



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

## Country: Slovakia

### National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants

5389180

##### 2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	9401469000
Regional / entity level	

##### 3) Per capita GDP (in €)

8820

##### 4) Average gross annual salary (in €)

6539,59

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

34,426 SKK/1 EUR

##### Please indicate the sources for the questions 1 to 4

Q 1, 2, 3, 4 - [www.statistics.sk](http://www.statistics.sk) (Statistical office of the Slovak republic)

Q 5 - [www.nbs.sk](http://www.nbs.sk) (National Bank of the Slovak republic)

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

##### 6) Total annual approved budget allocated to all courts (in €)

111477334

##### 7) Please specify

The courts (except the Supreme court) are financed from the budget of Ministry of justice.

Supreme court manages its own budget.

The budget approved to the Ministry of justice (courts) - 106 083 716 EUR

The budget of the Supreme court - 5 393 618 EUR

##### 8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	58097410
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	1229303
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	4113635
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	4336213
Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	115784
Other (please specify):	<input checked="" type="checkbox"/> Yes	43584989

**9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?**

☒ Yes

☐ No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

General increase of budget of Ministry of justice 2005-2006 is EUR 6962150.

**10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

☐ for criminal cases?

☒ for other than criminal cases?

If yes, are there exceptions? Please specify:

In the Act on the Court fees (No. 71/1992 Coll.) there is a list of the persons who as a litigants are not obliged to pay the court fees (e.g. the state, foundations etc.) and a list of certain types of proceedings, which are free of charge (e. g. the proceedings on guardianship and trusteeship etc.)

**11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)**

37967321

**12) Total annual approved budget allocated to the whole justice system (in €)**

121962190

**13) Total annual approved public budget allocated to legal aid (in €)**

2779410

**14) If possible, please specify**

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	NA	NA

**15) Is the public budget allocated to legal aid included in the court budget ?**

☒ Yes

☐ No

**16) Total annual approved public budget allocated to the public prosecution system (in €)**

39331000

**17) Is the budget allocated to the public prosecution included in the court budget?**

☐ Yes

☒ No

**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other ministry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judicial Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**

Other ministry - Ministry of finance

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

**Please indicate the sources for the questions 6, 7, 13 et 16**

Q 6, 7, 13 - The Ministry of justice, The Section of Development, Economic Affairs and Administration

Q 6,7 - The Supreme court of the Slovak republic

Q 16 - The General prosecutor office

## 2. Access to justice

### 2. 1. Legal aid

#### 2. 1. 1. Principles

**20) Does legal aid concerns:**

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

**21) If other, please specify (in regards to question 20):**

**22) Does legal aid foresee the covering or the exoneration of court fees?**

☒ Yes

☐ No

If yes, please specify:

Under the Code of the Civil procedure in civil cases the court may grant the exoneration of the court fees on the grounds of the economic situation of the participant.

**23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?**

☐ Yes

☒ No

If yes, please specify:

**24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:**

	Number
Total	
Criminal cases	N.A.
Other than criminal cases	561

**25) 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
- ☐ No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?	no		
for other than criminal cases?		yes	209 EUR

27) 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

28) If yes, is the decision for granting or refusing legal aid taken by:

- ☐ the court?
- ☒ an authority external to the court?
- ☐ a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- ☐ Yes
- ☒ No

Please specify:

30) 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 and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 24 and 26

Q24 - [www.legalaid.sk](http://www.legalaid.sk) - The annual report on the activities of the Centre for legal aid

Q26 - [www.legalaid.sk](http://www.legalaid.sk)

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

**31) 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 (Please specify the Internet addresses):**

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	<a href="http://jaspi.justice.gov.sk">jaspi.justice.gov.sk</a> <a href="http://www.zbierka.sk">www.zbierka.sk</a>
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	<a href="http://jaspi.justice.gov.sk">jaspi.justice.gov.sk</a> <a href="http://www.supcourt.gov.sk/">http://www.supcourt.gov.sk/</a>
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	<a href="http://www.justice.gov.sk">www.justice.gov.sk</a>

**32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

☐ Yes

☒ No

If yes, please specify:

**33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?**

☐ Yes

☒ No

If yes, please specify:

The information are provided via non-governmental sector organizations, mainly citizen

societies.

**34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**35) Does your country have a compensation procedure for victims of crimes?**

- ☒ Yes  
☐ No

**36) If yes, does this compensation procedure consist in:**

- ☒ a public fund?  
☒ a court decision?  
☐ private fund?

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

Under the Act on Compensation for the Violent Intentional Crime's Victims (No. 215/2006 Coll.) the compensation can be provided only to the victims of intentionally committed violent crimes. This compensation is reimbursed from the public funds.

In criminal proceedings the court may impose the convicted person to financial compensation of the victim.

**37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?**

- ☐ Yes  
☒ No

If yes, please specify:

**38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?**

- ☐ Yes  
☒ No

If yes, please specify:

**39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?**

- ☒ Yes  
☐ No

If yes, please specify:

The victim can file a complaint against the decision of the prosecutor to discontinue the criminal proceedings excluding the case, when the settlement between the accused and victim is approved. (Art. 215 par.6 of the Code of criminal proceedings).

## 2. 2. 2. Confidence of citizens in their justice system

**40) Is there a system for compensating users in the following circumstances:**

- ☒ excessive length of proceedings?
- ☐ non execution of court decisions?
- ☒ wrongful arrest?
- ☒ wrongful condemnation?

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

Excessive length of proceedings - The Constitutional court of the Slovak republic has the right to grant the financial compensation to a litigant when declaring the violation of the right to have his/her case tried publicly without undue delays.

Wrongful arrest, wrongful condemnation - the compensation process is governed by the Act on liability of the state for damage caused by exercising of the public power (No. 514/2003 Coll.). The rates and tariffs are not laid in law.

**41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?**

- ☐ (Satisfaction) surveys aimed at judges
- ☐ (Satisfaction) surveys aimed at court staff
- ☐ (Satisfaction) surveys aimed at public prosecutors
- ☐ (Satisfaction) surveys aimed at lawyers
- ☐ (Satisfaction) surveys aimed at citizens (visitors of the court)
- ☐ (Satisfaction) surveys aimed at other clients of the courts

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

**42) If yes, please specify:**

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

**43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?**

- ☒ Yes
- ☐ No

**44) If yes, please specify:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

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

Under the Act on courts (No.757/2004 Coll.) the litigant may make the complaint only in the case of the violation of his/her right to public hearing of the case without undue delays or in the case of misbehavior of a judge or a member of court staff. The complaint has to be respond by the president of the court in 30 days. The answer can be revised by the president of the court of higher instance or by the ministry of justice.

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)**

	Total number
First instance courts of general jurisdiction (legal entities)	45
Specialised first instance courts (legal entities)	4
All the courts (geographic locations)	51

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

45 District courts (first instance courts) with general jurisdiction

3 Military district courts with the jurisdiction in criminal matters

1 Special court with the special jurisdiction in criminal matters

2 other court buildings which works as a "branches" of the district courts. There are the former seats of the recently abolished district courts.

**47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?**

☒ Yes

☐ No

If yes, please specify:

Since the 1st of january 2008 there will be 7 new district courts in function.

**48) Number of first instance courts competent for a case concerning:**

	Number
a debt collection for small claims	45
a dismissal	45
a robbery	45

**Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):**

The term "small claims" is not defined in the Slovak law, there is no special procedure for handling the cases with lower money value.

**Please indicate the sources for the question 45**

Ministry of justice of the Slovak republic

### 3. 1. 2. Judges, courts staff

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

1337

**50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

	Number
gross figure	
if possible, in full time equivalent	

**51) Please specify (answer only if the information has changed compared to the previous evaluation round):**

**52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):**

Not available.

The president of every district court determines the adequate number of the lay judges for the district. The lay judges are after that elected by the local/municipal council for the term of 4 years.

The lay judges perform their judicial function only in certain criminal cases specified by the Code of the criminal proceedings.

**53) Does your judicial system include trial by jury with the participation of citizens?**

☐ Yes

☒ No

If yes, for which type of case(s)?

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**

**55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)**

4282

**56) If possible, could you distribute this staff according to the 4 following categories:**

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	813
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	<input checked="" type="checkbox"/> Yes	2233
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)	<input checked="" type="checkbox"/> Yes	970
technical staff	<input checked="" type="checkbox"/> Yes	266

**Please indicate the sources for the questions 49, 50, 52, 53 and 55**

Q 49, 56 - Department of Human Resources Development, Ministry of Justice of the Slovak republic and the Supreme court of the Slovak republic

### 3. 1. 3. Prosecutors

**57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)**

745

**58) Do any other persons have similar duties as public prosecutors?**

☐ Yes

☒ No

If yes, please specify:



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

777

**Please indicate the sources for the questions 57 and 59**

The General prosecutor office

### 3. 1. 4. Budget and New technologies

**60) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**61) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

Under the Act on courts (No. 757/2004 Coll.) the president of the court with court administrative director prepare the draft of the court budget until 15. November of the year preceding the year, in which the budget for next year is preparing.

The complete draft of the budget is prepared by the Ministry of justice for the whole judiciary (except the Supreme court, who governs its own budget).

The allocation of approved budget is made by the ministry of justice to Regional courts, who allocate the budget to the district courts within their territorial authority.

**62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**63) For administration and management, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**64) For the communication between the court and the parties, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?**

- ☒ Yes  
☐ No

If yes, please specify the name and the address of this institution:

The Ministry of justice of the Slovak republic  
 Section of Judicial Informatics and Statistics  
 Župné námestie 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 and the main reforms that have been implemented over the last two years

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 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.

**Please indicate the sources for the questions 62, 63 and 64**

The section of judicial informatics and statistics, Ministry of justice of the Slovak republic

### 3. 2. Monitoring and evaluation

### 3. 2. 1. Monitoring and Evaluation

**66) Are the courts required to prepare an annual activity report?**

- ☒ Yes  
☐ No

**67) Do you have a regular monitoring system of court activities concerning the:**

- ☒ number of incoming cases?  
☒ number of decisions?  
☒ number of postponed cases?  
☒ length of proceedings (timeframes)?  
☐ other?

Please specify:

**68) Do you have a regular system to evaluate the performance of each court?**

- ☒ Yes  
☐ No

Please specify:

Under the Act on the courts (No. 757/2004 Coll.) the internal inspection (review) is the type of the supervision of the court and the judges, aimed to examination of the current state of performing of justice, to detection of reasons of possible weaknesses and to proposition of the remedies. The inspection is the part of the performance of justice. The inspection has to be realized in five year intervals.

**69) Concerning court activities, have you defined performance indicators?**

- ☒ Yes  
☐ No

**70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.**

- ☒ Incoming cases
- ☒ Length of proceedings (timeframes)
- ☒ Closed cases
- ☒ Pending cases and backlogs
- ☐ Productivity of judges and court staff
- ☐ Percentage of cases that are treated by a single sitting judge
- ☐ The enforcement of penal decisions
- ☐ Satisfaction of employees of the courts
- ☐ Satisfaction of clients (regarding the services delivered by the courts)
- ☐ Judicial and organisational quality of the courts
- ☐ The costs of the judicial procedures
- ☐ Other

Please specify:

**71) Are there performance targets defined for individual judges?**

- ☐ Yes
- ☒ No

**72) Are there performance targets defined at the level of the courts?**

- ☒ Yes
- ☐ No

**73) Please specify who is responsible for setting the targets:**

- ☒ executive power (for example the Ministry of Justice)
- ☐ legislative power
- ☐ judicial power (for example a High Judicial Council or a Higher Court)
- ☐ other

Please specify

**74) Please specify the main targets applied:**

**75) Which authority is responsible for the evaluation of the performances of the courts:**

- ☒ the High Council of judiciary
- ☐ the Ministry of Justice
- ☒ an Inspection authority
- ☐ the Supreme Court
- ☐ an external audit body
- ☐ other?

Other, please specify:

**76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?**

- ☐ Yes
- ☒ No

If yes, please specify:

**77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?**

- ☒ Yes
- ☐ No

**78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:**

- ☒ civil cases?
- ☒ criminal cases?
- ☒ administrative cases?

**79) Do you have a way of analysing waiting time during court procedures?**

- ☐ Yes
- ☒ No

If yes, please specify:

**80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?**

- ☒ Yes
- ☐ No

Please specify (including an indication of the frequency of the evaluation):

The internal inspection is performed in accordance with the plan/schedule of the inspections, which is approved by the Judicial council.

**81) Is there a system for monitoring and evaluating the functioning of the prosecution services?**

- ☒ Yes
- ☐ No

If yes, please specify:

The General prosecutor submits every year to the Annual activity report on the public prosecution service to the National council of the Slovak republic (Parliament).

**You can indicate below:**

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

The regular internal inspection is aimed to:

- results of the court and the judges with regard to personal and material conditions and workload of judges
- the status and the reason of existing backlogs and eventual delays in proceedings,
- the observance of the procedural rules, formal requirements of the minutes and court decisions, legal time limits,
- timeliness of executing and dispatching of court decisions,
- the quality of preparation and the course of hearings, the effective utilization of the trial days and the reasons of adjourning of court sessions,
- the quality of work of court departments and record offices, the quality of court files,
- the allocation of files according to the working schedule,
- the observance of the procedure of preparation of the working schedule of the court and the reasonable grounds of its changes,
- the dignity of professional conduct of judges, court officials and court staff as well as the dignity of the court environment,
- the effectiveness of the complaint procedure.

**Please indicate the sources for the the question 70,71, 72 and 76**

The Ministry of justice

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?**

**83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

☒ Yes

☐ No

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

**84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	8	5	25	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	2	0

**Please indicate the sources for the questions 82 and 84**

Q 84 - The Office of the Agent of the Slovak republic before the ECHR

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**85) Are there specific procedures for urgent matters as regards:**

☒ civil cases?

☒ criminal cases?

☐ administrative cases?

If yes, please specify:

Civil cases:

Preliminary measures has to be issued in 30 days, in the cases concerning minor child care and domestic violence in 7 days and in the case, when the life, health or evolution of a minor child is seriously endangered the court has to decide within 24 hours.

Criminal matters:

The judge has a time limit to give a decision on custody of accused person and other decisions in pre-trial proceedings.



**86) Are there simplified procedures for:**

- ☒ civil cases (small claims)?
- ☒ criminal cases (petty offences)?
- ☐ administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

Civil cases:

The term "small claims" is not defined in the Slovak law, there is no special procedure for handling the cases with lower money value.

The payment order procedure can be considered as simplified procedure.

Criminal cases:

The judge can issue "penal order" in simplified procedure without hearing the case.

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

- ☒ Yes
- ☐ No

If yes, please specify:

Unless the time limits are governed by law, the judge can set the procedural time limits himself/herself. In justified cases the limits can be extended.

**4. 2. 2. Penal, civil and administrative law cases****88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)	273095	248507	281862	239740

1 Civil (and commercial) litigious cases*	166041	122002	139767	148276
2 Civil (and commercial) non-litigious cases*	96464	115984	130491	81957
3 Enforcement cases	136467	5043	90597	50913
4 Land registry cases**	x	x	x	x
5 Business register cases**	13906	68561	70266	12201
6 Administrative law cases	10590	10521	11604	9507
7 Other	131963	210611	217965	124609
Total criminal cases (8+9)	26937	31754	34281	24410
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

**89) \* The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.**

**\*\* if applicable**

**Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".**

### Explanation

For the criminal cases there are not available data for distinguish the number of the cases in line 8 and 9

**90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	9404	28412	26576	11240
1 Civil (and commercial) litigious cases*	8217	23865	22127	9955
2 Civil (and commercial) non-litigious cases*	1144	4483	4374	1253
3 Enforcement cases	1706	5495	5480	1721
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	43	64	75	32
7 Other	13	162	145	30
Total criminal cases (8+9)	1427	4744	4938	1248
8 Criminal cases (Severe criminal offences)			4680	
9 Misdemeanour cases (minor offences)			258	

**91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	3990	8386	8850	3526
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	1681	2751	2916	1516
7 Other				
Total criminal cases (8+9)	278	1835	1847	266
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

**92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	12706	12880	16548	9038
Employment dismissal cases			2462	
Robbery cases			475	
Intentional homicide case			46	

**93) Average length of proceedings (from the date of lodging of court proceedings)**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases					7,40
Employment dismissal cases	26,84				29,42
Robbery cases	30,10				12,90
Intentional homicide	82,60				19,40

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

**95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)**

The length of proceedings is calculated from the date of lodging the case to the final valid decision, it means, that it includes the length of the proceedings before both first instance and appeal court.

**96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):**

- ☒ to conduct or supervise police investigation?
- ☒ to conduct investigation?
- ☒ when necessary, to demand investigation measures from the judge?
- ☒ to charge?
- ☒ to present the case in the court?
- ☒ to propose a sentence to the judge?
- ☒ to appeal?
- ☐ to supervise the enforcement procedure?
- ☒ to end the case by dropping it without the need for a judicial decision?
- ☒ to end the case by imposing or negotiating a penalty without a judicial decision?
- ☒ other significant powers?

Please specify:

In accordance with the Slovak legal order, the prosecutor has the power to supervise and overview the observance of law in the premises where the sentences of deprivation of liberty, or custody or protective young offenders rehabilitation or protective treatment are served/carried out.

**97) Does the prosecutor also have a role in civil and/or administrative cases?**

- ☒ Yes
- ☐ No

If yes, please specify:

Within his competence to supervise the observance of law by the public administration authorities, the prosecutor supervises the observance of law as well as of other generally binding legal rules by the authorities of public administration within the extent defined in the Act on Public Prosecution Service.

In civil proceedings the prosecutor can act within the scope of his powers stipulated by the Civil procedure code (Par.35). If it is established by a separate law the prosecutor is entitled to file the law suit. In several enumerated types of civil proceedings the prosecutor is entitled to join the pending civil case (e.g. the proceedings on legal capacity of the natural person, the custody proceedings, the bankruptcy proceedings etc.)

**98) Functions of the public prosecutor in relation to criminal cases – please complete this table:**

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	121579	52787	18521	0	2481	22468

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

The above statistical data refer to the year 2006, statistical data are still not available for the 2007.

As for the number of discontinued penal cases for reason of opportunity, it should be pointed out that in the SK, the criminal proceedings is based on the legality principle that is why discontinuance is impossible on opportunity principle. The prosecutor is obliged to prosecute any criminal offence of which he/she gained knowledge, that principle is expressly stated also in the Section 2, par. 5, Code of Criminal Procedure.

The adoption of the Act no. 300/2005, Coll. Criminal code as well as Act no. 301/2005, Coll. Code of Criminal Procedure may be considered as the most significant changes in criminal law.

**Please indicate the sources for the questions 92 to 94 and question 98**

Q 92 - 94 - Ministry of justice, Section of Judicial Informatics and Statistics

Q 98 - The General prosecutor office

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recrutement, nomination and promotion

#### 99) How are judges recruited?

- ☐ Through a competitive exam (for instance after a law degree)?
- ☒ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☐ A combination of both
- ☐ Other

If other, please specify:

#### 100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- ☐ an authority composed of judges only?
- ☐ an authority composed of non-judges only?
- ☒ an authority composed of judges and non-judges?

#### 101) Is the same authority competent for the promotion of judges?

- ☒ Yes
- ☐ No

If no, please specify which authority is competent for promoting judges:

**102) Which procedures and criteria are used for promoting judges? (please specify).**

Promotion to the court of higher instance:

The president of the court of higher instance announce the selection procedure to a vacant place of a judge. The selection committee consist of 5 members appointed by the president of the court, 3 members are nominated by the council of judges, 1 is nominated by the Judicial council of the Slovak republic and 1 is nominated by the Ministry of justice.

Candidate judge applying for the promotion has to be evaluated by an evaluation commission nominated by council of judges. The commission examine the valid decisions of a judge, the conducting of the court proceeding from the perspective of its continuity and dignity. The opinion of the appellate chambers is taken into account.

The important condition for promoting is an activity of a judge in participation in seminars and study visits, the professional publication activity an lecturing.

The selection procedure consist in oral interview.

The committee make up the placing list of successful candidates on the base of individual voting of the members of committee.

The final decision on promoting of successful candidate is made by the Judicial council of the Slovak republic.

**103) How are prosecutors recruited?**

☐ Through a competitive exam? (for example after a law degree)

☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?

☒ A combination of both

☐ Other

If other, please specify:

**104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

☒ an authority composed of prosecutors only?

☐ an authority composed of non-prosecutors only?

☐ an authority composed of prosecutors and non-prosecutors?

**105) Is the same authority formally responsible for the promotion of prosecutors?**

☒ Yes

☐ No

If no, please specify which authority is competent for promoting prosecutors.

**106) Which procedures and criteria are used for promoting prosecutors (please specify)**

Selection proceedings must be passed and consent by the Council of Prosecutors, must be granted to a prosecutor who shall be appointed to a prosecution office on higher instance.

**107) Is the mandate given for an undetermined period for judges ?**

☒ Yes

☐ No

Are there exceptions? Please specify:

**108) Is the mandate given for an undetermined period for prosecutors?**

☒ Yes

☐ No

Are there exceptions? Please specify:

**109) If no, what is the length of the mandate?  
Is it renewable?**

for judges

☐ yes, please  
specify the  
length

for prosecutors

☐ yes, please  
specify the  
length

**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 and the main reforms that have been implemented over the last two years**

### 5. 1. 2. Training

#### 110) Nature of the training of judges.

**Is it compulsory?**

- ☒ Initial training
- ☒ General in-service training
- ☐ In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- ☐ In-service training for management functions of the court (e.g. court president, court managers)
- ☐ In-service training for the use of computer facilities in the court

#### 111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 112) Nature of the training of prosecutors.

**Is it compulsory?**

- ☒ Initial training
- ☒ General in-service training
- ☒ Specialised in-service training (e.g. specialised public prosecutor)
- ☒ In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- ☒ In-service training for the use of computer facilities in the public prosecution service

#### 113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

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 drafts regularly the plan of educational events, which has to be approved by the JA Board (hereinafter the "Board"). Educational activity is provided by the faculty composed of permanent and visiting members. The visiting members of the faculty, come mainly from the ranks of judges, prosecutors and university lecturers. Under Section 11 of the quoted law 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 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.

## 5. 2. Practice of the profession

### 5. 2. 1. Salaries

#### 114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	18995	14030
Judge of the Supreme Court or the Highest Appellate Court	27438	20450
Public prosecutor at the beginning of his/her career	17299	13091
Public prosecutor of the Supreme Court or the Highest Appellate Instance	26458	20406

#### 115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input type="checkbox"/>

**116) If other financial benefit, please specify:**

**117) Can judges combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**118) If other function, please specify:**

**119) Can prosecutors combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**120) If other function, please specify:**

**121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

☐ Yes

☒ No

If yes, please specify:

**Please indicate the source for the question 114**

Ministry of justice, General prosecutor office

**5. 2. 2. Disciplinary procedures**

**122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

Judges:

Disciplinary proceedings can be initiated only on the base of motion to start the proceedings. Without the motion the proceedings can start only in the case, when the body responsible for criminal proceedings or authority investigated the offence of a judge submits the case directly to Disciplinary court.

The subjects entitled to file the motion:

- a) The minister of justice
- b) Ombudsman
- c) The Judicial council of the Slovak republic
- d) President of the regional court also against the judge of the district court within his/her competence
- e) President of the court against the judge of his/her court
- f) The council of judges against the president or the judge of the court, where it is created

Prosecutors:

Motion to start disciplinary proceedings against a prosecutor may be submitted by

- a) General Prosecutor – against any prosecutor of any prosecution office
- b) Minister of Defence of the SK – against any prosecutor of the Military Prosecution Service
- c) Deputy General Prosecutor – against prosecutors of the General Prosecutor's Office as well as against Head Prosecutors falling within his competence of a superior
- d) Regional Prosecutor against any prosecutor of a Regional Prosecution Office or against District Prosecutor or prosecutor of a District Prosecution Office
- e) Higher Military Prosecutor against a prosecutor of a Higher Military Prosecution Office, against Circuit Military Prosecutor or a prosecutor of a Circuit Military Prosecution Office
- f) a competent District Prosecutor against a prosecutor of a District Prosecution Office
- g) a competent Circuit Military prosecutor – against a prosecutor of a Circuit Military Prosecution Office

**123) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

Judges:

Disciplinary court

For the purpose of the disciplinary proceedings of the judges The Supreme court is the disciplinary court. Disciplinary proceedings against the president and the vice-president of the Supreme court conducts the Constitutional court of the Slovak republic.

The judges of Disciplinary court are elected by the Judicial council of the SR for the period of 3 years from the

candidates nominated by councils of judges, Minister of justice and the National council (Parliament). The candidate can be a judge or other legal professional, meeting the criteria provided by law.

Disciplinary chamber of the first instance consists of 3 members, 1 member elected from the candidates nominated by councils of judges, 1 member from the candidates nominated by the minister and 1 from the candidates nominated by the parliament.

The Appellate disciplinary chamber consists of 5 members - 1 member elected from the candidates nominated by councils of judges, 2 members from the candidates nominated by the minister and 2 members from the candidates nominated by the parliament.

Prosecutors:

#### Disciplinary Commission

Disciplinary Commission established in the General Prosecutor's Office is competent to find out disciplinary responsibility and to impose disciplinary measures.

Disciplinary commission is composed of a Chair person and of 4 members who must be prosecutors.

Upon proposals by the council of Prosecutors, the General Prosecutor appoints the chair person as well as members of the Disciplinary Commission for a term of three years.

### 124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	18	6
1. Breach of professional ethics		0
2. Criminal offence		2
3. Professional inadequacy	10	0
4. Other	8	4

### 125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	1	5
1. Reprimand	1	5
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

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 and the main reforms that have been implemented over the last two years

For the less serious imperfections in work or behaviour or for lesser offences the judge can be reprimanded by notice in writing directly by the subject entitled to file a motion to start disciplinary proceedings.

The judge can file a motion to Disciplinary court to pronounce the invalidity of the reprimand.

## 6. Lawyers

### 6. 1. Statute of the profession

#### 6. 1. 1. Profession

#### 126) Total number of lawyers practising in your country

4263

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

- ☐ Yes  
☒ No

#### 128) Number of legal advisors?

#### 129) Do lawyers have a monopoly of representation:

- ☐ Civil cases\*  
☒ Criminal cases - Defendant\*  
☐ Criminal cases - Victim\*  
☐ Administrative cases\*

\* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

Civil cases: According to Section 22 et seq. of Act No. 99/1963 Coll. (Civil Procedure Code) everybody can be represented before the court by family members, trade unions, NGO, or any individual who has full capacity to do legal acts, except for the cases of extraordinary appeals (or extraordinary remedies) which are always handled and resolved by the Supreme Court of the Slovak republic[Sec. 241(1) of the Civil Procedure Code]. The Party bringing the extraordinary appeal (remedy) must be represented before the court by a lawyer, unless he/she or his/her employee (staff member) who acts on his/her behalf holds a degree in law. The Party bringing the extraordinary appeal (remedy) must be represented by a lawyer if neither the Party nor his/her employee (staff member) acting on his/her behalf holds a degree in law.

Criminal cases-Victim: Everybody can be represented before the court by himself, members of family, NGO, trade unions.

Administrative cases: Lawyers have no monopoly in administrative cases, except for the judicial review.  
(Civil Procedure Code – Sec. 250a)

#### 130) Is the lawyer profession organised through:

- ☒ a national Bar?  
☐ a regional Bar?  
☐ a local Bar?

Please specify:

The Slovak Bar Association is an independent self-administrative professional organisation, associating lawyers and trainee lawyers.

The legal profession may be performed only by persons who are admitted to the Roll of the Slovak Bar Association.

**Please indicate the source for the question 126**

The Slovak Bar Association,

### 6. 1. 2. Training

**131) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- ☒ Yes
- ☐ No

**132) Is there a mandatory general system for lawyers requiring continuing professional training?**

- ☐ Yes
- ☒ No

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

- ☐ Yes
- ☒ No

If yes, please specify:

### 6. 1. 3. Fees

**134) Can users establish easily what the lawyers' fees will be?**



- ☒ Yes  
☐ No

**135) Are lawyers fees:**

- ☒ regulated by law?  
☐ regulated by the Bar association?  
☒ freely negotiated?

## 6. 2. Evaluation

### 6. 2. 1. Complaints and sanctions

**136) Have quality standards been formulated for lawyers?**

- ☒ Yes  
☐ No

**137) If yes, who is responsible for formulating these quality standards:**

- ☒ the Bar association?  
☐ the legislature?  
☐ other?

Please specify (including a description of the quality criteria used):

Relation of the lawyer and his/her clients, to other fellow lawyers, to the Bar Association, to courts and other public authorities, to the general public, to his/her trainee lawyers who he/she supervises, to other staff members employed in his/her law firm. There are also principles applicable to the advertisement and forms of the performance of the legal profession.

**138) Is it possible to complain about :**

- ☒ the performance of lawyers?  
☒ the amount of fees?

Please specify:

The complaint procedure is governed and regulated by Act No. 586/2003 Coll. on the Legal Profession as amended to date, and in the Disciplinary Rules approved by the General Assembly of Lawyers in June 2007.

**139) Which authority is responsible for disciplinary procedures:**

- ☐ the judge?
- ☐ the Ministry of Justice?
- ☒ a professional authority or other?

Please specify:

The Disciplinary Committee is the body responsible for disciplinary procedures. It is elected by the General Assembly of Lawyers. Each disciplinary proceeding is handled by a three-member disciplinary panel appointed by the Chairman of the Disciplinary Committee from among its members.

**140) Disciplinary proceedings and sanctions against lawyers:  
Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	23	20	No	8

**141) Disciplinary proceedings and sanctions against lawyers:  
Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	1	0	2	8	No

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation

**142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:**

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**143) Is there a possibility to receive legal aid for mediation procedures?**

- ☐ Yes  
☒ No

If yes, please specify:

**144) Can you provide information about the number of accredited mediators?**

- ☒ Yes  
☐ No

If yes, please provide the number of mediators:

151

**145) Can you provide information about the total number of judicial mediation procedures concerning:**

civil cases?

☐ yes,  
number:

family cases?

☐ yes,  
number:

administrative cases?

☐ yes,  
number:

employment dismissals?

☐ yes,  
number:

criminal cases?

☐ yes,  
number:

**Please indicate the source for the question 145**

## 7. 1. 2. Other forms of alternative dispute resolution

**146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:**

The Act on Arbitration proceedings (No. 244/2002 Coll.) offers the possibility to solve the disputes arisen from internal and international civil and commercial legal relations.

The contractual parties should conclude written arbitration clause, pursuant to which their disputes should be decided by chosen arbitrator or by permanent arbitration court.

Ministry of justice keeps the list of permanent arbitration courts (<http://www.justice.gov.sk/wfn.aspx?pg=156&uc=adr/rozs>).

The parties may agree on procedural rules, otherwise the standard rules determined by the Act should apply.

The decision of an arbitrator can be challenged by an action before the court on the grounds stipulated in the Act and within the period of 30 days counted from the day of service of the decision.

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

#### 147) Number of enforcement agents

270

#### 148) Are enforcement agents:

- ☐ judges?
- ☒ bailiff practising as private profession ruled by public authorities?
- ☐ bailiff working in a public institution?
- ☐ other enforcement agents?

Please specify their status:

Under the Act on the distrainers (No. 233/1995 Coll.) the distrainer is the person commissioned by the state to carry out their duties to execute enforcement orders in favour of the persons who authorised him to carry out this activity. They are self-employed persons and while performing their duties they are in the position of public officer.

#### 149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- ☒ Yes
- ☐ No

#### 150) Is the profession of enforcement agent organised by?

- ☒ a national body?
- ☐ a regional body?
- ☐ a local body?

#### 151) Can users establish easily what the fees of the enforcement agents will be?

- ☒ Yes
- ☐ No

#### 152) Are enforcement fees:

- ☒ regulated by law?
- ☐ freely negotiated?

**Please indicate the source for the question 147**

The Slovak Chamber of the distrainers, Šustekova č. 49, 851 04 Bratislava  
www.exekutor.sk

**8. 1. 2. Supervision**

**153) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- ☒ Yes
- ☐ No

**154) 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?

Please specify:

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.

**155) Have quality standards been formulated for enforcement agents?**

☒ Yes

☐ No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

La Loi du Conseil national de la République slovaque n° 233/1995 du R.d.l.□d. sur les huissiers de justice et sur l'activité exécutoire (Code exécutoire) et sur la modification et compléments des autres lois réglemente la position, l'activité et l'autonomie des huissiers de justice. Dans cette loi sont également comprises les relations vis à vis des autres règlements légaux. Il s'agit des relations auxquelles sont liées directement et indirectement les l'aapplication de la loi sur les huissiers de justice.

**156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?**

☐ Yes

☒ No

If yes, please specify:

**Please indicate the sources for the questions 155 and 156**

The Slovak Chamber of distrainers, Šustekova č. 49, 851 04 Bratislava

**8. 1. 3. Complaints and sanctions**

**157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)**

- ☐ no execution at all?
- ☐ non execution of court decisions against public authorities?
- ☐ lack of information?
- ☒ excessive length?
- ☐ unlawful practices?
- ☐ insufficient supervision?
- ☒ excessive cost?
- ☐ other?

Please specify:

**158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

- ☐ Yes
- ☒ No

If yes, please specify:

**159) Is there a system measuring the timeframes of the enforcement of decisions:**

- ☒ for civil cases?
- ☐ for administrative cases?



**160) 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:**

- ☐ between 1 and 5 days
- ☐ between 6 and 10 days
- ☒ between 11 and 30 days
- ☐ more

Please specify:

**161) Disciplinary proceedings initiated against enforcement agents:**

Breach of professional ethics	<input checked="" type="checkbox"/> yes, number:	21
Professional inadequacy	<input type="checkbox"/> yes, number:	0
Criminal offence	<input type="checkbox"/> yes, number:	0
Other	<input type="checkbox"/> yes, number:	0

**162) Sanctions pronounced against enforcement agents:**

Reprimand	<input checked="" type="checkbox"/> yes, number:	4
Suspension	<input checked="" type="checkbox"/> yes, number:	1
Dismissal	<input checked="" type="checkbox"/> yes, number:	0
Fine	<input checked="" type="checkbox"/> yes, number:	4
Other	<input type="checkbox"/> yes, number:	

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

**Please indicate the sources for the questions 157 and 160**

The Slovak Chamber of distrainers, Šustekova č. 49, 851 04 Bratislava

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

**163) Is there a judge who is in charge of the enforcement of judgments?**

☒ Yes

☐ No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

Judge gives the instructions to the administrative staff of the court to order the execution of all types of sentences and to control whether all sentences are executed.

The execution of sentence not related to imprisonment is controlled by the probation officer.

**164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

☐ Yes

☒ No

If 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 and the main reforms that have been implemented over the last two years

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functioning

**165) Do you have notaries in your country? If no, go to question 170.**

- ☒ Yes  
☐ No

**166) Is the status of notaries:**

- |   |   |     |
|---|---|-----|
| a private one (without control from public authorities)?    | <input type="checkbox"/> yes,<br>number:                |     |
| a status of private worker ruled by the public authorities? | <input checked="" type="checkbox"/> yes,<br>number:     | 324 |
| a public one?   | <input type="checkbox"/> yes,<br>number:                |     |
| other?  | <input type="checkbox"/> yes,<br>number and<br>specify: |     |

**167) Do notaries have duties:**

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

Please specify:

**Please indicacte the source for the question 166**

The Chamber of the Notaries of the Slovak republic

#### 9. 1. 2. Supervision

**168) Is there an authority entrusted with the supervision and the control of the notaries?**

☒ Yes

☐ No

**169) 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?

Please specify:

**You can indicate below:**

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

## 10. Functioning of justice

### 10. 1. Foreseen reforms

#### 10. 1. 1. Reforms

**170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.**

From the 1st of January 2008 there are in function 9 new district courts (courts of first instance).

Under the plan of legislative tasks the Ministry of justice will prepare in the year 2008 the proposal of amendments of Code of civil procedure, Code of criminal procedure, Criminal code, the Act on judges, the Act on courts.