

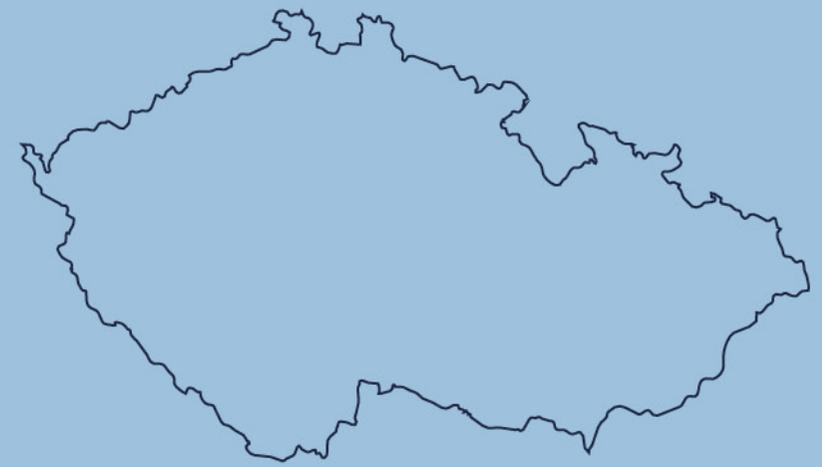
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New Technologies
— New Justice

NEW TECHNOLOGIES = NEW LAW

National regulations

Czech Republic





HELŚIŃSKA FUNDACJA
PRAW CZŁOWIEKA

A QUESTIONNAIRE FOR LAWYERS FROM

DIFFERENT JURISDICTIONS

The Helsinki Foundation for Human Rights and the Clifford Chance Foundation are implementing the project *New technologies = new law. The rules of procedure of our time or a threat to human rights?*. The project aims to identify the main opportunities and threats associated with the increasing impact of new technologies and Artificial Intelligence on the justice system. This questionnaire is designed to explore the solutions existing in different countries and will provide a foundation for further research within the project.

Country	Czech Republic
Date	March 2021
Submitted by (name of the contact person)	Jan Dobrý

PRE-TRIAL PHASE

<p>1.</p>	<p>Is it required to use any alternative forms of dispute resolution in the country where the Office operates, before a case is brought to court? Can such alternative forms (e.g. mediation, negotiations) be conducted online?</p>	<p>Pursuant to Section 67 of the Act No. 99/1963 Coll., Civil Procedure Code (the "Civil Procedure Code") it is possible, before commencing the civil court proceedings, for the parties to propose to the court to make an attempt at conciliation.¹ However, this is not obligatory and the parties may decide to commence the court proceedings straight away. Under Section 68(2) the cooperation or presence of parties in conciliation proceedings cannot be enforced in any way.²</p> <p>The conciliation procedure is only allowed under the Civil Procedure Code, thus only applicable in civil proceedings and only in cases where this is allowed by the substantive law, i.e. only in cases where it is compatible with the nature of the matter (e.g. dispute over the determination of the ownership right). Conciliation is not an option in proceedings where the court decides on the establishment, change or cancellation of a legal relationship (e.g. divorce).</p> <p>It is not forbidden to conduct conciliation proceedings online. Therefore, it may be concluded that the principles in Civil Procedure Code regarding the use of technologies specified in answer to question 2 below would apply accordingly.</p> <p>The use of other alternative forms of dispute resolution prior to civil proceedings, typically mediation, is also possible. The court may, at its discretion, order the parties to attend a meeting with a registered mediator for up to 3 hours.³ Mediation is excluded only in matters where it is necessary to decide with the utmost urgency, for example in proceedings regarding protection against domestic violence. Mediation may generally be conducted online.</p>
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¹ Section 67 of the Civil Procedure Code

² Section 68(2) of the Civil Procedure Code

³ Section 100(2) of the Civil Procedure Code

ACCESS TO COURTS AND NEW TECHNOLOGIES

<p>2.</p>	<p>Is it possible to remotely participate in a court hearing in the country where the Office operates? If so, please indicate in what types of cases remote participation is possible, or what requirements entities must meet to be able to do so. Please also indicate which participants in the trial (parties, witnesses, experts, etc.) have the opportunity to participate remotely in a court hearing. Please specify if remote participation is mandatory or optional (at the request of the parties).</p>	<p>Yes, it is possible to remotely participate in a court hearing via videoconference.</p> <p>Pursuant to Section 102a(1) of the Civil Procedure Code, videoconference may be used either at a request of one of the parties to the proceeding or at discretion of a court if appropriate (in such a case, the court is not required to obtain the parties' consent).⁴ The court should always consider if the videoconference is appropriate in the given situation (i.e. if it is necessary, for example, due to health condition or advanced age of the interrogated person). The court may use videoconference in particular to provide for the presence of a party or interpreter at the court hearing or to conduct interrogation of a witness, expert or a party. Videoconference may also be used to take evidence (e.g. interrogation of a witness staying abroad).⁵ The rules established for the use of videoconference in civil proceedings should apply similarly in administrative proceedings.</p> <p>Videoconference may be used similarly in criminal proceedings as foreseen by Act No. 141/1961 Coll., Code of Criminal Procedure (the "Criminal Procedure Code"), however, only if it is necessary for the protection of the rights of persons, in particular with regard to their age or state of health, or if required for security or other serious reasons.⁶</p> <p>During the period of restrictions imposed due to the spread of Covid-19, the remote technology has been more widely used mainly for the detention hearings and the main hearings in the criminal proceedings.</p>
<p>3.</p>	<p>If you have answered question 2 in the affirmative, please indicate whether the location of a person remotely attending a court hearing is legally</p>	<p>Under Czech law, there are no explicit legal requirements for the location of a person while using videoconference, although usually it would be</p>

⁴ Section 102a(1) of the Civil Procedure Code

⁵ Section 122(2) of the Civil Procedure Code

⁶ Section 52a of the Criminal Procedure Code

	regulated. If so, please indicate specific requirements.	court or a facility at which the individual is currently obliged to stay due to his/her condition or other circumstances (e.g. hospital, prison). The frequently discussed disadvantage of videoconferences in Czech court proceedings is the fact that there is usually only one videoconferencing device for the whole court and is located in a courtroom which is used very frequently, so it is necessary to have a reservation system in place to avoid collisions (see answer to question 5 below).
4.	If you have answered question 2 in the affirmative, please indicate whether the remote participation takes the form of a video conference.	Yes, the remote participation takes the form of a video conference.
5.	If you have answered question 4 in the affirmative, please indicate what video conferencing platform is used. Is it a commonly available platform (such as Skype, Zoom, MS Teams), or is it a platform specifically developed for the courts?	Every court should be equipped with a static videoconferencing device, which is located mainly in the courtrooms. These devices have a desktop version of the Polycom RealPresence Desktop client, which is a paid software. The discussed disadvantage of such videoconferencing device is that there is usually only one for the whole court and is located in a courtroom which is used very frequently, so it is necessary to have a reservation system in place to avoid collisions. ⁷ However, especially due to the current Covid-19 pandemic, commonly available platforms (primarily Skype) are coming to the fore. ⁸ Skype is currently the most used platform for communication between prisoners and their attorneys, as it is the most available and common platform. ⁹
6.	If it is possible to participate remotely in a court hearing in a form other than a video conference (e.g. via an audio link or a telephone call), please indicate the form(s) available.	No, it is not possible to participate in a court hearing remotely in a form other than videoconference.

⁷ Mgr. et Mgr. Martin Pavlík, Electronic justice: Mobile videoconferencing (Elektronizace justice: Mobilní videokonference), Soudce 4/2020, page 36, 24 April 2020

⁸ Marek Pokorný, The virus changes the courts. Proceedings are now also being conducted online (Virus mění soudy. Řízení nově probíhají i on-line), Hospodářské noviny, 13 May 2020

⁹ Skype Defence Project - Call Length 2 Hours (Projekt Skype obhajoby – Délka hovoru 2 hodiny), cak.cz, <https://www.cak.cz/scripts/detail.php?id=22485>

7.	When remote participation is possible, please indicate if all remote participants can be watched during the entire duration of a court hearing.	Yes. It should be ensured that all remote participants can be watched during the entire duration of a court hearing and that they can also watch and hear the other participants. ¹⁰
8.	When remote participation is possible, please indicate how confidential discussions between the attorneys and the parties can be carried out.	The methods and ways of ensuring confidential discussions between the attorneys and the parties during remote participation is regularly discussed. Publicly available sources indicate that some judges solve this by instructing the attorneys to leave the courtroom and consult with the client via telephone or laptop applications if they do not wish for the other participants of the court proceedings to hear it. ¹¹ Under Czech law, attorneys are generally summoned to the court building, with the exception of a video interrogation of the participant, when the lawyer has the right to be present at the place of the videoconference act (i.e. at the place where the client is) and to consult with his client. ¹² With regards especially to criminal proceedings, it is emphasized that it is not possible to proceed with videoconference if the accused does not have the opportunity to consult with his attorney without the others hearing the consultation. ¹³
9.	Please indicate how it is possible to submit documents while remotely attending a court hearing.	It is possible to submit documents prior to the court hearing electronically via the public data network or by fax (for more details see answer to question 11). The documents as such cannot be submitted during the remote hearing. However, they could possibly be read out loud by the party during the hearing, which would then result in submitting them to the protocol. Then the court would probably ask the party to submit the document as an evidence in a period set by the court. ¹⁴

¹⁰ Cf. Šámal, P. et al.: Criminal Procedure Code. Commentary. (Trestní řád. Komentář.), 7th edition. Prague: C. H. Beck, 2013, p. 1623

¹¹ Marek Pokorný, The virus changes the courts. Proceedings are now also being conducted online (Virus mění soudy. Řízení nově probíhají i on-line), Hospodářské noviny, 13 May 2020

¹² Cf. Svoboda K., Smolík P., Levý J., Šínová R. et al. Civil Procedure Code. Commentary. (Občanský soudní řád. Komentář.), 2nd edition. Prague: C. H. Beck, 2017, p. 434

¹³ Šámal, P. et al.: Criminal Procedure Code. Commentary. (Trestní řád. Komentář.), 7th edition. Prague: C. H. Beck, 2013, p. 610

¹⁴ Section 118(1) of the Civil Procedure Code

<p>10.</p>	<p>Is it possible to submit pleadings electronically in the country where the Office operates? If so, please indicate in what types of cases pleadings can be submitted electronically.</p>	<p>Yes, pleadings can be submitted electronically in all of the common types of proceedings (civil, administrative and criminal). Under the Civil Procedure Code, it is possible to submit pleadings electronically via the public data network or by fax.¹⁵ As for administrative proceedings, electronic submission of pleadings is foreseen by Section 37 of the Act No. 150/2002 Coll., Administrative Procedure Code (the "Administrative Procedure Code").</p>
<p>11.</p>	<p>If you have answered question 10 in the affirmative, please indicate how the pleadings are submitted (e.g. by e-mail or via a special platform), what additional formal requirements are imposed on the pleadings and how the identity of the person submitting a pleading is verified to prevent impersonation of a party to the proceedings.</p>	<p>The pleadings are usually submitted via special public data network called "data box", which is an electronic storage of a special type established pursuant to the Act No. 300/2008 Coll., on electronic acts and authorized conversion of documents. Data box is intended for the delivery of electronic documents between public authorities and individuals/legal entities as well as between individuals and legal entities. The data box is mandatory for state authorities and legal entities registered in the Commercial Register and voluntary for most individuals engaged in business. Individuals not carrying out business activities can also voluntarily set it up. The identity is verified during the setting up of the data box; after that the verification of identity is secured by the login into the data box network itself. Other possible form used is a pleading signed by a recognized electronic signature (i.e. an advanced electronic signature based on a qualified certificate or a qualified electronic signature; such electronic signatures may be issued only by certain entities, e.g. Česká pošta). Such a signed submission can be made via e-mail or the web interface of the Ministry of Justice (the so-called ePodatelna). Pleadings may also be sent via electronically unsigned e-mails and by fax, however, they are considered as the so-called simple electronic submissions. The Civil Procedure Code¹⁶ and the Administrative Procedure Code¹⁷ explicitly provide for that such submissions must be</p>

¹⁵ Section 42 of the Civil Procedure Code

¹⁶ Section 42(2) of the Civil Procedure Code

¹⁷ Section 37(2) of the Administrative Procedure Code

		completed within three days by submitting the original or a written submission of the same wording.
12.	Please indicate if the parties (or their attorneys) have remote access to the case file in the country where the Office operates? If so, please indicate the type of remote access.	<p>Generally, no. Under Czech law the electronic court file does not exist yet in the civil, administrative or criminal proceedings. Systems are currently being developed for all of these types of proceedings. However, there is one civil court agenda in which files are kept in a purely electronic form, and that is the electronic payment order (CEPR) agenda (for detailed information on electronic payment orders see answer to question 17). Anyone who wants access to the electronic file (i.e. the courts that will deal with the case or participants who want to view the file) must connect remotely from the court computer to the ministry's server.¹⁸</p> <p>Electronic court files do exist in insolvency proceedings pursuant to the Act No. 182/2006 Coll., on Bankruptcy and Ways of Resolving It (the "Insolvency Act") and these are publicly accessible via justice.cz web pages.</p> <p>Furthermore, the Constitutional Court enables remote access to its case files on the "NaSpis"¹⁹ website. The remote access is available only for attorneys. It is possible to request access to electronic documents only with regard to proceedings that were initiated after 1 January 2016. Only those documents that are available in the relevant file in electronic form are made available.²⁰</p>
ARTIFICIAL INTELLIGENCE AND COURTS		
13.	Do the courts in the country where the Office operates use any tools that incorporate Artificial Intelligence? If so, please indicate whether such	Yes. Advanced software for converting speech to text and a software for efficient creation of template court documents (APSTR) are available.

¹⁸ JUDr. Jiří Grygar, Ph.D., Central Electronic Payment Order ("CEPR") - a model basis for several de lege ferenda considerations on the electronic justice and the right to a legal judge (Centrální elektronický platební rozkaz („CEPR“) - aneb modelový podklad pro několik úvah de lege ferenda k elektronizaci justice a právu na zákonného soudce), Bulletin – advokacie.cz, 3 October 2014, <http://www.bulletin-advokacie.cz/centralni-elektronicky-platebni-rozkaz-c-soudce?browser=mobi>

¹⁹ <https://naspis.usoud.cz/>

²⁰ About the NaSpis application (O aplikaci NaSpis), <https://naspis.usoud.cz/Home/About>

	tools are used exclusively for back-office purposes or (also) in external contacts (e.g. chatbots)?	However, it is frequently pointed out that these options are not being used effectively or at all by certain courts or judges. ²¹ These tools are currently used only for back-office purposes.
14.	Does the justice system in the country where the Office operates use Artificial Intelligence tools to identify groups of individuals who are more likely to commit a given type of crime (e.g. tax offences)?	No. ²²
15.	Please indicate if in the country where the Office operates the parties have general access to tools facilitating the submission of a pleading in simple cases (e.g. by completing an online form available on the court's website)?	In civil, administrative and criminal proceedings it is possible to submit pleadings electronically. However, there is no special form provided by authorities for simple cases (for detailed information see answers to questions 10 and 11). ²³ The parties may fill in an online form in order to submit an electronic payment order (for detailed information see answer to question 17).
16.	Has the justice system in the country where the Office operates automated a certain range of its functions (e.g. certain administrative activities)? If so, please indicate what technologies are used for automation purposes?	Please see answer to question 13. Moreover, possible automation or semi-automation of certain court acts, which do not require, or not predominantly, the participation of the human factor, such as the collection of a court fee or the issuance of a certificate from the case file is discussed. There is also an ongoing debate about automating certain types of decisions (e.g. payment orders). ²⁴ Consideration is also being given to introducing apps that would allow automatic or semi-automatic anonymization of court decisions. ²⁵
ONLINE COURTS		

²¹ Mgr. Jan Podaný, Benefits and pitfalls of electronic justice (eJustice) (Přínosy a nástrahy elektronizace justice (eJustice)), Soudce 2/2020, 24 February 2020

²² Jiří Klega, How do computers "co-decide" in the judiciary today? (Jak dnes počítače „spolurozhodují“ v soudnictví?), epravo.cz, 31 December 2018, <https://www.epravo.cz/top/clanky/jak-dnes-pocitace-spolurozhoduji-v-soudnictvi-108601.html>

²³ Section 62 of the Criminal Procedure Code

²⁴ Mgr. Jan Podaný, Benefits and pitfalls of electronic justice (eJustice) (Přínosy a nástrahy elektronizace justice (eJustice)), Soudce 2/2020, 24 February 2020

²⁵ Lukáš Králík, eJustice and complete access to judgments (eJustice a totální zpřístupnění rozsudků), Právní rádce, 9 November 2018, <https://pravnicaradce.ihned.cz/c1-66332780-ejustice-a-totalni-zpristupneni-rozsudku>

17.	Are there any court proceedings in the country where the Office operates that are entirely conducted online? If so, please indicate which types of proceedings are conducted online (e.g. small claims cases, family cases, etc.) and specify if the online mode of such proceedings is mandatory or optional (at the request of the parties).	Yes. Pursuant to Section 174a of the Civil Procedure Code, the court may issue an electronic payment order in cases where the petition is filed on an electronic form signed by the plaintiff and the monetary payment required by the plaintiff does not exceed CZK 1,000,000 (approx. EUR 38,000). Objection to an electronic payment order can also be filed on an electronic form signed by the defendant. Payment order that was not objected shall have the effect of a final judgment. Both of the special forms are published by the Ministry of Justice in a way that allows remote access. This procedure is not mandatory, the plaintiff may also submit the payment order in a paper form. ²⁶ No other type of proceedings is conducted entirely online, although it is not explicitly forbidden.
18.	Are there any online courts (courts accessible only via the Internet, whose proceedings are conducted exclusively and entirely online) in the country where the Office operates? If so, please indicate the scope of jurisdiction of such courts.	Yes. Disputes over ".cz" domain names which are conducted by the Arbitration court attached to the Czech Chamber of Commerce and the Agricultural Chamber of the Czech Republic are conducted entirely online. ²⁷
19.	If you have answered question 17 or 18 in the affirmative, please indicate if appellate proceedings are also conducted online.	No. In case of electronic payment orders, the objection may be filed online via special form, however, if this happens, the payment order is cancelled in full and the court orders an in-person hearing. In relation to the disputes on ".cz" domain names, the proceeding is intended to be conducted in one instance.
PROCEDURAL GUARANTEES AND NEW TECHNOLOGIES		
20.	If you have answered question 17 or 18 in the affirmative, please indicate whether the country where the Office operates has implemented any mechanisms aimed to grant legally required levels of the access to court to digitally excluded persons.	No, as the mentioned proceedings are optional and can be conducted offline as well.

²⁶ Section 172 of the Civil Procedure Code

²⁷ Domain-name disputes (Spory o doménová jména), <https://en.soud.cz/domain-name-disputes>

	Please indicate specified mechanisms (e.g. possibility of conducting the proceedings, otherwise held online, in traditional form due to justified request of the party).	
21.	If you have answered question 17 or 18 in the affirmative, please indicate how the principle of open proceedings is ensured.	<p>This question is not directly regulated by law. However, it can be argued that if the plaintiff chose the option of electronic payment order, he/she voluntarily refused to profit from the principle of open proceedings. As for the other party, as mentioned above, there are no special rules given by law in such a case.</p> <p>In relation to the current Covid-19 pandemic, the possible threat to the principle of open proceedings is discussed as government regulations could possibly prevent the public from attending a court hearing (i.e. a standard court hearing, not referring to questions 17 and 18). Judges and attorneys suggest that this principle could be adhered to in other ways, for example by making video and audio recordings of the court hearings available to the public or create online slots for the public, which would enable the person to attend the hearing but the ability to intervene (i.e. speak) would be blocked.²⁸</p>
22.	If you have answered question 17 or 18 in the affirmative, please indicate how is the sensitive data from those proceedings being archived.	All data in the form of an electronic file (without the existence of a physical "paper" file) are stored on computer servers of the Ministry of Justice. Anyone who wants access to the file (i.e. the courts that will deal with the case or participants who want to view the file) must connect remotely from the court computer to the ministry's server. ²⁹
23.	Has the Court of the highest instance in the country where the Office operates produced any rulings on the standards of procedural fairness of the online proceedings?	<p>Yes. The Czech Constitutional Court confirmed the constitutionality of use of videoconferencing calls in court proceedings.</p> <p>According to the Czech Constitutional Court, the nature of videoconferencing calls makes it possible to meet the basic requirements</p>

²⁸ Marek Pokorný, Virtual justice will save costs, but it must not curtail rights (Virtuální soudnictví ušetří náklady, nesmí ale zkrátit práva), Právní rádce, 12 January 2021, https://pravniradce.ihned.cz/?p=F00000_d&article%5Bid%5D=66866060

²⁹ JUDr. Jiří Grygar, Ph.D., Central Electronic Payment Order ("CEPR") - a model basis for several de lege ferenda considerations on the electronic justice and the right to a legal judge (Centrální elektronický platební rozkaz („CEPR“) - aneb modelový podklad pro několik úvah de lege ferenda k elektronizaci justice a právu na zákonného soudce), Bulletin – advokacie.cz, 3 October 2014, <http://www.bulletin-advokacie.cz/centralni-elektronicky-platebni-rozkaz-c-soudce?browser=mobi>

		<p>for the oral and public nature of court proceedings, which are stipulated by Article 96(2) of the Constitution of the Czech Republic, Article 38(2) of the Charter of Fundamental Rights and Freedoms of the Czech Republic and Article 6(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms.</p> <p>In the existing case law, the Constitutional Court did not find any violation of the requirements for the oral nature and public principle of court proceedings in cases of use of videoconference in court proceedings.^{30 31}</p>
24.	<p>Are there any legal regulations in the country where the Office operates in place concerning the participation of persons deprived of liberty in online proceedings? In particular, are there any legal requirements concerning the surroundings and the conditions of the participation of the accused in online proceedings in order to avoid indirect infringements on the presumption of innocence rule?</p>	<p>Yes. As already described in answer to question 3, there are no explicit legal requirements for the location of a person while using videoconference.</p> <p>In cases of persons deprived of their liberty (i.e. in custody), it is possible to attend the hearing by videoconference. These videoconferences make it possible to ensure the online participation of the accused, who does not have to leave the prison/place of custody. He/she will only be relocated to a special room, which is connected to the courtroom via video equipment.³²</p>
25.	<p>Is there any particular category of cases in country where the Office operates, that requires party to be physically present in the courtroom during the proceedings (e.g. pre-trial detention proceedings), despite basic admissibility of the online proceedings and online participation of the parties in those proceedings?</p>	<p>No particular category of cases is explicitly excluded from the option of online proceedings. However, the court should always assess if the use of videoconference is appropriate (see answer to question 2).</p> <p>According to publicly available sources, judges generally do not find it appropriate to perform the whole evidence procedure (i.e. not only certain part as, for example, interrogation of a witness, which is acceptable and foreseen by law) via videoconference; especially the online procedure related to documentary evidence is not deemed feasible by certain judges.³³</p>

³⁰ Constitutional Court judgement No. I. ÚS 2852/14 dated 23 February 2015, <https://nalus.usoud.cz/Search/ResultDetail.aspx?id=87386&pos=1&cnt=1&typ=result>

³¹ Constitutional Court judgement No. I. ÚS 983/15 dated 14 April 2015, <https://nalus.usoud.cz/Search/ResultDetail.aspx?id=87969&pos=1&cnt=1&typ=result>

³² Unknown author, Criminal proceedings via video (Trestní řízení přes video), cak.cz, 21 April 2020

³³ Marek Pokorný, Virtual justice will save costs, but it must not curtail rights (Virtuální soudnictví ušetří náklady, nesmí ale zkrátit práva), Právní rádce, 12 January 2021, https://pravnicaradce.ihned.cz/?p=F00000_d&article%5Bid%5D=66866060

26.	Is the AI based software being used during the evidence proceedings in the country where the Office operates?	There is no such software in use. For more details please see the answer to question 13.
27.	Has the country where the Office operates implemented any specific legislation concerning the access to assigned counsel (legal aid counsel/public defender) in online proceedings?	There is no such legislation. For more details please see the answer to question 8.
28.	Are there any trainings dedicated to technical aspects of the participation in online proceedings being organized for judges, prosecutors and other legal professionals in the country where the Office operates?	According to publicly available sources, there was (and probably still is) a number of trainings which relate to online proceedings organized for judges both by the Ministry of Justice ³⁴ and by the courts ³⁵ itself.
29.	Are new technologies used to alleviate the stress associated with participating in court proceedings that may potentially be experienced by vulnerable persons (e.g. victims of violent crimes, children) in the country where the Office operates? If so, please indicate how such technologies are used.	Yes. Pursuant to Section 52a of the Criminal Procedure Code, if necessary for the protection of the rights of persons, in particular with regard to their age or state of health, or if required for security or other serious reasons, videoconference may be used in criminal proceedings, if the nature of these acts (e.g. interrogation) allows it and if it is technically possible. Therefore, videoconference may also be (and is) used to alleviate the stress associated with participating in court proceedings that may potentially be experienced by vulnerable persons (e.g. victims of rape who do not wish to see the accused).

³⁴ Evelyn Kulišková, Videoconference replaces classic interrogations, the state saves on security and transport to the courts (Videokonference nahrazují klasické výslechy, stát ušetří za ostrahu i přepravu k soudům), iRozhlas, 5 November 2017, https://www.irozhlas.cz/zpravy-domov/videokonference-nahrazuji-klasicke-vyslechy-stat-usetri-za-ostrahu-i-prepravu-k_1711050600_pla

³⁵ Unknown author, Some Prague judges have so far been reluctant to videoconference (Část pražských soudců se k videokonferencím zatím staví zdrženlivě), Česká justice, 8 August 2017, <https://www.ceska-justice.cz/2017/08/cast-prazskych-soudcu-se-k-videokonferencim-zatim-stavi-zdrzenlive/>

30.	Please indicate if any solutions are used in the country where the Office operates to adjust the digital tools for accessing courts to the needs of persons with disabilities, the elderly or those with difficulties in operating a computer. If yes, please specify these solutions.	No. In such a case, the use of videoconference would probably be evaluated as inappropriate and physical presence of the party would be required. However, the party should prove these disabilities to the court. ³⁶
31.	Please indicate if in the country where the Office operates the parties have general access to guidebooks covering the technical and legal aspects of the participation in online proceedings.	No.
32.	Has the country where the Office operates implemented any separate legal procedures concerning the proceedings in case of the computer or the Internet malfunction on either the parties or the Court behalf?	Yes. According to Section 102a(4) of the Civil Procedure Act, an individual always has the opportunity to object to the quality of the video or audio transmission. Poor transmission quality can even terminate or prevent the act. ³⁷ Such complications can also lead to the need to perform the act (e.g. interrogation) in person. This procedure applies also in administrative and criminal ³⁸ proceedings.
33.	If you have answered question 32 in the affirmative, please indicate what are the actions taken to limit the possibility of parties deliberately obstructing the court proceedings (e.g. by intentionally disconnecting the Internet) without infringing on the parties rights in the case of genuine technical difficulties.	There is no given procedure for these types of obstructions. As the use of videoconference is not mandatory (see answer to question 2), it is possible that the relevant judge would require physical presence of the party if such (assumed) obstruction happened more than once.
ADDITIONAL INFORMATION		
34.	If in the country in which the Office operates, the judiciary uses new technologies in a form that has	N/A

³⁶ Cf. Svoboda K., Smolík P., Levý J., Šínová R. et al. Civil Procedure Code. Commentary. (Občanský soudní řád. Komentář.), 2nd edition. Prague: C. H. Beck, 2017, p. 432-434

³⁷ Svoboda K., Smolík P., Levý J., Šínová R. et al. Civil Procedure Code. Commentary. (Občanský soudní řád. Komentář.), 2nd edition. Prague: C. H. Beck, 2017, p. 434

³⁸ Section 111a(5) of the Criminal Procedure Code

	not yet been included in any of the above questions or answers, please indicate it.	
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New Technologies — New Justice is a joint project of the Helsinki Foundation for Human Rights and Clifford Chance.

In today's world, new technologies are present in virtually all spheres of life – and they are also becoming increasingly important for the modern justice system. The project seeks to examine the actual presence of new technologies in the justice system of Poland and around the world, as well as to identify the main risks associated with modern legal technologies and the most promising solutions to these risks. The advancing digitalisation of the justice system and the digital modernisation of the legal system is an inevitable consequence of the need to ensure that the legal system keeps up with the times. That is why the Helsinki Foundation for Human Rights and Clifford Chance work to identify solutions for improving the justice system to ensure that the rights and freedoms of individuals are not only respected but also exercised more easily.

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