



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

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 2013)

5 410 836

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 or federal level	15 640 711 000
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

13 207

4) Average gross annual salary (in €)

9 660

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

NAP

A1. 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=63171> Q2: <https://www.finance.gov.sk/Default.aspx?CatID=8940>

Q3: <http://portal.statistics.sk/showdoc.do?docid=48048>

Q4: <http://portal.statistics.sk/showdoc.do?docid=48053>

1. 1. 2. Budgetary data concerning judicial system

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	152 715 786
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	86 354 081
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	3 555 096
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	8 423 500
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	13 362 799
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	0
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1 414 040
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	39 606 270

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 has been collected from the Ministry of justice of the Slovak republic and the Supreme Court of the Slovak republic. The budgetary structures of both institutions are different from the structure in this questionnaire. Lines 4 and 5: All investments to the court buildings are included in the sum in the line 4.

Line 7: Other expenses include:

- the financial expenses for the 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 legal procedures which are exempted of the court fees (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 itself can grant the participant the exoneration from the court fees when the social circumstances of the participant give reason to this and the claim is not frivolous.

8.1) Please briefly present the methodology of calculation of courts fees?

The general rule for the calculation of the court fees is the 6% of the claim value. The minimum fee is 16,50€ and the maximum fee in the civil cases is 16 596,50 €, in the commercial disputes the maximum is 33 193,50 €.

If it is not possible to put a value to the claim the court fee is 99,50 €.

For the certain types of the cases and/or the court applications the Act on court fees stipulates different rates or amounts of the court fees.

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

180 €

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

53 448 064

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. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	1771287
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

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 69 947 692

Comment :

The sum represents the total spent budgetary expenses of the prosecution services.

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 courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	Yes	No	Yes	Yes
High Judicial Council	Yes	No	No	Yes
Courts	Yes	No	Yes	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

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

Other ministry - The Ministry of Finance

Inspection body - The Supreme audit office of the Slovak republic is entitled to control any of the budgetary subject.

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

mail CN 9/1/14: Q 6: réponses sur les différences entre cycle précédent et celui ci: Annual budget allocated to computerisation:

The answer is correct. As it has been reported in the previous cycle the significant investments to the computerisation were expected in the years 2011 and 2012 (see comment at Q7 in the previous questionnaire).

Annual budget allocated to justice expenses:

The data has 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. For this cycle the expenses for the "ex officio" appointed counsels in the criminal matters has been incorporated to this item. We are not able to change in the same way the answers for the previous cycle where it has been included to item "other".

Annual budget allocated to court buildings:

The answer is correct. In the year 2012 there has been carried out the investments to several court buildings.

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

Q 6 - Ministry of Justice and the Supreme Court of the Slovak republic Q9, Q12 - Ministry of Justice of the Slovak republic, The section of Economy, Q13 - official site of the General Prosecution, <http://www.genpro.gov.sk/zaverecny-ucet-generalnej-prokuratury-slovenskej-republiky-2012-34bd.html>

[1. 1. 3. Budgetary data concerning the whole justice system](#)

15) The following data would be useful for information

15.1) (Former question 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 310844502

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice

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

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	No
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Constitutional court	No
Judicial management body	NAP
State advocacy	NAP
Enforcement services	No
Notariat	No
Forensic services	No
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 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 both to the courts and to 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.

mail CN 9/1/14: Q 15.1: réponse sur la différence par rapport au cycle précédent: The increase is influenced mainly by the increased budget of the prison service.

2. Access to justice

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 is granted the legal aid by the Legal Aid Center is in the civil cases "ex lege" exempt from all court fees.

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 is granted legal aid cannot be burdened by the costs of the proceedings covered in advance by the state.

If the court orders the expertise (or other evidence) the costs are paid in advance by the state (from the court budget) and the party which is not successful in the proceedings is obliged to reimburse the costs paid by the state.

This obligation does not apply to the person who has been granted legal aid.

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[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	2382

Comment :

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

available.

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
13

Comment :

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 Criminal Procedure Code (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 himself/herself the court has to appoint one. The fees of the appointed 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 ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NAP
for other than criminal cases?	3269	NAP

Comment :

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 272,41 €/month. This applies only for the non-criminal cases.

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 e. g. the limitation of the claim.

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

- the court?

- an authority external to the court?
 a mixed 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?

Such insurance 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

Since the January 1st 2012 the legal aid in the civil cases has been provided through the Legal Aid Center only.

The Legal Aid Center provides the legal aid to the persons in the material need. The state of the legal aid has to be proved by the applicant. The legal aid includes the consultation and the representation in the case.

In the civil proceedings the court can refer to the Legal Aid Center any participant whose material conditions allow the exoneration from the court fees. This decision can be held in any time during the proceedings.

In the criminal proceedings the legal aid covers the cases of the compulsory defense, stipulated by the Code of the criminal procedure. If in these cases the defendant does not choose the counsel himself/herself, an "ex officio" counsel has to 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. The number of the criminal cases where such legal aid has been granted is not available.

Please indicate the sources for answering questions 20 and 23:

The Legal Aid Center - www.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:

- | | | |
|---|---|--|
| legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | http://jaspi.justice.gov.sk
www.zbierka.sk |
| 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 |
| other documents (e.g. downloadable forms, online registration)? Internet address(es): | <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
 Yes only in some specific situations

If yes only in some specific situations, 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:

Each victim when announces the crime receives the information on the organisations providing the help for victim. These are NGOs which offers the psychological, social and legal assistance, some of them provides also for accommodation for children or women suffering by domestic violence or for the whole families.

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 sexual violence/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, forced marriage, sexual mutilation)	Yes	Yes	No

Comment :

Every victim has to be provided with the information on all of his/her procedural rights. There are specific provisions in the Criminal Procedure Code concerning the minors as a victims and the juvenile offenders. Other types of victims are not specifically defined (e. g. victims of sexual violence, rape, terrorism or ethnic minorities victims). However, there are provisions protecting the special types of endangered persons. They are not strictly defined, their vulnerability is assessed by the court during the procedure. According to the individual case, there is possibility:

- for victims of sexual violence, rape or domestic violence to have proceeding excluding the public, prohibition on publishing personal details or other means for covering their identity, e.g. live audio or videoconferencing of the hearing. They have also the right to be informed in case of the release of the offender,
- testimony of minors are always made in the presence of a probation counselor, there exists the possibility for a minor to have his/her first declaration recorded so that he/she does not have to repeat it in further steps of the proceedings, the testimony of minors under 14 can not be received under oath
- juvenile offender has always to be represented by a lawyer, on the proceeding is always present the probation officer (the employee of the office protecting the interest of minors),
- ethnic minorities have the right for language assistance during a court proceeding,
- disabled persons have the rights for helping them to compensate their disability, e. g. live audio or videoconferencing of the hearing.

31.1) Is it possible for minors to be a party to a judicial proceedings :

Yes No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

The minor can be a party to the proceedings but he/she is not entitled to act in the proceedings without the intervention of its legal representative (parent or guardian "ad litem").

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 illustrate with available data concerning 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 decision by a judge".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

The victim has a right to a special type of remedy which is literally called "complaint against the decision" and 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 handling 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
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	No	No
Other external bodies (e.g. Ombudsman)	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 concern only the violation of his/her right to public hearing of the case without undue delays or the misbehavior of a judge or a member of the court staff.

The complaint has to be responded by the president of the court within 30 days.

The response of the president may be revised by the president of the court of higher instance or by the Ministry of Justice.

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

The data are not available.

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 data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	9
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	1
Internet related disputes	NAP
Administrative courts	8
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

8 - Regional courts - they are generally the courts of appeal acting in the appeal procedure against the decisions of the District courts within their local jurisdiction in the civil, commercial and the criminal cases.

As the courts of first instance the Regional courts decide in the administrative matters and in the several 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 (e. g. premeditated murder, corruption, organised crime, severe economic crimes etc.)

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
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, which value does not exceed EUR 1000 at the time when the claim is filed at the court, excluding all interests, expenses and disbursements.

The value of the small claim has increased since 1st January 2013 from EUR 500 to EUR 1000.

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

The Act on the seats and on 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.

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012)

(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	NAP
Total number of professional judges (1 + 2 + 3)	1307	489	818	
1. Number of first instance professional judges	871	310	561	
2. Number of second instance (court of appeal) professional judges	352	140	212	
3. Number of supreme court professional judges	84	39	45	

Comment :

The number 1307 represents the judges actually performing its function on 31. December 2012. The total number of the judges in the records of the Ministry of justice is 1344 (497 males, 847 females). This total number includes also all of 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 including international), 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	NAP
Total number of court presidents (1 + 2 + 3)	61	33	28	
1. Number of first instance court presidents	52	28	24	
2. Number of second instance (court of appeal) court presidents	8	4	4	
3. Number of supreme court presidents	1	1	0	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

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 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure

NA

Comment :

Question 49:

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 as a members of the panel consisting of one professional judge and two lay judges.

These panels decide in the first instance the cases specified by the Code of the criminal procedure (the misdemeanors and the crimes where the law stipulates the maximum sentence over 8 years of imprisonment).

The total number of the lay judges is not available.

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 2012) (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) Yes (among which women) 4 482

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes (among which women) 1 046

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 Yes (among which women) 2 079

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) Yes (among which women) 1 357

4. Technical staff NA

5. Other non-judge staff NA

Comment :

The category "Rechtspfleger" includes 982 judicial officers and 64 mediation and probation officers.

The Department of the Human Resources Development of the Ministry of Justice keeps the records of the staff number for all of the courts.

The records of the Ministry of Justice sorts all non-judge staff to the various categories which differs from the categories listed in this questionnaire.

For the purpose of this questionnaire the numbers available for the various categories of the staff has been joined according to their characteristic.

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

In this category there are included all the non-judge staff different from the Rechtspfleger and the staff directly assisting the

judges.

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

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

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

A "higher judicial officer", by virtue of a written authorization 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 judicial officer is also authorized to carry out actions independently which are connected with the preparation of hearings, the determination of conditions for the issue of in absentia judgments, judgement based on the recognition or waiving of an entitlement and the preparation of written copy of the judgments.

Under the Code of the Civil Procedure, an appeal may be lodged against a decision issued by a judicial 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 judicial 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, catering

C1 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

Comment to Q 47 - Total number of the first instance courts is 55, on the 31 December 2012 the positions of the 3 district court presidents has been vacant.

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 2012) (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	NAP
Total number of prosecutors (1 + 2 + 3)	901	NA	NA	
1. Number of prosecutors at first instance level	NA	NA	NA	
2. Number of prosecutors at second instance (court of appeal) level	NA	NA	NA	
3. Number of prosecutors at supreme court level	114	NA	NA	

Comment :

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	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	63	NA	NA	
1. Number of heads of prosecution offices at first instance level	54	NA	NA	
2. Number of heads of prosecution offices at second instance (court of appeal) level	8	NA	NA	
3. Number of heads of prosecution offices at supreme court level	1	1	0	

Comment :

[Mail from the NC sent on 11 April 2014: In the previous evaluation cycle the number of heads of prosecution services included not only heads of prosecution offices themselves, but also the deputies and the heads of departments. This time only the number of the heads of the prosecution offices has been indicated. There is one head prosecutor for every District prosecution office (54), every Regional prosecution office (8) and The General Prosecutor Office (1).]

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

- Yes
 No
 NA

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

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number NA 913
Among which women NA

C2 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

[Q60 : Mail from the NC sent on 22 April 2014: The increase of the number of the non-prosecutor staff results from the organisational changes in the prosecution services in the year 2011. In that year the Military prosecution services (which were administrated by the Ministry of Defence) has been abolished and all the staff has been assigned to the prosecution service.]

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

The report on the functioning of the prosecution services: <http://www.genpro.gov.sk/spravy-o-cinnosti/sprava-o-cinnosti-prokuratury-slovenskej-republiky-za-rok-2012-3639.html>

[3. 1. 4. Management of the court budget](#)

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 :

other - Ministry of Justice

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.

3. 1. 5. Use of Technologies in courts

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 caselaw	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 ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

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

Comment :

Other facilities - Points of single contact

65) The use of videoconferencing in the courts (details on question 63).

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 or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
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?	Yes
65.4 Is videoconferencing used in other than criminal cases?	No

Comment :

The Criminal procedure Code regulates the process of hearing of a witness by the technical means.

If the heard witness is not personally present in the court room (e. g. protected witness), the substitute judge (member of the panel) has to be present with the witness simultaneously during the hearing.

C3 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

3. 2. Monitoring 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

66.1) Does this institution publish statistics on the functioning of each court on the internet:

- Yes
 No, only in an intranet website
 No

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, only in an intranet website

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, the result of the case (reconciliation, dismissals, full satisfaction, partial satisfaction, 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

If yes, please specify:

Every court has to provide monthly the ministry of Justice with the detailed statistical output concerning the number of the incoming and resolved cases, the types of the cases, length of proceedings, the result of the case etc.

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, Higher Court)
 President of the 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)
 President of the court
 other

If other, please specify:

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

The main targets are the same that are monitored by the inspection department within the internal inspection of particular court.

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-governmentof-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 schedule of the inspections, which is approved by the Judicial council. The internal 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

mail CN 7/2: Q 67: the correct answer to the Q 67 is simply NO. The individual courts are required only to send the statistical data to Ministry of Justice who published all the data for the whole judiciary on the internet. These data includes also the data for the individual courts.

Under the Act on the courts (No. 757/2004 Coll.) the internal inspection 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 perform 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, judicial 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 principles

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 lawyer)?

NA

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

- Yes
 No

Number of successful challenges (in a year):

NA

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)	1	9	9	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	1	0

Please indicate the sources:

The report of the Agent of the Slovak republic before the ECHR

<http://www.justice.gov.sk/Stranky/Ministerstvo/Zastupovanie-SR/Zastupca-SR-pred-ESLP/Spravy-zastupcu-pred-ESLP.aspx>

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 not later than 30 days from the day when the motion is submitted. In the cases concerning the minor child care and domestic violence the time limit is maximum 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 pretrial 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 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 public hearing of the case.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- Yes
 No

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. Case flow 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 and criminal law cases.

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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Jan. '12		Dec. '12	
Total of other than criminal law cases (1+2+3+4+5+6+7)*	289064	638571	580653	346982
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	128073	161645	131856	157862
2. General 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)*	67553	139125	136360	70318
3. Non litigious enforcement cases	1520	659	779	1400
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP

5. Non litigious business registry cases**	6224	96186	95900	6510
6. Administrative law cases	7883	18797	8865	17815
7. Other cases (e.g. insolvency registry cases)	77811	222159	206893	93077

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

"Non-litigious cases" include mainly the cases arisen from the legal relationships regulated by the Family law (maintenance cases, custody of the child, visiting rights, guardianship etc.) and all the succession cases.

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

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

94) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	18378	44167	44732	17813
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and / or minor criminal cases	NA	NA	NA	NA

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

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 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

mail CN 9/1/14: Q 91: explication des différences par rapport au cycle précédent: pending cases on 1/1/2012 and 31/12/2012: It is obvious from the previous cycle (2010) that the number of pending enforcement cases and the business registry cases is gradually considerably decreasing (the enforcement cases from 3938 to 2614 and business registry cases from 34430 to 10255). This decreasing has continued also in the year 2011 and 2012.

Q91 – incoming and resolved cases : There is a significant difference in the number of incoming and resolved administrative law cases in comparison with the year 2010. It can be explained by the situation in the year 2010 when the enormous number of specific collective claims has been filed and resolved.

97) Second instance courts: total number of cases

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.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	17 493	55 256	51 282	21 467
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. General 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. Non litigious enforcement cases				

	NA	NA	NA	NA
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	8	29	27	10
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	832	3841	3863	810
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal 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 cases

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.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	2475	8554	7171	3858
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. General 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. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	1236	3421	2997	1660
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

100) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	144	1606	1598	152
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal 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.

101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	7181	13749	13647	7283
Employment dismissal cases	NA	1616	1317	NA
Insolvency	341	1505	1395	451
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	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.]

	% 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	29,23	NA	NA	NA	NAP	NA
Insolvency	NA	NA	NA	NA	NAP	217
Robbery cases	20,67	NA	NA	NA	NAP	254
Intentional homicide	42,86	NA	NA	NA	NAP	257

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

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

104) How is the length of proceedings calculated for the five 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 request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (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 has 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.

The public prosecutor may initiate the proceedings:

- 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.

The public prosecutor may enter the initiated proceedings

- a) in matters regarding legal capacity of a person,
- 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.

The court is obliged to notice the competent district prosecution immediately after the proceedings is started in matters regarding the invalidity of an assignment or transfer of ownership or ownership determination if the object 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 has a right to file so called "extraordinary appellate review" against a final judicial decision in civil cases. The Supreme Court is competent to decide 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).

106.1) Does the public prosecutor also have a role in insolvency cases?

Yes

No

If yes, please specify:

The prosecutor is entitled to enter any insolvency or settlement procedure

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	96987	NA	8458	29049

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NA	NA

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)	NA
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	NA
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**

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 civil and commercial cases. These types of cases are statistically recorded only in the first instance proceedings.

mail CN 9/1/14: explication sur différences par rapport au cycle précédent: There is no special explanation, it is the factual increase in numbers of other than criminal appeal cases.

Please indicate the sources for answering 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;
The statistical yearbook 2012 - <http://www.justice.gov.sk/stat/roc/13/index.htm>

Q 107 and 108 - The General Prosecutor Office

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment 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:

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", 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 Judicial Council of the Slovak republic holds the final competence in recruitment procedure.

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

The minister of justice assigns the vacant post of a judge for the particular court. This vacant post can be filled by a transfer of judge from the another court of the same instance. If the transfer is not possible the president of the court where the vacant post is to be filled announces the public selection procedure. The applicant has to fulfill first the statutory conditions for the appointment of a judge. After that the applicants are invited to undergo the selection procedure. The selection committee consists of 5 members - 1 member nominated by the National Council of the Slovak Republic (parliament), 1 by the Judicial Council of the Slovak Republic, 2 members appointed by the minister of justice and 1 nominated by the council of judges of the court where the vacant post is to be filled. The selection procedure consist of the written part (multiple choice professional test, elaboration of judgments, case study) the oral interview and the psychological tests. The nomination of the successful candidate is presented to the Judicial Council of the Slovak Republic who 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 ?

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
 No

If "yes", please specify:

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 nominated by the National Council of the Slovak Republic (parliament), 1 by the Judicial Council of the Slovak Republic, 2 members appointed by the minister of justice and 1 nominated by the council of judges of the court where the vacant post is to be filled.

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 panels is taken into account.

The important condition for promoting is an activity of a judge in participation in the 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

If yes, please indicate the frequency

1. The president of the court draws up every year the Annual statistical report of a judge. The report has to be published at the internet site of the Ministry of justice at least at the April 30th of next year.

2. The evaluation of a judge is performed:

- a) after five years of the judge practice; the evaluated period is a period of five years preceding the evaluation,
- b) in connection with the selection procedure,
- c) at the request of the person authorised to initiate disciplinary proceedings against judge; the evaluated period is the five years preceding the evaluation, or period of the performance of the function, if the judge performs the function not longer than five years,
- d) if the judge asks for the evaluation,
- e) after one year immediately following the evaluation of judge with conclusion "unsatisfactory".

115) Is the status of prosecution services:

- Independent?
 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 for a period of seven years upon the proposal of the Parliament.

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 (see Q 116) is facilitated by the committee composed of public prosecutors only.

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

If "yes", please specify:

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

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
 No

If "yes", please specify:

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)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	NAP
No	

Comment :

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.

mail CN 21/01/14: in the Slovak republic there is no compulsory retirement age for judges stipulated by law.

The judges are appointed to their office for undetermined period.

If the judge reaches the age of 65 years the Judicial Council notifies the President of the Slovak republic.

The president may upon its own consideration dismiss a judge if he/she has reached the age of 65 years.

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
 For organisational reasons
 For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

The disciplinary board can pronounce for the disciplinary offence the verdict transferring to the court of lower instance.

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 the probation period (in years)
Yes	
No	
NAP	NAP

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

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	YES
No	

Comment :

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

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

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

NAP

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

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 public 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	Annual / 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 the budget of such institution(s) in the "comment" box below.

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

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	NAP	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP	NAP
One single institution for both judges and prosecutors	No	No	Yes	Yes

Comment :

The budget of the Judicial Academy in the year 2012 is 620000 €

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

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

The Judicial Academy of the Slovak republic is the institution which provides training for all judges, prosecutors and court staff in the Slovak republic.

There is no in-service compulsory training under the Act on judges every judge is obliged to train himself, the Judicial Academy offers in average 150 training activities per year for judges, prosecutors and the non-judge staff, mainly the judicial officers (rechtspfleger).

As regards the training system, there is initial training and continuous training. The compulsory initial training is comprised of several pre-exam sessions for the applicants who wish to pass the judicial exams. These applicants are "judicial officers" or "assistants to the prosecutor" who perform their legal practice at the courts or in the prosecutors offices. Before they decide to apply for the judicial exam they can also attend the offered training events on the optional basis.

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 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	29710	NA
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)	42916	NA
Public prosecutor at the beginning of his/her career	28060	NA
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)	42916	NA

Comment :

The indicated sums represent the gross salary of the judge/prosecutor without the bonuses and supplements. All bonuses and supplements are stipulated by law. For example the annual supplement for the presiding judge of the appeal court panel is 796,68€.

The functional supplement belongs to the president of the court depending on the number of judges of the court.

The value of net salary depends on several individual criteria, e. g. the number of children, the voluntary pension security scheme etc.

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 right to 2 additional monthly salaries.

133) Do judges and public prosecutors have 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 performing the function of judge more than 10 years
 - 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.

There is no need to authorisation to perform mentioned activities.

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 has been 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, the 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:

Other - the president of the court is entitled to hear the administrative offence of a judge which can be cited by a fine up to 800 €

The president of the court or the other subject entitled to file a motion to start disciplinary proceedings is entitled to reprimand a judge by a written notice for the less serious imperfections in work or behavior or for lesser offences.

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)	20	NA
1. Breach of professional ethics	0	NA
2. Professional inadequacy	19	NA
3. Criminal offence	NAP	NA
4. Other	1	NA

Comment :

Judges:

Professional inadequacy - undue delays in proceedings (10), failure to elaborate the judgments within the statutory time period (3), failure to decide within the statutory time period (3), other breach of the professional duties (3)

Other - misdemeanor against the public order

145) Number of sanctions pronounced in 2012 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)	9	NA
1. Reprimand	0	NA
2. Suspension	0	NA
3. Removal of cases	0	NA
4. Fine	0	NA
5. Temporary reduction of salary	5	NA
6. Position downgrade	0	NA
7. Transfer to another geographical (court) location	NAP	NA
8. Resignation	0	NA
9. Other	4	NA

Comment :

Only 9 cases has been decided by the Disciplinary court in the reference year. The rest proceedings are pending.

Other - in 3 cases the motion has been withdrawn, in 1 case the motion has been dismissed

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

The disciplinary liability of a judge can be pronounced only by the Disciplinary court.

The first instance disciplinary tribunal consists of 3 members - the president of the tribunal has to be a judge, 1 member is a judge and 1 member is experienced legal professional.

The appeal disciplinary tribunal consists of 5 members - the president of the tribunal and 2 members has to be judges, 2 members are experienced legal professionals.

In the case of the president and the vice-president of the Supreme court the role of the disciplinary court performs the Constitutional court of the Slovak republic.

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.

5210

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 by a lawyer at the court 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 by 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:

Please indicate the sources for answering questions 146 and 148:

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

F1 Comments for interpreting the data mentioned in this chapter:

mail CN 9/1/14: Q 146: explication sur les différences par rapport au cycle précédent: The number of practising lawyers is increasing constantly. The Slovak Bar Association registers the lawyers who fulfilled the statutory conditions for being the practising lawyer (advocate).

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

F2 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?

When providing legal services the lawyers are subject to obligations set under the Code of Professional Conduct for Lawyers which meets the international standards.

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.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	119
1. Breach of professional ethics	119
2. Professional inadequacy	0
3. Criminal offence	NAP
4. Other	0

Comment :

All disciplinary proceedings against lawyers were initiated on the basis of alleged breach of professional obligations laid down by the Act on the Legal Profession or the Code on Professional Conduct for Lawyers. The criminal offence of a lawyer (who was found guilty by the criminal court in final judgement) is the reason for suspension or disbarment under the Act on the Legal Profession, however it is not an issue of disciplinary proceedings.

162) Sanctions pronounced against lawyers.

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.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	38
1.Reprimand	3
2. Suspension	0
3. Removal	0
4. Fine	34
5. Other (e.g. disbarment)	1

Comment :

The rest of disciplinary proceedings did not proceed to final decision they were withdrawn or rejected.

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

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

163) Does the judicial system provide for judicial 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

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:
There is no mandatory mediation.

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	No	No	No	No	No

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

- Yes
- No

If yes, please specify:

If the person is awarded the legal aid by the means of the Legal Aid Center the 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:

633

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	NAP

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 pretrial settlement. The proceeding is conducted by a single judge. The purpose of the conciliation is to settle a dispute by the pretrial settlement which has to be approved by a judge.

G.1 You can indicate below:

- 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

Please indicate the source for answering question 166:

Ministry of Justice of the Slovak republic, Department of the legal professions supervision

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

345

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 authorization 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

Certain categories of the state property stipulated in law are excluded from the execution.

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

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 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:

Certain categories of the state property stipulated in law are excluded from the execution.

185) Is there a system measuring the length of 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 initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	41
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	0
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	41
3. for criminal offence		NAP
4. Other	<input checked="" 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 initiated 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:	25
1. Reprimand	<input checked="" type="checkbox"/> number:	10
2. Suspension	<input checked="" type="checkbox"/> number:	0
3. Dismissal	<input checked="" type="checkbox"/> number:	3
4. Fine	<input checked="" type="checkbox"/> number:	12
5. Other	<input checked="" type="checkbox"/> number:	0

Comment :

From the total number of 41 initiated disciplinary proceedings in 25 cases the sanction has been pronounced. The rest of disciplinary proceedings were pending.

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 have been implemented over the last two years**

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

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

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

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 is the responsible person for all necessary decisions regarding the execution of the sentence, e. g. execution order, arrest warrants, decision about sooner termination of the sentence, about change of conditions of the sentence, about interruption of executing of the sentence etc. Is responsible also for monitoring of the execution of a sentence, he/she assesses the reports from the execution. Prison and Probation Service is the executive authority, which is responsible for the successful execution of the punishment. Probation Service performs also monitoring and control of the execution of sentences not connected with deprivation of liberty.

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%
 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. Statute

9. 1. 1. Functionning

192) Do you have notaries in your country? If no please skip 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)?		NAP
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	339
public agents?		NAP
other?		NAP

Comment :

A notary is a person appointed and empowered by the state to practice 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 Notarial central registers
 Draw up and deliver notarial deeds on the legal acts, especially in field of civil and commercial law
 Provide the legal representation in cadastral (land registry) proceedings

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring 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

In the Slovak republic the 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 (NCRis) – 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.

Please indicate the sources for answering question 193:

Chamber of Notaries of Slovak Republic
Krasovského 13
851 01 Bratislava

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functioning

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:

835

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 fulfills 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 distinguish 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 registered in the same time as the interpreter and as the translator.

The Ministry of justice keeps the central list of the interpreters/translators. The ministry of justice organise 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 247, the number of the registered translators is 835.

Please indicate

Please indicate the sources for answering question 199:

Ministry of Justice of the Slovak republic, Department of the experts, translators and interpreters

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)

2825

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 to expert the proper time limit in its ruling.

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" 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 discloses it on its website. If the person fulfills 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.

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 the experts on its 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 to provide the 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 and registered expert institutes. 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, Department of experts, translators and interpreters.

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen 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 at this stage. 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)

3.1 Access to justice and legal aid

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

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

3. With regard to the re-codification of the Civil procedural law (see No.6) it is planned to reorganize the competence of some of the first instance courts. It does not mean the changes in the number of the courts only the deepening of the specialization of some courts.

In the field of information technologies; e-justice: in addition to the legally binding electronic form of Collection of laws which is being prepared, the electronization of case-files is also in process of implementation. Electronization will bring speeding up, increase of transparency and effectiveness of court proceedings. Effectiveness and modernization of the Collection of Statistics data is a crucial prerequisite to achieve effective process management in justice and is being prepared.

3.1 The status of the Legal Aid Center is about to change. In the presence the Center as an administrative body decides itself on granting the legal aid. Its position should change to be the executive body for providing the legal aid to persons to whom the legal aid has been granted by the court.

5. The Ministry of justice is preparing the changes of the law regarding the disciplinary procedures against judges as well as the notaries and enforcement agents.

6. One of the top priorities of the Ministry of justice for the next years is the re-codification of the Civil Procedural law. The existing Code of the Civil Procedure should be replaced by 3 separate Codes - The Code of contentious Civil Procedure, The Code of non-contentious Civil Procedure and the Administrative Civil procedure Code.

In the area of Criminal law there are the legislative plans to revision of the Penal Code and the Code of the Criminal Procedure.

7. The Enforcement Code is also about to be changed. The first amendment regarding the status of enforcement agents is in force since November 1st 2013. The second amendment including the procedural changes should be adopted in 2014.

8. The amendment of the Act on the arbitration procedure is aimed to separate the consumer arbitration from the general arbitration. The supervisory competences of the Ministry of justice over the arbitration courts should be strengthened.

9. The Slovak republic is preparing the legislation on the criminal responsibility of the legal persons to fight against organized and economic crime which should be adopted in 2014.

9.1 The new system of the electronic control of the persons convicted to house arrest is under preparation. There are also plans to construction of a new prisons in the more distant regions to increase the prisons capacity.

9.2 The Slovak republic is striving permanently to improve the conditions in the penitentiaries for juvenile delinquents as well as the protective rehabilitation to ensure their better socialization and prevent the recidivism.