

2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email

address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☒ Other

If "Other", please specify

national independent self-governed professional organisation

* Organisation name

250 character(s) maximum

Slovak Bar Association / Slovenská advokátska komora

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://www.sak.sk/> / The Slovak Bar Association is an independent self-administrative professional organisation, currently associating more than 6500 lawyers and 2000 trainee lawyers. The legal profession helps to exercise the individual's constitutional right to defence and to protect any other individual's and legal entity's rights and interests in accordance with the Slovak Constitution and the laws.

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo

- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia

- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova

- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☒ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan

- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Michaela

Surname

Chládeková

Email Address of the organisation (this information will not be published)

[REDACTED]

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2023 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[list of topics 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[1] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☒ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

3000 character(s) maximum

In respect of the Rule of Law Report 2022 recommendations adopted by the European Commission, the Slovak Bar Association expressed its reservations as follows:

The Rule of Law Report 2022 drew attention to the power of the General Prosecutor to annul any decisions of a subordinated prosecutors in individual cases (Sec. 363 of the Criminal Code). The European Commission recommends "improving the coordination among the different law enforcement entities and ensuring the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor-General to annul prosecutorial decisions with a view to promoting a robust track record of high-level corruption cases".

In compliance with its long-term position, the SBA points out that in a rule of law state, the basic characteristic of which is an effective system of checks and balances, the abolition of any instrument that has this purpose should be preceded by a scrupulous professional evaluation. We are concerned that the Sec. 363 of the Criminal Procedural Code is approached more on the basis of media attention caused by some exposed cases where the General Prosecutor found a number of illegal procedural failures of the Special Prosecutor Office and National Criminal Agency. In the Slovak Republic it is the General Prosecutor who is responsible for the legality of the pre-trial stage, not the judge. The political voices on adopting a legislative change with the aim of taking away the General Prosecutor competence to review the legality is not accompanied by the necessary professional discussion and does not offer solution to tackle the cases of such serious illegal steps taken by the National Criminal Agency.

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

3000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

3000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

Allocation of cases in courts

3000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

3000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

3000 character(s) maximum

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

3000 character(s) maximum

Independence/autonomy of the prosecution service

3000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

3000 character(s) maximum

Confidentiality of communication between lawyer and client is a basic prerequisite for the proper provision of legal services. While there are statutory guarantees for protection of confidentiality during searches of offices, in practice this is often breached by police and prosecutors and there are also cases of search without a written warrant. In 2022 we have observed this practice to increase in quantity as well as intensity. SBA was particularly sensitive to increasing misuse of operational technology for uncovering information

which is subject to professional confidentiality of lawyers. We also witnessed the illegal dissemination of alleged e-mails with communication between a client and a lawyer in one of the criminal cases closely followed by the media. These are worrying trends that indicate a threat to the fundamental right of people to communicate confidentially with lawyers. There were cases when during a police search of the law office premises, the police seized electronic devices and electronic carriers with the data of a number of clients which have no connection with the investigated criminal matter. This happened despite repeated warnings of the Bar's representative, present at the actions in accordance with the law, that it is a procedure in direct contradiction to the Criminal Code and the jurisprudence of the Constitutional Court of the Slovak Republic. In one of the cases, even the IT expert present confirmed in the minutes that the data sought in the given criminal case could be selected directly on the spot in the presence of Bar's representative. The minutes contain his clear opinion on the technical feasibility of such a safe and legally correct procedure. It was nevertheless rejected by the investigator. In another case, the expert was not even present contrary to the court order. The possible scope of the violation of the law in these cases is alarming. The Slovak Bar Association fully respects the power of authorities to investigate criminal activity among lawyers. However, in a democratic country, it cannot be accepted if gross illegal practices are used in the detection of criminal activity, which are in direct contradiction to the jurisprudence of the Constitutional Court of the Slovak Republic.

Relevant press releases:

- https://www.sak.sk/web/sk/cms/news/form/list/form/row/1398989/_event
- https://www.sak.sk/web/sk/cms/news/form/list/form/row/1435998/_event
- https://www.sak.sk/web/sk/cms/news/form/list/form/row/1456381/_event

Practicing the legal profession freely and independently is the most valuable asset legal profession has and it represents an irreplaceable value for the functioning of the rule of law as well as the independence of the judiciary. Please, see statement of the representatives of the Supreme Court, General Prosecutor's Office, Slovak Bar Association and the law faculties: https://www.sak.sk/web/sk/cms/news/form/list/form/row/1444381/_event

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

3000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

3000 character(s) maximum

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

3000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

3000 character(s) maximum

SBA provides training on voluntary (qualified lawyers) and mandatory basis (trainee lawyers) – online, hybrid as well as in-person format. In 2022 the Bar organised more than 115 training events for circa 5450 participants. Lawyers undertake further training provided by private companies in their area of expertise. The Bar continued to organise regular trainings in online and hybrid format on diverse topics from all areas of law. Online training originated in the era of COVID-19 pandemic and has become part of regular training schedule. The mandatory training of trainees has undergone a reform in 2018. The new training system was put to test by COVID restrictions but in the past year it was possible to fully apply it again. The new concept of training expands training with practical seminars, where trainees in small groups can practice their ability to solve a legal problem on the basis of a case study under the supervision of a lecturer and by preparing proposals for submissions. Creativity and active approach are expected to argue their arguments objectively, find solutions and manage the situation within the limits of lawyer ethics. The Bar stresses the importance of deontology-oriented lectures, especially for young (trainee) lawyers: 299 trainee lawyers were trained in the application of ethical principles and HELP course Ethics for lawyers was translated and made available to all members of the Bar Association. Slovak Bar promotes training events with European/EU dimension with cross-border elements organised by its partners. Slovak Bar Association has been involved in several training projects with European dimension:

- Cooperation with Council of Europe – HELP / HELP in the EU / HELP in the EU II/ HELP in the EU III (Human Rights Education for Legal Practitioners) Programme: on top of the already implemented courses (Domestic Violence and Violence against Women, Ethics for judges, prosecutors and lawyers, Procedural safeguards for suspects and accused and victims' rights, Data protection and privacy rights, Combatting trafficking in human beings). Three new courses were introduced: Human rights in sport, Asylum and Migration e-desk, Access to Justice for Women
- Cooperation with Academy of European Law (ERA) in organising as well in promoting YOUNG LAWYERS CONTEST and YOUNG LAWYERS ACADEMY – EU law and networking oriented contest and intensive training in EU law coordinated by ERA and focusing on trainee lawyers. The Bar hosted one of the YLC semi-finals in Bratislava in June 2022.
- Cooperation with European Lawyers Foundation (ELF) in implementing project on exchange of young lawyers within the EU (LAWYEREX).
- Cooperation with CCBE on disseminating information on webinars on Whistleblowing, Sanctions against Russia, Surveillance and the impact of modern spyware tools on fundamental rights and on Ukraine and ICC: the role of European lawyers.

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

3000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

A proposal was submitted to the parliament, the subject of which was introduction of a new group of legal service providers - legal advisers. In order to provide professional legal advice, according to the proposal, it should be sufficient to have a university degree in the field of law and it is not necessary to complete further education and practice or bear responsibility for their actions. Various persons who provide legal services illicitly harm clients with their activities. Unlike lawyers, they do not bear any responsibility for their advice. By adoption of the proposal, the parliament would not only weaken the quality of legal services and protection of citizens as consumer of legal services but it would legalise the provision of legal services without established ethical principles that protect recipients/consumers of legal services, without disciplinary responsibility and without material liability - without guarantee of liability insurance for damage caused in the course of performing the profession. More information available at: https://www.sak.sk/web/sk/cms/news/form/list/form/row/1154583/_event and https://www.sak.sk/web/sk/cms/news/form/list/form/row/1155933/_event and https://www.sak.sk/web/sk/cms/news/form/link/display/1183509/_event

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

3000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

3000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

3000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

3000 character(s) maximum

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

3000 character(s) maximum

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

3000 character(s) maximum

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

3000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

3000 character(s) maximum

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

3000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

3000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

3000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

3000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their

operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

3000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

3000 character(s) maximum

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

3000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

3000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] *This includes also the consultation of social partners*

3000 character(s) maximum

As regards the preparation of legal drafts, various stakeholders agreed that there was a tendency to avoid discussion with stakeholders if there was a significant change proposed by the Ministry of Justice that would most likely lead to opposing arguments. SBA expressed its concerns about the level of stakeholders' involvement in the legislative process in the 2021 public consultation. Representatives of highest judicial institutions and prosecution office agreed with the Slovak Bar that there was a lack of expert discussions in this respect in 2022 too. Similarly, the process of preparation of Judicial Court map remained to be opposed by professional stakeholders as the third draft of the court map was presented to the National Assembly without a proper legislative process and the opportunity to express, and even without any discussion about it. We appreciated that the PM responded to our call (joint with the Supreme Court, Supreme Administrative Court and General Prosecutors Office) and created an opportunity for a joint discussion on the draft court map. However, we believe that such discussions should have accompanied the process of drafting the judicial map. We wish to add that there was a number of standard legislative processes with transparent discussion, such as the reform of the companies' law or land-use planning and construction. SBA welcomed that the Ministry decided to postpone the date of effect of the so-called "new court map". We believe that the postponement will prevent the courts from becoming dysfunctional as a result of delays in preparations, and simultaneously, more time will be provided to clarify the method of filling new judicial positions. The transfer of judges between courts must be carried out transparently and in such a way that there can be no arbitrary interference with judicial independence, and thus also with the right of the participants to a lawful judge. The SBA also called for the renewal of the necessary professional dialogue, within which the possibilities of further material corrections of the reform (for example, the establishment of municipal courts) would be explored. SBA initiated a creation of Criminal Law Expert Platform where representatives of Supreme Court, General Prosecutor and Special Prosecutor Office participated to discuss the proposed amendments to better understand the position of each of the justice system components. There were 6 meetings in the course of 2022. The last meeting took place at the premises of the Ministry of Justice upon invitation of the newly appointed Minister. More at: https://www.sak.sk/web/sk/cms/news/form/list/form/row/1087476/_event More at: https://www.sak.sk/web/sk/cms/news/form/list/form/row/1192986/_event and https://www.sak.sk/web/sk/cms/news/form/list/form/row/1244518/_event More at: <https://www.sak.sk/web/sk/cms/news/form/list/> and https://www.sak.sk/web/sk/cms/news/form/list/form/row/1493306/_event

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

3000 character(s) maximum

Regime for constitutional review of laws

3000 character(s) maximum

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

3000 character(s) maximum

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

3000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

3000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

3000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

3000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

3000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

3000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

3000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

Slovak Bar Association considers expert dialogue to be crucially important. We perceive the lack of mutual dialogue of justice sector stakeholders and representatives. On September 23, 2022, the Slovak Bar Association invited the highest representatives of judicial institutions in Slovakia to a round table for the first time. Several other meetings followed in 2023 as well as creation of criminal law sub-platform.

It is important to raise awareness on the rule of law principles and concepts in the Slovak society also to avoid undue vilifying of lawyers. Any gap in communication between the media and the profession can contribute to the erosion of the perception of lawyers' role in society, through portrayals of lawyers in ways that could undermine the credibility and the overall image of the profession. This is also a case of other professions in justice sector. The Bar Association invested a significant amount of efforts in answering questions in media regarding the disciplinary procedure, criminal investigation of lawyers, difference between the role of the law enforcement agents and Bar Association bodies.

We also supported the international Rule of Law Declaration together with other representatives of the legal profession of the Member States of the European Union and of the Council of Europe at the meeting in Vienna on 11 June 2022 on the occasion of the French Presidency of the Council of the European Union. (https://www.sak.sk/web/sk/cms/news/form/list/form/row/1362444/_event)

Other - please specify

3000 character(s) maximum

Proposed reform of the Criminal Procedure Code and its redefinition of pre-trial procedure was considered to be worrying from the perspective of defence rights. We would like to support changes aimed at improving the functioning of the preliminary proceedings, but we are very sensitive to efforts to strengthen the position of the state's power structures at the expense of citizens' rights and defence, as guaranteed by the Constitution of the Slovak Republic, as well as international obligations to which the Slovak Republic is bound.

Considering the fact that our country already has a lot of experience with the abuse of criminal law, it is necessary to approach the weakening of the rights of citizens at the expense of the state all the more strictly. Legislative comments in this respect were uploaded in the SLOV-LEX (electronic tool for legislative comments). More information available at: https://www.sak.sk/web/sk/cms/news/form/list/form/row/1197734/_event

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