

Strasbourg, 10 September 2006
(2006)

CEPEJ

Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

SLOVAK REPUBLIC/REPUBLIQUE SLOVAQUE



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 15 September 2005

CEPEJ (2005) 2 REV 2

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**adopted by the CEPEJ at its 5th Plenary Meeting (Strasbourg, 15 – 17 June 2005) and
approved by the Committee of Ministers on 7 September 2005
(936th meeting of the Ministers' Deputies)**

Contents

I. Demographic and economic data	p. 3
I. A. General information.....	p. 3
I. B. Budgetary data concerning judicial system.....	p. 3
II. Access to Justice and to all courts	p. 5
II. A. Legal aid.....	p. 5
II.B. Users of the courts and victims	p. 6
II.B.1. Rights of the users and victims	p. 6
II.B.2. Confidence of citizens in their justice system.....	p. 8
III. Organisation of the court system	p. 9
III.A. Functioning.....	p. 9
III.B. Monitoring and evaluation	p. 13
IV. Fair trial	p. 15
IV.A. Fundamental principles.....	p. 15
IV.B. Timeframes of proceedings	p. 16
IV.B.1. General	p. 16
IV.B.2. Civil and administrative cases.....	p. 17
IV.B.3. Criminal cases.....	p. 18
V. Career of judges and prosecutors	p. 20
V.A. Appointment and training.....	p. 20
V.B. Practice of the profession	p. 22
V.C. Disciplinary procedures	p. 23
VI. Lawyers	p. 24
VII. Alternative Dispute Resolution	p. 27
VIII. Enforcement of court decisions	p. 29
VIII.A. Execution of decisions in civil matters	p. 29
VIII.B. Enforcement of decisions in criminal matters	p. 31
IX. Notaries	p. 32

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY: SLOVAK REPUBLIC

National correspondent

First Name – Name Igor Belko
Position judge
Organisation The Supreme Court of Slovak Republic
E-mail belko@supcourt.gov.sk
Telephone ++421259353245

I. Demographic and economic data

I. A. General information

1. **Number of inhabitants** 5 400 000
Source Statistical Office of SR
2. **Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**
State level 8 388 155 026,3 €
Regional / entity level 572 550 000 €
Source Ministry of Finance of SR, State Budget Act (740/2004 Coll.)
3. **Per capita GDP** 6 200 €
Source Statistical Office of SR
4. **Average gross annual salary** 4 997,28 €
Source Statistical Office of SR

I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** 81 306 053 €
Source Ministry of Justice

Please specify:

Salaries- 39 827 789 EUR
Insurance- 10 569 000 EUR
Goods & services- 18 666 184 EUR
Standard transfers- 1 643 158 EUR

Capital expenditures- 10 599 684 EUR

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	x	39 827 789 €
▪ IT?	x	3 684 974 €
▪ Justice expenses borne by the State?		584 631 €

Source Ministry of Justice

7. Annual public budget spent on legal aid 1 967 026 €

Source Ministry of Justice

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	1 967 026 €
▪ the annual public budget spent on legal aid in other court cases	N.A

Source Ministry of Justice

9. Annual public budget spent on prosecution system 26 289 474 €

Source General Prosecution Office; Act No. 598/2003 Coll. on State Budget for 2004

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	yes	yes	yes	yes
Other ministry. Please specify	yes Ministry of Finance	yes	yes	yes Ministry of Finance
Parliament	no	yes	no	no
Supreme Court	yes	yes	yes	yes
Judicial Council	no	yes	no	no
Courts	yes		yes	yes
Inspection body. Please specify.	no	no	no	no
Other. Please specify				

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your budgetary system**

The Supreme Court of Slovak Republic has managed its own (separtated from Ministry of Justice & other courts) budget.

II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	yes	no
Legal advice (Yes/No)	yes	yes
Other (Yes/No). Please specify		

12. Number of legal aid cases:

- **total**
- **criminal cases**
- **other than criminal cases**

N.A.

Source Ministry of Justice

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes x No

14. Does your country have an income and asset test for granting legal aid:

- | | | |
|---|---|---|
| | No | Yes/Amount |
| ▪ for criminal cases? | x | |
| ▪ for other than criminal cases? | x | |

Source Ministry of Justice

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes No

16. If yes, is the decision taken by:

- the court?
- a body external to the court?
- a mixed decision-making body (court and external)?

Yes

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- | | Yes | No |
|----------------------------------|-------------------------------------|-------------------------------------|
| ▪ for criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, are there exceptions? Please specify:

Under the Law /Act of Fees on Courts No. 71/1992 Coll./ specified types of litigants or actions are free of charge.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No
Yes Please specify:

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- | | Yes | No |
|------------------------------|-------------------------------------|-------------------------------------|
| ▪ criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- | | Yes | No |
|--|---|--------------------------|
| ▪ legal texts (e.g. codes, laws, regulations, etc.)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): | www.justice.gov.sk,
www.zbierka.sk
www.obcan.sk | |
| ▪ case-law of the higher court/s? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): | www.jaspi.justice.gov.sk | |
| ▪ other documents (for examples legal forms)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): | www.justice.gov.sk | |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes No

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	no	no	no	no
Victims of terrorism	no	no	no	no
Child/Witness/Victim	yes	yes	yes	no
Victims of domestic violence	no	no	no	no

Ethnic minorities	no	no	no	no
Disabled persons	no	no	no	no
Juvenile offenders	yes	yes	yes	no
Other				

24. Does your country have compensation procedure for victims of crimes?

Yes No

25. If yes, does this compensation procedure consist in:

- a public fund?
- a court order?
- private fund?

26. If yes, which kind of cases does this procedure concern?

Intentionally committed violent crimes

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No Yes Please specify:

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- | | | |
|------------------------------------|-------------------------------------|--------------------------|
| | Yes | No |
| ▪ excessive length of proceedings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful arrest? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful condemnation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, please specify (fund, daily tariff):

All compensations derives from public funds; their rates are various.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes No

If possible, please specify their titles, how to find these surveys, etc:

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level		
Surveys at court level		

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	yes	yes
Higher court	yes	yes
Ministry of Justice	yes	yes
High Council of Justice	no	no
Other external organisations (e.g. Ombudsman)	yes	yes

Can you give information elements concerning the efficiency of this complaint procedure?

N.A.

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure):

- **first instance courts of general jurisdiction** 45

Source Ministry of Justice

- **specialised first instance courts** 3

Source Ministry of Justice

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

3 military courts

- 34. Total number of courts (geographic locations)** 58

Source Ministry of Justice

- 35. Number of first instance courts competent for a case concerning:**

- **a debt collection for small claims** 45

Please specify what is meant by small claims in your country:

There is no official distinguishing of small claims.
All district (first instance) courts are competent for mentioned types of cases.

- **a dismissal** 45
- **a robbery** 45

- 36. Number of professional judges sitting in courts** 1208
(present the information in full time equivalent and for permanent posts)

Source Ministry of Justice

- 37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

- *gross figure* 0
- *if possible, in full time equivalent* 0

Source Ministry of Justice

Please specify:

Professional fulltime judges in district(1. inst.) & regional (2. inst.) courts – 1 145
in Supreme Court - 63

According Slovak legal system there are no professional judges on an occasional basis.

- 38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs** 2 747

Source Ministry of Justice

Please specify:

Regional Court in Bratislava - 317
Regional Court in Trnava - 215
Regional Court in Trencin - 309
Regional Court in Nitra - 355
Regional Court in Zilina – 364
Regional Court in Banska Bystrica – 480
Regional Court in Presov – 265
Regional Court in Kosice – 442

Non-professional judges (lay judges) may perform their judicial function not more than 12 days per year according to Act No. 385/2000 Coll. on judges and lay judges.

39. Does your judicial system include trial by jury with the participation of citizens?

No no

Yes For which type of case(s)?

If possible, number of citizens who were involved in such juries for the year 2004?

40. Number of non-judge staff who are working in courts 4 070

(present the information in full time equivalent and for permanent posts)

Source Ministry of Justice

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: 2 775
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): 857
- technical staff: 438

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No

Yes Number of staff 582

43. Number of public prosecutors 697

(present the information in full time equivalent and for permanent posts)

Source **General Prosecution Office**

44. Do you have persons who have similar duties as public prosecutors?

No
Yes

Please specify:

45. Is the status of prosecutors:

- independent within the judiciary?
- independent from the judiciary ?
- under the authority of the Ministry of Justice?

Yes

46. Number of staff (non prosecutors) attached to the public prosecution service
(present the information in full time equivalent and for permanent posts)

756

Source **General Prosecution Office**

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	no	no	no	no
Court President	yes	yes	no	yes
Court administrative director	yes	yes	yes	yes
Head of the court clerk office	yes	yes	no	no
Other. Please specify	no	no	no	Internal auditor

48. In general, do the courts in your country have computer facilities?

Yes

No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	x			
	Electronic data base of jurisprudence	x			
	Electronic files				x
	E-mail	x			
	Internet connection	x			
Administration and management	Case registration system	x			
	Court management information system	x			
	Financial information system				x
Communication between the court and the parties	Electronic forms				x
	Special Website				x
	Other electronic communication facilities				x

Source Ministry of Justice

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No

Yes

x

Please specify the name and the address of this institution:

Ministry of Justice of Slovak Republic, Division of Judicial Informatics and Statistics, Zupne namestie 13, 813 11, Bratislava, www.justice.gov.sk

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

THE COURT SYSTEM IN THE SLOVAK REPUBLIC

In the Slovak Republic difference is made between **general courts and a separate court**, which is the Constitutional Court of the Slovak Republic. Independent and impartial courts administer general justice. The Slovak Republic has a **two-level** court system.

District courts are competent courts to try proceedings at first instance. Regional courts hear cases as appeal courts. The Supreme Court of the Slovak Republic has the function of an appellate review court. Being the supreme judicial body the Supreme Court of the Slovak Republic never acts as a first instance court.

The system of courts is composed of:

- **The Supreme Court of the Slovak Republic** with its seat in Bratislava – and other courts (Article 143 of the Constitution SR), i.e.
- **regional courts**
- **district courts** and

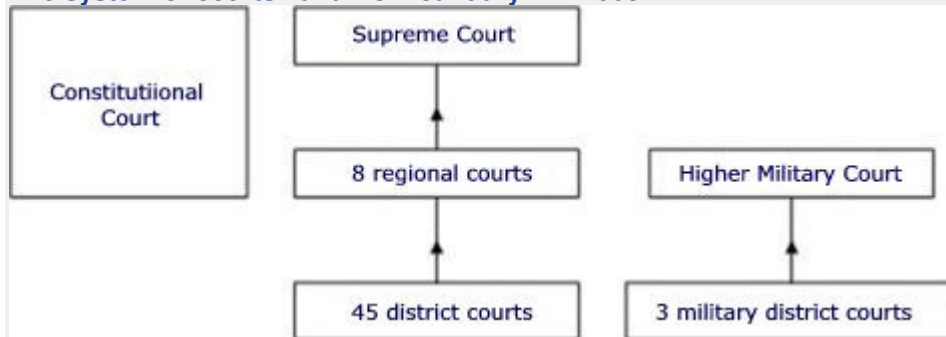
▪ **military courts**

- the Higher Military Court with its seat at Trenčín
- Military District Courts

The courts decide in civil and criminal matters, they also review the lawfulness of decisions by administrative bodies. They decide in panels of judges unless the law provides that a single judge shall decide in the matter. The law stipulates when lay judges chosen from citizens participate in the decision-making of panels and in which cases a court official authorised by the court can also decide. The Constitution of the Slovak Republic stipulates the status of judges, of the President and Vice-presidents of the Supreme Court (appointment, removal, resignation and other). A more detailed regulation of the court system, their jurisdiction, organisation and proceedings before them as well as the manner in which the lay judges are appointed shall be laid down by law (Articles 143 and 148 of the Constitution of the Slovak Republic).

The Constitutional Court of the Slovak Republic is an independent judicial body protecting the constitutionality (Article 124 of the Constitution of the Slovak Republic). The Constitution of the Slovak Republic lays down the status of the Constitutional Court and of Constitutional Court justices. In addition to deciding on the conformity of lower legal norms with higher legal norms, the Constitutional Court also decides competence conflicts between the central bodies of state administration unless the law stipulates that another state authority shall decide in these disputes. The Constitutional Court also decides on various complaints, interprets the Constitution or constitutional statutes in disputed issues. A separate legal norm specifies details of the organisation of the Constitutional Court of the Slovak Republic.

The system of courts valid from January 1st 2005:



III. B. Monitoring and evaluation

51. **Are the courts required to prepare an annual activity report?**

Yes

No

52. **Do you have a regular monitoring system of court activities concerning the:**

- | | Yes | No |
|------------------------------|-------------------------------------|--------------------------|
| ▪ number of incoming cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of decisions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of postponed cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ length of proceedings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> | <input type="checkbox"/> |
- Please specify:

53. Do you have a regular evaluation system of the performance of the court?

- No
 Yes **Please specify:**

The Act No. 757/2004 Coll. on courts regulates the internal "review" of the court that is a type of control of the court and judges, aimed to verification of the current state of the administration of justice, to the identification of reasons of weaknesses in the administration of justice and to the proposal for measures for their elimination. The review is a part of the administration of justice. The review is executed in intervals of five years or there are „extraordinary reviews“ if it is required for the adoption of measures in some area of the administration of justice at some or all courts.

54. Concerning court activities, have you defined:

- **performance indicators?** Yes No

Please specify the 4 main indicators for a proper functioning of justice:

The above mentioned review is aimed to:

- the observance of the rules of procedure, particulars of the minutes and decisions, legal terms for action and decision;
- the timeliness of the execution and dispatch of court decisions;
- the quality of the preparation of legal proceedings and the course of legal proceedings, the utilisation of the days of trial and the reasons of the suspension of proceedings;
- the quality of work of court departments and offices, the quality of court files,
- the reviewability of the allocation of files according to the working schedule,
- the validity of changes in the working schedule and the observance of the procedure of the preparation of the working schedule;
- the dignity of the conduct of judges, court officials and other court employees, as well as the dignity of the court environment;
- the the effectiveness of complaint handling.

- **targets?** Yes No

Please specify who is responsible for setting the targets:

- executive power? Yes

- legislative power?
- judicial power?
- other?

Please specify:

Please specify the main objectives applied:

-results of the working of the court and its judges, taking into account the created personnel and material conditions and the workload of judges,
 -the the state and reasons of older pending cases and the holdout;

Source Ministry of Justice

55. Which authority is responsible for the evaluation of the performances of the courts:

- | | |
|--|--|
| <ul style="list-style-type: none"> ▪ the High Council of judiciary? ▪ the Ministry of justice? ▪ an Inspection body? ▪ the Supreme Court? ▪ an external audit body? ▪ other? | <p>Yes</p> <input checked="" type="checkbox"/> |
|--|--|

Please specify:

56. Does the evaluation system include quality standards concerning judicial decisions?

- No
- Yes

Please specify:

Pursuant to Para. 56 of the Act No. 757/2004 Coll. on courts the execution of the review may not interfere with the decision-making activity of the court and a judge.

Source Act No. 757/2004 Coll.

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- | | | |
|-------------------------|-------------------------------------|--------------------------|
| | Yes | No |
| ▪ civil cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ administrative cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

58. Do you have a way of analysing queuing time during court procedures?

- No
- Yes

Please specify:

59. Do you monitor and evaluate the performance of the prosecution services?

No
Yes

Please specify:

Once a year the Attorney General shall submit to Parliament an activity report informing about the activities performed by the public prosecution service.

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your court monitoring and evaluation system*

IV. Fair trial

IV. A. Fundamental principles

60. Is there in your judicial system:

- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?

Yes No

- the right to have reasons given for all prisons sentences?

Yes No

- for all cases, an effective remedy to a superior jurisdiction?

Yes No

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented?

Source

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No
Yes

If possible, number of successful challenges (in a year):

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)			1							
	Article 6§1 (duration)		2	1				1			
	Article 6§2	1	2								
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d			1							
Article 6§3e											
Civil proceedings	Article 6§1 (equity)	1	7	4	1		1	1	5		1
	Article 6§1 (duration)	7	47	6	1	8		13	1		
	Article 6§1 (non execution only)										

Source Office of the Agent of the Slovak Republic before the European Court for Human Rights

IV.B. Timeframes of proceedings
IV. B. 1. General

64. Are there specific procedures for urgent matters in:

	Yes	No
▪ civil cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ administrative cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

65. Are there simplified procedures for:

	Yes	No
▪ civil cases (small claims)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ criminal cases (petty offences)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ administrative cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No Yes Please specify:

--

“procedural “ timelimits can be bargained and exceptionally the date of hearings too (in time of vacation, collision with other hearigns etc.)

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 228 755

Please specify the main types of cases:

use of a flat
 property cases
 social welfare cases
 family cases
 compensation of damage

Source Ministry of Justice

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	238 662	9 909	14 759	N.A.
	Decisions on the merits	N.A.	N.A.	N.A.	3 428
	Percentage of decisions subject to appeal in a higher court	12%	N.A.	N.A.	N.A.
	Pending cases by 1 January 2005	226 462	7 024	10 788	N.A.
	Percentage of pending cases of more than 3 years	15,2%	2%	3,36%	N.A.
Average length (from date of lodging of court proceedings*)	1st instance decisions	N.A.	N.A.	N.A.	N.A.
	2nd instance decisions	N.A.	N.A.	N.A.	N.A.
	Total procedure	17,56 months	9,48 months	N.A.	25,46 months

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Where appropriate, please specify the specific procedure as regards divorce:

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
▪ to conduct or supervise police investigation?	yes	
▪ to conduct investigation?	yes	
▪ when necessary, to demand investigation measures from the judge?	yes	
▪ to charge?	yes	
▪ to present the case in the court?	yes	
▪ to propose a sentence to the judge?	yes	
▪ to appeal?	yes	
▪ to supervise enforcement procedure?	yes	
▪ to end the case by dropping it without the need for a judicial decision?	yes	
▪ to end the case by imposing or negotiating a penalty without a judicial decision?	yes	
▪ other significant powers? Please specify:	yes	

71. Does the prosecutor also have a role in civil and/or administrative cases?

No
 Yes x **Please specify:**

When acting in the civil proceeding, the prosecutor shall act within the scope of his powers stipulated by the Civil Procedure Code (Art. 35) If so prescribed by a separate law, the prosecutor is entitled to file a civil motion for the instigation of the civil proceeding, join any stage of a pending civil case, represent the State as the owner before the courts of law, appeal against a decision made by the court in a civil case.

The prosecutor shall oversee and supervise compliance with laws and other generally binding regulations by the public administrative agencies through reviewing the lawfulness of, generally binding regulations issued by public administrative agencies(hereinafter referred to as "generally binding regulation"), guidelines, resolutions, ordinances, measures and other legal acts issued with a view to ensure a proper and due performance of tasks in the field of public administration (hereinafter referred to as "legal act"), decisions made in individual matters¹ in the field of public administration (hereinafter referred to as "decision"), procedure followed by the public administrative agencies when issuing legal acts and making decisions, checking upon the constant compliance with laws, casting an advisory vote at the meetings of the public administrative agencies.

¹ E.g. the Act No. 71/1967 Coll., the Parliamentary Act No. 542/1990 Coll. on State Administration in Schools and School Self-Governance as amended by later regulations, the Parliamentary Act No. 511/1992 Coll. on the Administration of Taxes and Fees and on Changes in the System of Local Financial Authorities as amended by later regulations, the Parliamentary Act No. 274/1994

Coll. on Social Security Centre as amended by later regulations, the Parliamentary Act No. 162/1995 Coll. on Land Registry and on Registering the Titles to Property and Other Rights to Real Estate as amended by later regulations, the Parliamentary Act No. 180/1996 Coll. Customs Act as amended by later regulations.

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		139 384
Discontinued by the public prosecutor	In general	65 727
	Because the offender could not be identified	63 234
	Due to the lack of an established offence or a specific legal situation	
Concluded by a penalty, imposed or negotiated by the public prosecutor		
Charged by the public prosecutor before the courts		32 682

Source **General Prosecution Office**

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	26 939	N.A.	N.A.
	Judicial decisions	26 446	N.A.	N.A.
	Convicted persons	26 804	573	57
	Acquitted persons	1 223	43	3
	Percentage of decisions subject to appeal in a higher court	17%	N.A.	N.A.
	Pending cases by 1 January 2005	17 330	N.A.	N.A.
	Percentage of pending cases of more than 3 years	9%	N.A.	N.A.
Average length*(from the date of official charging)	1st instance decision	N.A.	N.A.	N.A.
	2nd instance decision	N.A.	N.A.	N.A.
	Total procedure	5,45 months	9,46 months	15,06 months

* If you cannot calculate the average length from the date of official charging, how do you calculate length

of proceedings?

Source Ministry of Justice

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:

- | | |
|--|-------------------------------------|
| ▪ a body composed of members of the judiciary? | Yes |
| ▪ a body composed of members external to the judiciary? | <input type="checkbox"/> |
| ▪ a body composed of members of the judiciary and external to the judiciary? | <input checked="" type="checkbox"/> |

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- | | |
|--|-------------------------------------|
| ▪ a body composed of members of the prosecution system? | Yes |
| ▪ a body composed of members external to the prosecution system? | <input type="checkbox"/> |
| ▪ a body composed of members of the prosecution system and external to the prosecution system? | <input checked="" type="checkbox"/> |

76. Is the mandate given for an undetermined period for:

- | | Yes | No |
|----------------|-------------------------------------|--------------------------|
| ▪ judges? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ prosecutors? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Are there exceptions ? Please specify:

There are no exceptions.

If no, what is the length of the mandate:

- | | |
|--------------|--------------------------|
| ▪ of judges? | <input type="checkbox"/> |
|--------------|--------------------------|

Is it renewable?

- | | | |
|---|--------------------------|--------------------------|
| | Yes | No |
| ▪ | <input type="checkbox"/> | <input type="checkbox"/> |

- of prosecutors?   

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of the selection and nomination procedure of judges and prosecutors*

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	no
	Highly recommended	yes	Regular	no
	Optional		Occasional	yes
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	no
	Highly recommended	yes	Regular	no
	Optional		Occasional	yes
In-service training for specific functions (e.g. head of court)	Compulsory	no	Annual	
	Highly recommended	no	Regular	
	Optional	no	Occasional	

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	No
	Highly recommended	yes	Regular	No
	Optional		Occasional	yes

Specialised service training	in- Compulsory		Annual	No
	Highly recommended	yes	Regular	No
	Optional		Occasional	Yes

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of of your training system for judges and prosecutors**

The Judicial Academy (hereinafter only JA) was established by Act No. 548/2003 Coll. on the Judicial Academy as a budgetary organisation of the Ministry of Justice of the Slovak Republic. It started its operation on **1 September 2004** and its task is to ensure, organise and carry out education of judges, prosecutors and court officials as well as judge candidates and prosecutor candidates.

The JA has drafted a plan of educational events for the 1st half of 2005 that is gradually implemented after approval by the JA Board (hereinafter the "Board"). Educational activity is provided by the faculty composed of permanent and visiting members. The Board approved the first visiting members of the faculty, who number 79 and come mainly from the ranks of judges, prosecutors and university lecturers, on 24 January 2005. In their selection the Board consistently followed Section 11 of the quoted law that stipulates that the selection of the members of the faculty is made from the ranks of judges or prosecutors who hold the office of judge or prosecutor at least for a period of 5 years. The board applied the requirement of a 5-year practice accordingly also when selecting members of the faculty who do not hold the office of judge or prosecutor. The number of the members of the faculty is not limited in any way. The Board shall decide on other members upon a proposal by the Minister, the Judicial Council, and councils of judges, prosecutor general and the director.

The JA has the ambition to satisfy all persons (whose education it should arrange under the law) who showed interest in its educational events. As already stated the possibilities are today limited by the capacity of the Institute of Education of the Ministry of Justice at Omšenie. Therefore, when inviting participants to the individual events the representation of individual regions is calculated as the ratio of the number of judges in the region to the total number of judges in the Slovak Republic. In those cases when significantly more persons than the capacity of the Institute apply the JA arranges a repetition of the event. In order to prevent absence from courses without explanation the JA had to adopt measures ensuring the payment of the expenditures of the course by those persons who did not attend without a serious reason and without excusing their absence in advance.

The JA cooperates with the presidents of regional courts in the implementation of the approved academic plan.

The condition for being included in a particular event is **the sending of a fully filled application form and the signature of the superior**. The JA arranges education of prosecutors and prosecutor candidates **through the Prosecution General of the Slovak Republic**.

The JA keeps records on the attendance by judges, prosecutors and court officials in individual courses. These records are mainly used to serve the internal needs of the JA when giving repeated training. However, it may also be used as a basis for an overall assessment of judges, prosecutors and court officials in their future career. When implementing its tasks the JA builds on legal provisions under which judges and prosecutors have the right to deepen their professional qualification while being also responsible for unused offered possibilities for education.

--

V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career
17 632 €

Source Ministry of Justice

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court
24 132 €

Source Ministry of Justice

81. Gross annual salary of a public prosecutor at the beginning of his/her career
12 750 €

Source Act. No. 154/2001 Coll. on prosecutors and trainee prosecutors of the public prosecution service (Art. 95)

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court
19 263 €

Source Act. No. 154/2001 Coll. on prosecutors and trainee prosecutors of the public prosecution service (Art. 95)

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	no	no
Special pension	no	no
Housing	no	no
Other financial benefit (If yes, please specify)	Extra salary bonus at the end of the year	Extra salary bonus at the end of the year

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	x			x		
Research and publication	x			x		
Arbitrator			x			x
Consultant			x			x
Cultural function	x					
Other function						

to specify

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No

Yes Please specify:

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number	54	9
	Breach of professional ethics (Yes/No) If yes, please specify the number	3	
	Professional inadequacy (Yes/No) If yes, please specify the number	14	7
	Criminal offence (Yes/No) If yes, please specify the number	no	
	Other (Yes/No) If yes, please specify	37 *	2
	Types of sanctions	Total number	17
Reprimand (Yes/No) If yes, please specify the number		9	2
Suspension (Yes/No) If yes, please specify the number			
Dismissal (Yes/No) If yes, please specify the number			
Fine (Yes/No) If yes, please specify the number		8	2
Other (Yes/No) If yes, please specify			1 Allocation to a different prosecution office

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and

prosecutors

*** caused breaching of judicial duties (most frequent - 23),
misdemeanour**

- breach of the duty for property confession,
- incapacity to show source of his/her significant property gain
- breach of the duty in the field of the state administration of the courts,
- deliberate breach of the duty to make impartial and unbiased decisions,
- arbitrary decision which evidently has no support in laws, if judge cause significant damage or other serious consequence by this decision,

unidentified (includes 5 motions to dismiss reprimands issued by Minister of Justice for smaller imperfections in work of judges)

Breach of professional ethics - Includes also behavior, which arouse doubts about impartial and unbiased decisions of the judge.

Professional inadequacy - Includes also slowness in specific case or caused behavior of the judge which causes delay in the disciplinary or legal case.

Fine - Includes also salary reduction.

Caused breach of judicial duties includes especially evident breach of procedural rules of the court.

Characteristics of our system:

Most of the disciplinary procedures begins from the initiative of the Minister of Justice or Chairman of the court and are decided by the Disciplinary court. However, for smaller imperfections in work or behavior of judges they can be reprimanded directly and judges can file a motions to dismiss reprimands to the Disciplinary court.

VI. Lawyers

87. **Number of lawyers practising in your country**

4 100

Source **Slovak Bar Association**

88. **Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?**

Yes

No *

89. **Do lawyers have a monopoly of representation:**

	Monopoly (Yes/No)	If no, possible representation by (Yes/No)
	No,	Member of family <input type="checkbox"/> yes <input type="checkbox"/>

Civil cases*	except for the case of <u>extraordinary appeal</u> which are always handled and resolved by the Supreme Court. (Civil Procedure Code – Sec. 241 (1))		Trade Union	Yes Trade union (as an example of the non-governmental organization) may under the power of attorney represent the client who is its member, and may do so in labour matters. (Civil Procedure Code – Sec. 26 (2))
			NGO	yes
			Other	yes
			Member of family	no
Criminal cases*	Defendant	Yes the defendant lawyer may be only the lawyer or in some cases (misdemeanors) his/her trainee lawyer	Trade Union	no
			NGO	no
			Other	no
			Member of family	yes
	Victim	no	Trade Union	yes
			NGO	yes
			Other	no
			Member of family	yes
Administrative cases*	No except obligatory representation in case of judicial review of administrative decisions		Trade Union	yes
			NGO	yes
			Other	yes
			Member of family	yes

* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

- a national bar?
- a regional bar?
- a local bar?

Yes

x

Please specify:

The legal profession may be performed only by persons who are entered on the rolls maintained by the Slovak Bar Association.

*Ad Q. 88/ Such differentiation (solicitors and barristers) does not exist according to Act No. 586/2003 Coll. on the Legal Profession as amended. In-house counsellors are not admitted to the Slovak Bar Association (hereinafter only referred to as the "Bar")

The figure in point 87 does not include cross-border European lawyers. These are obliged to act in conjunction with local lawyers admitted to the Bar as to representation of clients in lawsuits.

Foreign registered lawyers and international legal practitioners shall not have the right of audience before a court of law at all.

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes No

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes No

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No
Yes Please specify:

94. Can users establish easily what the lawyers' fees will be?

Yes No

95. Are lawyers fees:

- regulated by law?
- regulated by Bar association?
- freely negotiated?

96. Have quality standards been formulated for lawyers?

Yes No

97. If yes, who is responsible for formulating these quality standards:

- the bar association?
- the legislature?
- other? Please specify:

When practising law, the lawyer is obliged to act fairly and honestly, with a due professional care; he shall consistently use all available legal means and do anything which is to the best of the lawyer's knowledge in his client's interest. The lawyer shall ensure that his legal services serve their intended purpose and are rendered for reasonable fees.
(the Act on the Legal Profession – Sec. 18 (2))

Sec. 2(1) of the Rules of Professional Conduct reads that when practising his profession the lawyer is obliged to apply his knowledge and experience, always within the limits of law, and he shall use any available arguments to the benefit of his client

98. Is it possible to complain about :

- the performance of lawyers?

No	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>

Please specify:

Complaint procedure is governed and regulated in Act No. 586/2003 Coll. on the Legal Profession as amended and in the Disciplinary Rules approved by the General Assembly of Lawyers on 18 June 2004.

- the amount of fees?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	12
	Professional inadequacy	13
	Criminal offence	20
	Other	
Type of sanctions	Reprimand	N.A.
	Suspension	N.A.
	Removal	N.A.
	Fine	N.A.
	Other	N.A.

100. Who is the authority responsible for the disciplinary procedures:

- a professional body?

Yes	<input checked="" type="checkbox"/>
-----	-------------------------------------

Please specify:

The Disciplinary Committee is the responsible body. It is as a governing body of the Bar elected by the General Assembly of Lawyers.

The disciplinary proceeding shall be conducted by a three-member disciplinary panel appointed by the Chairman of the Disciplinary Committee from among its members.

- the judge?

no	<input type="checkbox"/>
----	--------------------------
- the Ministry of justice?

no	<input type="checkbox"/>
----	--------------------------
- other?

no	<input type="checkbox"/>
----	--------------------------

Please specify:

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning the organisation of the Bar**

Slovak Bar Association

The independent legal profession was established pursuant to Act No. 132/1990 Coll. on Advocacy that became effective on July 1, 1990. Nowadays Act No. 586/2003 Coll. dated 4 December 2003 on the Legal Profession as amended, which implemented also the EU lawyers' sectoral directives, is valid and in effect.

The Slovak Bar Association is an independent self-administrative professional organisation, currently associating cca 4100 lawyers and 1220 trainee lawyers. The legal profession helps to exercise the individual's constitutional right to defence and to protect any other individual's and legal entity's rights and interests in accordance with the Slovak Constitution and the laws. The duties and obligations of the legal profession are fulfilled by lawyers, particularly by representing clients before courts of law, governmental authorities and other entities, acting for and defending individuals in criminal proceedings, legal consultancy, writing instruments about legal acts, making legal analyses and administration of clients' property.

Lawyer is a person who has met all the legal requirements stipulated in the latter Act and has been duly admitted to the Slovak Bar Association. The Bar Association Council maintains these rolls: the roll of lawyers, European lawyers, foreign registered lawyers and international legal practitioners, list of partnerships of lawyers, limited liability partnerships, general non-commercial partnerships, limited liability companies, list of international law corporations and trainee lawyers.

The Bar Association Council, one of the governing bodies of the Bar, maintains these lists in the alphabetical order and also with reference to the registered offices and language skills. The lists are at your disposal at the web-site of the Bar: www.sak.sk.

The lawyer is entitled to render legal services in the whole Slovak Republic territory. The requirements for the practice of the profession are stipulated and defined in the Act on the Legal Profession, the Rules of Professional Conduct and other Bar's internal rules and regulations.

The Bar Association governing bodies are as follows: General Assembly, Bar Association Council, the Supervision and Disciplinary Committees. The Council consists of 9 members and 3 substitutes. The Supervision Committee consists of 9 members and 3 substitutes. The Disciplinary Committee consists of 31 members and 10 substitutes who exercise their powers in three-member disciplinary benches. The Slovak Bar Association exercises the disciplinary power and supervises the proper and due practice of the profession. All the complaints related to the practice of the legal profession are first delivered and registered in a written form or by e-mail by the Bar's Headquarters. The General Secretary then deals with and handles the complaint within two months following its delivery to the Bar's Headquarters. Admissible or repeated complaints are submitted to the Supervision Committee. If the Supervision Committee comes to a conclusion that the lawyer breached any of his/her duties as prescribed by the obligatory rules, the chairman of the Supervision Committee shall file a proposal for the commencement of the disciplinary proceedings. The cases of professional misconduct are handled and decided by three-member disciplinary panels.

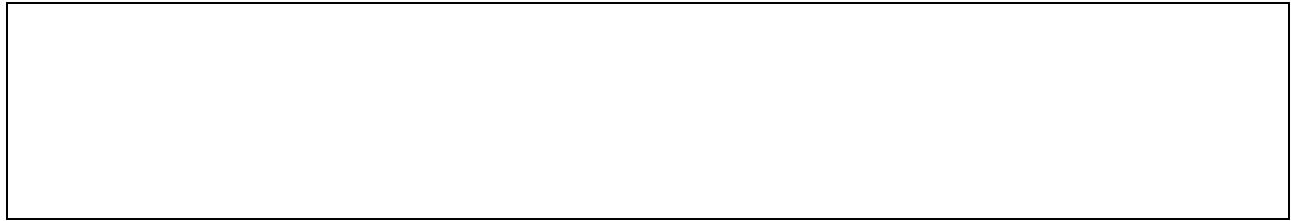
VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings		Private mediator	yes
			Public or authorised by court body	no
			Court	no
Civil cases	Compulsory stage in court proceedings		Judge	no
		Ordered by judge in certain cases	Prosecutor	no
Family cases	Compulsory stage prior to court proceedings		Private mediator	yes
			Public or authorised by court body	no
			Court	no
Family cases	Compulsory stage in court proceedings		Judge	no
		Ordered by judge in certain cases	Prosecutor	no
Administrative cases	Compulsory stage prior to court proceedings		Private mediator	no
			Public or authorised by court body	no
			Court	no
Administrative cases	Compulsory stage in court proceedings		Judge	no
		Ordered by judge in certain cases	Prosecutor	no
Employment dismissals	Compulsory stage prior to court proceedings		Private mediator	yes
			Public or authorised by court body	no
			Court	no
Employment dismissals	Compulsory stage in court proceedings		Judge	no
		Ordered by judge in certain cases	Prosecutor	no
Criminal cases	Compulsory stage prior to court proceedings		Private mediator	no
			Public or authorised by court body	no
			Court	no
Criminal cases	Compulsory stage in court proceedings		Judge	no
		Ordered by judge in certain cases	Prosecutor	

102. Can you provide information about accredited mediators?

List of accredited mediators . <http://www.justice.gov.sk/wfn.aspx?pg=l55&uc=adr/clmedd>



103. Can you provide information about the total number of mediation procedure concerning:

- **civil cases?** N.A.
- **family cases?** N.A.
- **administrative cases?** N.A.
- **employment dismissals?** N.A.
- **criminal cases?** N.A.

Source Ministry of Justice

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:

Arbitration Regulations

Since the judicial system in Slovakia is inefficient, foreign investors may tend to look to arbitration courts as an alternative source for fast and impartial dispute resolution. In general, the Slovak Arbitration Act compares favorably to the European Convention on International Commercial Arbitration and the UNCITRAL Model Law on International Commercial Arbitration. The Slovak Arbitration Act establishes a framework of minimum requirements for arbitration courts to follow. The government itself does not maintain a court of arbitration. Instead, the Slovak Chamber of Commerce supports the only arbitration court. The Act merely regulates the operation of the Chamber of Commerce Arbitration Court.

The Slovak Arbitration Act provides for flexible arbitration proceedings, including a liberal construction of when arbitration agreements have been formed, the number of arbitrators that will hear the case, and the selection arbitrators. Parties may agree on alternative procedures, so long as they are consistent with the Slovak Arbitration Act. However, the Act, does not make a clear provision for choosing the applicable substantive law. The Slovak law is intended to apply to domestic conflicts. However, the law should allow parties the flexibility to choose to apply alternative substantive law.

The jurisdiction of arbitration courts should be expanded. For instance, the Slovak Arbitration Act excludes certain classes of property disputes from arbitration. Such restrictions are not mandated in the international arbitration agreements. Slovakia should review the rationale behind this provision and determine if it is a necessary restriction.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- | | |
|---|--------------------------|
| ▪ judges? | Yes |
| ▪ bailiff practising as private profession ruled by public authorities? | <input type="checkbox"/> |
| ▪ bailiff working in a public institution? | X |
| ▪ other enforcement agents? | <input type="checkbox"/> |
- Please specify their status:**

The competence of the Ministry of Justice of the Slovak Republic (hereinafter the "Ministry") with respect to distrainers is laid down in Section 8 of Act No. 233/1995 Coll. on court distrainers and distraint (Distraint Procedure) and on the amendment of certain other acts as amended within the meaning of which the state supervision of the activity of the Slovak Chamber of Distrainers (hereinafter "the Chamber") and distrainers is performed by:

- the Ministry by monitoring compliance with the lawfulness of procedures applied by distrainers in concrete cases, regular and targeted checks of distraint offices and distraint files, discussing and assessing Chamber reports on the results of distraint activities and knowledge from handling complaints concerning distrainer's conduct,
- the Minister of Justice who appoints and removes distrainers, decides on lifting distrainer's confidentiality obligation.

The Minister of Justice may **suspend the distrainer from his office** (§ 222 Rules of Distraint) when criminal proceedings have been initiated against him/her on grounds of an intentional crime or a distraint activity related crime; till the promulgation of the judgement of the court of first instance or in case of commenced disciplinary proceedings against him/her on grounds of serious disciplinary violation till the decision becomes final.

The Minister of Justice **may file a petition to open disciplinary procedure against a distrainer** within one year from the day he/she learned of the disciplinary violation, however, not later than three years from the date of the event.

The Minister of Justice **has the obligation to suspend the distrainer** who was found guilty of committing an intentional crime or a crime related with distraint in a judgement of a court of first instance **from office** for the period of serving the sentence of deprivation of liberty until the judgement becomes final, if there are no grounds for appeal.

The Minister of Justice **has the obligation to remove a distrainer** who lost his integrity according to the Dstraint Rules of Procedure or who failed to submit a criminal record statement within the required time limit, **without undue delay**.

The Minister of Justice **has the obligation to remove a distrainer** who fails to prove his/her compliance with the requirement of a master degree level of education at a school of law of a tertiary educational institution in the Slovak Republic or who fails to have his/her certificate of a master degree level of education at a school of law of a tertiary educational institution issued by a foreign tertiary education institution recognised, **without undue delay**.

106. **Number of enforcement agents**

262

Source **The Slovak Chamber of Distrainers**

107. **Is there a specific initial training or examination to enter the profession of enforcement agent?**

Yes

No

108. **Is the profession of enforcement agent organised by?**

- a national body?
- a regional body?
- a local body?

Yes

109. **Can users establish easily what the fees of the enforcement agents will be?**

Yes

No

110. **Are enforcement fees:**

- regulated by law?
- freely negotiated?

Yes

111. **Is there a body entrusted with the supervision and the control of the enforcement agents?**

No

Yes

Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

Please specify:

112. Have quality standards been formulated for enforcement agents?

No
Yes

Who is responsible for formulating these quality standards?

The legislature (Act No. 233/1995 Coll. on court distrainers and distraint (Distraint Procedure).

Source

113. What are the main complaints of users concerning the enforcement procedure:

	Yes	No
▪ no execution at all?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ lack of information?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ excessive length?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ unlawful practices?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ insufficient supervision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ excessive cost?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ other?	<input type="checkbox"/>	<input type="checkbox"/>

Source Ministry of Justice, The Slovak Chamber of Distrainers

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No
Yes

Please specify:

115. Is there a system measuring the timeframes of the enforcement of decisions :

	Yes	No
▪ for civil cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ for administrative cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

	Yes
▪ between 1 and 5 days	<input type="checkbox"/>
▪ between 6 and 10 days	<input type="checkbox"/>
▪ between 11 and 30 days	<input type="checkbox"/>
▪ more: please specify <input type="checkbox"/> N.A.	<input type="checkbox"/>

Source The Slovak Chamber of Distrainers

117. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number) *	
Disciplinary proceedings	Breach of professional ethics	Yes N.A.
	Professional inadequacy	Yes N.A.

Sanctions	Criminal offence	Yes	N.A.
	Other		
	Reprimand	Yes	N.A.
	Suspension	Yes	N.A.
	Dismissal	Yes	N.A.
	Fine	Yes	N.A.
	Other		

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in civil matters**

* There were totally 32 disciplinary proceedings in 2004, among them 13 finally decided.

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

Yes **Please specify his/her functions and activities (e.g. Initiative or control functions):**

No **Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):**

- Probation Officers
 Act. No. 550/2003 Coll. on probation and mediation officers regulates execution of probation in matters tried in criminal proceedings. Probation means :
 organisation and execution of the supervision of the accused, the defendant or the convicted person,
 control of the execution of sentence not related to the imprisonment, including the obligation or restriction imposed;
 supervision of the conduct of the defendant during the probation period for conditional discharge of a prisoner,
 helping to the accused to lead an orderly life and meet conditions imposed to him by the decision of the prosecutor or the court in criminal proceedings.
 The Ministry of Justice of the Slovak Republic conceptually and methodologically manages and regulates the execution of the probation.

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No
Yes

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

IX. Notaries

120. Is the status of notaries:

- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?

Yes Number

281

Please specify:

Source Chamber of Notaries

121. Do notaries have duties:

- within the framework of civil procedure?
- in the field of legal advice?
- to authenticate legal deeds?
- other?

Yes

No

If yes, please specify:

Drawing up notarial deeds.

122. Is there a body entrusted with the supervision and the control of the notaries?

No
Yes

Which authority is responsible for the supervision and the control of the

notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

x

Please specify:

Judge within an inheritance procedures

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system of notaries*

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

THE OBJECTIVE OF THE COURT SYSTEM OPTIMISATION

- The reform of the judiciary within which legislative and organisational prerequisites for an effective performance of judiciary are created.
- A good structure of the court system is one of the factors preconditioning court system functioning.
- A good court system and good conditions for the administration of justice benefit the citizens because they ensure better quality of decision-making by judges. The creation of a three-level system will ensure transparency and a simpler judicial system.
- Specialisation of judges will ensure more effective decision-making and higher professional skills of judges.
- Creation of larger courts will ensure more effective selection of judges by using court management system, and, thus, even more transparency will be ensured
- Judges will be able perform only judicial activities and at the same time they will delegate many activities to higher court officials (Company Registry, CPC) and the administrative judicial staff.
- The number of court functionaries who currently carry out mainly the tasks of state administration of courts will be reduced, and, thus, more judges will directly enhance the administration of justice proper. By singling out some activities ensuring court operation that can be more effectively performed from one centre, conditions for effective management in state administration of courts will

be created.