

Czech Republic, Ústavní soud (Constitutional Court), I. ÚS 1698/16, constitutional, 11. 1. 2017

Member State

 Czech Republic

Topic

Independence

Sector

Predictive Justice

Deciding Court Original Language

Ústavní soud

Deciding Court English translation

Constitutional Court

Registration N

I. ÚS 1698/16

Date Decision

11/01/2017

ECLI (if available)

ECLI:CZ:US:2017:1.US.1698.16.1

National Follow Up Of (when relevant)

N/A

EU legal sources and CJEU jurisprudence

N/A

ECtHR Jurisprudence

Art. 6(1) of the European Convention on Human Rights

Subject Matter

Lawful judge – Assignment of cases – Automated system

Legal issue(s)

What are the constitutional requirements for case allocation system?

Request for expedited/PPU procedures

N/A

Interim Relief

N/A

National Law Sources

Art. 36(1); art. 38(2); art. 37(3) of the (Czech) Charter on Fundamental Rights and Freedoms (Listina základních práv a svobod)

§ 42(2) of the Act no. 6/2002 Coll., on Courts and Judges (zákon o soudech a soudcích)

Facts of the case

The substance of the case concerns the obligation of a father to pay child support for his two daughters, who are in the care of their mother pursuant to an agreement approved by the court. In 2015, the father applied for a reduction in his child support payments, but the court rejected this application, finding that there had been no significant change in the children's or the parents' circumstances.

On appeal, the father also claimed bias on the part of the deciding judge, who could not have been legally assigned to the case due to delays in processing his submission. The Municipal Court in Prague upheld the lower court's decision, ruling that the minor delays in the court proceedings, due to holiday schedules and administrative procedures, did not indicate bias or improper assignment of the case. The father then filed a constitutional complaint alleging irregularities in the way his case had been assigned to a particular judge in an automated system.

Reasoning (role of the Charter or other EU, ECHR related legal basis)

The Constitutional Court addressed the alleged violation of the right to a lawful judge, emphasizing that this right should be understood in a broader context. This includes not only the procedural rules for determining jurisdiction and the assignment of judges, but also ensuring transparency and predictability through established work schedules. These rules are intended to prevent arbitrary assignments of judges. The Court has previously held that the assignment of cases on the basis of computer systems or mathematical methods is permissible, provided that the underlying algorithm is clearly defined.

In this case, the applicant argued that his case had been assigned to the 10 P panel of the Prague 3 District Court in a non-transparent manner. However, the Constitutional Court disagreed, noting that in 2010 the District Court used a computerised system with a predefined algorithm to assign new cases. This system took into account both the real-time status of cases in the database and a manual method of balancing the distribution of cases between the panels dealing with family matters.

In particular, the cases were allocated as follows: 1) Initial check: When a new case is submitted,

the internal system, together with a manual file check, checks whether a applicant already has a related case in the system. 2a) If so, the new application is manually entered into the relevant existing case file. 2b) If not, new applications are registered as "Nc" or "P" cases, depending on the nature of the case. "Nc" cases are automatically assigned by the internal system to the panel with the lowest number of ongoing cases and other settings based on an algorithm, while "P" cases are assigned manually to ensure continuity and balance between the two panels (10 P and 28 P). In general, cases are dealt with in the order in which they are received. For example, on 23 December 2016, cases arriving at different times were assigned according to this rotational principle to balance the workload between panels.

The Constitutional Court found that these allocation procedures were sufficiently specific and verifiable to meet the requirements for determining the competent judge.

The Court also found no grounds to support the applicant's claim of deliberate delay in registering his case. According to the explanation given by the Prague 3 District Court, the case was assigned in accordance with the sequence of incoming cases, taking into account the balance of cases between panels, and not on the basis of the date of administrative registration.

Relation of the case to the EU Charter

N/A

Relation between the EU Charter and ECHR

N/A

Use of Judicial Interaction technique(s)

N/A

Horizontal Judicial Interaction patterns (Internal – with other national courts, and external – with foreign courts)

The Constitutional Court does not engage with foreign case law or case law of other national courts.

Vertical Judicial Interaction patterns (Internal – with other superior national courts, and external – with European supranational courts)

N/A

Strategic use of judicial interaction technique (purpose aimed by the national court)

N/A

Impact on Legislation / Policy

N/A

Notes on the national implementation of the preliminary ruling by the referring court

N/A

Did the national court quote case law of the CJEU/ECtHR (in particular cases not already referred

to by the CJEU in its decision) or the Explanations?

N/A

Did the national court quote soft law instruments, such as GRECO Reports, Venice Commission, CEPEJ Reports, or CCEJ Reports?

No

Did the national court take into account national case law on fundamental rights?

Yes

If the court that issued the preliminary reference is not a last instance court, and the “follow up” was appealed before a higher court, include the information

N/A

Was there a consensus among national courts on how to implement the CJEU's preliminary ruling; and were there divergences between the judiciary and other state powers regarding the implementation of the preliminary ruling?

N/A

Impact on national case law from the same Member State or other Member States

N/A

Connected national caselaw / templates

N/A

(Link to) full text

<https://nalus.usoud.cz/Search/ResultDetail.aspx?id=95775&pos=1&cnt=1&typ=result>

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