

Annual Rule of Law
Report - Council of
Europe input

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

2021

Directorate General Human Rights and Rule of Law (DG I)

Slovak Republic

I Justice System

A. Independence

CEPEJ

CEPEJ – Country profile Slovak Republic - Scoreboard (2019 data) (*content of the link will be available after acceptance of the CEPEJ Study for the Scoreboard by DG-Just*)

[CEPEJ Country Profiles Slovak Republic Scoreboard](#)

CEPEJ European Judicial Systems Evaluation Report – Evaluation cycle 2018-2020 (2018 data) – Part 2 Country profile Slovak Republic

[CEPEJ Evaluation Report - Country Profiles - Slovak Republic](#)

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European Judicial Systems CEPEJ Evaluation Report – Evaluation cycle 2018-2020 (2018 data) – Part 1 Tables, graphs and analysis

[CEPEJ Evaluation Report 2020 Part 1](#)

CEPEJ Dynamic database of European judicial systems

[CEPEJ-STAT](#)

1. Appointment and selection of judges and prosecutors

GRECO

<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a1417a>

4th round: second addendum to the second compliance report corruption prevention in respect of MPs, judges and prosecutors

GRECO

<https://www.coe.int/en/web/greco/evaluations/slovakia>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

4th round: corruption prevention in respect of MPs, judges and prosecutors

3rd round: incrimination and transparency of Party Funding

The European Commission for Democracy through Law – Venice Commission

CDL-AD(2017)001 English 13/03/2017 - Public

[Slovak Republic - Opinion on questions relating to the appointment of Judges of the Constitutional Court, adopted by the Venice Commission at its 110th Plenary Session \(Venice, 10-11 March 2017\)](#)

CDL-AD(2014)015 English 13/06/2014 - Public

[Opinion on the procedure for appointing judges to the Constitutional Court in times of the Presidential transition in the Slovak Republic, adopted by the Venice Commission at its 99th Plenary Session \(Venice, 13-14 June 2014\)](#)

2. Irremovability of judges, including transfers of judges and dismissal

GRECO

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3. Promotion of judges and prosecutors

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4. Allocation of cases in courts

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

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6. Accountability of judges and prosecutors, including disciplinary regime and ethical rules

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7. Remuneration/bonuses for judges and prosecutors

8. Independence/autonomy of the prosecution service

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9. Independence of the Bar (chamber/association of lawyers)

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

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11. Other - please specify

PACE

Democracies facing the Covid-19 pandemic

Rapporteur : Mr Ian LIDDELL-GRAINGER, United Kingdom, EC/DA

[Doc. 15157](#)

Consultative Council of European Judges (CCJE)

Statement by the President of the CCJE on the role of judges during and in the aftermath of the COVID-19 pandemic: lessons and challenges (24 June 2020)

<https://rm.coe.int/ccje-2020-2-statement-of-the-ccje-president-3-lessons-and-challenges-c/16809ed060>

Opinion No. 23 (2020) of the CCJE on the role of associations of judges in supporting judicial independence (6 November 2020)

<https://rm.coe.int/opinion-23-en-ccje-2020/1680a03d4b>

Opinion of the CCJE Bureau following a request by the CCJE member in respect of Slovakia as regards the reform of the judiciary in Slovakia (9 December 2020)

<https://rm.coe.int/opinion-slovakia-2020-/1680a0a961>

Consultative Council of European Prosecutors (CCPE)

Opinion No. 15 (2020) of the CCPE on the role of prosecutors in emergency situations, in particular when facing a pandemic (19 November 2020)

<https://rm.coe.int/opinion-no-15-ccpe-en/1680a05a1b>

GRECO

9 December 2020 – International Anti-Corruption Day - Newsroom (coe.int)

GRECO President: “No quarter to corruption in healthcare, governments must lead by example”

CPT

Report on the CPT’s 2018 periodic visit, [CPT/Inf \(2019\) 20](#), para. 18

Section 85 (6) of the Code of Criminal Procedure stipulates that criminal suspects be granted the right of access to a lawyer.

A number of detained persons met by the CPT’s delegation alleged that they had been able to consult a lawyer only at the court hearing or even later when they were already remanded in custody.

As regards legal aid, the law provides that an indigent criminal suspect who has been formally “accused” is entitled to a “free defence or a defence at a reduced fee” and must be instructed about this right. However, this does not apply to persons who have to stay with the police without having been formally accused. In addition, many detainees said that they were not aware of the possibility to have a lawyer if they were not able to pay for him/her.

B. Quality of justice

CEPEJ

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

CEPEJ

CEPEJ conducted the Project “**Continued support to a well performing Slovak judiciary**” . More information can be found on <https://www.coe.int/en/web/cepej/project-continued-support-to-a-well-performing-slovak-judiciary>

The project has provided the following assistance:

- *Experts' review of the conformity of the proposed Judicial map reform document with CEPEJ Guidelines on the creation of judicial maps to support access to justice within a quality judicial system*

13. Resources of the judiciary (human/financial)

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

CEPEJ

Under the Project **"Continued support to a well performing Slovak judiciary"**, the project has also provided the following assistance:

- *Comparative overview "Best practices of strategic planning of justice sector reform(s)" which includes an overview of CEPEJ methodology and tools, methodological aspects and references to good practices from Council of Europe member states regarding strategic planning of reforms in the justice sector (April 2020)*

15. Other - please specify

CEPEJ

Under the Project **"Continued support to a well performing Slovak judiciary"**, the project has also provided the following assistance:

- *Comparative analysis of best practices on drafting of court decision from selected European countries (April 2020)*

European Commission for the Efficiency of Justice (CEPEJ)

<https://www.coe.int/en/web/cepej/country-profiles/slovakia>



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C. Efficiency of the justice system

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16. Length of proceedings

Department for the Execution of Judgments of the European Court of Human Rights

Maxian and Maxianova v. Slovakia (44482/09) (STAND): This group of cases concerns excessive length of civil proceedings (violation of Article 6 §1).

No recent information in 2020 or 2021, but link to Hudoc.exec provided for information: Maxian and Maxianova

Latest submissions : DH-DD(2019)1334 and DH-DD(2019)1269

Department for the Execution of Judgments of the European Court of Human Rights

Ivan v. Slovakia (57405/15) (STAND): Lack of an effective remedy for excessive length of civil proceedings – in particular ineffectiveness of a constitutional complaint about length of proceedings aimed at redress of both a preventive and compensatory nature as well as inconsistencies in the Constitutional Court's case-law on the admissibility of such complaints and separation of proceedings into segments when analysing their length. (Article 6§1 and Article 6 §1 in conjunction with 13) (this is the former Komanicky v. Slovakia (no. 6) group of cases).

No recent information in 2020 or 2021, but link to Hudoc.exec provided for information : Ivan

Javor and Javorova v. Slovakia (42360/10) (STAND): excessive length of proceedings concerning a compensation claim attached to criminal proceedings (violation of Article 6).

No recent information in 2020 or 2021, but link to Hudoc.exec provided for information: Javor and Javorova

CEPEJ

Under the Project **“Continued support to a well performing Slovak judiciary”** , the project has also provided the following assistance:

- *Analysis on best practices related to court management in Slovak court - time management and quality of services* (September 2020)

17. Enforcement of judgements

18. Other - please specify

European Court of Human Rights - country profile

https://echr.coe.int/Documents/CP_Slovak_Republic_ENG.pdf

Execution of Judgments of the European Court of Human Rights - country factsheets

<https://rm.coe.int/1680709764>

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 that have occurred since these documents were published.

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

GRECO

Guidelines addressed to GRECO 50 Member States

[Corruption Risks and Useful Legal References in the context of COVID-19](#)

[Published 21/04/2020](#)

GRECO

<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a1417a>

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Office of the Commissioner for Human Rights

Corruption undermines human rights and the rule of law [Corruption undermines human rights and the rule of law - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 19 January 2021

GRECO

<https://www.coe.int/en/web/greco/evaluations/slovakia>

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19. List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Where possible, please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant).

GRECO

Guidelines addressed to GRECO 50 Member States

[Corruption Risks and Useful Legal References in the context of COVID-19](#)

[Published 21/04/2020](#)

B. Prevention

GRECO

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20. Integrity framework: asset disclosure rules, lobbying, revolving doors and general transparency of public decision-making (including public access to information)

21. Rules on preventing conflict of interests in the public sector

22. Measures in place to ensure Whistle-blower protection and encourage reporting of corruption

23. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption in these sectors. (e.g. public procurement, healthcare, other).

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

C. Repressive measures

GRECO

<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a1417a>

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25. Criminalisation of corruption and related offences,

26. Overview of application of sanctions (criminal and non-criminal) for corruption offences (including for legal persons)

27. Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)

III Media pluralism

A. Media regulatory authorities and bodies

28. Independence, enforcement powers and adequacy of resources of media authorities and bodies

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation Rec \(2000\) 23 of the Committee of Ministers to member states on the independence and functions of regulatory authorities for the broadcasting sector](#)

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

B. Transparency of media ownership and government interference

30. The transparent allocation of state advertising (including any rules regulating the matter)

31. Public information campaigns on rule of law issues (e.g. on judges and prosecutors, journalists, civil society)

Office of the Commissioner for Human Rights

[Time to take action against SLAPPs - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 27 October 2020

32. Rules governing transparency of media ownership

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation CM/Rec\(2018\)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership](#)

PACE

The impact of the Covid-19 pandemic on human rights and the rule of law

(Rapporteur : [Mr Vladimir VARDANYAN](#), Armenia, EPP/CD)

[Doc. 15139](#) / See also the [Opinion](#) by the Committee on Culture, Science, Education and Media on the aforementioned report.

C. Framework for journalists' protection

33. Rules and practices guaranteeing journalist's independence and safety and protecting journalistic and other media activity from interference by state authorities

34. Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation CM/Rec\(2016\)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors](#)

35. Access to information and public documents

Office of the Commissioner for Human Rights

[Access to official documents is crucial – let's make it a reality - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 1 December 2020

36. Other - please specify

Office of the Commissioner for Human Rights

[Tapping the full potential of Equality Bodies for a fairer Europe - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 26 June 2020

Platform to promote the protection of journalism and safety of journalists

<https://www.coe.int/en/web/media-freedom/slovak-republic>

Freedom of expression chapters of the annual reports of the Secretary General of the Council of Europe featuring indicators on media pluralism and transparency of ownership, media independence and safety of journalists as well as country-specific assessments:

2018

<https://rm.coe.int/state-of-democracy-human-rights-and-the-rule-of-law-role-of-institutio/168086c0c5>

2017

<https://edoc.coe.int/en/an-overview/7345-pdf-state-of-democracy-human-rights-and-the-rule-of-law.html>

2016

https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680646af8

2015

https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168058e01e

IV Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

37. Stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), transparency of the legislative process, 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).

38. Regime for constitutional review of laws

The European Commission for Democracy through Law – Venice Commission

CDL-INF(2001)024 English 17/12/2001 - Public

[Opinion on the Act of 4 July 2001 on Elections To Bodies of Self-Government Regions and on Amendment to the Code of Civil Procedure of the Slovak Republic](#)

B. Independent authorities

39. independence, capacity and powers of national human rights institutions, ombudsman institutions and equality bodies

C. Accessibility and judicial review of administrative decisions

40. modalities of publication of administrative decisions and scope of judicial review

The European Commission for Democracy through Law – Venice Commission

CDL-AD(2010)035 English 21/10/2010 - Public

[Opinion on the act on the state language of the Slovak Republic - Adopted by the Venice Commission at its 84th Plenary Session \(Venice, 15-16 October 2010\)](#)

41. implementation by the public administration and State institutions of final court decisions

The European Commission for Democracy through Law – Venice Commission

CDL-AD(2010)035 English 21/10/2010 - Public

[Opinion on the act on the state language of the Slovak Republic - Adopted by the Venice Commission at its 84th Plenary Session \(Venice, 15-16 October 2010\)](#)

D. The enabling framework for civil society

42. Measures regarding the framework for civil society organisations

43. Other - please specify

Expert Council on NGO Law report on criminalisation of NGO activity in relation to migration and a compendium of developments 2017-2019 in NGO law, freedom of association

<https://rm.coe.int/expert-council-conf-exp-2020-1-ngos-developments-in-standards-mechanis/16809ccd3a>

<https://rm.coe.int/expert-council-conf-exp-2019-1-criminal-law-ngo-restrictions-migration/1680996969>

Private Office procedure on human rights defenders interacting with the Council of Europe

https://www.coe.int/en/web/secretary-general/news-2019-thorbjorn-jagland/-/asset_publisher/9j1gCsAwfdMt/content/revised-private-office-procedure-on-human-rights-defenders-interacting-with-the-council-of-europe

CPT

In the [CPT report 2013](#), paragraph 15) the CPT expressed doubts about the functional independence of their system
ongoing discussion on a possible reform of the system is captured in paragraph 13 of the [2018 report](#)