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National Institute of Justice

Characteristics of European Union Justice Systems

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Discussion Paper

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Characteristics of European Union Justice Systems

The European Union (EU) is an economic and political union comprising 27 member states that was established by the Treaty of Maastricht on November 1, 1993. With almost 500 million citizens, the EU generates an approximate 30 percent share of the nominal gross world product. The EU's 27 countries are known as member states: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. Three countries also are official candidates for membership: Croatia, Macedonia, and Turkey.

To join the EU, a country must have a stable system of democratic government, institutions that ensure the rule of law and respect for human rights. It must also have a functioning market economy and an administration capable of implementing EU laws and policies. Below is a description of EU countries across several variables: type of government, legal system classification, whether countries have active or passive judges, whether countries have lay judges, each country's age of criminal responsibility, who in each country provides victim compensation and who in each country is responsible for investigating crime. See the appendix for maps that represent each variable. In addition, table 1 provides a synopsis of some of the important dimensions of criminal justice. Detailed commentaries for all the countries follow the table.

Characteristics of European Union Justice Systems

Table 1. Criminal Justice Characteristics of European Union Countries

Country	Legal System	Age of Responsibility	Who Investigates Crime	Right to Attorney	Lay Judges	Active or Passive Judges	Victim Compensation
Austria	Civil Law	14	Judge	Y	Y	Active *	State
Belgium	Civil Law	18	Police	Y	Y	Active	State
Bulgaria	Civil Law	18	Prosecutor	Y	Y	Passive	State
Croatia	N/A	14	Police	Y	Y	N/A	Offender
Cyprus	English Common Law	N/A	Police	Y	N/A	N/A	State
Czech Republic	Civil Law	15	Police	Y	N	Active	None
Denmark	Civil Law	15	Police	Y	Y	Passive	State
Estonia	Civil Law	18	Prosecutor	N	Y	Active	State
Finland	Civil Law	15	Police	Y	Y	Passive	State
France	Civil Law	18	Police	Y	Y	Active	Offender
Germany	Civil Law	14	Police	Y	Y	Passive	State
Greece	N/A	12	Police	Y	N/A	Passive	Offender
Hungary	N/A	14	Police	Y	Y	Active	N/A
Ireland	English Common Law	7	Police	Y	N/A	Passive	None
Italy	Civil Law	18	Prosecutor	Y	Y	Active	State
Latvia	Civil Law	14	Police	Y	Y	Active	State
Lithuania	Civil Law	16	Police	Y	N	Active	State
Luxembourg	Civil Law	18	Police	Y	N/A	Active	State
Macedonia	Civil Law	14	Police	N/A	Y	N/A	State
Malta	Civil Law	9	Police	N	N/A	Passive	State
Netherlands	Civil Law	12	Police	Y	N	Active	State
Poland	Other	17	Police	Y	Y	Active	Offender
Portugal	Civil Law	16	Judge	Y	N	Active	State
Romania	Civil Law	14	Prosecutor	N/A	Y	Passive	State
Slovakia	Civil Law	15	Police	Y	Y	Active	None
Slovenia	Civil Law	14	Police	Y	Y	Active	None
Spain	Civil Law	16	Judge	Y	Y	Active	Offender
Sweden	Civil Law	15	Police	Y	Y	Active	State
Turkey	Civil Law	11	Police	N/A	N	Active	N/A
United Kingdom	English Common Law	10	Police	Y	Y	Active	State

* Judges are active if they do more than rule on procedures and law. They may interrogate witnesses in some countries and direct that additional evidence be obtained in others.

Country Commentaries

Austria

Austria has been in the EU since 1995. It has a population of 8.3 million over 32,383 square miles.

- Austria's government is a federal republic based on civil law with local influences.
- Austria has a civil law system with Roman law origins and has separate administrative and civil/penal supreme courts.
- The age of criminal responsibility is 14.
- The rights of the accused include the presumption of innocence, the right to appeal, the right to counsel, the right to question witnesses and the right to have access to government evidence.
- If an offense calls for imprisonment of no more than three years, the case comes to trial before a one-man court (Einzelrichter). If the offense calls for imprisonment of no more than 10 years, the case is tried before a court composed of two professional judges and two lay judges (Schöffengericht). All cases calling for a minimum of five years' imprisonment are tried before a court composed of three professional judges and eight jurors (Geschworenengericht). Judges in Austria are considered active.¹
- The state is responsible for victim compensation.
- Judges are responsible for investigating crime.

¹ Judges are considered active if they do more than act as referees and rule on points of law. For example, judges who have the ability to question witnesses and to lead or participate in investigations are considered active.

Characteristics of European Union Justice Systems

Belgium

Belgium is a founding member of the EU. It has a population of 10.7 million over 11,787 square miles.

- Belgium's government is a constitutional monarchy based on civil law with local influence.
- The Belgian court system closely resembles the French system. Tribunal de Police (criminal) and Tribunal des Juges de Paix (civil) are the lowest levels for small felonies. Commercial courts have lay judges presiding alongside professional magistrates. Major offenses appear before the Cour d'Assises, the only Belgian court with a jury. Civil, criminal, and commercial cases are appealed to the Cour d'Appel. The Cour de Cassation is the highest appeal level and deals only with points of law.
- The age of criminal responsibility is 18.
- The rights of the accused include the presumption of innocence and the rights to a fair trial, to be present at trial, to counsel, to confront witnesses, to present evidence and to appeal.
- Judges in Belgium are considered active.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Bulgaria

Bulgaria has been in the EU since 2007. It has a population of 7.6 million over 42,823 square miles.

- Bulgaria's government is a parliamentary democracy based on civil law with local influences.
- Bulgaria's legal system has been influenced by Soviet law. The Penal Code has three different distinctions of crime: *severe crimes* are punishable by more than five years' imprisonment or by capital punishment; *particularly severe crimes* are those in which the criminal act or the perpetrator has demonstrated a high degree of social danger; and *petty crimes* are those with few harmful consequences.
- The age of criminal responsibility is 18. Minors — those between 14 and 18 years old — are criminally responsible if they are able to understand the nature of their acts and manage their own behavior.
- The rights of the accused include the presumption of innocence, the right to know the charges and evidence against him or her, the right to participate in criminal proceedings, the right to counsel and the right to appeal.
- Judges in Bulgaria are considered passive; lay judges participate in the judicial system.
- The state is responsible for victim compensation.
- Prosecutors are responsible for investigating crime.

Characteristics of European Union Justice Systems

Croatia

Croatia is a candidate for membership in the EU with a population of 4.4 million over 21,831 square miles.

- Croatia's government is a parliamentary democracy.
- The legal system is multiparty and based on three branches of government: legislative, executive and judicial.
- The age of criminal responsibility is 14.
- Rights of the accused include access to an attorney within 24 hours of arrest and the right to a public trial.
- Judicial power is regulated through the Law of the Courts. All judges are appointed for life by the State Judiciary Council. Croatia uses lay judges in its judicial system, which comprises four types of courts: Courts of General Jurisdiction, Commercial Courts, Police Courts and Administrative Courts. It is not known whether judges play active or passive roles in the judicial process.
- The offender is responsible for victim compensation.
- The police are responsible for investigating crime.

Characteristics of European Union Justice Systems

Cyprus

Cyprus has been in the EU since 2004. It has a population of 800,000 over 3,572 square miles.

- Cyprus' government is a republic based on English Common Law.
- The age of criminal responsibility is not known.
- The rights of the accused include the presumption of innocence, the right to have access to government evidence, the right to a fair trial, the right to counsel, the right to confront witnesses, the right to present evidence and the right to appeal.
- It is not known whether judges in Cyprus are considered passive or active; it also is not known whether lay judges participate in the judicial system.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Characteristics of European Union Justice Systems

Czech Republic

The Czech Republic has been in the EU since 2004. It has a population of 10.3 million over 30,450 square miles.

- The Czech Republic's government is a parliamentary democracy based on civil law with local influences.
- The Czech Republic's legal system is based on Austro-Hungarian codes.
- The age of criminal responsibility is 15. Persons who commit a crime between the ages of 15 and 18 are defined as juveniles.
- The rights of the accused include the presumption of innocence, the right to access government evidence, the right to counsel and the right to state his or her opinion in criminal proceedings.
- Judges in the Czech Republic are considered active; lay judges do not participate in the judicial system.
- The Czech Republic has no victim compensation.
- The police are responsible for investigating crime.

Characteristics of European Union Justice Systems

Denmark

Denmark has been in the EU since 1973. It has a population of 5.4 million over 16,640 square miles.

- Denmark's government is a constitutional monarchy based on civil law.
- The criminal justice system is administered by the Ministry of Justice.
- The age of criminal responsibility is 15. Denmark does not have special courts in criminal matters; juvenile cases are handled by city court judges.
- The rights of the accused include the presumption of innocence and the rights to present evidence, to confront witnesses, to be informed of the evidence gathered by the police and to counsel.
- Judges in Denmark are considered passive; lay judges participate in the judicial system.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Characteristics of European Union Justice Systems

Estonia

Estonia has been in the EU since 2004. It has a population of 1.4 million over 17,413 square miles.

- Estonia's government is a republic based on civil law.
- The Estonian legal system is adversarial and is divided into private, public and criminal law.
- The age of criminal responsibility is 18.
- The rights of the accused include the presumption of innocence, the right to access government evidence, the right against self-incrimination and the right to participate in the court hearings.
- Judges in Estonia are considered active; lay judges participate in the judicial system.
- The state is responsible for victim compensation.
- Prosecutors are responsible for investigating crime.

Characteristics of European Union Justice Systems

Finland

Finland has been in the EU since 1995. It has a population of 5.3 million over 130,596 square miles.

- Finland's government is a republic based on civil law with local influences.
- Finland's legal system is based on Swedish law. There are no categories of crime. Instead, distinctions among offenses are based on the expected punishment.
- The age of criminal responsibility is 15. Children who commit offenses before the age of 15 are handled by municipal social welfare boards.
- The rights of the accused include the presumption of innocence, the right to access government evidence, the right to counsel, the right to be informed of the charges, the right to a speedy trial, the right to appeal, the right to present evidence, and the right to confront and question witnesses.
- Judges in Finland are considered passive; lay judges participate in the judicial system.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Characteristics of European Union Justice Systems

France

France is a founding member of the EU. It has a population of 63.7 million over 260,558 square miles.

- France's government is a republic based on civil law with local influences.
- France follows the principle of unity of the civil and criminal justice system, meaning that the same court can hear both criminal and civil cases. Under both the Penal Law and Penal Procedure, offenses are broken down based on their level of seriousness: crimes, misdemeanors and violations. There are distinctions between completed and attempted acts for crimes and misdemeanors. Crimes are classified into attacks against persons, attacks against property and attacks against public security.
- The age of criminal responsibility is 18. The Court for Children hears cases involving minors charged with offenses that would be brought to the Police and Correctional Courts if they were adults. The Assize Court for Minors hears cases involving minors charged with more serious offenses.
- The rights of the accused include the presumption of innocence and the right to counsel, to appeal, to be informed of the charges against him or her and to access government evidence.
- Judges in France are considered active; lay judges participate in the judicial system.
- The offender is responsible for victim compensation.
- The police are responsible for investigating crime.

Germany

Germany is a founding member of the EU. It has a population of 82.5 million over 137,847 square miles.

- Germany's government is a federal republic based on civil law with local influences.
- Criminal offenses are categorized as Verbrechen — crimes or felonies — and Vergehen — misdemeanors. Less serious offenses have been decriminalized, upgraded to misdemeanors, or reclassified as Ordnungswidrigkeiten — regulatory or administrative offenses. A Verbrechen is an act that is punishable by a minimum prison sentence of one year. A Vergehen is punishable by a sentence of less than one year or a fine. Verbrechen are serious crimes involving severe injury or extensive property damage or loss; Vergehen are offenses such as simple assault, theft and vandalism. Ordnungswidrigkeiten include disturbing the peace and possession of materials to make and distribute forged documents or money.
- The age of criminal responsibility is 14. A separate court for juveniles has jurisdiction for persons between 14 and 18 years of age. Young adults between the ages of 18 and 21 may be dealt with in Juvenile Court and may also be institutionalized in juvenile facilities up to the age of 25.
- The rights of the accused include the presumption of innocence, the right to counsel, the right to be informed of the charges against him or her, the right to be heard and to request that evidence be taken before an indictment is issued, the right to have access to government evidence and the right to be notified of the indictment before the court decides to open the main proceedings.
- Judges in Germany are considered passive; lay judges participate in the judicial system.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Characteristics of European Union Justice Systems

Greece

Greece has been in the EU since 1981. It has a population of 11.2 million over 50,944 square miles.

- Greece's government is a republic.
- Greece's legal system is based on codified Roman law. The judiciary is divided into civil, criminal and administrative courts. Kodikas Poinikis Dikonomias is Greece's Code of Criminal Procedure. The judicial system consists of three levels of civil courts (first instance, appeals and supreme), three levels of criminal courts (first instance, divided into misdemeanor and felony divisions; appeals and supreme), appointed judges and an examining magistrate system with trials by judicial panels.
- The age of criminal responsibility is 12.
- The rights of the accused include the presumption of innocence and the right to a fair trial; the right to counsel when a defendant faces serious criminal charges; the rights to confront witnesses, present evidence and access government evidence; and the right to appeal.
- Judges in Greece are considered passive; it is not known whether lay judges participate in the judicial system.
- The offender is responsible for victim compensation.
- The police are responsible for investigating crime.

Characteristics of European Union Justice Systems

Hungary

Hungary has been in the EU since 2004. It has a population of 10.1 million over 35,919 square miles.

- Hungary's government is a parliamentary democracy.
- Hungarian law is derived from the Roman-Germanic family of law and is based on the German-Austrian legal system. Hungarian law differentiates between felonies and misdemeanors. Felonies carry sentences of more than two years' imprisonment; all other crimes are misdemeanors. Civil offenses fall under the jurisdiction of various administrative agencies, local governments or traffic police.
- The age of criminal responsibility is 14.
- The rights of the accused include the presumption of innocence, the right to access government evidence, the right to counsel, the right against self-incrimination and the right to be present at trial.
- The law determines whether the case will be heard by a judge or judicial panel, depending on the seriousness of the crime. Judges in Hungary are considered active; lay judges participate in the judicial system.
- It is not known who is responsible for victim compensation in Hungary.
- The police are responsible for investigating crime.

Characteristics of European Union Justice Systems

Ireland

Ireland has been in the EU since 1973. It has a population of 4 million over 31,520.6 square miles.

- Ireland's government is a republic/parliamentary democracy based on English Common Law.
- The Irish legal system is adversarial.
- The age of criminal responsibility is 7. Criminal responsibility is refutable between the ages 7 and 14; full criminal responsibility is reached at the age of 14.
- Rights of the accused include the right to a jury trial for all offenses except summary offenses and cases brought before the Special Criminal Court or a Military Tribunal. The accused also has the rights to legal representation, fair procedure, habeas corpus protection, a speedy trial, the exclusion of unconstitutionally obtained evidence and protection against self-incrimination.
- Most judicial appointments in Ireland are made from the ranks of barristers with a minimum of 10 years' experience. However, solicitors with 10 years' experience are eligible to become District Court judges. Judges in Ireland are considered passive; it is not known whether lay judges participate in the judicial system.
- Ireland has no victim compensation.
- The police are responsible for investigating crime.

Italy

Italy is a founding member of the EU. It has a population of 57.3 million over 116,346 square miles.

- Italy's government is a republic based on civil law.
- The legal system is adversarial and based on written laws; Penal Law defines what behavior is criminal and sets the minimum and maximum penalties for offenses.
- The age of criminal responsibility is 18. If mentally competent, a person between 14 and 18 years old is considered legally responsible, although a more lenient criminal sanction is imposed.
- The rights of the accused include the right to an independent and impartial trial in an impartial tribunal, the right to a public trial, the right to be informed of the nature and content of the accusation, the right to cross-examine witnesses for the prosecution, the right to subpoena witnesses for the defense, the right to counsel and the presumption of innocence.
- Judges in Italy are considered active; lay judges participate in the judicial system. The Bench, which comprises the judiciary and prosecutors, is autonomous and independent from the legislative and executive branches. A self-governed elective Board (Consiglio Superiore della Magistratura), of whom two-thirds are judges and prosecutors, is in charge of all decisions concerning the Bench, such as recruitment, assignments, transfers, promotions and disciplinary actions.
- Except for the lowest court level (the Pretura) with a single judge (Pretore), courts consist of a judicial panel consisting of a number of stipendiary judges (giudici togati). In the Court of Assizes and Court of Assizes of Appeal (Corte d'Assise e nella Corte d'Assise d'Appello) the judicial panel consists of stipendiary and popular judges (giudici popolari). All judges and prosecutors are public officers and must have a master of law degree. They are selected through national public competitions and begin serving after a period of training under the supervision of experienced judges.
- The state is responsible for victim compensation.
- The prosecutor is responsible for investigating crime.

Latvia

Latvia has been in the EU since 2004. It has a population of 2.3 million over 24,938 square miles.

- Latvia's government is a parliamentary democracy based on civil law with local influences.
- Latvia's legal system has traces of socialist legal traditions and practices.
- The age of criminal responsibility is 14.
- The rights of the accused include the presumption of innocence, the right to access government evidence, the right to a fair trial, the right to be present at trial, the right to counsel, the right to confront witnesses and the right to offer evidence.
- A single trial judge hears most cases. For more serious criminal cases at the district and regional levels, two lay assessors preside with the professional judge. In some criminal cases, modified juries consisting of randomly selected members of the public participate in the tribunal. Judges in Latvia are considered active.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Lithuania

Lithuania has been in the EU since 2004. It has a population of 3.4 million over 25,173 square miles.

- Lithuania's government is a parliamentary democracy based on civil law.
- The Lithuanian legal system is based on the legal traditions of continental Europe. During Soviet occupation, the Lithuanian legal system was altered to conform to that of the Soviet Union, but since 1990 those changes have been eradicated, although the legal system still has traces of socialist legal traditions and practices.
- The age of criminal responsibility is 16.
- The rights of the accused include the presumption of innocence, the right to access government evidence, the right to a public trial, the right to counsel, the right to present evidence, the right to confront witnesses and the right to appeal.
- The Lithuanian court system consists of courts of general jurisdiction which handle civil and criminal matters, the Supreme Court, the Court of Appeals, and district and local courts. In 1999, a system of specialized administrative courts was established to hear administrative cases. It consists of the Supreme Administrative Court and district administrative courts. Judges in Lithuania are considered active; lay judges do not participate in the judicial system.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Luxembourg

Luxembourg is a founding member of the EU. It has a population of 500,000 over 998.6 square miles.

- Luxembourg's government is a constitutional monarchy based on civil law.
- The court system is a two-tier system organized into two branches: one branch, the civil and criminal jurisdiction, includes three lower tribunals (*justices de paix*), two district tribunals, and a Superior Court of Justice, which includes the Court of Appeal and the Court of Cassation. The other branch, the administrative jurisdiction, includes an Administrative Tribunal and an Administrative Court. There is also a Constitutional Court.
- The age of criminal responsibility is 18.
- The rights of the accused include the presumption of innocence, the right to access government evidence, the right to appeal, the right to a fair trial and the right to counsel.
- Judges in Luxembourg are considered active; it is not known whether lay judges participate in the judicial system.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

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Macedonia

Macedonia is a candidate for membership in the EU with a population of 2.05 million over 9,779 square miles.

- Macedonia's government is a parliamentary democracy based on civil law.
- The court system has a single organization without specialized courts. There are 27 courts of first instance and three courts of appeal. The highest court is the Supreme Court of Macedonia. A judge serves without term restrictions and may be removed from office only for reasons laid down in the Constitution. It is not known whether judges in Macedonia are considered active or passive; lay judges participate in the judicial process.
- The age of criminal responsibility is 14.
- Political organization and activity in the judiciary is prohibited. Court hearings and passing of verdicts are public, although the public may be excluded in certain cases as determined by law. A single judge can try a case.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Characteristics of European Union Justice Systems

Malta

Malta has been in the EU since 2004. It has a population of 400,000 over 121 square miles.

- Malta's government is a republic based on civil law.
- The Maltese legal system is adversarial and is regulated by specified rules of procedure found in the Criminal Code and i the Code of Organization and Civil Procedure.
- The age of criminal responsibility is 9. Between the ages of 9 and 14, a person is presumed to be incapable of forming malicious intent. However, criminal responsibility can be established if it is proved that the person acted with mischievous discretion. Between the ages of 14 and 18, a person is considered able to form criminal intent and can be sentenced to imprisonment.
- The rights of the accused include the rights to a fair hearing, due process and appeal; the right to call and cross-examine witnesses; the right not to incriminate oneself and the right to be given sufficient time to prepare a defense.
- The Courts of Civil and Criminal Jurisdictions in Malta are divided into two separate tiers each — the Superior Courts and the Inferior Courts. Judges are appointed by the President of the Republic with the advice of the Prime Minister from advocates who have had at least 12 years' practice at the bar or who have served as magistrates. Judges in Malta are considered passive; it is not known whether lay judges participate in the judicial system.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Netherlands

The Netherlands is a founding member of the EU. It has a population of 16.4 million over 16,033 square miles.

- The Netherlands' government is a constitutional monarchy based on civil law with local influences.
- Criminal matters are dealt with in courts at four levels: the Supreme Court, Courts of Appeal, District Courts and Cantonal Courts. The Supreme Court hears appellate court cases, cases in which the law has been inappropriately applied, or cases in which due process has been violated. Five Courts of Appeal hear appeals of District Court decisions. There are 19 District Courts; each district covers three or four cantons and handles both civil and criminal matters. The District Courts hear criminal cases (misdrijven) at first instance. The 62 Cantonal Courts handle both minor civil and criminal matters (overtredingen). Judges in the Netherlands are considered active; lay judges do not participate in the judicial process.
- The age of criminal responsibility is 12. Juveniles between the ages of 12 and 18 are subject to juvenile criminal law. However, judicial discretion may be exercised when taking into account the seriousness of the offense and the offender's characteristics. Judges can order a young adult between the ages of 16 and 18 to be dealt with under adult criminal law or can allow offenders between the ages of 18 and 21 to be subject to juvenile criminal law.
- Rights of the accused include the right to counsel, the right to be present at trial and the right against self-incrimination. The accused does not have the right to cross-examine witnesses.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Poland

Poland has been in the EU since 2004. It has a population of 38.1 million over 120,726 square miles.

- Poland's government is a republic. The legal system is based on statutes enacted by the Parliament. Poland's penal legislation comprises three basic sets of laws: the Penal Code, the Code of Criminal Procedure and the Code for the Execution of Penalties.
- Poland has four levels of courts. Regional courts are at the lowest level and are the courts of first instance. The second level is the district courts; they function as courts of first instance for more serious offenses. At the third level are the courts of appeal, which were established in 1990. These courts exercise control over the decisions made by the district courts. The highest level is the Supreme Court, which deals with appeals of lower court decisions and makes decisions concerning the interpretation of legal issues faced by the lower courts.
- All courts have both criminal and civil jurisdiction. Most criminal cases are handled by regional courts, usually by a panel composed of one presiding professional judge and two lay magistrates. Lay magistrates participate on an equal footing with the professional judge when the decision is passed, but they cannot preside over the trial. Crimes can also be tried by a single judge.
- Judges in Poland are considered active.
- The age of criminal responsibility is 17, but it can be lowered to 16 for certain serious offenses. Offenders between the ages of 17 and 18 can still be treated as juveniles for certain misdemeanor offenses. Juvenile offenders are dealt with by regional family courts.
- Rights of the accused include the presumption of innocence and the rights to a legal advisor, to participate in procedural actions, to appeal against procedural decisions and to review case files.
- All courts are presided over by judges who are appointed by the President of the Republic on the recommendation of the National Council of the Judiciary. The minimum age for appointment is 26 and the mandatory retirement age is 70. Candidates for judicial appointment must pass an exam and must have been employed for at least one year as an assistant judge. Professional judges must possess a university law degree and complete the two-year period of court apprenticeship.
- The offender is responsible for victim compensation.
- In general, the police investigate offenses. For serious offenses, the investigation may be conducted by the public prosecutor.

Portugal

Portugal has been in the EU since 1986. It has a population of 10.4 million over 35,645 square miles.

- Portugal's government is a republic/parliamentary democracy based on civil law.
- The judicial system in Portugal consists of the Constitutional Court, the Supreme Court of Justice and the Supreme Administrative Court — both of which have subordinate courts — and a variety of special courts, including a military court system. The Constitutional Court judges whether legislative acts are legal and constitutional. The Supreme Court of Justice is the highest court and heads the court system that deals with civil and criminal cases. The courts of first instance are the municipal and district courts; the courts of second instance are courts of appeal.
- The age of criminal responsibility is 16.
- Rights of the accused include the presumption of innocence; the right to consult with an attorney; the right of appeal; and the rights to confront and question witnesses, present evidence and access government evidence.
- In Portugal, lawyers who want to become judges and public prosecutors must be admitted to the Centre of Judicial Studies. where they undergo training for the positions. Judges in Portugal are considered active; lay judges do not participate in the judicial process.
- The state is responsible for victim compensation.
- Judges are responsible for investigating crime.

Romania

Romania has been in the EU since 2007. It has a population of 21.5 million over 92,043 square miles.

- Romania's government is a republic based on civil law.
- The Romanian government is composed of executive, legislative, and judicial branches.
- A 1992 law on reorganization of the judiciary established a four-tier legal system, including the reestablishment of appellate courts. The four tiers consist of courts of first instance, intermediate appellate-level courts, a Supreme Court, and a Constitutional Court. The court system also includes military courts. The Ministry of Justice exercises powers related to administering the justice system and executing punishments.
- The age of criminal responsibility is 14.
- The judicial branch is independent, and the Romanian constitution gives the Ministry of Justice the authority to select and promote judges. Judges are appointed for life by the President upon recommendation from a panel of judges and prosecutors selected by Parliament. Judges in Romania are considered passive; lay judges participate in the judicial process.
- The state is responsible for victim compensation.
- Prosecutors are responsible for investigating crime.

Slovakia

Slovakia has been in the EU since 2004. It has a population of 5.4 million over 18,932 square miles.

- Slovakia's government is a parliamentary democracy based on civil law with local influences.
- The legal system of Slovakia follows a European Continental classical legal system.
- The judicial system is made up of the Constitutional Court and Civil and Penal Courts. The Constitutional Court is an independent branch of the government that has jurisdiction over matters involving the constitution. Civil and Penal Courts hear both civil and penal cases and include the highest court of Slovakia, regional courts and district courts.
- The age of criminal responsibility is 15.
- Rights of the accused include the right to an attorney and the rights to take part in his or her trial, advance his or her views to all evidence, make a final speech at trial and request that corrections be made to the trial record.
- The judges of the Constitutional Court are appointed by the President of the Republic for a term of seven years. These judges are chosen from a pool of 20 nominees recommended by the National Council of the Slovak Republic. Judges must be citizens of Slovakia, at least 40 years old, law school graduates, and have worked for a minimum of 15 years as an attorney, prosecutor or judge. Judges in Slovakia are considered active; lay judges participate in the judicial system.
- Slovakia has no victim compensation.
- The police are responsible for investigating crime.

Slovenia

Slovenia has been in the EU since 2004. It has a population of 2 million over 7,827 square miles.

- Slovenia's government is a parliamentary republic based on civil law.
- The judicial system is currently being restructured. The draft statute in Parliament provides for a three-level judicial system: district courts, regional courts and a high court. The district courts would be courts only of first instance, the regional courts would be courts of first instance for serious offenses and for appeals, and the high court would be an appeals court.
- The age of criminal responsibility is 14. Juveniles from 14 to 16 years old have limited criminal responsibility, and only educational measures can be used as sanctions. Juvenile adults from 18 to 21 years old have full criminal responsibility. However, educational measures may be used instead of punishment in certain circumstances.
- The rights of the accused include the presumption of innocence, the right to counsel and the right against self-incrimination.
- In the trial process, the accused is tried either by a panel of three judges (one professional and two lay persons) or five judges (two professionals and three lay persons). For minor offenses, a single professional judge will hear the case. All judges must hold a university degree in law. After graduation, prospective judges must train for two years in a court or prosecutor's office and pass a judiciary state examination. Judges are considered active in Slovenia.
- Slovenia has no victim compensation.
- The police are responsible for investigating crime.

Spain

Spain has been in the EU since 1986. It has a population of 45.3 million over 195,364 square miles.

- Spain's government is a parliamentary monarchy based on civil law with local influences.
- Spain has a European Continental legal system. Hearings are adversarial, with a public attorney prosecuting on the basis of the findings of the investigating judge.
- The age of criminal responsibility is 16. Juveniles younger than 16 are handled by the Juvenile Courts.
- The rights of the accused include the right to remain silent; the right to be informed of the crime of which they are accused; and the rights to a speedy trial, to legal counsel, to present evidence on their behalf and to confront witnesses.
- Minor violations are decided locally by lay justices of the peace. All other violations are decided by professional judges. Major offenses with a maximum six-year prison penalty are dealt with by single-magistrate penal courts. All other major offenses are resolved by three-member penal chambers. Initial sentences for major cases announced by the provincial penal courts can be reviewed by the Penal Chamber of the Supreme Court. Judges are appointed by the central government after passing an examination. Candidates must have a law degree and study at the Judiciary School in Madrid for an average of one year. Judges in Spain are considered active.
- The offender is responsible for victim compensation.
- Judges are responsible for investigating crime.

Characteristics of European Union Justice Systems

Sweden

Sweden has been in the EU since 1995. It has a population of 9.2 million over 173,732 square miles.

- Sweden's government is a constitutional monarchy based on civil law with local influence.
- The Swedish legal system is adversarial, with a prosecutor representing the state and a defense attorney representing the defendant. Sweden has a three-tiered hierarchy of general courts, district courts, courts of appeal and the Supreme Court. The general courts enforce civil and criminal legislation. Appeals against judgments of district courts are typically brought to a court of appeal. Appeals against the decision of courts of appeal can be brought to the Supreme Court, but one must get special permission to do so. Permission is given only if it is important for enforcement of the law that the appeal be heard by the Supreme Court.
- The age of criminal responsibility is 15.
- The rights of the accused include the presumption of innocence and the right to counsel.
- Defendants are tried by a panel of one professional judge and three or five lay judges. In higher courts, all panels consist of professional judges. Judges in Sweden are considered active.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Turkey

Turkey is a candidate for membership in the EU with a population of 70.5 million over 302,535 square miles.

- Turkey's government is a republican parliamentary democracy based on civil law with local influences.
- The Turkish court system comprises courts of justice, administrative courts, military courts and the constitutional court. Each includes courts of first instance and appellate courts. In addition, a Court of Jurisdictional Disputes rules on cases that cannot be easily classified under one court system. The judicial courts form the largest part of the system and handle most civil and criminal cases. The two supreme courts are the Constitutional Court and the Court of Appeals. The Constitutional Court reviews the constitutionality of laws at the request of the president or of one-fifth of the members of the National Assembly. The Court of Appeals, also known as the Court of Cassation, is the court of last instance for reviewing decisions of lower level courts. Its members are elected by secret ballot by senior judges and public prosecutors. At the lowest level are justices of the peace, who have jurisdiction over minor civil complaints and offenses. Single-judge criminal courts have jurisdiction over misdemeanors and petty crimes, with penalties ranging from small fines to brief prison sentences.
- The age of criminal responsibility is 11.
- The rights of the accused are not known.
- Judges in Turkey are considered active; lay judges do not participate in the judicial system.
- It is not known who bears responsibility for victim compensation in Turkey.
- The police are responsible for investigating crime.

United Kingdom

The United Kingdom has been in the EU since 1973. It has a population of 60.4 million over 94,526 square miles.

- The United Kingdom's government is a parliamentary democracy/constitutional monarchy based on English Common Law.
- The legal system is adversarial. The prosecution must disclose relevant information to the defense, but the defense is not obligated to share information with the prosecution.
- The age of criminal responsibility is 10. However, children between 10 and 17 years of age are brought before a youth court when charged with a criminal offense.
- Rights of the accused include the right to have legal advice available to all defendants and having duty solicitors available at the court to provide legal representation.
- All cases first appear in magistrates' courts, also known as courts of first instance. If the magistrates' court assesses the facts as deserving of a sentence beyond its powers to impose, the accused may be sent to the Crown Court for sentencing. The Crown Court sits in approximately 90 centers in the United Kingdom and is made up of judges who sometimes sit with lay magistrates. Matters of fact are determined by a 12-person jury composed of people between 18 and 70 years of age. If convicted by a magistrates' court, a person may appeal to the Crown Court. Appeals from the Crown Court are brought to the Court of Appeal Criminal Division. If an important point of law is contested, the appeal is then brought to the House of Lords. The Attorney General, a government minister with ultimate oversight of the prosecution process, may also refer a case to the Court of Appeal if a sentence is deemed too lenient. Judges in the United Kingdom are considered actively involved in the judicial process.
- County advisory committees advise the Lord Chancellor on the appointment of justices. Following appointment, justices complete two periods of training over 12 months with both instruction on the duties of magistrates and practical exercises.
- The state is responsible for victim compensation.
- The police are responsible for investigating crime.

Characteristics of European Union Justice Systems

Appendix

Figure 1. Government Type

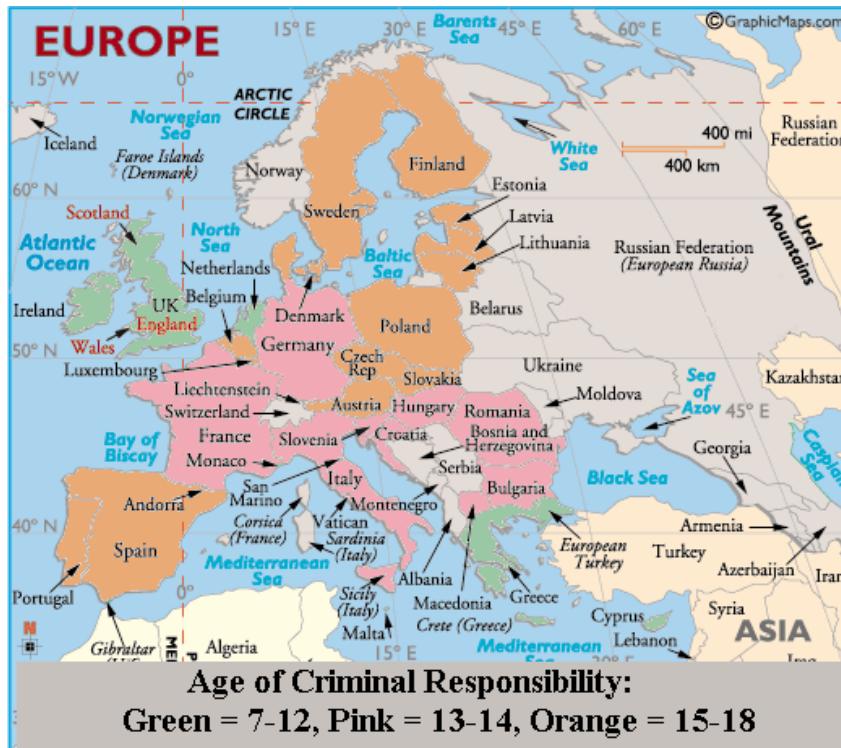


Characteristics of European Union Justice Systems

Figure 2. Legal System



Figure 3. Age of Criminal Responsibility



Characteristics of European Union Justice Systems

Figure 4. Who Investigates Crime



Figure 5. Countries With Lay Judges



Characteristics of European Union Justice Systems

Figure 6. Countries With Active or Passive Judges



Figure 7. Who Pays Victim Compensation



