

2021 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The first annual Rule of Law Report was published on 30 September 2020. It is the core of the new European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues.

In the preparation of the first annual Rule of Law Report, the Commission relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through a targeted stakeholder consultation[1]. The information provided has informed the Member State-specific assessments of the Commission in preparing the Report. Building on the positive experience from the first Rule of Law Report, the Commission is inviting stakeholders to provide written contributions for the preparation of the 2021 Rule of Law Report through this targeted consultation.

The contributions should cover in particular (1) feedback and developments with regard to the points raised in the country chapters of the 2020 Rule of Law Report and (2) any other significant developments since January 2020[2] falling under the 'type of information' outlined in next section. This would also include significant rule of law developments in relation to the COVID-19 pandemic falling under the scope of the four pillars covered by the report.

The input should be short and concise, if possible in English, 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.

Please provide your contribution by 8 March. Should you have any requests for clarifications, you can contact the Commission at the following email address: rule-of-law-network@ec.europa.eu.

[1] https://ec.europa.eu/info/publications/2020-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the 2020 Rule of Law Report.

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 and nominations for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the request for input[1])

Any other relevant developments

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

Please include, where relevant, information related to measures taken in the context of the COVID-19 pandemic under the relevant topics.

If there are no changes, it is sufficient to indicate this and the information covered in the 2020 Rule of Law Report should not be repeated.

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

About you

* I am giving my contribution as

Judicial association or network

* Organisation name

250 character(s) maximum

[REDACTED]

* 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

[REDACTED]

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

[REDACTED]

* Country of origin

Please add the country of origin of your organisation

Slovakia

* First Name

[REDACTED]

* Surname

[REDACTED]

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



* 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](#).

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

[overview topics for contribution.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

A. Independence - Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors, Allocation of cases in courts, Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges, B. Quality of justice - Accessibility of courts (e.g. court fees, legal aid, language), Resources of the judiciary (human/financial/material, Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation.

The problems of Slovak republic are described in details in the open call of Slovak judges, attorneys, academics on the link <https://pravnystat.eu/en/>

Regarding the judicial system the Slovak legislation in 2020 has amended the Constitution and disturbed the judicial immunity of Slovak judges, without prior consultation of experts and Venice Commission and EU bodies. Also the Criminal Code was amended by the new crime: § 326a Criminal Code

Bending the law

(1) Who as a judge, associate judge or arbitrator of the arbitral tribunal in decision-making arbitrarily enforces the law and thereby harms or benefits another, he is punished by imprisonment for one to five years.

(2) The offender shall be punished by imprisonment for three to eight years if he commits the said act in paragraph 1

(a) on the protected person, or

b) for a specific motive.

Now there is a new judicial map in legislation process which was created by a sole decision of the Minister of Slovak Republic, without prior discussion with public, judicial bodies and Venice Commission and other EU bodies.

In November 2020, the Minister presented to the judges a draft of a new court map, on the basis of which almost 50% of courts are to disappear, 30 of the 54 district courts are to remain and 3 of the 8 courts of appeal are to disappear, including the Court of Appeal in Bratislava and Košice, which are the metropolises of our republic.

Representatives of the courts, lawyers, prosecutors, municipalities, police and other entities raised reasonable objections to the project, in particular that the new judicial map project was carried out without prior discussion, makes it difficult for citizens to access justice, does not wait for the Weight of Case project to end and may cause a collapse of justice system. These objections were not accepted by the Minister and on 14 December 2020 she submitted to the legislative proceedings a proposal of the Act on a new judicial map, on which it is possible to submit comments in the legislative process until 1 March 2021.

We attach a link on the legislative process:

<https://www.slov-lex.sk/legislativne-procesy/SK/LP/2020/587>

Due to the fact that no dialogue took place with the professional public we judges of Slovak Republic started on January 7, 2021 a signature action on the Open Letter of Judges, attached. As of January 14, 2021, when this letter was delivered to the Minister of Justice, the letter was signed by a quarter of judges, a total of 340 judges out of 1,300 judges of the Slovak Republic. The Open Letter of Judges was also signed by judges of the Supreme Court of the Slovak Republic, as well as by the Specialized Criminal Court, court presidents, as well as representatives of courts, which will not be canceled by the new court map.

The open letter of judges was subsequently supported by the opinion of the Presidium of the Association of Judges of Slovakia, which unites 650 judges of Slovakia.

With this letter, we request the withdrawal of the proposal from the legislative process and its revision with the participation of the professional public.

In his public opinion, the President of the Supreme Court of the Slovak Republic also declared the need to discuss more.

On February 5, 2021, the Prosecutor General of the Slovak Republic sent a letter to the Minister requesting the opening of a broad professional debate on this topic.

Prosecutors' Council also requested the withdrawal of the proposal from the legislative process.

It is worrying that the legislative documents on the draft law on the new judicial map state that this issue of the organization of the judiciary is a sovereign national matter, not regulated by European Union law, not covered by the case law of the Court of Justice of the European Union, contrary to the legal opinion of the Court of Justice of the European Union that though the organization of the judiciary in the Member States falls within the competence of those States, in exercising that competence the Member States are required to comply with their obligations under European Union law, in particular Article 19 (1). 1, second subparagraph, of the Treaty on European Union.

It is also worrying that the public was not informed before and during the drafting of the law on the content of the law, which also follows from the report on public participation in the drafting of the regulation.

Questions on developments in Member States

The following four pillars are sub-divided into topics and sub-topics. You are invited to provide concrete information on significant developments, focusing primarily on developments since January 2020, for each

of the sub-topics which are relevant for your work. Please feel free to provide a link to and reference relevant legislation/documents. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices (as outlined under "type of information").

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.

Please note that, due to the size of the questionnaire, certain elements may be slow to load, especially if selecting many Member States at once. In such cases, it is recommended to wait a few minutes to let the page load correctly.

Member States covered in contribution [several choices possible]

Please select all Member States for which you wish to contribute information. For each Member State, a separate template for providing information will open. This may take several minutes to fully load.

- ☐ 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

Justice System - Slovak Republic

Independence

Appointment and selection of judges, prosecutors and court presidents

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

3000 character(s) maximum

Since last few months a new government changed rules for appointment and selection of judges and prosecutors - in concreto the mandat of General Prosecutor and the mandat of Special Prosecutor was till 2020 possible to obtain only for prosecutors. Now rules are changed and the condition of position of prosecutor is not required. So the position of the Special prosecutor obtained the person with strong political history (former Minister of Justice and Interior affairs), the attorney representing actual politicians in their cases and also representing clients in heavy cases of corruption, murder. He was condemned as a responsible for the car accident and the death caused by the car accident and his criminal punishment is not still executed. Regarding the new Supreme Administration Court, administration judges of actual Supreme Court must enter into election process with other lawyers, because they were not transferred automatically. Now they feel the discrimination and asked the Chairman of the Judicial Council to turn to the Constitutional Court.

Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

3000 character(s) maximum

Irremovability of judges is disturbed by the draft of a new judicial map which in consequence means that almost 50% of courts will disappear. In this connection it will be the radical reorganization of judicial system and there is no need of the judge to approve the decision to move him to other court or to other type of law. This legislation proposal was done without prior public discussion, without the consultation with judges, prosecutors and attorneys and without the cooperation with Venice Commission. It is worrying that the legislative documents on the draft law on the new judicial map state that this issue of the organization of the judiciary is a sovereign national matter, not regulated by European Union law, not covered by the case law of the Court of Justice of the European Union, contrary to the legal opinion of the Court of Justice of the European Union that though the organization of the judiciary in the Member States falls within the competence of those States, in exercising that competence the Member States are required to comply with their obligations under European Union law, in particular Article 19 (1). 1, second subparagraph, of the Treaty on European Union.

Promotion of judges and prosecutors

3000 character(s) maximum

Allocation of cases in courts

3000 character(s) maximum

It will be the radical reorganization of judicial system by the draft of a new judicial map which in consequence means that almost 50% of courts will disappear. Municipalities, police and offices in charge of family affairs are against this proposal because of difficulties of citizens to access the justice and many practical problems. Fees of lawsuit will be higher because of the necessity to travel and there are still many people in Slovakia which are poor. The project of a new judicial map shall be financed by the Covid european fund, but this project is against the civil policy and has nothing to do with Covid. This legislation proposal was done without prior public discussion, without the consultation with judges, prosecutors and attorneys and without the cooperation with Venice Commission. It is worrying that the legislative documents on the draft law on the new judicial map state that this issue of the organization of the judiciary is a sovereign national matter, not regulated by European Union law, not covered by the case law of the Court of Justice of the European Union, contrary to the legal opinion of the Court of Justice of the European Union that though the organization of the judiciary in the Member States falls within the competence of those States, in exercising that competence the Member States are required to comply with their obligations under European Union law, in particular Article 19 (1). 1, second subparagraph, of the Treaty on European Union.

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)

3000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges

3000 character(s) maximum

Slovak legislation in 2020 has amended the Constitution Act and disturbed the judicial immunity of Slovak judges, without prior consultation of experts and Venice Commission and EU bodies.

Also the Criminal Code was amended by the new crime:

§ 326a Criminal Code

Bending the law

(1) Who as a judge, associate judge or arbitrator of the arbitral tribunal in decision-making arbitrarily enforces the law and thereby harms or benefits another, he is punished by imprisonment for one to five years.

(2) The offender shall be punished by imprisonment for three to eight years if he commits the said act in paragraph 1

(a) on the protected person, or

b) for a specific motive.

We asked the Chairman of Slovak Judicial Council to turn to the Constitutional Court regarding the new crime Bending the law but he refused it finding himself as not competent to start such procedure.

The opinion of CCJE in December 2020 confirmed worries of Slovak judges about the way of Slovak judicial reform.

Remuneration/bonuses for judges and prosecutors

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

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

3000 character(s) maximum

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 "type of information".)

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

3000 character(s) maximum

It will be the radical reorganization of judicial system by the draft of a new judicial map which in consequence means that almost 50% of courts will disappear. Municipalities, police and offices in charge of family affairs are against this proposal because of difficulties of citizens to access the justice and many practical problems. Fees of lawsuit will be higher because of the necessity to travel and there are still many people in Slovakia which are poor. The project of a new judicial map shall be financed by the Covid european fund, but this project is against the civil policy and has nothing to do with Covid. This legislation proposal was done without prior public discussion, without the consultation with judges, prosecutors and attorneys and without the cooperation with Venice Commission. It is worrying that the legislative documents on the draft law on the new judicial map state that this issue of the organization of the judiciary is a sovereign national matter, not regulated by European Union law, not covered by the case law of the Court of Justice of the European Union, contrary to the legal opinion of the Court of Justice of the European Union that though the organization of the judiciary in the Member States falls within the competence of those States, in exercising that competence the Member States are required to comply with their obligations under European Union law, in particular Article 19 (1). 1, second subparagraph, of the Treaty on European Union.

Resources of the judiciary (human/financial/material)

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

3000 character(s) maximum

The budget of justice in Slovakia does not cover necessary fees for employees of administration and for computers and other electronic means. Judges are working with computers 15 years old and the average salary of employee in administration is about 600-800 EUR netto monthly. This is not enough and the motivation to work for justice. This will also cause that when the new judicial map will enter into force employees of the court will be not capable to travel and the judicial system can come into collaps.

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

3000 character(s) maximum

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)

(Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, does not need to be repeated)

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

3000 character(s) maximum

It will be the radical reorganization of judicial system by the draft of a new judicial map which in consequence means that almost 50% of courts will disappear. Instead 54 district courts there will be 30 district courts and instead 8 appeal courts there will remain 3 appeal courts. The project of a new judicial map shall be financed by the Covid european fund, but this project is against the civil policy and has nothing to do with Covid. This legislation proposal was done without prior public discussion, without the consultation with judges, prosecutors and attorneys and without the cooperation with Venice Commission. It is worrying that the legislative documents on the draft law on the new judicial map state that this issue of the organization of the judiciary is a sovereign national matter, not regulated by European Union law, not covered by the case law of the Court of Justice of the European Union, contrary to the legal opinion of the Court of Justice of the European Union that though the organization of the judiciary in the Member States falls within the competence of those States, in exercising that competence the Member States are required to comply with their obligations under European Union law, in particular Article 19 (1). 1, second subparagraph, of the Treaty on European Union.

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 "type of information".)

Length of proceedings

3000 character(s) maximum

It will be the radical reorganization of judicial system by the draft of a new judicial map which in consequence means that almost 50% of courts will disappear. This will cause longer proceedings, The project of a new judicial map shall be financed by the Covid european fund, but this project is against the civil policy and has nothing to do with Covid. This legislation proposal was done without prior public discussion, without the consultation with judges, prosecutors and attorneys and without the cooperation with Venice Commission.

Other - please specify

3000 character(s) maximum

The problems of Slovak republic are described in details in the Open call of Slovak judges, attorneys, academics on the link <https://pravnystat.eu/en/>.

Opinion of the

Presidium of the Association of Judges of Slovakia to the Open Letter of Judges of the Slovak Republic

The open letter of judges from 7.1.2021, which received the support of a part of the judiciary, rightly points out the fundamental shortcomings of the forthcoming court map.

An essential fact of the reservations is the fact that the draft court map is being enforced not by force of argument but by political force, as the Ministry of Justice unacceptably violates its commitment arising from the approved research project "Case Weighing" based on the recommendation of CEPEJ the obligation of the ministry to carry out the evaluation of the project in the period from January to June 2021 is enshrined. The absence of this analysis, carried out according to the CEPEJ criteria, whose recommendations are clearly respected in EU countries in solving problems of judicial efficiency, undoubtedly proves the political intention to unconditionally push for change (authoritative experiment), although it can really have a negative impact on citizens to ensure their constitutional law for timely and quality court proceedings.

The argument about the need for specialization of judges, which is met in practice in many courts, ignores the fundamental fact that excessive specialization is inadmissible (according to the CEPEJ), which jeopardizes the wider knowledge base of judges and the possible transfer of judges between branches.

At the same time, the enforced intention also ignores the extensive factually substantiated objections of the bodies of the administration of courts, judicial self-government and judicial association, which are based on the real conditions of the administration of justice.

The call of the authors of the Open Letter to prepare for a change in the system of courts unconditionally only on the basis of an extensive professional discussion with the priority of the judiciary is clearly justified.

The fundamental fact is that the violation (threat) of guarantees of judicial and judicial independence in accordance with the criteria of the Constitutional Court and the European Court for Human Rights will have a negative consequence of endangering (violating) the inalienable, irrevocable and non-expiring fundamental human right to judicial protection by an independent and impartial tribunal.

Observance of the guarantees of the independence of the judiciary and judges is not an end in itself, since if they are not respected, it is impossible for a judge to actually fulfill his mission, to consistently protect the fundamental rights and freedoms of all citizens.

Interventions similar in content to the situation in Poland and Hungary, against which the European Commission is prosecuting for the rule of law, are being defended.

Anti-Corruption Framework - Slovak Republic

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

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

3000 character(s) maximum

Prevention

Integrity framework including incompatibility rules (e.g.: revolving doors)

3000 character(s) maximum

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

3000 character(s) maximum

Rules on preventing conflict of interests in the public sector.

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 relevant measures taken/envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

3000 character(s) maximum

Measures taken to address corruption risks in the context of the COVID-19 pandemic

3000 character(s) maximum

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

3000 character(s) maximum

Repressive measures

Criminalisation of corruption and related offences.

3000 character(s) maximum

A major problem of the current situation is the abuse of the institution of detention in order to put pressure on the accused in order to obtain his/her confession or cooperation in detecting other criminal activity. Detention should not be used as a rule and law enforcement authorities, politicians and the public should be aware that this is not a type of punishment. We consider detention to be a fundamental problem in cases where there are obvious delays in criminal proceedings by law enforcement authorities. Such continued detention is contrary to the guarantees of Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The Slovak Bar Association, which calls for a public discussion on this topic, has repeatedly pointed out the problems related to the application of the institute of detention in Slovakia.

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 the implementation of EU funds

3000 character(s) maximum

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

3000 character(s) maximum

Other – please specify

3000 character(s) maximum

Media Pluralism - Slovak Republic

Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Independence, enforcement powers and adequacy of resources 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

Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

3000 character(s) maximum

Rules governing transparency of media ownership and public availability of media ownership information

3000 character(s) maximum

Framework for journalists' protection

Rules and practices guaranteeing journalist's independence and safety

3000 character(s) maximum

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

3000 character(s) maximum

Access to information and public documents

3000 character(s) maximum

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

Other institutional issues related to checks and balances - Slovak Republic

The process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms) and transparency and quality of the legislative process

3000 character(s) maximum

The use of shortened legislative process is also extremely high and risky. In 2020, more than 60 laws were passed through this procedure. However, many of the adopted legislative changes were not related to the pandemic and its consequences at all. For example, there was a significant change in the Act on the Judicial Council of the Slovak Republic and the adoption of several constitutional changes. Such shortened legislative process prevents the involvement of the public in the legislative process and is contrary to the principles of open government. Not only the professional public from the third sector was excluded, but also experts working in government departments, the Judicial Council of the Slovak Republic, the Supreme Court of the Slovak Republic, the General Prosecutor's Office of the Slovak Republic, or in the academic field. A major problem of the current situation is the abuse of the institution of detention in order to put pressure on the accused in order to obtain his/her confession or cooperation in detecting other criminal activity. Detention should not be used as a rule and law enforcement authorities, politicians and the public should be aware that this is not a type of punishment. We consider detention to be a fundamental problem in cases where there are obvious delays in criminal proceedings by law enforcement authorities. Such continued detention is contrary to the guarantees of Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The Slovak Bar Association, which calls for a public discussion on this topic, has repeatedly pointed out the problems related to the application of the institute of detention in Slovakia. The problems of Slovak republic are described in details in the open call of Slovak judges, attorneys, academics on the link <https://pravnystat.eu/en/>

The legislative process is not transparent. New legislation acts are adopted without prior discussion with public and with experts.

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 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 by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- measures taken to ensure the continued activity of Parliament (including possible best practices)

3000 character(s) maximum

Unjustified, illogical, contradictory and disproportionate human rights violations often occur during the adoption of anti-epidemic measures. The public and the public authorities concerned are informed very late, while the ones responsible for these actions do not take into account the warnings and opinions of relevant professional chambers, including the Slovak Medical Chamber. Limited personnel, financial or material resources of the Slovak Republic are often wasted. Serious and massive human rights violations do not occur through the law, but through hybrid acts of the Public Health Office, whose competence is disputed in many areas. Although the decrees of this Office are generally binding legal regulations, due to the special status of the Public Health Office (it is neither a central nor a local state administration body) it is not possible to initiate a review of the conformity of its decrees with the constitution and constitutional laws. Please see more on website: <https://pravnystat.eu/en/>

The General Prosecutor found the excess of competences of the Office which issued pandemic rules, but this Office does not agree. Slovak Ombudsman turned to the Constitutional Court with the opinion that human rights were disturbed during the pandemy.

Independent authorities

Independence, 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

Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)

3000 character(s) maximum

Implementation by the public administration and State institutions of final court decisions

3000 character(s) maximum

The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

3000 character(s) maximum

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, etc.)

3000 character(s) maximum

Other – please specify

3000 character(s) maximum

In Slovakia we are suffering because of the loss of public trust of justice system after the start of criminal procedures with judges and prosecutors accused of corruption. Criminal procedures are not terminated but the presumption of innocence is not respected. Details of the investigation are published by journalists which in consequence means that the penal process is public and the opinion of the public is manipulated by the selection of informations of the criminal procedure. Major witnesses committed suicide - one was the former Police President, the General, and he died in December 2020 in prison - in detention after 3 weeks after his arrest. Circumstances of his death are now in investigation because there are several theories and many people believe that he did not commit suicide. In this situation we must very carefully consider every step and we would be very grateful if European Commission and Venice Commission will enter into the legislation process and review the state of Rule of Law in Slovakia. For more information please see <https://pravnystat.eu/en/>

Contact

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

