

Project partners:

POLAND



ALBANIA



CZECH REPUBLIC



MACEDONIA



SERBIA



SLOVAKIA



NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

CZECH REPUBLIC

The project “NGOs and the judiciary - watch dog activities, interactions, collaboration, communication” is supported by the Visegrad Fund (www.visegradfund.org) and the Ministry of Foreign Affairs of the Republic of Korea (www.mofa.go.kr).



Ministry of Foreign Affairs
Republic of Korea

Country report – Czech Republic

Written by Radim Bureš and Ivana Dufková, independent experts¹

Edited by Barbora Jungová and Šárka Michková, the CEELI Institute

Part I

Introduction

The judiciary in the Czech Republic is relatively well established, structured and stable. However, it still suffers from several shortcomings. The public trust is quite low and challenges, such as lengthy court proceedings and accountability of judges, persist. Some aspects of institutional independence have not been established, particularly keeping in mind that the judges' careers strongly depend on politicians in power which can result in a breach of the separation between the judiciary and politics.

The NGO sector in the Czech Republic is quite well developed and strong. An NGO can easily be established, all NGOs can freely operate and there are no administrative obstructions impeding NGOs. Their access to courts in all types of proceedings is guaranteed and in some cases national law allows for *actio popularis*. Nevertheless, only a small number of key NGOs have a strong voice in society and are generally well-respected.

The judiciary is not a key interest for the Czech NGOs. As mentioned above, the situation in the judiciary is not perceived as a serious problem in the country so as to require civic action. The exception is the work of the Šalamoun society which follows the dissident tradition of monitoring the judiciary established during the communist period (see Part II “the organization card”). Additionally, the complexity of challenges and the need for expertise are two of the main reasons why NGOs only address selected aspects of the judiciary.

The situation is different if specific social or emerging issues with judicial relevancy are concerned. The issues such as citizenship (after the split of the federation), refugees and asylum seekers, Roma rights and minorities in general, human trafficking, child abuse, and the implementation of family law or domestic violence law are intensively covered by a

¹ Radim Bureš has a background in social sciences and criminology. Presently he is the Program Director at the Czech Chapter of Transparency International.

Ivana Dufková has a background in education and a career in senior management police training. Presently she is a specialist at the Czech Chapter of Transparency International.

number of NGOs, mainly through monitoring of trials and supporting disadvantaged persons in the proceedings. Such monitoring often reveals either gaps in legislation, problems or inconsistencies in courts decisions. In a number of cases, monitoring initiatives have contributed to opening a broad public discussion, e.g. in domestic violence or “right of fathers” issues.

Generally, the judiciary is perceived negatively both as a partner and as an opponent. It is seen as a closed professional group, sceptical (or sometimes even arrogant) toward any outsider. This approach exists not only towards NGOs but quite often also towards political representation and even ministers of justice. Criticism from without is usually neglected (referring to judicial independence).

On the other hand, the experience of Transparency International Czech Republic shows that collaboration with a more “open minded” part of the judiciary that is based on a high level of professionalism enables the NGO to play an important role in judicial reform. This level of interaction can be reached by converting issues that are generally perceived as internal professional problems of the judiciary into more general societal topics. If an NGO manages to build trust within the judiciary, it is perceived as a partner for consultations; its feedback is not disregarded.

The judiciary itself realizes the need to eliminate its shortcomings which are criticized by the public. It should continuously seek to improve the quality of its work and strengthening its own responsibility. A broader openness of the judiciary towards NGOs and civic initiatives might serve as a means to attain such goals. Despite the positive experience of cooperation or exchange of information with some NGOs, NGOs are not represented in the official judicial bodies and regular projects with judicial bodies or associations are very rare and mostly on an ad hoc basis.

More detailed information about existing NGOs engagement in judicial matters can be found in their respective sections.

Brief country information – Czech Republic

The Czech Republic was established on 1st January 1993 after a peaceful dissolution of Czechoslovakia. It is a country with a population of approx. 10 500 000 inhabitants; and a territory of 78 866 km². Ethnically it is a homogenous country. The significant minorities are Slovaks, Roma and Vietnamese. From the point of view of this study, the Roma minority is important because human rights NGOs point out that Roma people are subject to unequal judicial treatment.

According to the Constitution, the Czech Republic is a sovereign, unitary and democratic state based on the rule of law and adherence to human rights and freedoms. The Charter of Rights and Freedoms is an integral part of the Constitution. The country is ruled by the people through legislative, executive and judicial powers. The political system is based on free competition among political parties and movements. The country is headed by the president. The supreme legislative power is the Parliament of the Czech Republic composed

of two chambers – the Chamber of Deputies and the Senate. Executive powers are performed by the government headed by the prime minister.

The right for assembly is guaranteed and citizens can gather in different civic associations and organizations – NGOs. Non-profit organizations can, within the law, freely carry out their activities. State and public administration do not create legal obstacles to their work. NGOs are formally represented in the advisory bodies of the central offices (ministries). There is the Governmental Council for NGOs (Rada vlády pro neziskové nevládní organizace)², which is composed of representatives of NGOs, the public and academia. NGOs are also active on a sub-national level e.g. in community planning, creating strategies of regional development. To promote the wider interests, NGOs are politically involved in all levels of public administration. According to the Czech Statistical Office of May 2015 there were 495 foundations, 2.912 institutions (public beneficiary associations), 4.156 church organizations and 87.698 civic associations.

Judicial system organization information

Legal system: Civil law, inquisitorial, plural
Judges per 100,000 people: 29.1 ³
Average judge's salary: 114,847.- CZK ⁴ (approx. 4,318.- €)
Annual budget of the judiciary: approx. 23 bill. CZK (approx. 865 mil.€)
Percentage of annual budget: 1.7
Are all court decisions open to appeal up to the highest level? Yes
Institutions in charge of disciplinary and administrative oversight: Effectively independent
Are all rulings publicised? Yes
Code of conduct for judges? Yes, but only for members of the Union of Judges (around half the total) and only since 2005
Rating of courts? No

The status and independence of the judiciary in the Czech Republic is defined and guaranteed in the Czech Constitution⁵. It also describes in detail the position and functions of the Constitutional Court which is not a part of the basic structure of the court system. The system is comprised of the Supreme Court and the Supreme Administrative Court, two Courts of Appeal (Prague and Olomouc), 8 regional courts and 86 district courts. This division of courts copies the original administrative structure of the country, which had been in place before its reform in 2001 (after the public administration reform in 2001, the country has 14 regions, and original districts as administrative units were cancelled).

² Rada vlády pro nestátní neziskové organizace, <http://www.vlada.cz/cz/ppov/rnno/zakladni-informace-767/>

³ Kde jsi táto: Počet soudců v České republice a kvalita jejich práce/Number of judges in the Czech Republic and quality of their work, 2015, <http://www.kdejsitato.cz/pravo-a-spravedlnost/statistiky-a-pruzkumy/pocet-soudcu-a-kvalita-prace.html>

⁴ Naďa Adamičková, Marie Konigová: Soudci 114 847, žalobci 101 151 Kč. To jsou letošní průměrné platy, Právo, May 14 2015, <http://www.novinky.cz/domaci/369466-soudci-114-847-zalobci-101-151-kc-to-jsou-letosni-prumerne-platy.html>

⁵ Act No. 1/1993 Coll., Constitution of the Czech Republic, § 81 - 96

The detailed provisions of the court system and judges are stipulated in the Act 6/2002 Coll., on courts and judges⁶.

Appointment of judges

The Czech Republic has a system of career judiciary. Eligibility for appointment as a judge is contingent upon specific conditions, inter alia the Czech nationality, legal capacity, good character, legal university education, personal experience and moral qualities. Before being appointed as a judge, candidates must be at least 30 years old⁷ and complete 3 years of service as judicial probationers at the court. At the end of their preparatory service, judicial probationers sit a professional judicial examination.

The judges are appointed by the President of the Republic for a life term. The proposal for appointment is put forward to the President by the Ministry of Justice that collects proposals from the chairmen of regional courts. Judges can be dismissed following disciplinary proceedings conducted by a special judicial ethics panel (cf. law no. 7/2002 Coll., on the Proceedings in Cases of Judges, Public Prosecutors and Certificated Bailiffs⁸); they are obligated to finish their career at the age of 70.

Judges representation

Council for the Judiciary

There is no Council for the Judiciary at the national level as a representative self-governing body which would act as intermediary between the government and the judiciary in order to guarantee the independence of the judiciary in some way and some respect.

Only in accordance with the provision of § 50 to 59 of the Act 6/2002 Coll., on courts and judges⁹ the Supreme Court, Higher/Appellation Courts, regional courts and also district courts with more than 10 judges should all establish Councils of Judges, composed of 5 members elected for 5 years. Such councils have only an advisory role.

The competencies of Councils are in principle advisory and they are stipulated in the law as follows:

- To provide opinion on candidates for the chairman, and the deputy chairmen of the respective court;
- To provide opinion on judges to be appointed to respective court or to be transferred to another one;
- To provide opinion on judges to be appointed as the Senate Chairs;
- To discuss the work timetable and its changes;
- To provide opinion on the key issues of the management of the court.

Councils of Judges are not decision making bodies.

⁶ Act 6/2002 Coll., on Courts and Judges, 2002, <http://www.zakonyprolidi.cz/cs/2002-6#cast1>

⁷ § 60 (1) Act on Courts and Judges, 2002, <http://www.zakonyprolidi.cz/cs/2002-6#cast1>

⁸ Act No. 7/2002 Coll. on the Proceedings in Cases of Judges, Public Prosecutors and Certificated Bailiffs, 2002, <http://www.zakonyprolidi.cz/cs/2002-7>

⁹ Act 6/2002 Coll., on courts and judges, 2002, <http://www.zakonyprolidi.cz/cs/2002-6#cast1>

Association of Judges

The Association of Judges of the Czech Republic¹⁰ was established in 1990 as a non-political, professional and voluntary body. It associates more than 50% of the country's judges. Its aim is to participate in a permanent increase of legal education/awareness in society and of the level of protection of human rights and liberties. It is an active member of the International Association of Judges, European Association, Association MEDEL (Magistrats Européens pour la Démocratie et les Libertés). The Association organises a number of seminars, events of professional development, and international conferences devoted to the issues of judicial independency, legal status of judges in different countries, administration and self-administration of judiciary or human rights. Measured on the number of members against the overall number of judges, the Association of Judges of the Czech Republic belongs to the strongest professional associations of judges in Europe.

Ongoing education of judges

Judges are responsible for their professional quality. They are obliged to deepen their legal and other knowledge. Besides individual study, they participate in training events organised by the Czech Judicial Academy that is responsible for the training of judicial probationers and for in-service training of judges.

Issue under discussion

Although the appointment of judges by the President is in accordance with the EU standards for independent judiciary, it is often criticized. Legal theorists consider that judges should be appointed by a judicial organ separate from other branches of government to prevent bias and to lower the influence of politics on the judiciary¹¹. It is worth noting that an act introducing self-administration of the Czech judiciary had been submitted but did not pass.

Level of trust in the judiciary

The public trust in courts has varied greatly. The research from 2010 on the public trust in three major courts showed confidence in all three highest judicial institutions in the Czech Republic, i.e. the Constitutional Court (57%), the Supreme Court (64%) and the Supreme Administrative Court (60%).¹² One may compare the results with financial institutions that have the long-term highest public trust of approx. 65%. The Eurobarometer survey of 2013 showed confidence in the judiciary of 25% (see further). The recent poll of another public opinion survey company CVVM (Centre for Research of Public Opinion) of April 2015 showed a steep decline of the public trust in the judiciary¹³ compared to 2014. While in September 2014 the public trust in the judiciary was 61 %, in April 2015 it was only 51%.

¹⁰ Association of Judges of the Czech Republic, <http://www.soudci.cz/Default.html>

¹¹ Giacomo Oberto, Report on Independence Through the Appointment Procedure, Status of Judges and Adoption of the Budget of the Judiciary, 2009, <http://giacomooberto.com/>, <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-UDT%282009%29013-e>

¹² Veřejnost stabilně důvěřuje nejvyšším soudním institucím/Public believe in supreme court institutions, STEM, 2010, <http://www.stem.cz/clanek/2005>

¹³ Centrum pro výzkum veřejného mínění, Sociologický ústav AV ČR, April 17, 2010, http://cvvm.soc.cas.cz/media/com_form2content/documents/c1/a7374/f3/po150417.pdf

Very diverse results of different public opinion polls may be caused by the quality of the survey, pertinence of questions and methodology of data interpretation. Thus, it is very difficult to make a firm conclusion about the level of public confidence in the judiciary in the Czech Republic.

Types and examples of NGOs – court interactions

In addition to the information in the previous section, we can add the most topical challenges of the Czech judiciary. First of all, it lacks openness and accountability. In this respect the way of appointing the chairman of the regional court is an important issue. There are certain selection procedures in place, but they are not always fully transparent. A situation where the former deputy chairman co-responsible for the current state almost automatically becomes the chairman is undesirable, especially as the chairmen of the regional courts are perhaps the most important persons in the judiciary. They decide who becomes a judge; they assign cases to individual judges¹⁴.

Another array of challenges relate to excessive length of judicial proceedings, dysfunctional system of seizures and still extended time of dealing with administrative actions. Seeking redress through the courts in the Czech Republic is thus a lengthy process with an uncertain outcome. It is not entirely clear whether the main reason for this situation is lack of capacity of the judicial apparatus, inefficiency of processes within the judicial system or poor and frequently changing legislation, which the courts are obliged to apply. Additionally, there is also a high influence of the executive power in matters of appointment and career development of judges and in terms of financing and equipment for the judiciary.

The diversity of issues related to the work of the judiciary in the Czech Republic leads to a situation where, within the NGO sector, there is no organization that is engaged in the judiciary as its sole or main area of focus (except Šalamoun society monitoring of trials – see Part II „the organisation card“). Although the topics related to the judiciary can be found in the work of a number of organizations, legal advice or legal assistance at trial significantly prevail. Other organisations (particularly the larger NGOs) focus on the judiciary as a part of their priority topics - protection of vulnerable groups, protection of individual rights and freedoms, protection against discrimination, etc.

Therefore, when analysing the activities of NGOs related to the judiciary we can find primarily advocacy activities to enforce certain laws (including strategic litigation), or analyses of judgments, either in terms of content or also in terms of length of judicial proceedings. Therefore, the study focuses on the organizations in which selected aspects of the Czech judiciary constitute a considerable part of their activities, and which are also perceived as important by the public, the media or judiciary and legal experts. The activities that often include quite close cooperation with state authorities, however, have been recently complemented by a series of more or less formal civic initiatives that have the ability to mobilize the public and to focus its attention on a particular topic.

¹⁴ Czech Television, Interview with former Deputy Minister of Justice Hana Marvanova, February 12, 2015, <http://www.ceskatelevize.cz/ct24/domaci/301402-marvanova-justice-ma-problem-s-predsedy-soudu-i-zodpovednosti-soudcu/>

The factual involvement of NGOs in the judiciary can take a number of forms and very much depends on a number of factors like the type of project and its objectives, the court involved and individual judges and personal background of NGO staff in each particular case.

The governmental partner for NGOs addressing matters of the judiciary is the Ministry of Justice which performs state administration over the judiciary and disposes even more powers over the judiciary than is typical in developed countries. With the absence of a High Judicial Council (a representative self-governing body) there is no relevant partner in the judiciary itself. The Association of Judges represents another possible partner. They possess no formal powers but can influence their members.

Any generalization is very difficult since different NGOs and even different persons can have different experiences regarding the receptivity of judicial representatives. With this disclaimer it can be said that Ministry of Justice, especially in the past, was hard to communicate with and to obtain a feedback from. Also, the Ministry was quite reluctant to accept the need for change. It is generally perceived that the Ministry was also resistant towards initiatives of judges themselves as well as those of academics.

The Association of Judges – on the contrary – is a rather progressive organization open to new approaches. In some respects – and also in its legal form - they work as a non-governmental organization trying to initiate necessary changes in the judiciary. For instance, Transparency International was several times invited to the Association's annual conference and vice versa Transparency invites the Association's representatives to speak at its events.

Also, the Judicial Academy is more and more open to invite speakers from NGOs to discuss different topics.

There additionally have been good experiences with a number of judges who attend the NGO events in their individual capacity based on their interest in the subject matter.

Human rights issues generally do not attract much attention in Czech society and in the media (with the exception of Roma issues). Any reaction by citizens or media to NGO activities towards the judiciary were not identified.

Special governmental funding for NGOs working on judicial matters is not available. The judiciary, and justice in general, is not listed among the 16 areas where the government intends to support NGOs.¹⁵ However, funding is available for areas like human rights, equal opportunities, consumers' protection and discrimination which can have a component related to justice and the judiciary.

The Ministry of Justice funds NGOs only in three areas – probation and mediation services, victims' support and assistance and drug prevention in prisons.

Examples of the most prominent organizations that, as a part of their activities, focus on the judiciary:

¹⁵ Hlavní oblasti dotační politiky vlády pro rok 2015 (Main areas of government funding to NGOs), adopted by the Governmental Decree No.: 685 of 16 June 2014 (available at: <https://apps.odok.cz/attachment/-/down/VPRA9L9BRR9S>)

Counselling Centre for Citizenship; Civil and Human Rights (Poradna pro občanství, občanská a lidská práva)¹⁶

The Centre was founded by a group of lawyers and social workers in 1999 to promote the respect of human rights. The Centre provides legal advice in the area of equal treatment and discrimination, the rights of foreigners, housing and employment and, in justified cases, also within the framework of the so-called strategic litigation. The Counselling Centre was the first organization in the Czech Republic that launched strategic judicial proceedings. The Counselling Centre represents clients in court; it also discusses theoretical issues of research and monitors and comments on legislative practice regarding passing new laws and any problems in putting them into practice. Activities also include preparation of reports for international human rights bodies.

To effectively protect individual rights and legitimate interests of victims of discrimination, lawyers of the Counselling Centre introduced a method called situational testing in the Czech Republic, which Czech courts have fully accepted during the last several years.¹⁷

Czech Helsinki Committee (Český helsinský výbor)¹⁸

The Czech Helsinki Committee (CHC), is a non-government non-profit organization which was built on the activities and legacy of Charter 77 and the Committee for the Defence of the Unjustly Prosecuted. The organization's mission is to foster and protect the basic values of democratic society, namely protect equal rights and personal liberty.

CHC monitors courts decisions in cases of possible human rights violations, especially in relation to racism, discrimination and intolerance and with regards to family rights. CHC also defends rights of the elderly, minorities and persons with disabilities and provides legal assistance to victims of human rights violations.

Iuridicum remedium¹⁹

Iuridicum remedium (founded 2002) is a watchdog and advocacy non-governmental organization for the protection of human rights. It focuses on specific cases of human rights violations, as well as on general attempts to limit the rights of citizens, e.g. through changes in legislation.

Topical cases of threats to human rights form the substantive content of the activities of the organization in three programmes:

- a. Legal assistance in social exclusion (free legal aid and awareness raising of the elderly in the area of debt issues; free online legal advice),
- b. Human rights and technology (free online legal advice regarding legal matters of all aspects of privacy; transparency in the handling of DNA),
- c. Human rights and public administration (the right to peaceful assembly).

¹⁶ Poradna pro občanství/ Counselling Centre for Citizenship, Civil and Human Rights <http://www.poradna-prava.cz/>

¹⁷ Further information about „situational testing“ in Czech Republic can be found on Czech Ombudsman web page: <http://www.ochrance.cz/diskriminace/pomoc-obetem-diskriminace/situacni-testovani>

¹⁸ Český helsinský výbor, <http://www.helcom.cz/>

¹⁹ Iuridicum remedium, <http://www.iure.org/>

League of Human Rights (Liga lidských práv)²⁰

The League is a non-governmental organization which helps people to know their rights and how to enforce them. The League targets the vulnerable groups such as mentally disabled people, medical patients and children. In cases of human rights violations of these groups the representatives of the League defend the victims in the courts and through the outcomes of the court's decisions and by making the cases public they enforce the changes within the society. Besides that, they are submitting cases of human rights violation to the European Court of Human Rights, for instance the case of a woman whose son was excluded from kindergarten because he was not vaccinated or the case of the right of woman to give a birth at home with an assistance of a medical professional.

The League has also supported, in cooperation with the organization Public Interest Lawyers Association (PILA), the improvement of the quality of teaching at law schools by publishing educative materials.

Since spring 2004, the League has been a member-correspondent of the International Federation for Human Rights (FIDH). It became a full member three years later - in spring 2007.

Frank Bold²¹

The organization, founded in 1995, proposes and enforces legislation disrupting connections between politics and business, deals with the cases of damage to nature and health hazards, provides legal advice, especially in the area of civil rights, and supports civic initiatives. The organization also pioneered the initiative when the most prominent anti-corruption organizations joined businesses and hundreds of citizens and started the biggest civic lobbying event in the history of the Czech Republic to enforce 9 anti-corruption laws under the umbrella platform of the Reconstruction of State (Rekonstrukce státu)²². Out of these 9 laws the abolition of anonymous shares, the adoption of the Civil Service Act, obligatory publishing of public contracts and an amendment to the Rules of Procedure of the Chamber of Deputies have so far been pushed through. The organization also monitors the preparation of air quality strategies and encourages citizens' involvement into the SEA – Strategic Environmental Assessment process.

In IUSTITIA²³

In IUSTITIA was founded in 2013 as a legal organization, which is the first of its kind in the country specifically dealing with hate violence in all its scope. It brings the topic of hate violence into the public sphere, expert discourse and political debate. For the benefit of its clients, hate violence victims, it claims the right to judicial and other legal protection.

In IUSTITIA provides legal assistance to individuals exposed to hate violence. It aims to improve their access to justice. It focuses on criminal, administrative and civil law. It pays significant attention to damages incurred as a result of hate crimes. It focuses on protecting

²⁰ Liga lidských práv, <http://llp.cz/>

²¹ Frank Bold, <http://frankbold.org/>

²² Rekonstrukce státu, <http://frankbold.org/resime/tema/rekonstrukce-statu>

²³ In IUSTITIA, <http://www.in-ius.cz/>

communities at risk of violent racism and neo-Nazism. It seeks to optimize practices of state administration in the area of the right of assembly. It deals with the monitoring of legislative activity, analyses of the Czech code in the context of European and international law. It submits proposals for amendments to current legislation to improve the status of people at risk of hate violence, to facilitate their access to justice and adequate tools of restorative justice. Part of larger efforts for prevention and corresponding solutions of hate incidents is the collaboration with public administration to optimize legislation and activities of responsible authorities in relation to hate violence. In IUSTITIA representatives are members of the advisory bodies of public administration and the Ministry of Justice working group to prepare a law on victims. They seek to publicise the needs of victims of hate crimes, including access to free legal aid.

Association for Integration and Migration (Sdružení pro integraci a migraci - SIMI)²⁴

SIMI is a non-profit human rights organization defending the rights of foreigners in the Czech Republic. It provides free legal, social and psycho-social counselling to foreigners living in the Czech Republic. Throughout its existence (since 1992) SIMI has built a stable position among organizations dealing with alien problems, and it belongs among recognized experts. A significant part of its activities are works on conceptual changes and advocacy activities. The organisation focuses on monitoring the status of foreigners in the Czech Republic and on changing unsuitable, restrictive or discriminatory regulations. It prepares comments on the amendments and the legislative projects that affect the lives of foreigners in the Czech Republic, especially on the Law on Asylum and Residence of Foreigners.

As a conclusion we can say that one area where NGO participation has increased in recent years is the administration of justice. NGOs have been accepted to participate in the reform process and push for more reforms. In the eyes of the general public, the most important purposes of NGOs dealing with legal matters are support for human rights and prevention of violations and abuses, especially when it comes to the most vulnerable members of society.

Especially for underprivileged groups that have less access to information, collective action can be difficult, though through the efforts of NGOs voicing their concerns they can be heard more effectively. Activities by NGOs focus on such issues as improving access to justice and legal aid programs, strengthening alternative dispute resolution and mediation facilities, and increasing the awareness of legal and judicial reform issues. It is most common for organizations to address a number of diverse needs. For instance, organizations train people to know their rights and understand the judicial system, as well as provide legal aid services and mediation mechanisms.

Legal Framework

The non-profit sector in the Czech Republic is well developed and very diverse, not only from the point of view of the legal form and targeting activities in a certain area, but also with regards to the way of financing, internal functioning and capabilities, or rather the willingness to engage actively in the public interest. The largest proportion of non-profit organizations focus primarily on the needs of their members and enter in relationships with public institutions only marginally and rather more passively, i.e. especially in a situation

²⁴ Sdružení pro integraci a migraci, <http://www.migrace.com/>

where they can get some form of support for their activities or their members. Another significant proportion of non-profit organizations focus on providing services for non-market principles, especially in the social sphere, and are often dependent on grants from public budgets. Advocacy and watchdog organizations that openly identify with the role of a guardian of democracy are rare in the non-profit sector and face gradual disappearance of funding.

On January 1, 2014 the new Civil Code (Law no. 89/2012 Coll.)²⁵ came into effect. It not only replaced the previous Civil Code, but also many other laws (e.g. the Law on Associations, the Law on Foundations and Endowment Funds etc.). The main change is that it contains a new legislative division and definitions of organizations that are referred to as non-governmental and non-profit (NGO).

It should also be noted that the new Civil Code introduced the concept of public benefit into Czech legislation. Foreign legislation has long been working with this concept, in the Czech Republic has been used in practice of the non-profit sector, but with the new legislation, the term has gained legal definition. Details should be specified in the special law on the status of public benefit, which has not yet been adopted.

NGOs access to the courts

In the Czech Republic, NGOs have the right to access the court under substantially the same terms as any natural or legal entity.

NGOs have access to the courts, especially if the case directly affects their own rights and their legitimate interests. In such cases, an NGO becomes a party of the proceedings on the basis of general principles.

Based on the prevailed court's practice, an NGO can only ask the courts for protection of their procedural rights, if the proceeding does not affect the NGO's own rights. "They cannot successfully justify their lawsuits only on the grounds of 'objective unlawfulness' of the administrative act in question, and/or ask for the protection of the environment as a 'public interest'"²⁶. Although, the position of courts towards lawsuits filed by NGOs somewhat improved over the last few years.

Provision § 50 and the several of the Code of Criminal Procedures introduces the function of "authorised representative" who can act on behalf of a victim or person participating in the proceeding.. The "authorised representative" can be any legal person with full legal capacity (including an NGO). Such a representative is entitled to file motions on behalf of the victim or participating persons and claim legal remedies on their behalf. He is also entitled to participate in all procedures in which the participating person may participate. This provision is in cases of victims of "hate crimes" for instance.

In exceptional cases, an NGO can initiate court proceedings in the public interest for the purpose of enforcing collective legal protection. This locus standi for bringing collective action applies only to areas defined by the law - consumer protection and environmental

²⁵ Civil Code (Law no. 89/2012 Coll.), <http://obcanskyzakonik.justice.cz/images/pdf/Civil-Code.pdf>

²⁶ Pavel Černý: Lawsuits on Non-Governmental Organizations in the Czech Legal System – An Efficient tool of Environmental Protection, <http://www.commonlawreview.cz/lawsuits-of-non-governmental-organizations-in-the-czech-legal-system-an-efficient-tool-of-environmental-protection>

protection²⁷. Czech anti-discrimination law does not constitute an opportunity for NGOs to participate in judicial or administrative proceedings in matters of protection against discrimination, despite the fact that according to the directives of the European Union (Art. 9, paragraph. 2 Council Directive 2000/78 / EC)²⁸ the locus standi should be envisaged by the national law.

Monitoring of the judiciary by NGOs

Unlike other types of interaction between civil society and courts, NGOs with main activities in this area are quite rare. They focus on the following aspects:

- Monitoring activities of courts (court decisions)
- Monitoring independence of courts
- Monitoring accountability of courts/judges

The largest range of activities in this area can be found in the work of Transparency International Czech Republic – o.p.s.²⁹, which has long focused on transparency and credibility of the judiciary. The most important projects are as follows:

- "Hledání rovnováhy mezi nezávislostí soudce a jeho odpovědností vůči veřejnosti" (Finding the balance between the independence of judges and their accountability to the public) - a series of roundtables with participation of the experts on the process of stabilization of the Czech judiciary,
- "Transparentnost a důvěryhodnost výkonu spravedlnosti"³⁰ (Transparency and credibility of justice) - the conference attended by top representatives of the Czech judiciary,
- "Justiční forum"³¹ (Justice Forum) - a series of expert conferences,
- "Česká justice, boj o vše" (Czech judiciary, fight for all) – compilation of proceedings of the Justice Forum,
- "Česká justice – otázka správy a nezávislosti" (Czech judiciary - issue of governance and independence) - a collection of scientific papers of the representatives of the judiciary and legal theory,
- "Aplikace etických postupů v soudním systému České republiky"³² (Application of ethical practices in the judicial system in the Czech Republic) – analyses,
- "Analýza soudních rozhodnutí ve věcech úplatkářských trestných činů"³³ (Analysis of judgments in cases of bribery offenses) (2007 - 2009, 2010 - 2012).

²⁷ See mainly provisions of § 83 and §159 of Civic Code of Court procedures.

²⁸ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>

²⁹ Transparency International Czech Republic, <http://www.transparency.cz/>

³⁰ Transparency and credibility of justice, Transparency International, 2009, http://www.transparency.cz/wp-content/uploads/justice_sbornik.pdf

³¹ Justice Forum, Transparency International, 22.5.2014, <http://www.transparency.cz/vi-justicni-forum-boj-pravni-stat/>

³² Michal Štička: Application of ethical practices in the judicial system in the Czech Republic, www.transparency.cz/wp-content/uploads/evs_justice.pdf

³³ Radka Pavlišová, Martin Novák: Analysis of judgments in cases of bribery offenses, Transparency International, 2013 http://www.transparency.cz/wp-content/uploads/Anal%C3%BDza_soudn%C3%ADch_rozhodnut%C3%AD_vyd%C3%ADch_v_letech_2010_a%

Already at the time of pre-accession negotiations concerning the Czech Republic's membership in the European Union (2000 - 2004), it was expressed very clearly that a serious fault of the judiciary was its excessive subordination to politics, more precisely to the Minister of Justice. This problem, as well as the issue of delays in court proceedings and the anonymity of judgments still persists (see further).

NGOs are engaged in the issue of selection and appointment of judges only marginally, usually as a part of efforts to boost the overall transparency of the judiciary. Given the relatively sophisticated system of educational and career development of judicial probationers, the debate is primarily about the life appointment as a judge at the outset of his/her career. This issue was also discussed within the NGO sector, especially in 2005, when President Vaclav Klaus refused to appoint 32 of 55 candidates to the position of judge. The President's official reasoning for the decision was the young ages of the candidates. Some of the candidates had not yet reached 30 at that time. This limit was set by the law in 2003. Under the transitional provisions, the restrictions did not apply to lawyers who had been judicial probationers before the act to who the law admitted exceptions³⁴. Some of them turned to the court, which in 2008 ruled in their favour. Media tends to pay more attention to cases of breach of disciplinary rules or even criminal cases of judges.

NGOs monitoring, advocating and engaging in the legislative process regarding judiciary

The engagement of NGOs in the legislative process is limited. Usually, it takes the form of ad hoc legal opinions and interviews with lawyers of some organizations on the occasion of the law amendments. More intensive advocacy work of NGOs was visible on the occasion of the last major amendment to the Act on Courts and Judges³⁵ (2008). All objections were at the last instance scrutinised by the Constitutional Court³⁶. Its decisions were welcomed by the majority of civil society, as it confirmed e.g.:

- Ban of temporary assignment of a judge to the Ministry of Justice for the purpose of "writing the law" or for any other purposes. It thus eliminated the practice whereby judges could write the law, and put it into decision making practice,
- Possibility of a temporary exemption from the exercise of office of chairman or vice-chairman of the court on the grounds of initiation of disciplinary proceedings,
- Introduction of tenure of chairmen and vice-chairmen and the impossibility of repeated appointment,
- Incompatibility of an office of a judge with other gainful activity.

As another example we can mention acrimonious discussion among experts on the issue of judges' salaries at the turn of 2014/2015 which also engaged the public and representatives of NGOs. In the course of discussion, especially civil society pointed to the lack of impartiality

[C5%BE_2012_ve_v%C4%9Bcech_%C3%BAplatk%C3%A1%C5%99sk%C3%BDch_trestn%C3%BDch_%C4%8Din%C5%AF.pdf](#)

³⁴ Česká tisková agentura: Kauza odmítnutí jmenování čekatelů na soudce trvá přes tři roky/ Case of judges nominee's refusal takes three year already, , 2008, <http://www.epravo.cz/top/clanky/kauza-odmitnuti-jmenovani-cekatelu-na-soudce-trva-pres-tri-roky-54722.html?mail>

³⁵ Act No. 6/2002 Coll. On courts, judges, associate judges and state administration of courts

³⁶ Supreme Court decision.294/2010, <http://www.zakonyprolidi.cz/cs/2010-294#f4287251>

of judges as they should decide themselves about their own salaries³⁷. However, this issue is still not resolved; the case will be decided by the Constitutional Court.

Activity of some NGOs (particularly Transparency International Czech Republic - see above) focuses on strengthening the independence of judges through advocacy activities on behalf of establishing so-called Supreme Council of the Judiciary as an authority independent from political decisions. Although the experts and the general public support this step, work on the drafting of the act has not yet been launched since the previous one did not pass (in 2011).

In the field of legislation concerning the judiciary, greater consideration has recently been given to the reform of the Prosecutor's Office. The Reconstruction of State - an initiative of almost twenty NGOs³⁸ (see also above) dealing with issues of good governance, transparency and accountability of public administration - focuses its advocacy work on this area.

At the end of May 2013, the government submitted a Draft Law on the Public Prosecutor's Office to the Chamber of Deputies. According to experts from the Reconstruction of State working group, it could ensure the status of prosecutors independent of political interference. The following cabinet withdrew the bill at the request of the Minister of Justice. The new proposal incorporates all the substantive comments of the professional public and removes some problematic elements (e.g. the right of the Minister to seek information about ongoing cases, etc.). However, the draft is still not presented in the final version, so NGOs' initiatives continue to monitor the process and express their opinions at working and expert meetings and in the press³⁹.

Although the advocacy activities of NGOs are one of its basic functions, research from 2013⁴⁰ showed that they did not get the attention they deserve. Advocacy functions often represent a small share of the activities of NGOs, because organizations usually prefer to perform a variety of functions at once (assistance, capacity building, etc.). Future development of NGOs should, therefore, aim not only to provide assistance but attend more to oversight and influence social phenomena, including the judiciary. NGOs should become more active in the political and legislative processes. Future orientation should therefore lead to strengthening their advocacy functions.

The target group of the research were executives of development NGOs in the Czech Republic. The organizations were selected by the scope of operation in development and humanitarian areas. They were also associated in the Czech Forum for Development

³⁷ Rudolf Polanecky: Jak jde o peníze, jsou soudci jednotní, *Parlamentní listy*, 23.1. 2015, www.parlamentnilisty.cz/arena/nazory-a-petice/Rudolf-Polanecky-Jak-jde-o-penize-jsou-soudci-jednotni-355536,Zdenek Koudelka: Soudní platová bomba, *Parlamentní listy*, 27.1. 2015, www.parlamentnilisty.cz/arena/nazory-a-petice/Zdenek-Koudelka-Soudni-platova-bomba-359063

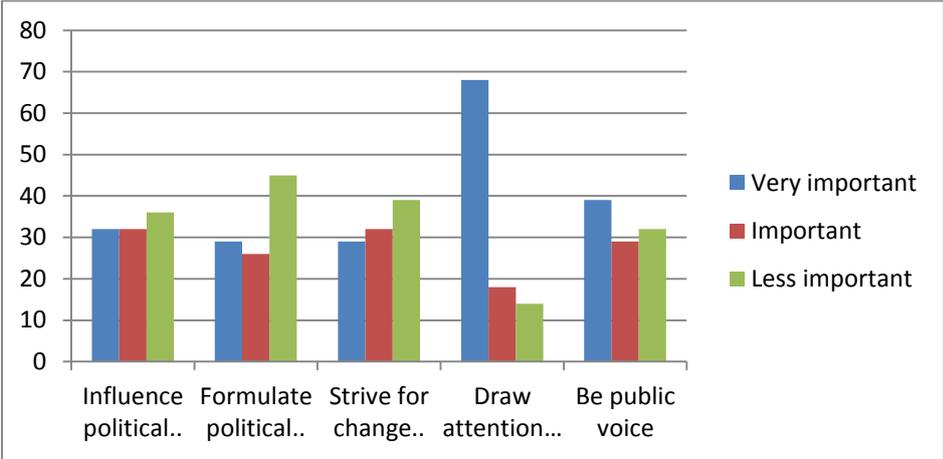
³⁸ Rekonstrukce státu, <http://www.rekonstrukcestatu.cz/cs>

³⁹ Rekonstrukce státu : Státní zastupitelství bez politických zásahů do vyšetřování, <http://www.rekonstrukcestatu.cz/cs/statni-zastupitelstvi-bez-politickyh-zasahu-do-vysetrovani>

⁴⁰ Benešová, Aneta: Role advokační funkce v nevládních neziskových organizacích v České republice (The Role of Advocacy in Czech NGO), thesis, Mendelova Univerzita, Brno 2013, page 42, <http://is.mendelu.cz/zp/index.pl?podrobnosti=52378;lang=cz>, Graph prepared by Ivana Dufková based on data from the study,

Cooperation. There were 52 organizations from across the country interviewed, 38 of which responded, which is 73%.

Advocacy questions
1. Influence political and legislative decisions on behalf of requirements of our target groups
2. Formulate political stance
3. Strive for change of political/legislative environment
4. Draw attention of public to specific topics
5. Act as a public voice of specific group and /or of specific interest



Trial monitoring, observation trial, court watch

Until late 1980s not much thought was given to the issue of organisation of access to justice. The traditional model of trial monitoring consisted mainly of moral support to the victims of the regime. There were very few official research initiatives that focused on statistical surveys of workload, largely lacking any consequences. Furthermore, it was often impossible for people to know who was responsible for which area.

Starting in late 1989 though, the increasing role of the judiciary in social life and the increasing demand, from taxpayers and voters, that the state be operated more efficiently, and less at the expense (both emotional and financial) of the people, started to affect the traditional way of thinking of the judicial administration, its organisation and its founding values. Judicial administration was seen as an old and monstrous machine, with much red tape, and in need of much repair. Things were destined to change, though, as media exposure and public dissatisfaction grew stronger.

The following priorities of court monitoring have gradually been established:

- To maintain a constructive, rather than adversarial relationship with the justice system
- To help the justice system reach its potential by identifying shortcomings, recommending practical solutions and advocating for change

- To communicate and share information with organizations and agencies that provide direct services and advocacy for victims of abuse and assault
- To help assure that a balance is achieved between defendant's rights and the safety of the community; between efficient proceedings and effective outcomes; between swift discipline and compassionate rehabilitation.

However, trial monitoring in practice is usually limited to observing public court proceedings and concentrating on the conduct of judges, prosecutors, lawyers and, possibly, other judicial officials. Observation not only of trials but also of other aspects of the proceedings and other institutions in the legal sphere is quite rare as monitoring of the justice sector in its entirety is a vast task and requires diverse resources and expertise, as well as special access agreements. That is why there are no examples of NGOs involved in systemic trial monitoring. More often we can find examples of thematic or ad hoc monitoring.

The Czech Helsinki Committee (see above) is an example of an organization that systematically conducts court observation. It publishes its findings in annual reports. The aim of organisation's activity is to get a detailed picture of the level of proceedings at the Czech courts; it monitors the performance and openness of the Czech judiciary. In 2004, this activity was enriched by civil monitoring of court hearings. Observers are impartial; they do not have any personal interest in a specific case. They are lay observers, who assess those aspects of the conduct of judges, which are important for the public - verbal and nonverbal expressions of court personnel, management skills of the chairman of the Senate and the method of settlement.

Transparency International conducted two analyses of judgements in cases of bribery offenses (see above). These analyses show that in practice, there are no significant problems in the application of material legal concepts. With regard to the application of procedural institutes, results of analyses strongly denied abuse of procedural instruments affecting the fundamental rights and freedoms (such as surveillance of persons and things or interception and recording of telecommunication). However, when it comes to other ways of proving bribery offenses, it is very disturbing that courts unevenly assess the admissibility of recordings made by private individuals, despite the existence of guidance and rulings of the Supreme and Constitutional Courts confirming the possibility of using these recordings, while respecting fundamental rights and freedoms. These analyses were used by the government of the Czech Republic and played a key role in its anti-corruption strategy. Analyses also provided feedback for judges, police and public prosecutors. They further serve as a source of information for the public and a teaching tool for educative programs.

Monitoring of judicial proceedings is an essential part of Šalamoun society activities (see above), which aims at finding and documenting such legal cases where the independence and legitimacy of investigations and justice in general can be called into question.

Furthermore, a number of civic initiatives are involved in monitoring judicial proceedings; however, they focus primarily on on-line counselling and assistance to victims (www.pomocposkozenym.cz , www.bezplatnapravniporadna.cz and others).

Delays in court proceedings are at the centre of attention of the League of Human Rights (see above), which carried out an analysis of court delays and remedies based on the application of the amendment of the Act No.160 / 2006 Coll. on liability for damage caused

in the exercise of public authority decision or maladministration⁴¹. Based on the analysis, the League of Human Rights proposed to implement certain measures, which would ultimately contribute to better effective compensation for delays, but also to the reduction of their actual occurrence, e.g.:

- Introduction of a preventive measure of remedy against delays into the code that could effectively obviate the excessive length of the proceedings or prevent its continuation,
- Modification of procedural rules ensuring quick processing of claims for compensation,
- Posting, regularly updating and systematically disseminating information on the available means of redress of excessive length of proceedings and in particular on the methodology by which the Ministry of Justice determines the level of satisfaction.⁴²

Involvement of NGOs in court trials

Numerous NGOs in the Czech Republic are involved in court trials. Among the most significant, we should name the Counselling Centre for Citizenship, Civil and Human Rights (see above), which has been implementing strategic litigation since 2001, especially in the area of the right to family life and in the area of discrimination in access to housing, employment and services. As an example, the organization assisted in two important cases at the European Court of Human Rights: *Wallová and Walla vs. the Czech Republic*⁴³ and *Havelka and others vs. the Czech Republic*.⁴⁴ Both cases involved the issue of placing children in institutional care when the European Court always ruled in favour of the complainant. It noted that there had been a violation of Article 8 of the European Convention on Human Rights, namely the right to respect for private and family life. Decisions of the European Court of Human Rights, but also other cases conducted in the Czech Republic were examples of bad practice when children were removed from their parents because of bad housing and social situations. Judicial practice subsequently began emphasizing that institutional care should be regarded as a secondary solution. Given that this is a crucial intervention into the rights of a child, but also parents, all requirements for necessity and proportionality must be met if a child is to be placed in institutional care.

Also the League of Human Rights (see above) represented its clients in proceedings before the European Court of Human Rights. For instance based on the case of Mr. Bureš which concerned an unlawful chaining in a psychiatric clinic, the Czech Republic was condemned for humiliating treatment and violation of Article 3 of the European Convention on Human Rights^{45 46}. Another case which was submitted by the League to the European Court of Human Rights involved a breach of Article 5 of the Convention, the right to liberty and security of a person. The case was based on involuntary detention of a patient in a

⁴¹ Act No.160 / 2006 Coll. on liability for damage caused in the exercise of public authority decision or maladministration, www.epravo.cz/top/zakony/sbirka-zakonu/zakon-ze-dne-16-brezna-2006-kterym-se-meni-zakon-c-82

⁴² Soudní průtahy: preventivní a kompenzační prostředky nápravy, Liga lidských práv, 2009, <http://llp.cz/publikace/soudni-prutahy-preventivni-a-kompenzacni-prostredky-napravy/>

⁴³ Poradna pro občanství, Strategická litigace, <http://www.poradna-prava.cz/folder05/Wallovvi-rozsudek.pdf>

⁴⁴ Poradna pro občanství, Strategická litigace, <http://www.poradna-prava.cz/folder05/Havelkovi-rozsudek.pdf>

⁴⁵ Nelidské a ponižující zacházení musel snášet pacient na psychiatrii, Liga lidských práv, prosinec 2013, <http://llp.cz/pripady/nelidske-a-ponizujici-zachazeni-musel-snaset-pacient-na-psychiarii/>

⁴⁶ European Court of Human Rights, Bures v. The Czech Republic – 37679/08, Judgment, <http://www.bailii.org/eu/cases/ECHR/2012/1819.html>

psychiatric hospital with consent of his guardian. Subsequently, it was ruled that a legal guardian cannot automatically decide on hospitalization of a person deprived of legal capacity. In case he/she disagrees with hospitalization, the legality of interference with personal liberty must be approved by the court^{47 48}. Besides the ruling of the ECHR, the League also strongly required general reform of psychiatric care in the Czech Republic. They have also published a methodology for judges, lawyers and psychiatric clinics concerning involuntary hospitalization.

Currently, the League of Human Rights has addressed mainly the issue of compulsory vaccination and promoted a bill on the protection of public health⁴⁹. The NGO has successfully lobbied against vaccination of children against the will of their parents. However the amendment of the law approved by the Parliament still imposes restrictions on non-vaccinated children to attend nurseries or summer camps.

Other examples:

- A non-profit organization, Citizens against Addiction⁵⁰, enforced a lottery law change (change in the procedure of issuing lottery permits) through strategic litigation⁵¹,
- Frank Bold (see above) focused on violations of labour regulations and employee discrimination by multinational companies such as Ahold, Tesco, Lidl and others. The outcome was an increase in the effectiveness of supervision exercised by state institutions in the field of labour law⁵²,
- La Strada systematically monitors and supports the initiation of trials related to human trafficking. Acquired knowledge from trials' findings serves as a background for La Strada for its subsequent analytical work as well as for practical work with clients,
- NGOs assisting refugees are devoted to strategic litigation to strengthen protection of the rights of migrants in employment/labour, including protection in relations marked as illegal employment or exploitation⁵³.

The examples demonstrate that almost all major NGOs working in the field of human rights protection engage in strategic litigation. The organizations often provide free legal assistance and representation before the courts in cases related to the focus of their activities. They use a provision of the Civil Procedures Code⁵⁴, which stipulates that in cases "[...] of protection against discrimination based on sex, racial or ethnic origin, religion, faith, belief,

⁴⁷ Article: Muže neoprávněně zbavili způsobilosti a proti jeho vůli ho drželi na psychiatrii, Liga lidských práv, <http://llp.cz/pripady/muze-neopravnene-zbavili-zpusobilosti-a-proti-jeho-vuli-ho-drzeli-na-psihiatrii/>

⁴⁸ European Court of Human Rights, Sykora v. The Czech Republic, Application no. 23419/07, Judgment, <http://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-114658%22%5D%7D>

⁴⁹ Amendment proposal to Act. N. 258/2000, Liga lidských práv, http://llp.cz/publikace/pozmenovaci_navrh_senat/

⁵⁰ Citizens against Addictions, <http://antigambling.webnode.cz/>

⁵¹ Citizens against Addictions : Strategic litigation against law on lotteries, , <http://antigambling.webnode.cz/news/projekt-strategicka-litigace-proti-aplikacni-politice-zakona-o-loteriich-ministerstvem-financi/>

⁵² Discrimination and abuse of rights of employees, Frank Bold, <http://frankbold.org/sites/default/files/publikace/eps-diskriminace-retezce.pdf>

⁵³ Strengthen protection of the rights of migrants in employment, Organizace pro pomoc uprchlíkům, <http://www.opu.cz/cz/article/357>

⁵⁴ Act No. 99/1963 Coll., § 26, section 3

disability, age or sexual orientation, the party may be represented by a legal entity founded under special regulation, activities of which specified in its statute include protection against such discrimination [...]". Therefore, it is not necessary that in such cases a discriminated person contacts an advocate, but he/she can apply directly to the non-profit organization, grant it a full power of attorney and the organisation's representative may act at the court.

Conducting strategic litigation and representing clients before the court is difficult for small or local NGOs, since such activities require funds to provide legal experts and lawyers. Organizations obtain funding mainly through various national and international projects, but availability of funding has been decreasing in recent years (e.g. greater allocation of EU funds to social services, sports, nature protection).

NGOs working in the field of access to information. Transparency

Communication between courts and citizens is regulated by the Act on Free Access to Information (no. 106/1999 Coll.)⁵⁵, which was adopted on May 11, 1999 after long efforts. The law is functional and allows, among other things, access to final court judgement. On the other side the law does not allow to provide information on the ongoing criminal proceeding and the court's decision-making activity (with the exception of the final judgement).

The Act on Free Access to Information stipulates in Section 2 that the state agencies, territorial self-governing bodies, public institutions and other entities, which manage state funds must provide information on request. This law does not apply to personal data. Other exceptions apply to records that are designated under special laws and regulations as classified, and to personal information labelled as trade secret, information obtained by state authorities in the framework of laws on taxes, pension insurance, health insurance and social security, documents related to personal property, internal regulations and personnel policies of the appropriate administrative authority and information related to the meetings of the administrative bodies before they have issued a decision. Any natural or legal person may ask for information that can be communicated in writing or orally. The applicant is not obliged to prove his/her legal interest in the information sought. As indicated by the title of the Act, an application for access to information is free of charge. Administrative authorities may charge a fee for costs associated with seeking out, copying and sending the requested information to the applicant. An appeal against a decision rejecting a request for information, including failure to meet the deadline for providing information may be submitted to the authority that issued or should have issued the decision. If the authority issues a decision on the denial of the request, the applicant may proceed the request to the administrative court.

One of the most important projects in the field of access to information within the judicial sector, which started to be implemented on 21 December 2005 in accordance with the Government Resolution no. 1652⁵⁶, is a project regarding electronic justice - eJustice. On 6 December 2006, the Czech Government Resolution no. 1390⁵⁷ accepted the "Draft

⁵⁵ Act on Free Access to Information, No. 106/1999, May 11, 1999, <http://zakony-online.cz/?s127&q127=all>

⁵⁶ http://racek.vlada.cz/usneseni/usneseni_webtest.nsf/web/cs?Open&2005&12-21

⁵⁷ http://racek.vlada.cz/usneseni/usneseni_webtest.nsf/web/cs?Open&2006&12-06

introduction of electronic justice information system (ISEJ) in the Czech Republic." Regardless of the fact that the project is a state initiative, it is tightly connected to the NGO sector. It is a response to pressure⁵⁸ from civil society to make the judiciary more transparent. NGOs were involved in preparatory phases as consultants and project outcomes (electronic registration of the case, databases of business entities, e-judicature, e-court official desk, etc.) are widely used by them in their watchdog and advocacy activities and in direct legal aid.

Introduction of electronic justice information system has the following objectives:

- To increase viability and accessibility of judiciary,
- To reduce delays in court proceedings,
- To improve the control and supervision of the proceedings,
- To ensure better sharing of information between public prosecutors, courts and probation and mediation services,
- To facilitate sharing of files between different jurisdictions,
- To improve communication between the judiciary and the public, improving access to information (access to files on the Internet)⁵⁹.

The fight against anonymous justice remains an area of concern. In many press releases, the names of the respective judges are not published. Furthermore, there is a need to dramatically improve the work of courts spokespersons. Spokespersons for the Supreme Administrative Court and the Constitutional Court, who can quickly provide information and issue press releases actively may serve as a paragon.

In the area of free access to information and transparency of the judiciary the most active NGOs are:

- League of Human Rights (see above) with the project "Fair Justice"⁶⁰. The project's aim is to provide general public information on how to defend oneself if one is aggrieved by an action or inaction of the authorities or judges. The project explains to citizens in an understandable and simple way how the national judicial system works and what are the rights and obligations of judges and citizens during proceedings. The webpage also provides advice on how to find free legal help.

- Transparency International Czech Republic has been involved in issues of transparency and credibility of the judiciary for a long term. For individual projects see chapter "Monitoring of the judiciary by NGOs".

⁵⁸ Analyses of Oldřich Kužílek, author of the Act on Free Access to Information:
<http://www.otevrenaspolecnost.cz/pravo-na-informace>

⁵⁹ List of points based on ŠTĚDRŇ, B. E-Justice, občanské soudní řízení sporné a využití informačních technologií a právních informačních systémů. Praha: Nakladatelství Linde a.s., 2008, s. 34

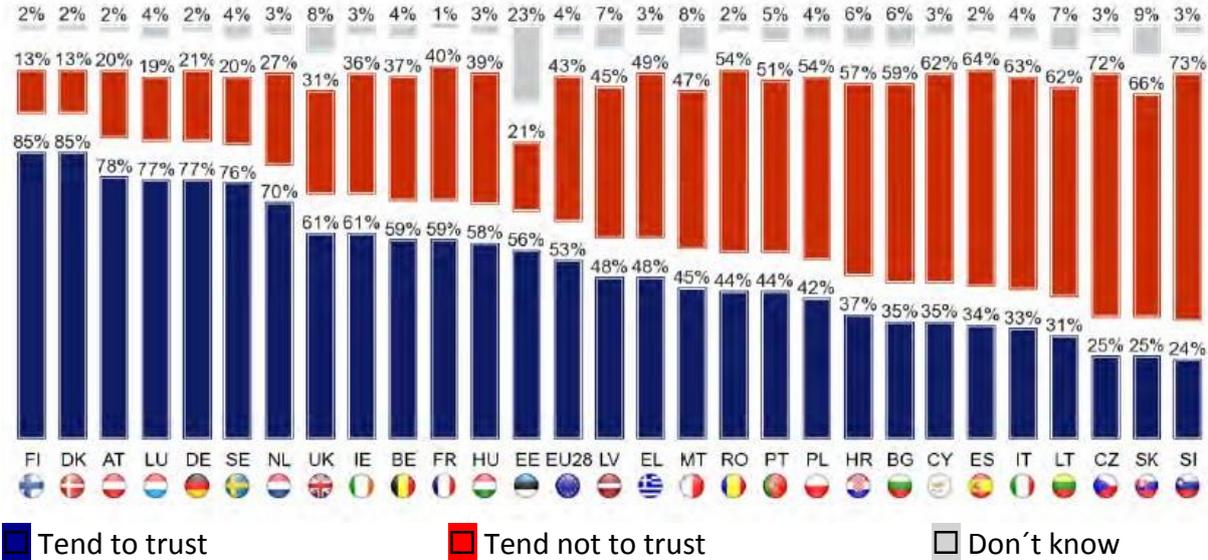
⁶⁰ Férová justice, <http://ferovajustice.cz/>

As far as transparency of justice is concerned, a number of outstanding issues still remain unsolved. Based on the data from the public survey⁶¹ conducted in 2014 by Magdalena Musichová, a student of University of Economics in Prague, the public (303 respondents) perceives the state of Czech judiciary system as unsatisfactory. The length of proceedings was marked as the main problem (79%), susceptibility of judges was marked in the second place (44, 8 % of respondents) and the feeling of an unjust decision was put in the third place (38% of respondents). The respondents complained about the explanation of judgment which was often too extensive, and about incomprehensible justification of contradictory decisions of courts on different instances without any sound grounds. The problem has been acknowledged by the Ministry of Justice in its strategic document “Stabilisation of the Judiciary Programme”⁶², and has been confirmed by official statistics: courts of appeal confirm less than a half of first-instance court decisions.

NGOs defending the judiciary and judicial independence

According to the Eurobarometer survey⁶³, conducted in the second half of 2013 in all EU member states, Czechs are among the three nations with the lowest confidence in the judicial system (25%). The main criteria for evaluation were quality, independence and effectiveness.

Would you say that you trust or tend to trust the justice system in your country?



At the same time, however, the Czech Republic is one of the five countries where people have below-average knowledge of how justice works⁶⁴. There is a direct link between the

⁶¹ Survey by Magdalena Musichova, <https://www.vyplnto.cz/realizovane-pruzkumy/ceske-soudnictvi/>

⁶² Ministry of Justice, Concept of Stabilisation of the Judiciary, 2004, <http://www.epravo.cz/top/clanky/koncepcie-stabilizace-justice-program-ministerstva-spravedlnosti-26503.html>

⁶³ European Commission: Report on Justice in EU, November 2013, http://ec.europa.eu/public_opinion/flash/fl_385_en.pdf

⁶⁴ According the article „ANKETA: Lze napravit nedůvěru obyvatel v justiční systém?“ (Survey: Is it possible to redress distrust of citizens in justice systém?) in specialised web server on justice „Česká justice“ (Czech

ignorance of the functioning of the judiciary and confidence in it. Many citizens have no personal experience with the justice system, but they form their opinion based on media coverage, which tends to be narrowly focused and abbreviated. In this context, it is interesting that two-thirds of respondents trust the three supreme courts (Supreme Court, Constitutional Court and Supreme Administrative Court) in the long-term perspective according to STEM (Centre of Empirical Surveys) representative survey of 2010.⁶⁵

Recommendations for improving trust of citizens in the judiciary from above mentioned survey on the Česká justice web server can be summarised as follows⁶⁶:

- Pay attention to the professional training of journalists so that the media can cover more in depth the activities of the Czech judiciary and inform truthfully,
- Pay far greater attention to the curriculum at all levels of the legal educational system with special attention to understanding the system and the role of individual institutions,
- Adopt the new Civil Procedure Code and Criminal Procedure Code, which will help accelerate judicial proceedings and also the law on free legal aid.

In the Czech Republic, each judge can decide independently, without fear that an independent decision could somehow damage or affect his/her judicial career or personal life. Yet, unfortunately, we cannot speak of administrative independence of the judiciary. The executive and legislative powers are dependent on the political situation in the country, namely, on the outcomes of elections. Judicial power is not directly dependent on these aspects, or rather it should not be, but executive power, hand in hand with legislative power, determine the rules and organization of the work of judges. This situation was commented on by the Constitutional Court⁶⁷, stating that the current situation, where central governmental authority is the Ministry of Justice and the judicial power does not have its own representative body corresponding to the position of the Ministry of Justice, does not exclude the possibility of indirect influence on the judiciary by the executive power.

The Czech judiciary needs a long-term approach that will ensure the institutionalization of a representative and autonomous body of the judiciary, which will function independently from the election results or changes in the government.

Two NGOs systematically focus on the issue of independence of the judiciary and the need for its improvement:

The League of Human Rights (see above) - in collaboration with individuals submits cases of infringement of access to court proceedings and advocates for changes in legislation. It verifies the degree of independence of the judiciary in cases such as: conflict of interests,

Justice), see <http://www.ceska-justice.cz/2014/01/anketa-jak-napravit-neduveru-obyvatel-ceska-v-justicni-system/>), posted 31 January 2014

⁶⁵ STEM: Spory o volby utichly, důvěra v Nejvyšší soudní instituce se obnovila (Controversy regarding election has stopped, the trust in highest judicial institutions has been renewed), 2010, <http://www.stem.cz/clanek/1979>

⁶⁶ „ANKETA: Lze napravit nedůvěru obyvatel v justiční systém?“ (Survey: Is it possible to redress distrust of citizens in justice systém?) in specialised web server on justice „Česká justice“ (Czech Justice), <http://www.ceska-justice.cz/2014/01/anketa-jak-napravit-neduveru-obyvatel-ceska-v-justicni-system/>

⁶⁷ Supreme Court of the Czech Republic: Decision of Supreme Court Pl.ÚS 18/06, 11. 7. 2006, <http://nalus.usoud.cz/Search/GetText.aspx?sz=PI-18-06>

rights of citizens to local referendum, deprivation of legal capacity of mentally ill persons, institutionalization of children due to social weakness of their parents, illegal sterilization of Roma women.

One of their important projects supporting the independence of judiciary was an expert seminar, "Twenty Years of Independent Judiciary: Unresolved Issues" ("Dvacet let české justice: nedořešené otázky")⁶⁸ which recorded opinions of the highest representatives of the Czech judiciary.

Transparency International Czech Republic focuses on conceptual, systemic reform of the judiciary, at the end of which the judiciary will become truly independent, credible, and free from political interests. The current state where the executive power controls the vital processes within the system of the judiciary is unsustainable in the long term, because the courts have no power to influence their own matters, even though they are responsible for the functioning of the judiciary.

The main program points of the Transparency International Czech Republic in the field of the judiciary⁶⁹:

- "Establish the Supreme Council of Judiciary as the supreme self-governing body responsible for independence and functioning of the judiciary. Anchor such a body as a representative of the independent judiciary in the Constitution, including personnel and budgetary powers.
- Strengthen the independence of the prosecutor's office in the Constitution proportionally to the importance of legal actions. Transparency International supports a new law on the public prosecutor's office, which would protect this institution from political influence. The change of selection mechanism primarily for the function of the Prosecutor General is important. His/her period in office should be extended, together with a ban on repeated assignment. Personnel selection should be protected from political pressures.
- Establish special chambers for cases of particularly serious economic and organized crime. The main reason for specialization within the judiciary is the demand for an experienced judge and for his/her ability to be knowledgeable in complex cases. Another reason is to prevent corruption and local influence.
- Establish a special prosecutor's office for combating serious economic and organized crime as a standard partner of specialised police units. The reason is to prevent corruption and local influence. Centralization of work on important cases enables better management and supervision of the steps that have been taken to protect law.
- Change the selection mechanism of candidates for posts in the judiciary. Set long-term, realistically functioning, unambiguous rules for the selection of candidates for the post of judge (including a legal definition of outcomes and methods of psychological examination and the requirement for sound reasoning behind conclusions) to remove the existing randomness and lack of transparency in the selection of judges and frame it as a transparent, non-discriminatory (not to be influenced by personal relationships), and reviewable process. Similarly, design rules on career development.

⁶⁸ Liga lidských práv: Dvacet let svobodné justice:nedořešené otázky, 2009 <http://llp.cz/publikace/dvacet-let-svobodne-justice-nedoresene-otazky/>

⁶⁹ See Transparency International Czech Republic web page: <http://www.transparency.cz/co-delame/temata/nezavisele-a-duveryhodne-statni-zastupitelstvi/>

- Court experts. The position of an expert is not regulated adequately regarding the power of expert opinion. Therefore, it is necessary to radically amend the current law on experts and interpreters no. 36/1967 Coll⁷⁰ or better, draft new legislation, which should tighten oversight of experts, define the criteria under which a candidate can become a court expert, specify the conditions for expert activities and ways of supervision of their professionalism (regular testing), and ensure accountability (mandatory membership in a professional chamber, disciplinary liability)⁷¹.

Specific projects – see above

Trainings and workshops for judges organised by expert NGOs

There is no information available about NGOs specialised in training judges as their main activity. Training of judicial personnel is in principle sufficient and the Judicial Academy in Kroměříž offers a number of specialised training courses for judges and other court personnel. It can be concluded that there is no apparent need for systematic training organised by the NGO sector.

The rare exception is the CEELI (Central and Eastern European Law Initiative) Institute⁷² which provides professional legal education to judges, lawyers and other legal professionals not just in the Czech Republic but also in the Balkans, Eastern Europe and other countries. The CEELI Institute is an independent, non-profit organization whose mission is to develop an international, professional community of reformers committed to the rule of law.

The CEELI Institute supports strengthening of the integrity and independence of the judiciary by diverse programs devoted mostly to share experience among judges worldwide. One of the programs “The Central & Eastern European Judicial Exchange Network” aims to bring together younger, non-high court judges and provide them with a platform for the exchange of good judicial practices. The Network is designed to build professional solidarity around issues of judicial integrity as well as to promote best practices for judicial independence, transparency and accountability. So far, this effort has brought together more than 70 young, reform-minded judges and court administrators from 19 countries across the region, including Albania, Armenia, Bosnia & Herzegovina, Bulgaria, Croatia, the Czech Republic, Georgia, Hungary, Kosovo, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Poland, Romania, Serbia, Slovakia, and Ukraine. The Program is supported by the U.S. State Department’s Bureau for International Narcotics and Law Enforcement Affairs (INL).

Additionally to the CEELI Institute’s efforts, a number of NGOs specialised in human rights issues provide ad hoc seminars or trainings for professionals including judges. These seminars can be in a format of an event organised by an NGO itself with different experts as speakers, including judges. In some cases, they are arranged as seminars/trainings organised by relevant public authorities where experts from NGOs act as trainers or speakers.

⁷⁰ Act No 36/1967 Coll. on experts and interpreters, <http://www.zakonyprolidi.cz/cs/1967-36>

⁷¹ „Česká justice – otázky správy a nezávislosti“ (The Czech Judiciary: issues of independence and management), volume, Transparency International Czech Republic, Prague 2010, page 9 -10

⁷² www.ceeliinstitute.org

Trainings and workshops on the issues of human trafficking, domestic violence, child abuse or corruption are examples of such initiatives.

Human trafficking and La Strada

In 2003 the first National Strategy for Fight against Human Trafficking was adopted⁷³ together with the Action Plan for its implementation. Point 13 of the Action Plan assigned to the Ministry of Justice and Interior to organise trainings for police officers, state prosecutors and judges on this topic. La Strada NGO specialises in human trafficking in general and supports and assists human trafficking victims in particular⁷⁴. It was a key promoter of the National Strategy and a partner for state bodies in its drafting. Later the trainings were organised by La Strada itself, the last one was in 2012⁷⁵.

Domestic violence and White Circle of Safety

“White Circle of Safety” (Bílý kruh bezpečí)⁷⁶ focusses on assistance and support to victims of crime and domestic violence. An important part of the work in both areas was training of professionals. Target groups included NGOs’ staff, social workers, public administration staff, police officers, public prosecutors and judges. Especially in 2007 the training activities were crucial. After long term lobbying efforts, the Czech Republic adopted a special law⁷⁷ on protection against domestic violence. This law effectively changed the Police Act⁷⁸ and Civil Proceedings Code⁷⁹. In order to ensure smooth implementation of the new law, the White Circle of Safety organised a series of trainings for police officers and judges on this legislative change⁸⁰.

Corruption and Transparency International Czech Republic

During and after the elections in 2010, corruption and its prosecution became a hot political topic. Media and the public in general were concerned that corruption was not properly investigated and prosecuted. Transparency International was at that time the only NGO with sufficient knowledge about modus operandi of corruption schemes and had a team of highly qualified lawyers available. Thus Transparency International CZ was invited to a series of trainings for judges on corruption cases. The first one took place in May 2012 based on the invitation of the Deputy Chairman of the Regional Court of North Moravia and was organised for judges of regional and district courts in the area. The training was held at the Judicial Academy in Kroměříž. Following a success of the event, Transparency International was invited by the Judicial Academy itself for another two training events/seminars. The

⁷³ Ministry of Interior, National Strategy for Fight against Human Trafficking, 2013

<http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx>

⁷⁴ La Strada, <http://www.strada.cz/cz/kdo-jsme/o-nas>

⁷⁵ La Strada, Educational program on human trafficking, <http://www.strada.cz/cz/aktuality/15-dalsi-aktuality/106-vzdelavaci-program-obchodovani-s-lidmi-a-vykoristovani-moznosti-pomoci-a-prevence>

⁷⁶ White Circle of Safety, <http://www.bkb.cz/>

⁷⁷ Law on protection against domestic violence, 2006, <http://www.domacinasili.cz/pravni-uprava/zakon-na-ochranu-pred-domacim-nasilim/>, <http://www.zakonyprolidi.cz/cs/2006-135>

⁷⁸ Act No. 273/2008 Coll. on the Police of the Czech Republic, 2008, <http://www.zakonyprolidi.cz/cs/2008-273>

⁷⁹ Civil Proceedings Code, 1963, <http://www.zakonyprolidi.cz/cs/1963-99>

⁸⁰ White Circle of Safety : Case study on domestic violence, <http://domacinasili.cz/files/uploaded/Archiv/ps.htm>

organisation is also regularly invited to attend and speak at the meetings/conferences of the Association of Judges and the Association of Public Prosecutors.

In conclusion, training of judges by NGOs seems to be important when new legislation (new policy with an impact on judiciary) comes into place, especially if NGOs have been actively promoting such legislation. In such cases, NGOs usually possess relevant expertise in subject matter and, therefore, the authorities ask them for assistance. At the same time, it is of the utmost importance for NGOs to ensure successful implementation of new legislation so they actively search for the opportunity to inform judges on the social issues which lead to adoption of the new legislation. In such situations, training of judges by NGOs can be successful and ensure impact.

When there is no external pressure (e.g. newly adopted legislation as mentioned above) it is difficult to ensure judges' participation in training events organised by NGOs. Judges as a social group with (understandably) high self-esteem rarely accept somebody outside of respected lawyers to train them. For an NGO it takes years of hard work to reach the professional quality and respect to be invited to train judges. At the same time, high turnover of staff in many NGOs makes it difficult for them to get engaged in long term relations with the judiciary.

NGOs as organizations educating citizens about the judiciary

In the Czech system of education, visiting court sessions is included as a part of elementary school curricula (of course the actual implementation of this educational standard depends on quality and initiative of individual schools), though additional education of the general public in judicial matters is not perceived as an important topic. The activities rather focus on specific target groups and specific situations. The research did not indicate a dedicated NGO focused more intensively on general education of citizens in judicial matters.

However, one complex approach to educating citizens (especially future legal professionals) about the judiciary can be mentioned. The work of Pro Bono Alliance⁸¹ brings together lawyers who seek to increase the efficiency of the legal system in protecting human rights and other public interests. To fulfil its mission, Pro Bono Alliance prepares educational activities, promotes the exchange of experiences and cooperation between NGO lawyers and other legal professionals involved in the preparation of legislative changes, supports the activities of lawyers involved in the work of other NGOs and disseminates information on the legal protection of human rights and other public interests.

To achieve its objectives, Pro Bono Alliance uses the following tools:

- seminars, lectures and conferences,
- publications and other materials,
- analysis and promotion of legal instruments,
- practical cooperation with other actors at the national and international level.

The following educational activities can be mentioned:

⁸¹ Pro bono alliance, <http://www.probonoalliance.cz/cz/o-nas>

- School of Human Rights⁸² is a program designed for law students who are interested in the protection of human rights. The main activity is a week-long workshop for 15-25 participants. It consists of simulated court proceedings, reasoning exercises, case studies and discussion sessions with guests. Top representatives of the Czech judiciary, such as judges of the Constitutional Court, Ombudsman, drafters of legislation, have participated in the School sessions.
- For academic teachers working at law faculties Pro Bono Alliance offers an extensive experience with practical and value-oriented teaching of law in the form of workshops, individual consultations, contacts with lecturers or NGOs, etc.
- Legal Clinic uses experiential learning or learning based on practical experience. During the training, students are confronted with real life situations, for example through interaction with clients. They solve legal problems and they are critically assessed by their colleagues and supervisors. Students learn interactively what makes it easier for them to understand how the law works. While the content of traditional legal education is mostly theoretical, clinical legal training focuses on skills indispensable in legal practice. It also instils values such as professional liability of a lawyer to participate in social justice and professional accountability in the exercise of the profession.

Some internet initiatives are generally critical towards the Czech judiciary, but through gathering bad practice instances and problems they also provide some educational aspects. Among on-line resources the following publically well-known examples can be mentioned:

Where are you dad? (“Kde jsi táto?”)⁸³ was founded by a group of divorced men who are prevented from meeting their children by their ex-wives. Their parental rights are not, in their opinion, sufficiently protected by courts and they are constantly lobbying for a change of judicial practice, as well as distributing information and educational materials.

E-justice⁸⁴

A web portal intended to exchange information about (usually bad) experiences with actual performance of the judiciary. Among critical comments, some explanations of different aspects of court proceedings can be found.

The League of Human Rights

The League of Human Rights focuses on protection of human rights and freedoms, especially of different vulnerable groups. A part of their activities constitutes protection against possible police and judicial abuse of powers. One of the tools of public education are the so called manuals for different situations e.g. the manual called “How to protect the rights of children of less than 15 years of age in the court proceeding in case of their accusation of crime”⁸⁵. Another example of their work is organising round tables on various subjects, such

⁸² League on Human Rights, Program on accountable education,

<http://www.probonoalliance.cz/cz/spolecensky-odpovedna-vyuka/-skola-lidskych-prav>

⁸³ Where are you dad, Summary of legislation, <http://www.kdejsitato.cz/pravo-a-spravedlnost/platna-legislativa.html>

⁸⁴ E-justice, <http://ejustice.cz/kat/o-nas>

⁸⁵ Liga lidských práv: Jak bránit práva dítěte mladšího 15 let v řízení o činu jinak trestném/How to protect the rights of children in criminal cases, <http://llp.cz/publikace/jak-branit-prava-ditete-mladsiho-patnacti-let-v-rizeni-o-cinu-jinak-trestnem/>

as the round table on juvenile justice⁸⁶ held in 2013 with the participation of the Supreme Court judge Pavel Šámal, principal author of the Juvenile Justice Act.

Part II

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Transparency International Česká republika, o.p.s.

Transparency International Czech Republic (public beneficiary association)

Contact: posta@transparency.cz

Mission: To monitor the level of corruption in the Czech Republic and actively promote its reduction. Transparency International Czech Republic focuses on suggesting structural changes in public administration and legislation but also in business.

Key areas of activity:

Conducting research and providing analyses, public policy and advocacy, public education, providing legal advice to citizens, international cooperation.

ACTIVITIES AND PROJECTS

Key activities related to the judiciary:

- Involvement of NGOs in strategic litigation, acting in the name and in support of the party: Transparency International Czech Republic made strategic litigation mainly in the area of free access to information. TI also acts on behalf of whistle-blowers being persecuted for revealing the information.
- NGOs monitoring, advocating and engaging in the legislative process regarding the judiciary: Transparency International Czech Republic promoted the new act on state prosecution and establishment of Supreme Council of Judiciary as a representative self-governing body.
Transparency International Czech Republic reviewed hundreds of final judgements delivered from 2007 to 2009 and from 2010 to 2012 for a criminal offence of bribery (see Part I)
- NGOs working in the field of access to information and transparency
- Trainings and workshops for judges organized by expert NGOs: Transparency International Czech Republic undertook several training events for the judiciary at their request.
- NGOs defending the judiciary and judicial independence

Project:

“Clean Justice” Project –2010 - 2011

Transparency International Czech Republic constantly struggled to pursue a reform of the

⁸⁶ Liga lidských práv: Article about organization of roundtable on judiciary in the matter of youth, 2013, <http://llp.cz/2013/02/usporadali-jsme-kulaty-stul-na-tema-soudnictvi-ve-vecech-mladeze/>

Czech judicial system to enhance its credibility and to free it from political influence.

The main aim of the “Clean Justice” project was to analyse critical issues in the field of justice and to create a programme which would potentially solve these issues. TIC also aimed to use its influence to enforce resolutions which would lead to reforms.

The key priorities:

1. Support of institutional independence of the judiciary
2. Support of efficiency and of specialization within the courts
3. Support of amended set of legal rules which TIC considers as important while resolving corruption cases and other serious economic crimes

Several activities/deliverables were carried out within the “Clean Justice” Project:

- Publication “Czech Justice – An Issue of Independence and Administration”, 2010
- Judicial Forum – October 2011
- Open letter to the Prime Minister - 2011
- Publication - “Czech Justice – A Fight for Everything” – 2012

Project 2: Analysis of court decisions in 2010 to 2012 on corruption cases.

The analysis of court sentences in corruption cases was commissioned by the Office of Government in 2013 at the request of the Deputy Prime Minister for Fight against Corruption.

As a result, the report was compiled, presented at the press conference in January 2013 and published on the web page of Transparency International.

Novák, M., Pavlišová, R., Analýza soudních rozhodnutí vydaných v letech 2010 až 2012 ve věcech úplatkářských trestných činů (Analysis of court decision in 2010 to 2012 in corruption cases), to be found http://www.transparency.cz/wp-content/uploads/Analýza_soudních_rozhodnutí_vydanych_v letech_2010_až_2012_ve_věc ech_úplatkářských_trestných_činů.pdf).

BEST PRACTICES

Organising high level round tables and judicial fora for political and judicial representation. The organization served as an initiator and mediator for high level exchange between these two groups.

These events were attended by top representatives of the judiciary and attracted media attention. They helped to transform an issue which seemed to be an internal demand of a single professional group into an issue of general importance.

The key condition for such outcomes is the good reputation of the organization which is accepted as a partner by both legal professionals and politicians.

PROBLEMS AND BARRIERS

The key challenge is to have highly qualified staff at its disposal, acknowledged by both the judiciary and politicians.

Reform of the judiciary is not a short-term initiative. Activities should be long-term which is often contrary to short-term funding.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Resources: national and international grants, donations

Dealing with judiciary organizations must be professional. To be an activist is not enough, so professional qualifications seem to be the key condition for a successful judicial project.

The areas for co-operation are wide and diverse – both at national (state administration, judiciary, legal professional, NGOs) and international levels – see below

OTHER INFORMATION

Transparency International Czech Republic also works in the field of sharing best practices on the international level:

“Justice against Corruption” and “Together against Corruption” are international projects which connect Transparency International Czech Republic and Transparency International Serbia. The aim is to transfer experience in terms of revelation and prosecution of corruption cases and thus contribute to the creation of better anti-corruption laws and strategies. During the projects, seminars are organised for judges, public prosecutors, the professional public and NGOs in Serbia to enforce effective anti-corruption mechanisms in the judiciary.

“Support for Law Enforcement Bodies in Detection of Corruption” was a project implemented in co-operation with Transparency International Bosnia and Herzegovina in 2014. Its output was a publication “Best Practices in Detecting and Prosecuting Corruption”, which provides a unique overview of the current practice of detection and investigation of corruption together and identifies vulnerabilities in the system of judicial practice in corruption cases.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Name: ŠALAMOUN, society for promoting independent justice in the Czech Republic
(in Czech: Šalamoun, Spolek na podporu nezávislé justice v ČR)

Chair: John BOK

Address: P.O.Box 383, 111 21 Praha 1

Identification number: IČO: 63837714

Established: first registration in 1994

Contact: SpolekSalamoun@SpolekSalamoun.com

Web page: <http://www.spoleksalamoun.com>

Area of activity: trial monitoring

ACTIVITIES AND PROJECTS

Mission of the organization (from the Statute of 2011):

“Identification, monitoring and documentation of such legal cases dealt by public authorities where independence and legality of investigation or justice in general can be compromised.

For this purpose the Society based on its own research points out cases where public powers were abused.

The Society informs the public about monitored cases through independent journalists.

In implementation of the above mentioned activities, the Society is cooperating with other governmental and non-governmental organizations.”

Type of project:

- Monitoring of the Judiciary by NGOs
- Trial monitoring, trial observation, court watch
- Defending of judicial independence
- NGO monitoring,
- Advocating and engaging in the legislative process regarding the judiciary

Activities:

Monitoring of selected judicial cases, publishing reports and articles about the cases on their webpage and other media to raise public awareness about them.

BEST PRACTICES

Society Šalamoun is the only Czech NGO specialized fully and only in the judiciary.

The Society has in certain cases approached the Ministers of Justice to use their powers and laid complaints for breaching the law (§ 266, Act 141/1961 Coll., Code of Criminal Procedures). In some cases this approach was successful and the Supreme Court reversed decisions of lower courts.

PROBLEMS AND BARRIERS

In researchers' points of view the public statements of the Society are presented in a highly controversial manner. This aggressive and controversial approach may outweigh the cases where the Society apparently helped to reverse unjust decisions.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Resources: Donations

OTHER INFORMATION

Information for this card was gathered from the web page of the organization.

INFORMATION ABOUT THE ORGANIZATION

Name:

Counselling Centre for Citizenship, Civil and Human Rights (Poradna pro občanství, občanská a lidská práva) - association

Contact: poradna@poradna-prava.cz

Mission:

The mission of the organization is to promote respect for human rights and foster harmonization of Czech legislation with international human rights norms and standards. They also draw attention to any signs of possible discrimination against minorities and develop programs aimed at the integration of ethnic minorities and foreigners.

Areas of activity:

Providing legal aid in the sphere of social services

Combating discrimination of minorities and vulnerable groups

Promoting equal opportunities,

<http://www.poradna-prava.cz>

ACTIVITIES AND PROJECTS

- provide legal aid services on matters of unresolved citizenship and the rights of foreigners,
- lead strategic litigation, mainly in the case of discrimination in access to housing, employment and services, the right to family life and discrimination of minorities.
- monitor compliance of Czech laws with international and European norms and standards
- monitor ongoing legislative changes in the Czech Republic, propose amendments to draft laws, keep close watch on application of the law in the practice
- report to international human rights bodies about the situation in the Czech Republic
- provide support to people living in socially excluded localities
- assist vulnerable families whose children were placed in institutional care or are under threat of such placement.

BEST PRACTICES

The Counselling Centre was the first organization in the Czech Republic that launched so-called “strategic litigation”, mainly in the case of discrimination in access to housing, employment and services, right to family life and discrimination of minorities.

The Counselling Centre’s clients involved in strategic litigation have been victims of human rights abuses that are suffered also by many other people. The Counselling Centre have

taken their individual cases to the court aiming to bring significant changes in the law, practice or public awareness. To provide evidence to the court about the discriminatory behaviour, the Centre has introduced a method of situation testing. This method has been fully accepted by Czech courts during the last years. The list of court cases in which the organization was involved can be found at the following link (in Czech):

<http://www.poradna-prava.cz/strategicka-litigace.html>

PROBLEMS AND BARRIERS

-

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Grants, donations

Possible areas of cooperation: training activities for public servants, projects in the field of non-discrimination

OTHER INFORMATION

The staff of the Counselling Centre participates in the activities of a number of advisory bodies of the government of the Czech Republic, actively tries to influence legislators, government officials, representatives and other responsible persons.

They are members of these advisory bodies within the government and of the various working groups:

The Government Council for Human Rights

Committee on the Rights of the Child of the Government Council for Human Rights

The Committee on Human Rights and Biomedicine of the Government Council for Human Rights

The Committee against Torture and Inhuman Treatment of the Government Council for Human Rights

Committee on Foreigners' Rights of the Government Council for Human Rights

The Government Council for Roma Community Affairs

INFORMATION ABOUT THE ORGANIZATION

CZECH HELSINKI COMMITTEE (Český helsinský výbor)

Contact: info@helcom.cz

Mission: to foster and protect human rights and their implementation in society.

Areas of activity:

- promotion of respect for human rights in the Czech Republic
- rights of children
- fight against racism and intolerance
- prisons and criminal justice
- social and legal counselling
- human rights education

Web page: <http://www.helcom.cz/>

ACTIVITIES AND PROJECTS

The Czech Helsinki Committee (CHC), originally The Czechoslovak Helsinki Committee was founded in May 1990 to follow the activities of the Charter 77 and the Committee for the Defence of the Unjustly Prosecuted. The organization's mission is to foster and protect fundamental human rights. CHC activities are oriented towards the development and strengthening of civil society, democracy and social development.

The scope of activities include:

- Protection of the rights of socially excluded persons (prisoners, Roma and other minorities),
- Assistance to victims of discrimination, racism and intolerance,
- Protection of the rights of vulnerable groups (children, elderly, persons with disabilities),
- Legal advice in cases of human rights violations,
- Human rights education,
- Publishing of an annual report on the human rights status in the Czech Republic
- Monitoring of laws and policies and participation in expert groups which are preparing new laws
- Cooperation with relevant national and international organizations which focus on the protection of human rights (ombudsman, CPT, CAT and others)

BEST PRACTICES

Project 1: Monitoring of court decisions

The Czech Helsinki Committee monitors court decisions in cases of possible human rights violations especially in relation to racism and with regards to discrimination or family rights.

For an example, see press release of 26 March 2015 criticising the court for not asking for a child's point of view in deciding on guardianship.

<http://www.helcom.cz/cs/tiskova-zprava-zastupkyne-ceskeho-helsinskeho-vyboru-protestuji-proti-soudne-narizenemu-odebrani-dvou-nezletilych-deti-od-otce-a-proti-jejich-umisteni-do-diagnostickeho-ustavu/>

PROBLEMS AND BARRIERS

As most other Czech NGOs, the CHC activities are mainly dependent on external public funding, usually limited to a one year period.⁸⁷ This hinders strategic planning and project development. Since many of the problems in society are of a systemic nature, their solutions need to be elaborated on long-term. Within one year CHC is usually able to open public discussion on a targeted topic and provide a basic outline on how to resolve the problem. Due to lack of financial support and human resources, CHC struggles to reach sustainable and successful resolutions to the problems.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Resources: national and international grants, donations from individual or private companies

OTHER INFORMATION

Project : Children of prisoners

The number of prisoners in the Czech Republic is one of the highest in the EU (16 000 in 2014/24 000 in 2012). Imprisonment of a person with children affects many aspects of their life and many people who are in contact with her/him. From the beginning of their parent's imprisonment, children are subject to traumatic events and issues, which in turn can affect their personal development.

The aim of the project is to support children/family members to maintain contact with parents (mother or father in prison) and to prevent children from further trauma during

⁸⁷ According the state budget rules, NGOs cannot apply for multi-years project and have to stick to general state budget one year period. That implies that NGOs have to apply for grant every year without knowing if the project will be extended next year.

the visits.

Within the scope of the project, CHC selects the clients, incorporates selected children into the programme, provides individual consultations, assists during visits in prison and organizes Skype call visits (new pilot project).

INFORMATION ABOUT THE ORGANIZATION

League of Human Rights (Liga lidských práv) - association

Contact: brno@llp.cz

Mission:

- protection of human rights and fundamental freedoms,
- research,
- education,
- strategic management of cases by legal means, the submission of arguments and solutions.

Areas of activities:

- Rights of children
- Judiciary and police
- Health care

ACTIVITIES AND PROJECTS

The League is a non-governmental organization which helps people understand their rights and how to enforce them. The League targets the vulnerable groups such as mentally disabled people, medical patients or children. In case of human rights violations of these groups the representatives of the League defend the victims in the courts and through the outcomes of the courts' decisions they enforce the changes in the society. Aside from that, they submit cases of human rights violations to the European Court of Human Rights. Their most closely observed cases include that of a woman whose son was excluded from kindergarten because he was not vaccinated and the case of a woman who fought for the right to give a birth at home with an assistance of medical professional.

The League has also supported, in cooperation with the organization Public Interest Lawyers Association (PILA), the push to improve the quality of tuition at law schools by publishing educative legal materials.

BEST PRACTICES

Fair justice project

One of the most urgent problems of Czech justice are the frequent delays in litigation which cause increased levels of uncertainty for the parties of the dispute and subsequently weaken public trust in the rule of law and in the courts' ability to decide fairly. The project „Fair justice“ provides qualified legal support on a possible defence against these delays and helps its clients obtain compensation for the delays

Methods used:

- Legal representation in strategic cases at Czech and International Courts
- Commenting on new laws concerning the work of courts and expert witnesses
- Organizing seminars for judges
- Publishing of professional analysis and recommendations

<http://www.ferovajustice.cz/>

PROBLEMS AND BARRIERS

-

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Resources: national and international grants, donations

Possible areas of cooperation: work of volunteers, individual events

OTHER INFORMATION

Since spring 2004, the League has been a member-correspondent of the International Federation for Human Rights (FIDH). It became a full member three years later - in spring 2007.

Organization of an annual Summer School on Health Care Legislation

Various practical manuals on the rights of children, employees and health care

INFORMATION ABOUT THE ORGANIZATION

Name: In IUSTITIA (public beneficiary association)

Contact: in-ius@in-ius.cz

Mission:

- provision of social services, legal information and representation of persons affected by hate crimes
- prevention of hate crimes and manifestations of intolerance, especially racism, anti-

Semitism, Islamophobia, homophobia and transphobia, gender violence, violence for reasons of age, health status, social status or membership in a subculture.

Areas of activities:

- legal information and legal social counselling for victims of hate crimes
- optimisation of legislation and improvement of the practices of law enforcement bodies in dealing with hate crimes
- education and training of experts and civil society in the field of hate crimes
- work with media to raise public awareness
- studies and analyses

www.in-ius.cz

ACTIVITIES AND PROJECTS

Below we list examples of the NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other roles, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding the judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending the judiciary and judicial independence.

In IUSTITIA was founded in 2013 to prevent hate violence in all its scope. It brings the topic of hate violence into public awareness, expert discourse and political debate. For the benefit of its clients, hate violence victims, it claims the right to judicial and other legal protection.

In IUSTITIA provides legal assistance to individuals exposed to hate violence. It aims to improve their access to justice. It focuses on criminal, administrative and civil law. It pays significant attention to damages incurred as a result of hate crimes. It focuses on protecting communities at risk of violent racism and neo-Nazism. It seeks to optimize practices of state administration in the area of the right of assembly. It deals with monitoring of legislative activity, analyses the Czech code in the context of the European and international law. It submits proposals for amendments to current legislation to improve the status of people at risk of hate violence, to facilitate their access to justice and adequate tools of restorative justice. Part of larger efforts for the prevention and corresponding solutions of hate incidents is collaboration with public administration to optimize legislation and activities of responsible authorities in relation to hate violence. In IUSTITIA representatives are members of the advisory bodies of public administration and the Ministry of Justice working group to drafting a law on victims. They seek to publicise the needs of victims of hate crimes, including access to free legal aid.

BEST PRACTICES

Examples of successful projects:

In JUSTICE - legal aid for hate crime victims I.

In JUSTICE - legal aid for hate crime victims II.

In JUSTICE - legal aid for hate crime victims III.

Discovering efficient tools for protecting victims of hate crimes

Pomoc obětem sexuálního násilí (Assistance to victims of sexual violence)

Ženy sobě (Women for themselves)

NzN: legislativní mezery a praktická doporučení (Hate crime: legal gaps and practical recommendations)

PROBLEMS AND BARRIERS

-

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Resources: national and international grants, donations

Possible areas of cooperation: training and education

OTHER INFORMATION

In IUSTITIA representatives are members of the advisory bodies of the public administration:

- the working group of the Ministry of Justice drafting a law on victims. In IUSTITIA strives to make the needs of victims of hate crimes visible, including access to free legal aid.
- the working group Safety of the Agency for Social Inclusion in Roma Communities. In IUSTITIA provides experts to draft security solutions in the areas of social exclusion.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

La Strada Czech Republic (public beneficiary association)

Contact: lastrada@strada.cz

Mission:

The organization's work focuses on the fight against all forms of human trafficking, mainly

trafficking into the sex industry.

Key areas of activity:

Advocacy and lobbying activities – aims to put and keep human trafficking firmly on the political agenda, to raise public awareness, to stimulate public debate and to monitor the implementation of counter trafficking measures.

Prevention & Education – aims to empower persons at risk of trafficking and those already affected by trafficking.

Social Assistance – aims to help trafficked persons to regain freedom and control over their lives and to reduce the risk of re-trafficking.

ACTIVITIES AND PROJECTS

- social services for trafficked and exploited persons, mainly by providing crisis aid, shelter and counselling services to victims
- fieldwork at places attended by potentially trafficked and exploited persons, mainly to monitor the situation, distribute informative materials, etc.
- runs SOS and INFO lines for people who have experienced exploitation or even trafficking of human beings, either directly or indirectly
- lobbying for the rights of trafficked persons to financial compensation,
- lobbying against the duty to report under the new Czech Criminal Code etc.

Projects:

- Empowerment of Migrant Women at Risk of Exploitation, Trafficking or Enslavement
- Reduction of risk of trafficking in homeless women
- Optimization of the interdisciplinary cooperation in the field of protection of victims of human trafficking and prevention
- Evaluation of the Law of the Victims of the Criminal Actions and suggestions for partial measures
- Addressing demand in anti-trafficking efforts and policies

BEST PRACTISES

La Strada systematically monitors trials related to human trafficking. Acquired knowledge from trial's finding serves as a background to La Strada's subsequent analytical work, as well as to practical work with clients. More information about individual monitored cases can be found in the La Strada's publication "Development in trafficking in human beings for the purpose of labour exploitation and forced labour"⁸⁸.

⁸⁸ Vít Střelecký, Daniel Topinka et al.: Development in trafficking in human beings for the purpose of labour exploitation and forced labour, 2013, <http://lastradainternational.org/lisidocs/Trafficking%20in%20human%20beings%20for%20the%20purpose%20of%20labour%20exploitation.pdf>

La Strada assisted state bodies to draft the first National Strategy for Fight against Human Trafficking⁸⁹ which was adopted in 2003 together with the Action Plan for its implementation. The Action plan (point 13) envisaged the organization of trainings for police officers, state prosecutors and judges. As a well-recognized organization in the field of human trafficking, La Strada was assigned to organize these trainings. The last training took place in 2012.

PROBLEMS AND BARRIERS

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Resources: national and international grants, voluntary private contributions

OTHER INFORMATION

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

CEELI Institute

Contact: office@ceeli-inst.org

Mission:

The CEELI Institute is an independent, not-for-profit, international provider of post-graduate, professional legal education.

Its mission is to develop and train an international network of legal professionals committed to the rule of law. Through innovative training programs and other activities, the CEELI Institute works with judges, lawyers, civil society, government officials, and other professionals in countries building laws-based societies to support fair, transparent, and effective judicial systems, strengthen democratic institutions, combat corruption, build respect for human rights, and promote the continuing development of market economies.

Key areas of activity:

Strengthening Judicial Independence and Integrity

Fighting corruption

Supporting Civil Society

Building Legal Skills and Capacity

⁸⁹ Government of the Czech Republic: National Strategy of the Fight against Trafficking, 2003, http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/Czech_Republic_National_Strategy_of_the_Fight_against_Trafficking_cs_2003.pdf

ACTIVITIES AND PROJECTS

Supporting the Conference of Chief Justices of the Supreme Courts of Central & Eastern Europe

Supporting the Central & Eastern European Judicial Exchange Network

Supporting Judicial Integrity in Tunisia

Organizing Anti-Corruption Training for Prosecutors, Investigators & Judges

Supporting the Tunisian Anti-Corruption Agency

Supporting Civil Society in Euroasia

Supporting Burmese Legal Network

BEST PRACTICES

The Conference of Chief Justices of the Supreme Courts of Central & Eastern Europe

The Conference of Chief Justices of Central and Eastern Europe is a self-sustaining organization whose members are the Supreme Court Chief Justices who lead the judiciaries of twenty-three nations from the Baltic Sea to the Caucasus, including the Balkan Peninsula. The CEELI Institute's efforts have supported the work of the Conference of Chief Justices of Central and Eastern Europe since its inception in 2011. Indeed, the formal organization of the Conference was preceded by two Judicial Integrity Roundtables held at the Institute in 2007 and 2010.

The Conference meets annually in one of the member countries to address the many common challenges faced by the Chief Justices in improving their countries' judiciaries, promoting judicial independence, strengthening integrity and accountability, improving court management, fighting corruption, and building public support for the courts.

In October 2015 the Conference was hosted by the Supreme Court of Croatia at the seaside Croatian town of Brijuni. The session saw the culmination of work over the past three years, with the signing by the assembled judges of the Statement of Principles of the Independence of the Judiciary, known now as the Brijuni Statement.⁹⁰ The Brijuni Statement reaffirms the fundamental principles of judicial independence and integrity, and adds to the body of international instruments that recognize that true judicial independence, both institutional and individual, is indispensable to successful functioning of the judiciary under the rule of law.

Central & Eastern European Judicial Exchange Network

Based on the success of the Conference of Chief Justices, CEELI launched the Central & Eastern European Judicial Exchange Network in October 2012 which now comprises 80

⁹⁰ The Brijuni Statement, 2015, <http://ceeliinstitute.org/brijuni-statement/>

judges and court administrators from 19 countries (including the Czech Republic) brought together to learn from one another and exchange best practices on issues of judicial integrity and accountability and court efficiency. The main goal of the program and partnership is to enhance judicial integrity and the public's confidence in the judiciary across Central & Eastern Europe by establishing a professional peer exchange network of judges and court administrators.

Since its launch, the Network has met at four Roundtable events held at the CEELI Institute's headquarters in Prague, and at six smaller, targeted workshops throughout the region. Besides that, the judges have developed their own signature project "Manual on Independence, Impartiality and Integrity of Justice: A Thematic Compilation of International Standards, Policies and Best Practices"⁹¹ which compiles thematically more than 130 international standards related to judicial independence. The Manual constitutes an easy-to-use reference tool to facilitate the day-to-day work of judges both in the region and worldwide. It is particularly useful in societies still undergoing transitions, and where the judiciaries are still struggling to assert and establish their full independence.

PROBLEMS AND BARRIERS

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Resources: national and international grants, private donations

OTHER INFORMATION

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Frank Bold

Contact: poradna@frankbold.org

Mission:

The organization, founded in 1995, proposes and enforces legislation disrupting connections between politics and business, deals with the cases of damage to nature and health hazards, provides legal advice, especially in the area of civil rights, and supports civic initiatives. The organization also pioneered the initiative when the most prominent Czech anti-corruption organizations started the biggest civic lobbying event in the history of the Czech Republic to enforce 9 anti-corruption laws under the umbrella platform of the Reconstruction of the State (Rekonstrukce státu)⁹².

Key areas of activity:

⁹¹ Ceeli Institute, Manual on Independence, Impartiality and Integrity of Justice: A Thematic Compilation of International Standards, Policies and Best Practices, 2015, <http://ceeliinstitute.org/judicial-manual/>

⁹² Rekonstrukce státu, <http://frankbold.org/resime/tema/rekonstrukce-statu>

Promoting good governance
Promoting more accountable companies
Responsible Energy
Legal Counselling Centre

ACTIVITIES AND PROJECTS

Responsible companies – the aim is to promote legal frameworks for corporate accountability. The organization aims to bridge existing global governance gaps and strengthen enforcement of laws and people’s ability to assert their rights. Frank Bold have also started a joint project with the International Corporate Accountability Roundtable and UK Corporate Responsibility Coalition aiming to articulate the need, legal authority and campaign opportunities for enshrining strong measures of protection over judicial avenues of redress for victims of corporate related human rights abuses

Frank Bold develops and promotes legislative measures to eliminate this problem systemically. Their work strives to empower citizens and local communities in the Czech Republic and in Poland by helping them to assert their rights and actively participate in public affairs.

They provide free legal counselling on a wide range of topics with an emphasis on environmental protection and public maladministration, clientelism, and corruption.

Leader of Reconstruction of the State – Frank Bold leads the platform of NGO’s which develop, promote, and help to enforce laws that prevent systemic political corruption and misuse of public funds. The platform consists of the most prominent anti-corruption organisations, and together they create a unified and directed voice of civil society in this area for the first time in the Czech environment. They specifically target responsibility of politicians and executives for handling public assets, abuse of these assets for financing political parties, and transparency of the law-making process.

They develop and promote legal initiatives contributing to a step-by-step transformation towards clean and decentralized energy production and consumption in EU countries.

BEST PRACTICES

Frank Bold as a leader of the NGO platform “Reconstruction of the State” has initiated legislative changes of 9 anti-corruption laws. So far the amendment on four laws - on abolition of anonymous shares, adoption of the Civil Service Act, the Bill on the Registry of Contracts and an amendment to Rules of Procedure of the Chamber of Deputies have been pushed through.

In the field of judicial legislation they focus on the reform of the Prosecutor's Office. At the end of May 2013, the government submitted a Draft Law on the Public Prosecutor’s Office to the Chamber of Deputies. According to experts from the Reconstruction of the State working group, it could ensure the status of prosecutors independent of political interference. The following cabinet withdrew the bill at the request of the Minister of Justice. The new proposal incorporates all the substantive comments of the professional public and removes some problematic elements (e.g. the right of the Minister to seek information about ongoing cases, etc.). However, the draft is still not presented in the final version, so the NGO’s initiative continues to monitor the process and expresses its opinion

at working and expert meetings and in the press.

PROBLEMS AND BARRIERS

The Reconstruction of the State and related activities make Frank Bold very actively involved on the political scene. They have often encountered strong opposition from politicians who do not agree with the law amendments suggested by the Reconstruction of state. They questioned the organization's impartiality accusing it of accepting private donations or financial support from foreign governments. Unfortunately such accusations are supported by part of the population.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Resources: Grants, voluntary private contributions,

OTHER INFORMATION

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

White Circle of Safety (Bílý kruh bezpečí)

Contact:

Mission:

Bílý Kruh Bezpečí (BKB) provides professional, free-of-charge support to victims and witnesses of crime and of domestic violence, including moral and emotional support. The victim support service combines standard professional counselling, specialized services (psychotherapy, accompaniment to process acts, preparation for court hearings, financial relief, weekend-long psychological reconditioning events, physiotherapy) and nonstandard situations (driving out to hospital, visiting injured victims, visiting the place of residence of survivors, cross-border assistance). There are 322 lawyers and psychologists who work for Bílý Kruh Bezpečí on a voluntary basis. Target groups include NGO staff, social workers, public administration staff, police officers, public prosecutors and judges.

ACTIVITIES AND PROJECTS

Direct help to victims, witnesses and survivors of crime – overall moral and emotional support to victims of crime

Training and educational activities – Bílý kruh bezpečí is an accredited training centre aimed at improving the practice of justice administration.

Publishing and public education activities – Bílý kruh bezpečí regularly publish its own periodical and distribute it to main libraries, media and public institutions.

Legislative and expert activity – They have submitted a number of suggestions to legislative initiatives (e.g. the amendment of criminal law Article § 241 and § 215a; amendment of law

of criminal procedure § 44a. In 2004 Bílý Kruh Bezpečí drew up a draft of Act no. 135/2006 Coll., which was submitted by way of the Parliament member's initiative and has taken significant part in the preparation of Act no. 209/1997 Coll., Act on Financial Relief for Victims of Crime.

BEST PRACTICES

BKB is accredited by the Czech Ministry of Labour and Social Affairs as a training centre which provides professional education in the field of protection for victims, witnesses and survivors of Crime. The target groups are: police officers, judges, prosecutors, certified experts, lawyers, social workers, medical officers and university students.

Lecturers from the Bílý kruh bezpečí hold regular lectures at the Judicial Academy in Prague and Kroměříž, the Police Academy in Prague and others universities.

The topic of lectures and trainings often include: the Rights of the injured party during criminal proceedings, Compensation for damage and state financial relief, the Impact of crime on a victim, Prevention of secondary victimization, the Domestic Violence Protection Act, Helping people threatened by domestic violence.

Their expertise in this field is well respected by the judiciary and public institutions as well as by general public.

PROBLEMS AND BARRIERS

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Resources: own resources, accounts based on profits, funds, grants, voluntary private contributions

OTHER INFORMATION

PROJECT TITLE: “Transparency and independent performance of judiciary”⁹³

TYPE OF THE PROJECT: advocacy (for judicial independence and transparency)

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Transparency International Czech Republic

<http://www.transparency.cz/justice>

Project leaders: Stanislav Beránek, Radka Pavlišová (ex-staff members)

Contact: Radim Bureš, programme director, e-mail: buress@transparency.cz

PROJECT DESCRIPTION

The project was based on the assumption that despite deep political and structural changes in the society after 1990 which led to constitutional changes towards the independence of judiciary, the state administration and political representation remain in charge of oversight over appointments of judges and their career. This may have had an impact on the independence (otherwise legally granted) of judges’ decisions.

The main goal of the project was to reduce political pressure/influence on the judiciary together with proposals for judicial reform. The following ideas were presented and promoted:

- Change of the system of court management which would include the creation of a self-governing representative body - Supreme Council of Judiciary.
- Propose and promote a new law on state prosecution which would better protect independence and impartiality of public legal actions. This should include establishing a specialised anti-corruption state prosecution office which would be responsible for serious economic crime and sophisticated corruption.
- Increase transparency of the policy of selection and career development of judges and state prosecutors.

The main method was an organisation of conferences, seminars and round tables to facilitate expert and public debate and exchange between the judiciary and political representation in particular. Also, the format of the public event helped to transform the issue from an internal topic of the judiciary to an issue of public concern. The content and results were presented during the conference proceedings. This approach was based on the assumption that Transparency International Czech Republic could successfully play the role of facilitator or mediator between political representation and judiciary representatives as it is an organization respected by both groups and with high impact on public debate.

For instance, Judicial Forum of 25 October 2011⁹⁴ brought together prominent speakers including the minister of justice, Chairperson of the Supreme Court, Chairperson of the

⁹³ In Czech constitutional term “judiciary” means court system and judges, the independence of whom is protected by the Constitution. State prosecution is being defined as part of “executive power” and its independence is less protected. In some definitions it is a part of “law enforcement”. In practical terms state prosecution is usually dealt together with judiciary. This was also the case of this project.

⁹⁴ Transparency International CZ, Justiční forum 2011, 2011, <http://www.transparency.cz/justicni-forum-2011/>

Supreme Administrative Court, Chairperson of the Prague Appellation Court or President of the Association of Judges or Chair of the Legislative and Constitutional Committee of the Czech Senate.

Two books were published:

- “The Czech Judiciary: issues of independence and management⁹⁵” (“Česká justice – otázka správy a nezávislosti”, Transparency International Czech Republic, Prague, August 2010, 226 pages.
- “The Czech Judiciary - Fight for All” (“Česká justice boj o vše”), Fond Otakara Motejla & Transparency International Czech Republic, Prague 2012, 92 pages.

Fundamental outcomes were accompanied by press releases in accordance with the actual political development⁹⁶.

As a result, a new law on state prosecution was drafted and presented to the Parliament. Due to the fall of the government in June 2013 it was never deliberated. The updated law was drafted this year and presented to the present government.

The discussion regarding the Supreme Council of Judiciary is still in progress with no legal draft on the table.

REPORT

The report has been published in the form of recommendations as listed below.

Institutional measures:

- Establish the Supreme Council of Justice as the supreme self-governing body responsible for the independence and functioning of the judiciary.
- Establish special chambers for cases of particularly serious economic crimes and organized crime. Creating an independent special court can also be considered, even though such a model does not have many supporters in the Czech Republic. The main reason for specialization within the judiciary is the demand for and experience of the judge and his/her ability to be knowledgeable in complex cases. Another reason is to prevent corruption, and local influence, although this is not a fundamental problem in the Czech Republic. In documented cases of such violations, the offence was always a failure of an individual, or common criminal activities.
- Change the selection mechanism primarily of the Prosecutor General. His/her period in office should be extended together with a ban on repeated assignment. Personnel selection should be protected from political pressures. The power of selection could be entrusted to an autonomous body of the judiciary.
- Establish a special prosecutor's office for combating serious economic and organized crime

⁹⁵ Transparency International CZ, Česká justice – otázka správy a nezávislosti, 2010, http://www.transparency.cz/wp-content/uploads/justice_www_1.pdf

⁹⁶ Transparency International CZ, Boj o nezávislost justice se dostává do klíčové fáze, February 2012, <http://www.transparency.cz/tiskova-zprava-boj-nezavislost-justice-dostava-klicove-faze/>
Transparency International CZ, Proč je třeba schválit nový zákon o státním zastupitelství, May 2013 <http://www.transparency.cz/treba-schvalit-zakon-statnim-zastupitelstvi/>
Transparency International CZ, Nezávislé a nestranné zastupitelství, March 2015, <http://www.transparency.cz/prohlaseni-ti-nezavisle-a-nestranne-statni-zastupitelstvi/>
Transparency International CZ, Nezávislé a důvěryhodné státní zastupitelství, April 2015, <http://www.transparency.cz/co-delame/temata/nezavisle-a-duveryhodne-statni-zastupitelstvi/>
Transparency International CZ, Stanovisko TI k návrhu nového zákona o státním zastupitelství, May 2015 - <http://www.transparency.cz/stanovisko-ti-k-navrhu-noveho-zakona-o-statnim-zastupitelstvi/>

as a standard partner of specialised police units. The reason is to prevent corruption, and local influence. Centralization of work on important cases enables better management and supervision of the steps that have been taken to protect law.

Organisational measures:

- Change the mechanism of selection of candidates for posts in the judiciary.
- Determine long-term, realistically functioning, unambiguous rules for the selection of candidates for the post of judge (including legal definitions of outcomes and methods of psychological examination and the requirement for sound reasoning of its conclusions) to remove the existing randomness and lack of transparency in the selection of judges and frame it as a transparent, non-discriminatory (not be influenced by personal relationships), and reviewable process. Design rules on career development similarly.
- Execute personnel changes in the management of the office of the Prosecutor General and the Supreme Prosecutor. People compromised by working with political lobbyists and incompetent interference in the investigation must leave their office.
- Court experts. The position of “expert” is not regulated adequately to the power of expert opinion. Therefore, it is necessary to radically amend the current law on experts and Interpreters no. 36/1967 Coll. or better, draft new legislation, which should tighten oversight over experts, define the criteria under which a candidate can become a court expert, specify the conditions for expert activities and ways of supervision of their professionalism (regular testing), and ensure accountability of experts (mandatory membership in a professional Chamber, disciplinary liability).

http://www.transparency.cz/wp-content/uploads/justice_www_1.pdf

Author: Stanislav Beránek (ex-staff member)

Contact person: Radim Bureš, programme director, e-mail: bures@transparency.cz

OTHER INFORMATION

PROJECT TITLE: Twenty Years of Independent Judiciary: Unresolved Issues

TYPE OF THE PROJECT: Working seminar

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

The League of Human Rights

PROJECT DESCRIPTION

On November 18, 2009 the working seminar „Twenty Years of Independent Judiciary: Unresolved Issues,“ organized by the League of Human Rights in cooperation with Public Interest Lawyers Association (PILA), under the auspices of Supreme Administrative Court Josef Baxa and with the support of Open Society Fund Praha, took place in Brno, Czech Republic. The seminar focused on progress in building an independent judiciary in the Czech Republic after the Velvet Revolution and on discussion about the most suitable model of judiciary in the Czech Republic for the next decade.

During the seminar 40 participating judges discussed concrete proposals that would lead to higher transparency of the Czech judiciary and subsequently also to better protection of

rights of people. They mainly discussed the topics of independence of judges, different systems of court management, the role of the Supreme Judicial Council, financing of judicial system and appointment of judges. The topics of the seminar were selected by judges themselves. Judges Jan Sváček, Eliška Wagnerová, Zdeněk Kühn and legal expert David Kosař have elaborated substantive background paper related to topics discussed. The background paper is available on the League's webpage⁹⁷.

The seminar was very important for further discussion on establishment of an independent judicial body. As you can see from the contributions to the seminar below, most of the judges were in favour of establishing the Supreme Judicial Council. On the contrary, most of the ministers of justice in power so far were not in favour of such a solution or their assignment to post was too short in order for them to push through the creation of such an organization. The discussion is still ongoing.

REPORT

The background paper focused on four different areas of the Czech judiciary related to the independence of justice. The first contribution was written by Judge Jan Sváček. He looked at the independence of justice from the perspective of institutional independence. He summarized different judicial systems in the world (USA, Netherland) and focused more on the role of Supreme Judicial Councils in promoting the interests of judges. He also elaborated on the fact that in the Czech Republic there does not exist such an independent judicial body and that so far the engagement of the Ministry of Justice in the judicial system does not contribute to independence and transparency of justice.

The second part elaborated by Judge Eliška Wagnerová analyses different models of Supreme Judicial Councils in Europe (Italy, Spain, France, Netherlands, Slovakia and Hungary) as well as the countries' approaches regarding political culture and judicial ethics. In her contribution Judge Wagnerova emphasized the importance of a fair system for the selection of judges. She expressed her opinion that judges should not dispose only with analytical skills and academic excellence, but also with availability, communication skills and most importantly with a sense of justice. She also stressed the importance of finding the right balance between the judicial, executive and legislative bodies and she proposed that the Supreme Judicial Council could be an institution which ensure this balance.

Judge Zdeněk Kuhn and legal expert David Kosař elaborated two contributions to the seminar's background paper. Their first article focused on the financing of justice. They highlighted the fact that whoever decides about allocation of money among courts has real potential to influence judges' decisions. This can negatively affect judicial independence. They analysed different European systems and pointed out their pros and cons. At the end of the article they stressed that in the Czech Republic the independent body would facilitate negotiations regarding courts budgets between judges and politicians. As a solution they

⁹⁷ League of Human rights: Dvacet let svobodné justice:nedořešené otázky, 2009
<http://llp.cz/publikace/dvacet-let-svobodne-justice-nedoresene-otazky/>

proposed to establish an independent judicial body which would include a judicial, but also a non-judicial aspect of negotiation regarding court budgets. This body would act as a partner to the executive power. They also proposed that every court should have a court manager who would not necessarily be a judge and who would be responsible for financial management.

Their second article was about the appointment of judges, mainly about prevailing practices that decrease the transparency of the selection process of judges. They mainly criticised the overestimated role of psychological reports and the inadequate influence of Chairmen of regional court on the selection of judges. They also suggested criteria for the selection of judges of first and supreme instances and to create an independent body (Supreme Judicial Council) which will not be composed only of judges and which would be responsible for selection and appointment of judges.

OTHER INFORMATION

PROJECT TITLE: TYPE OF THE PROJECT:

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Pro Bono Alliance

PROJECT DESCRIPTION

⁹⁸The Human Rights School (HRS) is a longterm-running project for law students, organized since 1999. The School aims to generate students' interest in the protection of human rights and matters of the public interest by legal means.

Particularly, the School **goals** are to:

- support the interest of students in legal areas marginalized at Czech Law schools
- contribute to increasing the number of lawyers that are active in human rights and matters of the public interest in the Czech Republic
- contribute to a more progressive approach by students, in their future legal careers, to legal issues than the current majority of lawyers
- present activities of NGOs, which try to help in the areas of human rights and matters of the public interest
- present the students with other (interactive) methods of teaching than they encounter during their university studies

The HRS core activity is a week long intensive interactive training for 20-25 participants from all Faculties of Law in the Czech Republic. During this course, students work in teaching blocks supervised by lawyers-lecturers, using interactive methods of teaching. Students experience, for example, group work, simulation of administrative and court

⁹⁸ Citation from the page <http://www.probonoalliance.cz/en/socially-responsible-legal-education/human-rights-school>

procedures in the role of judge, defendant, investor or official (role playing), do case studies using real cases, exercise arguments and rhetorical ability, and others. Experienced lawyers of well established NGOs contribute to the School as lecturers, guests and supervisors. Attorneys, judges and other legal professionals also contribute to the program intensively.

The Human Rights School has already existed for 12 years. During these years there have been over 250 graduates of this specific legal training. The lecturers were recruited, for example, from the Environmental Law Service, the League of Human Rights, Iuridicum Remedium, Persefona, Hnutí Duha, MDAC, Transparency International, Fokus Praha, InIustitia, and others. Evening debates with guests from diverse areas of the legal profession are a regular part of HRS programme.

Students have the opportunity to meet more than 25 guests, for example, Pavel Rychetský (the head of the Constitutional Court), Otakar Motejl (former Ombudsman), Josef Baxa (the Head of the Supreme Administrative Court), Vojtěch Šimíček (judge of Supreme Administrative Court), Jaromír Jirsa (the ex-president of the Czech Union of Judges), Ján Hrubala (judge of the Special Court in Slovakia), Jiří Tutter (the director of Greenpeace in CR), Kumar Vishwanathan (from NGO Vzájemné soužití/Mutual coexistence), Mojmír Vlašín (Ekologický institut Veronica/the Veronica Environmental Institute), Eva Kováčechová (Via Iuris Slovakia), Tomáš Němeček (chief editor of law supplement of Lidové noviny) and representatives of other NGOs and local movement activists.

A two days continuation course of the Human Rights School typically follows several months after the main event. During the continuation session students themselves prepare one teaching block, applying interactive methods they became acquainted with at the main training course. The other parts of the programme are to a large extent defined by students' interest- we try to organize specific topics and guests upon students' requests. This way, students actively participate in the RHS organization themselves.

All HRS participants have to work 70 hours in an NGO as volunteers within one year after the training course. PILA helps to find suitable NGOs for HRS participants only in exceptional cases. A pro-active attitude is a natural part of our training. The experience of working in an NGO and the „touch“ of reality, the opportunity to apply theoretical knowledge in real cases and to participate during the studies in legal profession situations, is highly valued by our students and is considered a great contribution of the HRS to their professional training.

For progress and improvement of HRS we require feedback from the participants who actively respond in our evaluation questionnaires.

REPORT

OTHER INFORMATION

PROJECT TITLE: TYPE OF THE PROJECT:

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

CEELI Institute

PROJECT DESCRIPTION

Central and Eastern European Judicial Exchange Network

The CEELI Institute is now in its fourth year of support for the Central and East European Judicial Exchange Network, comprised of young non-high court judges from eighteen countries in the region who have come together to share best practices on issues of judicial independence, integrity, accountability, and court management. The main goal of the program and partnership is to enhance judicial integrity and the public's confidence in the judiciary across Central & Eastern Europe by establishing a professional peer exchange network of judges and court administrators.

Since its launch, the Network has met at four Roundtable events held at the CEELI Institute's headquarters in Prague, six smaller, targeted workshops throughout the region and, most recently, at the International Judicial Conference which took place on September 18-19 2015 in Zadar, Croatia. The conference which was co-organized by the CEELI Institute and the Association of Croatian Judges (ACJ), Zadar Branch looked at the topics of evaluation of judges, judicial ethics and effectiveness of the European Convention on Human Rights. Participants included 50 mid-career judges from Croatia and throughout Western, Central and Eastern Europe.

REPORT

Network Judges Complete Manual on Judicial Independence

The judges have been exceptionally committed to the ongoing efforts of the Network, and have largely directed the efforts and focus of the Network themselves. Among their signature projects has been the development of a Manual on Independence, Impartiality and Integrity of Justice: A Thematic Compilation of International Standards, Policies and Best Practices. The idea for the Manual was first conceptualized by the Network Advisory Board judges in 2014, and represents a systematic effort to survey relevant international standards applicable to the judiciary. The judges first undertook a comprehensive review of 130 relevant international documents, and then organized relevant standards according to thematic areas. The Manual provides easily accessible, substantive legal support for issues related to the status, work, rights, and responsibilities of judges. For example, Section II.8 of the Manual assembles all relevant international standards which establish and clarify the principle of judicial independence in the administration of justice. Judges needing to justify their role in administration can quickly access the necessary underlying legal support.

The Manual will constitute an easy-to-use reference tool to facilitate day-to-day work of judges both in the region and worldwide. It is particularly useful in societies still undergoing transitions, and where the judiciaries are still struggling to assert and establish their full independence.

The Manual represents an extraordinary commitment of time and effort by the Network

judges who participated in this project. They undertook extensive independent research and editing, coming together periodically at the Institute to coordinate and collaborate on their work.

This project reflects the underlying mission of the CEELI Institute, as an independent, not-for-profit organization dedicated to assisting legal professionals committed to a rule of law. This kind of innovative effort demonstrates how we work with judges and other legal professionals to support fair, transparent, and effective judicial systems, strengthen democratic institutions and combat corruption.

OTHER INFORMATION

PROJECT TITLE: TYPE OF THE PROJECT:

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

La Strada

PROJECT DESCRIPTION

„Discovering trafficking for the purpose of forced labour and labour exploitation”

The overall objective of the project is to give a greater number of trafficked persons access to legal protection and services. The specific objective is to define what trafficking for forced labour and labour exploitation means according to the legal institutions in the Czech Republic and in other countries. To support law enforcement and judicial authorities in the Czech Republic, the project also addressed the practical ways in which existing definitions and indicators are used in relation to trafficking in human beings for the purpose for labour exploitation. The partners of the project are the Ministry of the Interior and the Judicial Academy. The project was supported by European Commission and Open Society Foundations.

The project should, inter alia, map out experience pertaining to the criminal law approach to the issue of human trafficking for the purpose of forced labour and other forms of exploitation abroad. One of the particular aims was to define the terms “forced labour” and “labour exploitation” on the basis of experience gathered in the Czech Republic as well as in other EU Member States and then enable active use of these definitions within the judicial system in the Czech Republic.

In May 2011 Prague hosted an international workshop - part of the second phase of this project - where international experts (namely from the Netherlands, Bulgaria, Spain and Belgium) gathered together with Czech police officers, state prosecutors, state officers and judges to discuss the application of certain problematic terms of the definition of trafficking such as abuse of distress, other forms of exploitation etc. Also other topics were discussed such as the severity of sentences, the impact of financial sanctions. The follow up of the two day seminar is an extended legal analysis of the legislative tools the Czech Republic has in fighting this phenomenon with a proposal for changes to be implemented.

The Czech Republic continues to provide anti-trafficking and victims’ identification training

to consular officers abroad and has been providing a similar training programme for labour inspectors since the end of 2014. A specialised training for border guards based on the scheme of FRONTEX was launched in September 2014 and it will continue regularly at the Police College and Secondary Police School of the Ministry of the Interior in Holešov.

REPORT

Information on human trafficking, especially on ways to identify and assist the victims, is included in training programmes for the staff of the State Labour Inspection Office who deal with illegal employment. Within the project the public procurement market has been reviewed in order to identify areas that might provide opportunities for labour exploitation, and to develop a range of recommendations to eliminate the risk of such exploitation in companies performing work or services for the government sector. The recommendations have been incorporated into internal regulations on public procurement processes.

The Ministry of Foreign Affairs published on all websites of the representatives offices of the Czech Republic abroad an informative section regarding trafficking in human beings. Moreover, recently, the ministry of Interior published a manual for practitioners on trafficking in children – Recommendations for state administration authorities. The manual proved to be very useful especially for police officers dealing with vice criminality.

OTHER INFORMATION

PROJECT TITLE: TYPE OF THE PROJECT:

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

White Circle of Safety

PROJECT DESCRIPTION

Domestic violence had been traditionally considered as a private affair to which it is not necessary to react officially. The goal of this project was to change this public perception, eliminate domestic violence and introduce social and legislative measures that will prevent domestic violence and help the victims.

The project focused on different aspects of domestic violence. It solved short-term immediate help to victims, medium-term practice change and long-term change of law.

Within the project the following practices have been introduced:

A national specialized DONA help line was established. The goal of the DONA help line is to shorten the length of latency of domestic violence (during the first 36 months of the operation of the DONA help line, the period of the latent abuse reduced from 6 to 3 years).

Creation of an interdisciplinary cooperation involving medical, social and police aid when solving the cases of domestic violence

Creation of the expert group formed from representatives of state and regional politics, lawyers, psychologists etc. which worked out a complex solution to domestic violence prevention within the context of a new law.

New Law on Domestic Violence - The expert group of BKB has contributed to amendments in the national legislature to protect the victims of domestic violence, inter alia, the adoption of the amendment of act No.140/1961 of the Criminal Code could be considered a first success (1.6.2004) as it included §215 a) Abuse of a person living in the same residence. Another example can be amendment of act No. 283/2004 which introduced a new duty that commands all authorities active in a criminal procedure to give sufferers or witnesses of domestic violence who are endangered by an accused who is at liberty an opportunity to ask for information about the accused (for example if the accused was released from prison). These partial changes were focused only on the criminological viewpoint in finding a solution for the problem of domestic violence, and did not take into account a gender view of this problem, or an interdisciplinary approach. The New Act on domestic violence (135/2006 Sb.) has been valid since January 2007. This new legislation allows police to expel the perpetrator from home for a period of 10 days. This period can be prolonged by the court order to a maximum of one year. Since 2010 there is a new crime – dangerous stalking - introduced by the new Penal Code. It concerns the cases of violence or a danger of violence among partners not living together or separated/divorced partners when it cannot be classified a domestic violence or in other cases

Within the project there are a number of trainings for police tutors, judges, and social workers in different regions. Lecturers from the Bílý kruh bezpečí hold regular lectures at the Judicial Academy in Prague and Kroměříž, the Police Academy in Prague and other universities.

The topic of lectures and trainings often include: the Rights of the injured party during criminal proceedings, Compensation for damage and state financial relief, the Impact of crime on a victim, Prevention of secondary victimization, the Domestic Violence Protection Act, Helping people threatened by domestic violence.

Their expertise in this field is well respected by the judiciary and public institutions as well as by the general public.

REPORT

OTHER INFORMATION

The only problem is the rapid increase in interest in the project and limited capacities of the coordinator and their partners (the number of lecturers, time consumption, room for trainings). In the first phase it is necessary to work with the first qualified team, which will educate new tutors.

Bibliography

Act 6/2002 Coll., on Courts and Judges, 2002, <http://www.zakonyprolidi.cz/cs/2002-6#cast1>

Act No. 1/1993 Coll., *Constitution of the Czech Republic*, <http://www.psp.cz/cgi-bin/eng/docs/laws/1993/1.html>,

Act No. 6/2002 Coll. on courts, judges, associate judges and state administration of courts

Act No. 7/2002 Coll. on the Proceedings in Cases of Judges, Public Prosecutors and Certificated Bailiffs, 2002, <http://www.zakonyprolidi.cz/cs/2002-7>

Act No 36/1967 Coll. on experts and interpreters, <http://www.zakonyprolidi.cz/cs/1967-36>

Act No.160 / 2006 Coll. on liability for damage caused in the exercise of public authority decision or maladministration, www.epravo.cz/top/zakony/sbirka-zakonu/zakon-ze-dne-16-brezna-2006-kterym-se-meni-zakon-c-82

Act No. 273/2008 Coll. on the Police of the Czech Republic, 2008, <http://www.zakonyprolidi.cz/cs/2008-273>

Benešová, Aneta: *Role advokační funkce v nevládních neziskových organizacích v České republice* (The Role of Advocacy in Czech NGO), thesis, Mendelova Universita, Brno 2013, page 42, Graph prepared by Ivana Dufkova based on data from the study

Beránek, S. (ed.), „Česká justice – otázky správy a nezávislosti“ (“The Czech Judiciary: issues of independence and management), volume, Transparency International Czech Republic, Prague 2010

Beránek, S. (ed.), *Transparentnost a důvěryhodnost výkonu spravedlnosti*. Sborník z konference konané 4.12. 2008 (Transparency and Trustfulness of execution of Justice. Proceedings from the Conference held on 4th December 2008), Transparency, Transparency International Czech Republic, Praha 2009

Beránek, S., Pavlišová, R. (ed.), *Česká justice - boj o vše* (Czech Judiciary – Fight for all), Fond Otakara Motejla, Transparency International Czech Republic, Praha 2012

Bok, John: *Léčba Bokem. O spolku Šalamoun a jeho předsedovi Johnu Bokovi* (Treatment by Bok. About Association Šalamoun and its Chair John Bok), 2010 Association Šalamoun. ,

Centrum pro výzkum veřejného mínění, Sociologický ústav AV ČR, *Důvěra některým institucím veřejného života v březnu 2015* (Trust to some public institutions in March 2015), April 17, 2010, http://cvvm.soc.cas.cz/media/com_form2content/documents/c1/a7374/f3/po150417.pdf

Česká justice: *Lze napravit nedůvěru obyvatel v justiční systém?* (Survey: Is it possible to redress distrust of citizens in justice systém?), Česká justice (Czech Justice),

<http://www.ceska-justice.cz/2014/01/anketa-jak-napravit-neduveru-obyvatel-ceska-v-justicni-system/>

Česká tisková agentura, *Kauza odmítnutí jmenování čekatelů na soudce trvá přes tři roky* (Case of judges nominee's refusal takes three year already), 2008, <http://www.epravo.cz/top/clanky/kauza-odmitnuti-jmenovani-cekatelu-na-soudce-trva-pres-tri-roky-54722.html?mail>

Citizens against Addictions: *Strategic litigation against law on lotteries*, <http://antigambling.webnode.cz/news/projekt-strategicka-litigace-proti-aplikacni-politice-zakona-o-loteriich-ministerstvem-financi/>

Civil Code (Law no. 89/2012 Coll), <http://obcanskyzakonik.justice.cz/images/pdf/Civil-Code.pdf>

Civil Proceedings Code, 1963, <http://www.zakonyprolidi.cz/cs/1963-99>

Czech Television, Interview with former Deputy Minister of Justice Hana Marvanova, February 12, 2015, <http://www.ceskatelevize.cz/ct24/domaci/301402-marvanova-justice-ma-problem-s-predsedy-soudu-i-zodpovednosti-soudcu/>

European Commission: *Report on Justice in EU*, November 2013, http://ec.europa.eu/public_opinion/flash/fl_385_en.pdf

Fond Otakara Motejla & Transparency International Czech Republic: *Česká justice boj o vše* (The Czech Judiciary - Fight for All), Prague 2012, 92 pages.

Frank Bold: *Discrimination and abuse of rights of employees*, <http://frankbold.org/sites/default/files/publikace/eps-diskriminace-retezce.pdf>

Government of the Czech Republic: *Státní politika vůči nestátním neziskovým organizacím na léta 2015 – 2020* (State Policy on NGOs), http://www.vlada.cz/assets/ppov/rnno/dokumenty/statni_politika.pdf

Government of the Czech Republic: *Hlavní oblasti dotační politiky vlády pro rok 2015* (Main areas of government funding to NGOs), adopted by the Governmental Decree No.: 685 of 16 June 2014 (available: <https://apps.odok.cz/attachment/-/down/VPRA9L9BRR9S>)

Kde jsi táto: *Počet soudců v České republice a kvalita jejich práce* (Number of judges in the Czech Republic and quality of their work), 2015, <http://www.kdejsitato.cz/pravo-a-spravedlnost/statistiky-a-pruzkumy/pocet-soudcu-a-kvalita-prace.html>

Kužílek, Oldřich: Act on Free Access to Information: <http://www.otevrenaspolecnost.cz/pravo-na-informace>

Law on protection against domestic violence, 2006, <http://www.domacinasili.cz/pravni-uprava/zakon-na-ochranu-pred-domacim-nasilim/>, <http://www.zakonyprolidi.cz/cs/2006-135>

League of Human rights: *Amendment proposal to Act. N. 258/2000*, <http://llp.cz/publikace/pozmenovaci-navrh-senat/>

League of Human Rights: *Dvacet let svobodné justice: nedořešené otázky* (Twenty years of free justice: unsolved questions), 2009 <http://llp.cz/publikace/dvacet-let-svobodne-justice-nedoresene-otazky/>

League of Human Rights: *Jak bránit práva dítěte mladšího 15 let v řízení o činu jinak trestném* (How to protect the rights of children in criminal cases), <http://llp.cz/publikace/jak-branit-prava-ditete-mladsiho-patnacti-let-v-rizeni-o-cinu-jinak-trestnem/>

League of Human rights: *Muže neoprávněně zbavili způsobilosti a proti jeho vůli ho drželi na psychiatrii* (Man has been wrongfully detained and held against his will in psychiatry), <http://llp.cz/pripady/muze-neopravnene-zbavili-zpusobilosti-a-proti-jeho-vuli-ho-drzeli-na-psychiatrii/>

League of Human rights: *Nelidské a ponižující zacházení musel snášet pacient na psychiatrii*, Liga lidských práv, prosinec 2013, <http://llp.cz/pripady/nelidske-a-ponizujici-zachazeni-musel-snaset-pacient-na-psychiatrii/>

League of Human Rights: *Organization of roundtable on judiciary in the matter of youth*, 2013, <http://llp.cz/2013/02/usporadali-jsme-kulaty-stul-na-tema-soudnictvi-ve-vecech-mladeze/>

League of Human rights: *Soudní průtahy: preventivní a kompenzační prostředky nápravy*, 2009, <http://llp.cz/publikace/soudni-prutahy-preventivni-a-kompenzacni-prostredky-napravy/>

List of points based on ŠTĚDRŮŇ, B. *E-Justice, občanské soudní řízení sporné a využití informačních technologií a právních informačních systémů*. Praha: Nakladatelství Linde a.s., 2008, s. 34

Ministry of Interior, *National Strategy for Fight against Human Trafficking*, 2013 <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx>

Ministry of Justice: *Concept of Stabilisation of the Judiciary*, 2004, <http://www.epravo.cz/top/clanky/koncepce-stabilizace-justice-program-ministerstva-spravedlnosti-26503.html>

Nada Adamičková, Marie Konigová, *Soudci 114 847, žalobci 101 151 Kč. To jsou letošní průměrné platy* (Judges 114 847, prosecutors 101 151 these are average salary this year), *Právo*, May 14 2015, <http://www.novinky.cz/domaci/369466-soudci-114-847-zalobci-101-151-ke-to-jsou-letosni-prumerne-platy.html>

Novák, M., Pavlišová, R., *Analýza soudních rozhodnutí vydaných v letech 2010 až 2012 ve věcech úplatkářských trestných činů* (Analysis of court decision in 2010 to 2012 in

corruption cases), unpublished report commissioned by Office of Government in 2013 (to be found http://www.transparency.cz/wp-content/uploads/Analýza_soudních_rozhodnutí_vydanych_v_letech_2010_až_2012_ve_věc ech_úplatkářských_trestných_činů.pdf).

Oberto, Giacomo: *Report on Independence through the Appointment Procedure, Status of Judges and Adoption of the Budget of the Judiciary*, 2009, <http://giacomooberto.com/>

Organizace pro pomoc uprchlíkům: *Strengthen protection of the rights of migrants in employment*, <http://www.opu.cz/cz/article/357>

Pavlišová, Radka, Novák, Martin: *Analysis of judgments in cases of bribery offenses*, Transparency International, 2013 http://www.transparency.cz/wp-content/uploads/Anal%C3%BDza_soudn%C3%ADch_rozhodnut%C3%AD_vydan%C3%BDch_v_letech_2010_a%C5%BE_2012_ve_v%C4%9Bcech_%C3%BAplatk%C3%A1%C5%99sk%C3%BDch_trestn%C3%BDch_%C4%8Din%C5%AF.pdf,

SANEP: Justice (Justice) survey, 2015 <http://www.sanep.cz/pruzkumy/justice-publikovano-2-6-2015/>

STEM, *Veřejnost stabilně důvěřuje nejvyšším soudním institucím* (Public continuously trusts in Supreme Court institutions), 2010, <http://www.stem.cz/clanek/2005>

STEM: *Spory o volby utichly, důvěra v Nejvyšší soudní instituce se obnovila* (Controversy regarding election has stoppe, the trus in highes judicial institutions has been renewed), 2010, <http://www.stem.cz/clanek/1979>

Supreme Court of the Czech Republic: *Decision of Supreme Court Pl.ÚS 18/06*, 11. 7. 2006, <http://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-18-06>

Štička, M. (ed.), *Hledání rovnováhy mezi nezávislostí soudce a odpovědností vůči veřejnosti, Závěrečná zpráva z kulatých stolů, které za účasti expertů uspořádala Transparency International Česká republika k procesu stabilizace českého soudnictví* (Searching for balance between independence of a judge and his/her accountability to society. Final report from round tables which were organised by Transparency International Czech Republic in support of stabilisation of Czech judiciary), Transparency International Czech Republic, Praha 2004

Štička, Michal: *Application of ethical practices in the judicial system in the Czech Republic*, www.transparency.cz/wp-content/uploads/evs_justice.pdf

The Brijuni Statement, 2015, <http://ceeliinstitute.org/brijuni-statement/>

The Council of the European Union: *Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation*, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>

Transparency International Czech Republic: *Justice Forum*, 22.5.2014, <http://www.transparency.cz/vi-justicni-forum-boj-pravni-stat/>

Transparency International Czech Republic: *Transparency and credibility of justice*, 2009, http://www.transparency.cz/wp-content/uploads/justice_sbornik.pdf

Transparency International Czech Republic: Česká justice – otázka správy a nezávislosti (The Czech Judiciary: issues of independence and management), Prague, August 2010, 226 pages. http://www.transparency.cz/wp-content/uploads/justice_www_1.pdf

Transparency International CZ, Boj o nezávislost justice se dostává do klíčové fáze, February 2012, <http://www.transparency.cz/tiskova-zprava-boj-nezavislost-justice-dostava-klicove-faze/>

Transparency International CZ, Proč je třeba schválit nový zákon o státním zastupitelství, May 2013, <http://www.transparency.cz/treba-schvalit-zakon-statnim-zastupitelstvi/>

Transparency International CZ, Nezávislé a nestranné zastupitelství, March 2015, <http://www.transparency.cz/prohlaseni-ti-nezavisle-a-nestranne-statni-zastupitelstvi/>

Transparency International CZ, Nezávislé a důvěryhodné státní zastupitelství, April 2015, <http://www.transparency.cz/co-delame/temata/nezavisle-a-duveryhodne-statni-zastupitelstvi/>

Transparency International CZ, Stanovisko TI k návrhu nového zákona o státním zastupitelství, May 2015, <http://www.transparency.cz/stanovisko-ti-k-navrhu-noveho-zakona-o-statnim-zastupitelstvi/>

White Circle of Safety: Case study on domestic violence, <http://domacinasili.cz/files/uploaded/Archiv/ps.htm>

Authors Bio

Bio

Radim Bureš graduated in philosophy and Economy at Charles University in Prague. Visiting postdoc at St. Antony's College Oxford University. Since mid of nineties engaged in criminology and crime prevention, worked as deputy director of department of crime prevention at Czech Ministry of Interior. Was engaged in issues of human rights, and prevention of human trafficking, sport violence and corruption. Closely cooperated with the Council of Europe, UN Office of Drugs and Crime and EU crime prevention network. Short professional visits in USA and UK. Speaker at the UN Crime Congresses in 200 and 2006. Speaker at number national and international conferences.

Since 2008 in Czech Chapter of Transparency International, since 2013 as its Program Director.

Ivana Dufkova graduated from the Faculty of Education of the Charles University in Prague. For many years she has worked in the Ministry of the Interior in the field of police professional training. She is an author of various training programmes and textbooks. She has been cooperating with numerous non-governmental organizations on human rights issues and corruption, particularly in countries of Eastern Europe and Central and Southeast Asia. Since 2013, she has worked in the Transparency International Czech Republic as a project manager. She coordinates projects in Czech Republic and abroad on anti-corruption issues, she collaborates with state institutions as well as with non-governmental sector.