



LA CHILD 
Enhancing legal aid for children in conflict with the law

LEGAL AID FOR CHILDREN IN CONFLICT WITH THE LAW

**National Report on Czech Republic
May - July 2020**



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INTRODUCTION TO THE PROJECT AND THE QUESTIONNAIRE

This national research questionnaire was prepared when implementing the EU co-funded project *Legal aid for children in criminal proceedings: developing and sharing best practices (LA CHILD)*. The Project is implemented by the consortium consisting of *Law Institute of Lithuania* (LIL), *Defence for Children International* (DCI) - Belgium) and *Center of Integrated Legal Services and Practices* (CILSP, Albania). It started in February 2020 and will end in December 2021.

The Project' s overall objective is to contribute to enhancing protection of procedural rights of children in conflict with the law and to foster coherent implementation of Directive 2016/800 in the EU Member States as regards legal aid to children. For this purpose, the Project will develop common standards, showcase best practices and innovative approaches that can be replicated across the EU as well as organize capacity building activities.

The Project' s activities started with the evaluation of regulation and practices in European States when providing legal aid for children in conflict with the law. This questionnaire is the basis of this research. After having collected the responses, these responses will be analysed by the project researchers and a summarising report will be drafted. The prepared report will identify the main challenges encountered as well as the best approaches to achieving effective and efficient legal aid for children.

Later on, the Project team will draft Guidelines on providing legal aid to children in conflict with the law as well as a 'child friendly' version. In addition, in the end of 2020, an international conference is planned in Vilnius, where experts from different states will share their knowledge and insights. In 2021, tailored practical trainings to lawyers, judges, legal aid board members and social workers will take place in Lithuania, Belgium and Albania. The final stage of this Project will be a roundtable discussion in Brussels where key Project outcomes and best practices will be presented and discussed.

KEY DEFINITIONS:

Legal aid means the provision of legal advice, assistance and representation at the expense of the State on the conditions and in accordance with the procedures established under the national law for persons detained, arrested or imprisoned; for persons suspected or accused of, charged with or convicted of a criminal offence; and for victims and witnesses in the criminal justice process. Legal aid includes legal education, access to legal information and other services provided through alternative dispute resolution mechanisms and restorative justice processes.¹

Child is a human being under the age of 18.

A child in conflict with the law is a person who has reached the age of criminal responsibility but not the age of majority (under 18 years old), who is suspected or accused of having committed an offence under his national criminal law.² The age that needs to be taken into consideration to determine whether a child is in conflict with the law is the age at the time of committing the offence, not later than that.

Legal aid provider means any person who is providing legal aid pursuant to national law.

Legal aid authority means the authority established under the national law for the purpose of managing, coordinating and monitoring the provision of legal aid.³

¹ Model Law on Legal Aid in Criminal Justice Systems. United Nations. Vienna, 2017.: www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf

² <https://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

³ *Ibid.*

PART 1: AUTHORS AND GENERAL INFORMATION

1.1. Please list all the names of experts and lawyers who worked on this report.

Petr Sabatka, Petr Samec

1.2. Please name the country which this report applies to.

Czech Republic

1.3. Please provide a full list of acronyms used in your report, if any.

- Act No. 218/2003 Coll., on Responsibility of Juveniles for Unlawful Acts and Juvenile Justice - **Act on Juvenile Justice**
- Act. No. 40/2009 Coll., Criminal Code – **Criminal Code**
- Act No. 141/1961 Coll., on Criminal Procedure – **Criminal Procedure Code**
- Act No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms - **Charter of Fundamental Rights and Freedoms**
- Act No. 45/2013 Coll., on Victims of Crimes – **Act on Victims of Crimes**
- Act No. 359/1999 Coll., on Social and Legal Protection of Children – **Act on Social and Legal Protection of Children**
- Decree of the Ministry of Justice No. 177/1996 Coll., on Remuneration and Reimbursement of Lawyers for Provision of Legal Services – **Decree on Legal Fees**

1.4. Please explain the methodology used to complete this report and sources that were used (such as internet research, legal database research, case law research) and any limitations that were experienced when undertaking this research (such as lack of enough data, resources, directives, etc.)

Primary source used to complete this report was the applicable law and its commentaries written by legal experts. The research was primarily conducted with the help of online platform Beck Online. The statistics were obtained from the 2019 Report on the Activities of the Public Prosecutor's Office.

PART 2: NATIONAL LEGAL AID SYSTEM

Regulation of legal aid

2.1. Please shortly describe the legal framework regulating the legal aid system in your country. (this description should not be longer than half of a page).

The framework of the legal aid system in the Czech Republic is based on one of the basic principles of criminal law, which is the right to a defence and the right to a fair trial. This principle is outlined not only in the Criminal Procedure Code (Section 2 Para. 13), but also in the Charter of Fundamental Rights and Freedoms (Section 40 Para. 3). Defence and securing the fulfilment of the right to a defence are considered to be one of the procedural functions of criminal procedure along with the accusation and decision-making functions. The right to a defence is an important precondition for establishing facts of a case beyond reasonable doubt and for issuing a lawful and fair judgement. Victims are provided legal aid according to the Act on Victims of Crime. The Act on Juvenile Justice is specifically devoted to juveniles.

2.2. Which laws or/and policy documents regulate legal aid? Please describe briefly the objectives and content of regulation of each legal act or policy document.

The main legal framework of the legal aid is laid down in the Criminal Procedure Code, in particular its Section 33 Para. 2 which provides that if the accused proves that he/she does not have means necessary to secure the defence, the given authority (according to the stage of the criminal proceedings) can decide that the expense will be partially or fully covered by the state. The objective of this provision is to secure the fundamental premise, which is that the right of defence should be secured irrespective of the accused' s property and income.

As was mentioned above, another important act is the Act on Victims of Crime regulating rights of victims of crime, provision of financial assistance to victims of crime by the state, as well as relations between the state and entities that provide services to victims of crime. This act implements the Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, the purpose of which is to ensure that victims of crime

receive appropriate information, support and protection, and are able to participate in criminal proceedings.

The Act on Juvenile Justice is the one that implements the Directive 2016/800 and regulates the criminal responsibility of children, measures imposed as a result of criminal behaviour and the procedure and decision-making in respective matters. The emphasis is put on restorative justice and main purpose of this act is to prevent juvenile delinquency by methods of positive effect. This act also differs between juveniles aged 15 – 18 and minors under 15 years old.

2.3. Do those general laws or/and policy documents on legal aid refer to specifics of legal aid to children? Please describe briefly and present the relevant extracts from those documents.

The Act on Juvenile Justice can be considered to be a full-scale regulation of legal aid to children, both during and after the criminal proceedings. As was already mentioned above, the role of criminal justice in connection to children is restorative and the criminal proceedings follow certain principles that take into account the specific nature of children in the role of the accused. As an example, we provide an extract from Section 3 of the Act on Juvenile Justice.

(4) The proceedings pursuant to the Act must proceed with regard to the age, state of health, intellectual and ethical development level of the person against whom it is conducted so that his/her future development is effected as little as possible and the heard actions and their reasons and circumstances that allowed them are properly solved and the responsibility for their commitment pursuant to the Act is drawn. The proceedings are to be conducted in such a way that it assists in prevention of other unlawful actions. Authorities functioning pursuant to the Act shall cooperate with the relevant body for the social and legal protection of children.

(5) Personal data of the person against whom the proceedings is conducted and his/her privacy shall be protected within the proceedings pursuant to the Act, so that each such person is protected against harmful effects, on adhering

to the principle that the person is deemed innocent till his/her guilt is proven by the law.

(6) Each child under fifteen years of age or a juvenile, unless this Act stipulates otherwise, has the right to have his/her action heard immediately and within the adequate term before the Court for Youth.

2.4. Are there any laws or policy documents specifically addressing legal aid for children adopted in your country? If yes, please describe objectives and content of regulation of these laws or policy documents and provide their texts (if the texts are long, no translation for the texts is requested).

See above.

2.4. 4 bis. Does your country have a law that specifically regulates or limits access to legal aid for terrorist suspects or perpetrators? Does such a regulation also apply to minors and what does it provide for?

There is no law that specifically limits access to legal aid for terrorist suspects or perpetrators which might be given by the fact that, so far, there has been only one case of a terrorist criminal act in the Czech Republic. In 2016 the Criminal Code has been modified in order to make the fight against terrorism more effective by amending the criminal liability, there has, however, been no modification of legal aid provision.

Management and administration of legal aid

2.5. How the legal aid system is organised nationally, regionally or locally? Who is in charge of the management and oversight? Please describe status and functions of the legal aid authority (legal aid board or similar body) institution.

There is no specific institution whose only task would be to secure the legal aid. Individual aspects are in hands of different authorities. The supervising authority is the Ministry of Justice as it is the supreme body of court administration.

It is upon the relevant judge (or judicial senate) to decide whether the accused is entitled to be reimbursed for defence expenses. There are two types of situation - either a legal counsel (attorney) is selected by the accused directly, or he/she asks the court to assign an attorney from the list maintained by The Czech Bar Association. In the latter case, the choice is made by the chamber according to the waiting list (each court has its own waiting list), but the official appointment is then made by the court. Reimbursement of expenses is possible in both situations.

It must not be forgotten that a big part of legal aid is secured by volunteer groups or institutions such as La Strada, In Iustitia or Clovek v tisni, or even by individual attorneys or law students.

2.6. Is there an institution who is working particularly with legal aid for children? Is there a department (division) within the main legal aid institution that is specialised in legal aid for children? If yes please describe in more detail.

Specifically, in criminal proceedings against children, an important role is played by the Child Protection Authority. The structure and organisation is outlined in the Act on Social and Legal Protection of Children, the supervisory authority being the Ministry of Labour and Social Affairs of the Czech Republic. This protection is organised on local level which means that the provision is secured by municipal authorities.

According to the Act on Juvenile Justice, bodies operating under this act (courts, police, etc.) have an obligation to cooperate closely with the Child Protection Authority and to inform it about all important matters. One of the most important power of the Child Protection Authority in the criminal proceeding against a child is the right to appeal on behalf of the child.

A Child Protection Authority sui generis is also the Office for the International Legal Protection of Children.

Funding of legal aid

2.7. How is the legal aid system financed?

The legal aid system is naturally financed through the collection of public taxes, the expenses on legal aid are foreseen in the State Budget.

2.8. How are legal aid providers (including lawyers) paid? What are legal aid providers' (lawyers') fees for legal aid?

Lawyers' fees are provided by the Decree on Legal Fees. Fees are determined by a "tariff value" of one action made by a lawyer in the criminal proceeding (e.g. written submission or representation in court, etc.) and the number of such actions made. In criminal proceedings, the tariff value is determined by the gravity of the relevant crime. The gravity of the crime is expressed by the upper limit of possible number of years of imprisonment that can be imposed for the particular crime. Once the criminal proceeding has been completed, the lawyer quantifies the fees according to the number of actions and the court orders the costs to be reimbursed.

2.9. Are there any differences between fees provided for legal aid for children compared with legal aid for adults? If yes please describe in more detail.

Technically, both fees are calculated in the same way. One has to keep in mind, though, that the court cannot sentence a juvenile to imprisonment, so the tariff value has to be determined differently. The Decree on Legal Fees resolves this issue by stipulating that the guardian lawyer's fee is calculated in the same way as if the juvenile was criminally liable for the crime committed, meaning the same penalty rates apply.

2.10. Are there different fees for a representation of a child in criminal (juvenile justice) proceedings as compared to representation in civil or administrative cases?

Fees for representation in criminal proceedings are different from those in both civil and administrative cases in general. In civil cases, the tariff value is calculated from the "value of the dispute" whereas in administrative proceedings there is a given tariff value of CZK 5,000. If a child is a party in such proceedings, there is no difference.

PART 3. RIGHTS OF BENEFICIARIES OF LEGAL AID

Access to legal aid

3.1. What are the general criteria for accessing legal aid? Who is entitled to legal aid?

According to Section 33 Para. 2 of the Criminal Procedure Code, if the accused proves that he/she does not have means necessary to secure the defence himself, the given authority (according to the stage of criminal proceedings) can decide that the expense will be partially or fully covered by the state.

According to Section 51a Para. 1 of the Criminal Procedure Code, if the injured party proves that it does not have any money for accessing legal aid, the state will cover expenses. Again, the only criterion are the accused' s resources.

3.2. In which circumstances are children in conflict with the law entitled to legal aid?

As a juvenile, one must have a lawyer from the moment when the measures under the Act on Juvenile Justice are applied against him/her or the acts under the Criminal Procedure Code are performed, including urgent and unrepeatable acts. The only exception is a situation where it is not possible to postpone the execution of the act and to ensure that the lawyer is notified of this act.

If a juvenile (or his/her responsible person) has not selected any lawyer, the state will appoint a lawyer to represent the juvenile. The costs of the defence of the appointed of the lawyer are temporarily borne by the state; only if a juvenile is convicted, he/she pays to the state what the state paid to the lawyer for his/her defence, unless a juvenile file a motion for a free defence decision and the court decides that he/she is entitled to a free defence.

3.2.bis. Are foreign children entitled to legal aid in your country when they are in conflict with the law (is access to legal aid conditioned by nationality or residency status for children)?

Legal aid is provided to children irrespective of their nationality under Article 2 of the Convention on the Rights of the Child, which commits the state to respect and safeguard the rights set forth in the Convention for every child within its jurisdiction.

3.3. Is legal aid to children in conflict with the law always free or partial payment can be requested?

Not always. If a child is convicted, he/she pays to the state what the state paid to the lawyer for his /her defence.

3.4. Can children victims of crime access free legal aid in your country?

Yes, they can. Children are always identified as victims with “specific protection needs” according to Section 51a Para. 2 of the Criminal Procedure Code, so they can use free legal aid. There is only one exception when a child is a victim of the crime of negligence of mandatory support.

3.5. Is the representation of a lawyer mandatory for any alleged child offender? In which case and at what point in the proceedings?

Yes, it is mandatory. As a juvenile, you must have a lawyer from the moment when measures under the Act on Juvenile Justice are applied against you or acts under the Criminal Procedure Code are performed, including urgent and unrepeatable acts.

3.5bis. Is there a mandatory lawyer participation for children who are suspected or **accused of terrorism**?

Yes, in general, a juvenile must have a lawyer from the moment when measures under the Act on Juvenile Justice are applied against him/her or the acts under the Criminal Procedure Code are performed, including urgent and unrepeatable acts.

3.6. Is there a mandatory lawyer participation for children victims of crime provided in your country? In which cases?

It is not mandatory. According to Section 4 of the Law on Victims of Crimes, all victims have the right to obtain specialized support, including legal aid.

3.7. If a child benefits from legal aid, can he/she choose his/her lawyer? What is the legal role of the parents in this regard?

A child can decline the help of a lawyer, but he/she cannot choose his/her lawyer. Parents have the right to decide, who will represent their children in court.

3.8. If the child benefits from legal aid, can he/she change lawyer during the same proceedings? In which circumstances? What is the procedure? Please explain the answers in more detail.

A child can select another lawyer than the one appointed by the court or chosen by the responsible persons (e.g. parents) to do so. He/she must notify the change to the law enforcement authority and this authority notifies the newly elected lawyer. The previous lawyer is obliged to perform the defence until it is personally taken over by the later elected lawyer.

3.9. Does a child have the right to access free interpreter if he/she needs one when meeting with provided lawyer?

In general, every victim who does not speak the Czech language is entitled to an interpretation free of charge.

Access to information about legal aid

3.10. Does the State play a role in giving information to a child regarding legal aid system?
Are there any initiatives (media or educational campaigns, etc.) to inform children about the legal aid system?

Law enforcement authorities have a duty to inform the child of his/her rights, in particular, of the right to select and consult a lawyer. Social and legal protection authorities may mediate legal aid.

3.11. Are there any organisations or associations that give information and facilitate a child's right to legal aid?

A child or legal representative can contact the Our Child Foundation, specifically the Legal Aid Line.

3.12. If a child is deprived of liberty in the context of a criminal proceedings (e.g. held on remand at a prison, held at the police station or a hospital etc.) how does he/she receive information on his/her right to legal aid?

Information about the right to legal aid is provided by law enforcement authorities, as well as by the Child Protection Authority.

3.13. Is there an obligation to provide the information in child-friendly language?

In general, victims who do not speak the Czech language are entitled to free of charge interpretation (to their native language, the language of the country of origin or to a sign language) in each contact with the authorities. The law does not say anything specific about child-friendly language.

3.14. If a child cannot speak the official language of the country, is there an obligation to provide the information in the child's mother tongue or in a language spoken/understood by the child?

In general, victims can, during any contact with the authorities in relation to criminal proceedings, use their mother tongue or another language (Section 14 Para. 2 of the Criminal Procedure Code).

3.15. If the information needs to be translated or an interpreter needs to be provided, who covers the costs for the interpretation/translation?

The translation is provided free of charge. The state will cover the costs.

Protection of child interests

3.16. Is there a legal mechanism or a rule to address a conflict of interests between the child and his parents (e.g. when a child is a suspect and a parent is a victim)? Is there a legal mechanism or a rule to address a conflict of interests between the child and his lawyer? If yes, please describe in more detail.

There are conflict of interest measures that can be applied according to the Act on Juvenile Justice. Generally, a defence lawyer of a juvenile cannot be one who simultaneously represents a person whose interests are in conflict with the juvenile's interests. Such person in conflict of interest cannot select a defence lawyer for the juvenile.

3.17. Is the child protection institution involved in criminal proceedings when a child is suspect or accused? In case, please describe in more detail.

As was already mentioned above, the Child Protection Authority organised according to the Act on Social and Legal Protection of Children is an important party to criminal proceedings when a child is suspect or accused. The Child Protection Authorities are organised on a local level, their function is secured by municipal authorities.

3.18. Are experts such as psychologists, social workers, medical staff or others involved in criminal proceedings when a child is suspected or accused? In which cases? Are they paid by the State or by the child or his/her parents?

Apart from the Child Protection Authority, the Act on Juvenile Justice specifically addresses the participation of interest groups and persons implementing probation programmes. It is also important to mention that criminal proceedings where a child is accused are carried out by a special police department, specialised public prosecutor and specialised judge of a juvenile court. In practice, the participation of experts such as psychologist or medical staff is usual. All of those, who are state employees, are paid by the state.

PART 4. LEGAL AID PROVIDERS (LAWYERS)

General requirements for legal aid providers

4.1. What professionals are entitled to provide legal aid to children in conflict with the law in your country? Please describe the status and functions (duties) of legal aid providers.

According to the Act on Juvenile Justice, every lawyer with proper legal education can provide legal aid to children in conflict with the law in the Czech Republic, but there are some conditions that must be fulfilled. The legal aid provider cannot be a person who simultaneously represents a person whose interests conflict with the child's interests, and a person who has been elected to the child as a counsel by such a person (Section 44 Para. 1 of the Act on Juvenile Justice).

4.2. What are the requirements to be a legal aid provider in your country?

The main requirement is to successfully complete university studies in the field of law with a master's degree. Then there is a possibility to become a fully empowered advocate by completing a bar exam which can be taken after three years long experience as a junior associate at any law firm.

4.3. In the legal aid system, is there any type of registration requirement for lawyers who want to represent children in criminal proceedings (with bar association or another body)?

Not specifically for children cases. There is one general obligation to be registered with the Czech Bar Association as an attorney. Then, if one wants to be registered as an "ex offio" provider of legal assistance in criminal proceedings, he/she has to fill in an application with the respective court or all courts.

4.4. In your country, are there any legal entities (any associations/organisations) who provide legal assistance to children in criminal proceedings? If yes, can you please provide some information on such legal entity's activities.

We are not aware of any, apart from the Child Protection Authority, that would specifically provide assistance to children only. Mentioned should be also the Probation and Mediation Service which helps all persons who have committed a crime to integrate back into society.

Education and qualification of legal aid providers (requirements for becoming legal aid providers)

4.5. What are education requirements for legal aid providers?

See answer 2 above.

4.6. Are there any specific requirements for legal aid providers who provide legal aid for children? Are they required to undergo specific trainings (e.g. on juvenile justice, children' s rights, psychology, communication with children, etc.)?

All authorities participating in criminal proceedings are somehow specialised. Mostly, it is a consequence of a long-time practice in that area. As for the attorneys, there are no specific trainings we are aware of.

Continuous training

4.7. Is there a continuous training on juvenile justice offered/mandated throughout a legal aid provider' s (lawyer's) career?

The Judicial Academy surely provides the possibility for young judges to specialise during their training, however, this is not a legal requirement. As for other lawyers, training and lectures on juvenile justice held by official authorities such as the Czech Bar Association are uncommon. There is still the possibility, however, to specialise during university studies, for example by writing a master thesis on such topic, or attending a special courses.

When answering those questions, please cover the following:

- Is the training mandatory?

No.

- Is the training accessible, affordable and/or free?

It depends on the provider.

- Does the training meet a common set of requirements all over the country?

N/A.

- Who offers the training? (e.g. university, bar association, legal aid administrator, NGOs or other associations, etc.)?

All of the mentioned can be possible providers of individual courses or lectures. The most important (for the judges) are offered by the Judicial Academy.

- What is the form of the training? (e.g. day sessions, evening classes, online, self-training, etc.)

It depends on the provider.

- What is the content of the training?

The one offered by the Judicial Academy, for example, includes issues of detention and execution of criminal measures in juveniles and practical problems associated with it, the content of the training also includes psychology of interviewing children and recommended procedure for interviewing children.

- What is the length of the training offered?

It depends on the provider.

- Is it theoretical and/or practical?

In the context of the Czech educational system and the way of teaching in general, most lectures are rather theoretical (with practical elements).

- Is it exclusively legal? Or is it a multidisciplinary training (psycho-socio aspects, how to communicate with children, does the training include a dimension of child support/assistance, etc.)? Are other professionals involved in the training?

It depends on the provider. Again, the one offered by the Judicial Academy is multidisciplinary, there might be some psychologists etc. involved.

- Do children participate in the lawyers' training (e.g. to share their experiences with the lawyers)? How?

N/A.

- Are there practical exercises on how to interview or represent children?

N/A.

- Are specific trainings available for legal aid providers on the rights and needs of some specific categories of children when in conflict with the law (including migrant children, children at risk of trafficking, children accused or suspected of terrorism)?

We are not aware of such trainings.

4.8. Are there any materials (e.g. manuals, self-training tools, reports) that exist at the national level on the role and mission of lawyers who represent children in criminal proceedings?

We are not aware of any such materials.

Specialisation of legal aid providers

4.9. Is specialisation on children cases for legal aid providers established in your country? If yes, is the specialisation mandatory? Please describe in more detail.

No, there is not.

4.10. Is there a network or a list of specialised legal aid providers (lawyers) available to beneficiaries? Please describe in more detail.

No, only the general *ex offio* legal aid providers list.

4.11. If the specialisation exists, what is the role of these lawyers at the different stages of the criminal proceeding? Where is it defined? How does it differ from the role of a lawyer who is not specialised to represent children in criminal proceedings?

N/A.

PART 5. QUALITY AND ASSESSMENT OF LEGAL AID

Legal aid quality standards (guidelines)

5.1. Are legal aid standards (or guidelines) for legal aid (in general) established in your country?

Yes, there are many legal aid standards established in Czech Republic. The sources of those standards are international law and EU law.

5.2. Are there special standards on providing legal aid for children (guidelines on child-friendly legal aid) established in your country? If yes, please describe in more detail and present the text if possible (no translation of the text is required).

Yes, there are special standards defined by the Council of Europe in the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice. This document contains protection against discrimination, interests of the child, dignity, special preventive measures, training of experts, protection of private and family life, multidisciplinary approach etc.

On the national level there is a document called Labour standards for the performance of social and legal protection of children that could be considered as a special guideline on providing legal aid for children.

Complaints

5.3. What is the procedure for a child/parent/guardian to present complaints about the lawyer' s actions in your country (complaints to the bar, legal aid authority, etc.)?

A person (complainant) can file a complaint to the Czech Bar Association. The complaint is handled by the control department of the Bar that also regularly informs the complainant about the status of his/her complaint in the procedure. If the complaint is

found justified, the Disciplinary chamber of the Bar will initiate proceedings with the relevant attorney.

5.4. Can a child make a complaint about his/her lawyer? How?

There is no such specific procedure. However, in practice, such complain can be filed by the Child Protection Authority on behalf of the child.

Assessment of legal aid quality

5.5. How is lawyers work quality assessed in your country?

There is no official procedure, only unofficial, such as competitions (Lawyer of the Year and Law Firm of the Year).

5.6. Are there any legal aid quality assessment measures (e. g. peer review) established and implemented in your country? Please describe in more detail (e. g. who are responsible for assessment, what are the procedures and criteria of assessment etc.).

We are not aware of any such quality assessment measures.

5.7. Does such assessment include children cases in criminal proceedings? Are there special rules of procedures for assessment of children cases? Please describe in more details.

N/A.

PART 6. STATISTICS

6.1. Please provide the following statistics of the year 2019 (or data of the last year available)

Unfortunately, the available statistics carried out by the Ministry of Justice or individual courts do not include vast majority of the information needed.

- The number of persons who benefited from legal aid.

N/A.

- The number of children who benefited from legal aid and the number of cases.

The only statistic available is the total number of cases of children prosecuted in 2019 (1907). However, only in 136 cases the proposal for punishment was submitted.

- The number of legal aid providers (lawyers) in general.

It is difficult to determine how many of the "*ex offio*" lawyers have provided legal services that were covered by the state. The state can also cover the expenses of not registered lawyer who is selected by the accused directly.

- The number of legal aid providers (lawyers) who provided legal aid to children (if available).

N/A.

- Number of complaints about legal aid per year (total, including cases not related to children).

N/A.

- Number of complaints where the beneficiary of legal aid was a child (if available).

N/A.

- If you have data, please provide statistics representing backgrounds of complaint?

N/A.

PART 7: CASE LAW

7.1. Please present national case law of higher courts for the period 2015-2020 (focusing on appeal and supreme court decisions) dealing with the access to legal aid for children in criminal proceedings (for example cases dealing with difficulties to access legal aid, absence of access to a lawyer etc.). Please discuss 5-10 most important decisions/rulings. If less than 3 cases can be found in this period, please refer to the years 2010-2020.

Unfortunately, there we no case from higher courts for the periods 2015-2020 and 2010-2020 dealing with this issue.

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The project is funded by the Justice Programme of the European Union (2014-2020)

Coordination of the project



Project partners



QENDRA E SHËRBIMEVE
DHE PRAKTIKAVE LIGJORE TË INTEGRUARA
CENTRE OF INTEGRATED LEGAL SERVICES AND PRACTICES

