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Comparative EU constitutionalism

Constitutional principles of judiciary

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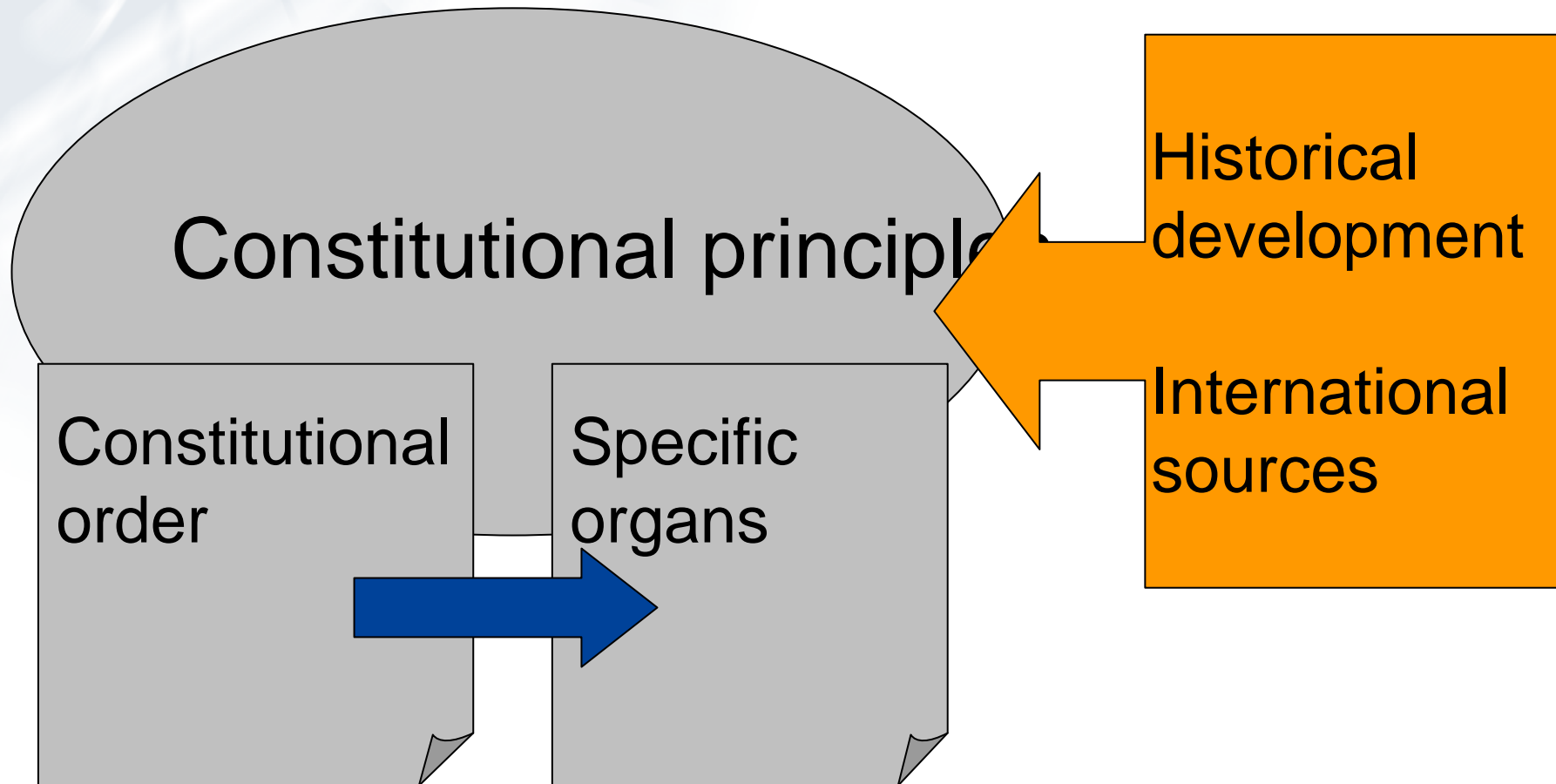
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Independence of judicial system

Legislature

Executive

Judicature

Division of power – horizontal level

independence of judge!

administrative
independence

passing of judgement

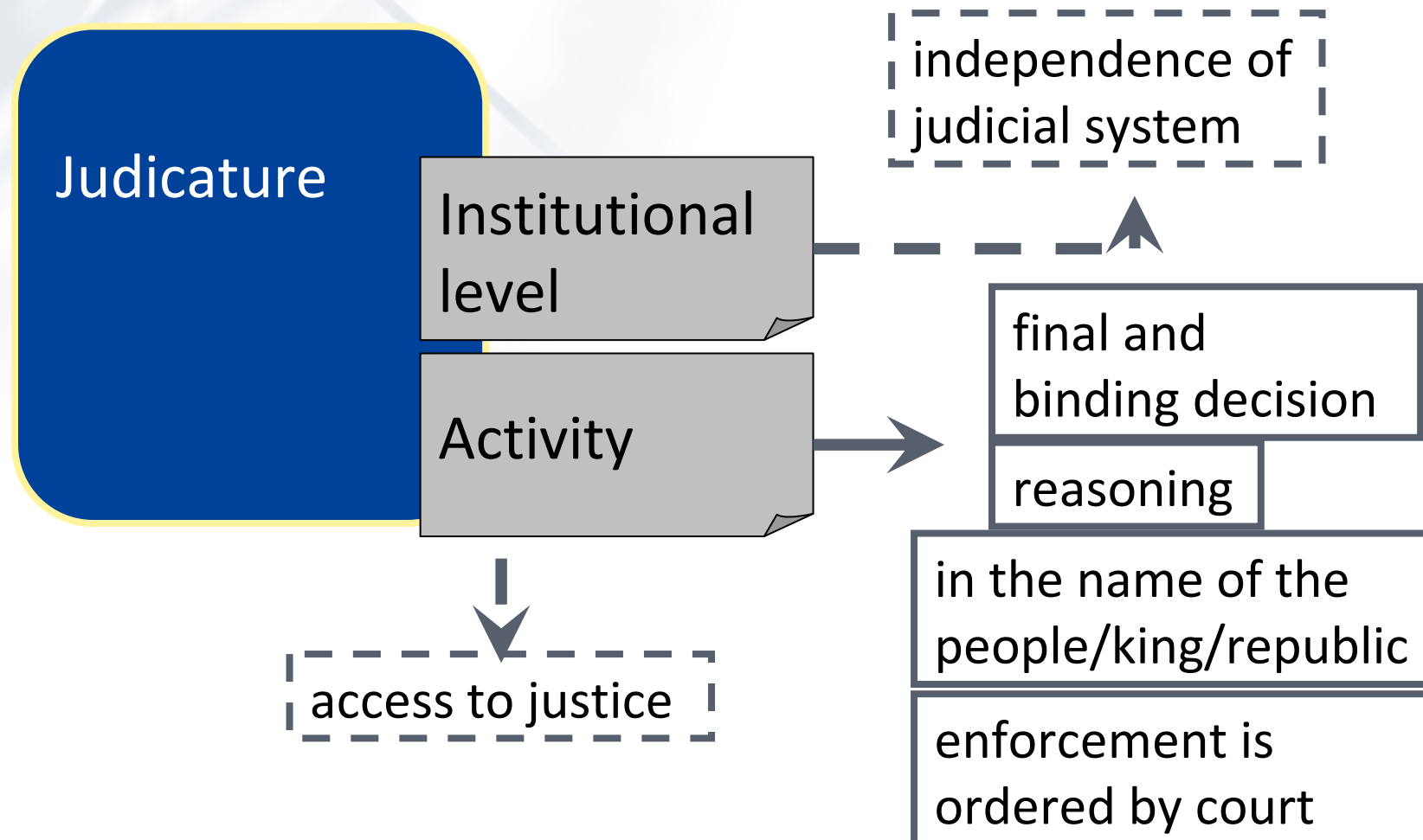
careful
legislation

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Monopoly of administration of justice



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Access to justice (FR)

Equality before the law

same rules

uniform application of law

assigned judge

The right to access to court

independent

impartial

reasonable time

unity of judicature

Guilty or not guilty?

presumption of innocence

right to defence

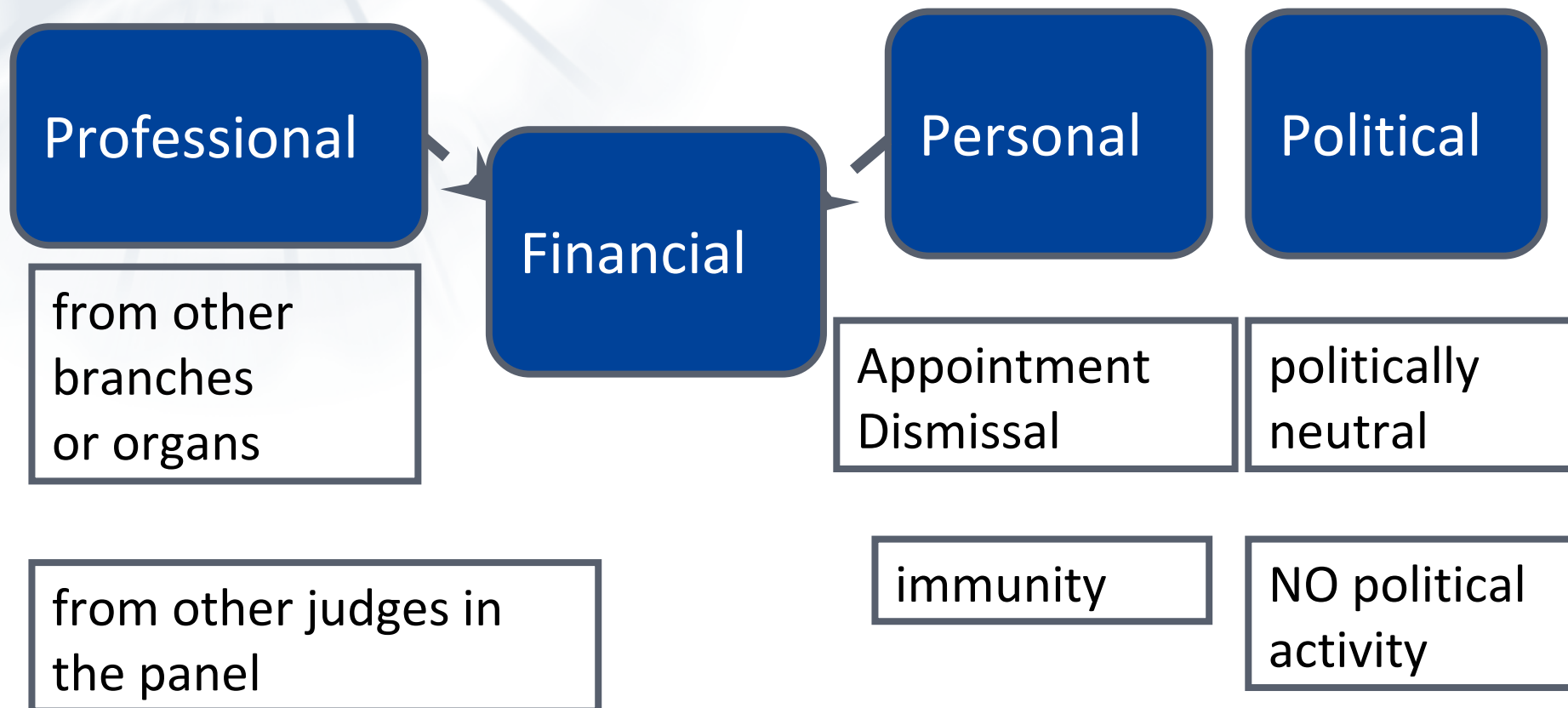
due process

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Independence of judges



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Unity of judicature

Organisational unity

formation of judicial system

ordinary courts

special courts

Uniform application of law

~~extraordinary courts~~

Due process (FR) and right to remedy (FR)

Content elements of due process

- equality before the courts
 - impartiality
- right to a judgment
- publicity of court proceedings
- reasonable time
- reasoning
- mother tongue
- etc.

subject

limitation of due process

in itself

components

Possibility of the simplification of procedure

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Ensuring democratism and control

Publicity

Involvement of lay persons

system of non-
professional
judges

jury trial



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Thank you for your attention!