



CCJE-BU(2021)1

Strasbourg, 21 January 2021

## CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

**Questionnaire for the preparation of the CCJE Opinion No. 24 (2021):**

**“Evolution of the Councils for the Judiciary  
and their role for independent and impartial judicial systems”**

*Please in your answers do not send extracts of your legislation  
but describe the situation in brief and concise manner.*

### General

1. Is there a Council for the Judiciary in your judicial system?	<b>X yes</b>
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2. What is the exact title/denomination of this body?

**Súdna rada Slovenskej republiky/The Judicial Council of the Slovak republic**

3. This question should be answered by members from both legal systems with and without a Council for the Judiciary: Which department or body - for example the Council for the Judiciary (often denominated as High Judicial Council (HJC)) or Ministry of Justice (MoJ) - is responsible for or is in position to perform the following tasks? More than one institution might be involved, so more than one box can be ticked.

Defending and fostering the independence of judges and the judiciary/the rule of law	<input checked="" type="checkbox"/> <b>HJC</b> <input type="checkbox"/> MoJ <input type="checkbox"/> Court Presidents <input checked="" type="checkbox"/> <b>bodies within individual courts</b> <input type="checkbox"/> Judicial Administration Board <input checked="" type="checkbox"/> <b>Association of Judges</b> <input type="checkbox"/> other, please specify
Defending judges/the judiciary against public attacks	<input checked="" type="checkbox"/> <b>HJC</b> <input type="checkbox"/> MoJ <input type="checkbox"/> Court Presidents

	<input checked="" type="checkbox"/> <b>bodies within individual courts</b> <input type="checkbox"/> Judicial Administration Board <input checked="" type="checkbox"/> <b>Association of Judges</b> <input type="checkbox"/> other, please specify
Administration of the judiciary	<input checked="" type="checkbox"/> <b>HJC</b> <input checked="" type="checkbox"/> <b>MoJ</b> <input checked="" type="checkbox"/> <b>Court Presidents</b> <input checked="" type="checkbox"/> <b>bodies within individual courts</b> <input checked="" type="checkbox"/> <b>Judicial Administration Board</b> <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Selection of new judges	<input checked="" type="checkbox"/> <b>HJC</b> (presents to the President of the Slovak Republic proposals for candidates for appointment as judges) <input checked="" type="checkbox"/> <b>MoJ</b> (through the members of a selection board whom nominates) <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input checked="" type="checkbox"/> <b>bodies within individual courts</b> (through the members of a selection board whom nominate) <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> A special Judicial Appointment Body <input checked="" type="checkbox"/> <b>other, please specify</b> Judges are appointed by the President of the Slovak republic
Selection of judges for promotion	<input checked="" type="checkbox"/> <b>HJC</b> (decides on the transfer of judges) <input checked="" type="checkbox"/> <b>MoJ</b> (through the members of a selection board whom nominates) <input type="checkbox"/> Parliament <input checked="" type="checkbox"/> <b>Court Presidents</b> (appoint the members of the selection board) <input checked="" type="checkbox"/> <b>bodies within individual courts</b> (through the members of a selection board whom nominate) <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> A special Judicial Appointment Body <input type="checkbox"/> other, please specify
Evaluation of judges	<input checked="" type="checkbox"/> <b>HJC</b> (through evaluation boards) <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input checked="" type="checkbox"/> <b>bodies within individual courts</b> (only judges of the Supreme Court): <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Evaluation of court performance	<input checked="" type="checkbox"/> <b>HJC</b> <input checked="" type="checkbox"/> <b>MoJ</b> <input type="checkbox"/> Parliament <input checked="" type="checkbox"/> <b>Court Presidents</b> <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify

Conducting disciplinary procedures	<input checked="" type="checkbox"/> <b>HJC</b> (through disciplinary panels which creates) <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input checked="" type="checkbox"/> <b>other, please specify</b> as a part of the approved judicial reform, this agenda will be transferred to the Supreme Administrative Court)
Drafting and enforcing a code of ethics	<input checked="" type="checkbox"/> <b>HJC</b> <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input checked="" type="checkbox"/> <b>bodies within individual courts</b> <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Public relations/media coverage for the judiciary, or individual courts	<input checked="" type="checkbox"/> <b>HJC</b> <input checked="" type="checkbox"/> <b>MoJ</b> <input type="checkbox"/> Parliament <input checked="" type="checkbox"/> <b>Court Presidents</b> <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Providing input on legislative projects	<input checked="" type="checkbox"/> <b>HJC</b> <input checked="" type="checkbox"/> <b>MoJ</b> <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Training of judges	<input checked="" type="checkbox"/> <b>HJC</b> <input checked="" type="checkbox"/> <b>MoJ</b> <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input checked="" type="checkbox"/> <b>other, please specify</b> The Judicial Academy of the Slovak republic
IT, including digitalisation of the judiciary and online hearings	<input type="checkbox"/> HJC <input checked="" type="checkbox"/> <b>MoJ</b> <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> other, please specify
The allocation of financial resources to the judiciary including individual courts	<input type="checkbox"/> HJC <input checked="" type="checkbox"/> <b>MoJ</b> (except for the Supreme Court which has its own budget)

	<input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify
Salaries of judges	<input type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> Bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> <b>other, please specify</b> Judges' salaries are set by law

- If there is a Council for the Judiciary in your country, has it other duties not mentioned here? Is it in a position to appoint or remove presidents of courts to and from the office? Is there additional information that would be useful to understand the role of the Council for the Judiciary within your country?
  - **supervises whether a candidate for a judge or judge meets the requirements for his/her judge eligibility (judicial competence)**
  - **checks the status of judges' assets**
  - **presents to the President of the Slovak Republic proposals for appointment of the President and Vice-President of the Supreme Court, and proposals for their recall**
- If there is no Council for the Judiciary in your country, are there other important institutions, and formal or informal rules which are necessary to understand how the judiciary functions in your country?

### Legal basis

4. Please explain which legal sources regulate the following aspects of the Council for the Judiciary in your legal system

Existence of a Council for the Judiciary	<input checked="" type="radio"/> <b>Constitution</b> <input type="radio"/> Law <input type="radio"/> other, please specify
Composition	<input checked="" type="radio"/> <b>Constitution</b> <input type="radio"/> Law <input type="radio"/> other, please specify
Selection of members including tenure and removal during tenure	<input checked="" type="radio"/> <b>Constitution</b> <input checked="" type="radio"/> <b>Law</b> <input type="radio"/> other, please specify
Tasks	<input checked="" type="radio"/> <b>Constitution</b> <input checked="" type="radio"/> <b>Law</b> <input type="radio"/> other, please specify
Resources, funding, administration	<input type="radio"/> Constitution <input checked="" type="radio"/> <b>Law</b> <input type="radio"/> other, please specify
Independence	<input type="radio"/> Constitution <input type="radio"/> Law <input type="radio"/> other, please specify

- Are there other formal or informal rules which are necessary to understand the role and functioning of the Council for the Judiciary in your country?

## Composition and Membership

5. The composition of the Council for the Judiciary:

- How many members are there?  
**18**
- Are there ex-officio members?  
**No**
- How many members must be judges? Do they need specific qualifications or experiences, must they come from different court systems or instances?  
**9 members must be judges elected by judges. They don't need any specific qualifications or experiences. 1 member is elected from among the judges of the Supreme Court and 8 members are elected within 3 territorial districts.**
- Can/must non-judges be members of the Council? Please specify (number, qualification/specific functions)  
**9 members must be non-judges established by the Parliament, the President of the Slovak republic and the Government. He/she must be person who is of integrity, has university education in law and at least 15 years of professional practice**

6. Please describe the procedure of appointment:

- Who nominates the members? (judges or other institutions or authorities – please specify)  
**9 members are elected by the judges from among the judges. Nomination of candidate may be submitted by the Council of Judges (of the Supreme Court, a regional court or a district court), by a professional organization of judges, or by a minimum of ten judges.**  
  
**3 non-judges members are elected by the Parliament with a simple majority. Nomination of candidate may be submitted by a member of the Parliament.**  
  
**3 non-judges members are appointed by the President of the Slovak republic.**  
  
**3 non-judges members are elected by the Government.**
- Please describe the appointment system  
**see above**
- If members are elected by Parliament, are these members elected with a simple or qualified majority?  
**see above**

7. How is integrity and independence of members ensured in the selection process and during their time on the Council?  
**Non-judges members shall prove their integrity by an extract from the Criminal Register not older than three months.**

8. How is the President and/or Vice-President of the Council selected and appointed?

**They are elected by the members of the Judicial Council from among the members of the Council**

9. What is the term of office for a member of the Council?  
**5 years**
10. May a member be removed from office against his/her will and, if so, under what circumstances?  
**Yes, at any time and without giving a reason**

#### **Resources and management**

11. Which body provides funding for the Council for the Judiciary?	<input type="radio"/> MoJ <input checked="" type="radio"/> <b>Parliament</b> <input type="radio"/> other, if so specify
12. Is the administration of the Council for the Judiciary independent from other branches of government?	<input checked="" type="radio"/> <b>yes</b> <input type="radio"/> no

#### **Relations within the Council for the Judiciary and within the judiciary**

13. Have there been any severe internal conflicts within the Council for the Judiciary that have seriously affected its functioning? If yes, what was the character of these conflicts and have they been solved?
14. Have there been conflicts between the Council for the Judiciary and the judiciary? Have judges felt that the Council for the Judiciary did not represent their interests? If yes, why and has the conflict been solved?

**In connection with the current reform of the Slovak judiciary, some judges claim that the Judicial Council (or some of its members) does not sufficiently enforce and protect the independence of the judiciary.**

#### **Relations with other branches of government, governmental bodies, civil society and media**

15. Have there been conflicts between the Council for the Judiciary and the executive or legislative? If yes, what was the character of these conflicts and have they been solved?  
**Especially in the question of the allocation of financial resources to the judiciary including individual courts.**
16. What legal and political means may the Council of Judiciary in your judicial system employ if it feels that its constitutional role has been infringed?

**The President of the Judicial Council may submit to the Constitutional Court a proposal for a decision on the conformity of a law concerning judiciary with the Constitution and constitutional laws**

17. How does the Council for the Judiciary in your judicial system interact with anti-corruption bodies?  
**When assessing judicial competence, the Judicial Council is entitled to request information from law enforcement bodies and the secret Service.**
18. How does the Council for the Judiciary in your judicial system interact with NGOs?

19. How does the Council for the Judiciary in your judicial system interact with associations of judges?
20. How does the Council for the Judiciary in your judicial system interact with media?
21. What, if any, is the role of the Council for the Judiciary in the vetting of judges?

**See above**

### **Challenges, developments**

22. Does the Council for the Judiciary in your judiciary face particular challenges? If so, what is the character of these challenges? These challenges might have arisen – among other reasons - because of political and economic developments, societal changes, corruption, the Covid-19 pandemic or technological challenges such as the digitalisation of the judiciary.  
**Low public trust in judiciary, several corruption scandals involving judges as well**
23. Has the role of the Council for the Judiciary in your judicial system changed in recent years? If so, how?  
**The Judicial Council has acquired new powers to assess the judicial competence and the status of judges' assets**
24. Have there been reforms concerning the Council for the Judiciary in your judicial system recently? If so, what were the objectives of these reforms and have they been successful?  
**See paragraphs 22 a 23**
25. In case your judicial system does not have one, is there a discussion to introduce a Council for the Judiciary? If so, what are the arguments made in favour and against the introduction of a Council for the Judiciary. Do you think that there are challenges in your judicial system a Council for the Judiciary might help to solve? Is it likely that such a Council will be introduced?