

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY: SLOVAKIA	
Year of reference : 2003	
QUESTIONS	DATA
I. General information	
1. Number of inhabitants	5 379 161 Year : 2002 Source : Statistical Office of SR
2. Total annual State/regional public budget	5 885 000 000 EUR Year : 2003 Source : Act No. 750/2000 on State Budget for Year 2003
3. Average gross annual salary	4 236 EUR Year : 2. Q. 2003 Source : Statistical Office of SR
II. Access to Justice and to all courts	
A. Legal aid/cost of justice	
4. Annual public budget spent on legal aid	618 525 EUR Year : 2002 Source : Ministry of Justice
5. If possible, - Annual public budget spent on legal aid in criminal cases - Annual public budget spent on legal aid in other court cases	not available Year : Source :
6. Total number of legal aid cases (in a year)	not available Year : Source :
7. If possible, - total number of legal aid cases in criminal matters (in a year) - total number of legal aid cases in other court cases (in a year)	not available Year : Source :
8. Does your country has an income and asset test for granting legal aid?	no Year : Source :
9. If yes, what is the maximum income level for granting legal aid?	Year : Source :
10. Is it possible to refuse legal aid for lack of the merit of the case (eg. concerning the abusive character of legal actions)? If yes, the decision is taken by : an internal instance of the court ✓ an external instance a mixed instance court/external other What factors are taken into account ?	yes § 30 (§ 138) of Code of Civil Procedure- nature of claim is considered - whether the motion is not a discretionary or apparently failing enforcement or obstruction of law Year : 2003 Source : Act No.99/1963 Code of Civil Procedure
11. Does it exist a general rule according to which a person has to pay a court tax or fee to start a proceeding at a general jurisdiction court? YES NO If yes, does it concern:	 Year : 2003 Source : Act No.71/1992 on Court Fees

- criminal cases <input type="checkbox"/> YES / NO - other than criminal cases <input type="checkbox"/> YES / NO	
12. Does your country have a private system of legal expenses insurance for the individuals?	yes Year : 2003 Source : Legal order
13. Do judicial decisions have an impact on who carries judicial costs which are paid by the parties during the procedure? YES NO If yes, does it concern: - in criminal cases <input type="checkbox"/> <input checked="" type="checkbox"/> - in other than criminal cases <input type="checkbox"/> <input checked="" type="checkbox"/>	Year : 2003 Source : Act No.99/1963 Code of Civil Procedure Act No.141/1961 Code of Criminal Procedure
14. In your country, have studies been carried out on the costs of cases brought to courts concerning - Users <input type="checkbox"/> - the State <input type="checkbox"/> Please indicate, if so, the references of these studies published in the [reference's year of reference]	no Year : Source :
B. Users of the courts and victims	
15. Are there official internet sites/portals (eg. Ministry of justice, etc..) on which the general public may have free access to - legal texts (eg. codes, laws, regulations, etc..)	www.justice.gov.sk Automated System of Legal Information - ASPI Unified Automated System of Legal Information – JASPI www.jaspi.justice.gov.sk Year : 2003 Source : Ministry of Justice
- Yes <input type="checkbox"/> - No <input type="checkbox"/> - to the case-law of the higher court/s? - Yes <input type="checkbox"/> - No <input type="checkbox"/> - to other documents (for examples legal forms)? YES NO If yes, please give the internet address	
16. Is there a public and free-of-charge for victims specific information system to inform and to help victims of crimes? - Yes <input type="checkbox"/> - No <input type="checkbox"/>	Comments Year : Source :

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? - Yes <input type="checkbox"/> - No <input type="checkbox"/>	Comments Public Information Portal Managed by Ministry of Interior www.obcan.sk Year : Source :
18. Does your country have a public compensation fund to compensate financially victims of crimes? - Yes <input type="checkbox"/> - No <input type="checkbox"/>	Comments Year : Source :
19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) inquiries to measure the public trust and the satisfaction of the services delivered by the judiciary? If yes, please specify (national level public inquiries or court level inquiries)	Yes www.justice.gov.sk national level inquiries court level inquiries- Self-reflection of Judicial Branch – 2003 (not available on web sites) Year :2003 Source :Ministry of Justice
20. Is there a national or local procedure for complaints regarding the bad functioning of the judiciary (eg. through an ombudsman)? at the court's level/internal procedure YES/NO at the court's level/external procedure YES/NO at the national level/internal procedure YES/NO at the national level/external procedure YES/NON	Comments Act No.80/1992 on State Administration of Courts Act No.564/2001 on Ombudsman Year : 2003 Source :
21. As a general rule, do the institutions which receives a complaint have an obligation to respond and/or to deal with the complaint within a certain time limit Time limit for the answer YES/NO Time limit for the dealing of the complaint YES/NO	Comments § 17-27 Act No.80/1992 on State Administration of Courts Time limit for dealing with the complaint and the response is two months Year : 2003 Source :
III. Functioning of courts and efficiency of justice	
A. Functioning	
22. Total number of courts	68
23. Number of general jurisdiction first instance courts	Year : 2003 Source : Ministry of Justice 55
24. Number of specialised first instance courts Specify the different areas of specialisation	Year :2003 Source : Ministry of Justice 3 military courts
25. Number of professional judges sitting in courts (present the information in full time equivalent and for permanent	Year :3. Q. 2003 Source : Ministry of Justice 1 232

posts)	
26. Number of non-professional judges sitting in courts (present the information in full time equivalent and for permanent posts)	Please give details not available Year : 2003 Source : Ministry of Justice
27. Number of non-judge administrative staff who are working in courts (present the information in full time equivalent and for permanent posts)	3 612 Year : 3.Q.2003 Source : Ministry of Justice
28. Annual budget allocated to all courts	60 436 675 EUR Year : 2003 Source : Ministry of Justice
29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts ?	11561000 EUR Year : 2003 Source : Ministry of Justice
30. Did the budget for justice increase during the last 5 years? Can you give figures?	Year : Source : Ministry of Justice 1999 39 740 100 EUR 2000 44 516 925 EUR 2001 52 285 600 EUR 2002 54 269 300 EUR 2003 72 352 275 EUR
31. Which institution is formally responsible for setting up the budget devoted to courts ? The ministry of Justice (or equivalent) ? <input checked="" type="checkbox"/> The Government ? The Parliament ? Le Judicial Council ? The Courts	Year : 2003 Source : Act. No. 303/1995 on Budget Regulations
32. Who manages the budget of the courts (President of the Court ? The person administratively responsible for the court ?)	Year : 2003 Source : Act No.80/1992 on State Administration of Courts President of the Court
33. Which institution is responsible for arranging and scheduling the court hearings/sessions? in criminal cases <input type="checkbox"/> - in other than criminal cases <input type="checkbox"/>	Year : 2003 Source : Court- judge Act No.141/1961 Code of Criminal Procedure Act No.99/1963 Code of Civil Procedure
B. Efficiency	
34. Total number of criminal cases received by the public prosecutor (in a year)	Year : 2002 Source : General Prosecution Office 158 301
35. Total number of criminal cases dropped by the public prosecutor (in a year) Please indicate also, out of this total, those dropped as the offender has not been identified	Year : 2002 Source : General Prosecution Office 149 086 41 670
36. Total number of criminal cases which are concluded by a sanction/measure imposed/negotiated by	Year : 2002 Source : General Prosecution Office 1 829

the public prosecutor (in a year)	
37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)	Year : 2002 Source : General Prosecution Office 24 299
38. Total number of incoming criminal cases in the courts concerning robbery cases (in a year)	Year :2002 Source : General Prosecution Office 1 012
39. Total number of judicial decisions, concerning robbery (in a year). Please indicate also if possible: Number or % of convicted persons Number or % of acquitted persons	Year : 2002 Source : Ministry of Justice 657 632 persons 25 persons
40. Percentage of decisions concerning robbery subject to an appeal to a higher court (in a year)	Year :2002 Source : Ministry of Justice 30,2 %
41.Total number of incoming criminal cases in the courts, concerning intentional homicide (in a year)	Year :2002 Source : General Prosecution Office 132
42. Total number of judicial decisions, concerning intentional homicide (in a year) Please indicate also if possible : Number or % of convicted persons Number or % of acquitted persons	Year : 2002 Source : Ministry of Justice 78 persons 76 persons 2 persons
43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)	Year :2002 Source : Ministry of Justice 73,7 %
44. Total number of incoming civil and administrative cases in the courts (in a year)	Year :2002 Source : Ministry of Justice Supreme Court of SR 943 781
45. Total number of judicial decisions in civil and administrative matters (in a year)	Year : 2002 Source : Ministry of Justice Supreme Court of SR 724 484
46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)	Year :2003 Source : Ministry of Justice not available
47. Total number of incoming divorce cases in the courts (in a year)	Year : 2002 Source : Ministry of Justice 14 984
48. Total number of judicial decisions in divorce cases (in a year)	Year : 2002 Source : Ministry of Justice 13 752
49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)	Year : Source : Ministry of Justice 1,41%
50. Total number of incoming dismissal cases in the courts (in a year)	Year : Source : Ministry of Justice not available
51.Total number of judicial decisions of dismissal cases (in a year)	Year :2002 Source : Ministry of Justice 554
52. Percentage of decisions concerning dismissal cases subject to an appeal to a higher court (in a year)	Year : Source : Ministry of Justice not available

IV. Use of Information Technology in the court	
53. Annual IT Budget allocated to the courts (if possible in EURs)	Year :2002 Source : Ministry of Justice 1 500 000 EUR
54. In general, do the courts have in your country computer facilities - for judges - Yes <input type="checkbox"/> - No <input type="checkbox"/> - for non-judges court staff - Yes <input type="checkbox"/> -No	Year :2003 Source : Ministry of Justice
55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the judiciary. YES NO If yes, please specify the name and the adress of this institution	Ministry of Justice of Slovak Republic Division of Judicial Informatics and Statistics Zupne namestie 13 813 11 Bratislava www.justice.gov.sk Year :2003 Source :
56. What kind of facilities can be used by the clients of the courts to communicate with the courts (multiple choices are possible): • Telephone ✓ • Mail ✓ • Fax ✓ • E-mail ✓ • Internet	Year : 2003 Source : Act No.141/1961 Code of Criminal Procedure Act No.99/1963 Code of Civil Procedure
57. Is there an electronic form to carry out certain procedural steps?	Year :2003 Source : Ministry of Justice not yet
V. Fair trial	
58. Percentage of adversary judgements in criminal cases in first instance	Year : 2002 Source : Ministry of Justice 25 966
59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court?	Year : Source : yes Art. 47 par.3 of Constitution Act No.141/1961 Code of Criminal Procedure Act No.99/1963 Code of Civil Procedure
60. Is there an effective remedy to a superior jurisdiction for all cases?	Year : Source : yes Act No.141/1961 Code of Criminal Procedure Act No.99/1963 Code of Civil Procedure
61.Are all judgments to prison duly motivated?	Year : Source : yes Act No.99/1963 Code of Criminal Procedure
62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment	Year : Source : not available
63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment	Year : Source : Ministry of Justice average length of robbery case in a court until the first instance judgment – 8,9 months
64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment	Year : Source : Ministry of Justice not available
65. Average length, in days, of divorce	Year :2000 Source : Ministry of Justice

cases from the deposit of the complaint until the appellate judgment	7,2 months
66. Average length, in days, of dismissal cases from the deposit of the complaint until the first instance judgment	Year : Source : Ministry of Justice not available
67. Average length, in days, of dismissal cases from the deposit of the complaint until the appellate judgment	Year : Source : Ministry of Justice
68. Do you, on a regular basis, measure the size of backlog cases in the courts ?	yes Year :2003 Source : Ministry of Justice
69. Do you have a way of analysing the queueing time during judicial procedures ? If yes, please specify.	Year : Source : no
VI. Independence, impartiality, efficiency, competence and role of judges	
70. Gross annual salary of a first instance professional judge at the beginning of his/her career	Year : 2003 Source : 10 366 EUR Act No. 385/2000 on Judges and lay Assessors
71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court	Year :2003 Source : 15 292 EUR Act No. 385/2000 on Judges and lay Assessors
72. Can judges combine their work with other professions (for example as a University professor, arbitrator, consultants)? YES NO If yes, please specify	Year : Source : Act No. 385/2000 on Judges and Lay Judges Judge can exercise scientific, pedagogical, lecturing, literary, publicistic and artistic activities only if they do not infringe proper exercise of his judicial duties
73. Are judges recruited and nominated by an independent institution ? If yes, who are represented in this institution : the members of the judiciary ? YES / NO members outside of the judiciary YES / NO A mixture of the two categories referred above ? YES / NO Is the process of selection and nomination carried out according to pre-established procedures ? YES /NO	Year : Source : independent institution- the Judicial Council was created by the Constitutional Act No. 90/2001; its tasks and responsibilities are regulated by Act. No. 185/2002 on Judicial Council Act No. 385/2000 on Judges and Lay Judges as amended by Act No. 185/2002
74. Is there a system of initial and continuous training for judges? NO / YES , but not compulsory / YES , compulsory What is the average percentage of judges who have followed a continuous training session each year ?	Year : 2002 Source : Ministry of Justice 70%

75. Is there a system of supervision and control on the courts - other than through appeal ? YES NO If yes, please specify	Year : Source :
76. Is there in your country a system of temporary judges ? YES / NO If yes, are these temporary judges paid on the basis of their activity ? YES / NO If yes, please specify	Year : Source :
77. Annual number of disciplinary proceedings against judges	Year :2002 Source : Ministry of Justice 25
78. Annual number of sanctions against judges	Year :2002 Source : Ministry of Justice 3
VII. Status and role of public prosecutors	
79. Annual budget for the public prosecution	Year :2002 Source : General Prosecutor Office 18 324 000 EUR
80. Number of professional public prosecutors (in full time equivalent)	Year :2003 Source : General Prosecutor Office 728
81. Gross annual salary of a public prosecutor at the beginning of his/her career	Year :2003 Source : General Prosecutor Office 8 023 EUR
82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court	Year :2003 Source : General Prosecutor Office 14 928 EUR
83. Can public prosecutors combine their work with other professions? YES / NO If yes, please specify	Year :2003 Source : Act No. 154/2001 on Prosecutors Prosecutor can exercise scientific, pedagogical, lecturing, literary, publicistic and artistic activities only if they do not infringe proper exercise of his professional duties
84. Are public prosecutors recruited and nominated by an independent institution ? If yes, who are represented in this institution : the prosecutors ? YES / NO other stakeholders outside ? YES / NO a mixture of the two categories referred to above ? YES / NO Is the process of selection and nomination done according to pre-established procedures ? YES / NO	Year : 2003 Source : Act No. 154/2001 on Prosecutors nominated by the General Prosecutor Art. 8 of Act No. 154/2001 on Prosecutors
85. Is there a system of initial and continuous training for public prosecutors? NO / YES , but not compulsory/ YES, but compulsory	

What is the average percentage of prosecutors who have followed a continuous training session each year ?	Year : 2002 Source : General Prosecutor Office 72%
86. Is there a system of supervision and control on the public prosecutors YES / NO If yes, please specify	Year :2004 Source :
87. Annual number of disciplinary proceedings against public prosecutors	Year : 2002 Source : General Prosecutor Office 17
88. Annual number of sanctions against public prosecutors	Year :2002 Source : General Prosecutor Office 6
VIII. Lawyers	
89. Number of lawyers practising in your country	Year :2002 Source :Ministry of Justice 2837
90. Is there a national bar association?	Year : 2003 Source : nowadays in proces of re-unification of Slovak Advocates Chamber and Chamber of Commercial Lawyers
91. Have quality standards been formulated for lawyers ? YES / NO If yes, who is responsible for formulating these quality standards? bar association legislator ✓ other Please specify	Year : Source : Act No. 132/1990 on Advocacy Act No. 129/1991 on Commercial Lawyers
92. Are there disciplinary proceedings for lawyers? YES /NO	Year : Source : Act No. 132/1990 on Advocacy Act No. 129/1991 on Commercial Lawyers
93. Annual number of disciplinary proceedings against lawyers	Year :2002 Source :Ministry of Justice 77
94. Annual number of sanctions against lawyers	Year : 2002 Source : Ministry of Justice 59
95. Is there possibility to complain on the lawyers' performance? YES / NO If yes, please specify	Year : Source :
96. Which is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case ?	not available Year : Source :
IX. Mediator and mediation proceedings	
97. Number of persons registered as a mediator	Year :2003 Source : There are not official mediators in Slovakia yet. Ministry of Justice initiated (in 2002) the Project "Improving Access to Justice in Slovakia" aimed to preparation and implementation of ADR (mediation) to the Slovak Legal system. In October 2003 was adopted the Act No. 550/2003 On Probation and Mediation Officials.
98. How much public budget is devoted to mediation ?	Year : Source :
99. Number of incoming mediation cases (in a year)	Year : Source :

100. Number of cases solved through mediation (in a year) - in criminal cases <input type="checkbox"/> - in other than criminal cases <input type="checkbox"/>	Year : Source :
101. In which areas of law is mediation most practised and successful in your country? - in criminal cases <input type="checkbox"/> - in other than criminal cases <input type="checkbox"/>	Year : Source :
X. Execution of court decisions	
102. Number and types of enforcement agents - in criminal cases <input type="checkbox"/> - in other than criminal cases <input type="checkbox"/> <input checked="" type="checkbox"/>	Year :2003 Source : Ministry of Justice 255 Act No.233/1995 on Judicial Executors and on Execution
103. Is there an institution to supervise or control the activities of enforcement agents? YES / NO If yes, please specify	Year :2003 Source : Act No.233/1995 on Judicial Executors and on Execution Ministry of Justice
104. Annual number of disciplinary proceedings against enforcement agents	Year :2001 Source : Ministry of Justice 10
105. Annual number of sanctioned enforcements agents	Year :2001 Source : Ministry of Justice 8
106. Is there a possibility to file a complaint against an enforcement agent? YES /NO If yes, please specify	Year :2003 Source : Act No.233/1995 on Judicial Executors and on Execution - to the Chamber of Executors or Ministry of Justice
107. Does the court play a role in the execution of court decisions? YES / NO If yes, please specify	Year :2003 Source : Act No.99/1963 Code of Civil Procedure Any person entitled by a valid judgement may file for <u>judicial enforcement to a court of general jurisdiction</u> or use the services of a self-employed judicial executor. The only authority entitled to enforce judgements of the courts in criminal matters are the courts themselves.
108. Do the courts have the competence to decide against public authorities ? YES / NO Are the courts involved in execution decisions against public authorities ? YES / NO	Year :2003 Source : Act No.99/1963 Code of Civil Procedure