonales, Comptes du canton (2020), comptes des autorités judiciaires et le Ministère Public, Budget et comptes de l'Etat (2020), comptabilité, rapports annuels (2020), direction des finances du pouvoir judiciaire ou encore services cantonales de la population.

### 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 €)
<b>Total annual public budget allocated to the whole justice system in €</b>	2 799 143 065 [ ] NA [ ] NAP	2 811 863 343 [ ] NA [ ] NAP

Comments - 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:

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

	Included
<b>Courts</b>	( X ) Yes ( ) No [ ] NAP



<b>Legal aid</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Public prosecution services</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP

Comments

### 015-3. Other budgetary elements

	<b>Included</b>
<b>Prison system</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Probation services</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>High Judicial Council</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>High Prosecutorial Council</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Constitutional court</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Judicial management body</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>State advocacy</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Enforcement services</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Notariat</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Forensic services</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Judicial protection of juveniles</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Functioning of the Ministry of Justice</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Refugees and asylum seekers services</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP

<b>Immigration Service</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Some police services (e.g. : transfer, investigation, prisoners' security)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

If "Other", please specify: Autre: Ministère public des mineurs (UR, FR, SO), autorités de conciliation (UR, ZG, FR, SH), commission d'examen du barreau (ZG), commission de surveillance des avocats (ZG), droit du travail (ZG), commission d'évaluation (ZG), exécution des peines et mesures pour mineurs (ZG), offices de poursuites et faillites (FR), bureau de la justice de paix (FR, SH)

### A3. Please indicate the sources for answering the questions in this part

Sources: Budget et Comptes d'Etat 2020 des cantons et de la Confédération  
Enquête auprès des cantons

## 1.2. Organisation and management of courts and public prosecution services

**015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.**

- En règle générale, dans la plupart des cantons, c'est le Tribunal cantonal (instance d'appel ou cour suprême cantonale) qui a la responsabilité individuelle des tribunaux de première instance (tribunaux d'arrondissement, de districts, tribunaux spécialisés)

Max characters value : 10 000

**015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.**

- En règle générale, le département cantonal de justice a la responsabilité des ministères publics pour tous les aspects. Ce département étant partie du pouvoir exécutif, il n'a qu'une responsabilité administrative et ne peut donner de directives sur le contenu des enquêtes pénales.

Max characters value : 10 000

## 2. Access to justice and all courts

## 2.1. Legal Aid

### 2.1.1 Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	( 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

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

- Le système d'aide judiciaire est le pendant de l'exigence d'avances de frais respectivement de la perception de frais de justice. Les justiciables sans moyens financiers peuvent dans les procédures de conciliation (avant un procès devant un tribunal) ou dans les procédures judiciaires elles-mêmes solliciter l'assistance judiciaire gratuite (aide judiciaire). L'octroi d'une telle assistance est soumise à des conditions, notamment celle d'une certaine indigence à prouver par la fourniture de preuves et la procédure ne doit pas être dénuée de chances de succès. Selon les procédures et les autorités judiciaires, la demande fait l'objet d'une décision soit séparée de la décision principale, soit intégrée dans le jugement au fond.

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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:

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
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<b>Legal aid granted for other costs</b>	( X ) Yes	( X ) Yes
	( ) No	( ) No
	[ ] NA	[ ] NA
	[ ] NAP	[ ] NAP

Comments - If yes, please specify:

## 2.1.2 Information on legal aid

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

	Total	Cases brought to court	Cases not brought to court
<b>TOTAL</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>In criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>In other than criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] 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.

— ZH: Les chiffres ne sont disponibles que pour les tribunaux supérieurs et les tribunaux de district. - Dans les procédures civiles, une distinction est faite: Exonération des frais de justice (UP): 4576 / nomination judiciaire d'un avocat actes (URP): 3105 / les deux ensemble: 2821.

— NE: Le budget de l'ensemble du système judiciaire ne comprend pas l'assistance judiciaire confiée au Service cantonal de la population (SCPO) dépendant du département de l'économie, de la sécurité et de la culture (DESC) comme les années précédentes

— JU: Notre système ne permet pas de donner le nombre d'affaires où l'assistance judiciaire a été accordée, mais permet simplement d'en indiquer le coût.

— Confédération: aide judiciaire souvent décidée dans le jugement au fond et non répertorié séparément à des fins statistiques.

**020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:**

	Time in days
<b>Maximum duration prescribed in law/regulation</b>	[ X ] NA [ ] NAP
<b>Actual average duration</b>	[ X ] NA [ ] NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information:

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**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	( X ) Yes ( ) No
Victims	( X ) Yes ( ) 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	( X ) Yes ( ) No [ ] NAP
Victims	( X ) Yes ( ) No [ ] NAP

Comments

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

( X ) 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:

**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	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
Full legal aid to the applicant for other than criminal cases	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
Partial legal aid to the applicant for criminal cases	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
Partial legal aid to the applicant for other than criminal cases	[ X ] NA [ ] NAP	[ X ] NA [ ] 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)?**

( X ) 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 judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (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 - If no, please specify how legal costs are distributed:

**B1. Please indicate the sources for answering the questions in this part**

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, Judicial Council etc.) where general public may have free-of-charge access to the following:**

Yes, internet adresse(es)	No
---------------------------	----

<b>Legal texts (e.g. codes, laws, regulations, etc.)</b>	<input checked="" type="checkbox"/> ( X ) <a href="https://www.admin.ch/gov/fr/accueil/droit-federal.html">https://www.admin.ch/gov/fr/accueil/droit-federal.html</a> ; droit cantonal : <a href="http://www.lexfind.ch/index.php?lang=FR">http://www.lexfind.ch/index.php?lang=FR</a>	<input type="checkbox"/> ( )
<b>Case-law of the higher court/s</b>	<input checked="" type="checkbox"/> ( X ) <a href="https://www.bger.ch/fr/index/jurisdiction/jurisdiction-inherit-template/jurisdiction-recht.htm">https://www.bger.ch/fr/index/jurisdiction/jurisdiction-inherit-template/jurisdiction-recht.htm</a>	<input type="checkbox"/> ( )
<b>Information about the judicial system (organisation of courts, court proceedings, etc)</b>	<input checked="" type="checkbox"/> ( X ) <a href="https://www.bger.ch/fr/index/federal/federal-inherit-template/federal-rechtspflege.htm">https://www.bger.ch/fr/index/federal/federal-inherit-template/federal-rechtspflege.htm</a>	<input type="checkbox"/> ( )
<b>Other documents (e.g. forms, downloadable forms, online registration forms)</b>	<input checked="" type="checkbox"/> ( X ) Voir les sites des tribunaux cantonaux: exemples : ZH : <a href="http://www.gerichte-zh.ch/themen/ehe-und-familie/formulare.html">http://www.gerichte-zh.ch/themen/ehe-und-familie/formulare.html</a> ; BE: <a href="http://www.justice.be.ch/justice/fr/index/zivilverfahren/zivilverfahren/formulare_merkblaetter.html">http://www.justice.be.ch/justice/fr/index/zivilverfahren/zivilverfahren/formulare_merkblaetter.html</a> ; SG : <a href="https://www.gerichte.sg.ch/g/formulare.html">https://www.gerichte.sg.ch/g/formulare.html</a> ; LU: <a href="https://gerichte.lu.ch/rechtsgebiete/formulare">https://gerichte.lu.ch/rechtsgebiete/formulare</a> ; VD : <a href="https://www.vd.ch/themes/etat-droit-finances/justice/services-en-ligne/">https://www.vd.ch/themes/etat-droit-finances/justice/services-en-ligne/</a> ; GE: <a href="http://ge.ch/justice/formulaires">http://ge.ch/justice/formulaires</a> ; TI : <a href="https://www4.ti.ch/poteri/giudiziaro/giustizia-civile/giudici-dipace/">https://www4.ti.ch/poteri/giudiziaro/giustizia-civile/giudici-dipace/</a>	<input type="checkbox"/> ( )

Comment - 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 their proceedings?**

Yes, always

No

Yes, only in some specific situations

Comment - If “Yes, only in some specific situations”, please specify:

**030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:**

	Information system
<b>General for citizens</b>	<input checked="" type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
<b>Specific for victims of offences</b>	<input checked="" type="checkbox"/> Online information <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
<b>Specific for minors (child-friendly systems)</b>	<input type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. Les citoyens ont la possibilité de consulter des sites internet des autorités judiciaires qui renseignent sur l'accès à la justice. Tous les barreaux cantonaux ont des permanence où les citoyens peuvent recevoir pour une somme modique des informations sur l'accès à la justice. La plupart des cantons ont des centres spécifiques pour les victimes d'infraction. En outre, beaucoup d'association d'entraide renseignent volontiers sur l'accès à la justice, sur l'aide aux victimes (Services sociaux des communes, Centre Social Protestant, Caritas, etc.) et aiguillent ces personnes vers les autorités compétentes. En ce qui concerne les enfants, il existe des numéros de téléphone spécifique pour les enfants en détresse et des organismes pour les assister (Pro Juventute par exemple).

**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
<b>Victims of sexual violence/rape</b>	<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
<b>Victims of terrorism</b>	<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
<b>Minors (witnesses or victims)</b>	<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
<b>Victims of domestic violence</b>	<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
<b>Ethnic minorities</b>	<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
<b>Persons with disabilities</b>	<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
<b>Juvenile offenders</b>	<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



<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
--------------------------------------------------------------------------------------	---------------------	---------------------	---------------------

Comments - If “Other vulnerable person” and/or “Other specific arrangements”, please specify:

**031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?**

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children's Houses”
- Other, please specify .....
- NAP

Comment Le tribunal des mineurs possède des salles d'audience pour les procédures pénales impliquant des mineurs.

**031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?**

	Civil proceedings	Criminal proceedings
<b>Capacity to initiate a proceeding and take other procedural actions in his/her own name</b>	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP
<b>To be a witness</b>	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). En règle générale le mineur est représenté par un curateur dans les procédures judiciaires; ce curateur est nommé par le tribunal (art. 299 CPC)

**031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?**

<b>Civil proceedings</b>	<b>Criminal proceedings</b>
--------------------------	-----------------------------

<b>Parent/legal guardian</b>	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other representative (instead of parent/legal guardian)</b>	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP

Comment

### 031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

- Age threshold(s)  
 Capacity for discernment  
 Other criteria

Comment

### 031-3-1. What is the age threshold for the criminal liability of minors?

**Criminal liability resulting in sentence without privation of liberty (for example, educational measures)**

- [ 10 ]  
 NA  
 NAP

**Criminal liability resulting in sentence of privation of liberty**

- [ 15 ]  
 NA  
 NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? Voir le droit pénal des mineurs - DPMIn (<https://www.fedlex.admin.ch/eli/cc/2006/551/fr>)

Seuils : cf art. 3, 4 et 25 DPMIn

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

- Yes, but only if offender is unknown  
 Yes, but only if compensation could not be obtained from offender  
 Yes, always  
 No

Comment 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;

- e. la réparation morale;
- f. 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.

**032-0. If yes, for what types of offences the compensation is allocated?**

- For all types of offences
- For some types of offences

NAP

Comment - Please specify: Voir art. 1 LAVI (<https://www.fedlex.admin.ch/eli/cc/2008/232/fr>)

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

- Yes
- No

Comments

**032-0. If yes, for what types of offences the compensation is allocated?**

- For all types of offences
- For some types of offences

NAP

Comment - Please specify: Voir art. 1 LAVI (<https://www.fedlex.admin.ch/eli/cc/2008/232/fr>)

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

- Yes
- No

Comments

**032-0. If yes, for what types of offences the compensation is allocated?**

- For all types of offences
- For some types of offences

NAP

Comment - Please specify: Voir art. 1 LAVI (<https://www.fedlex.admin.ch/eli/cc/2008/232/fr>)

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

- Yes
- No

Comments

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

- Yes
- No

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

and the coordinating body:

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

Yes

No

Comments - If yes, please specify:

**035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?**

Yes

No

Comment - 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 answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

Yes

No

NAP

Comment - If necessary, please specify:

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

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	<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
<b>Excessive length of proceedings</b>	<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
<b>Non-execution of court decisions</b>	<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
<b>Wrongful arrest</b>	<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
<b>Wrongful conviction</b>	<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
<b>Other</b>	<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

Comment - Where appropriate, please give details of 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



## 2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

	National level	Court level
Surveys for 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
Surveys for 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
Surveys for 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
Surveys for 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
Surveys for other professionals	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for 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
Surveys for 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
Surveys for 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
Surveys for minors	<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
Surveys for the general public	<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
Other not mentioned	<input checked="" 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

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: 3 cantons (LU, FR, NE) et la Confédération ont réalisé une ou des enquêtes de satisfaction en 2020 auprès des juges  
 3 cantons (LU, FR, BL) et la Confédération ont réalisé une ou des enquêtes de satisfaction en 2020 auprès du personnel des tribunaux  
 3 cantons (FR, AI, TG) et la Confédération ont réalisé une ou des enquêtes de satisfaction en 2020 auprès des procureurs  
 3 cantons (AI, NE, GE) et la Confédération ont réalisé une ou des enquêtes de satisfaction en 2020 auprès des avocats

3 cantons (AI, NE, GE) ont réalisé une ou des enquêtes de satisfaction en 2020 auprès d'autres professionnels

3 cantons (AI, NE, GE) ont réalisé une ou des enquêtes de satisfaction en 2020 auprès des parties

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](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)

**039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.**

Yes, please specify: .....

No

Comment - If you have additional comments please specify:

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

Yes

No

Comments

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

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

Comments

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

	Number of complaints	Compensation amount granted
<b>Court concerned</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Higher court</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

Le nombre de plaintes déposées auprès des cours suprêmes cantonales (cours d'appel) n'est pas connu. La donnée communiquée correspond au nombre d'affaires traitées par le Tribunal fédéral concernant les tribunaux de 1re instance de la Confédération (5). 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 - legal entities.

	Number of courts
<b>Total number of all courts - legal entities (1 + 2)</b>	431 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)</b>	190 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.1 First instance courts of general jurisdiction - legal entities</b>	161 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.2 Second instance courts of general jurisdiction - legal entities</b>	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.3 Highest instance courts of general jurisdiction - legal entities</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2 Total number of specialised courts - legal entities</b>	241 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

#### 043. Number of specialised courts – legal entities.

<b>First instance</b>	<b>Higher instances</b>
-----------------------	-------------------------

<b>Total number of specialised courts - legal entities</b>	215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Commercial courts (excluded insolvency courts)</b>	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Insolvency courts</b>	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Labour courts</b>	42 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Family courts</b>	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Rent and tenancies courts</b>	41 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Enforcement of criminal sanctions courts</b>	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Fight against terrorism, organised crime and corruption</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insurance and / or social welfare courts</b>	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Military courts</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Juvenile courts</b>	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised courts</b>	23 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “Other specialised courts”, please specify: Mesures de contrainte (BE, SZ, ZG, GR, VS, GE), Tribunal pénal (BE, LU), Tribunal criminalité économique (BE, ZG), Tribunal pour enfants (UR, SZ, BL, VS), Tribunal des placements sociaux (BS), Tribunal fiscal (BL), Tribunal d'expropriation (BL, TI), Autorités de conciliation (AR), Tribunal arbitrale (NE), Tribunal de protection de l'adulte et de l'enfant (GE), Tribunal fédéral des brevets (Confédération), Tribunal des brevets (Confédération).

Concernant le nombre de tribunaux de l'exécution des sanctions pénales, 2 tribunaux supplémentaires ont été introduits dans les cantons. Le nombre de tribunaux administratifs a augmenté en raison de l'introduction d'une commission de recours de 1re instance dans les cantons.

Quant aux tribunaux militaires, lors des cycles précédents l'ensemble de ces juridictions était comptabilisé en tant que tribunaux spécialisés de première instance, alors que les données 2020 opèrent la distinction entre première et deuxième instance.

#### 044. Number of courts - geographic locations.



	Number of courts (geographic locations)
First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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)	275 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Tendance au regroupement géographique des tribunaux au sein des cantons, ce qui explique la diminution par rapport à 2018.



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

	Number of courts
A small claim	105 <input type="checkbox"/> NA <input type="checkbox"/> NAP
An employment dismissal	88 <input type="checkbox"/> NA <input type="checkbox"/> NAP
A robbery	76 <input type="checkbox"/> NA <input type="checkbox"/> NAP
An insolvency case	73 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

#### 045-1. Is your definition of a small claim the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition of a small claim:

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

[ 5 000 ]

Comments Valeur supérieure car davantage de cantons ont répondu (valeur médiane). Min. 2000; max. 100'000.-

#### C. Please indicate the sources for answering the questions in this part

Sources: Loi sur la justice (LU, FR, SH, AR, VS), Loi sur l'organisation des tribunaux (UR, AI, NE), Rapport annuel 2020 du Conseil de la magistrature (FR), Loi sur l'organisation des tribunaux (BS, BL), Rapport officiel de la Haute Cour 2020 (SH, AR, JU), Rapport annuel de l'Ordre judiciaire (VD), Site internet du pouvoir judiciaire (NE).

## 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 posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1 303 [ ] NA [ ] NAP	725 [ ] NA [ ] NAP	578 [ ] NA [ ] NAP
1. Number of first instance professional judges	820 [ ] NA [ ] NAP	427 [ ] NA [ ] NAP	393 [ ] NA [ ] NAP
2. Number of second instance (court of appeal) professional judges	445 [ ] NA [ ] NAP	275 [ ] NA [ ] NAP	170 [ ] NA [ ] NAP
3. Number of Supreme Court professional judges	38 [ ] NA [ ] NAP	23 [ ] NA [ ] NAP	15 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: — ZH: Ces dernières années, seules les informations fournies par la Cour suprême cantonale et les tribunaux de district ont été enregistrées. Nouveau, y compris le tribunal administratif, la cour d'appel fiscale, la cour d'appel de la construction, le tribunal des assurances sociales.

— FR: Chiffres regroupent les magistrats qui siègent dans les tribunaux d'arrondissement, justices de paix, cellule judiciaire itinérante, tribunal pénal économique, tribunal des mesures de contrainte, tribunal des mineurs et tribunal cantonal.

— BL: dans la section de droit pénal du Tribunal cantonal (2e instance), le mandat présidentiel a été porté de 170% à 200%

— Confédération: Le total comprend aussi les 38 juges de 3e instance du Tribunal fédéral suisse qui s'ajoutent au total des juges des tribunaux de la Confédération (TPF, TAF et TFB).

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046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

Yes

No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify: .....

Without reason

Comments

**046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. At first instance level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. At second instance (court of appeal) level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. At Supreme Court level (%)</b>	<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

**046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?**

- Less than 50%
- 50 – 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

=

**046-2. Number of judges (FTE) by case type:**

	Total	Civil and/or commercial	Criminal	Administrative	Other
<b>Total number of judges</b>	1 303 <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
<b>First instance</b>	820 <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
<b>Second instance</b>	445 <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
<b>Supreme court</b>	38 <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

If "Other", please explain which types of cases: Il n'est pas possible de ventiler les juges par filière (civile, pénale, administrative), car tant au sein des tribunaux de 1re instance que de deuxième instance les juges traitent des affaires de plusieurs filière et il n'existe pas de récolte



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**047. Number of court presidents (professional judges).**

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	430 [ ] NA [ ] NAP	246 [ ] NA [ ] NAP	184 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	391 [ ] NA [ ] NAP	218 [ ] NA [ ] NAP	173 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	38 [ ] NA [ ] NAP	27 [ ] NA [ ] NAP	11 [ ] NA [ ] NAP
<b>3. Number of Supreme Court presidents</b>	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
<b>Gross figure</b>	2 703 [ ] NA [ ] NAP
<b>In full-time equivalent</b>	[ X ] NA [ ] NAP

Comments - If necessary, please provide comments to explain the answer provided: La diminution observée entre 2018 et 2020 s'explique par une diminution du recours aux juges suppléants et assesseurs dans les cantons.

Les juges sont indemnisés par affaire en règle générale et une estimation en ETP n'est pas possible.

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

GE: ce chiffre comprend 264 juges assesseurs, 82 juges suppléants et 190 juges prud'hommes, de faillite, TP AE, TMIN et TAPI.

JU: le nombre indiqué comprend les juges suppléants du Tribunal cantonal et du Tribunal de première instance. NE: 15 assesseurs et 7 suppléants (3 suppléants pour le Tribunal de 1ère instance et 4 suppléants pour le Tribunal de 2ème instance).

SG: 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: 16 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: Jugés suppléants du TF (19 pers./ 2 EPT) et du TFB (41 pers./ 2.1 EPT).

juges exercent dans les domaines suivants : en matière pénale, civile, de droit du travail, de droit social

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

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

( ) 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 comme spécialiste d'un domaine précis pour juger des affaires (exemple les juges du Tribunal fédéral des brevets).

**049. Number of non-professional judges who are not remunerated but who may 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 on a jury):**

	Figure
Gross figure	544 [ ] NA [ ] NAP
In full time equivalent	[ X ] NA [ ] 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 / mixed bench
Criminal cases (severe)	( )	( )	( X )
Criminal cases (misdemeanour and/or minor)	( )	( X )	( )
Family law cases	( )	( )	( X )
Labour law cases	( )	( )	( X )
Social law cases	( )	( )	( X )
Commercial law cases	( )	( )	( X )
Insolvency cases	( )	( )	( X )
Other civil cases	( )	( )	( X )

[ ] NAP

Comments - If “Other civil cases”, please specify: Nombre de cantons par types d'affaires 2020: 10/26 en matière pénale (38%)

8/26 en matière familiale (31%)

10/26 en matière civile (38%)

10/26 en matière droit du travail (38%)

7/26 en matière droit social (27%)

6/26 en matière commerciale (23%)

6/26 en matière de faillite (23%)

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
- No

Comments

**050-1. If yes, for which type(s) 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



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**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 posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	4 215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 229 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 986 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)</b>	2 080 <input type="checkbox"/> NA <input type="checkbox"/> NAP	768 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 312 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>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)</b>	1 678 <input type="checkbox"/> NA <input type="checkbox"/> NAP	240 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 438 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>4. Technical staff</b>	124 <input type="checkbox"/> NA <input type="checkbox"/> NAP	75 <input type="checkbox"/> NA <input type="checkbox"/> NAP	49 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other non-judge staff</b>	327 <input type="checkbox"/> NA <input type="checkbox"/> NAP	142 <input type="checkbox"/> NA <input type="checkbox"/> NAP	185 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “Other non-judge staff”, please specify: Rechtspfleger: les cantons de LU et BS ont annoncé avoir des Rechtspfleger, contrairement à ce qui était le cas en 2018.

Autres personnels non juges: stagiaires, apprentis, auditeurs, personnel administratif spécialisé dans les questions de protection de l'adulte et de l'enfant.

Beaucoup de cantons ont pris des mesures d'économie, notamment en raison de la pandémie Covid, en particulier dans le domaine du personnel, ce qui explique la diminution du nombre de personnel travaillant au sein des tribunaux.

**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 posts actually filled).**

	Total	Males	Females
<b>Total non-judge staff working in courts (1+2+3)</b>	4 215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 229 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 986 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Total non-judge staff working in courts at first instance level</b>	2 367 <input type="checkbox"/> NA <input type="checkbox"/> NAP	589 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 778 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b>	1 565 <input type="checkbox"/> NA <input type="checkbox"/> NAP	517 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 048 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Total non-judge staff working in courts at Supreme Court level</b>	283 <input type="checkbox"/> NA <input type="checkbox"/> NAP	123 <input type="checkbox"/> NA <input type="checkbox"/> NAP	160 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Beaucoup de cantons ont pris des mesures d'économie, notamment en raison de la pandémie Covid, en particulier dans le domaine du personnel, ce qui explique la diminution du nombre de personnel travaillant au sein des tribunaux. La Cour suprême a pu conserver ses effectifs.

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**053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields 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
- Non-litigious cases

Other cases not mentioned (please describe in comment)

NAP

Comments - Please briefly describe their status and duties:

### 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 11 cantons (AG, SH, BE, GE, BS, GR, TG, LU, ZH, OW, VD) et la Confédération ont délégué certains services.

### C1. Please indicate the sources for answering the questions in this part

Sources: États 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 posts actually filled, for all types of courts – general jurisdiction and specialised courts).

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	966 <input type="checkbox"/> NA <input type="checkbox"/> NAP	531 <input type="checkbox"/> NA <input type="checkbox"/> NAP	435 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of prosecutors at first instance level</b>	<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
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	<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
<b>3. Number of prosecutors at Supreme Court level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP



Comments - Please indicate any useful comment for interpreting the data above: — ZH: sans places de formation (analogues à 2018) les procureurs ne sont pas affectés aux tribunaux

— ZG: un seul ministère public dans tout le canton. La question 55 comprend, outre les procureurs, tous les procureurs principaux et le procureur en chef (en chef).

— FR: Dans le canton de Fribourg, il y a un seul ministère public centralisé. Les procureurs interviennent aussi bien en 1ère qu'en 2ème instance.

— SO: donnés en première instance concernent procureurs et procureurs pour mineurs (3) ajoutés. Dans le cas des procureurs, les 3 procureurs principaux (dont 1 procureur général) sont mentionnés. Dans la pratique, ils représentent généralement l'accusation devant les deux instances cantonales.

— BS: aucune distinction entre les instances des procureurs.

— SH: il n'y a qu'un seul ministère public (sans affectation à une instance spécifique)

— AR: le ministère public est organisé séparément des tribunaux.

— SG: il n'y a pas de procureurs dans les tribunaux. Les chiffres se réfèrent au ministère public.

— NE: l'ensemble des procureurs peuvent soutenir l'accusation devant toutes les instances pénales du canton de Neuchâtel (1ère et 2ème instance).

— GE: au 31.12.2020 le Ministère public était composé de 1 procureur général, 5 premiers procureurs et 38 procureurs

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**055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?**

Yes

No

Comments

**055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify: .....

Without reason

Comments

**055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	<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
<b>1. At first instance level (%)</b>	<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
<b>2. At second instance (court of appeal) level (%)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

3. At Supreme Court level (%)	<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

Comments

**055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?**

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

**056. Number of heads of prosecution offices.**

	Total	Males	Females
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	117 <input type="checkbox"/> NA <input type="checkbox"/> NAP	89 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	<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
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	<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
<b>3. Number of heads of prosecution offices at Supreme Court level</b>	<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

Please provide any useful comment for interpreting the data above: — ZH: les procureurs ne sont pas affectés aux tribunaux  
 — SZ: à l'exclusion des procureurs principaux adjoints  
 — ZG: un seul ministère public dans tout le canton. Le procureur général dirige le ministère public; il a un adjoint. En outre, quatre procureurs principaux dirigent les quatre départements du ministère public.  
 — FR: un procureur général  
 — BS: premier procureur, quatre procureurs principaux et un avocat principal spécialisé dans les mineurs  
 — AG: procureurs principaux et procureurs en chef ensemble  
 — VS: pas de distinction entre 1ère et 2ème instance  
 — NE: le chef du ministère public est le procureur général, lequel est responsable notamment de définir la politique criminelle du canton (OJN).  
 — JU: un procureur général pour le MP  
 — Confédération: les 6 chefs de ministère publics comprennent les 2 procureurs généraux suppléants ainsi que 4 procureurs fédéraux en chef / chefs de division

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

- Yes
- No

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

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

[ 315 ]

[ ] 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

**059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?**

	-
<b>Domestic violence</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Sexual violence</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify

=

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

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	1 766 [ ] NA	442 [ ] NA	1 324 [ ] NA

Comments — ZH : uniquement personnel commercial.

— SO : tous les départements ont des procureurs spécialisés dans les et le sexe.

— AR : les chiffres incluent les emplois des greffiers avec pouvoirs de procureur.

— SG : les greffiers ayant des pouvoirs de procureur (SmsB) ne sont pas des avocats et sont donc comptabilisés ici.

— GE : les données concernent 35.40 EPT juristes et la quote-part de 27.54 ETP de personnes travaillant pour les services hébergés et secrétariat général.

— Confédération : concerne 1 secrétaire général, 1 responsable de l'information, 9 juristes, 47 collaborateurs de chancellerie, 68 collaborateurs administratifs, 30 experts et analystes de la division FFA et WiKri

## C2. Please indicate the sources for answering the questions in this part

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	( )	( X )
prosecutors	( )	( X )
non-judge staff	( )	( X )
lawyers	( )	( X )
notaries	( )	( X )
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:

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

	Yes, please specify	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 or you have additional comments, please specify:

=

**061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:**

	Yes / No
<b>Court president</b>	<input type="checkbox"/> Yes If "yes", please specify:[Comment] <input checked="" type="checkbox"/> No
<b>Head of prosecution services</b>	<input type="checkbox"/> Yes If "yes", please specify:[Comment] <input checked="" type="checkbox"/> No

Comments

### 3.4.2 At national level

**061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?**

Yes

No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload 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
<b>The recruitment of judges</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>The promotion of judges</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>The recruitment of prosecutors</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>The promotion of prosecutors</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>The recruitment of non-judge staff</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>The promotion of non-judge staff</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. to 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 - Please specify the details of this person/institution, in particular its titles and function:

**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 to different positions	( )	( X )
Workload distribution	( X )	( )
Working hours	( X )	( )
Modalities of teleworking and presence in the workspace	( X )	( )
Replacement of absent persons	( X )	( )
Organisation of the hearings	( )	( X )
Other	( )	( X )

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

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

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

En règle générale, les parlements cantonaux chargés d'élire les juges veillent à élire des femmes à ces postes à qualifications équivalentes, du moins tant que la parité hommes - femmes n'est pas atteinte.

are planned (please specify) : Aucune mesure propre à la justice n'est prévue.

Comments - If the situation changed since reference year, please specify in the comments. Aucune modification de la tendance à la féminisation de la justice, particulièrement en ce qui concerne le personnel scientifique (greffières juristes) et administratif.

**061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:**

- Recruitment procedures, please specify: .....
- Appointment to the position of court president, please specify: .....
- Appointment to the position of head of prosecution services, please specify: .....
- Promotion procedures and access to the functions of responsibility, please specify: .....
- Other studies, please specify: .....
- NAP

Comments - Please specify also the reference documents. -

**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 at national level by one institution <input checked="" type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

Comments

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

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

**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"/> No
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"/> No
Other alternatives (external service provider only – specify in a comment)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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

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

Yes

No

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

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify .....

Comments (please specify examples of the impact)

**3.5.2 Security of courts information system and personal data protection**

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

Yes

No

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

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

Yes

No

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

**3.5.3 Centralised databases for decision support**

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

Yes

( ) Non

Comments

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

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
<b>Civil and/or commercial</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Criminal</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Administrative</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - if it exists in other matters please specify

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

( X ) Yes

( ) No

Comments

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

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

Comments - Please specify who is the authority delivering the access

**3.5.4 Writing assistance tools**

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

( ) Yes

( X ) No

Comment – if it exists in other matters please specify

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

	<b>Availability rate</b>
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <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
<b>Civil and/or commercial</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

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

#### Availability rate:

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

NA

Comments

### 3.5.5 Technologies used for administration of the courts and case management

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

- Yes  
 No

Comments - if it exists in other matters please specify

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

	<b>CMS deployment rate</b>	<b>Status of case online</b>	<b>Centralised or interoperable database</b>	<b>Early warning signals (for active case management)</b>	<b>Status of integration/connection of a CMS with a statistical tool</b>
<b>Civil and/or commercial</b>	<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
<b>Criminal</b>	<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
<b>Administrative</b>	<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

Comment - If it exists in other matters please specify:

## 063-2. Computerised registries managed by courts

	<b>Deployment rate</b>	<b>Data consolidated at national level</b>	<b>Service available online</b>	<b>Statistical module integrated or connected</b>
<b>Land registry</b>	<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"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Business registry</b>	<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"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comment – if it exists in other matters please specify:

## Budgetary and financial monitoring

### 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)
<b>Budgetary and financial management of courts</b>	<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
<b>Justice expenses management</b>	<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
<b>Other (please specify in comments)</b>	<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"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

## Other tools of courts management

### 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
-----------------------	--------------------------------------------	-----------------------------------------------	----------------------------

<b>For judges</b>	<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
<b>For prosecutors</b>	<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
<b>For non-judge/non-prosecutor staff</b>	<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

#### users

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

Yes

No

Comments

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

	<b>Availability rate</b>	<b>Simultaneous submission of cases in paper form remains mandatory</b>	<b>Specific legislative framework authorising the submission of a case</b>	<b>An integrated/connect ed tool with the CMS</b>
<b>Civil and/or commercial</b>	<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
<b>Criminal</b>	<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

<b>Administrative</b>	<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
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Comments - if it exist in other matters please specify 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).

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

Yes

No

Comments -

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

	Requesting legal aid electronically
<b>Availability rate</b>	<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
<b>Formalisation of the request in paper form remains mandatory</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Specific legislative framework regarding requests for legal aid by electronic means</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Granting legal aid is also electronic</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Information available in CMS</b>	<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



**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
<b>Civil and/or commercial</b>	[ ]	[ ]	[ X ]	[ ] SMS [ ] E-mail [ ] Specific computer application [ X ] Other	[ X ]
<b>Criminal</b>	[ ]	[ ]	[ X ]	[ ] SMS [ ] E-mail [ ] Specific computer application [ X ] Other	[ X ]
<b>Administrative</b>	[ ]	[ ]	[ X ]	[ ] SMS [ ] E-mail [ X ] Specific computer application [ X ] Other	[ X ]

Comments Autres: 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.

En ce qui concerne les procédures administratives, il existe une application spécifique eLP pour le recouvrement de créances (cette procédure étant considérée comme une procédure administrative)

### Use of information technologies for improving the quality of the communication between courts and professionals

**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)**

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	Availability for

<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
<b>Criminal</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 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 deferrals <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	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
<b>Administrative</b>	<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"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer

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)**

<b>Tool deployment rate</b>	<b>Modalities (if there are different according to the deeds or if other, please specify in a comment)</b>	<b>Specific legal framework</b>
-----------------------------	------------------------------------------------------------------------------------------------------------	---------------------------------

<b>Enforcement agents (as defined in Q169 and following)</b>	<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
<b>Notaries (as defined in Q192 and following)</b>	<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
<b>Experts (as defined in Q202 and following)</b>	<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
<b>Judicial police services</b>	<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 systems of specialised litigation (small claim 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)

### Use of information technologies between courts, professionals and users in the framework of judicial proceedings

**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
<b>Civil and/or commercial</b>	<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
<b>Criminal</b>	<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
<b>Administrative</b>	<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))

Yes

No

Comments

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

	Tool deployment rate	Type of recording	Specific legislative framework
<b>Civil and/or commercial</b>	<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
<b>Criminal</b>	<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

<b>Administrative</b>	<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
-----------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------

### 064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
<b>Civil and/or commercial</b>	<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 <input type="checkbox"/> NAP
<b>Criminal</b>	<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 <input type="checkbox"/> NAP
<b>Administrative</b>	<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 <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

## 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
<b>within the courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>within the public prosecution services</b>	<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): .....

Comments Autre: 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.

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

Yes

No

Comments

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

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify): .....

Comments Autre: 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.

**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 replies possible)?**

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):commissions parlementaires

Comments "Autre": commissions parlementaires

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?**

Public Prosecutorial Council

Ministry of Justice

Head of the organisational unit or hierarchically superior public prosecutor

Prosecutor General /State public prosecutor

External audit body



Other (please specify): Commission parlementaire ou commission ad hoc

Comments "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): .....

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

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

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

Comments Contenu dans les rapports de gestion annuels des autorités judiciaires cantonales et fédérales ainsi que dans le controlling

interne des autorités judiciaires (parquets).

**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

**072. Do you monitor waiting time during judicial proceedings?**

	Yes (If yes, please specify)	No
<b>within the courts</b>	<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"/>
<b>within the public prosecution services</b>	<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 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).

**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

**080-1. Are the statistics on the functioning of each court published?**

Yes, on the internet

No, only internally (on an intranet website)

No

Comments

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

Yes (please indicate the name and the address of this institution):ESEHA, www.chstat.ch

No

Comments

**080-3. Are the statistics on the functioning of each public prosecution service published?**

Yes, on the internet

No, only internally (on an intranet website)

No

Comments

=

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

Yes

No

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

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

Internet

Intranet (internal) website

Paper distribution

Comments

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

Annual

Less frequent

More frequent

Comments

=

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

Yes

No

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

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

Internet

Intranet (internal) website

Paper distribution

Comments

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

Annual

Less frequent

More frequent

Comments

### 3.6.5 Courts administration

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

Yes

No

Comments - If yes, please specify: La réponse est positive, même si 18 cantons ont répondu par la négative, les cantons ayant répondu positivement représentant la majorité de la population, à savoir les cantons de ZH, BE, FR, SO, AI, VD, NE et GE ainsi que la Confédération qui connaissent de tels échanges

**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: La réponse est positive, même si 20 cantons ont répondu par la négative, les cantons ayant répondu positivement représentant la majorité de la population, à savoir les cantons de ZH, BE, FR, AI, VD et NE ainsi que la Confédération qui connaissent de tels échanges

En particulier la rencontre annuelle entre la fédération suisse des avocats et le Tribunal fédéral traitent de points qui concernent l'ensemble des avocats.

### 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

No

Comments

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

Executive power (for example the Ministry of Justice)

- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify): .....
- NAP

Comments

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

- Yes
- 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
- No

Comments

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

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public Prosecutorial Council
- Head of the organisational unit or hierarchically superior public prosecutor
- Other (please specify): .....
- NAP

Comments

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

- Yes
- No

Comments

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

- Annual
- Less frequent

( ) More frequent

Comments

#### C4. Please indicate the sources for answering the questions in this part

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)?**

[ ]

[ X ] NA

[ ] NAP

Comments - Please add methodology for calculation used.

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

( X ) Yes

( ) No

Comments - Please could you briefly specify:

**085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):**

[ ]

[ X ] 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?**

[ X ] For civil procedures (non-enforcement)

[ X ] For civil procedures (timeframe)

[ X ] 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):

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

Yes

No

NAP

Comments

**D1. Please indicate the sources for answering the questions in this part**

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)?**

( X ) 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	109 012 [ ] NA [ ] NAP	320 900 [ ] NA [ ] NAP	318 468 [ ] NA [ ] NAP	111 444 [ ] NA [ ] NAP	5 900 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	70 500 [ ] NA [ ] NAP	201 152 [ ] NA [ ] NAP	201 749 [ ] NA [ ] NAP	69 903 [ ] NA [ ] NAP	5 275 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	27 758 [ ] NA [ ] NAP	66 219 [ ] NA [ ] NAP	63 981 [ ] NA [ ] NAP	29 996 [ ] NA [ ] NAP	53 [ ] NA [ ] NAP
<b>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)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP



<b>2.3. Other non-litigious cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	5 612 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 811 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 098 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 325 <input type="checkbox"/> NA <input type="checkbox"/> NAP	517 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	5 142 <input type="checkbox"/> NA <input type="checkbox"/> NAP	45 718 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44 640 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 220 <input type="checkbox"/> NA <input type="checkbox"/> NAP	55 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments En ce qui concerne les affaires administratives de 1re instance, la diminution est due notamment à l'effet de la pandémie Covid

**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
<b>Total of criminal law cases (1+2+3)</b>	9 952 <input type="checkbox"/> NA <input type="checkbox"/> NAP	43 353 <input type="checkbox"/> NA <input type="checkbox"/> NAP	39 711 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 594 <input type="checkbox"/> NA <input type="checkbox"/> NAP	629 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	3 083 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 305 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 916 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 472 <input type="checkbox"/> NA <input type="checkbox"/> NAP	104 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	6 869 <input type="checkbox"/> NA <input type="checkbox"/> NAP	33 048 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30 795 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 122 <input type="checkbox"/> NA <input type="checkbox"/> NAP	525 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Other criminal cases</b>	<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

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify la pandémie Covid a requis des reports d'audiences ce qui n'a pas permis de terminer autant d'affaires en 2020 que d'affaires qui ont été introduites.

## 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	25 781 [ ] NA [ ] NAP	46 213 [ ] NA [ ] NAP	47 396 [ ] NA [ ] NAP	24 598 [ ] NA [ ] NAP	1 908 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	4 205 [ ] NA [ ] NAP	15 110 [ ] NA [ ] NAP	14 818 [ ] NA [ ] NAP	4 497 [ ] NA [ ] NAP	302 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	98 [ ] NA [ ] NAP	1 648 [ ] NA [ ] NAP	1 592 [ ] NA [ ] NAP	154 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>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)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.3. Other non-litigious cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Administrative law cases</b>	16 052 [ ] NA [ ] NAP	22 568 [ ] NA [ ] NAP	23 438 [ ] NA [ ] NAP	15 182 [ ] NA [ ] NAP	1 468 [ ] NA [ ] NAP

<b>4. Other cases</b>	5 426 [ ] NA [ ] NAP	6 887 [ ] NA [ ] NAP	7 548 [ ] NA [ ] NAP	4 765 [ ] NA [ ] NAP	135 [ ] NA [ ] NAP
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Comments - If “Other cases” please specify — BE: les chiffres présentés concernent à la fois les affaires contentieuses et non contentieuses

— FR: au niveau des affaires civiles (point 1.), les chiffres présentés concernent à la fois les affaires contentieuses et non contentieuses.

Le canton de Fribourg ne dispose pas de statistiques permettant de distinguer ces deux types d'affaires.

— SO: le Tribunal administratif est le premier et le seul tribunal cantonal dans les litiges administratifs.

— SH: Dans les procédures d’appel, il n’est pas possible de faire la distinction entre les infractions graves et les infractions mineures, en particulier en ce qui concerne l’évaluation par des juges ou des chambres uniques.

— NE: Pour les infractions graves ou mineures, l’information n’est disponible que pour les dossiers liquidés dans l’année.

#### 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
<b>Total of criminal law cases (1+2+3)</b>	3 715 [ ] NA [ ] NAP	9 906 [ ] NA [ ] NAP	9 658 [ ] NA [ ] NAP	3 963 [ ] NA [ ] NAP	66 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Other cases</b>	[ ] 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. Au niveau de la 2e instance, les tribunaux cantonaux (cours d’appel) ne font pas de distinction statistique entre les infractions mineures et les infractions graves.

#### 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	2 108 [ ] NA [ ] NAP	5 810 [ ] NA [ ] NAP	5 819 [ ] NA [ ] NAP	2 099 [ ] NA [ ] NAP	51 [ ] NA [ ] NAP

<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	644 [ ] NA [ ] NAP	1 802 [ ] NA [ ] NAP	1 805 [ ] NA [ ] NAP	641 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>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)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Administrative law cases</b>	1 463 [ ] NA [ ] NAP	4 000 [ ] NA [ ] NAP	4 008 [ ] NA [ ] NAP	1 455 [ ] NA [ ] NAP	44 [ ] NA [ ] NAP
<b>4. Other cases</b>	1 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - If "Other cases", please specify "Affaires pendantes depuis plus de 2 ans": dans la mesure où le volume des affaires est faible, les variations apparaissent importantes en proportion.

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

( X ) Yes, please indicate the number of cases closed by this procedure: 2 797

( ) No

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
<b>Total of criminal law cases (1+2+3)</b>	594 [ ] NA [ ] NAP	2 214 [ ] NA [ ] NAP	2 044 [ ] NA [ ] NAP	764 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Other criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify Concernant le nombre d'affaires pénales pendantes au début de l'année de référence, la diminution par rapport à 2018 s'explique par le volume des affaires terminées en 2019 qui a permis de réduire le stock à la fin de 2019. Concernant le nombre d'affaires pénales pendantes à la fin de l'année de référence, l'augmentation du stock est une conséquence du CR inférieur à 100% en 2020.

### 4.2.5 Case flow management and timeframes – specific cases

#### 101. Number of specific litigious cases 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	Pending for more than 2 years
<b>Litigious divorce cases</b>	8 138 [ ] NA [ ] NAP	11 297 [ ] NA [ ] NAP	9 747 [ ] NA [ ] NAP	9 688 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Employment dismissal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Insolvency</b>	7 125 [ ] NA [ ] NAP	27 869 [ ] NA [ ] NAP	30 083 [ ] NA [ ] NAP	4 911 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Robbery case</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	262 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Intentional homicide</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	60 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments Concernant les affaires de faillite, un Clearance Rate en dessous de 100% en 2019 a entraîné une augmentation significative du stock au début de l'année 2020. En 2020, il y a eu moins d'affaires de faillites en raison des aides financières accordées aux entreprises dans le cadre des mesures prises en relation avec la pandémie Covid.

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#### 101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for

aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-court procedures relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<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
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	2 710 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 577 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 614 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 673 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Court cases relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<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 Les affaires relatives au demandeurs d'asile correspondent aux affaires traitées par les cours IV et V du Tribunal administratif fédéral.

**101-1. Could you briefly describe the system in your country dealing with legal 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.

**101-2. Number of cases relating to child sexual abuse and child pornography 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	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Child pornography	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: Abus sexuels d'enfants: Art. 187 du Code pénal suisse : Actes d'ordre sexuel avec des enfants

1. Celui qui aura commis un acte d'ordre sexuel sur un enfant de moins de 16 ans, celui qui aura entraîné un enfant de cet âge à commettre

un acte d'ordre sexuel, celui qui aura mêlé un enfant de cet âge à un acte d'ordre sexuel, sera puni d'une peine privative de liberté de cinq ans au plus ou d'une peine pécuniaire.

2. L'acte n'est pas punissable si la différence d'âge entre les participants ne dépasse pas trois ans.

3. Si, au moment de l'acte ou du premier acte commis, l'auteur avait moins de 20 ans et en cas de circonstances particulières ou si la victime a contracté mariage ou conclu un partenariat enregistré avec l'auteur, l'autorité compétente peut renoncer à le poursuivre, à le renvoyer devant le tribunal ou à lui infliger une peine.

4. La peine sera une peine privative de liberté de trois ans au plus ou une peine pécuniaire si l'auteur a agi en admettant par erreur que sa victime était âgée de 16 ans au moins alors qu'en usant des précautions voulues il aurait pu éviter l'erreur.

**Pornographie enfantine: Art. 197 du Code pénal suisse : Pornographie**

1 Quiconque offre, montre, rend accessibles à une personne de moins de 16 ans ou met à sa disposition des écrits, enregistrements sonores ou visuels, images ou autres objets pornographiques ou des représentations pornographiques, ou les diffuse à la radio ou à la télévision, est puni d'une peine privative de liberté de trois ans au plus ou d'une peine pécuniaire.

2 Quiconque expose ou montre en public des objets ou des représentations visés à l'al. 1, ou les offre à une personne sans y avoir été invité, est puni de l'amende. Quiconque, lors d'expositions ou de représentations dans des locaux fermés, attire d'avance l'attention des spectateurs sur le caractère pornographique de celles-ci n'est pas punissable.

3 Quiconque recrute un mineur pour qu'il participe à une représentation pornographique ou favorise sa participation à une telle représentation est puni d'une peine privative de liberté de trois ans au plus ou d'une peine pécuniaire.

4 Quiconque fabrique, importe, prend en dépôt, met en circulation, promeut, expose, offre, montre, rend accessible, met à disposition, acquiert, obtient par voie électronique ou d'une autre manière ou possède des objets ou représentations visés à l'al. 1, ayant comme contenu des actes d'ordre sexuel avec des animaux, des actes de violence entre adultes ou des actes d'ordre sexuel non effectifs avec des mineurs, est puni d'une peine privative de liberté de trois ans au plus ou d'une peine pécuniaire. Si les objets ou représentations ont pour contenu des actes d'ordre sexuel effectifs avec des mineurs, la sanction est une peine privative de liberté de cinq ans au plus ou une peine pécuniaire.

5 Quiconque consomme ou, pour sa propre consommation, fabrique, importe, prend en dépôt, acquiert, obtient par voie électronique ou d'une autre manière ou possède des objets ou représentations visés à l'al. 1, ayant comme contenu des actes d'ordre sexuel avec des animaux, des actes de violence entre adultes ou des actes d'ordre sexuel non effectifs avec des mineurs, est puni d'une peine privative de liberté d'un an au plus ou d'une peine pécuniaire. Si les objets ou représentations ont pour contenu des actes d'ordre sexuel effectifs avec des mineurs, la sanction est une peine privative de liberté de trois ans au plus ou une peine pécuniaire.

6 En cas d'infraction au sens des al. 4 et 5, les objets sont confisqués.

7 Si l'auteur agit dans un dessein d'enrichissement, le juge prononce une peine pécuniaire en plus de la peine privative de liberté.

8 N'est pas punissable le mineur âgé de 16 ans ou plus qui produit, possède ou consomme, avec le consentement d'un autre mineur âgé de 16 ans ou plus, des objets ou des représentations au sens de l'al. 1 qui les impliquent.

9 Les objets et représentations visés aux al. 1 à 5 qui présentent une valeur culturelle ou scientifique digne de protection ne sont pas de nature pornographique.

**102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as 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
<b>Civil and commercial litigious cases</b>	_____ Max numeric value allowed : 100  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Litigious divorce cases</b>	_____ Max numeric value allowed : 100 <b>3</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<b>282</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<b>192</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<b>155</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<b>292</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <b>6</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal cases</b>	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency cases</b>	_____ Max numeric value allowed : 100 <b>3</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<b>36</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<b>27</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<b>155</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<b>40</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <b>1</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery cases</b>	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<b>562</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide cases</b>	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<b>964</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments "Divorce contentieux": quant au % des décisions ayant fait l'objet d'un appel, les données fournies par les cantons révèlent qu'il y a eu moins d'appels en 2020. Il est difficile d'en connaître la cause. Quant à la durée moyenne en deuxième instance, on constate un gain d'efficacité au sein des cours suprêmes cantonales.

"Faillite": comme pour les procédures de divorce, les données fournies par les cantons révèlent qu'il y a eu moins d'appels en 2020, sans qu'il soit possible d'identifier la cause. Concernant la durée moyenne en première instance, dans la mesure où le volume total des affaires de faillites a diminué, elles ont pu être traitées plus rapidement.

**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.**

. 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

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. Voici quelques exemples:



- ZH: Nombre de cas par type d'entreprise x durée des procédures par type d'entreprise / total de toutes les transactions - Attention: Selon la description en question 102, seuls les appels, mais pas les plaintes sont représentés!
- BE: Durée de la procédure=Dépôt des dossiers jusqu'au prononcé du jugement. Durée totale de la procédure de tous les dossiers dont la date d'achèvement est comprise dans la période d'évaluation, divisée par le nombre de tous les dossiers dont la date d'achèvement est au cours de la période d'évaluation.
- BL: est calculé à partir de la réception de l'affaire jusqu'à l'envoi du jugement (moins les suspensions éventuelles)
- NE: Moyenne du nombre de jours entre la date d'enregistrement des dossiers et celle de leur liquidation, dont à déduire le 10% des procédures ayant duré le plus longtemps et le 10% des procédures ayant duré le moins longtemps.
- GE: 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
- JU: Un formulaire existe (date d'entrée, date de liquidation), convertit en jours les durées des procédures. Toutefois pas disponible en 2e instance en 2020.

## 4.2.6 Case flow management – public prosecution

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

- [ X ] to conduct or supervise police investigation
- [ X ] to conduct investigations
- [ X ] when necessary, to request investigation measures from the judge
- [ X ] to charge
- [ X ] to present the case in court
- [ X ] to propose a sentence to the judge
- [ X ] to appeal
- [ X ] to supervise the enforcement procedure
- [ X ] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- [ X ] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- [ ] 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 aux procès pénaux

### **107. Public prosecutors: Total number of 1st instance criminal cases.**

Number of cases
-----------------

1.Pending cases on 1 Jan. ref. year	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	517 314 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	457 480 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	79 254 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.2 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
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.4 Discontinued for other reasons	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	365 472 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.3.Cases closed by the public prosecutor for other reasons	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.4.Cases brought to court	12 754 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4.Pending cases on 31 Dec. ref. year	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

### 107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	365 472 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Before the main trial	365 472 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
During the main trial	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Le procureur peut prononcer jusqu'à 6 mois d'emprisonnement lorsque le prévenu a reconnu sa culpabilité (plaider coupable). Si la personne condamnée par le procureur conteste la décision du procureur, elle peut porter l'affaire devant un tribunal.

**109. Do the figures provided in Q107 include traffic offence cases?**

Yes

No

Comments

**D2. Please indicate the sources for answering the questions in this part**

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/authorities made up of judges and non-judges

Other

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)

**111-1. How many members compose this authority?**

	Total	Male	Female
<b>Members</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members? Il n'est pas possible de répondre à cette question de façon précise vu les différents mode d'élection des juges:

- la population des cantons varient de 16'000 à 1,5 millions d'habitants.
- les parlements cantonaux ont de quelques dizaines à 200 députés.
- les cours suprêmes cantonales sont composées d'une dizaine à plus de 40 juges.

### **111-2. May non-selected candidates appeal against the decision on recruitment/appointment?**

- Yes  
 No

Comments – please specify which body is competent to decide on appeal?

### **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 procedure for judges is organised (especially if there is no competition or examination):

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

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

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

## **5.1.2 Status, recruitment and promotion of prosecutors**

### **115. What is the status of public prosecution services?**

- Has an independent status as a separate entity among state institutions  
 Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)  
 Is part of the executive power (without functional independence)  
 Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)  
 Is part of the judicial power (without functional independence)  
 Is a mixed model (please explain)  
 Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are

enshrined (Constitution, legislation etc.).Furthermore, if “mixed model” or "other", please specify.

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

Yes

No

Comments - If yes, please specify:

**115-2. If you answered “Yes” to Q115-1, are there exceptions provided by the law/regulations?**

Yes

No

Comments - Please describe these exceptions:

**115-3. If you answered “No” to Q115-1, which authority can issue the specific instructions?**

General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

Comments - If “Other”, please specify: La réponse à cette question est négative, car il n'existe aucune réglementation qui empêche des instructions spécifiques. Dans la pratique, seules des instructions de nature générale sont données.

Au sein d'un parquet, il existe une organisation en règle générale assez hiérarchique où des directives peuvent être faites de faire des efforts principaux en matière de poursuite pénale dans certains domaines (infractions).

**115-4. What form these instructions may take?**

Oral instruction

Oral instruction with written confirmation

Written instruction

Other

NAP

Comments - If “Other”, please specify: La forme est dépendante du mode de fonctionnement de chaque ministère public. On peut par exemple retrouver les axes définis pour la poursuite pénale dans le rapport d'activité du ministère public.

**115-5. In that case, are the instructions:**

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If “Other”, please specify: Les instructions sont générales et en concerne en principe pas un dossier déterminé. Mais elles doivent être suivies par les procureurs.

**115-6. What is the frequency of this type of instructions:**

- Exceptional
- Occasional
- Frequent
- Systematic
- NAP

Comments Les axes de la poursuite pénale ou les efforts principaux pour terminer un certain type d'affaires sont le plus souvent définis annuellement.

**115-7. Can the public prosecutor oppose/report an instruction to an independent body?**

- Yes
- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

**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):recrutement spécifique par le procureur général pour les procureurs, par le parlement ou élection par le peuple pour les procureurs généraux

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
- Other

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.

**117-1. How many members compose this authority?**

	Total	Male	Female
<b>Members</b>	<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 what is the status of this authority and who is proposing its members? Il n'est pas possible de répondre cette question de façon précise, vu la diversité des organes de nomination.

**117-2. May non-selected candidates appeal against the decision on recruitment/appointment?**

Yes

No

Comments - Please specify which body is competent to decide on appeal?

**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 how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): 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)

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"):

**5.1.3Mandate 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

**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): .....

( X ) 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: .....

( X ) No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Oui dans 11 cantons (BE, LU, UR, FR, BS, AR, AI, SG, GR, AG, VD) 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.

- BE : Faute grave en service ou hors service

- LU : Le mandat est limité à 4 ans, réélection possible.

- UR : Article 56, paragraphe 2, lit.c GOG (RB 2.3221)

- FR : Une procédure de révocation ainsi que des sanctions disciplinaires peuvent être mises en œuvre par le Conseil de la magistrature.

- BS : Les procureurs principaux et les premiers procureurs sont élus pour un mandat de six ans.

- AR : tous les procureurs peuvent être révoqués (conformément au droit du personnel, bGS 142.21); Dans le cas du procureur général, le Conseil de gouvernement en est responsable (art. 38 de la loi judiciaire, bGS 145.31).

- SG : Délai de préavis 3 mois selon kant. Loi sur le personnel

- GR : Licenciement possible en vertu du droit du personnel

- AG : Relation de travail normale pouvant faire l'objet d'une cessation d'emploi

- VD : Révocation pour sanction disciplinaire

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

( X ) 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 0.5

BE 0.5

BL 0.25

BS 0.5

GR 0.5

NW 0.08

SG 0.25

SZ 0.25

TG 0.25

ZH 0.25

CH 0.3

## 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

### 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

BL 4

BS 6

GE 6

GL 4

JU 5

NE 6

OW 4

SG 4

SH 4

SO 4

SZ 4

TG 4

TI 10

UR 10

VS 4

ZH 4

### 126-1. Is it renewable?

Yes

No

[ ] NAP

Comments

### E1. Please indicate the sources for answering the questions in this part

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
<b>Initial training (e.g. attend a judicial school, traineeship in a court)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>General in-service training</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions of the court (e.g. court president)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>In-service training for the use of computer facilities in courts</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on child-friendly justice</b>	( ) 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
<b>General in-service training</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed

<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on ethics</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on child-friendly justice</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

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

## 5.2.2 Training of prosecutors

### 129. Types of different trainings offered to public prosecutors:

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

Comments 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. 19 cantons ont répondu que cette formation était obligatoire (AG, AI, BE, BS, FR, GE, GL, GR, JU, NW, OW, SG, SO SZ, TG, UR, VD, VS, ZH).

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

Frequency of the in-service training
--------------------------------------

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

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

### 5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
<b>Institution(s) for judges</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Institution(s) for prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Institution(s) for both judges and prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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(s) for the reference year, in €
<b>Institution(s) for judges</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>Institution(s) for prosecutors</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Institution(s) for both judges and prosecutors</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

**131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?**

. Il n'existe pas de cursus spécifique de formation pour les juges et les procureurs. Il existe une école de la magistrature facultative, rattachée aux universités, qui est une formation en cours d'emploi pour ce qui concerne la formation initiale. La formation, initiale et continue est donnée en règle générale par des institutions privées ou universitaires dont le budget ne fait pas partie du budget de la justice. La formation étant volontaire, souvent les participants paient tout ou partie des frais de formation eux-mêmes. En ce qui concerne la formation continue, les juges et les procureurs peuvent suivre des séminaires ou des congrès sur des thèmes spécifiques en relation avec leur fonction. Il existe une fondation suisse pour la formation continue des juges qui organise des formations spécifiques pour ses membres. Il existe des associations de juges et de procureurs qui périodiquement proposent des séminaires spécifiques par exemple à l'occasion de leur assemblée générale annuelle.

**5.2.4 Number of trainings**

**131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training**

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
<b>Total</b>	<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
<b>1. For judges</b>	<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
<b>2. For prosecutors</b>	<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
<b>3. For other non-judge staff</b>	<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
<b>4. For other non-prosecutor staff</b>	<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
<b>5. Training for other professionals</b>	<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 if there are training courses of judges and/or prosecutors that include other professionals in the field of justice.

### 131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
<b>Total</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Judges</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Prosecutors</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Non-judge staff</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Non-prosecutor staff</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Other professionals</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

## 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
<b>First instance professional judge at the beginning of his/her career</b>	147 645 [ ] NA [ ] NAP	128 865 [ ] NA [ ] NAP	157 980 [ ] NA [ ] NAP	137 886 [ ] NA [ ] NAP
<b>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)</b>	330 869 [ ] NA [ ] NAP	307 707 [ ] NA [ ] NAP	355 773 [ ] NA [ ] NAP	330 868 [ ] NA [ ] NAP
<b>Public prosecutor at the beginning of his/her career</b>	128 770 [ ] NA [ ] NAP	109 171 [ ] NA [ ] NAP	137 784 [ ] NA [ ] NAP	116 813 [ ] NA [ ] NAP
<b>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).</b>	176 700 [ ] NA [ ] NAP	134 850 [ ] NA [ ] NAP	190 000 [ ] NA [ ] NAP	145 000 [ ] NA [ ] NAP

Comments Commentaires salaires juges et procureur:

- LU: Chiffres excluant les prestations sociales de l'employeur
- FR: Tous les magistrats de 1ère instance (juges, procureurs, juges de paix) sont payés en classe 33 de l'échelle de traitement (à l'exception des préfets). Les juges cantonaux (hors classes) ont un salaire fixe tout au long de leur carrière.
- SO: Q 132.31 et 132.32: sans les procureurs principaux
- BL: À partir du 1.1.2020, un nouveau système de rémunération a été introduit pour les présidents de première instance
- SH: Q132.31a Minimum de la fourchette de salaire disponible (ne correspond généralement pas au salaire réel au début de la carrière); Q132.32a Maximum de la fourchette salariale disponible (ne correspond généralement pas au salaire réel à la fin de la carrière)
- AR: Les informations ne sont valables que pour les juges à temps plein (juges et vice-présidents). Les juges à temps partiel reçoivent une indemnité annuelle forfaitaire et des indemnités journalières. Les procureurs ne se voient pas attribuer de tranche de salaire spécifique.
- NE: L'échelle salariale, qui compte 19 échelons, est la même pour les juges de 1ère instance et 2ème instance ainsi que pour les procureurs et le procureur général.
- GE: Le salaire brut du procureur général: 253'850 CHF
- JU: Même classe de salaire pour tous les magistrats.
- Confédération: Procureur en fin de carrière = classe de traitement 36 du procureur général de la Confédération

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
<b>Reduced taxation</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Special pension</b>	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Housing</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other financial benefit</b>	( ) 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 functions/activities?

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

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

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

	<b>With remuneration</b>	<b>Without remuneration</b>
<b>Teaching</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Research and publication</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Arbitrator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Consultant</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other function</b>	<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:

### 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 if possible 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

**138-1. If yes, who are the members of this institution/body?**

Only judges

Judges and other legal professionals

Other, please specify: .....

Comments

**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.

**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, who are the members of this institution/body?**

Only prosecutors

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.

## **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 replies possible)?**

Court users

- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify):commission de surveillance
- This is not possible

Comments Sur la base des réponses apportées par les cantons, on observe que davantage d'organes sont habilités à engager des procédures disciplinaires, étant entendu que par canton il n'existe en règle générale qu'un seul organe qui est habilité à entamer une telle procédure, à savoir soit le tribunal concerné, soit la cour suprême cantonale, soit le conseil supérieur de la magistrature dans le petit nombre de cantons où il en existe un, soit le parlement, et enfin soit une commission de surveillance.

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies 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
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify):Département de justice en fonction de l'organisation du canton
- Other (please specify):commission de surveillance
- This is not possible

Comments Le procureur général est mentionné par 9 cantons (sur 22). Vu la diversité des organisations, ce n'est en règle générale pas la totalité des organes mentionnés qui est habilitée à engager une procédure disciplinaire mais qu'une sélection de ceux-ci. 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. L'option "Pouvoir exécutif" se réfère au département de justice en fonction de l'organisation du canton.

**142. Which authority has disciplinary power over judges? (multiple replies 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 replies 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
<b>Total number (1+2+3+4)</b>	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify: Autre = plainte en matière de surveillance traitée aussi par une procédure disciplinaire.

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

	Judges	Prosecutors
<b>Total number (total 1 to 10)</b>	3 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>1. Reprimand</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>4. Fine</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>5. Temporary reduction of salary</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>6. Position downgrade</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>7. Transfer to another geographical (court) location</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>8. Resignation</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>9. Other</b>	1 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>10. Dismissal</b>	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 the questions in this part

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

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1Status of the profession of lawyers



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

	Total	Male	Female
Number of lawyers	13 038 <input type="checkbox"/> NA	9 127 <input type="checkbox"/> NA	3 911 <input type="checkbox"/> NA

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

**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:**

[ ]

NA

NAP

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

=

**149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)**

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil cases</b>	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( X ) Yes always ( ) Yes in some cases ( ) No <input type="checkbox"/> NAP
<b>Dismissal cases</b>	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( X ) Yes always ( ) Yes in some cases ( ) No <input type="checkbox"/> NAP
<b>Criminal cases – Defendant</b>	( X ) Yes always ( ) Yes in some cases ( ) No <input type="checkbox"/> NAP	( X ) Yes always ( ) Yes in some cases ( ) No <input type="checkbox"/> NAP	( X ) Yes always ( ) Yes in some cases ( ) No <input type="checkbox"/> NAP
<b>Criminal cases – Victim</b>	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( X ) Yes always ( ) Yes in some cases ( ) No <input type="checkbox"/> NAP
<b>Administrative cases</b>	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: 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

#### 149-0. If other than lawyers may represent a client in court, please specify who:

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

Comments - If "other", please specify. In addition, for the categories selected please specify 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

[ X ] Real estate agent

[ X ] Other law activities (please specify):représentant d'actionnaires lors d'une assemblée générale d'une SA, d'une fondation par exemple

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

#### 149-2. What are the statuses for exercising the profession of lawyer?

[ X ] Self-employed lawyer

[ X ] Staff lawyer

[ X ] In-house lawyer

Comments

#### 150. Is the lawyer profession organised through:

[ X ] a national bar association

[ X ] a regional bar association

[ ] a local bar association

Comments Les barreaux régionaux sont les barreaux cantonaux.

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

Yes

No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees: Des études juridiques complètes sont requises pour pouvoir commencer le stage d'avocat.

**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. Voir site de la Fédération suisse des avocats qui proposent des formations d'avocats spécialistes: <https://www.sav-fsa.ch/fr/weiterbildung/w-fachanwalt/ueber-den-fachanwalt.html>

**F1. Please indicate the sources for answering the questions in this part**

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 standards provide any rules on lawyers' fees (including those freely negotiated)?**

[ X ] 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: 21 cantons / 26: 80.8%.

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

BS: Berufs- und Standesregeln, vgl. BG über die Freizügigkeit der Anwältinnen und Anwälte (BGFA, SR 935.61)

FR: Il n'existe pas de normes de qualité spécifiques. En revanche, il existe des normes générales (cf. art. 7 et 8 LLCA) telles que notamment l'absence d'actes de défaut de biens, pas d'inscription au casier judiciaire, la réussite des examens.

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

GL : Art. 13 des kantonalen Anwaltsgesetzes (GS III I/1), ort Verweis auf Art. 12/13 BGFA

GR: BGFA

JU: Formation, conditions personnelles, règles professionnelles, déontologie.

LU: Das BGFA gilt für im kantonalen Register eingetragene Rechtsanwälte. Für nicht eingetragene Rechtsanwälte gilt das kantonale

Recht. NE : Article 12 (règles professionnelles) et 13 (secret professionnel) de la Loi fédérale sur la libre circulation des avocats (LLCA).

Code suisse de déontologie.

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

TG : Abgeschlossenes Studium der Rechtswissenschaften, Bestandene Anwaltsprüfung, praktische Erfahrung, unbescholtener Leumund (Bundesgesetz über die Freizügigkeit der Anwältinnen und Anwälte, SR 935.61), Anwaltsgesetz des Kantons TG (RB 176.1)

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 10 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
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	507 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	89 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	403 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: NB. 320 à GE, alors que lors de l'enquête précédente leur réponse est NAP; pour GE, il s'agit du nombre de dossiers ouverts pour l'année 2020 relatifs aux procédures disciplinaires relatives à l'activité professionnelle des avocats, tous dossiers confondus. Source: Commission du Barreau.

Les 36 autres affaires placées dans la catégorie « 4. 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
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	140 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Fine	41 [ ] NA [ ] NAP
5. Other	88 [ ] 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.

— SO: Nombre de procédures = état des procédures disciplinaires ouvertes et pendantes au 31 décembre 2020. Nombre de sanctions = sanctions prononcées par l'autorité de contrôle en 2020.

— BL: 2 affaires de 2020 sont toujours pendantes. 3 cas de violation du code de conduite à partir de 2019 ont été sanctionnés par une amende.

— SH: Aucune sanction dans la procédure achevée.

— JU: une amende de CHF 1'500.- pour une procédure remontant à 2018 pour faute déontologique (violation des règles professionnelles) et une amende de CHF 15'000.- pour une procédure remontant à 2019 pour faute déontologique (violation des règles prof).

- 57 décisions disciplinaires prononcées dans le canton de Zurich, dont 38 constatant éventuellement une faute légère mais renonçant à une sanction.

Genève n'a pas fourni de nombre de sanctions.

## 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
<b>Civil and commercial cases</b>	<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
<b>Family cases</b>	<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
<b>Administrative cases</b>	<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
<b>Labour cases including employment dismissals</b>	<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
<b>Criminal cases</b>	<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
<b>Consumer cases</b>	<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
<b>Number of mediators</b>	282	94	188
	[ ] NA	[ ] NA	[ ] NA
	[ ] NAP	[ ] NAP	[ ] NAP

Comments Médiation essentiellement établie dans les cantons francophones, dont 144 à GE (50% du total). Dans les cantons alémaniques, la conciliation est effectuée plutôt par le juge où les cantons ne sont pas à même de fournir des résultats.

### 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
<b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Family cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Administrative cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Labour cases including employment dismissal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>5. Criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>6. Consumer cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please indicate the source:

=

### 168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify): .....

Comments

### G1. Please indicate the sources for answering the questions in this part

Source: Récolte de données auprès des cantons, 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

## 8. Enforcement of court decisions

### 8.1. Execution of decisions in civil matters

#### 8.1.1 Number of enforcement agents, status and mandate

##### 169. Number and type of enforcement agents in your country.

	Total	Male	Female
<b>Total (1+2+3+4)</b>	2 106 [ ] NA	927 [ ] NA	1 179 [ ] NA
<b>1. Private professionals under the authority (control) of public authorities</b>	34 [ ] NA [ ] NAP	23 [ ] NA [ ] NAP	11 [ ] NA [ ] NAP
<b>2. Enforcement agents working in a public institution (civil servants paid by state)</b>	2 000 [ ] NA [ ] NAP	866 [ ] NA [ ] NAP	1 134 [ ] NA [ ] NAP
<b>3. Judges</b>	72 [ ] NA [ ] NAP	38 [ ] NA [ ] NAP	34 [ ] NA [ ] NAP
<b>4. Other</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If other, please specify their status and competences: - Profession libérale dans les cantons de UR, GR et GE (à Genève il s'agit d'huissiers de justice comme ils existent en France)

- Agents d'exécution attachés à une institution publique : dans tous les cantons (employés de droit public des offices des poursuites)

- Juges dans les cantons de SG et TI

##### 170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

diploma

professional experience

specific exam

appointment procedure by the State

initial training

other

Comments - If "other", please specify: La réponse donnée concerne les préposés aux offices des poursuites. Les employés des offices disposent en règle générale d'une formation commerciale.

##### 171. Are enforcement agents 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 - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Les règles disciplinaires usuelles applicables aux employés des autorités sont applicables aussi au personnel des offices des poursuites.

## 8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of birth	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Civil status	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cohabitant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employer	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Motor vehicle	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Movable property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Immovable property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Bank account	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other enforcement proceedings underway	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other", please specify:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Preventive seizure of movable tangible properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of immovable properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Preventive seizure of immovable properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of motorised vehicles</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizures of boats and ships</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Seizure of aircrafts</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of electronic assets (e.g cryptocurrency)</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Sale of shares</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

### 171-3. Apart from 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 or public auctions of moveable or immovable property
- Custody 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

### 8.1.3 Training and ICT

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

Yes

No

Comments

**172-2. Do you have an e-learning training system established for enforcement agents?**

Yes

No

Comments - If yes, please specify: -

**172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?**

Yes

No

Comments - If yes, please specify: Introduction au système de poursuite électronique eLP

**172-4. Have an electronic service of documents or electronic notifications been introduced in your country?**

Yes

No

Comments

**172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?**

Yes

No

Comments - Please explain: La loi fédérale sur la poursuite pour dettes et la faillite (LP) du 11 avril 1889 reste applicable. Seuls les vecteurs de transport des requêtes et notifications changent mais les étapes procédurales sont inchangées.

### 8.1.4 Fees

**174. Are enforcement fees easily established and transparent for parties?**

Yes

No

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

**175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?**

Yes

No

Comments

### 175-2. Who has to pay these fees if the enforcement proceedings are successful?

The debtor

The creditor

Other – please specify .....

Comments Le créancier avance les frais qui s'ajoutent à sa créance.

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

Yes

No

Comments tarif des frais de poursuite - à Fribourg: <https://www.fr.ch/etat-et-droit/justice/tarifs>

- Vaud: <https://www.vd.ch/themes/economie/poursuites-et-faillites/procedure-de-poursuite-ordinaire/vous-etes-poursuivant-creancier/>

- Zürich: [https://www.stadt-zuerich.ch/portal/de/index/politik\\_u\\_recht/stadtammann-\\_undbetriebsaemter/betriebsamt/kosten.html](https://www.stadt-zuerich.ch/portal/de/index/politik_u_recht/stadtammann-_undbetriebsaemter/betriebsamt/kosten.html)

- Berne: <https://www.schkg-be.ch/formulare-gebuehren/kostenvorschuesse/>

### H0. Please indicate the sources for answering the questions in this part

Source: Récolte de données auprès des cantons

## 8.1.5 Organisation of profession and 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

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

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

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

unethical behaviour of enforcement agent

other (please specify):faute professionnelle

Comments "Autre": faute professionnelle

**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 serve and/or 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
<b>Total number of initiated disciplinary proceedings (1+2+3+4)</b>	3 [ ] NA [ ] NAP
<b>1. For breach of professional ethics</b>	0 [ ] NA [ ] NAP
<b>2. For professional inadequacy</b>	3 [ ] NA [ ] NAP
<b>3. For criminal offence</b>	0 [ ] NA [ ] NAP
<b>4. Other</b>	0 [ ] NA [ ] NAP

Comments - If “other”, please specify:

### 188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	1 [ ] NA [ ] NAP
<b>1. Reprimand</b>	1 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP
<b>4. Fine</b>	0 [ ] NA [ ] NAP
<b>5. Other</b>	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 the questions in this part

Source: Récolte de données auprès des cantons

## 8.2.Execution of decisions in criminal matters

### 8.2.1Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple replies possible)

Judge

Public prosecutor

Prison and Probation Services

Enforcement agent

Other authority (please specify):Département cantonal de justice et police

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

#### 9.1.1Number, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Male	Female
<b>TOTAL (1+2+3+4)</b>	3 470 [ ] NA [ ] NAP	2 651 [ ] NA [ ] NAP	819 [ ] NA [ ] NAP
<b>1. Private professionals (without control from public authorities)</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Holders of public offices appointed by the State</b>	3 106 [ ] NA [ ] NAP	2 372 [ ] NA [ ] NAP	734 [ ] NA [ ] NAP

<b>3.Civil servants (paid by the State)</b>	332 [ ] NA [ ] NAP	254 [ ] NA [ ] NAP	78 [ ] NA [ ] NAP
<b>4. Other</b>	32 [ ] NA [ ] NAP	25 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure: 1. Passage du statut privé au statut de profession libérale pour les notaires dans les cantons de SG et du VS ce qui explique la réponse 0 pour 2020. Il est à noter que les notaires notamment dans les cantons romands exercent une profession libérale d'officiers publics parce que soumis au contrôle de l'Etat. Tous les notaires font l'objet d'un contrôle étatique en règle générale par une chambre des notaires.

3. Fonctionnaire exerçant la fonction de notaire en règle au sein des départements cantonaux de justice et police dans les cantons de ZH, UR, SZ, NW, GL, AI, SO, GR, et TG

4. Autres fonctionnaires souvent au sein des départements cantonaux des finances habilités à effectuer un nombre limité d'actes de nature notariale notamment des authentications au sein des cantons de AI et AG.

### 192-1. What are the access conditions to the profession of notary (multiple replies possible):

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- 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:

## 9.1.2 Activities/scope of competences

### 194. What kind of activities do notaries perform (multiple options possible):

	Please select one option
<b>Authentication</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Certification of signatures</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legalisation of signatures / Apostille</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legality control of documents</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Mediation</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Taking of oaths</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Act as civil servant (for example performing marriage, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other judicial functions (for example, payment orders)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

<b>Public auctions</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other (for example collect taxes, run registers etc.)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If “other”, please specify. Please indicate any useful clarifications regarding the content of the notaries’ exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

**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
- Protection of vulnerable persons
- Other

Comments

**9.1.3 ICT, organisation of the profession and training**

**194-3. Do notaries use specialised ICT systems in their activity?**

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

**194-4. Which computerised registries can notaries consult?**

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify) .....
- None

Comments

**194-5. Are there registries/ registry infrastructures run by the notaries?**



Yes

No

Comments - If yes, please specify:

**194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?**

	Directly modifying	Indirectly modifying by submitting an online request
<b>Land registry</b>	<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
<b>Business registry</b>	<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
<b>Civil status/ Population registry</b>	<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
<b>Succession / Family law registry</b>	<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
<b>Any other registry (please specify)</b>	<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
<b>None</b>	<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

Comments

**194-7. What ICT tools are used by notaries in their relations with clients?**

Videoconferencing (e.g. digital advice)

Digital act

Digital identification

Digital archiving

Other, please specify .....

None

Comments

**194-8. Who is responsible to run the digital archives?**

Notariat / Professional body

Other public authority

Another entity (please specify)archives d'Etat (=canton)

Comments

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

Yes

No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?**

professional body

court

Ministry of Justice

public prosecutor

other (please specify):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

**196-2. Do notaries have training on:**

	Yes	No
European law	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

**II. Please indicate the sources for answering the questions in this part**

Sources: Données fournies par les cantons.

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**10.Court interpreters**

**10.1.Details on profession of court interpreter**

**10.1.1Status 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 registered court interpreters:**

- [ 4 308 ]
- NA
- NAP

Comments

**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 the questions in this part**

Sources: Récolte de données auprès des cantons

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**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 participate in judicial procedures (multiple replies possible):**

- Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court
- Experts appointed by the court or other authority independent of the parties

Other system of judicial expertise, please specify .....

Comments - Please specify who is proposing and appointing experts in an individual case.

**202-1. Are there lists or any other form of official registration for judicial experts?**

Yes

No

Comments

**202-1-1. If yes, at which level is the list established (multiple replies possible):**

national

administrative district or federal entity

judicial district

other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?):

**202-1-2. Are these lists publicly available?**

Yes, available on the internet

Yes

No

Comments

**202-2. Which authority is competent for the registration of judicial experts?**

Ministry of justice

Courts

Administrative body

Independent body (association of judicial experts)

Other

Comments - Please also specify the registration criteria:

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

Yes, for how long .....

No

Comments

**202-4. Can an expert who is not on the list or not registered be appointed in a case?**

Yes

No

Comment - If yes, please specify in which cases:

**203. Is the title of judicial experts protected?**

( ) Yes

( X ) 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
<b>Initial training</b>	( ) Yes ( X ) No
<b>Continuous training</b>	( ) 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

**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 - If yes, please specify:

**205. Number of accredited or registered judicial experts:**

	Total	Male	Female
<b>Number of experts</b>	30 [ ] NA [ ] NAP	27 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP

Comments Seuls les cantons de Lucerne et Vaud ont indiqué un nombre d'experts.

**206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties**

Number of cases
-----------------

<b>Total (1+2+3+4)</b>	[ X ] NA [ ] NAP
<b>1.Civil and commercial litigious cases</b>	[ X ] NA [ ] NAP
<b>2.Administrative cases</b>	[ X ] NA [ ] NAP
<b>3.Criminal cases</b>	[ X ] NA [ ] NAP
<b>4.Other cases</b>	[ X ] NA [ ] NAP

Comments

### 205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
<b>Defined by law/by-law or a special regulation</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Defined by the court/judge</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Defined by Ministry of Justice or another ministry (setting a tariff for example)</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Salary of public official (in case of forensic or another specialist – who is public employee)</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Freely agreed between expert and the parties</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Other</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP

Comments - If other, please specify:

### 206. Are there binding provisions for judicial experts regarding:

	Yes	No
<b>Deadlines to provide expertise</b>	( )	( X )
<b>Quality of expertise</b>	( )	( X )
<b>Other</b>	( )	( X )

[ ] NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

### 207-1. Does the judge or another body control the progress of the expertise?

Yes

No

If yes, please specify:

### 207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments voir par exemple l'offre de formation continue de Chambre suisse des experts judiciaires techniques et scientifiques:  
<http://www.swiss-experts.ch/weiterbildungsveranstaltungen.htm> ou d'EXPERTsuisse, l'association suisse des experts en audit, fiscalité et fiduciaire : <https://www.expertsuisse.ch/fr-ch/organisation-faitiere>

### K1. Please indicate the sources for answering the questions in this part

Sources: Récolte de données auprès des cantons

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

#### 208-1. (Comprehensive) reform plans

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

#### 208-2. Budget

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

**208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Au cours des années à venir, la transition vers le numérique de la justice est un projet majeure qui a été initialisé en 2019. Ce projet comprend la communication électronique avec les autorités judiciaires, la consultation des dossiers en ligne et la tenue des dossiers judiciaires au format électronique. Cette réforme touchera tant les tribunaux que les ministères publics. Dans quelques cantons, des réformes de l'organisation judiciaire sont en cours.

**208-4. Access to justice and legal aid**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

**208-5. High Judicial Council**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

**208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No



NA

Comments - If yes, please specify: Avec la transition vers le numérique de la justice, il est prévu dans un avant-projet de loi de soumettre les représentants professionnels des parties à une obligation de communiquer par voie électronique avec les autorités judiciaires (tribunaux et parquets)

## 208-7. Gender balance

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## 208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## 208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## 208-10. Mediation and other Alternative Dispute Resolution

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: En matière de médiation, des projets sont en cours dans divers cantons afin de promouvoir la médiation:

- Le canton de Vaud a mis en place des permanences en matière de médiation au sein de ses juridictions:

<https://www.vd.ch/themes/justice/conseils-et-assistance/mediation/>

- Dans le canton de Genève, une loi sur la médiation civile est en préparation

## 208-11. Fight against crime

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

## 208-12. Prison system

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

## 208-13. Child friendly justice

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

## 208-14. Domestic violence

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

## 208-15. New information and communication technologies

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: Au cours des années à venir, la transition vers le numérique de la justice est un projet majeure qui a été initialisé en 2019. Ce projet comprend la communication électronique avec les autorités judiciaires, la consultation des dossiers en ligne et la tenue des dossiers judiciaires au format électronique.

## 208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: