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“transparent and efficient justice”
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SPEECH

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Priorities of the Ministry of Justice of the Slovak Republic aimed at increasing the efficiency and transparency of justice

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1. Preventing the political influence over the judicial power and strengthening its independence

The amendment of the Law on Judicial Council and the amendment of the Law on Judges will introduce:

- a higher degree of transparency and public control over the activity of the Judicial Council by making the sessions of the Judicial Council accessible by public,
- the obligation to draft and make public the audio records from all its sessions,
- the obligation on the Judicial Council to include justification to any decision taken and make it public. This is justified by the fact, that knowing the reasons for a decisions of public and state authorities is the precondition for the predictability of the law and the fundament of the legal certainty in the society,
- the incompatibility of function of a member of the Judicial Council and president (vice-president) of a court, which will reduce the influence of the executive or political power to its decision making,
- preventing a swift rotation of the function of the judge with his/her function in the executive power, which will also mean that the minister of justice will not be able to apply for a position of the president of the Supreme Court.

2. Speeding up the court proceedings and increasing the efficiency of courts so that people will be able to claim their rights in reasonable time and at right place

The new legal regulation (mainly the amendment of the Civil Procedure Code) will introduce:

- the simplified procedures,
- the deadlines for decisions of courts in selected matters,
- the new system of service of documents.

The new legal regulation will speed up the issuing of payment orders and extend the possibility of using e-forms.

Conditions will be established providing for **complete electronization of judiciary** (Commercial Register, Commercial Gazette, e-judicial file, e-collection of laws), which will include also electronic recording of all court hearings and enabling the continual monitoring the status of court proceedings (the amendments of Civil Procedure Code, Law on Courts, Law on Judges, Law on Commercial Register will also be necessary).

The legislative, technical and organisational support for creating the expert team of courts based on objective criteria known in advance will be introduced as well.

3. Establishing the tools providing for transparency, public control and more quality decision making practice of the courts

The new legal regulation will introduce the obligation on courts to publish all court decision on internet. Making the decision public will include not only the substantive decisions, but also so called procedural decisions. A broader professional debate with the aim of reaching a broader consensus on the need for data anonymisation in the decision and protection of privacy of persons affected will take place prior to the defining the precise criteria for the procedure aimed at publication of the court decisions.

In order to publish the court decisions the central web page including all court decisions from all general courts (district courts, regional courts, Specialised Criminal Court and Supreme Court) will be created. Web page will be created so that it would comply with criterion of user friendly internet, thus not requiring upgraded abilities of internet user. The intention is to determine as simple method as possible for searching for decisions rendered by individual courts, by the respective legal areas, by the respective legal problems. The website with public decisions will be the tool of predictability of law for everybody and will also be a tool for comparing the individual judicial decisions, as to the quality of work of judges.

The complete electronisation of justice (Commercial Register, Commercial Gazette, e-judicial file, e-collection of laws) **will require the special technical realisation**, including also the electronic recording of all court hearings and enabling the possibility to continuous monitoring of the status of court proceedings.

4. Reverting the negative and intensified tendency of public mistrust in judiciary, restoration and introduction of new ways of establishing the confidence in judiciary, preventing the nepotism and corruption in judiciary and prison system

The new legal regulation (the amendment of the Law on Judges, and of the Law on Courts) will establish:

- more strict conditions for the transparent and open selection procedures for judges and prosecutors,
- the mechanism of selection procedures including the creation of selection panels, which will ensure the selection of the most quality candidates, including the president of courts, as well as the equal opportunities for every candidate,
- the obligation of security clearance checks both for judges and judicial candidates,
- conditions for the specialisation of judges and their continual training with the aim to increase the quality of decision making of courts,
- the evaluation of the work of judges by establishing the precise criteria, procedure and consequences of evaluation of the work of the judge accompanied with the possibility to be dismissed from the function of the judge, if his/her moral or professional incapacities will be proven,
- strict criteria for the creation of agenda of judges as well as strict conditions for enabling the replace the legal judge from the case (both single judge or judges in the panel) only for objectively necessary cases. In order to limit the interfering with the decision making practice of the judge the definition of the criminal offence of undue influence over the judge will be examined and proposed to amend the Criminal Code.

With the aim to prevent the closed judicial system not being capable of being immune from the corruption influence from the judiciary itself, after a broader professional discussion will take place the draft legal regulation aimed at amending the rules applicable for disciplinary proceedings held against judges will be proposed including the new method of creating the disciplinary panels with the possibility of civic control and using ad hoc system in creating the panels. On the basis of the results of broader expert discussion the proposal for the establishment of the Supreme Administrative Court will be presented with the aim to ensure the effective judicial protection of citizens in relation to the infringements of the law from the side of public administration authorities.

5. Limiting the scope for corruption and clientelism of state authorities and self-regulating authorities in concluding public procurement contracts

In order to prevent corruption at courts the hot line for notification of cases of corruption in judiciary and prison system will be established.

Draft constitutional law strengthening the status of Specialised Criminal Court and Specialised Prosecutor's Office will also be introduced as another effective tool to fight corruption.

The amendment of the Civil Code and of the Free Access to Information Law will introduce the requirement to disclose contracts related to public finances. If such contract are not disclosed to public, they will become ineffective.

6. Effective and real access to legal assistance for everybody who needs it and prevention of escalation of legal problems

The new legal regulation on the access to free legal aid to persons who lack sufficient resources will extend the accessibility of Centre for Legal Aid both for people and will also extend its services. One of the tasks of the Centre will be to prevent the escalation of legal problems and thereby to act in order to increase the legal awareness in the society, as well as prevention that the legal disputes of serious character become acute. The strategy of prevention the legal problem will be elaborated and subsequently realised by the Centre to this aim.