



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

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 (if possible on 1 January 2011)

5 435 273

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	15 337 011 000
Regional / federal entity level (total for all regions / federal entities)	NA

3) Per capita GDP (in €)

12 125

4) Average gross annual salary (in €)

9 228

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

A.1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Q1: <http://portal.statistics.sk/showdoc.do?docid=1686>

Q2: The data in the response to Q2 are collected from the official internet site of the Statistical office of the Slovak republic.

<http://portal.statistics.sk/showdoc.do?docid=20834>

Q3: <http://portal.statistics.sk/showdoc.do?docid=24132>

Q4: <http://portal.statistics.sk/showdoc.do?docid=24135>

1. 2. Budgetary data concerning judicial system

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

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	139 851 564
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	90 173 951
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	2 152 994
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	312 818
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	8 900 352
5. Annual public budget allocated to investments in new (court) buildings		NAP
6. Annual public budget allocated to training		1 336 296

and education

☒ Yes

7. Other (please specify):

☒ Yes

36 975 153

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

The budgetary data have been collected from the Ministry of justice of the Slovak republic and the Supreme Court of the Slovak republic. The structure of the budgets of these institutions is different from the structure in the questionnaire.

Line 2: The significant investments to the computerization are expected in the years 2011 and 2012.

Lines 4 and 5: All investments to the court building are included in the sum in the line 4.

Line 7: Other expenses include:

- the financial expenses for pension and medical insurance of judges and employees
- boarding subsistence for employees
- travel expenses
- postal expenses
- communication expenses
- the office supplies
- costs of the lawyers appointed free of charge by the judge in the civil proceedings
- costs of the ex officio appointed counsels in the criminal proceedings

8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

The Act on the Court fees (No. 71/1992 Coll.) regulates the exceptions from the duty to pay the court fee. There is a list of the persons who as a litigants are not obliged to pay the court fees (e.g. the state, the foundations, the consumer etc.) and a list of certain types of proceedings, which are free of charge (e. g. the proceedings on guardianship and trusteeship, the maintenance proceedings etc.).

Except for the situations stipulated in the Act on the court fees the court can grant the exoneration from the fees when the social circumstances of the participant give reason to this.

9) Annual income of court taxes or fees received by the State (in €)

57 661 794

10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

.

☐ NA

278 261 799

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	No
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Judicial protection of juveniles	NA
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	Yes
Other	Yes

Comment :

The global budgetary data (stated in Q10) consists of the approved budget of the Ministry of justice and the approved budget of the Supreme court.

The budget of the Ministry of justice is composed of two parts - the part assigned to the prison service and the other part, which includes the budget assigned to the courts and the budget of the ministry itself.

The budget of the Supreme court includes the budget for the operation of the Supreme court itself and the budget of the Judicial council of the Slovak republic.

"Other" - the budget of the Judicial Academy, the educational and training institution for the judges and the court staff.

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	1357776	NA	NA

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

. ☒ Amount 63 702 886

Comment :

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	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	Yes	No	Yes	Yes
Other ministry	Yes	No	Yes	Yes
Parliament	No	Yes	No	No
Supreme Court	Yes	No	Yes	Yes
Judicial Council	Yes	No	No	No
Courts	Yes	No	Yes	Yes
Inspection body	No	No	No	No
Other	No	No	No	No

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Other ministry- The Ministry of Finance

A.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

Q6 : The indicated budgetary data has been confirmed by the Ministry of justice of the Slovak republic and the Supreme Court of the Slovak republic without the further changes.

Q6#2#3 : In the comparison with the reference year 2008 the budget allocated to the computerization has lowered. The significant investments to the computerization are expected in the years 2011 and 2012.

Q6#2#4, Q6#2#8 : The decrease of the total approved budget has involved these parts of the budget.

Q6#2#5 : The investments in new court buildings have been included into the sum, which caused the increase of 135.89%.

Q12 – It is explained in the comment B.1 that there exists in the Slovak republic a duality in granting the legal aid. The legal aid is financed from the budget of the Legal Aid Centre and also from the budget of the courts, which is included in the answer to the Question 6, line “Other”.

The sum stated in Q12 represents exclusively the approved budget of the Legal Aid Centre.

This sum does not include the payments from the budgets of the courts to the lawyers providing legal aid in civil or criminal proceedings, i. e. the costs of the lawyers appointed free of charge to the participant by the judge in the civil proceedings and the costs of the ex officio appointed counsels in the criminal proceedings. The sum of these costs is not available.

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

Q 6, 9, 10, 11 - The Ministry of justice of the Slovak republic, The Section of Development, Economic Affairs and Administration

Q 6,10, 11 - The Supreme court of the Slovak republic

Q 12 - The Legal Aid Centre

Q 13 - The General Prosecution of the Slovak republic

Question 12

The legal aid in the Slovakia is financed from two different parts of the budget allocated to the justice system. These are the budget of the Legal Aid Centre and the budget of the courts. The sum stated in the table represents exclusively the approved budget of the Legal Aid Centre. This sum does not include the payments from the budgets of the courts to the lawyers providing legal aid in civil or criminal proceedings, i. e. the costs of the lawyers appointed free of charge to the participant by the judge in the civil proceedings and the costs of the ex officio appointed counsels in the criminal proceedings. The sum of these costs is included in the budget of courts and it is not possible to extract it.

(cf 12/07)

Question 6: In the comparison with the previous evaluation the budget allocated to the computerization has lowered. The significant investments to the computerization are expected in the years 2011 and 2012. All investments to the court building are included in the sum allocated to the court buildings, which caused the increase of 135.89%.

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

☒ Yes

☐ No

If yes, please specify:

The person who was granted legal aid is exempt from the court fees "ex lege"

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

☐ Yes

☒ No

If yes, please specify:

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	No	Yes

Comment :

In civil cases the person who was granted legal aid cannot be burdened by the costs of the proceedings covered by the state in advance. For example, when the court orders the expertise or other evidence, its costs are paid by the state (from the court budget) without reimbursement.

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

In Slovak republic there exists a duality in granting the legal aid in the civil cases.

The Legal Aid Centre provides the legal aid to persons in material need. The aid includes the consultation and the representation in the case.

The court can appoint a lawyer to the participant directly during the proceedings. The costs are paid by the court. The number of these cases is not available.

The number of the criminal cases, where an ex officio counsel has been appointed to the defendant free of charge is not available.

Slovakia this time did not provide the number of the legal aid cases; therefore we would like to exclude the comment below the table (cf 12/07)

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

Accused individuals	Yes
Victims	No

Comment :

The Code of the Criminal proceedings (Art. 37) stipulates the situations, when the accused person is obliged to be represented by a counsel. If the accused person do not choose the counsel, the court has to appoint one. The fees of such a counsel are paid from the budget of the court.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

☐ Yes

☒ No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	No	NA
for other than criminal cases?	Yes	3189,12

Comment :

In the non-criminal cases under the Act on granting the legal aid to persons in material need (No. 327/2005 Coll.) the material need is the state, when the income of the person does not exceed the 1,4 multiple of the sum of living wage. It is 265,76 €/month.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

☒ Yes

☐ No

If yes, please explain the exact criteria for denying legal aid:

Elimination of lack of merit of the case is one of the conditions for granting the legal aid. It is not possible to grant the legal aid if there is an obvious unsuccessful application or protection of the law.

25) Is the decision to grant or refuse legal aid taken by :

☐ the court?

☐ an authority external to the court?

☒ a mixed decision-making authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

☒ Yes

☐ No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

The products are available through the private insurance companies.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

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

The characteristic of the legal aid system in the Slovak republic

In the Slovak republic there exists a duality in granting the legal aid in the civil cases. It can be granted either by the Legal Aid Centre or directly by the court.

The Legal Aid Centre provides the legal aid to the persons in the material need. The legal aid includes the consultation and the representation in the case.

The court can appoint a lawyer to the participant whose material conditions allow the exoneration from the court fees.

This decision can be held in any time during the proceedings. The costs of the representation are paid by the court.

The number of these cases and the sum expended are not available.

In the criminal proceedings the legal aid covers the cases of the compulsory defence, stipulated by the Code of the criminal proceedings. In the situation, when the defendant does not choose the counsel alone, an ex officio counsel can be appointed to the defendant by the court for free. The costs of the counsel are paid from the budget of the court where proceeding is held.

Please indicate the sources for answering the questions 20 and 23

The Legal Aid Centre, <http://legalaid.sk/>

2. 2. Users of the courts and victims

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

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

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- | | | |
|---|---|--|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | http://jaspi.justice.gov.sk
www.zbierka.sk |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | http://jaspi.justice.gov.sk
http://www.supcourt.gov.sk/ |
| <input type="checkbox"/> other documents (e.g. downloadable forms, online registration)? | <input checked="" type="checkbox"/> Yes | https://lt.justice.gov.sk
www.justice.gov.sk |

Comment :

Other documents:

<https://lt.justice.gov.sk> - the monitoring of the legislative process

<http://www.justice.gov.sk/Stranky/Nase-sluzby/Civilne-pravo/Formulare.aspx> - downloadable forms

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

☐ Yes

☒ No

If yes, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?☒ Yes☐ No

If yes, please specify:

The information (only in Slovak) are available at the website of the Ministry of justice of the Slovak republic.

<http://www.justice.gov.sk/Stranky/Nase-sluzby/Trestne-pravo/Informacie-pre-obete-trestnych-cinov.aspx>

The further information are also provided through the internet via non-governmental sector organizations, e. g. <http://www.pomocobetiam.sk>

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	No
Victims of terrorism	Yes	Yes	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	Yes	Yes	Yes
Disabled persons	Yes	Yes	Yes
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking)	Yes	Yes	No

Comment :

- the possibility of an in camera proceeding, excluding the public
- language assistance during a court proceeding for ethnic minorities or disabled persons
- the opportunity to hear the opinion of an association protecting the interest of a minor accused of a crime
- the right for a woman who is a victim of family violence to enjoy the use of the common house facility of physical protection during the time of the judicial proceeding
- the right of an association protecting and defending the interest of a group of vulnerable person to exercise the civil rights granted to the plaintiff
- possibility of prohibition on publishing personal details and photographs of minor defendants and witnesses

32) Does your country allocate compensation for victims of crime?☒ Yes☐ No

If yes, for which kind of offences

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

33) If yes, does this compensation consist in:☒ a public fund?☒ damages to be paid by the responsible person (decided by a court decision)?☐ a private fund?**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

☐ Yes

☒ No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

☒ Yes

☐ No

If yes, please specify:

Yes, but only to a limited extent entailing the right to be informed on his rights and other issues. Basically, this obligation is in the vast majority of cases carried out by the police, but it might be fulfilled by the prosecutor, as well (The prosecutor is entitled to carry out any action that could be performed by the police in criminal proceedings).

Except of the legal instruction on the rights of the victim, which is usually given by the police, for example Article 49 of the Criminal Procedure Code states:

(1) The law enforcement authority is obligated to provide the victim with information on their rights in the criminal proceedings and with information on organisations for the assistance of the victims in writing during their first contact, including the services they provide.

(2) The law enforcement authority and the court are obligated to instruct the victim on their rights and provide them with the full opportunity of exercising them.

There are other rights of a victim that are to be ensured by the prosecutor (for example to take part at plea-bargaining proceedings), this activity of a prosecutor cannot be characterized by the term "assistance", though.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

☒ Yes

☐ No

☐ NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

A special type of remedy can be used by the victim, which is literally called "complaint against the decision", which is very similar to appeal. The decision on complaint falls within the remit of superior prosecutor (hierarchy: district prosecution office /54 of them in Slovakia/ – regional prosecution office /8 of them in Slovakia/ - The General Prosecutor's Office). The victim can not dispute the prosecutor's decision to discontinue the case before the court.

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

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

☒ excessive length of proceedings?

☐ non execution of court decisions?

☒ wrongful arrest?

☒ wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

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 basic 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.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- ☐ (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 the parties
- ☐ (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- ☐ (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the treatment of a case by a judge or the duration of a proceeding)?

- ☒ Yes
- ☐ No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	Yes	Yes	No
Ministry of Justice	Yes	Yes	No
High Council of the Judiciary	No	No	No
Other external bodies (e.g. Ombudsman)	No	No	No

Comment :

Under the Act on courts (No.757/2004 Coll.) the litigant may make a complaint about the court procedure. The complaint can concerned only the violation of his/her right to public hearing of the case without undue delays or the misbehaviour 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 respond of the president may 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

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	54
42.2 First instance specialised Courts (legal entities)	9
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	64

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	9
Commercial courts	NA
Labour courts	NA
Family courts	NA
Rent and tenancies courts	NA
Enforcement of criminal sanctions courts	NA
Administrative courts	NA
Insurance and / or social welfare courts	NA
Military courts	NA
Other specialised 1st instance courts	9

Comment :

8 - Regional courts - they are generally the appeal courts against the decisions of the District courts in the civil and the criminal cases. They decide as the courts of the first instance in the administrative matters and in a few types of civil cases, stipulated by the Code of the Civil proceedings.

1 - The Specialized Criminal court - the court competent to judge the grave criminal matters enumerated in the § 14 of the Code of the Criminal proceedings

44) Is there a foreseen change in the structure of courts [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:

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	54
a dismissal	54
a robbery	54

Please give the definition for small claims and indicate the monetary value of a small claim:

Small claim is the claim, whose value does not exceed EUR 500 at the time when the claim is filed at the court, excluding all interest, expenses and disbursements.

Please indicate the sources for answering questions 42, 43 and 45:

The Act on the seats and the jurisdiction of the courts (No. 317/2004 Coll.)

The definition of the small claim is regulated in the § 29 of the Code of the civil proceedings

Q42#1#2 : The decrease of 25% number of first instance specialised courts represent the abolition of total 3 (three) Military district courts. This change in the structure of the courts has been already announced in the previous evaluation.

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010)

(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1351	506	845
1. Number of first instance professional judges	908	329	579
2. Number of second instance (court of appeal) professional judges	363	139	224
3. Number of supreme court professional judges	80	38	42

Comment :

The number 1351 represent the judges actually performing its function on 31. December 2010. The total number of the judges in the evidence of the Ministry of justice is 1387. This total number includes also the judges not performing the function of a judge e.g. the judges temporary assigned to the other institution (Ministry of justice, Judicial Academy, other judicial institutions), the judges at the maternity leave etc.

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	60	36	24
1. Number of first instance court presidents	51	30	21
2. Number of second instance (court of appeal) court presidents	8	5	3
3. Number of supreme court presidents	1	1	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure NAP
If possible, in full-time equivalent NAP

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure NA

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

☐ Yes

☒ No

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

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> Yes	4468
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	813
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	2086
3. Staff in charge of different administrative tasks and 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	1569
4. Technical staff		NAP
5. Other non-judge staff		NAP

Comment :

The Department of the Human Resources Development of the Ministry of Justice keeps the records of the number of the staff at all of the courts excluding the Supreme court of the Slovak republic. The Supreme court keeps his own records of the staff. The division of the non-judge staff to the categories is different than is in the questionnaire, the numbers available for the different categories of the staff has been joined according to their characteristic.

Due to the different categorisation it is not possible to exclude the number of the technical staff and the other non-judge staff from the number of the staff in the category No. 3

Q52#2#4 : The division of the non-judge staff to the categories in the records of the Ministry of justice of the Slovak republic is different than it is in the questionnaire. In this category there are included all the non-judge staff different from the rechtspfleger and the staff directly assisting the judges.

The category "Rechtspfleger" includes 738 higher court officers and 75 mediation and probation officers.

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their

status and duties:

The status of the higher court officers is defined in the Act on court officers (No. 549/2003 Coll.).

The higher court officers are civil servants who must comply with the legal requirements posts in the civil service and they have to hold a university degree in law.

A higher court officer, by virtue of a written authorisation from a judge, has the power to execute judicial acts in civil and criminal proceedings and autonomously take decisions on the scale laid down by law. For example, he/she takes decisions regarding petitions for the issue of a payment order, in probate proceedings, in enforcement proceedings, and in proceedings on the custody and redemption of instruments. He/she also rules on procedural decisions having a bearing, in

particular, on evidence and the conduct of proceedings, e.g. on fines, the costs of evidence, legal costs, and the staying of proceedings.

A higher court officer is also authorised to carry out actions independently which are connected with the preparation of hearings, the determination of conditions for the issue of in absentia judgements, judgements based on the recognition or waiving of an entitlement and the preparation of written copy of the judgements.

Under the Code of the Civil Procedure, an appeal may be lodged against a decision issued by a court officer under the same conditions as against a decision of a judge. An appeal lodged against such a decision may be upheld in full by a judge. If a judge does not intend to uphold an appeal in full, the matter is presented to an appeal court for a ruling.

In criminal proceedings the higher court officer can decide on the costs of the proceedings, an appointment of the counsel, he/she can issue some of the decisions with regard to the execution of judgements etc.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

☒ Yes

☐ No

If yes, please specify:

Cleaning

C.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

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

Question 49:

Slovakia: The president of each district court determines the required number of the lay judges per district. The lay judges are elected by the local/municipal council for the term of 4 years. The lay judges perform their function only in the criminal proceedings for the cases specified by the Code of the criminal procedure. The total number of the lay judges is not available.

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

The Ministry of justice of the Slovak republic, The Department of the Human Resources Development

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	935	499	436
1. Number of prosecutors at first instance level	631	323	308
2. Number of prosecutors at second instance (court of appeal) level	189	104	85
3. Number of prosecutors at supreme court level	115	72	43

Comment :

The number of prosecutors at the supreme court level also includes prosecutors of the Special Prosecution Bureau, which deals with crimes of corruption and the most severe offences including organized crime as a first instance body, however it as

an organizational part of the General Prosecutor's Office (the total number of these prosecutors is 21). The data is as of November 8, 2011 in both question 55 and 56.

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	203	117	86
1. Number of heads of prosecution offices at first instance level	112	63	49
2. Number of heads of prosecution offices at second instance (court of appeal) level	59	33	26
3. Number of heads of prosecution offices at supreme court level	32	21	11

Comment :

The numbers include not only heads of prosecution offices, but also deputies and heads of departments. In a narrow sense there 54 heads of district prosecution offices, 8 heads of regional prosecution offices and the General Prosecutor heading The General Prosecutor's Office.

57) Do other persons have similar duties to public prosecutors?

☐ Yes

☒ No

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

☐ Yes

☐ No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

☒ Yes

706

C.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60

The General Prosecution of the Slovak republic

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

--	--	--	--	--

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	Yes	No	Yes

Comment :

Under the Act on courts (No. 757/2004 Coll.) the president of the court with the 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?

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	-10% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	-10% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	-50% of courts
Website	100% of courts
Follow-up of cases online	-10% of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	100% of courts
Videoconferencing	-10% of courts
Other electronic communication facilities	+50% of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?

	Yes	Yes	Yes	No
--	-----	-----	-----	----

Comment :

The Code of the Criminal proceedings regulates the rules under which the witness can be heard by the technical means. When the heard witness is not present in the court room, the substitute judge (member of the panel) has to be present at his/her hearing.

C.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

3. 2. Performance and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

☒ Yes

☐ No

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

The Ministry of justice of the Slovak republic, Župné námestie 13, 813 11 Bratislava

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

☒ Yes

☐ No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

☒ number of incoming cases?

☒ number of decisions delivered?

☒ number of postponed cases?

☒ length of proceedings (timeframes)?

☒ other?

If other, please specify:

Number of cases according to types of disputes, reconciliation, dismissals, full satisfactions, partial satisfactions, etc. Statistical data of the Ministry of Justice of the Slovak Republic are very detailed and regularly collected and published in a yearbook which is publicly accessible.

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

☒ Yes

☐ No

Please specify:

see answer to question 68

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- ☒ Yes
☐ No

71) Please select the 4 main performance and quality indicators that have been defined:

- ☒ incoming cases
☒ length of proceedings (timeframes)
☒ closed cases
☒ pending cases and backlogs
☐ productivity of judges and court staff
☐ percentage of cases that are processed by a single sitting judge
☐ enforcement of penal decisions
☐ satisfaction of court staff
☐ satisfaction of users (regarding the services delivered by the courts)
☐ judicial quality and organisational quality of the courts
☐ costs of the judicial procedures
☐ other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- ☐ Yes
☒ No

73) Who is responsible for setting the targets for each judge?

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

If other, please specify:

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- ☒ Yes
☐ No

75) Who is responsible for setting the targets for the courts?:

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

If other, please specify:

76) Please specify the main targets applied to the courts:

The targets are those, which are monitor by the inspection department within the internal inspection of particular

court. See the C.4

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- ☒ High Council of judiciary
- ☐ Ministry of justice
- ☒ inspection authority
- ☐ Supreme Court
- ☐ external audit body
- ☐ other

If other, please specify:

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- ☒ Yes
- ☐ No

If yes, please specify:

There is a system to evaluate the overall functioning of courts with respect to the Manifesto of the Government of the Slovak Republic for the period of 2010 – 2014.
see website: http://www.vlada.gov.sk/data/files/855_the-manifesto-of-the-government-of-the-slovak-republic-for-the-period-of-2010-2014.pdf

79) Do you have specialised court staff that is entrusted with these quality standards?

- ☒ Yes
- ☐ No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- ☒ in civil law cases
- ☒ in criminal law cases
- ☒ in administrative law cases

81) Do you monitor waiting time during court procedures?

- ☐ Yes
- ☒ No

If yes, please specify:

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- ☒ Yes
- ☐ No

Please specify the frequency of the evaluation:

The internal inspection of the courts is performed in accordance with the plan/schedule of the inspections, which is approved by the Judicial council. The inspection has to be performed every five years.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

☒ Yes

☐ No

If yes, please give further details:

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

C.4

You can indicate below:

- **any useful comments for interpreting the data mentioned in this chapter**
- **the characteristics of your court monitoring and evaluation systems**

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.

The regular internal inspection of the courts 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.

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

NA

85) 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):

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	9	44	29	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	1	0	1	0

Please indicate the sources:

The office of the Agent of the Slovak republic before the ECHR
Ministry of justice of the Slovak republic
Župné nám. 13
813 11 Bratislava

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

☒ civil cases?

☒ criminal cases?

☐ administrative cases?

☐ there is no specific procedure

If yes, please specify:

Civil cases:

The preliminary measures in the civil proceedings has to be issued in 30 days, in the cases concerning the minor child care and domestic violence in 7 days. In the cases, 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 stipulated by law to give a decision on custody of accused person and also for other decisions in pre-trial proceedings.

88) Are there simplified procedures for:

- ☒ civil cases (small disputes)?
- ☒ criminal cases (small offences)?
- ☐ administrative cases?
- ☐ there is no simplified procedure

If yes, please specify:

Civil cases:

The court may decide the small claims cases in simplified procedure without the public hearing.

The payment order procedure and the order to perform procedure are considered as the simplified procedures. The judge may issue a payment order or the order to perform an obligation without hearing a case. The defendant may contest the claim by filing a protest, which may results in annulment of the order. The similar procedure exist for the claims from the notes and checks.

Criminal cases:

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

89) Do courts and lawyers have the possibility to conclude agreements on arrangements 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 set by the judge can be extended.

4. 2. 2. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	337 441	606 454	643 917	299 978
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	120 032	126 087	123 203	122 916
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	72 528	128 216	134 943	65 801
3. Enforcement cases	3 938	409	1 733	2 614

4. Land registry cases**	NAP	NAP	NAP	NAP
5. Business register cases**	34 430	91 567	115 742	10 255
6. Administrative law cases (litigious and non-litigious)	8 733	42 220	43 115	7 838
7. Other cases (e.g. insolvency registry cases)	97 770	217 955	225 181	90 554

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

Mainly cases arisen from the legal relationships regulated by the Family law (maintenance cases, contact with child, guardianship etc.) and the succession cases.

93) If "other cases", please indicate the case categories included:

"Other cases" include the bankruptcy and debt restructuring cases, payment orders in the civil and commercial cases

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	20 180	41 189	41 989	19 380
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and / or minor offences cases	NA	NA	NA	NA

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

The statistical data collected by the Ministry of justice of the Slovak republic do not distinguish the two types of criminal offences.

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

Enforcement cases - the stated number of cases does not include the enforcement cases executed by the private distrainers. It represents only the enforcement proceedings before the courts to enforce the financial claims of the Judicial Treasury, which are arisen from the unpaid court fees and the costs of the state.

The number of the resolved cases exceeds the number of the incoming cases. The courts decided the older unresolved cases (the backlog).

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	10 239	45 202	41 345	14 096
1. Civil (and commercial) litigious cases (if feasible without administrative	NA	NA	NA	NA

law cases, see category 6)*				
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7))*	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	8	34	37	8
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	928	3 999	4 011	916
8. Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

The statistical data collected by the Ministry of justice of the Slovak republic do not distinguish the two types of criminal offences.

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	2 950	7 612	7 945	2 617
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	1 572	3 210	3 575	1 207
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	213	1 467	1 483	197
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

The statistical data collected by the Ministry of justice of the Slovak republic do not distinguish the two types of criminal offences.

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	7 675	14 972	15 437	7 210
Employment dismissal cases	NA	NA	NA	NA
Robbery cases	NA	NA	614	NA
Intentional homicide	NA	NA	60	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NAP	150
Employment dismissal cases	NA	NA	NA	NA	NAP	NA
Robbery cases	NA	NA	NA	NA	NAP	300
Intentional homicide	NA	NA	NA	NA	NAP	686

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

The non-litigious divorce procedure absent in the Slovak legal system.

104) 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.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- ☒ to conduct or supervise police investigation
- ☒ to conduct investigations
- ☒ 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 enforcement procedure
- ☒ to discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- ☐ to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

☒ other significant powers

If "other significant powers", please specify:

- to carry out plea – bargaining proceedings resulting in negotiating penalty that must be confirmed by the judicial decision,
- to order exhumation of the corpse,
- to propose detention on remand to the court,
- to repeal unlawful or unjustified decisions of the police officer which he may replace with his own decisions.

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

☒ Yes

☐ No

If yes, please specify:

The public prosecutor does have a role in both civil and administrative cases.

In the civil cases the role and powers of the public prosecutor are provided for in Section 35 of the Civil Procedure Code, which reads as follows:

(1) The public prosecutor may file a petition for proceedings to be initiated,

a) if provided for by a special Act

b) when an examination of the legitimacy of a decision of administrative authorities is concerned in cases where the objections of the public prosecutor have not been met and under the conditions specified in this Act,

c) when the inactivity of a state administration body is concerned in cases in which a notice of the public prosecutor has not been complied with, under conditions set in this Act,

d) when lodging a claim of the State under special Act for releasing unjustified enrichment including economic benefit obtained from unfair sources is concerned,

e) imposing institutional education on a person not criminally liable due to early age and who has committed an act that would otherwise be a criminal offence,

f) when declaring the invalidity of an assignment or the transfer of ownership or determining ownership is concerned, and the provisions of a generally binding legal regulation were breached upon ownership being acquired.

(2) The public prosecutor may enter the initiated proceedings

a) in matters regarding legal capacity,

b) in matters regarding the declaration of death,

c) in matters regarding a record in the Commercial Register,

d) in matters regarding the upbringing of minors,

e) in matters regarding guardianship,

f) in matters regarding bankruptcy and settlement,

g) in matters of determining the invalidity of an assignment or transfer of ownership, or ownership determination,

h) in matters regarding the examination of the legitimacy of a decision of an administrative authority by which the objections of the public prosecutor have been satisfied,

i) in matters in which the State, state-run company, legal entity with equity participation of the State, municipality, or higher-level territorial administrative unit is one of the participants in the proceedings,

j) in matters regarding consumer protection,

k) in matters regarding liability for damage caused by public authority bodies in exercising public authority by an unlawful decision or incorrect official procedure.

(3) Under Subsection 1 and 2 the public prosecutor shall be authorised in the proceedings to all acts that may be taken by the participant in the proceedings, unless acts that may only be taken by a party to legal relationship are concerned.

(4) Immediately after the initiation of proceedings in matters regarding the invalidity of an assignment or transfer of ownership or ownership determination the appropriate district prosecution shall be sent a notice on the initiation of such trial, if the subject of the proceedings concerns the property of the State, higher-level territorial administrative unit, municipality or a public institution, or the property of charities or budget organizations established by the State, higher-level territorial administrative unit or a municipality under a special regulation, and in matters regarding liability for damage caused by public authority bodies in exercising public authority by an unlawful decision or incorrect official procedure.

In addition, the General Prosecutor can file so called "extraordinary appellate review" against a final judicial decision in civil cases. The Supreme Court is competent for ruling on such remedy.

The role of the prosecutor in administrative cases is complex and entails supervision over compliance with the law by public authorities carrying out public administration (including state governing authorities, municipal and other authorities). While performing these roles the public prosecutor has several remedies against the decisions and conduct of public authorities available. In general, if a public authority does not comply with the recommendation or remedy of the public prosecutor, he can propose that the case be ruled by the court in civil proceedings (pursuant to special provisions on administrative proceedings contained in the Civil Procedure Code).

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	101 500	10 662	7 197	31 144

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	10 662
1. Discontinued by the public prosecutor because the offender could not be identified	NA
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	1 617
3. Discontinued by the public prosecutor for reasons of opportunity	NA

109) Do the figures include traffic offence cases?

☒ Yes

☐ No

D.2

You can indicate below:

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

Q97#2#1, Q97#3#1, Q97#4#1 : There has been the significant increase of the incoming civil cases in the year 2010. The cases have not been resolved in the same year, which led to the increase of the pending cases.

Q 97 and 99 - The collected statistical data for the appeal courts and the Supreme court do not distinguish the litigious and the non-litigious cases. Such a difference exist only in the first instance proceedings.

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Q 91 to 102 - The Ministry of justice of the Slovak republic, The Section of Judicial Informatics and Statistics

Q 107 and 108 - The General Prosecutor Office

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- ☐ Mainly through a competitive exam (for instance, following a university degree in law)
- ☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☒ A combination of both (competitive exam and working experience)
- ☐ Other

If other, please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- ☐ An authority made up of judges only?
- ☐ An authority made up of non-judges only?
- ☒ An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The legislative regulation of the recruitment procedure in the year of reference.

There are two possibilities to fill the vacant post of the judge.

1: Judge traineeships

The minister of justice assigns the vacant posts of the judge trainees within the jurisdiction of the Regional court (the court of the second instance). The vacant posts are staffed through a competitive exams available for every lawyer with the complete law degree. The successful applicants become judge trainees as a civil servants. The trainee period lasts for 3 years. During this period the trainee has to pass through the training and educational activities. The trainee period finishes with the special judicial exams organized by the Judicial Academy of the Slovak Republic.

If there is a vacant post of a judge at a court, where the trainee performs its service and if he/she fulfils all the statutory conditions, the vacant post is filled without the further selection procedure

2: The selection procedure

If the vacant post of a judge cannot be filled by a judge trainee, the president of a Regional court announce the selection procedure. The applicant has to fulfil the statutory conditions for the appointment of a judge. The selection committee consist of 5 members - 1 member appointed by the president of the court, 1 nominated by the council of judges of the court where the vacant post is to be filled, 1 by the college of the council of judges within the jurisdiction of a relevant Regional court, 1 nominated by the Judicial council of the Slovak republic and 1 nominated by the Ministry of justice. The selection procedure consist of written part, the oral interview and the psychological tests.

The nomination of the successful candidate is presented to the Judicial council of the Slovak republic, which submits the final nomination for the appointment of a judge to the President of the Slovak republic.

112) Is the same authority competent for the promotion of judges?

- ☒ Yes
- ☐ No

If no, which authority is competent for the promotion of judges ?

113) 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 of a higher court.

The selection committee consist of 5 members - 1 member appointed by the president of the court, 1 nominated by the council of judges, 1 by the college of the council of judges, 1 nominated by the Judicial council of the Slovak republic and 1 nominated by the Ministry of justice.

The judge applying for the promotion has to be evaluated by an evaluation commission nominated by the 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 and 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.

114) Is there a system of qualitative individual assessment of the judges' activity?

☐ Yes

☒ No

115) Is the status of prosecution services:

☒ Indépendant?

☐ Under the authority of the Minister of justice ?

☐ Other?

Please specify:

Articles 149, 150 and 151 of the Constitution of the Slovak Republic provide for the prosecution of the Slovak Republic. They read as follows: Article 149 Public prosecution shall protect rights and interests protected by law of natural and legal persons and of the State. Article 150 The Office of the public prosecution shall be headed by the General prosecutor who shall be appointed and recalled by the President of the Slovak Republic on the proposal of the National Council of the Slovak Republic. Article 151 Further details of the appointment, recall, powers and duties of public prosecutors, as well as the structure of the public prosecution shall be laid down by a law. The Act No. 153/2001 Coll. on prosecution, as amended, provides for the details, roles, powers and status of the prosecution services. The Act No. 154/2001 on prosecutors and prosecutor trainees, as amended, provides for the status, rights and obligations of prosecutors and prosecutor trainees. The public prosecution of the Slovak Republic operates as an independent authority with a hierarchical system of organization headed by the General Prosecutor. The General Prosecutor is appointed by the President of the Slovak Republic, on the proposal of the Parliament for a period of seven years.

116) How are public prosecutors recruited?

☐ Mainly through a competitive exam (for instance, following a university degree in law)

☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)

☐ A combination of both (competitive exam and working experience)

☒ Other

If "other", please specify:

There are two ways for recruitment of public prosecutors:

Way 1: Prosecutor Traineeships

Through a competitive exam available for every lawyer after completing a university degree the successful applicants can become prosecutor trainees. They are appointed by the General Prosecutor following the results of competitive exam. The trainee period lasts for 3 years. During this period the trainee must take part at several seminars organized by the Judicial Academy. After completing trainee period the trainee undergoes so called "judicial exams" organized by the Judicial Academy of the Slovak Republic. After successful completion of the exams the trainee is then appointed as a prosecutor by the General Prosecutor. In practise, the vast majority of prosecutors in the Slovak Republic were recruited in this way.

Way 2: Direct appointment

The General Prosecutor is entitled to appoint as a prosecutor any person meeting legal requirements. Except for the traditional requirements such as Slovak citizenship, university degree in law, at least 25 years of age, the candidate must have completed judicial exam or its equivalent (e.g. attorney exam, notary public exam). In this case the competitive exam for appointment is not required.

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- ☒ An authority composed of public prosecutors only?
- ☐ An authority composed of non-public prosecutors only?
- ☐ An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

Only the General Prosecutor is entitled to appoint any person as a prosecutor, whether it be a prosecutor trainee or any other person meeting legal requirements. The competitive exam under WAY 1 is facilitated by the committee composed of public prosecutors only.

118) Is the same authority formally responsible for the promotion of public prosecutors?

- ☒ Yes
- ☐ No

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

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Promoting of the prosecutors is always carried out on the basis of competitive exam by the General Prosecutor

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- ☐ Yes
- ☒ No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- ☒ Yes
- ☐ No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

The president of the Slovak republic upon a motion of the Judicial council of the Slovak republic is obliged to dismiss a judge:

- if the judge has been convicted upon the final verdict of an intentional criminal offence
- if the disciplinary sanction of dismissal has been pronounced by a final verdict of a disciplinary board upon the guilty verdict of a grave disciplinary offence of a judge
- if the judge lost the statutory conditions to be elected to the National Council of the Slovak republic (the parliament).

The president of the Slovak republic upon a motion of the Judicial council of the Slovak republic may dismiss a judge:

- if his/her health conditions do not allow him/her to perform duly the duties of a judge for a time period longer than one year,
- if he/she has reached the age of 65 years.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

☒ Yes

☐ No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

There is a difference between obligatory dismissal of a prosecutor from his position and an optional dismissal.

The General Prosecutor is obliged to dismiss a prosecutor if:

- if the prosecutor lost his legal capacity or it was limited,
- if the prosecutor lost the Slovak citizenship,
- the prosecutor was convicted for an intentional crime,
- if the disciplinary sanction of dismissal has been imposed by the final verdict,
- the prosecutor became a member of a political party,
- the prosecutor does not have permanent residence on the territory of the Slovak Republic anymore.

The General Prosecutor may dismiss a prosecutor if:

- the prosecutor is not capable of carrying out his duties and responsibilities due to bad health condition for more than one year,
- the prosecutor has reached 65 years of age.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	NAP

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

NAP

E.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).

If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	No
One institution for prosecutors	No	No	No
One single institution for both judges and prosecutors	No	No	Yes

Comment :

The Judicial Academy is the non-profit budgetary organisation of the Ministry of justice of the Slovak republic.

Its budget in 2010 - 726486 €

E.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- comments regarding the attention given in 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 has been implemented over the last two years

The Judicial Academy (hereinafter only JA) was established by the 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 the 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.

More information on the Judicial Academy at <http://www.ja-sr.sk/>

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	28 148	
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	40 659	
Public prosecutor at the beginning of his/her career	26 585	
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	40 659	

Comment :

The indicated data represent the gross salary of the judge/prosecutor without the bonuses and the extra pays.

According to the Act on judges (No. 385/2000 Coll.) the average monthly salary of the judge is equal to the monthly salary of the deputy of the parliament. The salary of the judge at the beginning of the career is 90% of the average monthly salary of the judge.

The salary of the judge of the Supreme court is 130% of the monthly salary of the deputy of the parliament.

The judge has the right to 2 additional salaries in May and in November under the conditions stipulated in law.

The similar rules are applicable for the salaries of the prosecutors (Act on prosecutors and trainee prosecutors No.154/2001 Coll.). The average salary of the prosecutor is equal to average salary of the judge. The salary of the beginning prosecutor is 85% of the average salary. Prosecutors have also the right to 2 additional monthly salaries.

133) Do judges and public prosecutors have the following additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	No	No
Other financial benefit	Yes	Yes

134) If other financial benefit, please specify:

Judges:

- each month the contribution of 1/24 of its salary for the expenses related to the performance of the function of a judge

- one week extra leave for judges over 45 years of age

- extra money to equal the sum of the regular salary during maternity leave or sick leave

Prosecutors:

- extra money to equal the sum of the regular salary during maternity leave or sick leave

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	Yes
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify.
If "other function", please specify.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

☐ Yes

☒ No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

☐ Citizens

☒ Relevant Court or hierarchical superior

☐ High Court / Supreme Court

☒ High Judicial Council

☐ Disciplinary court or body

☒ Ombudsman

☐ Parliament

☒ Executive power

☒ Other?

☐ This is not possible

If "executive power" and/or "other", please specify:

Executive power - The minister of justice

Other - the president of the court, Council of judges of the court, where the judge performs its function

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

☐ Citizens

☒ Head of the organisational unit or hierarchical superior public prosecutor

☒ Prosecutor General /State public prosecutor

☐ Public prosecutorial Council (and Judicial Council)

☐ Disciplinary court or body

☐ Ombudsman

☐ Professional body

☐ Executive power

☐ Other?

☐ This is not possible

If "executive power" and/or "other", please specify:

142) Which authority has disciplinary power on judges? (multiple options possible):

☐ Court

☐ Higher Court / Supreme Court

☐ Judicial Council

☒ Disciplinary court or body

☐ Ombudsman

- ☐ Parliament
- ☐ Executive power
- ☐ Other?

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- ☐ Supreme Court
- ☐ Head of the organisational unit or hierarchical superior public prosecutor
- ☐ Prosecutor General /State public prosecutor
- ☐ Public prosecutorial Council (and Judicial Council)
- ☒ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power
- ☐ Other?

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	18	16
1. Breach of professional ethics	0	1
2. Professional inadequacy	1	6
3. Criminal offence	NAP	NAP
4. Other	17	9

Comment :

Judges - other - wilful failure to comply with the judicial duties, delays in the court proceedings, breach of the judicial duties, refusal of breath alcohol test, malpractice in the road traffic

Prosecutors - minor offences, like the traffic offences

The hearing of criminal offences do not fall within the scope of the competence of disciplinary court/body.

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	8	7
1. Reprimand	2	2
2. Suspension	0	0
3. Removal of cases	NAP	NAP
4. Fine	0	0
5. Temporary reduction of salary	4	3

6. Position downgrade	1	1
7. Transfer to another geographical (court) location	NAP	0
8. Resignation	0	0
9. Other	1	0

Comment :

Judges:

other - prohibition to drive a car for one year

The difference in the number of initiated proceedings and sanctions - 5 proceedings are pending, 4 proceedings has been suspended, 1 case was transferred to the prosecution office.

E.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- 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 written notice 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.

Please indicate the sources for answering questions 144 and 145

The Supreme court of the Slovak republic

General prosecution of the Slovak republic

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

4 546

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

☐ Yes

☒ No

148) Number of legal advisors who cannot represent their clients in court:

NAP

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

☐ Civil cases?

☒ Criminal cases - Defendant?

☐ Criminal cases - Victim?

☒ Administrative cases?

☐ There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Civil cases:

According to the Code of the Civil Procedure a litigant can be represented before the court by trade unions in the labour law disputes, by special legal persons (e.g. the consumer associations) or by any individual who has full capacity to do legal acts. Such a representation is not possible in the proceedings on extraordinary appeals (or extraordinary remedies). The litigant 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.

Criminal cases-Victim:

Victim can be represented in the criminal proceedings by the lawyer or by any individual with the full legal capacity or NGO.

Administrative cases:

Lawyers have the monopoly only in certain types of administrative cases (§ 250a of the Code of the Civil Procedure).

150) Is the lawyer profession organised through? (multiple options possible)

☒ a national bar?

☐ a regional bar?

☐ a local bar?

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

☒ Yes

☐ No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

- ☐ Yes
☒ No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- ☐ Yes
☒ No

If yes, please specify:

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

Q 146 - The Slovak Bar Association, Kolárska 4, Bratislava, www.sak.sk

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

- ☒ Yes
☐ No

155) Are lawyers' fees freely negotiated?

- ☒ Yes
☐ No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- ☒ Yes laws provide rules
☐ Yes standards of the bar association provide rules
☐ No, neither laws nor bar association standards provide rules

F.2

Useful comments for interpreting the data mentioned in this chapter:

The lawyers fees are regulated by the Regulation of the ministry of justice (at the present time No. 655/2004 Coll.).

The fees can be either negotiated as the contractual fee or the tariff fee according to the regulation is applicable.

The contractual fee can be negotiated between the lawyer and the client as follows:

- a/ depending on the number of hours spent on a case (time fee),
- b/ single payment (lump-sum),
- c/ share of the value of the case,
- d/ tariff fee.

The basic tariff fee is determined according to the tariff value of the case and the number of the legal aid actions of the lawyer.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

☒ Yes

☐ No

If yes, what are the quality criteria used?

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

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

☒ the bar association?

☒ the Parliament?

☐ other?

If "other", please specify:

159) Is it possible to file a complaint 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 and by the Disciplinary Rules approved by the General Assembly of Lawyers.

160) Which authority is responsible for disciplinary procedures?

☐ the judge

☐ the Ministry of justice

☒ a professional authority

☐ other

If other, please specify:

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	399	351	17	31	NA

Comment :

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	45	3	2	1	36	3

Comment :

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

☒ Yes

☐ No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	Yes	No	No	No
Family law cases (ex. Divorce)	No	Yes	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	Yes	No	No	No
Criminal cases	Yes	No	No	No	No

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

☒ Yes

☐ No

If yes, please specify:

When the person is awarded the legal aid by the means of the Legal aid Centre, this legal aid covers also the possibility to solve the dispute in the mediation procedure.

166) Number of accredited or registered mediators who practice judicial mediation:

491

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	NA
2. family cases	NA
3. administrative cases	NAP
4. employment dismissals cases	NA
5. criminal cases	NA

Comment :

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes

Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

Arbitration

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.

The Ministry of justice keeps the list of permanent arbitration courts.

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.

Conciliation:

Any person can file to a court a motion for the conciliation proceedings, which is a type of pre-trial settlement. The proceeding is conducted by a single judge. The purpose of the conciliation is to settle a dispute by the pre-trial settlement, which has to be approved by a judge.

G.1

- any useful comments for interpreting the data mentioned in this chapter

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

Q166 : The Ministry of justice of the Slovak republic is obliged to register the person who complies with the statutory conditions for being the mediator.

The increase of the total number means that there are more qualified persons interested to be a mediator.

Please indicate the source for answering question 166:

Ministry of Justice of the Slovak republic - The Civil law section

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

☒ Yes

☐ No

170) Number of enforcement agents

305

171) Are enforcement agents (multiple options are possible):

☐ judges?

☒ bailiffs practising as private professionals under the authority (control) of public authorities?

☐ bailiff working in a public institution?

☐ other enforcement agents?

Please specify their status and powers:

A distrainer is a person appointed and empowered by the state to enforce the court rulings and other decisions. He/she carries out the enforcement impartially and independently. In the performance of his duties, he/she is bound only by the Constitution of the Slovak Republic, constitutional laws, international treaties, laws, other general implementing legislation, and court rulings issued in the enforcement proceedings.

In connection with enforcement activities, he/she has the status of a public official, and the performance of enforcement activities is regarded as the exercise of official authority.

A distrainer is appointed by the Minister for Justice. A citizen who has full legal capacity, holds a university degree in law, is of good character, has at least three years' experience of enforcement or judicial activity connected with the enforcement of decisions and has passed an expert examination may be appointed a distrainer. A person who has been subject to disciplinary action stripping him of the office of distrainer or who has been subject to disciplinary action striking him from the bar register, disciplinary action stripping him of the office of notary, disciplinary action stripping him of the office of prosecutor or disciplinary action removing him from the office of judge may not be a distrainer.

The enforcement agent's activities are incompatible with any employment relationship, entrepreneurship, membership of the bodies of a commercial company or cooperative, or with the performance of other gainful activity, with the exception of academic, pedagogical, literary, artistic and journalistic activity.

A distrainer carries out enforcement pursuant to authorisation issued by a court of enforcement.

172) Is there a specific initial training or examination to become an enforcement agent?

☒ Yes

☐ No

173) Is the profession of enforcement agents organised by?

☒ a national body?

☐ a regional body?

☐ a local body?

☐ NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- ☒ Yes
☐ No

175) Are enforcement fees freely negotiated?

- ☐ Yes
☒ No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- ☒ Yes
☐ No

Please indicate the source for answering question 170:

The Slovak Chamber of distrainers, Šustekova 49, Bratislava
www.ske.sk

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- ☒ Yes
☐ No

178) Which authority is responsible for supervising and monitoring enforcement agents?

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

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- ☐ Yes
☒ No

If yes, what are the quality criteria used?

180) If yes, who is responsible for establishing these quality standards?

- ☐ a professional body
☐ the judge
☐ the Ministry of Justice
☐ other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- ☐ Yes
☒ No

if yes, please specify

182) Is there a system for monitoring the execution?

- ☒ Yes
☐ No

If yes, please specify

The Ministry of justice of the Slovak republic monitors the statistical data on the number of incoming, closed and pending executions, the number of the authorizations to perform the execution granted by courts.

183) What are the main complaints made by 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?

If other, please specify:

184) 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:

185) Is there a system measuring the timeframes of the enforcement procedures:

- ☐ for civil cases?
☐ for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

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

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in

the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	41
1. for breach of professional ethics	<input type="checkbox"/> number:	0
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	41
3. for criminal offence		NAP
4. Other	<input type="checkbox"/> number:	0

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	14
1. Reprimand	<input checked="" type="checkbox"/> number:	2
2. Suspension	<input type="checkbox"/> number:	0
3. Dismissal	<input checked="" type="checkbox"/> number:	1
4. Fine	<input checked="" type="checkbox"/> number:	11
5. Other	<input type="checkbox"/> number:	0

Comment :

H.1

You can indicate below:

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

Questions 187 and 188:

From the total number 41 initiated disciplinary proceedings in 14 cases the sanction has been pronounced, in 4 cases the charged agent has been acquitted, the rest 23 disciplinary proceedings are still pending.

Please indicate the source for answering the questions 186, 187 and 188:

The Slovak Chamber of distrainers
Šustekova 49
851 04 Bratislava
www.ske.sk

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- ☒ Judge
- ☐ Public prosecutor
- ☒ Prison and Probation Services
- ☐ Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The judge gives the instructions to the administrative staff of the court to order the enforcement of all types of sentences and supervises whether all the sentences are enforced.

The judge orders the execution of the judgement "ex officio".

The execution of the sentences not related to imprisonment is made and supervised by the probation officer.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

☐ Yes

☒ No

191) If yes, what is the recovery rate?

☐ 80-100%

☐ 50-79%

☐ less than 50%

☐ it cannot be estimated

Please indicate the source for answering this question:

H.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

☒ Yes

☐ No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?	<input type="checkbox"/> number	
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	335
public agents?	<input type="checkbox"/> number	
other?	<input type="checkbox"/> number	

Comment :

A notary is a person appointed and empowered by the state to practise as a notary and carry out other activities in accordance with the law.

A notary is appointed by the Minister of Justice on the basis of selection procedure, as a general rule to hold office within the geographical jurisdiction of a court of first instance.

A notary is impartial and independent in the performance of his duties. He is bound only by the Constitution, laws and other general implementing legislation. The office of a notary is incompatible with entrepreneurial activities or other gainful activity, except for the management of the notary's own assets and those of his minor children, and academic, publishing, pedagogical, interpreting and artistic activity. A notary may not act as an expert in cases where he/she act as a court commissioner.

194) Do notaries have duties (multiple options possible):

- ☒ within the framework of civil procedure?
- ☒ in the field of legal advice?
- ☒ to certify the authenticity of legal deeds and certificates?
- ☒ other?

If "other", please specify:

- mediation
- arbitration
- notarial custody
- procedures related to the Notarial Central Registries
- drawing up and delivering of notarial deeds on the legal acts
- representation in the land registry (cadastral) proceedings

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

☒ Yes

☐ No

196) Which authority is responsible for supervising and monitoring notaries:

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

If other, please specify:

The Chamber of Notaries perform the supervision of the notaries by hearing the complaints and inspection of files, deeds and registers.

The Minister of Justice of the Slovak Republic:

- * appoints and removes notaries,
- * determines the number of notary offices at each court of first instance (number of notary positions) and their possible change,
- * upon the proposal of the Chamber he/she may transfer notaries to another district of a court of first instance with their consent.

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

The same right belongs to the president of the Chamber and the president of Regional court.

I.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

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

The Act n. 323/1993 Col. on Notaries and notarial activities (Notarial order), regulating the status and the activities of Notaries, has entered into force on 1st of January 1993.

Slovak Notary, being designated and empowered by state, is a person authorized to perform notarial acts and any other acts, as defined by law. Notary is nominated by the Minister of Justice, on the basis of a selection procedure, generally into the office falling within the Court of first instance district. However, he/she is not part of state bureaucracy; he/she is not bounded by any instructions, but is subject to state supervision, performed by the Minister of Justice. State is thus entitled to issue legislation regulating the activities of the Notaries, self-governance of the Notaries, as well as designate the number of notarial offices within the district of Court of first instance.

Chamber of Notaries, as a self-governing body of Notaries, apart from the duties concerning self-governance of Notaries and supervision over the Notaries' activities, is in charge of Central information system (CIS) administration. The system itself is a Chamber's property, owned and operated by it. Notarial central registers are an integral part of CIS and their administration is entrusted to the Chamber by law or particular Act.

Main scope of notarial activities

Notaries draw up notarial records on contracts, testaments and other legal acts for the participants, on the basis of their declaration.

Notary acting in the capacity of a Court Commissioner is entitled, under the authorization of the court, to conduct independently inheritance proceedings aiming at the issuance of a succession certificate or to advance the case to the court in order to issue a resolution. The notaries, on behalf of the court, are entitled to take independently certain partial procedural decisions and decisions on interruption of the inheritance proceedings. They however still act by the authority of the competent court.

At the participant's request, Notary certifies the facts that might be background to the claim of rights or that might have legal consequences. In particular, he/she issues certifications on:

- the rightness of a duplicate or a photocopy,
- the authenticity of a signature on the document,
- the fact that the act was submitted and when it happened,
- the course of general meetings and other meetings of the legal persons,
- the fact that a person is alive,
- the declaration on usucaption and other facts.

Notarial activities comprise also a procedure on notarial custody and acts related to Notarial Central Registers.

Area of information and communication technologies includes issuing of the extracts and write-offs from the registered data and in particular access (registration) to the Notarial Central Registers:

- a) of notarial deeds (NCRnz)
- b) of testaments, acts on disinheritance and on cancellation of such acts (NCRza)
- c) of certified signatures (NCRop)
- d) of the chattel mortgages (NCRzp) – it is a record of the established chattel mortgage, changed data on chattel mortgage, beginning of the execution of the rights from the chattel mortgage and its erasure in the Notarial Central Register of the chattel mortgages.
- e) of auctions (NCRdr) – Notary registers data on voluntary auction as provided by law, into the Notarial Central Register of auctions.
- f) of acts (NCRls) – according to Act n. 384/2008 Col, amending Act n. 99/1963 Col. Code on Civil Procedure as last amended, an important change has been set in for the Notaries. According to § 189a all the court decisions on deprivation or restriction of the capacity to act with legal effects, must be obligatorily recorded in the Notarial Central Register of acts.
- g) of the specified legal persons (NCRpo) – administration of the list of 2 % tax revenue beneficiaries, to whom the Notary certifies the completion of all the necessary conditions for the reception of 2 % from the tax revenue, for every calendar year separately.

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

☒ Yes

☐ No

198) Is the function of court interpreters regulated by legal norms?

☒ Yes

☐ No

199) Number of accredited or registered court interpreters:

827

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

☒ Yes

☐ No

If yes, please specify (e.g. having passed a specific exam):

The person can be registered in the list of qualified interpreters when he/she meets the criteria stipulated by The Act on the Experts, Interpreters and Translators (Act No. 382/2004 Coll.)

He/She has to:

- a/ have the full legal capacity
- b/ be without the criminal record
- c/ obtain the qualification in particular area (language)
- d/ pass through the special course on the status of the qualified interpreter
- e/ be in the practice for the period of minimum 5 years
- f/ pass the special examination to prove his/her qualification
- g/ make an oath in the hands of the minister of justice

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

Yes ☐ for recruitment and/or appointment for a specific term of office

Yes ☒ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

- ☐ No

Comment :

The Ministry of Justice of the Slovak Republic (hereinafter Ministry) keeps the list of the qualified interpreters. If the person fulfils the required criteria (mentioned in Q 200) he/she is registered in the list. After the registration the Ministry is responsible for the quality of interpreters. In the case of breaking the provisions of the Act on experts, translators and interpreters or not fulfilling the duties connected with quality of interpretation the Ministry is entitled to carry out the state supervision over them.

The court is entitled to select and to appoint an "ad hoc" interpreter in the situation, when there is no interpreter in the list for desired language or the registered interpreter is not able to act.

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

The Slovak law regulates two types of language experts. It distinguishes the "interpreter" from the "translator". The interpreter is entitled to interpret only the spoken language from one language to another in the oral form. The translator performs its duties by translating only the written documents.

Any person can apply for the registration in the list of the qualified interpreters or/and in the list of qualified translators. The person can be in the same time registered as the interpreter and the translator.

The Ministry of justice keeps the central list of the interpreters/translators. The ministry of justice organises the special examinations for the interpreters/translators. The applicant can be registered when he/she meets the criteria

stipulated by law.

The court can appoint to the proceedings any of the interpreter/translator from the list. If it is not possible, the court can appoint any other competent person as an "ad hoc" interpreter/translator.

The number of the registered interpreters is 252, the number of the registered translators is 827.

Please indicate the sources for answering question 199:

The Ministry of justice of the Slovak republic

Section of the civil law

Župné námestie 13

813 11 Bratislava

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- ☐ "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- ☒ "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- ☐ "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- ☒ Yes
- ☐ No

204) Is the function of judicial experts regulated by legal norms?

- ☒ Yes
- ☐ No

205) Number of accredited or registered judicial experts (technical experts)

2 802

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- ☒ Yes
- ☐ No

If yes, please specify, in particular the given time to provide a technical report to the judge:

The person can be registered in the list of experts when he/she meets the criteria stipulated by The Act on the Experts, Interpreters and Translators (Act No. 382/2004 Coll.)

He/She has to:

- a/ have the full legal capacity
- b/ be without the criminal record
- c/ obtain the qualification in the particular field of activity
- d/ pass through the special course on the status of the expert
- e/ be in the practice for the period of minimum 7 years
- f/ pass the special examination to prove his/her qualification
- g/ have the necessary technical equipment
- g/ make an oath in the hands of the minister of justice.

There is no period stipulated in law to bring the expertise. The judge assigns expert the proper time limit in its ruling.

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

- Yes ☐ for recruitment and/or appointment for a specific term of office
- Yes ☒ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No ☐.

Comment :

The Ministry of Justice of the Slovak Republic (hereinafter Ministry) keeps the list of the experts and disclosures it on its website. If the person fulfils the required criteria (mentioned in Q 206) he/she is registered in the list. After the registration the Ministry is responsible for the quality of experts. In the case of breaking the provisions of the Act on experts, translators

and interpreters or not fulfilling the duties connected with quality of technical reports the Ministry is entitled to carry out the state supervision over them.

The court is entitled to select and to appoint an "ad hoc" expert in the situation, when there is no expert in the list for desired field of activity or the registered expert is not able to act.

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

The Slovak legal order uses the term "expert" without any adjective relating to a court. The Ministry of Justice of the Slovak republic discloses the list of them on the website. The court or any other public authority can select the expert from the list and ask for providing a technical report.

Any natural or legal person can also ask the expert for providing the technical report/expertise.

Besides the experts - natural persons the Slovak law distinguish the "expert organization", which is the legal person, whose members or employees are experts and the "expert institution", which is the specialized scientific body.

The Ministry keeps and discloses the separate list of registered expert organizations (105) and registered expert institutes (10).

Experts are bound to educate themselves and to improve their qualification systematically. Ministry of Justice of the Slovak Republic organises the examinations and regular re-examinations of the experts.

Please indicate the sources for answering question 205:

The Ministry of justice of the Slovak republic

Section of the civil law

Župné námestie 13

813 11 Bratislava

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

5. Legal professionals

In the year 2011 the National council of the Slovak republic (parliament) has adopted several important amendments to the acts governing the position of the judges and the prosecutors, the functioning of the courts and the Judicial council of the Slovak republic. Some of the changes has been challenged by the General prosecutor before the Constitutional court of the Slovak republic.

Judges:

Under the new adopted legislation effective since May 2011, some competences of the executive and legislative powers were strengthened to the prejudice of the judicial power. The Minister of Justice received the authority to remove the presidents of the courts without giving any reason. Under this amendment (unlike the past legislation) the removed presidents lost the possibility to apply for reviewing the legality of the decision before the general court.

Changes in the recruitment procedure of judges:

- the institute of judge trainees has been repealed.
- the vacant posts will be filled only through the selection procedure,
- the new composition of the selection committee: 1 member from the database of the candidates elected by the parliament, 2 members from the candidates nominated by the ministry of justice, 1 nominated by the Judicial council, 1 nominated by the council of judges of the court, where the vacant post is to be filled.
- the applicant is obliged to present a list of the close relatives working within the judiciary.

Changes in the disciplinary proceedings:

- some of the powers of the Minister of Justice and the Judicial Council were transferred to the disciplinary court – e.g. the competence to decide on temporary suspension of the judicial function and on removal from the judicial function.
- the Judicial Council of the Slovak Republic lost its competence to submit the disciplinary proposal.

From the 1. January 2012 the new system of the evaluation of judges shall apply.

Prosecutors

In June 2011 there has been adopted an amendment to the Acts No. 153/2001 Coll. on prosecution and No. 154/2001 Coll. on prosecutors. This legislation (Act No. 220/2011 Coll.) was proposed by the Ministry of Justice and brought the significant changes to the organisational system of prosecution.

After the adoption of the new legislation, the General Prosecutor has challenged the changes before the Constitutional Court, which has suspended the effect of some provisions pending final decision (including recruitment procedures). There has been a strong opposition from the prosecutors themselves, who regard these changes as the infringement of independent position of the prosecution and its submission to the authority of the Ministry of Justice. On the other hand, the Ministry of Justice argues with the opening the prosecution to public control.

The amendment has changed the recruitment procedure as follows:

- abolition of the prosecutor trainees and replacing the position with prosecutor assistants who would not be automatically awarded the position of the prosecutor after passing the judicial exam, but would have to undergo a competitive exam together with other candidates meeting legal requirements,
- a competitive exam prior to appointment would be carried out and assessed by committee composed of 6 members (3 of them nominated by the Parliament and 3 of them nominated by the Council of Prosecutors – an autonomous body of prosecutors),
- the General Prosecutor would be bound by the results of the competitive exam while appointing a person as prosecutor.

Most of the provisions of the amendment were supposed to enter into effect from October 1, 2011, however the General Prosecutor disputed the changes before the Constitutional Court (not only because of the changes concerning recruitment procedures). The Constitutional Court suspended the effect of the new legislation pending final decision in

the matter.

The other important changes include:

- a ban on "negative instructions" (i.e. an instruction issued by superior prosecutor not to charge, not to indict, not to appeal, not to propose detention on remand, etc.),
- the General Prosecutor is only authorised to issue a binding instruction regarding application of law after the approval of a committee composed of 6 experts (3 of them nominated by the General Prosecutor and 3 of them nominated by the Minister of Justice),
- a ban on re-election of the same person as the General Prosecutor after serving 7 years term,
- compulsory on-line disclosure of the prosecutor's decisions on discontinuation of criminal proceedings and disciplinary verdicts,
- abolition of military prosecution offices and transformation of military prosecutors to regular civil prosecutors,
- 5 year term for head prosecutors (including competitive exams required for a prosecutor to be appointed as head prosecutor including current head prosecutors) – suspended by the Constitutional Court,
- reorganization of disciplinary procedure – disciplinary committees should now compose of 3 members out of which one is nominated by the Council of Prosecutors, one by the Parliament and one by the Minister of Justice, the Minister of Justice and ombudsman would also be authorized to initiate disciplinary proceedings, an appeal against disciplinary verdict would be decided by the Court - suspended by the Constitutional Court,
- incompatibility of prosecutorial council membership (autonomous bodies of prosecutors) with the position of head prosecutor - suspended by the Constitutional Court.

7. Enforcement of court decisions

From the 1. January 2012 the new regulation on the enforcement of the decisions on the upbringing of the minor child will be effective.