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Ministry of Justice of the Czech Republic



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This brochure has been created through kind support of the National Archive and the Prague City Museum and in cooperation with the Botičská Grammar School in Prague.





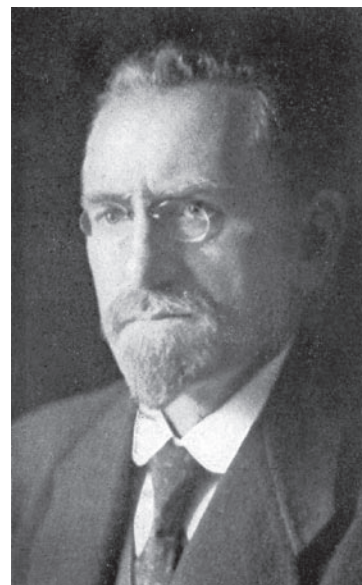
This corridor is now part of the building of the Botičská Grammar School. The photograph was taken before 1938.

A Brief History of the Ministry

The Ministry of Justice was established on 20 March 1848 as the central authority for the state administration of courts. Although the number of Ministries in the Austro-Hungarian Empire changed very frequently, the Ministry of Justice retained its importance throughout the existence of the Empire and the Minister of Justice was a member of every new government. It was often headed by highly influential politicians, such as Count Ludwig Taaffe or Baron Alexander Bach. In 1865, responsibility for prison administration was also delegated to the Ministry. This competence of the Ministry persisted with minor changes until the dissolution of the Austro-Hungarian Empire in 1918.

When Czechoslovakia was established in 1918, it took over the legal code of the

Austro-Hungarian Empire, including the competences of individual Ministries. Thus the Ministry of Justice continued to carry out the state administration of the courts, the state prosecution service and prisons. Partial changes to its responsibilities, particularly concerning the prison service, occurred only at the time of the Protectorate. Of the Ministers of Justice in the period of the First Republic, probably the most notable Minister of the period was the first Minister František Soukup, one of the 'Men of 28 October' (together with Alois Rašín, Jiří Stříbrný, Antonín Švehla and Vavro Šrobár). As a Minister, he played a major role in passing the first Acts of the Czechoslovak Republic and after leaving his position as Minister of Justice, he was Chairman of the Senate up to 1939.



František Soukup, the first Minister of Justice of the Czechoslovak Republic from 1918 to 1919



Left: In the entrance hall to the Ministry of Justice there is a statue of St. Bartholomew, which was part of the original decoration of the baroque façade of St. Bartholomew's Hospital. This sandstone statue comes from the studio of F.M. Brokoff and is dated some time after 1714.

Right: By the rear façade of the lodge, which is the oldest part of the Ministry site, you will find the tombstone of František Count Deym of Střítež, imperial councillor, regional judge and then governor of the Kourim region. He died in 1719.

Building Transformations Over the Years

Today's building stands on the site of a former monastery, that of St. Bartholomew, founded by Eliška Přemyslovna. In 1505 it was replaced by the medieval hospital and chapel of St. Bartholomew in Podskalí. By decision of Emperor Joseph II, the chapel and the hospital were abolished in 1784 and after this the mentally ill and the sick took refuge in the building. In 1803 the building was converted into a municipal almshouse for old and poor citizens of Prague.

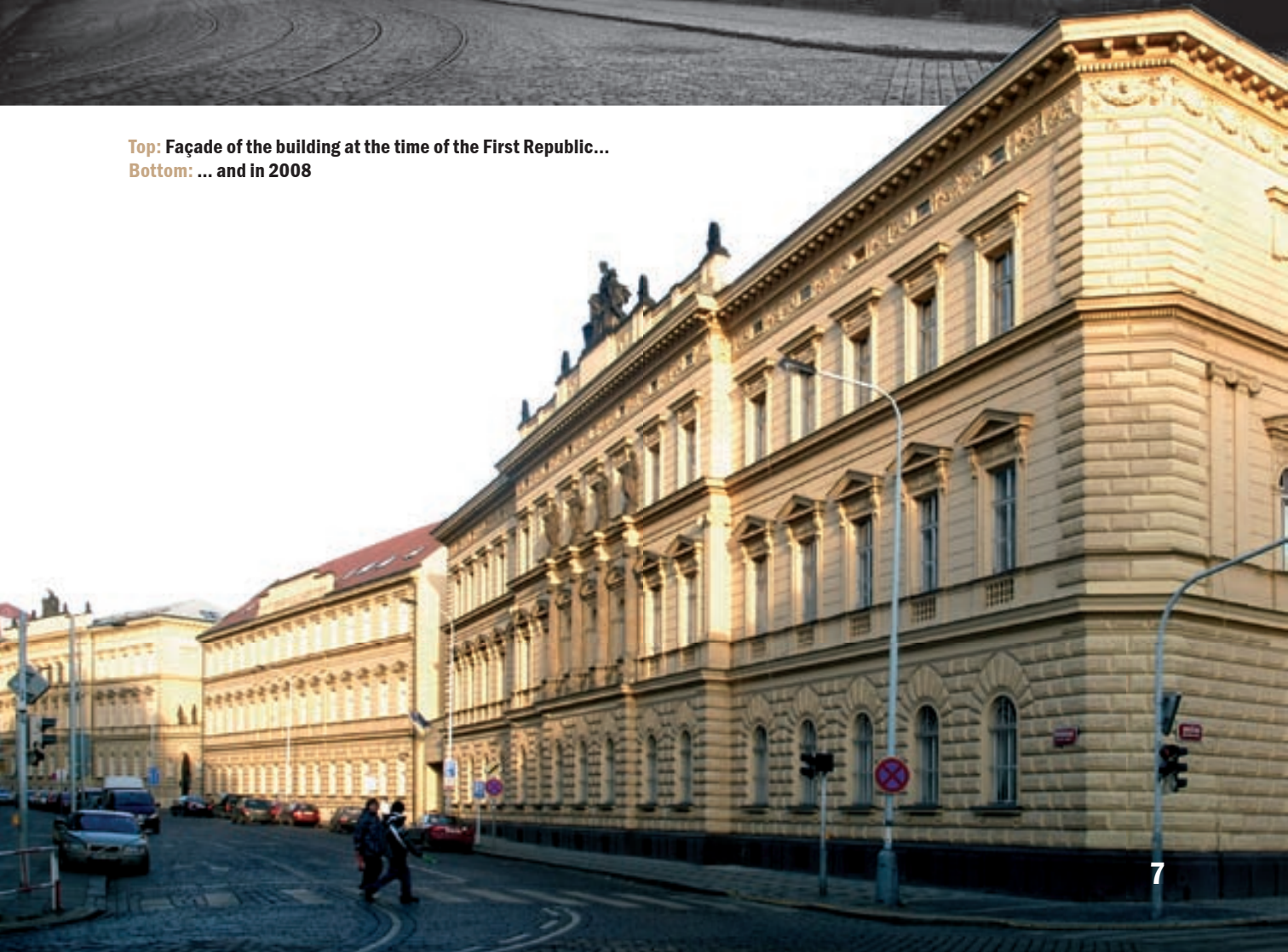
The building was finally demolished in 1884.

The present extensive Neo-Renaissance group of three buildings is situated in Vyšehradská, Botičská and Na Slupi Streets. It was built between 1882 and 1884 as a municipal almshouse according to the design of the architect Josef Srdínek, and the new Classical style building dating from the late 1830s was preserved. During the First World War, the building was used as the army's 2nd field hospital. After the war,

a retired people's home was set up in it. In 1930 the building was allocated to the Ministry of Public Health and Physical Education. The Ministry of Justice was based at that time in what was called the officer cadet building on Prašný Bridge (the Ministry of Defence today) and was moved to Vyšehradská Street after the occupation of Czechoslovakia in 1939. In 1958, a third of the complex was handed over to the School Education Ministry (today's Botičská Grammar School).



Top: Façade of the building at the time of the First Republic...
Bottom: ... and in 2008





Top: From 1930 to 1939, the Ministry of Public Health and Physical Education was based in the building.

Bottom left: St. Bartholomew's chapel in the almshouse (drawing in Indian ink by Eduard Herold, Museum of the Capital City of Prague).

Bottom right: This corridor on the first floor is now part of the Botičská Grammar School. The photograph comes from the period of the First Republic.





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Top left: The Minister's office, now the head teacher's office
Centre left: From this view of the foyer it is clear that the statue of St. Bartholomew stood in the courtyard.
Bottom left and centre right: Anterooms to the Minister's office



Top left and bottom: Interiors of the Ministry today

Top right: The Minister's collegium room; this meeting room is also used to receive foreign delegations.



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Top left: The Minister's office

Bottom left: View from below the glazed atrium near the Minister's office

Top right: Oval table in the Minister's collegium room



Activities of the Ministry

The activity of the Ministry of Justice in liberated Czechoslovakia was renewed by Constitutional Decree of the President of the Republic No. 1/1945 Coll., concerning the new organisation of the Government and Ministries in the transition period. The Ministry of Justice continued to carry out the state administration of the courts and the prison service.

After 1948, some significant changes occurred in the competences of the Ministry of Justice. From 1957, the administration of the Penal Register, kept by state prosecutors at the regional level since 1922, fell

to the competence of the Ministry of Justice. From 1962 the Penal Register was transferred to the General Public Prosecutor's Office, to be returned in 1991 to the Ministry of Justice. From 1960 the Ministry of Justice was entrusted with the publication of the Collection of Laws and the Official Bulletin. It retained this function until 1990, when it was transferred to the Federal Ministry of the Interior and later to the Ministry of the Interior of the Czech Republic.

The federal organisation of the Republic instituted in 1968 inaugurated a new system of Ministries and other

On the opposite page: Corridor on the first floor of the Ministry where the Minister's office is situated.

central state administration authorities. The Ministry of Justice was classified as one of what were termed Republic (not Federal) Ministries. Thus the Ministry of Justice of the Czech Republic and the Ministry of Justice of the Slovak Republic were created. The state administration of the judiciary, state notaries' offices and the prison system fell under jurisdiction of the Czech Ministry of Justice.

The collapse of the Communist regime in November 1989 and later the establishment of an autonomous Czech Republic meant another important change in the position and competences of the Ministry of Justice. Privatisation of the state notaries' offices put an end to the state administration of notaries' offices by the Ministry. In 1993, the Corrective Education Authority was abolished and the Prison Service of the Czech Republic was established, which provides for the enforcement of custody, serving of prison sentences and the maintenance of order and security in the exercise of judicial proceedings, the administration of the courts

and the activity of the state prosecution service and the Ministry of Justice. It is divided into the prison service, judicial security guards and the administrative service. Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols (and as a result of this, acceptance of the jurisdiction of the European Court of Human Rights) resulted in the need to entrust the representation of the Czech Republic in dealing with complaints brought to this institution to the appropriate state authority. The Ministry of Justice was entrusted with representing the state in these proceedings in 1996. To perform this task, the Government appointed a Government Agent of the Czech Republic at the European Court of Human Rights, whose office was incorporated into the structure of the Ministry of Justice. The last change in the competences of the Ministry of Justice was made in connection with the establishment of the Probation and Mediation Service of the Czech Republic in 2001.

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Right: View of the Ministry building from the courtyard

Bottom right: Large meeting room at the Ministry





The Ministry Today

The Ministry of Justice is based in Prague 2 at 16 Vyšehradská Street, in building no. 427. At the present time the Ministry of Justice also has separate premises in Prague 2 in the nearby street of Na Děkance, where some of its departments are based. At the judicial premises found at Na Míčankách in Prague

10, there is the Library of the Ministry of Justice. The Library provides acquisition, borrowing and information services for employees of the Ministry and of the Institute of Criminology and Crime Prevention.

The Ministry of Justice is the central state administrative authority for the Courts and the State

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Left: View of the Ministry building from the corner of Vyšehradská and Trojická Streets

Right: Courtyard of the Ministry of Justice



Prosecution Service, the Prison Service, and the Probation and Mediation Service. In its management and monitoring activity it fully respects the constitutional principle of the judges' independence in exercising the power of the judiciary. It also manages the Penal Register, the Judicial Academy and the

Institute for Criminology and Social Prevention. The Ministry of Justice issues legal opinions on loan and guarantee agreements in which the Czech Republic is a contractual party. It represents the Czech Republic in dealing with complaints regarding any breaches of the Convention on the Protection of Human

Rights and fundamental Freedoms and its Protocols and the International Covenant on Civil and Political Rights and coordinates the enforcement of decisions by the respective international bodies.

Organisation of the Ministry of Justice of the Czech Republic

Ministry of Justice						
Courts	State Prosecution Service	Prison Service	Probation and Mediation Service	Penal Register	Institute for Criminology and Social Prevention	Judicial Academy

The Court System in the Czech Republic

The Constitutional Court							
Supreme Court				Supreme Administrative Court			
High Court in Prague				High Court in Olomouc			
Regional Courts and Municipal Court in Prague							
Municipal Court in Prague	Regional Court in Prague	Regional Court in České Budějovice	Regional Court in Plzeň	Regional Court in Ústí nad Labem	Regional Court in Hradec Králové	Regional Court in Brno	Regional Court in Ostrava
The competent local and district courts and the Municipal Court in Brno							

The State Prosecution Service system in the Czech Republic

		Supreme State Prosecutor's Office					
Prague High State Prosecutor's Office				Olomouc High State Prosecutor's Office			
Regional State Prosecutor's Offices and Municipal State Prosecutor's Office in Prague							
Municipal State Prosecutor's Office in Prague	Regional State Prosecutor's Office in Prague	Regional State Prosecutor's Office in České Budějovice	Regional State Prosecutor's Office in Plzeň	Regional State Prosecutor's Office in Ústí nad Labem	Regional State Prosecutor's Office in Hradec Králové	Regional State Prosecutor's Office in Brno	Regional State Prosecutor's Office in Ostrava
The competent local and district State Prosecutor's Offices and Municipal State Prosecutor's Office in Brno							

Number of employees as of 1 January 2009

Ministry of Justice	297
Courts (employees)	8 350
judges	3 048
State Prosecution Service (employees)	1 376
state prosecutors	1 230
Prison Service	10 974
of which officers	6 986
of which civilian employees	3 988
Penal Register	50
Probation and Mediation Service	408
Judicial Academy	59
Institute for Criminology and Social Prevention	22
Justice departments in total	25 814

Budget expenditure in CZK '000

	2009	2010	2011	2012
Czech Republic	1 152 101 697	1 184 919 350	1 179 000 908	1 166 100 778
Justice departments	21 687 449	22 067 742	20 058 532	20 690 101
Ministry of Justice	513 205	1 273 157	1 043 025	727 248

The budget for the justice departments in 2012 forms 1.77 % of the budget of the Czech Republic.



Above: Court room of the Regional Court in Hradec Králové

The Courts

The power of the judiciary in the Czech Republic is exercised by independent courts. The court system consists of the Supreme Court of the Czech Republic, the Supreme Administrative Court, High, Regional and District Courts. In relation to the courts the Ministry of Justice is the central authority for the state administration of the courts and its task is to create conditions for the courts to exercise the due power of the judiciary (in particular in terms of personnel, organisation, management, finance and education and training) and to supervise in a lawful manner and within the confines of the law the due performance of the tasks entrusted to the courts. The Ministry, however, may not infringe the independence of the courts.

The State Prosecution Service

The State Prosecution Service is a set of state authorities tasked with representing the state in the protection of the public interest. Their core function is to fulfill the role of the public prosecution authority

in criminal proceedings and other tasks arising from the Criminal Procedure Code. The State Prosecution Service also acts in other proceedings to ensure the observance of legal regulations in places which enforce custody, prison sentences, protective medical treatment and protective or institutional education. The system of State Prosecutors' Offices consists of the Supreme State Prosecutor's Office, the High State Prosecutor's Office, and Regional and District State Prosecutor's Offices. In relation to the State Prosecution Service the Ministry of Justice is the central state administrative authority.

The Prison Service

The Prison Service manages in particular custodial and prison sentences as stipulated by the Act on Prison Service and Judicial Guards of the Czech Republic, and also ensures order and security in exercising the power of the judiciary and court administration and in the activity of the State Prosecution Service and the Ministry of Justice. The General Directorate of the Prison Service of the Czech Republic, prisons and



remand prisons, the Education and Training Institute and the Central Training Centre for prisoners are established or discontinued by the decision of the Minister. They are headed by directors appointed and dismissed by the General Director of the Prison Service. The Prison Service administers recreation centres established by the Ministry as organisations partly funded from the state budget.

www.vscr.cz
e-mail: e-podatelna@grvs.justice.cz
tel.: +420 244 024 111

The Probation and Mediation Service

The Probation and Mediation Service of the Czech Republic is a new institution in the criminal policy field, and involves joint action by two professions – social work and the law, particularly criminal law. By balanced linking of the two, a new multi-disciplinary profession has been created in the criminal justice system. It seeks to act as a mediator for the effective and socially beneficial resolution of conflicts connected with criminal activity and also organises and provides for the effective and dignified serving

of alternative sentences and for measures laying emphasis on the interests of injured parties, the protection of the community and the prevention of crime.

The Probation and Mediation Service performs tasks in criminal proceedings and exercises its authority as defined in the Criminal Code, the Criminal Procedure Code, the Probation and Mediation Service Act and Act No. 218/2003 Coll. on jurisdiction in juvenile matters. The Service works not only with criminal acts offenders but pays also more attention to crime victims, within its standard tasks or in the frame of new projects developed in cooperation with the nongovernmental organisations.

It has headquarters and devolved centers based in district courts or in premises of courts of similar levels. In eight court administration regions work newly delegated regional directors, who manage and coordinate activities of their centers in the whole region. The Probation and Mediation Service is based in the capital city, Prague.

www.pmscr.cz
e-mail: posta@pms.justice.cz
tel.: +420 224 424 414

The Institute for Criminology and Social Prevention (IKSP)

The Institute of Criminology and Social Prevention is a research organisation working in the field of justice. It is managed by the Minister of Justice through a specific Deputy charged with its management. It deals in particular with research, study and analysis in the field of criminal law, justice and security, examining the manifestations and causes of crime and socially pathological phenomena associated with it. It is also examining questions of criminal policy and crime monitoring in terms of the control and prevention of crime and the penology issues. It reports directly to the Minister of Justice. In addition, the Institute compiles and documents criminological, legal and related data, and also presents and makes available to the public obtained findings. For this it conducts its own editorial activity (Sources and Studies) and organises seminars for the professional public in cooperation with other institutions within the competence of the Ministry of Justice.

www.kriminologie.cz
e-mail: iksp@iksp.justice.cz
tel.: +420 257 104 404

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Above: View of the Ministry building from the courtyard

The Judicial Academy

The Judicial Academy was established in 2002 by the Act No. 6/2002 Coll. It was formed to be a central institution of the Czech Judiciary, responsible for the training of judges, state prosecutors, notarial candidates, intermediate experts and other staff in the field of justice. From 2005, when the Judicial Academy joined up with the Judicial School that used to educate higher judicial officers, it became a unique state body that is capable of providing training to all target groups in the Czech Judiciary.

The Judicial Academy has training and accommodation facilities in its state residence in Kroměříž as well as training

facilities in Prague and seven other cities (České Budějovice, Hradec Králové, Litoměřice, Plzeň, Brno, Olomouc, Ostrava). Training is focused primarily on domestic law, EU law, legal skills and more widely on the social sciences.

The training's purpose is to extend already acquired qualifications and broaden lifelong knowledge.

The Judicial Academy has many bilateral contacts inside Europe and on an international scale. Since 2004 it has been an active member of the European Judicial Training network. It has also been closely cooperating with The Academy of the European Law and successfully coordinating national and European projects as a partner and organiser.

www.jacz.cz

e-mail: sekretariat@akademie.justice.cz

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The Penal Register

The Penal Register, which was established by the Penal Register Act, keeps records of persons legally convicted in criminal proceedings and also records of other facts important for criminal proceedings, if so stipulated by this or another Act. Data from the records are used for the requirements of criminal and civil law or administrative proceedings and as proof of an individual's integrity or otherwise. It is directly managed by the Minister of Justice.

The Penal Register stores data on all persons convicted in Czech courts. Since 27th April 2012, data about the final sentencing of Czech citizens by courts of other member states of the European Union in criminal proceedings, (as well as the data following these sentences from information sent by other EU member states) have been included officially in Czech criminal records. Data on convicted persons is kept for 100 years

from the date of birth of the person to whom they relate. Since 1st January 2012, data about the final sentencing of legal entities, such as corporations, by the Czech courts in criminal proceedings have been included officially in Czech criminal records.

All records of the Register are now kept on computer databases. Since the year 2008 Czech citizens may obtain an abstract copy of criminal records at contact centres called Czech Point. Today, 6800 locations are involved (Municipal Offices, Regional Offices, branches of the Czech post office and economic chambers, notaries and representative offices of the Czech Republic). Authorized public authorities obtain information from database of records by remote means in the electronic version.

Aiming to facilitate the mutual exchange of information about prosecuted and finally sentenced individuals further, the framework of the European Criminal Records Information System – ECRIS electronically interconnects member states of the EU.

www.justice.cz » Rejstřík trestů
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List of Ministers of Justice since 1918

1918 – 1938

František Soukup	November 1918	July 1919
František Veselý	July 1919	May 1920
Alfréd Meissner	May 1920	September 1920
Augustin Popelka	September 1920	September 1921
Josef Dolanský	September 1921	December 1925
Karel Viškovský	December 1925	March 1926
Jiří Haussmann	March 1926	October 1926
Robert Mayr-Harting	October 1926	December 1929
Alfréd Meissner	December 1929	February 1934
Ivan Dérer	February 1934	September 1938
Vladimír Fajnor	September 1938	October 1938

1938 – 1939

Vladimír Fajnor	October 1938	October 1938
Ladislav Feierabend	October 1938	December 1938
Jaroslav Krejčí	December 1938	March 1939

1939 – 1945

Jaroslav Krejčí ¹	March 1939	May 1945
Jaroslav Stránský ²	October 1941	April 1945

1945 – 1989

Jaroslav Stránský	April 1945	November 1945
Prokop Drtina	November 1945	February 1948
Alexej Čepička	February 1948	April 1950
Štefan Rais	April 1950	September 1953
Václav Škoda	September 1953	December 1954

Jan Bartuška	December 1954	June 1956
Václav Škoda	June 1956	July 1960
Alois Neuman	July 1960	April 1968
Bohuslav Kučera	April 1968	December 1968
Václav Hrabal	January 1969	September 1969
Jan Němec	September 1969	June 1981
Antonín Kašpar	June 1981	December 1989

1989 – 1992

Dagmar Burešová	December 1989	June 1990
Leon Richter	June 1990	January 1992
Jiří Novák	January 1992	December 1992

1993 – 2008

Jiří Novák	January 1993	July 1996
Jan Kalvoda	July 1996	January 1997
Vlasta Parkanová	January 1997	July 1998
Pavel Rychetský	July 1998	July 1998
Otakar Motejl	August 1998	October 2000
Pavel Rychetský	October 2000	February 2001
Jaroslav Bureš	February 2001	July 2002
Pavel Rychetský	July 2002	August 2003
Vladimír Špidla	August 2003	September 2003
Karel Čermák	September 2003	June 2004
Vladimír Špidla	July 2004	July 2004
Pavel Němec	August 2004	August 2006
Jiří Pospíšil	September 2006	May 2009
Daniela Kovářová	May 2009	July 2010
Jiří Pospíšil	July 2010	To date

¹ member of the Protectorate government; ² member of the government in exile in London



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