

## *Submission Template*

# **The right to interpretation and translation and the right to information in criminal proceedings in the EU**

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# QUESTIONS

As envisaged in the section on Research Methodology, please note that some questions require consultation with organisations and/or practitioners working in relevant fields covered by the research to cross-check findings from the desk research with respect to the way in which the examined rights are applied in practice (such as judges, lawyers, interpreters and translators or civil society organisations active in the field of legal assistance in criminal proceedings).

## Article I. SECTION A: The right to interpretation and translation in criminal proceedings

1.	RIGHT TO INTERPRETATION <sup>1</sup>	Brief Description
1.1		<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Who has the responsibility for determining the need of interpretation at each stage of the proceedings?</p> <p>b) How it works in practice for the various stages of the proceedings to ascertain whether suspected or accused persons speak and understand the language of the proceedings?</p> <p>c) Who bears the cost of interpretation at each stage?</p> <p>d) What is the timeframe (deadline) for providing interpretation at each stage of the proceedings?</p> <p><b>.Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>
1.1.1	<ul style="list-style-type: none"> <li>• police questioning;</li> </ul>	<p>a) Police questioning can take place either in the framework of the Act on the Police of the Czech Republic,<sup>2</sup> the Act on the Municipal Police of the Czech Republic,<sup>3</sup> or as part of criminal proceedings under the Criminal Procedure Code.<sup>4</sup> In their response to the FRA team's question, the Police of the Czech Republic<sup>5</sup> has confirmed that the person who is in charge of performing a particular activity is responsible for determining the need of interpretation.</p>

<sup>1</sup> See in particular Articles 2 and 4 and related recitals of Directive 2010/64/EU.

<sup>2</sup> Czech Republic, Act on the Police of the Czech Republic (*Zákon o Policii České republiky*), 11. 8. 2008.

<sup>3</sup> Czech Republic, Act on the Municipal Police (*Zákon o obecní policii*), 6. 12. 1991.

<sup>4</sup> Czech Republic, Criminal Procedure Code (*Trestní řád*), 29.11.1961.

<sup>5</sup> The FRA research team consulted the Regional Directorate of the Police of the Capital of Prague. Responses were received in the form of a letter from the deputy director of this police unit, on 27 April 2015. 'Responses by the Police of the Czech Republic', mentioned further in the text, are responses provided in this letter.

		<p>If the Police is acting within the framework of the Criminal Procedure Code, which generally means that the Police has launched a criminal investigation, then the relevant provisions (§ 28 – 29) of the Criminal Procedure Code will be used. The Criminal Procedure Code does not refer to a specific person or body who determines the need for interpretation. It can be presumed that if a case is investigated by the Police, it will be the Police who decides this matter.</p> <p>The Municipal police is established by local municipalities and plays a role only in administrative proceedings. In administrative proceedings, persons have a right to interpretation, which is guaranteed by the Rules of Administrative procedure (Act No. 500/2004).</p> <p>b) The Police of the Czech Republic explained that individuals from foreign countries are always asked whether they understand the Czech language. If the person confirms and signs a protocol stating that he/she understands Czech (both orally and in writing), and there is no reason for the Police to doubt this proclamation, no interpretation is provided. The appointment of an interpreter is automatic in case the person claims that he/she does not understand the Czech language, and the Police cannot reject the request for an interpreter</p> <p>c) The costs of interpretation are born by the state. This was also confirmed by the Police of the Czech Republic – police questioning is covered by the budget of the relevant police directorate that is performing a particular activity.</p> <p>d) There is no timeframe set in the Criminal Procedure Code in the sense that the police are bound by any certain statutory time limit. The Police of the Czech Republic stated that it is logical that it is necessary to find an interpreter as quickly as possible as the Police needs to communicate with the person in a way that can be used in criminal proceedings. The amount of time needed to arrange for an interpreter depends on the particular language. Any communication with the persons without an interpreter cannot be used in criminal proceeding.</p>
1.1.2	<ul style="list-style-type: none"> <li>• court hearings;</li> </ul>	<p>a) In criminal proceedings, the court is responsible for determining the need of interpretation.</p> <p>b) The District Court in Prague 4<sup>6</sup> responded to the FRA team’s question by stating that the need for interpretation usually comes up already in preparatory proceedings and it is therefore up to the police to provide the initial information.</p> <p>The right to use a mother language is among the fundamental rights of the criminal procedure, as stipulated in § 2 of the Code of Criminal Procedure.</p> <p>c) The costs of interpretation are born by the state if the accused chooses to exercise his/her right to use his/her mother language or to use a third language he/she understands and the court appoints an interpreter. The state does not request that these costs be paid back by the perpetrator if the person is found guilty.<sup>7</sup></p>

<sup>6</sup> Czech Republic, representative of the Criminal Justice Department at the District Court.

<sup>7</sup> Czech Republic, Supreme Court (*Nejvyšší soud ČR*), case of 18. 6. 2012, No.: 25 Cdo 5282/2007.

		<p>d) There is no timeframe set in the Criminal Procedure Code in the sense that the court is bound by a certain statutory time limit. However, general principles of criminal proceedings stipulate that criminal matters should be dealt with quickly and smoothly – therefore, it is in the interest of all parties that interpretation is provided without undue delay.</p>
1.1.3	<ul style="list-style-type: none"> <li>any necessary interim hearings;</li> </ul>	<p>a) The procedure of ‘mediation between the accused and the victim’ can be assessed as an interim hearing. It can take place in between court sessions. In a response to the FRA team’s questions, the Probation and Mediation Service<sup>8</sup> stated that such a situation is assessed by the probation officer.</p> <p>b) The Probation and Mediation Service stated that this situation is assessed by the probation or mediation officer. When assessing the situation, the officer consults the criminal file or consults with criminal investigation bodies (whether an interpreter was used in the criminal proceedings, what was the language of the criminal proceedings). The officer also directly assesses the situation in direct communication with the accused and the victim and respects their language requirements.</p> <p>c) According to the Probation and Mediation Service, in most cases the costs of probation and mediation are born by the Probation and Mediation Service (who orders the services of a court interpreter). It can happen (though rarely) that the costs of interpretation are included in the costs of the criminal proceedings.</p> <p>The Probation and Mediation service<sup>9</sup> officer confirmed that these situations happen only rarely. Responsible person mentioned a case when the court requested that Probation and Mediation service officer is present during the court proceedings. The costs of interpretation of all what was said during the proceedings were then covered by the court.</p> <p>d) According to the Probation and Mediation Service, all depends on the particular circumstances of the case. The probation and mediation officer orders interpretation as soon as it is established that interpretation is needed. The deadline is communicated between the probation officer and the interpreter, depending on the availability of the interpreter, the circumstances of the case, and the criminal proceedings. The timeframe is usually within days or weeks.</p>
1.1.4	<ul style="list-style-type: none"> <li>any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings?</li> </ul>	<p>a) The Criminal Procedure Code stipulates the right of the accused to consult his/her attorney during the proceedings. However, the accused cannot consult the attorney about a question that was already posed.<sup>10</sup> It remains within the remit of the legal counsel whether he/she will use the interpreter or speak to the accused directly, if they are able to understand each other. This is not regulated by legislation.</p> <p>b) It is the task of the legal counsel to make sure that the accused or suspect can understand the language of the proceedings. If this is not the case, the counsel has to make sure that a relevant body in criminal proceedings uses an interpreter.</p>

<sup>8</sup> Czech Republic, representative of the Department for Policies, Analysis and Methodologies of the Probation and Mediation Service.

<sup>9</sup> Czech Republic, doctor of philosophy.

<sup>10</sup> Czech Republic, Criminal Procedure Code (*Trestní řád*), 29.11.1961, § 33.

		<p>The police and other criminal investigation bodies are obliged to ensure that the trial is fair, part of which is that the accused understands the language that is spoken. The legal counsel is then bound by the Act on Advocacy and must make sure that he/she defends the interests of the client in the best way that is available.</p> <p>c) The costs of an interpreter are born by the state if the accused chooses to exercise his/her right to use his/her mother language and the court appoints an interpreter. The state does not request that these costs are paid back by the perpetrator if the person is found guilty.<sup>11</sup></p> <p>d) There is no statutory timeframe for providing interpretation for communication between the suspects/accused and their legal counsels. In general, interpretation should be provided at every step in criminal proceedings, as part of the right of the suspects/accused to act in criminal proceedings in a language they understand.</p>
1.2	<p>How do authorities ensure interpretation into rare/lesser known languages where no certified interpreters exist?  <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>	<p>For rare languages for which no certified interpreters exist, the criminal investigating body will appoint an interpreter according to the nationality or state of citizenship of the accused.<sup>12</sup> This was verified by the police (see below) and confirmed also by the District Court in Prague 4.</p> <p>The Police of the Czech Republic responded that, in this case, it is necessary to find any person who speaks the language. This person must not be related to the case (this also cover family members of the suspect/accused) and must take the ‘interpreter’s oath’ in conformity with section 24<sup>13</sup> and 6 of the Act on Experts and Interpreters. The Police of the Czech Republic informs such a person that he/she can be held liable for committing the crime of ‘False Interpretation’.</p> <p>The Probation and Mediation Service responded that they have not yet encountered such a situation. Were it to arise, the situation would be resolved in cooperation with the Ministry of Justice, which maintains a list of court interpreters. Also, given that the work of the Probation and Mediation Service is connected to preceding stages of criminal proceedings, this situation would probably have to be dealt with by the Police.</p>
1.3	<p>Please describe procedures in place, if any, to ensure that</p>	<p>The Criminal Procedure Code does not include any specific right to challenge the decision that no interpretation is needed. In practice, it would depend on the concrete form of such a decision and who would take it. A complaint is generally admissible against any ‘decision’</p>

<sup>11</sup> Czech Republic, Supreme Court (*Nejvyšší soud ČR*), case of 18. 6. 2012, No.: 25 Cdo 5282/2007.

<sup>12</sup> Czech Republic, Criminal Procedure Code (*Trestní řád*), 29.11.1961, § 28.

<sup>13</sup> Section 24 lists the conditions for appointing an expert/interpreter who is not listed in the list of experts and interpreters. These may arise if: there is no expert/interpreter listed for the particular field (language), the appointed expert (interpreter) cannot perform the task of if performing the task with an expert or interpreter who is listed in the list would be connected with excessive costs. Section 6 contains the text of the oath itself.

	<p>suspects or accused persons have the right to challenge the decision that no interpretation is needed? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>	<p>made by the Police and against decisions of the public prosecutor and the court, if it is explicitly admissible in the concrete provision of the law. The decision that no interpretation is needed would constitute a violation of a fundamental right of the accused and therefore establish a substantial fault in the proceedings and would constitute grounds for appeal (this point was consulted on and confirmed by the Police of the Czech Republic and the District Court in Prague 4<sup>14</sup>). This conclusion is established also in case law – the Regional Court in Ústí nad Labem<sup>15</sup> has ruled that: <i>'If the accused does not handle cannot understand the language of the proceedings, the criminal investigation body is obliged to allow for an interpreter. Non-allowance of an interpreter is a violation of the right to a defence (section 33/1 of the Criminal Procedure Code) and a ground to abolish the court judgement (section 258/1/a of the Criminal Procedure Code).</i></p>
1.4	<p>With regard to remote interpretation via communication technologies :</p>	
	<p>a) Can communication technologies for the purpose of remote interpretation be used? If so, at what stage(s) of the proceedings?</p>	<p>Communication technologies can be used for interrogation in criminal proceedings. The Criminal Procedure Code does not specify the usage of interpretation in this specific type of interrogation, however, it stems from the general provision on interpretation (§ 28) that an interpreter will be appointed if needed (even via communication technologies).</p>
	<p>b) Which technologies are used, if any (videoconference, telephone, internet, etc.)</p>	<p>The Criminal Procedure Code makes mention of a 'video-conference facility', without any detailed specification of the particular tools that are used. The commentary on the Criminal Procedure Code<sup>16</sup> only specifies that a 'videoconference facility' is a technical facility for the transmission of image and sound. Videoconference facilities are <i>'interactive telecommunication technologies that enable simultaneous mutual communication of two or more places via two-way video and audio transmissions'</i>.<sup>17</sup> Therefore, it is up to the judge in a particular case to decide, with regard to the facilities available to the court, what technologies will be used.</p>

<sup>14</sup> Czech Republic, representative of the Criminal Justice Department of the District Court in Prague.

<sup>15</sup> Czech Republic, Regional Court in Ústí nad Labem (Krajský soud v Ústí nad Labem), case of 3.1.1967, No: 2 To 709/66.

<sup>16</sup> Šámal, P. et al. Criminal Procedure Code I. Sections 1 to 156. Commentary. 7th edition. Prague, C. H. Beck, 2013, p. 1619.

<sup>17</sup> Czech Republic, Criminal Procedure Code (*Trestní řád*), 29.11.1961, § 111a and 52a.

<p>c) Do competent authorities rely on the tools developed in the context of European e-Justice (e.g. information on courts with videoconferencing equipment provided on the European E-justice Portal)? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>	<p>The District Court in Prague 4<sup>18</sup> responded that they use this tool only sporadically.</p>			
<p><b>TRAINING<sup>19</sup></b></p>	<p><b>Yes</b></p>	<p><b>No</b></p>	<p><b>Brief Description</b></p>	
<p><b>1.5</b> Are providers of judicial training requested to pay special attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication? If yes, briefly provide details.</p>			<p>The Judicial Academy of the Czech Republic, which provides training for judges, does not provide training that specialises in the specific aspects of communicating with the assistance of an interpreter. In an interview with an employee of the Judicial Academy,<sup>20</sup> the FRA team received information that training for judges with up to 3 years of practice includes a discussion of unusual situations that may come up in the courtroom – such as the presence in court of a party in a burca or pressure groups. Moreover, a specialised seminar, ‘An Introduction to Roma Studies’ is organised by the Judicial Academy twice a year, with an average attendance of 25 people. The seminar focuses on the socio-cultural differences of the Roma and the possibility that they may not understand the Czech language. In such cases, judges are encouraged to pay attention to these issues and to suggest the use of an interpreter in order to ensure the right to a fair trial.</p>	

<sup>18</sup> Czech Republic, representative of the Criminal Justice Department of the District Court in Prague.

<sup>19</sup> See in particular Article 6 and relevant recitals of Directive 2010/64/EU.

<sup>20</sup> Czech Republic, representative of the Justice Academy of the Czech Republic.

2.	RIGHT TO TRANSLATION OF DOCUMENTS <sup>21</sup>	Brief Description
2.1		<p><b>Please provide answers to the following for each stage of proceedings as indicated below:</b></p> <p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings?</p> <p>b) Who bears the cost of translation at each stage?</p> <p>c) What is the timeframe (deadline) for the translation of documents at each stage of the proceedings?</p> <p><b>Please cross-check findings from the desk-research by consulting relevant organisations and/or practitioners.</b></p>
2.1.1	<ul style="list-style-type: none"> <li>• police questioning;</li> </ul>	<p>a) According to the Criminal Procedure Code, it is necessary to translate the decision on the commencement of criminal prosecution. This decision starts the initial phase of criminal proceedings (preparatory proceedings<sup>22</sup>).</p> <p>b) The costs are born by the State.</p> <p>c) There is no timeframe set for the translation of the decision on the commencement of criminal prosecution.</p>
2.1.2	<ul style="list-style-type: none"> <li>• court hearings;</li> </ul>	<p>a) According to the Criminal Procedure Code (§ 28), it is necessary to translate: the decision on custody, the decision on the observation of the accused in a health-care institution, the indictment, the agreement on guilt and punishment and the motion for its approval, the motion for punishment, the judgement, the criminal order, the decision on appeal and on conditional termination of criminal prosecution. Apart from these documents, it is necessary also to translate in writing other documents if doing so is necessary in order to ensure the right to a fair trial and in particular the right to defense. The District Court in Prague 4 specified that the court may also translate other documents, even if they are not listed in the law, such as an order to attend court sessions, if the court believes that the accused will not understand the document otherwise<sup>23</sup>.</p> <p>b) The costs are born by the State.</p>

<sup>21</sup> See in particular Articles 3 and 4 and relevant recitals of Directive 2010/64/EU.

<sup>22</sup> Czech Republic, Criminal Procedure Code (*Trestní řád*), 29.11.1961, § 160.

<sup>23</sup> Czech Republic, representative of the Criminal Justice Department of the District Court in Prague.

		<p>c) There is no timeframe set for the translation of the documents. However, if there is a statutory time-limit attached to the delivery of these documents to the accused, the Criminal Procedure Code (§ 28/3 of the Code of Criminal Procedure) stipulates that these documents can be considered as delivered only after the delivery of a written translation.<sup>24</sup></p>
2.1.3	<ul style="list-style-type: none"> <li>• any necessary interim hearings;</li> </ul>	<p>a) The Probation and Mediation Service provides for the translation of the national methodological standards of the Probation and Mediation Service and other documents that are used in communication with the accused, such as information leaflets. Most common are translations from the Czech language to English and German. Other languages are translated as well if needed.</p>
		<p>b) The costs of the translation of aforementioned documents are borne by the Probation and Mediation Service.</p>
		<p>c) The Probation and Mediation Service responded to the FRA team's question that the timeframe is related to the circumstances of the case, the availability of interpreters, etc.</p>
2.1.4	<ul style="list-style-type: none"> <li>• any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings?</li> </ul>	<p>a) The current wording of the Criminal Prosecution Code does not provide space for the translation of documents used for communication between the accused and their legal counsels. Owing to the necessity of preserving the confidentiality of information between the accused and his/her attorney, it would not be practical to have these documents translated by criminal investigation bodies.</p>
		<p>b) Documents used for communication between the accused and their legal counsel are in general covered by the accused, unless the accused is entitled to free legal representation.</p>
		<p>c) There is no timeframe set for the translation of the documents.</p>
2.2	<p>How do the competent authorities ascertain whether oral translation or oral summary of essential documents may be provided instead of a written</p>	<p>The documents that are explicitly listed in the Criminal Procedure Code as essential and therefore requiring translation (see point 2.1.1. and 2.1.2.) cannot be replaced by oral translation. 'Other' documents can be translated orally if such a document was already been translated orally to the accused or if the accused says that he/she does not require a written translation. The accused may file a</p>

<sup>24</sup> Czech Republic, Criminal Procedure Code (*Trestní řád*), 29.11.1961, § 28/3.

	<p>translation? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>	<p>complaint against these decisions within a three-day time-limit. The complaint is always decided by the body which is superior to the body that has taken the original decision (§ 146 of the Code of Criminal Procedure).</p> <p>In response to the FRA team's question the Police of the Czech Republic stated that the decision as to whether other documents apart from those listed in section 28/1 of the Criminal Procedure Code will be translated always depends on the circumstances of a particular case and on whether the documents are necessary in order for the accused to be made familiar with the facts that are used against him/her to prove his/her guilt. If the accused insists on the written translation and the police refuses, the decision must take the form of a 'resolution' (usnesení), so that the accused is able to challenge it with a complaint. The complaint is always decided by the body which is superior to the body that has taken the original decision (§ 146 of the Code of Criminal Procedure).</p> <p>The District Court in Prague 4 stated that if the accused requests a written translation of of other/essential documents, oral interpretation does not suffice to the needs of the accused. If there is a risk of delay, oral translation can be admitted, but never in case of documents mentioned in section 28 of the Criminal Procedure Code.</p>		
<p><b>2.3</b></p>	<p>Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no translation is needed? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>	<p>Documents listed in the Criminal Procedure Code must always be translated (see points 2.1.1. and 2.1.2. above). In the case of other documents, if the relevant body decides that no written translation is needed, such a decision must take the form of a 'resolution', which as such can be challenged by a complaint within a three-day statutory time-limit.</p>		
		<p><b>Yes</b></p>	<p><b>No</b></p>	<p><b>Brief Description</b></p>
<p><b>2.4</b></p>	<p>Do all documents that the suspected or accused person has to sign during the proceedings have to be translated?</p>		<p>X</p>	<p>The documents that need to be translated are listed in section 28/1 of the Criminal Procedure Code (see above). In 2005, the plenum of the Constitutional Court adopted a position<sup>25</sup> (<i>stanovisko</i>) that the fundamental right to use an interpreter in courts, guaranteed in Article 37/4 of the Charter of Fundamental Rights,<sup>26</sup> does not apply to the exchange of documents (correspondence) between parties and the court. According to the Constitutional Court, this does not preclude the legislator from providing a higher standard (providing such translations anyway).</p>

<sup>25</sup> Czech Republic, Constitutional Court (*Ústavní soud*), position No. 20/05 of 25.10.2005, Collection of findings and decisions of the Constitutional Court, volume 39, 2005, p. 487.

<sup>26</sup> Czech Republic, Charter of Fundamental Rights and Freedoms (*Listina základních práv a svobod*), 16.12.1992.

				This does not mean that the accused has to sign anything he/she does not understand. The legislative provision in section 2.1.2. further develops the right to interpretation. It was inserted in the Code of Criminal Procedure after the adoption of this position of the Constitutional Court and it hence further develops the right on interpretation.
2.5	Is it possible to waive the right to translation of documents and if so, what form can it have and under which conditions can it be accepted?	x		The possibility to waive the right to translation is included in section 28/4 of the Criminal Procedure Code. The necessary condition is that the accused claims that he/she does not need a translation. The Criminal Procedure Code does not specify what form such a proclamation should take.

<b>3.</b>	<b>RIGHTS CONCERNING BOTH INTERPRETATION AND TRANSLATION<sup>27</sup></b>			
<b>3.1</b>	<b>With regard to use of registers of interpreters and translators in EU Member States:</b>	<b>Yes</b>	<b>No</b>	<b>Brief Description</b>
	a) Do national databases or registers exist for legal translators and interpreters?	x		The Act on Experts and Interpreters stipulates in section 7 that appointed experts and interpreters must be inscribed in the list of experts and interpreters. The Ministry of Justice is responsible for running this list.
	b) Do translators and interpreters have to be listed in databases/registers for their services to be used? In other words, is membership/registration mandatory?	x		Experts and interpreters have to be listed in the database – this condition is required under the Act on Experts and Interpreters, section 2/1.
	c) Who has access to these databases?	<b>Brief Description:</b> The list of experts and interpreters is publicly accessible (the Act on Experts and Interpreters, section 7/4).		
	d) Which professional qualifications are needed by: <ul style="list-style-type: none"> <li>translators and</li> </ul>	<b>Brief Description:</b> The professional conditions for translators and interpreters are listed in section 4 of the Act on Experts and Interpreters. Conditions are laid down jointly for experts as well: <ul style="list-style-type: none"> <li>Czech/EU citizenship or permanent residence permit (third-country nationals),</li> </ul>		

<sup>27</sup> See in particular Article 5 and relevant recitals of Directive 2010/64/EU.

	<ul style="list-style-type: none"> <li>interpreters</li> </ul> <p>in order to be registered in the database?</p>			<ul style="list-style-type: none"> <li>full legal capacity,</li> <li>clean criminal record,</li> <li>the person must not have been removed from the list of experts and interpreters at any time within the preceding 3 years for having violated the Act on Experts and Interpreters,</li> <li>knowledge and experience in the particular field of expertise (language), completion of a particular field of study,</li> <li>personal qualities that guarantee that the activity of an expert (interpreter) will be properly performed,</li> <li>consent to being appointed an expert (interpreter).</li> </ul>
	e) Are there any requirements in place to ensure the independence of interpreters and translators? If yes, provide a brief overview (for both translators and interpreters).	x		All experts and interpreters have to take an oath in front of the Minister of Justice or the chairperson of the regional court. The oath includes a promise that they will perform the job independently according to their best knowledge and (section 6 of the Act on Experts and Interpreters).
	f) Is access to existing databases provided through the <a href="#">European e-Justice portal</a> ? <sup>28</sup> How is this register available to legal counsel and relevant authorities?	x		There is a direct link to the Czech database of experts and interpreters on the Czech version of the European e-Justice portal ( <a href="https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-cz-cs.do?member=1">https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-cz-cs.do?member=1</a> ).
	g) Are criminal justice institutions required to use interpreters and translators listed in these registers?	x		Criminal investigating bodies are obliged to use experts and translators listed in the national register. Experts and translators are obliged to request expert opinions from specialized expert institutions (section 11 of Decree No. 37/1967 of the Ministry of Justice <sup>29</sup> ). Only in exceptional cases may a person who is not listed in the database be taken as an expert or interpreter, if the following conditions are met (section 24 of the Act on Experts and Interpreters): <ul style="list-style-type: none"> <li>there is no person listed in the database for a particular language/field,</li> <li>the person listed in the database cannot fulfil the task,</li> <li>using a person listed in the database would involve disproportionate costs or difficulties.</li> </ul>
<b>3.2</b>	<b>With regard to other mechanisms/procedures:</b>	<b>Yes</b>	<b>No</b>	<b>Brief Description</b>

<sup>28</sup> <https://e-justice.europa.eu/home.do?plang=en&action=home>

<sup>29</sup> Czech Republic, Ministry of Justice (*Ministerstvo spravedlnosti ČR*), Decree to Implement the Act on Experts and Interpreters (*Vyhláška k provedení zákona o znalcích a tlumočnících*), 17. 4. 1967.

	a) Are there other mechanisms or procedures in place to ensure the quality and independence of interpretation and translation during the course of the proceedings? Are there any quality checks? Who is responsible for carrying them out?			There are no mechanisms in place to ensure the quality and independence of interpretation and translation during the course of the proceedings. However, a public authority is entitled to reduce the remuneration of an expert/interpreter if the task was not performed in a good quality manner. In cases where the quality of the service is particularly bad, the public authority is entitled to refuse to make any remuneration to the expert/interpreter (section 27 of the Decree of the Ministry of Justice). <sup>30</sup>
	b) Is there any procedure in place to ensure that suspects or accused persons have the possibility, when interpretation and translation has been provided, to complain about the quality and independence of the interpretation and translation?		x	There is no formal complaint mechanism in place to complain about the quality and independence of the interpretation and translation. The accused has the right to challenge the way in which a particular procedure was performed in a criminal investigation by formally objecting to it (sections 165 and 180 of the Criminal Procedure Code).
	c) Are there any mechanisms in place that allow for the replacement of the appointed interpreter or a new translation when the quality of the interpretation or the independence of the interpreter is considered insufficient? If yes, briefly provide information.		x	There is no formal mechanism that allow for an appointed interpreter to be replaced or a new translation to be commissioned in such cases. As mentioned above, a particular procedural act in criminal proceedings may be challenged if the accused or the defence of the accused raises a formal objection. This may also lead to the appointment of a new interpreter or elaboration of a new translation.

<sup>30</sup> Czech Republic, Ministry of Justice (*Ministerstvo spravedlnosti ČR*), Decree to Implement the Act on Experts and Interpreters (*Vyhláška k provedení zákona o znalcích a tlumočnících*), 17. 4. 1967.

3.3	Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons which affect their ability to communicate effectively? <sup>31</sup> If yes, briefly provide information on those mechanisms considering the following vulnerable groups:	x	
	a) suspect or accused persons with physical impairment or disability;		Physical impairment or disability is a ground for being assigned compulsory defence counsel if the accused person is deprived of his/her legal capacity (both fully and partially) <sup>32</sup> . According to the Law on Communication Systems of Deaf and Deaf and Blind Persons <sup>33</sup> , people with such a physical impairment have the right to choose a communication system of their choice, including a real-time transcription of spoken word.
	b) suspect or accused persons with intellectual impairment or disability;		Intellectual impairment or disability is a ground for being assigned compulsory defence counsel if the accused person is deprived of his/her legal competence (both fully and partially).
	c) i) children who are suspects/defendants, and/or ii) holders of parental responsibility (please distinguish between the two).		i) A special legal act covers the execution of criminal justice in the case of children and youth – the Act on the Judiciary on Juvenile Issues. <sup>34</sup> This law contains a special principle for criminal investigating bodies to proceed with regard to the age, health, and intellectual maturity of the accused.
3.4	Is there any recording procedure to note that interpretation and translation have occurred and in which form? <sup>35</sup> If yes, briefly provide information on how this	x	A written report must be drawn up on every action taken in the course of a criminal procedure (section 55 of the Criminal Procedure Act). The report has to include a description of the course of the action taken. This sentence in section 55 can be interpreted to mean that the fact that interpretation/translation was needed should be mentioned in the report. Section 56 of the Criminal Procedure Act requires that the report be signed by the interpreter, if s/he is present when a particular action is taken in criminal proceedings.

<sup>31</sup> See in particular recital 27 of Directive 2010/64/EU.

<sup>32</sup> Czech Republic, Criminal Procedure Code (*Trestní řád*), section 36, 29. 11. 1961.

<sup>33</sup> Czech Republic, Law on Communication Systems of Deaf and Deaf and Blind Persons (*Zákon o komunikačních systémech neslyšících a hluchoslepých osob*), 11. 6. 1998.

<sup>34</sup> Czech Republic, Act on the Judiciary in Juvenile Issues (*Zákon o soudnictví ve věcech mládeže*), 25 June 2003.

<sup>35</sup> See in particular Article 7 and relevant recitals of Directive 2010/64/EU.

procedure is organised in practice.			
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## SECTION B: RIGHT TO INFORMATION IN CRIMINAL PROCEEDINGS

1. PROVISION OF INFORMATION ON THE PROCEDURAL RIGHTS <sup>36</sup>	Brief Description
1.1	<p><b>Please provide answers to the following for each stage of proceedings as indicated below:</b></p> <p>a) What information is provided?</p> <p>b) How is it provided (e.g. orally or in writing)?</p> <p>c) What is the timeframe (deadline) for providing information at each stage of the proceedings?</p> <p><b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>
<ul style="list-style-type: none"> <li>• police questioning;</li> </ul>	<p>a) Upon the detention or accusation of a suspect, the police are obliged to inform him /her about the rights of an accused person (§ 33 of the Criminal Procedure Code). These include the right not to testify, the right to comment on all facts that are used against him/her, the right to submit proposals, applications and remedies, the right to be appointed legal counsel and to consult legal counsel during the process of the criminal investigation, the right to a <i>pro bono</i> legal defense in cases specified by law.</p> <p>A person who is not in the position of the “accused” can be called to “provide explanation” according to section 158 of the Criminal Procedure Code. The person providing explanation has a right to reimbursement of expenses. The duty to provide information about this right is included in section 61 of the Act On the Police of the Czech Republic<sup>37</sup>. On the contrary, there is no duty for the police to provide information about the right to legal aid by attorney. The police officer is also obliged to provide information about the right to refuse providing explanation (a person is entitled to refuse providing explanation in case he/she would be in danger of initiating criminal prosecution against him/herself or persons who are considered “next of kin” (section 158/8 of the Criminal Procedure Code).</p> <p>b) The information is provided orally but it must also be provided in writing without undue delay. Information for the person who is providing explanation is provided orally and in writing (official record on the provision of information must be filled in by the police).</p>

<sup>36</sup> See in particular Article 3 and relevant recitals of Directive 2012/13/EU.

<sup>37</sup> Czech Republic, Act on the Police of the Czech Republic (*Zákon o Policii České republiky*), 11. 8. 2008.

		c) The suspect (accused) person must be informed at each stage of the relevant proceedings. There is no time limit for the provision of information in the Criminal Procedure Code. The law stipulates that along with the provision of information, the suspect (accused) must have the chance to exercise their rights fully. Therefore, information must be provided along these lines. The person providing information must be informed during the act of provision of information, in writing, the person is informed as soon as he/she has to sign the official record on the provision of information.
	• court hearings;	a) The court mainly provides information about the right to apply for remedial action (appeal) and about the time limits attached to this right (section 125 of the Criminal Procedure Code). The District Court in Prague 4 stated that accused persons are also informed of this information orally (in oral hearings).
		b) Information is provided orally during court proceedings and is included in the written decision of the court (judgment, resolution).
		c) Information is provided during court hearings. There is no time limit for the elaboration of a written copy of the judgment – the judgments takes effect only after it was delivered to the applicant.
	• any necessary interim hearings;	a) Procedures at the Probation and Mediation Service: the Criminal Procedure Code allows for a replacement of custody by a supervisor from the Probation and Mediation Service officer (section 73 of the Criminal Procedure Code). The Probation and Mediation Service works in criminal proceedings to resolve the criminal matter ‘outside the courtroom’. It also provides information to the accused persons about their rights and obligations. <sup>38</sup>
		b) Both orally and in writing.
		c) Information is provided at the beginning of the supervision.

<sup>38</sup> Czech Republic, Probation and Mediation Service (*Probační a mediační služba*), Methodological procedure of the Probation and Mediation Service in the area of substitution of custody by supervision[under the supervision] of the Probation and Mediation Service officer (*Metodologický postup Probační a mediační služby ČR v oblasti nahrazení vazby dohledem probačního úředníka*), available at: <https://www.pmscr.cz/probace-dohled-nad-podminene-odsouzenymi/>.

	<ul style="list-style-type: none"> <li>any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings?</li> </ul>	<p>a) The suspect/accused persons have the right to consult their legal counsel and they must be informed of this right at every stage of criminal proceedings. A person who is in custody or serves a sentence depriving them of liberty has the right to consult his/her legal counsel without the presence of a third person (section 33 of the Criminal Procedure Code).</p> <p>b) Both orally and in writing (section 33/6 of the Criminal Procedure Code).</p> <p>c) Depending on the particular stage of criminal proceedings, information is provided during a particular step in the of criminal proceedings.</p>
1.2	Do authorities provide information about any other procedural rights (apart from those established in Article 3 of the Directive)? If yes, briefly provide information.	<p>The Police of the Czech Republic provides information on:</p> <p>The right to comment in detail on accusation against him/her.</p> <p>The right of access to urgent medical assistance.</p> <p>The right to have consular authorities and one person informed.</p> <p>The right to be brought before a judicial authority within 24 / 48 hours.</p> <p>The right to conclude an agreement on guilt and punishment.</p> <p>The right to check his/her own notes before answering the question during interrogation.</p> <p>The right of access to the materials of the case.</p> <p>The right to make a complaint to the prosecutor concerning unlawfulness in police procedures.</p> <p>The right to be present while the evidences are being presented, the right to ask witness questions.</p> <p>The right to see the protocol of examination, the right to raise objections to the protocol, the right to demand completion of the protocol. (see the letter of rights below).</p>
2.	<b>LETTER OF RIGHTS<sup>39</sup></b>	<b>Brief Description</b>
2.1	What rights does the letter of rights provide information about? What information is included in the letter of rights when children are arrested or detained?	The letter of rights includes information about the rights of the suspect/accused person in criminal proceedings, as described above in section 1. Moreover, an accused person who has been detained or arrested needs to be informed of the right to receive medical assistance and the right to inform a consular office, a family member or other close person. Similarly, these rights are mentioned in the Act on the Judiciary in Juvenile Issues, section 42.

<sup>39</sup> See in particular Article 4 and relevant recitals of Directive 2012/13/EU.

2.2	At what stage of the proceedings is the letter of rights provided? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b>	The criminal prosecuting body is obliged to provide the accused with the letter of rights without undue delay. In response to the FRA team's question, the Police of the Czech Republic stated that the accused must be provided with information at each stage of criminal proceedings – upon detention, initiation of criminal proceedings, before interrogation or any other procedural operation that is performed with the accused. Violation of this duty would constitute a serious procedural fault that would result in the purpose of criminal proceedings being thwarted (violation of the right to defense).
2.3	Is the letter of rights drafted in simple and accessible language? How do competent authorities verify whether the language is simple and accessible enough for the suspects or accused persons and/or that the suspects or accused persons understand the language? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b>	<p>The letter of rights is drafted in the language of criminal investigation bodies who use the legal terms of the Criminal Procedure Code and its precise phrases. The FRA contractor has concluded that this language is complicated and may not be clear to an accused person who is not familiar with criminal proceedings.</p> <p>In response to the FRA team's question, the Police of the Czech Republic stated that the accused are questioned by the police as to whether they understand the letter of rights. If they do not, police officers are obliged to repeat the information, in a manner that is intelligible to the accused. The accused must sign the letter indicating that they understand the information.</p> <p>The Ministry of Justice<sup>40</sup> responded that in relation to the implementation of the Directive on the right to information in criminal proceedings, the Criminal Procedure Code (The act amending the Criminal Procedure Code is Act No.141/2014 Coll.<sup>41</sup> ) was amended. Section 2/13 now includes a provision requiring criminal investigation bodies to inform the accused person in a clear and intelligible way.</p>

<sup>40</sup> Czech Republic, representative of the Ministry of Justice.

<sup>41</sup> Czech Republic, Act amending Act No. 141/1961, Criminal Procedure Code, Act No. 40/2009 Coll., Criminal Code, and Act No. 418/2011 Coll., on the Criminal Liability of Legal Persons and Proceedings against them (*Zákon, kterým se mění Zákon č. 141/1961 Sb., trestní řád, Zákon č. 40/2009 Sb., trestní Zákon a Zákon č. 418/2011 Sb., o trestní odpovědnosti právnických osob a řízení proti nim*), 22. 7. 2014.

3.	RIGHT TO INFORMATION ABOUT THE ACCUSATION <sup>42</sup>	Brief Description
3.1	What information is provided to the suspects or accused persons regarding what they have been accused of and how is it provided (e.g. orally or in writing)	The suspects or accused are provided with the letter of rights. Once criminal prosecution is initiated in conformity with section 160 of the Criminal Procedure Code, the suspect is thereafter referred to as ‘the accused’. The accusation must take the form of a ‘resolution’ and must be delivered to the accused person at the beginning of the first interrogation at the latest. The accusation must include a description of the act that the person is accused of committing and the legal definition of the crime. The accusation must be substantiated with facts that support the initiation of criminal prosecution.
3.2	At which stage of the proceedings is the information provided? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b>	Upon the detention or accusation of a suspect, the police are obliged to inform him/her of the rights of an accused person (§ 33 of the Criminal Procedure Code). Information about the accusation is provided at the beginning of the first interrogation at the latest (section 160/2 of the Criminal Procedure Code). The Ministry of Justice confirmed that the provision of information is necessary at each stage of the proceedings. It is necessary to focus the information for the ensuing stages of criminal proceedings. Section 91 of the Criminal Procedure Code includes the obligation to provide information to the accused before the first interrogation. It is also necessary to provide information when the investigation is over (the right to inspect files, section 166 of the Criminal Procedure Code).
3.3	How are suspects or accused persons informed when, in the course of the criminal proceedings, the details of the accusation change?	<p>In preparatory proceedings, the Police are obliged to inform the accused that there has been a change in the legal category of the criminal act has changed and mark this information in the criminal file (section 160/6 of the Criminal Procedure Code). In response to the FRA team’s question the Police of the Czech Republic stated that the accused are informed in writing, usually in the form of a ‘Record of the change of legal category’ that includes a description of the act with the original legal category, the new legal category and a short justification of the fact that the act is now being assessed as a different criminal act. This decision does not take the form of a ‘resolution’ (usnesení), therefore, no remedy is admissible.</p> <p>If the public prosecutor decides to change the legal category of a criminal act, the accused and their legal counsels must be informed before the accusation is filed, and they must have a chance to put forth additional evidence in their defence (section 176/2 of the Criminal Procedure Code).</p> <p>The accusation may also change during court proceedings – the District Court in Prague <sup>43</sup> stressed in its response to the FRA team’s question that the court is not bound by the legal category defined by the public prosecutor, it is bound by the facts of the case. If the court</p>

<sup>42</sup> See in particular Article 6 and relevant recitals of Directive 2012/13/EU.

<sup>43</sup> Czech Republic, representative of the Criminal Justice Department of the District Court in Prague.

		comes to the conclusion that another legal qualification is needed, it may send the file back to the public prosecutor for further investigation (section 190 of the Criminal Procedure Code). If further investigation is not needed, the persons to whom the indictment is delivered (the accused, his/her legal counsel and the victim) are informed about the change by the court.
<b>4.</b>	<b>RIGHT OF ACCESS TO CASE MATERIALS<sup>44</sup></b>	<b>Brief Description</b>
<b>4.1</b>	What material evidence can be accessed by suspected or accused persons (e.g. documents, photographs, audio, video, summaries...)?	The accused person has the right to inspect the criminal file, except for the voting protocol and the personal data of any witness, whose identity is concealed (section 65/1 of the Criminal Prosecution Code).
<b>4.2</b>	At what stage of the proceedings is access to case materials granted? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b>	Access to case materials can be granted at each stage of criminal proceedings (after the initiation of criminal prosecution). After the preparatory phase of criminal proceedings (police investigation) ends, the police is obliged to make the criminal file available to the accused and their legal counsel (section 166/1 of the Criminal Procedure Code).
<b>4.3</b>	Under what circumstances is access to material refused? Who takes the decision of refusal?	Access to case material can only be refused during the preparatory phase of a criminal investigation (police investigation) if there are serious reasons to do so. The commentary on the Criminal Procedure Code <sup>45</sup> explains that there may be serious reasons for refusing access if the results of the police investigation (such as the objectivity of witnesses) would be damaged. The District Court in Prague <sup>46</sup> confirmed that the right of access to case material cannot be refused to parties (in court proceedings).  The decision is taken by the police or by the public prosecutor. In case the police refuses to grant the right to inspect files, the decision can be reviewed by the public prosecutor (§ 65/2 of the Criminal Procedure Code). The refusing decision of the public prosecutor cannot be further challenged in court (§ 141/2 of the Criminal Procedure Code).

<sup>44</sup> See in particular Article 7 and relevant recitals of Directive 2012/13/EU.

<sup>45</sup> Šámal, P. and coll. Criminal Procedure Code I. Sections 1 to 156. Commentary. 7th edition. Prague, C. H. Beck, 2013, p. 707.

<sup>46</sup> Czech Republic, representative of the Criminal Justice Department of the District Court in Prague.

5.	<b>CROSS-CUTTING ISSUES: LANGUAGES, COMPLAINT MECHANISMS, RECORDING &amp; SPECIAL MEASURES<sup>47</sup></b>	<b>Brief Description</b>		
5.1	In which languages can information be provided for the following?			
	a) information on procedural rights	The languages are not specified. General rule, included in section 28 of the Criminal Procedure Code, is that information must be translated. The accused must declare the language he/she understands. Otherwise, the language of his/her nationality will be used.		
	b) letter of rights	The languages are not specified. General rule, included in section 28 of the Criminal Procedure Code, is that information must be translated. The accused must declare the language he/she understands. Otherwise, the language of his/her nationality will be used.		
	c) information about the accusation	Information about the accusation must be translated in writing into the language that the accused understands (section 28/2 of the Criminal Procedure Code).		
	d) case materials	The languages are not specified. General rule, included in section 28 of the Criminal Procedure Code, is that information must be translated. The accused must declare the language he/she understands. Otherwise, the language of his/her nationality will be used. Criminal Prosecuting bodies are not obliged to translate other than those listed in section 28 of the Criminal Procedure Code.		
		<b>Yes</b>	<b>No</b>	<b>Brief Description</b>
5.2	Is there any procedure to ensure that suspects or accused persons have the right to challenge the failure or refusal to provide information on the following? <b>If yes, briefly describe the procedure where relevant.</b>			

<sup>47</sup> See in particular Articles 3 - 8 and relevant recitals of Directive 2012/13/EU.

	a) information on procedural rights	X		Failure to provide information on procedural rights is a violation of the rights of the accused and constitutes grounds for the Public Prosecutor to return the case to the Police (section 174/2/d of the Criminal Procedure Code) and for the court to return the case to the Public Prosecutor (section 188/1/e of the Criminal Procedure Code).
	b) letter of rights	X		Failure to provide information on procedural rights (letter of rights) is a violation of the rights of the accused and constitutes grounds for the Public Prosecutor to return the case to the Police (section 174/2/d of the Criminal Procedure Code) and for the court to return the case to the Public Prosecutor (section 188/1/e of the Criminal Procedure Code).
	c) information about the accusation	X		Failure to provide information about the accusation is a violation of the rights of the accused and constitutes grounds for the Public Prosecutor to return the case to the Police (section 174/2/d of the Criminal Procedure Code) and for the court to return the case to the Public Prosecutor (section 188/1/e of the Criminal Procedure Code). The resolution on the initiation of a criminal investigation ('information about the accusation') is always handed over to the accused in writing. A criminal investigation cannot be initiated without this resolution being delivered to the person accused.
	d) access to case materials	x		Failure to provide access to case materials is a violation of the rights of the accused and constitutes grounds for the Public Prosecutor to return the case to the Police (section 174/2/d of the Criminal Procedure Code) and for the court to return the case to the Public Prosecutor (section 188/1/e of the Criminal Procedure Code).
<b>5.3</b>	Is any official record kept to note the provision of information about the following? <b>If yes, briefly describe where relevant.</b>	x		
	a) information on procedural rights	X		This fact is noted in the criminal file. A signature of the person concerned is needed.
	b) letter of rights	X		This fact is noted in the criminal file. A signature of the person concerned is needed.
	c) information about the accusation	X		This fact is noted in the criminal file. A signature of the person concerned is needed.
	d) access to case materials	x		This fact is noted in the criminal file. Access to a file is noted in a form of "record" and signed by the person.
<b>5.4</b>	Are there special procedures designed to take into account the special needs of vulnerable			

<p>suspects or vulnerable accused persons (e.g. because of any physical impairments which affect their ability to communicate effectively (persons with hearing, sight or speech impediments), intellectual disabilities or in case of children and the holder of parental responsibility) in relation to:</p> <ul style="list-style-type: none"><li>a) suspect or accused persons with physical impairment or disability;</li><li>b) suspect or accused persons intellectual impairment or disability;</li><li>c) suspect or accused children who are suspects/defendants and/or the holder of parental responsibility.</li></ul> <p><b>If yes, briefly provide information on those mechanisms in relation to each of the listed vulnerable groups. Is this information in simple and accessible language?</b></p>			
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• information on procedural rights	a)	x		According to the Police of the Czech Republic, special measures must be taken in order to communicate effectively with such a person, measures such as the presence of an interpreter into sign language. A person with physical or mental disabilities must have present legal defense as soon as criminal proceedings are initiated <sup>48</sup> .
	b)		x	There are no special measures in the law that take into account the special needs of vulnerable suspects or vulnerable accused persons. However, according to a public prosecutor <sup>49</sup> and the Police of the Czech Republic, who were questioned on this topic, all information must be provided in a clear and intelligible manner and with regard to the intellectual capacity of the given person. A general principle is included in section 2/13 of the Criminal Procedure Code. A person with physical or mental disabilities must be accompanied by/be provided with legal defense from the moment criminal proceedings are initiated.
	c)	x		There is a special provision on the interrogation of child witnesses (section 102 of the Criminal Procedure Code). This needs to be performed in a sensitive manner so as to avoid the need for repeat questioning. A person working in the office for the social-legal protection of children needs to be present during an interrogation. If necessary, parents may also be present during an interrogation. Special measures on the interrogation of children and youth are laid out in the Act on the Judiciary in Juvenile Issues, sections 41 and 57. Like the provisions relating to the interrogation of children described above, the interrogation of children (youth) as suspects must also be performed in a sensitive manner. Confrontation is only allowed in exceptional cases. Child suspects or accused must be accompanied by/be provided with legal counsel from the start of the preparatory phase of criminal proceedings.
• letter of rights	a)	x		According to the Police of the Czech Republic, special measures must be taken in order to communicate effectively with such persons, such as enabling the presence of a sign-language interpreter if necessary <sup>50</sup> . A person with physical or mental disabilities must be accompanied by/be provided with legal defense from the moment criminal proceedings are initiated.
	b)		x	There are no special measures designed in law to take into account the special needs of vulnerable suspects or vulnerable accused persons. However, according to a public prosecutor <sup>51</sup> and the Police of the Czech Republic, who were questioned in relation to this topic, all information must be provided in a clear and intelligible manner and with regard to the intellectual capacity of the given person. A general principle is included in section 2/13 of the Criminal Procedure Code. A person with physical or mental disabilities must be provided with legal defense from the moment criminal proceedings are initiated.
	c)	x		There is a special provision on the interrogation of child witnesses (section 102 of the Criminal Procedure Code). This needs to be performed in a sensitive manner so as to avoid the need for repeat questioning. A person working in the office for the

<sup>48</sup> Czech Republic, Act on Communication Systems of Deaf and Deaf and Blind Persons (*Zákon o komunikačních systémech neslyšících a hluchoslepých osob*), 13. 7. 1998, s. 8.

<sup>49</sup> Czech Republic, public prosecutor of the Supreme Public Prosecutor's Office.

<sup>50</sup> Czech Republic, Act on Communication Systems of Deaf and Deaf and Blind Persons (*Zákon o komunikačních systémech neslyšících a hluchoslepých osob*), 13. 7. 1998, s. 8.

<sup>51</sup> Czech Republic, public prosecutor of the Supreme Public Prosecutor's Office.

				<p>social-legal protection of children needs to be present during an interrogation. If necessary, parents may also be present during an interrogation.</p> <p>Special measures on the interrogation of children and youth are laid out in the Act on the Judiciary in Juvenile Issues, sections 41 and 57. Like the provisions relating to the interrogation of children described above, the interrogation of children (youth) as suspects must be performed in a sensitive manner. Confrontation is only allowed in exceptional cases. Child suspects or accused must be provided with legal counsel from the start of the preparatory phase of criminal proceedings</p>
<ul style="list-style-type: none"> <li>information about the accusation</li> </ul>	a)	x		<p>According to the Police of the Czech Republic, special measures must be taken in order to communicate effectively with such persons, such as enabling the presence of a sign-language interpreter if necessary. A person with physical or mental disabilities must be provided with legal defense from the moment criminal proceedings are initiated.</p>
	b)		x	<p>There are no special measures in the law that take into account the special needs of vulnerable suspects or vulnerable accused persons. However, according to a public prosecutor<sup>52</sup> and the Police of the Czech Republic, who were questioned in relation to this topic, all information must be provided in a clear and intelligible manner and with regard to the intellectual capacity of the given person. A general principle is included in section 2/13 of the Criminal Procedure Code. A person with physical or mental disabilities must be provided with legal defense from the moment criminal proceedings are initiated.</p>
	c)	x		<p>There is a special provision on the interrogation of child witnesses (section 102 of the Criminal Procedure Code). This needs to be performed in a sensitive manner, so as to avoid the need for repeat questioning. A person working in the office for the social-legal protection of children needs to be present during an interrogation. If necessary, parents may also be present during an interrogation.</p> <p>Special measures on the interrogation of children and youth are included in the Act on the Judiciary in Juvenile Issues, sections 41 and 57. Like the provisions relating to the interrogation of children described above, the interrogation of children (youth) as suspects must be performed in a sensitive manner. Confrontation is only allowed in exceptional cases. Child suspects or accused must be provided with legal counsel from the start of the preparatory phase of criminal proceedings</p>
<ul style="list-style-type: none"> <li>access to case materials</li> </ul>	a)	x		<p>According to the Police of the Czech Republic, special measures must be taken in order to communicate effectively with such persons, such as enabling the presence of a sign-language interpreter if necessary. A person with physical or mental disabilities must be provided with legal defense from the moment criminal proceedings are initiated<sup>53</sup>.</p>
	b)		x	<p>There are no special measures in the law that take into account the special needs of vulnerable suspects or vulnerable accused persons. However, according to a public prosecutor<sup>54</sup> and the Police of the Czech Republic, who were questioned in relation to this topic, all information must be provided in a clear and intelligible manner and with regard to the intellectual capacity of the given person. A general principle is included in section 2/13 of the Criminal Procedure Code. A person with physical or mental disabilities must be provided with legal defense from the moment criminal proceedings are initiated.</p>

<sup>52</sup> Czech Republic, public prosecutor of the Supreme Public Prosecutor's Office.

<sup>53</sup> Czech Republic, Act on Communication Systems of Deaf and Deaf and Blind Persons (*Zákon o komunikačních systémech neslyšících a hluchoslepých osob*), 13. 7. 1998, s. 8.

<sup>54</sup> Czech Republic, public prosecutor of the Supreme Public Prosecutor's Office.

		c)	x	<p>There is a special provision on the interrogation of child witnesses (section 102 of the Criminal Procedure Code). This needs to be performed in a sensitive manner, so as to avoid the need for repeat questioning. A person working in the office for the social-legal protection of children needs to be present during an interrogation. If necessary, parents may also be present during an interrogation.</p> <p>Special measures on the interrogation of children and youth are laid out in the Act on the Judiciary in Juvenile Issues, sections 41 and 57. Like the provisions relating to the interrogation of children described above, the interrogation of children (youth) as suspects must be performed in a sensitive manner. Confrontation is only allowed in exceptional cases. Suspect or accused children must be provided with legal counsel from the start of the preparatory phase of criminal proceedings.</p>
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