EUROPEAN RULE OF LAW MECHANISM

Input of the Slovak Republic

INTRODUCTION

The European Union is a unique and exceptional project based on certain values, trust and mutual cooperation. For a proper functioning of the Union as a whole, respecting values enshrined in the Article 2 of the Treaty of the European Union is a crucial condition. Among these values, the rule of law embodies a backbone of the European society and the responsibility to ensure its appropriate fulfilment lies with each Member State. In order to uphold the rule of law, the establishment of the European Rule of law mechanism introduced by the Commission is an important step towards its further strengthening.

Following a request of the Commission from 23 March 2020, the Slovak Republic takes this opportunity to provide the European Commission with a written contribution to the European Rule of law report. This document contains factual answers for each particular area covered by the Report, namely Justice System, Anti-Corruption Framework, Media Pluralism and Constitutional and other issues. Additional information in the form of legislation and strategic documents are attached to this paper.

I. JUSTICE SYSTEM

Last detailed information on legal and institutional framework for functioning of justice in Slovakia has been provided in the frame of the **EU Justice Scoreboard** Slovakia is also subject to the bi-annual **Evaluation of judicial systems** by the European Commission for the Efficiency of Justice (CEPEJ). The last evaluation cycle 2016-2018 contains data collected in 2017, covering the year 2016. An **Assessment report on efficiency and quality of the Slovak justice system** was published by CEPEJ in November 2017. It constitutes a part of the Project "Strengthening the Quality and Efficiency of the Slovak Judicial System" and it contains a comprehensive overview of national institutional and regulatory situation in the area of justice.

Slovakia has also been subject to the evaluations within GRECO. The 4th evaluation round took place in 2012 and assessed in a Report the issue of **Corruption prevention in respect of members of parliament, judges and prosecutors**. The links to these documents are attached below.

1. Link to the last published issue of 2019 EU Justice Scoreboard:
https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1562062740889&uri=CELEX:52019DC0198

2. Link to the CEPEJ Evaluation of the judicial systems (2016-2018 cycle) Slovakia, a questionnaire generated in August 2018:
https://rm.coe.int/slovakia/16808d029e

3. Link to the CEPEJ Assessment report on efficiency and quality of the Slovak justice system
https://rm.coe.int/slovakia-assessment-report-on-efficiency-and-quality-of-the-slovak-jud/16807915c9

4. Link to the Council of Europe GRECO Evaluation Report of the Slovak Republic in the 4th evaluation round – Corruption prevention in respect of members of parliament, judges and prosecutors
https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ca488

A. Independence

Legal framework for independence of judges and prosecutors
Act. No. 460/1992 Coll. The Constitution of the Slovak Republic, (as last amended, effective from July 2019)
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/460/20190701
Act No. 757/2004 Coll. on Courts (as last amended, effective from 23.3.2020)
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/757/20200327
Act No. 385/2000 Coll. on Judges and Lay Judges (as last amended, effective from 1.1.2020)
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/385/20200101
Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic (effective from March 2019)
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2018/314/20190301
Act. No 185/2002 Coll. on the Council for the Judiciary (as last amended, effective from 23.3.2020)
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2002/185/20200327
Act No. 153/2001 Coll. on Prosecution (as last amended, effective from 1.1.2020)
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/153/20200101
Act No. 154/2001 Coll. on Prosecutors and Prosecutor Candidates (as last amended, effective from 1.1.2020)
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/154/20200101

Institutional framework for independence of judges
This topic has been reported and can be found in the following sources:
CEPEJ Assessment Report, link No. 3 above, pages. 6-9.
IV. Evaluation report of the Slovak Republic by the Council of Europe GRECO, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ca488**,** pages 20-23, the GRECO recommendations in the report have been implemented.

1. Appointment and selection of judges and prosecutors
This sub-topic has been reported and can be found in the following sources:
Justice Scoreboard 2019 – appointment and dismissal of „ordinary prosecutors", (not management positions), *link No. 1, p.54*
CEPEJ questionnaire – recruitment of judges and prosecutors, *link No. 2, pages 42-45*
CEPEJ Assessment report – selection and appointment of judges, *link No.3, p. 58*
GRECO 4th evaluation Report Slovakia – *link No. 4*

Legal framework:
Act No. 385/2000 Coll. § 5 – 10, for judges;
Act No. 314/2018 Coll. §14-16 for judges of the constitutional court,
Act No. 460/1992 Coll. Art.134 judges, Art. 150 prosecution
Act No. 154/2001 Coll.
(Slov-lex links – see above)

- ***Recent developments in selection of judges:***

Act No. 152/2017 Coll. (amendment to Act No. 385/2000 Coll., effective from January 2018), notified in Justice Scoreboard 2020 information - introduced a mass selection procedure for filling in the positions of judges. Based on the results of the mass selection procedure, the Ministry of Justice of the Slovak Republic created a database of candidates for the function of a judge, for each district of a regional court, and only from this database candidates can fill a free seat of a judge.
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2017/152/20180101.html

Act. No. 314/2018 Coll. – new act on the Constitutional Court was adopted in October 2018 (effective from March 2019). The Act amends the Rules of Procedure of the National Council of the Slovak Republic as regards the selection of candidates for the Constitutional Court judges. The President of the Slovak Republic is now obligatorily invited to the public hearing of the candidates and will be able to ask for the floor at any time. The personal presentation of the candidates was extended to cover their publication activities, participation in academic and scientific activities. The meetings of the Parliamentary Committee on Constitutional Matters discussing the election of candidates will be publicly available via audio-visual streaming.

Changes enhancing transparency of appointment of judges, courts' presidents and justice employees, open selection procedures are planned in the Governmental Program, adopted by the new Government on 19th April 2020, *see the link below, p. 58:*
https://www.vlada.gov.sk//data/files/6483_programove-vyhlasenie-vlady-slovenskej-republiky.pdf

- ***Recent developments in appointment and selection of prosecutors:***

Legislation: the procedures are regulated by Act No. 154/2001 Coll. on Prosecutors and Prosecutor Candidates and by the Prosecutor General's Regulations. There has been one relevant legal change:
Act No. 401/2015 Coll. – amending Act No.153/2001 Coll., effective from January 2016. The Act regulates the details of the selection procedure for the prosecutor of the District Prosecutor's Office, the temporary assignment of the prosecutor to another prosecutor's office, or to another body, and especially to the EU body, in the context of crisis management outside the Slovak republic. It amended the conditions of transfer of the prosecutor to higher levels of prosecutor's office, reassign of the prosecutor, incompatibility of the post of prosecutor, suspension of the post of prosecutor, temporary suspension of the post of prosecutor, the selection procedures for the promotion of prosecutor, some salary questions, remuneration and other issues.

Changes enhancing transparency of appointment and selection of prosecutors by introducing public control over the process is planned in the Governmental Program, adopted by the new Government on 19th April 2020, *see the link below, p. 59:*
https://www.vlada.gov.sk//data/files/6483_programove-vyhlasenie-vlady-slovenskej-republiky.pdf

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

This sub-topic has been reported and can be found in the following sources:
CEPEJ questionnaire: describes mandate, transfers and retirement of judges and prosecutors, *link No. 2 above, p. 45*

Legal framework:
Act. No. 460/1992 Coll. Articles 144 – 148;
Act No. 385/2000 Coll., § 11-14, §17-20, §22-22b for judges
Act No. 314/2018 Coll. § 17-19 for constitutional judges

- ***Recent developments regarding removability of judges:***

Act No. 459/2019 Coll. includes an amendment to the Act No. 385/2000 Coll. and became effective from 27 December 2019. It inserted § 22a and § 22b on temporary suspension of judge. This amendment represents a reaction to recent problems with judicial independence published in Threema. According to this amendment the Judiciary Council can decide on temporary suspension of judge from his office at justified suspicion that the judge does not comply with the prerequisites of judicial capability while possibly seriously jeopardizing trustworthiness or reputation of the judiciary. The removability of judges as well as independence of justice remains unchanged, as it is the Judiciary Council who decides of the measure.
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/459/20191227.html

3. Promotion of judges and prosecutors
This sub-topic has been reported and can be found in the following sources:
CEPEJ questionnaire - promotion of judges and prosecutors, *link No. 2, pages 42-45*
GRECO 4th evaluation Report Slovakia – promotion of prosecutors, *link No. 4*

Legal framework:
Act No. 185/2002 Coll., § 4 – judges
Act No. 385/2000 Coll., § 15-16 – judges
Act No. 154/2001 Coll. – prosecutors
The principles of the prosecutors' promotion procedure were adopted by the Council of Prosecutors of the Slovak Republic in 2015. https://www.genpro.gov.sk/rada-prokuratorov/dokumenty-schvalene-radou-prokuratorov-3939.html

- ***Recent developments in the promotion of prosecutors:***

Act No. 401/2015 Coll. – the Act regulates the details of the selection procedure for the prosecutor of the District Prosecutor's Office, the temporary assignment of the prosecutor to another prosecutor's office, or to another body, and especially to the EU body, in the context of crisis management outside the Slovak Republic. It amended the conditions of transfer of the prosecutor to higher levels of prosecutor's office, reassign of the prosecutor, incompatibility of the post of prosecutor, suspension of the post of prosecutor, temporary suspension of the post of prosecutor, the selection procedures for the promotion of prosecutor, some salary questions, remuneration and other issues.

4. Allocation of cases in courts
Allocation of cases within one court is based on random allocation of cases. Allocation of cases among different courts is being analysed within the CEPEJ project.

Legal framework:
Act No. 757/2004 Coll., §50 - 51
Automatic random allocation of cases to judges' functions under Court Management System. The system secures that the cases are allocated randomly within one court to a senate or a single judge without any influence. This system was introduced in Slovakia in 2008.

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)

This sub-topic has been reported and can be found in the following sources:
Justice Scoreboard 2019 – nomination of judges-members of the Council for the Judiciary, involvement of the judiciary in appointment of Council's members, *link No.1, p. 49-50*
CEPEJ Assessment report – selection and appointment of judges, link No.3, pages 9-10

Legal framework:
Act No. 460/1992 Coll. on the Constitution of the Slovak Republic – Art. 141a;
Act No. 185/2002 Coll.

- ***Recent developments regarding the Council for the Judiciary:***

Act No. 62/2020 Coll. effective from 23. March 2020, by its Article II amended the Act No. 185/2002 Coll., by adding into §4b a possibility for the Council to recall its President if his remaining in the office can seriously jeopardize trustworthiness of the judiciary or its reputation. https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/62/20200327.html

In this regard, see also the Governmental Program p. 59:
https://www.vlada.gov.sk//data/files/6483_programove-vyhlasenie-vlady-slovenskej-republiky.pdf

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

This sub-topic has been reported and can be found in the following sources:
Justice Scoreboard 2019 – bodies deciding of disciplinary measures against "ordinary" judges, investigator in charge of formal disciplinary proceedings regarding (their independence or appointment to the functions), *link No. 1, pages 48-49*
CEPEJ questionnaire - disciplinary regime of judges and prosecutors, *link No. 2*
CEPEJ Assessment report – disciplinary regime, ethics, *link No.3, p. 63-65*
GRECO 4th evaluation Report Slovakia – *link No. 4*

Legal framework:
Act No. 385/2000 Coll. – § 30 ethics, § 115 – 138 – disciplinary regime for judges
Act No. 314/2018 Coll. – §27 disciplinary regime for judges of the Constitutional Court
Act No. 757/2004 Coll. – §42, §45, §53

- ***Accountability of judges***

Each court's President has a competence to supervise the compliance of judges' conduct with principles of judges' ethics and principles of dignity of judicial procedures. Right to initiate a disciplinary procedure against particular judges has been entrusted to the Minister of Justice of the Slovak Republic, judges' council at each court and court's president. Disciplinary senates decide of all requests for disciplinary procedure against judges. Disciplinary accountability of judges shall be dealt with in priority by presidents of courts who are more aware of the circumstances of the case, burden placed upon the judge or his personal background. Often, the Ministry of Justice of the Slovak Republic before filing a disciplinary motion asks the president of the court about his position on disciplinary proceedings against a judge and in reaction, the president of the court files himself a disciplinary motion against the judge in question. In case that the president of the court does not submit a disciplinary motion and the judge's misconduct appears to constitute a disciplinary infringement, the Minister of Justice shall proceed to the

filing of a motion to initiate disciplinary proceedings. Handling of disciplinary accountability of judges is therefore left to presidents of courts as representatives of the judiciary.

- ***Accountability of prosecutors, including disciplinary regime and ethical rules***

There has been a more significant shift in terms of disciplinary regime and ethical rules in recent years. In addition to the adoption of the Code of Ethics for Prosecutors and its Commentary (as reported by GRECO's subsequent reports), the Rules of Procedure and Election Rules of the Ethics Committee of the Prosecutor's Office were approved. In the course of its activities, the Committee approved two opinions (the first opinion stated that the prosecutor's act of judging the clothes of some Slovak politicians in an article on the Internet portal did not violate prosecutor's ethics - a separate opinion was issued, in the second case, the Committee found a violation of the prosecutor's ethics in that the prosecutor representing the indictment in the specific case greeted the defendant's parents by shaking hands with the defendant's father and greeting the defendant's mother by touching the cheeks). The Ethics Committee also issued a recommendation on the prosecutor's conduct (to behave politely to all with whom the prosecutor comes into contact, in relation to the prosecutor - subordinate prosecutor, superior prosecutor, another prosecutor, trainee prosecutor or another employee of the prosecutor's office, means as follows:

1. The prosecutor is obliged to avoid arrogance, vulgarity and aggressive behaviour;
2. In the case of differences of opinion on particular matters, the prosecutor is obliged to present his arguments in a substantive manner, without slander or mockery;
3. The prosecutor is obliged to proceed objectively, impartially, factually, and to avoid bringing personal sympathy or antipathy in relation to the assessed colleague when evaluating colleagues;
4. The prosecutor is obliged to accept the management, organization and control of the performance of duties by the Chief Prosecutor within the specified legal limits and to refrain from presenting subjective opinions of these management acts).

The Ethics Committee of the Prosecutor's Office annually publishes information on its activities, which are publicly available on the web site of the General Prosecution Office.

In 2019, the Ethics Committee of the Prosecutor's Office issued several important statements. It commented on publicized information on possible corruption and other illegal activities of prosecutors and urged them to immediately request the suspension of their duties until such information was reviewed. The Ethics Committee also issued an opinion expressing great concern regarding information on the real threat to the life and health of prosecutors, other public figures and their family members in the relation to the exercise of their public office, as well as information on monitoring the Prosecutor General and other prosecutors by organised crime groups and their illegal hit in police databases. In the statement, it expressed the support for the rule of law and strictly legal action. Documents relating to the work of the Public Prosecutor's Office, including information on activities, recommendations, opinions and statements, are available at:
https://www.genpro.gov.sk/eticka-komisia-prokuratury/stanoviska-a-odporucania-etickej-komisie-prokuratury-3986.html

In 2019, several statements were issued also by the Council of Prosecutors of the Slovak Republic (hereinafter referred to as “the Council”). As the highest executive body of prosecutors' self-government, it expressed concern about the contacts of some senior chief prosecutors of the General Prosecutor's Office with persons suspected of serious crime. It stated that “the prosecutor's office is harmed by prosecutors who prefer personal interests in working

life, who knowingly associate with criminally troublesome persons in order to gain personal profits, who are using property that they cannot obtain by their earnings, who lack the necessary personal and moral qualities to be able to serve as a prosecutor". The Council noted the need for changes to the clean-up of the prosecutor's office, consisting mainly in strengthening the independence, but also the responsibility of prosecutors in their decision-making, strengthening public scrutiny and systemic changes in the selection of the Prosecutor General. The Council also called for the adoption of systemic changes in the prosecutor's office, but "without increasing the effect of the executive power on the prosecutor's office". The Council also adopted a statement on published communication between a lawyer and a specific person intends to act on the prosecutor in exercising his official duties, on the illegal hit of the Prosecutor General in police databases and on the consideration of his hit by certain persons. The Council also responded critically to the abusive statements made by politicians to the prosecutor in connection with the prosecution in a particular case. The documents of the Council of Prosecutors of the Slovak Republic, including declarations, are available at: https://www.genpro.gov.sk/rada-prokuratorov/aktuality-3964.html.

There have been legislative changes in the stage of the accountability of judges and prosecutors in relation to social processes concerning the publicized disclosure of serious crime, linked also to the possible unlawful conduct of judges and prosecutors. These changes appear to have made a significant contribution to streamlining procedures, as well as to the resignation of certain judges and prosecutors. However, the application of the provisions requires public scrutiny, as the provision of the Act is (in the interest of effective procedure) relatively broad (Act No. 459/2019 Coll.), which also entails certain risks. In addition, it is necessary to mention other significant changes (contained in the so-called status laws - Act No. 153/2001 Coll. and Act No. 154/2001 Coll., as amended).

- ***Recent developments regarding accountability of judges and prosecutors:***

In connection with the socio-political processes following the revelations of serious criminal activity also associated with possible unlawful conduct of judges and prosecutors by media, legislative changes in the process of their accountability have been made. Legislative changes so far regard the suspension of the performance of the function of judges and prosecutors and should allow for the suspension of the function already in case of suspicion, while independence of the judiciary is maintained since the Judicial Council will decide on disciplinary motions. See sub-topic No. 2 and changes brought by **Act No. 459/2019 Coll.** amending the Act No. 385/2000 Coll., effective from 27 December 2019. It inserted § 22a and § 22b on temporary suspension of judge.

Changes for prosecutors were introduced by the **Act No. 242/2019 Coll.** (effective from 27 June 2019). In part II. it contains a fundamental amendment to the Act No. 154/2001 Coll. allowing a temporary suspension of a prosecutor even if the prosecutor has not been charged yet, when there are reasonable doubts that he/she meets the precondition under Article 6 paragraph 2 letter d) of Act No. 154/2001 Coll., if this could seriously compromise credibility or reputation of the prosecutor's office.

These changes appear to have made a significant contribution to rendering procedures more effective, as well as to the resignation of some judges and prosecutors from their positions. However, the application of the Act 459/2019 Coll. requires public control, since the provisions of the Act (in the interest of effectiveness) are relatively broad, which is also associated with certain risks. At the moment, discussions are still open in our country about the possibility of making the existing legal regulation of disciplinary accountability of judges and prosecutors

more effective, as well as about other changes that would help improve confidence in the independence of the judiciary. There is a plan to introduce substantive changes to disciplinary proceedings according to the Governmental Program as adopted by the Slovak Parliament: https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=68.
In this regard, see the Governmental Program, p. 59:
https://www.vlada.gov.sk//data/files/6483_programove-vyhlasenie-vlady-slovenskej-republiky.pdf

7. Remuneration/bonuses for judges and prosecutors
This sub-topic has been reported and can be found in the following sources:
CEPEJ questionnaire - salaries, benefits and bonuses of judges and prosecutors, *link No.2, pages 49-50*
GRECO 4th evaluation Report Slovakia – *link No. 4*

Legal framework:
Act No. 385/2000 Coll. - remuneration of judges §65-90, social security of judges §93-95
Act No. 154/2001 Coll. – prosecutors

- ***Recent development in remuneration of judges:***

Act No. 282/2019 Coll. effective from 15. October 2019 amended Act No. 385/2000 Coll., it introduced institute of hosting judges and counts with a bonus of 20% to their basic monthly pay during their performance as a hosting judge.

- ***Recent development in remuneration of prosecutors:***

Details are described in the GRECO report and subsequent updated reports of the 4th round of evaluations. Adopted legal change of more fundamental importance:

Act No. 242/2019 Coll. (effective from January 2020) amended the bonuses for being a member and the chairman of the Disciplinary Senate (bonus for disciplinary proceedings). The Act stipulated the obligation to publish and update the name list of prosecutors on the website of the General Prosecutor's Office of the Slovak Republic, along with the place of regular performance of prosecutor's office, including the place of temporary assignment. Some bonuses were amended, the procedure for liability for damage was specified. An important contribution to the clean-up of prosecutor's office and to clarification of prosecutors' property provided the amendment to the provisions of Article 28 paragraph 2, letter a) of Act No. 154/2001 Coll., which required the prosecutor to present in the declaration of assets the data on real property, the legal basis and date of acquisition of property, the price of acquisition and the price under a special regulation by free acquisition. Equally important are some changes in disciplinary proceedings. The criteria for awarding bonuses for prosecutors were approved by the Council of Prosecutors in 2016 and are published on the website of the General Prosecutor's Office of the Slovak Republic (see the link below). https://www.genpro.gov.sk/rada-prokuratorov/dokumenty-schvalene-radou-prokuratorov/kriteria-na-priznavanie-odmien-prokuratorom-392c.html

8. Independence/autonomy of the prosecution service
This sub-topic has been reported and can be found in the following sources:
Justice Scoreboard 2019 – collects data on main management powers of the Prosecutor General over prosecutors, distribution of main management powers between different authorities over national prosecution services, *link No.1, pages 51-53*

GRECO 4th evaluation Report Slovakia – *link No. 4*

Legal framework:
Act No. 153/2001 Coll.

- ***Recent development in the area of independence/autonomy of prosecutors***

The most significant recent changes to the Act No. 153/2001 Coll. are following:
Act No. 401/2015 Coll. – the amendment regulated the status and competence of the prosecutor's office, the position and competence of the Prosecutor General, other prosecutor's offices, the powers of prosecutors' assistants and trainee prosecutors and other issues.
Act No. 125/2016 Coll. – prohibition of giving negative instructions:
"The superior prosecutor shall not instruct the subordinate prosecutor not to bring a court action, to enter a court proceeding, to appeal against a court decision pursuant to specific regulations, to file a prosecutor's protest or to notify a prosecutor's statement."
Note: *Please note that questions 1, 3, 6, 7 and 8 overlap with the requirements under EGMLTF regularly updated questionnaire. In this context, we have provided broad descriptions and legal bases, in the structure and form required, on issues of selection of prosecutors, appointment of senior prosecutors as well as descriptions of disciplinary proceedings. Data should be available at:*
JUST-AML@ec.europa.eu and Joze.STRUS@ec.europa.eu and Sara.PANELLI@ec.europa.eu

9. Independence of the Bar (chamber/association of lawyers)
CEPEJ questionnaire: - lawyers - professional practice, organisation, fees, disciplinary procedures, *link No.2*
Section 2 para. 2 of the Act on the Legal Profession:
When providing his legal services, each lawyer shall act independently, shall be bound by the generally binding legal rules, and within the limits of the same also by the client´s instructions.

Section 66 para. 2 of the Act on the Legal Profession:
The Bar is an independent professional organisation associating all the practising lawyers admitted to the Bar.

Preamble of the Slovak Bar Association Rules of Professional Conduct:
In a society founded on respect for democracy and the rule of law as one of the most important constitutional principles a lawyer plays a vital role. The lawyer must serve the interests of justice as well as the interests of those, whose rights and liberties he is entrusted to defend or represent. A lawyer´s function therefore lays on him a number of legal and moral obligations in relation to his clients, courts and other authorities before which the lawyer pleads his client's case or acts on his client´s behalf, the public for whom the existence of a liberal and independent legal profession is an essential means of safeguarding human rights and freedoms in face of the power of the state.

Section 2 para. 3 of the Slovak Bar Association Rules of Professional Conduct:
The lawyer may render legal services only within the limits of his independent and liberal practice of law. The lawyer may neither participate in any activities of persons, who render legal services without a statutory authority and licence, nor support such activities.

Section 38 of the Slovak Bar Association Rules of Professional Conduct:
The lawyer shall act before the courts and any other authorities in such a way so as to avoid any interference with his independence. He shall show due respect towards courts and other

competent authorities. His behaviour including his appearance add to the honour and credit of any act he is involved in, as well as to the status and dignity of the entire legal profession.

Independence of lawyers intertwined with the independence of the bar association is long established rule of law principle that is recognised by the United Nations (Basic Principles on the Role of Lawyers[1]), Special UN Rapporteur on the independence of judges and lawyers[2], Council of Europe (Recommendation R(2000)21[3]), Venice Commission (Rule of Law Checklist), Court of Justice of the EU[4], all bar associations and law societies associated in the Council of Bars and Law Societies in Europe (CCBE) (Charter of Core Principles of the European Legal Profession[5]), as well as the Act on the Legal Profession (No. 586/2003) and Code of Conduct adopted by the Slovak Bar Association.

The first and foremost mission of the lawyer is to represent clients, their rights and interests protected by law. To properly and effectively do so, the lawyer must be independent of any external, institutional, economic pressure in order to prioritise the client´s interests. A lawyer must maintain independence in order to give clients unbiased advice and representation. A lawyer cannot be influenceable and must retain high ethical standards. Administration of justice which guarantees the independence of lawyers in the discharge of their professional duties without any improper restrictions, pressures or interference, direct or indirect is imperative for the establishment and maintenance of the rule of law as it presents a fundamental pillar of checks and balances in the democratic society.

The Bar Association serves as the guardian of lawyers' independence and in order to do so it must be independent itself. Independence of lawyers and the Bar Association is one of the preconditions of independent justice system, similarly as the impartiality of the judge. A bar association is deemed to be independent when it is free from external influence and can withstand pressure from external sources on matters such as the regulation of the profession, the development and implementation of codes of professional conduct and the right of lawyers to join the association.

Slovak Bar Association is recognised as independent by law which, as required by the international standards, lays down the principles of independence, professional ethics and the avoidance of conflict of interests. It provides for the effective operation of professional associations of lawyers, the proper qualification and training of lawyers and administration of proper disciplinary proceedings. Slovak Bar Association requires high ethical standards and consistently enforces it through its disciplinary bodies (Please see Slovak Bar Association Collections of Disciplinary Findings).

A lawyer must be independent from

- State or political party instructions and therefore must be completely independent of the Ministry of Justice or other executive power. Bar association must be able to set its own

[1] Basic Principles on the Role of Lawyers Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 27 August to 7 September 1990. Available at: https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx

[2] Available at: https://undocs.org/A/73/365

[3] Council of Europe Recommendation No. 2000/21 of the Committee of Ministers to member states on the freedom of exercise of the profession of lawyers. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016804d0fc8

[4] eg. Joined Cases C-515/17P and C-561/17P

[5] Available at: https://www.ccbe.eu/NTCdocument/EN_CCBE_CoCpdf1_1382973057.pdf

rules and regulations, and to oversee compliance with its regulations, through the power to admit, discipline and disbar, to make its own decisions free from external influence, to represent its members' interests and be able to sustain itself.

- judicial institutions
- clients – obligation of independence is interdependent with the obligation to prevent the conflict of interest

Slovak Bar Association serves as an institutional guarantee of independence in

- Preventive phase =
  - Bar Association Presidency Council decides upon recommendations of its bodies on requests from members and other subjects for interpretation of law related to the legal profession (Slovak Bar Association Working Group on core issues of the profession), compatibility of legal practice with other activities (Slovak Bar Association Working Group on Compatibility) = any activity that causes doubts about the independence of lawyer or legal profession must be declared incompatible regardless of its legal form, circumstance, scope and length, remuneration or lack of it
  - In March 2020 Slovak Bar Association adopted the rules for assessment of compatibility of activities with ethical principles of the legal profession
  - Slovak Bar Association provides mandatory training on deontology to all trainee lawyers
  - Slovak Bar Association adopts clearly delineated duties and responsibilities of lawyers vis-a-vis their clients and other effective regulation of the profession
- Reactive phase =
  - Slovak Bar Association is responsible as self-regulated professional body for decision-making on the professional misconduct of its members and issues disciplinary sanctions.
  - The Supervision Committee, Disciplinary Committee and Disciplinary Committee of Appeal deal with any breach of obligation. Slovak Bar Association Rules of Disciplinary Procedure provide for the strict system of disciplinary procedure and disciplinary sanctions, including striking a person of the list of lawyers. Annually the Disciplinary panels deal with several hundreds of cases.
  - Slovak Bar Association has issued for the past ten years several Collections of Disciplinary Findings that provide for transparent, consistent and foreseeable decision-making, as well as to raise awareness of the ethical nuances. In 2017 additional detailed rules related to standards of disciplinary decision-making and sanctions were approved by the General Assembly of lawyers.

In order to preserve the necessary independence of lawyers it is imperative to preserve the independence of the Slovak Bar Association which oversights the respect for duties and obligations of lawyers and the ethical standards of practice. Without the independent legal profession, the rule of law would not be complete and the independence of justice itself would be jeopardized. Right to legal assistance is one of the constitutional rights derived from the Slovak Constitution which must be fully guaranteed. This would be, however, impossible for lawyers without independence from all subjects and Slovak Bar Association independence in the area of disciplinary powers.

Despite the recognised importance of the independence of the legal profession in the rule of law state, it must be noted that lawyers in Slovakia are facing an indirect threat to their independence in two forms: first being the threats and harassment of lawyers from persons encountered in the course of their practice, and second, identification of lawyers with their

clients, which is especially problematic in case of defence lawyers. The purpose of defence is still misinterpreted and misunderstood by the public and society. Unfortunately, media often use expressions that intensify the wrong impression of lawyers and the concept of defence of rights. Fulfilment of lawyer´s obligation to represent a client does not mean that the lawyer approves of the client´s doing and lawyers cannot be harassed or prosecuted for the fulfilment of their statutory and constitutional duties. This problem was recognised also by the Council of Europe which is working on the feasibility study for the draft European Convention on the Profession of Lawyer[6]. It is important to raise awareness on the rule of law principles and concepts in the Slovak society to avoid undue vilifying of lawyers. Where there is a gap in communication between the media and the profession, it 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.[7]

Threats to independence of judges and lawyers are often signs of corrosion of the rule of law. Slovak Bar Association signed a Resolution on the Rule of Law on 21 February 2020 in Vienna along with 48 other subjects to support Polish judges and lawyers in their attempts to sustain the rule of law in Poland.
Bar associations have a crucial role to play in a democratic society to enable the free and independent exercise of the legal profession and to ensure access to justice and the protection of human rights, in particular due process and fair trial guarantees.

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

Trust of citizens and entrepreneurs in the independence of the judiciary is a long-term problem in the Slovak Republic. Information mainstreamed through the media only deepened citizens' distrust in the judiciary and led to the temporary suspension of the performance of the function of some judges and prosecutors (but only after media pressure escalated). This confirmed that there are safeguard mechanisms in place that can be used in such situations. Several judges and prosecutors have been suspended from the performance of the function, several judges have resigned themselves and there is hope that ongoing disciplinary proceedings will ensure that the judiciary is cleared of persons who have violated existing legislation or ethical principles.

The current crisis of judiciary can also be seen as a crisis of integrity. The absence of a Code of Conduct, which would complement the general provisions of the Code of Ethics of Judges with exemplary life situations and other practical examples, proved to be a serious problem. The Government of the Slovak Republic recommended to the Judicial Council of the Slovak Republic the adoption of a Code of Conduct for judges already in 2016 as a result of the

[6] More information available at: http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=24466&lang=en

[7] IBA (2016): The Independence of the Legal Profession Threats to the bastion of a free and democratic society. "Lawyer's independence is partly contingent on the freedom of choice in representation, including freedom from fear or prosecution in controversial or unpopular cases. The efficient and predictable application of justice, which is a basic tenet of the rule of law, depends to a large extent on the ability of lawyers to represent unpopular clients, or clients who are critical of, or even hostile to, the government – even in controversial and scandalous cases. To deny the freedom of choice in the context of legal representation poses a threat not only to the independence of the legal profession, but also to the human rights of those who are represented, and offends core principles of the rule of law, such as the principle of equality before the law, and the protection of human rights. In line with the above, it is crucial that lawyers be able to perform their duties in an environment that is free from coercion, governmental and societal pressure, and fear of prosecution and persecution, whether by the government or by non-governmental actors. Lawyers should be free to represent their clients without undue hindrance, and should be subject to no discrimination whatsoever."

recommendations of GRECO in the 4th round of evaluation of the Slovak Republic. Some individuals from the field of the judiciary used the argument that they did not see anything unacceptable in their conduct. The existence of a Code of Conduct should preclude such a conclusion in comparable situations.

In this regard, see also Governmental Program page 57-61:
https://www.vlada.gov.sk//data/files/6483_programove-vyhlasenie-vlady-slovenskej-republiky.pdf

11. Other - please specify

Ministry of Justice of the Slovak Republic has long focused its activities on strengthening the transparency, efficiency and independence of the judiciary. Despite the failure of the recent comprehensive change of the Constitutional Court of the Slovak Republic, we have managed to push for at least some improvements, which have also had a positive effect on the last year's election of constitutional judges.

Act. No. 314/2018 Coll. - new act **on the Constitutional Court,** described at sub-topic A1.
The process of selecting constitutional judges is more transparent and the role of this institution has become more visible. Regarding to the general judiciary system, in recent years Ministry of Justice has also focused on enhancing transparency (publication of judicial decisions, transparent collective selection procedures of judges, published declaration of assets of judges, streamlining the system of disciplinary liability of judges while strengthening judicial self-government.

B. Quality of justice

The quality of justice is being assessed within the CEPEJ Project, see CEPEJ documents:
https://rm.coe.int/slovakia-assessment-report-on-efficiency-and-quality-of-the-slovak-jud/16807915c9 .
The recommendation concerning the flying judges was implemented by Act No. 282/2019 Coll. (amending the Act No. 385/2000 Coll.):
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/282/

Legal framework for quality of justice

Act No. 71/1992 Coll. on court fees (as last amended, effective from January 2020) – §4 fee exemption, §9 electronic payment of fees through different methods, also through central portal of public administration
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/71/20200101
Act No. 327/2005 Coll. on provision of legal aid to persons in material need (as last amended effective from March 2019) - §4 definition of legal aid, where legal aid means provision of legal services to persons there defined including drawing up of court lodgements, representation before courts and full or partial reimbursement of connected occurred costs, §5 – Centre for Legal Aid as a state budget organization under Ministry of Justice of the Slovak Republic.
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/327/20190301

Resources for the judiciary are yearly allocated in adopted acts on state budget
Act No. 468/2019 Coll. on State Budget is valid for year 2020
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/468/20200101

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

This sub-topic has been reported and can be found in the following sources:
CEPEJ questionnaire – court fees (p.4), method of calculation, legal aid budget, scope of legal aid, link No. 2, pages 8-11
Information provided for Justice Scoreboard 2020: Legislation affecting court fees is being prepared, new e-Government processes had been reflected, including the **electronic payment of court fees** (the proposal has passed the inter-service consultation stage).

- ***Recent legislative developments in the area of court fees***

Act No. 71/1992 Coll. on court fees has been amended four times during 2019. Amendment **Act No. 211/2019 Coll.** introduced a possibility of payment of court fees in the enforcement proceedings by bank card under the condition that the payer has activated his electronic repository for service of documents and a bank card. Another amendment,
Act No. 216/2019 Coll. introduced exemption from administrative fees (also court fees) that are related to taking marriage and the subsequent change of surname of one of the pair resulting from marriage.
Act No. 384/2019 Coll. introduced an exemption from court fee complainant in the proceedings for damages causes in an occupational injury or sickness, in the proceedings for determining invalidity of termination of a work contract or a state service contract and asserting claims there from.

13. Resources of the judiciary (human/financial)
This sub-topic has been reported and can be found in the following sources:
CEPEJ Assessment report – link No. 3, pages 28-55
Tables include numbers of judges allocated to courts, comparison of numbers of men and women at courts of each instance, mass selection processes for a judge in the few past years – numbers of candidates and selected candidates, numbers of court employees - information is up to date (31. March 2020). Tables can be found in an attachment to this contribution.

- ***New legislation introducing institute of hosting judge a solution to temporary lack of resources***

Act No. 282/2019 Coll., effective from 15. October 2019, represents an amendment to the Act No. 385/2000 Coll. It introduced an institute of hosting judge as a consequence of implementation of CEPEJ recommendations. The legislation on so-called "flying" or "hosting" judges addresses the cases of long-term sick leave, maternity leave etc. or other causes of a temporary court overload.

The vacancy for hosting judge is filled on the basis of a selection procedure, i.e. by a new judge in the system. A candidate for such a vacancy will have to meet the same criteria as any other judge, i.e. the hosting judge is a judge with all the rights and duties with the only difference that his place of work is not a particular county court but may be any county court within the territory of district court. A hosting judge will be entitled to a surcharge of 20% of the basic salary per month. Upon the return of the absent judge, the hosting judge will be transferred to another court where necessary. After four years in the position of a hosting judge, the hosting judge may at his request be transferred to the vacancy of a judge in a county court, or on the basis of the results of a selection procedure, to the position of a judge in a regional court.

The institute of a hosting judge is similar to the institute of so-called flying judge existing in the European area. It is a judge with a specific status - the specificity lies in the possibility to change the place of work of this judge more easily, on the basis of the needs in order to address temporary insufficient personal capacity of courts.

https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/282/20191015.html

In this regard, see also Governmental Program, p. 60:
https://www.vlada.gov.sk//data/files/6483_programove-vyhlasenie-vlady-slovenskej-republiky.pdf

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)
This sub-topic has been reported and can be found in the following sources:
Justice Scoreboard 2019 – monitoring and evaluation of court activities, availability of ICT for case management and court activity statistics, *link No.1, pages 36-37*

- ***Recent development in the use of tools and standards:***

Information sent to the Justice Scoreboard 2020 – Works are ongoing on the new **case management system**. As part of the CEPEJ project (audit of the Slovak judiciary), template court decisions, which the system automatically fills in, and their technological solutions within the CMS are being developed. Works are also ongoing on standard forms for submitting claims/applications, which should lower the administrative burden. Preparations are underway for the adoption of legislative amendments on the **Business Register** in order to "sort out" the Register, i.e. correcting its data and their migration.

Act No. 152/2017 Coll. on the amendment of the Act No. 385/2000 Coll. on Judges and Lay Judges (adopted in May 2017, its parts effective since January 2018) introduced **new evaluation procedures for judges**. Evaluation is to be carried out by the evaluation commissions and evaluations of judges are to be published on the Ministry of Justice website https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2017/152/20180101.html

Information systems in use:
For the registration, administration and management of court proceedings, the Central Information System of the Judiciary "Judicial Management" is being used. It was designed to record the life cycle of a court file from filing a court application, examining the conditions of proceedings, preparing court proceedings, decisions-making a preparation of the particular judicial decision (judgment, resolution or other decision), statistical evaluation, until the final archiving of the court file. This information system also contains the monitoring of court proceedings by tracking the stages of court proceedings. The stage of court proceeding is a new module that is implemented directly in the information system Judicial Management. The current phase reflects the state of the proceedings. The information system "AZU" is used for the collection and statistical evaluation of court proceedings, these data are presented on the website of the Ministry of Justice http://web.ac-mssr.sk/.

Deployment of stages of proceedings in all courts:
Within the AUDIT project, Ministry of Justice of the Slovak republic is working on improving the module for monitoring the phases of proceedings in all courts. The courts are also involved in the comments. The module is implemented directly in the Judicial Management Information System, for selected judicial registers of civil and commercial agenda in pilot courts. Since 15 January 2020, it has been deployed in pilot courts and has begun collecting data. In the case of a positive evaluation of the pilot deployment, the extension of the module to all courts is proposed in June 2020 and the overall evaluation of the deployment of the module in all courts in November 2020.

The stages of the proceedings reflect the current status of the court proceedings and are intended to serve as a management tool for the courts in order to provide a better overview of the composition and situation of the decisions to be taken as well as the efficient work on assigned cases. Each time a stage of the proceedings has been completed, it is necessary to switch the file to the next stage, throughout the life cycle of the file. When entering or exiting a stage, or when extending the agreed stage period, it is necessary to fill in or confirm the existing data related to the issued decision, the stage, or the reasons for its extension, so the module also aims to increase the quality and timeliness of data and reduce additional manual collection of data through statistical sheets and reports.

Deployment of time frames at all courts:
The Slovak Republic recently started with deployment of time frames at courts. Time frames represent a time period, in which a decision should be delivered (within one instance) in a certain percentage of cases in particular agendas. For example, a timeframe sets out, that 90% of cases in the civil agenda should be decided within one year. The remaining 10% is then counted for more complicated cases that cannot be decided in the given time frame for objective reasons. The aim is here to settle on convenient time frames for different types of courts, so that the cases are continuously handled and that there exists an overview of complicated cases. It is a management tool for a court to assess its decision activity. It is previewed that the courts will in the future draw up and publish a yearly report of their success rate in decision activity and that such report will contain an evaluation of percentage of cases that were decided within the adopted time frame.

From February 2020 Ministry of Justice of the Slovak Republic extended the pilot phase of the project from initial 6 to 16 district and regional courts. A technical solution, enabling tracking the compliance with the chosen time frames by the courts themselves, had also been implemented into the court IT system. The aim of this piloting phase is to detect appropriate time frame for deciding a case under realistic conditions at different court instances as well as testing of the implemented IT tool.

Expected further steps: After completing the testing phase for time frames by pilot courts, evaluation and analysis of its results, it will be possible to establish a suitable time frame for particular types of courts. On the basis of such an evaluation of time frames, courts will be called upon to adopt appropriate time frames, which will serve as a management tool for the court to evaluate its decision-making activity. Therefore, a working group composed of representatives of individual pilot courts is currently being set up, the task of which will be to extend the application of time frames to all courts in the Slovak Republic and to propose the optimal way of their deployment. We assume that the deployment of time frames at all district and regional courts will take place in July 2020.

Weighting of Cases Project – Project of the Council for the Judiciary and Ministry of Justice of the Slovak Republic: Ministry of Justice together with the Council launched the Project Effective management of personal resources of courts in September 2019. Part of the project is dedicated to implementing weighting of cases into courts' work. The aim of this project is to increase transparency and efficiency of distributed human resources and connected financial sources allocated to regional and district courts. It should facilitate equal workload for judges and court employees at regional and district courts.

First surveys of satisfaction with the court' service were conducted among court users and legal professionals upon CEPEJ's recommendations, at district court of Kosice. The surveys are considered to be deployed at all courts.

15. Other - please specify

C. Efficiency of the justice system

To improve the efficiency of the Slovak justice system, to improve management of courts' caseload and backlog of cases there has been an ongoing active cooperation of the Ministry of Justice of the Slovak republic with CEPEJ especially under the Project SRSP3 "Ongoing support to the well performing Slovak justice". Under the project "Procedural and organisational audit of the Ministry of Justice of the Slovak Republic and selected organisations in its competence and an audit of exercise of judicial authority", financed from the operational programme Effective Public Service a cooperation with CEPEJ in „Strengthening the efficiency and quality of the Slovak judicial system (VC 1267)" has been prolonged of 6 months, until 31. July 2019. This cooperation produced an Assessment Report on the State of Justice and its conclusions and recommendations have been gradually implemented (*such as introducing hosting judges to help with temporary lack of human resources, specialization of courts, change of the court map, timeframes, start of surveys of satisfaction of court users and legal professionals)* Content of both forms of cooperation largely overlaps and the implemented conclusions and recommendations of each of the projects are complementary and mutually supportive.

Link to the CEPEJ Assessment report on efficiency and quality of the Slovak justice system: https://rm.coe.int/slovakia-assessment-report-on-efficiency-and-quality-of-the-slovak-jud/16807915c9

Several concrete steps aimed at improving the efficiency of the Slovak justice system are planned in the Governmental Program, adopted by the new Government on 19. April 2020, please see the link below, page 59 - 60:
https://www.vlada.gov.sk//data/files/6483_programove-vyhlasenie-vlady-slovenskej-republiky.pdf

16. Length of proceedings
This sub-topic has been reported and can be found in the following sources:
Justice Scoreboard 2019 – measuring time needed to resolve cases per type, *link No.1, pages 12-16*

There is a difference in a method of calculation of the length of judicial proceedings in Slovakia and the methodology used for comparing length of proceedings by international organisations. The EU, World Bank, OECD use the "disposition time (DT)" as an indicator. It cannot be compared with length of proceedings calculated according to the methodology used in Slovakia. Slovak lengths of proceedings published in selected court agendas represent an average time period in months, counted from arrival of the case to the court to a valid court decision (including appeals). As this indicator includes period covering procedure at several court instances, it is not comparable with the EU standard for the purposes of measuring the effectiveness of courts. The national indicator of length of judicial proceedings rather serves as an information tool for an individual than as it does not reflect effectivity of the court.

Due to the international dimension of the European Rule of law Mechanism questionnaire and to the different methodology for stating the length of proceedings in the Slovak Republic compared with the standards in the EU, we do not pay attention to specific values on the average length of proceedings in the Slovak Republic. The Disposition time indicator presented internationally is also published for the Slovak Republic in CEPEJ reports.

An interesting piece of information from the point of view of monitoring effectiveness could be the CR - clearance rate indicator (used across the EU), the ability to deal with cases in court by deciding on them. The development of CR in the courts of first instance in the Slovak Republic has had an increasing tendency since 2014 and in 2018 it reached the level of 110.29%. This means that the courts will not only handle new things but will also gradually deal with things that have not been issued from previous periods. The development of CR in the first instance courts in the Slovak Republic, especially in the civil agenda, reached the level of 121.7% in 2018. In the criminal agenda, CR remains stable slightly above the level of 100%.

17. Enforcement of judgements

This sub-topic has been reported and can be found in the following sources:
CEPEJ questionnaire – bailiffs, *link No.2, pages 61-67*

18. Other - please specify

- **Dashboards – way to the transparency of courts' data**

The Analytical Centre of Ministry of Justice of the Slovak Republic has taken major supportive steps towards the transparency of information on the circulation of cases in courts, on the staffing of courts, on the budget, on the circulation of the commercial register, etc.
http://web.ac-mssr.sk/dashboard/

AC has prepared, after consolidating the collection of statistical data from courts, clear, active and user-friendly Dashboards concerning courts in the Slovak Republic, which are published and updated every month on the website of the Ministry of Justice of the Slovak Republic. The content includes the most up to date (monthly) information on the circulation of cases in the courts together but also individually, according to court agendas and registers and the state of staffing of courts. The data and budget of the courts are updated on an annual basis.

AC prepares regular reports from statistical data on a monthly basis and also publishes them. Such a step (since 2018) has enabled the professional public (courts, judges, court management, NGOs) as well as the public to see the activities of courts through statistical data and can compare them with each other. The reports are extensive and at the same time simple and interactive. With this step, we have helped to ensure transparency, especially within the justice system, and to uncover information on the state of activities of the justice system. http://web.ac-mssr.sk/

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 document, indicating any relevant updates that have occurred since these documents were published.

The Slovak Republic is a signatory of several important international multilateral conventions in the field of the fight against corruption, especially **the United Nations Convention against Corruption** (UNCAC), **the OECD Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions** (OECD Anti-Bribery Convention) or the **Council of Europe Criminal Law Convention on Corruption.** As a result, the Slovak Republic has been regularly subject to the peer review monitoring mechanisms of the Implementation Review Group of the UNCAC, the OECD Working Group on Bribery in International Business Transactions (WGB) or the Council of Europe Group of States against Corruption (GRECO), which had significant impact on the adoption of important anti-corruption regulatory and institutional measures in the Slovak Republic over the last years. Relevant reforms are referred to in the specific sub-topics. Country profiles of the Slovak Republic in the above-mentioned review groups together with all national reports are available at their websites below.
UNCAC https://www.unodc.org/unodc/en/corruption/country-profile/countryprofile.html#?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Fsvk.html

WGB http://www.oecd.org/corruption/anti-bribery/anti-briberyconvention/slovakrepublic-oecdanti-briberyconvention.htm

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

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

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).
In accordance with the Art. 6 of the UN Convention against Corruption (UNCAC), the Office of the Government of the Slovak Republic is the central body for the co-ordination of the prevention of corruption. Since it is part of a State authority, it is financed from the State budget and its employees are civil servants according to the Act no. 55/2017 Coll. on Civil Service.
Institutional framework on the prevention of corruption is briefly described in the GRECO's V. Evaluation report of the Slovak Republic from 2019 focused on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, available at *https://rm.coe.int/grecoeval5rep-2018-9-final-eng-slovakrep-public/168096d061* p.18, with **Department for Corruption Prevention of the Office of the Government of the Slovak Republic** being the principal authority in charge of corruption prevention. Since the Office of the Government of the Slovak Republic is a State authority, it is financed from the State budget and its employees are civil servants according to the Act no. 55/2017 Coll. On Civil Service.

Institutional framework of law enforcement authorities specialized in combatting corruption, in line with Article 36 of the UNCAC (specialized authorities), was analysed in the 1. cycle report of the implementation of chapters III. and IV. of the UNCAC on criminalisation and law enforcement and international cooperation in the Slovak Republic from 2012, available at *https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2013_07_11_Slovakia_Final_Country_Report.pdf* , p.15, p. 95.

As regards detection and investigation of corruption offences, the Anti-Corruption Bureau has however merged in 2012 into **National Crime Agency of the Presidium of the Police Force of the Slovak Republic.** Third Department of the National Criminal Agency should have personal and technical equipment aimed at intelligence and detection of new corruption cases.

- ***National Criminal Agency of the Presidium of the Police Force***

The National Criminal Agency constituting an organizational unit of the Presidium of the Police Force was founded on 1 December 2012 in the capacity of the whole territory of the Slovak Republic. The reasons of its foundation insisted in strengthening execution of service duties in the field of revealing and investigation of extraordinary serious and, in whole-society relations, especially dangerous crimes, in particular, criminal activities committed by criminal and organized groups, corruption crimes, property crimes, serious and violent criminal activities, and, since 2017, the crimes of terrorism and extremism as well.
According to Title Three of Chapter Eight of the Special Part of Criminal Code, the administrator for detection and investigation of the crimes of taking bribes, bribery, indirect corruption, election corruption and sport corruption, as well as related crimes committed by foreign public officials, and other selected crimes, is the National Criminal Agency of the Presidium of the Police Force, with the exception of cases of corruption crimes committed by armed security units and customs officers that fall under the Bureau of Inspection Service. Supervision over observance of lawfulness in cases of corruption crime investigation is carried out by Special Prosecutor´s Office of the General Prosecutor´s Office of the Slovak Republic. In accordance with the provision of Section 14 of Criminal Procedure Code, criminal offences of bribery belong to the competence of Specialized Criminal Court.
Besides its priority task in the field of repressive activities, the National Criminal Agency of the Presidium of the Police Force is also active in the field of corruption crime prevention and proposals of anti-corruption measures. In this connection, it also takes an active part in forming both national and departmental anti-corruption policy, developing anti-corruption action plans and ensuring preventive anti-corruption programs to raise legal awareness and to involve public in prevention and fight against the criminal offences of bribery.

- ***Special Prosecutor´s Office of the General Prosecutor´s Office of the Slovak Republic (Additional information from the SPO)***

On 1 September 2004, the Special Prosecutor´s Office was established as a special part of the General Prosecutor´s Office of the Slovak Republic, in the competence of the whole territory of the Slovak Republic (see also Sections 55b – 55l of the Act No. 153/2001 Coll. *https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/153/20200101).* It is headed by Special Prosecutor who is elected by the parliament and is in the position of Deputy General Prosecutor. Act No 154/2001 Coll. regulates the selection, appointment and removal proceedings concerning prosecutors of this office. The remuneration of prosecutors of this office includes monthly bonuses in the amount of two times average nominal monthly salary of the employee in the economy of the Slovak Republic for the previous calendar year (Section 98a of the Act No. 154/2001 Coll. *https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/154/20200101).* Any prosecutor of the Special Prosecutor´s Office must bear a clearance certificate for the Top-secret level. In criminal proceedings prosecutors of the Special Prosecutor´s Office apply the Criminal Code, Code of Criminal Procedure, Act on the Criminal Liability of Legal Persons and other laws.

The Special Prosecutor´s Office has primarily jurisdiction for the cases that falls within the competence of the Specialized Criminal Court (see Section 14 of the Code of Criminal Procedure in Annex). If necessary, for fulfilment of tasks of the prosecution service Prosecutor

General may stipulate that special prosecutor will deal with a case (as an exception from the rules regulated in Sections 46 to 50 of the Act No. 153/2001 Coll.) only with a consent of the special prosecutor.

Bribery and corruption cases fall within the exclusive competence of the Special Prosecutor´s Office. Beside the above-mentioned laws, there is an important piece of relatively new legislation that should improve the situation of whistle blowers, namely the Act No. 54/2019 Coll. on protection of whistle blowers. Prosecutor General also adopted binding Instruction No. 9/2019 of 26 November 2019 stipulating the details for the enforcement of the Act No. 54/2019 Coll. on whistle blowers.

In general, prosecutors have powers to manage a police investigator, after police detected a case or the case is brought to the attention of police. After that, prosecutor may give to police instructions or even directly lead the investigation. These powers are executed in the corruption cases too. The most important and complicated part of prosecutorial competence is to file indictments and to proceed the cases before the courts, and act as plaintiff on court. Prosecutor controls the lawfulness of pre-trial proceedings and it is the role of prosecutor to prove before the court of law the guilt of the accused.

As regards the personal capacities of the Special Prosecutor´s Office for the fight against corruption, the current staffing contains one prosecutor in a position of the Head of Anti-Corruption Department of the Office plus 4 other prosecutors. The high volume of cases causes continuously a heavy workload for prosecutors of the Department. The number of pending cases signals the need to increase the number of prosecutors dealing with corruption cases. This issue has been repeatedly raised by the Head of Anti-Corruption Department, however, no plans to increase the number of prosecutors were announced so ar.
Once prosecutor files an indictment, the corruption case is brought before the Specialised criminal court, which is the only court with competence to try corruption cases.

- ***Specialized Criminal Court***

(Additional information)
As recommended during the pre-accession processes of the Slovak Republic to the EU, Special Court with competence particularly in corruption cases and in cases concerning organized crime was established in 2003. The Constitutional Court of the Slovak Republic, on the basis of a constitutional complaint filed by a group of 46 deputies of the National Council of the Slovak Republic, ruled on 20 May 2009 that some provisions of Act no. 458/2003 Coll. on the Special Court and the Office of the Special Prosecutor's Office were unconstitutional. On the day of the publication of the Constitutional Court ruling no. 290/2009 Coll. from 17 July 2009, the **Act No. 291/2009 Coll. on the Specialized Criminal Court** (hereinafter only 'SCC') adopted on 18 June 2009 also came into force. The SCC is a court of first instance and has the status of a regional court with seat in Pezinok. The SCC has nowadays exclusive jurisdiction in the Slovak Republic for corruption crimes, but also crimes of terrorism, organized crime, protection of the EU's financial interests and, most recently, extremist crimes, **pursuant to Section 14 of the Code of Criminal Procedure (see annex).**

- ***Bureau of Inspection Service***

The Bureau of Inspection Service constitutes a special part of the Police Force with the scope of activities in the whole territory of the Slovak Republic in order to detect, investigate and summarily investigate the crimes committed by armed security staffs´ members, i.e. the Police Force members, members of the Judiciary Guards and Prison Wardens Corps, including, since

1 January 2020, investigation and summary investigation of crimes committed by customs officers, except for crimes committed in connection with breaking customs rules or tax rules in the area of value added tax in imports and consumption tax. The abovementioned activities are carried out by 4 departments of Inspection Unit of the Bureau of Inspection Service. One of the 4 departments of Inspection Unit of the Bureau of Inspection Service in question is also Bureau of the Fight against Corruption and Organized Crime with the scope of activities in the whole territory of the Slovak Republic, with its activities being particularly focused on detection and investigation of corruption crimes and the most serious crimes committed in an organized form. The Bureau of Inspection Service was established on 1 February 2019 by Act No. 6/2019 Coll. amending and supplementing Act No. 171/1993 Coll. on Police Force, as amended, and amending and supplementing some other acts. The Bureau of Inspection Service is a unit in the capacity of Ministry of Interior of the Slovak Republic and is organizationally divided into Unit of Inspection, Unit of Control, and Organizational Unit. The Bureau of Inspection Service is headed by Director who is responsible for the execution of his powers to the Government of the Slovak Republic.

- ***Government Office of the Slovak Republic***

In most countries, the coordinating entity for prevention is the Police bearing the main burden of carrying out both preventive and repressive activities to eliminate the corruption crimes. Up to 2017, this concept was also applied to secure national preventive anti-corruption policy in conditions of the Slovak Republic. With establishment of Corruption Prevention Department within the Government Office of the Slovak Republic, preventive anti-corruption initiatives are developed under patronage of the unit in question, and subsequently applied within the state administration as a whole.

In anti-corruption policy-making, the Government Office of the Slovak Republic also cooperates with non-government organizations. Out of the non-government organizations, anti-corruption policy is actively upheld by Transparency International Slovakia, Fair Play Alliance, Stop Corruption, and many others that focus on monitoring significant indicators of corruption, carrying out analyses and independent expertise, monitoring developments and key trends in corruption prevention, enhancing anti-corruption public discussion and supporting new social trends in elimination of the corruption.

B. Prevention

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

Integrity framework in the competence of the Government Office of the Slovak Republic:

Asset disclosure rules are set up in several regulatory provisions. However, the effectiveness of the mechanism set out therein was assessed by international bodies (particularly GRECO) as not sufficient. In this regard, the Slovak Government adopted a National Anti-Corruption Program („NAcP“) by its decision no. 426 of 4 September 2019. The NAcP obliged the Government Office and other relevant authorities (task no. B.9) to review the mechanism of asset disclosures in the Slovak Republic and to draft fundamental principles for a new legal regulation, if necessary.

For that purpose, the Government Office created a working group. The members of the WG are the representatives of relevant state authorities (including Judicial Council, General Prosecutor’s Office, National Council of the Slovak Republic - parliament) and NGOs (Transparency International and foundation Zastavme korupciu – Stop Corruption Foundation). Currently, the WG is discussing the draft document. After its finalisation, it will be submitted

for interinstitutional consultation and then to the Government for approval. The Government should discuss the draft fundamental principles by the end of 2020.
There are no rules on lobbying in the Slovak Republic. However, the NAcP mentioned above obliged the Ministry of Justice of the Slovak Republic to submit the draft legislation to the Government by the end of 2021. Government Office of the Slovak Republic and Ministry of Economy of the Slovak Republic cooperate with the Ministry of Justice in the preparation of the related draft legislation.

Integrity framework in the competence of Ministry of Justice of the Slovak Republic:
The National Anti-Corruption Programme adopted by the Government in September 2019 mandates the Ministry of Justice of the Slovak Republic with preparation and submitting to the Government of a legal act on lobbying. The Programme also imposes an obligation to conceptually address questions of declarations of assets, strengthening of integrity or creating a framework for efficient financial investigation.

Integrity framework in the competence of Ministry of Interior of the Slovak Republic:
In the process of upholding anti-corruption policy, elimination of corruption and strengthening integrity following current social challenges, it is necessary do develop inter-state anti-corruption policy in compliance with international anti-corruption standards and integrity principles adopted. The fundamental pre-requisite for national anti-corruption programs and anti-corruption action plans is active corruption risk management together with the management´s responsibility for effective application of anti-corruption measures and establishment of control mechanisms with priority of risk areas.
An important measure to minimalize corruption is introducing a strict sanction for any form of corruption behaviour, including deprivation of material benefits resulting from corruption activity, as well as exclusion of the corrupted persons from their jobs, employment or positions. Against this background, it is necessary to permanently enhance legal awareness and engagement of citizens in preventive anti-corruption acting and reporting of corruption crimes. In addition to these initiatives, it also is possible to include personal policy of quality selection of public administration servants to be only qualified for their jobs on condition of their observance of moral values, integrity principles and enhancing transparency in public office execution.
When eliminating possible commencement of corruption, an important role is played by national and departmental anti—corruption programs intended, in particular, for public sector institutions in order to strengthen public administration integrity, ensure transparency and enhance trust in governmental institutions. Submission of comprehensive anti-corruption initiatives, anti-corruption policy-making and application of effective instruments of corruption crimes prosecution require close cooperation and synergy of interests of public power authorities, private sector, civil society and wide public in both national and international context. This fact is fully realized by the Government of the Slovak Republic which counts anti-corruption measures´ adoption and enhancement of the fight against corruption crimes among significant priorities within its program declaration.
Issues concerning decision-making activities, providing information from Ministry´s information systems, grant allocation, state supervision and control execution, property and finance treatment are included in Regulation of Ministry of Interior of the Slovak Republic No. 118/2019 containing Directive of the Minister of Interior of the SR No. 144/2019 on anti-corruption program carried out in accordance with Resolution of the Government of the Slovak Republic No. 585/2018 of 12 December 2018 through which anti-corruption policy of the Slovak Republic 2019-2023 was approved, and in accordance with National anti-corruption program of the Government Office of the Slovak Republic.

Public access to information

An important tool to eliminate the possible commencement of corruption is ensuring transparent disclosure and making available information of public administration. Free and as broad access to information as possible eliminates effectively the places of possible commencement of corruption and gives rise to a better chance to detect it in a crucial way.

According to Act No. 211/2000 Coll. on Free Access to Information and on amendments and supplements to certain acts (Freedom of information act), as amended, public may ask the public power authorities for providing information. The act in question rules that each obliged person has got to disclose a list of regulations, guidelines, instructions and interpretations governing the obliged person´s actions and decisions or regulating the rights and obligations of natural persons or legal entities in relation to the obliged person (Section 5 para 1 letter e) of the Act), contract (Section 5a of the Act), and other information on its website (Section 5b of the Act).

Bodies responsible for criminal proceedings provide the public with information on criminal proceedings in a determined way according to Criminal Procedure Code, as well as according to Act No. 211/2000 Coll. While providing information, they must carefully observe legal protection of classified information, trade secret, bank secret, tax secret, post secret or telecommunication secret.

Asset declarations

Asset declarations of civil servants are stipulated in Act No. 55/2017 Coll. on Civil Service and on amendments and supplements to certain acts, as amended, while asset declaration of public officials are governed by Act No. 357/2004 Coll. on the Protection of Public Interest in the Performance of Offices by Public Officials as amended.

Concerning asset declarations according to Section 114 para 4 of Act No. 55/2017 Coll., the consisting part of the asset declaration of a civil servant at the position of extraordinary importance is also statutory declaration that the civil servant does not have knowledge of such assets of person cohabitating with him that would be possible to consider untaxed incomes or incomes coming from dishonest sources. Asset declaration of civil servant is not filed in his personal record (Section 114 par 8) and is preserved for 5 years (Section 114 para 9).

Under Article 7 para 1 letter e) of Constitutional Act No. 357/2004 Coll. public officials are obliged to state in their asset declarations: “their economic standing and economic standing of their spouse and minors living in their household, including their personal data in the following way: first name, surname and address of their permanent residence”.

According to Article 7 para 4 of Constitutional Act No. 357/2004 Coll., economic standing means ownership of immovable property, including ownership of flats and non-residential premises; ownership of movable property, the customary price of which is more than 35-fold higher than the minimum wage; ownership of proprietary right or other proprietary value, the nominal value of which is 35-fold higher than the minimum wage; or existence of such an obligation the object of which is pecuniary delivery in a nominal value more than 35-fold higher than the minimum wage.

According to Article 7 para 1 of Constitutional Act No. 357/2004 Coll., asset declaration is submitted within 30 days of the assumption of the office and subsequently by 31 March of every year for the preceding calendar year.

Anti-corruption e-learning program:

Following the performance of tasks in the area of education as well as transparent disclosure of anti-corruption policy in compliance with current social challenges, it is necessary to develop the inter-state anti-corruption policy in compliance with international anti-corruption norms and standards adopted. In this context, the National Criminal Agency of the Presidium of the Police Force, in cooperation with OECD, worked out the Anti-corruption e-learning program under the title “With integrity against corruption”.

The Anti-corruption e-learning program consists of three educational modules: “Integrity in civil service”, “Elimination of corruption potential” and “Raising awareness of corruption in international business environment”. In particular, the module “Integrity in Civil Service”, elaborated in cooperation with OECD, provides a broad framework of policies in the area of integrity such as standards of public servants´ behaviour, management of conflict of interests, revolving door system, setting standards for accepting presents, nepotism prevention, promotion of open culture of an organization, and ensuring transparency in lobbying.
The Anti-corruption e-learning program is intended for improving professional potential, raising awareness and level of educational background of employees acting in public administration, business sector, civil society and broad public. The program is available to public on the website of Ministry of Interior of the SR, both in Slovak (http://www.minv.sk/?dotaznik) and English (http://www.minv.sk/?survey), as well as on the OECD website (http://www.oecd.org/gov/ethics/integrity-slovak-republic.htm).

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

This sub-topic has been reported and can be found in the following sources:
V. Evaluation report of the Slovak Republic by the Council of Europe GRECO, available at *https://rm.coe.int/grecoeval5rep-2018-9-final-eng-slovakrep-public/168096d061* p.24 and p.48, describes the regulation of conflict of interest, with focus on prohibition or restriction of certain activities; declarations of assets, income, liabilities and interests and accountability and enforcement mechanisms, was examined with respect to **top executive functions and law enforcement officials**

IV. Evaluation report of the Slovak Republic by the Council of Europe GRECO, available at
https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ca488 p. 12, p.27 and p.39 – describes the above with respect to **members of parliament, judges and prosecutors**.

Legal framework
Conflict of interest in the public sector is regulated in the Slovak Republic by **the Constitutional Act No. 357/2004 Coll. on Protection of Public Interest in the performance of functions of public officials** (hereinafter only ‘Conflict of Interest Act’, available at *https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/357/20200101)* The Act applies to public officials defined in Section 2 and regulates:

a) Incompatibilities of a public office with certain functions, occupations and activities (Section 5)
b) Obligations and limitations in order to avoid a conflict of personal interest of a public official with a public interest in the performance of a public function (Declaration of personal interest pursuant to Section 6; Declaration of functions, occupations, activities and assets pursuant to Section 7; restrictions upon termination of performance of public function pursuant to Section 8)
c) Liability of a public official for failure to comply or breach of obligations and limitations laid down in this Constitutional Act, including the sanctions that may be imposed on a public official for such failure or breach of obligations or limitations (Sections 9-11).

To prevent conflict of interests of the Police Force Members, provision of Section 18 of Act No. 73/1998 Coll. on the Service of the Members of the Police Force, of the Slovak Information Service, of the Judicial and Penitentiary and of the Railway Police, as amended, specifies family and other similar relationships of the Police Force members in civil service. In this connection,

the Act provides that the police members who are close persons may not be placed in service in a way that one is directly subordinated to the other or subject to his treasury or accounting checks. The person seeking to be received to the service is obliged to notify the service office of the abovementioned facts.
For the members of the Police Force, Code of Ethics was issued through Regulation of the Minister of Interior of the Slovak Republic No. 3/2002 on Code of Ethics for Police Force member containing fundamental ethical norms, values, principles and rules of regulation of behavior, and activity of the Police Force members. Observance of the principles of the Code of Ethics for the Police Force member is obligatory for all the Police Force members.
Against a background of the abovementioned, we also refer to Code of Ethics for Civil Servants issued by Regulation of the Government Office of the SR No. 400/2019 Coll. effective since 1 January 2020: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/400/20200101.

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

The Slovak Republic adopted the attached Act no. 54/2019 Coll. on Whistle-blowers´ Protection that creates an independent authority to protect the whistle-blowers. The president of the authority is elected by the National Council of the Slovak Republic on the proposal from the Government after a transparent and publicly monitored recruitment procedure realised by an independent commission.
Members of the commission are representatives of the Government, Office of the President, Office of the Public Defender of Rights (Ombudsman), and Council for Civil Service and NGOs. The recruitment procedure is publicly available at the website of the Government Office and is broadcasted online. Ministers, parliamentarians and also the public can pose questions to the candidates.
Elimination of corruption crimes is also determined by subjective factors, namely by legal awareness of individuals as members of particular society, their moral principles, integrity, interest in public events with their will to take part in reporting the corruption crimes. Especially the notifiers play an important role in the process of detection and investigation of the corruption crimes.

The Bureau of Inspection Service performs the task of the responsible person according to Act No. 54 Coll. on Protection of Whistle-blowers of Anti-social Activity and on amendments and supplements of certain acts in the capacity of Ministry of Interior of the Slovak Republic. Legal measure on protection of whistle-blowers of anti-social activities have been incorporated into an internal regulation in which the system of proceeding reports on anti-social activity is stipulated, within Ministry of Interior of the Slovak Republic. The course of action taken in reporting anti-social is publish on the website of Ministry of Interior of the Slovak Republic where information on the responsible person and relevant contacts are provided including e-mail address established for this purpose.

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)

We would like to point out that on 12 December 2018 the Government of the Slovak Republic adopted an attached Anti-corruption Strategy for 2019 – 2023. The strategy obliged all State authorities to carry out their own risk assessments and to prepare draft sector-based anti-corruption plans to address and minimise the detected corruption risks.
In this regard, the Government Office of the Slovak Republic has been sharing corruption risk management software with interested State authorities. Based on the results of the corruption

risk assessment (via above mentioned SW), the Government Office of the Slovak Republic adopted its own internal anti-corruption plan. The plan entered into force on 1 September 2019. The most important tasks resulted from the plan are in compliance with the ISO 37001:2016. The Government Office has an ambition to gain the certificate of ISO 37001:2016 in May 2020.

In compliance with the development of new information and communication technologies, as well as with raising awareness of corruption cases, the ways of communication between the offenders are also changing. The telephone communication is almost exclusively used to arrange the term and place of meeting only, with implicit ways of word expressions prevailing. The very request for committing corruption crime is not expressed directly but matters of individual or public interest are deliberately dealt with delays, obstacles or through a mediator. As resulting from the up-to-now analysis of the National Criminal Agency of the Presidium of the Police Force in the area of detection and investigation of corruption crimes, the corruption criminal activity has been dominating in the areas of health service, education, public and regional administration (courts, prosecutor´s office, driving schools, vehicle inspection stations) in recent years.
Significant success has also been reached in the area of detection and investigation of illegal activities, in the area of approving and deriving irrecoverable financial contributions from the European Union funds, in the area of execution of service activities within customs and tax administration, execution and control activity of specialized state administration, and in connection with local municipality elections.
In the statistics, prevailing are the cases of corruption behaviour of the representatives of state and regional administration, as well as in other fields where the persons in question have requested for bribes in return for abusing their positions to path ways to unentitled benefits for both natural persons and legal entities. Recorded are also remaining stereotypes of corruption behaviour in health service, within municipal authorities of state administration (land register offices, building offices) and regional administration authorities where bribes are provided even without any hint of a request.

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

- ***Obligatory publication of contracts***

The Act No. 546/2010 Coll. (entry into force on 1 January 2011), amending the **Act No. 211/2000 Coll. on Free Access to Information** as well as the **Act No. 40/1964 Civil Code**, introduced obligatory disclosure of contracts by obliged persons, allowing for public control over the management of public funds by public authorities.
According to Section 5a of the Act on Free Access to Information, obliged persons (state authorities, municipalities, higher territorial units as well as those legal and natural persons to whom the law confers the power to decide on the rights and obligations of natural or legal persons in the area of public administration) must disclose written contracts that they conclude and that concern the use of public funds, disposing of the property of the state, the municipality, the higher territorial unit or the financial means of the European Union.

In case of non-publication of the contract in the electronic Central Register of Contracts for specific obliged persons (website of the obliged person/ Commercial Journal for others), the contract does not enter into force and is considered void.

By increasing transparency of contracts entered into by the State, the Act provided the public with an important tool to monitor public expenditures and prevent corruption.

- ***Disclosure of beneficial owners***

The Act No. 315/2016 Coll. on the Register of Partners of the Public Sector (the so-called 'Act Against Shell Companies'), adopted on 25 October 2016 and entered into force on 1 February 2017, is built on the idea that the State imposes on partners from the private sector, with whom it makes business, stricter requirements as regards transparency. The conditions which must be fulfilled in order to conclude a contract with the State (to receive public funds) are stricter than conditions for contracts within the private sector. The Act relies on the premise that the State is willing to do business only with those who uncover their ownership structure up to the ultimate beneficial owners.

The Act established the **Register of Public Sector Partners**. Each company applying for public funds is required to register in it and disclose its beneficial owners. There is an exception to this obligation if the value of the single contract is below EUR 100 000 or the aggregate sum is EUR 250 000 in a calendar year.
The proposal for a registration can be submitted by attorneys, auditors, banks, public notaries ('authorized person'). The authorised person shares liability for the veracity of registered information and is jointly liable for any fine imposed. The authorized persons thus enhance the credibility of information in the Register, but they are not the final instance for reviewing the veracity of information. The **District Court Žilina** is the court which shall review the accuracy of the Register. The Register is publicly available and thus open to public control. Anyone questioning the data entered into the Register can initiate the review. The court decides on possible sanctions, including erasure from the Register, which prevents the possibility to apply for public funds in the future. Moreover, the **Act No. 343/2015 Coll. on Public Procurement** was amended forbidding public procurer to conclude a contract with applicants who have obligation to register in the Register of Public Sector Partners and have not registered (section 11).

The Slovak Republic is also preparing the transposition of the **V. EU Anti-Money Laundering Directive**, implying the obligation to disclose beneficial owners of each legal entity regardless of the type of business transaction.

- ***Measures to prevent corruption in the judiciary and legal professions***

Principle of zero tolerance: impossibility to practice certain professions (in particular as judges, prosecutors, notaries, civil servants) in case of conviction for an intentional criminal offence.
Exclusion from the profession: e.g. bailiffs and auditors may be excluded from the profession if they have received / solicited a gift or other benefit.
Reporting obligation: Auditors have a special duty to report corruption in writing and without delay to law enforcement authorities.
Codes of Ethics for legal professions: In order to strengthen ethical principles and integrity, Codes of Ethics have been adopted for several legal professions. At the same time, special bodies have been adopted to review compliance with the Codes of Ethics and address various ethical issues. Violation of several obligations under the Code of Ethics may lead to disciplinary action.
Increasing transparency of the judiciary: public hearings, recording of court hearings, publication of court decisions on the Internet, unifying case law through the decision-making of the Supreme Court of the Slovak Republic (adoption of new civil procedural codes, administrative judicial code), disciplinary proceedings against judges (composition of disciplinary panels), public discussions of the Council for the Judiciary (supreme independent judicial body of public oversight of the judiciary).
Judicial management system: automatic random allocation of cases in courts.

Strengthening the independence of the judiciary

See the response to the sub-topic A1 and in addition:
Following recommendations of GRECO - Council of Europe in the 4th evaluation round were implemented:
- providing the reasons in the decision to dismiss the President of the Court
- possibility of reviewing the legality of the decision on dismissal
- increased transparency of the functioning of the Council for the Judiciary, disciplinary panels and the selection committees
- revision and more detailed elaboration of the principles of judicial ethics as a tool to prevent corruption and monitoring of their compliance
- introduction of an obligation for judges to declare obligations and gifts above € 6600
- more rigorous enforcement of the rules on submission of asset declarations of judges and the consistent imposition of sanctions for violations of the Code of Ethics

Court judgements are published obligatorily according to Act. No 757/2004 Coll.: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/757/20200327, please consult also the web site of the Ministry of Justice (https://www.justice.gov.sk/Stranky/Sudy/Sudne-rozhodnutia/Pravna-uprava.aspx).
Court proceeding are being recorded from 1 January 2015 (Act No. 353/2014 Coll.: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2014/353/20180801).

IV. Evaluation report of the Slovak Republic by the Council of Europe GRECO, available at
https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ca488 **,** pages 20-23.

National anti-corruption policy of the Slovak Republic
Elimination of possible corruption threats and such of the loss of public´s trust in public power authorities is determined by consistent observance of anti-corruption policy, with preference of every individual´s personal approach to and in prevention of new trends of corruptions risks, their weakening and elimination, as well as in strengthening professional ethics, moral and culture of integrity.
To continue with working out *per partes* of the Governmental Program, and performing tasks in the field of preventive anti-corruption policy, important anti-corruption materials have been elaborated in the scope of Corruption Prevention Department of the Office of Government of the Slovak Republic. Through Resolution No. 585 of 12 December 2018, the Government of the Slovak Republic approved a proposal of Anti-corruption policy of the Slovak Republic 2019-2023 and, at the same time, set tasks determining implementation of the anti-corruption policy within state administration.
In the interest of working out the national anti-corruption policy initiatives, as well as because of implementation of international obligations of the Slovak Republic, a departmental anti-corruption programs have been published and disclosed on websites by every ministry since 2019. At the same time, anti-corruption coordinators have been established within particular ministries (closer look at the answer No. 19) with their patronage over systematical directing of the units in implementation of the national anti-corruption policy, as well as responsibility for updating their departmental anti-corruption programs and their disclosing on websites.
A working group to ensure performing tasks within the anti-corruption program has also been established in the capacity of Ministry of Interior. The group comprises responsible representatives of particular units in the capacity of Ministry of Interior and reinforces

performing several tasks (anti-corruption policy implementation in the conditions of a particular unit; reading back the fulfillment of measures and tasks stemming from the anti-corruption program from the viewpoint of particular organizational unit´s material competence, etc.).

C. Repressive measures

25. Criminalisation of corruption and related offences

3rd Evaluation Round of GRECO (launched on 1 January 2007) dealt with the theme of criminalisation of corruption offences. The GRECO report and subsequent updated reports of the 3rd round of evaluations are available at:
https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ca43d , p. 3-7.
In addition, criminalisation of corruption offences under the UNCAC in the Slovak criminal law was examined during the **1. cycle review of the implementation of UNCAC by the Slovak Republic** in 2012, focused on chapter III. (Criminalisation and Law enforcement) and chapter IV. of the UNCAC (International cooperation), available at:
https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2013_07_11_Slovakia_Final_Country_Report.pdf ,p.16-61.

Currently, the Slovak Republic punishes all known forms of corruption (active, passive, direct and indirect) except the so-called "fattening" of a public official (included in the Governmental Program). Electoral corruption and sports corruption are particularly criminalized – amendment of CC which adopted these criminal offences (Section 336a and 336b CC) represents an update compared to the evaluations mentioned above. In the Slovak republic, some forms of cooperation, as well as attempt and preparation of a crime, are also criminal.

The new Government of the Slovak republic set as one of the key tasks of its **Governmental Program** the adoption of the new criminal offence of so-called "fattening" which will punish such corrupt behaviour in which there is no clear and demonstrable link between accepting (providing) a bribe and acting in breach of obligations, but which may be motivated to act in breach of obligations.

Criminalisation of bribery of foreign public officials in the Slovak criminal law was examined with the **phase 3 evaluation of implementation of the OECD Anti-Bribery Convention** by the Slovak Republic in 2012, available at:
http://www.oecd.org/daf/anti-bribery/SlovakRepublicphase3reportEN.pdf ,p.11.
As a result of the issued recommendations, the Slovak Republic amended offences of the foreign bribery under its Criminal Code, repealing sections 335 and 331 CC while amending the definition of foreign public official in section 128(2) CC.

The current Act No. 300/2005 Coll. The Criminal Code, available at:
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/300/20200101.html
regulates in its Chapter eight, Title three entitled 'Corruption' following criminal offences (for English version see annex):

- passive bribery (Section 328-330 CC),
- active bribery (Section 332-334 CC),
- trading in Influence (Section 336 CC),
- electoral bribery (Section 336a CC) and sports bribery (Section 336b CC).

Related provisions of CC are: Acting as of an agent (Section 30 CC), effective regret (Section 86 (g) CC), definition of public official and foreign public official (Section 128 CC), definition of a bribe (Section 131 (3) CC), certain forms of criminal involvement (incitement, condoning a criminal offence, aiding and abetting, failing to report a criminal offence, failing to prevent a criminal offence- Section 337-341 CC).

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

The sanctions for corruption offences applicable for natural persons and legal persons were a subject of the following international review mechanisms:

3rd Evaluation Round of GRECO
https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ca43d , p. 7-8 ;

1. Cycle review of the implementation of UNCAC by the Slovak Republic in 2012, https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2013_07_11_Slovakia_Final_Country_Report.pdf, p.61- 85;

Phase 3 report on implementing the OECD Anti-bribery Convention in the Slovak Republic http://www.oecd.org/daf/anti-bribery/SlovakRepublicphase3reportEN.pdf, p.19-25.

As a result of the issued recommendations, in November 2015 the Slovak Republic adopted a new legislation on criminal liability of legal persons: **Act No. 91/2016 Coll. on the Criminal Liability of Legal Persons (CCL)** which, inter alia, regulates sanctions applicable for legal persons. Along with the adoption of CCL, the Criminal Code was amended repealing provisions concerning sanctions applicable for legal persons, which represents an update compared to the evaluations mentioned above.

Currently, the Criminal Code regulates the sanctions applicable to natural person as follows: The applicable sanction as regards **passive bribery** in Section 328 of CC, where it is unqualified if the offence is committed by a public official or not and the bribe does not have to be received in connection to the procurement of a thing of general interest, but has to be accompanied by a breach of duties – is **2 to 5 years' imprisonment.** If the offence has been committed as a result of more serious misconduct the sanction can be increased to **3 to 8 years' imprisonment**, or if committed at a large scale, to **7 to 12 years' imprisonment.** The sanction applicable to **passive bribery in connection with the procurement** of a thing (regardless of whether the person has breached his/her duties) under Section 329 is 3 to 8 years' imprisonment. If this passive bribery offence was committed by a public official the sanction will, pursuant to paragraph 2 of Section 329 of CC, be increased to **5 to 12 years' imprisonment** or if the offence has been committed at a large scale the sanction can be increased to **7 to 12 years' imprisonment.**

As regards **active bribery,** the applicable sanctions are **up to 3 years' imprisonment** (or if the offence has been committed at a large scale the sanction can be increased to **7 to 12 years' imprisonment**) under Section 332 of CC (active bribery accompanied by a breach of duties, but not necessarily of a public official or in connection with the procurement of a thing of general interest), a term of **6 months up to 3 years' imprisonment** (if the offence has been committed as a result of more serious misconduct the sanction can be increased to **2 to 5 years' imprisonment**, or if committed at a large scale to **5 to 12 years' imprisonment**) under Section 333 of CC (active bribery, not necessarily accompanied by a breach of duties, but in connection with the procurement of a thing of general interest) or a term of **2 to 5 years' imprisonment**, if a public official was given/offered a bribe in connection with the procurement of a thing of general interest.

In addition to imprisonment, the Criminal Code provides for certain **additional sanctions**. First of all, the court may impose **pecuniary penalty** of €160 to €331,930 for intentional criminal offences whereby the offender has gained or tried to gain property benefits (Section 56 of CC).

Secondly, the court may order **forfeiture of property** (Section 58 of CC) if it has convicted the offender to "life imprisonment or to unconditional imprisonment for a particularly serious crime through which the offender gained or tried to gain large-scale property benefits or caused large-scale damage." If these conditions are however not fulfilled, the court shall orders forfeiture of property also if it has convicted the offender for, inter alia, passive bribery pursuant to Section 328 , paragraph 2 of CC, (passive bribery, accompanied by breach of duties, as a result of more serious misconduct), if it has been proven that the offender has acquired his/her property or part thereof from the proceeds of crime. The court shall order forfeiture of property also if above mentioned are not fulfilled, when it has convicted the offender for, inter alia, passive bribery pursuant to Section 328, paragraph 2 of CC and Section 329 of CC.

A third additional sanction is, pursuant to Section 60 of CC, **forfeiture of the thing** that was (intended to be) used to commit the criminal offence or obtained by means of the criminal offence (or in exchange thereof), which may in corruption cases be used to forfeit the bribe received or offered.
Finally, Section 61 of CC provides for the possibility to impose a **prohibition to undertake certain activities** for a period of 1 to 10 years if the offender committed the criminal offence in connection with such activities.

Regarding **legal persons**, the Act No. 91/2016 Coll. on the Criminal Liability of Legal Persons (CCL) was adopted in November 2015 and entered into force on 1 July 2016. Section 10 of CCL regulates following criminal sanctions applicable to legal persons:

- dissolution of legal persons used wholly or mainly for the commission of a crime,
- forfeiture of property,
- forfeiture of a thing,
- pecuniary penalty of € 1,500 to € 1,600,000,
- penalty of prohibition to perform professional activities,
- penalty of prohibition to accept grants and subsidies,
- penalty of prohibition to accept help and support from the funds of the European Union,
- penalty of prohibition to participate in public procurement,
- penalty of obligation to publish the convicting judgment.

Details of the sanctions for legal persons are described in the report Implementing the OECD Anti-Bribery Convention, Phase 1bis, available at:
http://www.oecd.org/corruption/anti-bribery/Slovak-Republic-Phase-1bis-Report-ENG.pdf

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

- ***GRECO evaluation report (Vth round):*** https://rm.coe.int/grecoeval5rep-2018-9-final-eng-slovakrep-public/168096d061
- ***Governmental Program :*** https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=477513
- ***Governmental Resolution No. 426/2019 (especially B.1):***

Text of the Resolution can be found in the Annex.
N.B. Specialised group were established within the Ministry of Justice of the Slovak Republic with aim to identify the main problems and obstacles in the practice.

Some cases resulted mostly from intelligence activities of the anti-corruption police. However, the number of the cases is rather low. Comparing to the cases that were based on the own police findings, a number of cases reported by cooperative persons (whistle blowers or persons who were asked for bribe and started to cooperate with police as cooperative persons (agents) is much higher. In this field (working with cooperative persons), our police have a good practice and most of such cases ended successfully.

We need to improve effort of anticorruption police in field of detection of complex and serious bribery cases, often related to public procurement and other cases.

The lack of accounting experts and other financial experts in the Anticorruption office was identified as another obstacle. Without these experts is it very difficult to detect complex corruption cases that are very often hidden behind "legal" transactions and contracts. In this field, a cooperation between police and other state agencies and offices needs an improvement. It seems that a number of cases where other offices, as FIU, Public procurement Office, Antimonopoly Office or Supreme audit office reported suspicious behaviours or transactions, which they found in their competence, is also relatively low. National Risk Assessment for Money Laundering and Financing of Terrorism confirmed a low efficiency of the system in this area.

The lectures and trainings done by prosecutors of the said Department of the Special Prosecutor´s Office aim to raise awareness in this area. Mentioned obstacles are being addressed by the Governmental Program.

III. MEDIA PLURALISM

A. Media regulatory authorities and bodies

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

State regulation in the field of radio and TV broadcasting, retransmission and on-demand audio-visual media services is executed by the Council for Broadcasting and Retransmission (hereinafter as "the Council") as an administrative body.
The mission of the Council is to enforce the public interest in the exercise of the right to information, freedom of expression, and the rights of access to cultural values and education, and to perform state regulation in the areas of broadcasting, retransmission and the provision of on-demand audio-visual media services.
The Council ensures the maintenance of plurality of information in the news programmes of public service broadcasters and licensed broadcasters. It also supervises compliance with legislation regulating broadcasting, retransmission, and the provision of on-demand audio-visual media services, and performs state administration in the area of broadcasting, retransmission and the provision of on-demand audio-visual media services in the scope provided for by the Act No. 308/2000 Coll. on Broadcasting and Retransmission and on the amendment of Act No. 195/2000 on Telecommunications (hereinafter as the "Broadcasting and Retransmission Act").

The Council is a legal entity and has the status of a state administration authority on the national level for the purposes of performing of the state administration in the areas of broadcasting, retransmission, and the provision of on-demand audiovisual media services.
The Council activities resulting from its mission and its competences shall be performed by members of the Council and tasks connected with the Council activities shall be performed by employees of the Office of the Council (hereinafter as "the Office").
For illustration, please see below overview of some of the most important competencies of the Council concerning the performance of state administration:

- deciding on broadcasting licences
- deciding on registrations for retransmission services and on the suspension of retransmission
- deciding on the assignment of additional frequencies to the public service broadcaster
- commencing a procedure for the granting of a terrestrial broadcasting licence
- supervising compliance with duties laid down in the Broadcasting and Retransmission Act and other specific legislation
- imposing sanctions on a broadcaster, retransmission operator, the provider of an on demand audiovisual media service, and on those who broadcast or operate a retransmission service without authorization
- making regular reports to the European Commission on the performance of selected duties by broadcasters and providers of on-demand audiovisual media service and cooperating with the Commission in the application of the provisions of the Broadcasting and Retransmission Act, in particular in compiling and publishing a list of events of major importance for the public
- handling complaints against violations of the Broadcasting and Retransmission Act
- supervising compliance with the European Convention on Transfrontier Television and representing the Slovak Republic in the Standing Committee for Transfrontier Television of the Council of Europe
- taking part in the exchange of information and cooperating with international organisations or bodies of other countries with responsibilities in the area of broadcasting, retransmission and the provision of on-demand audio-visual media service
- co-operating with self-regulatory bodies in the area of broadcasting, retransmission and the provision of on-demand audio-visual media services for the purposes of creating effective self-regulation systems.

Based on the Broadcasting and Retransmission Act the Council shall impose the following sanctions for the infringement of the Broadcasting and Retransmission Act or other specific legislation:

a. a warning on infringement of the law,
b. broadcasting of an announcement on infringement of the law,
c. suspension of the broadcasting or providing of the programme or a part thereof,
d. a fine ranging from EUR 99,00 to EUR 165,969 depending mainly on the severity of the matter, manner, duration and consequences of the breach, the degree of responsibility, the extent and effect of the broadcast, provision of on-demand audio-visual media services and retransmission, and sanction that have already been imposed by a self-regulatory body in an area covered by the Broadcasting and Retransmission Act within their own self-regulation system.
e. revocation of a licence for a grave violation of a duty.

The topic of the enforcement powers of media regulatory authorities and bodies was addressed by the Council in the 3rd Questionnaire addressed to Member States' representatives in the Contact Committee pursuant to Article 29 of the Directive 2010/13/EU of the European

Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (hereinafter as „AVMSD“) that covered the reporting period 2014-2019.
The Council stated that the legislative framework in Slovakia allows the Council to take into account, when establishing the sanctions for individual breaches of the legislative provisions, the sanctions that have been established in a parallel examination by the self-regulatory bodies. However, this is not applied in practice yet. Only in one case the Council have asked for and used the results of the self-regulatory body, the Advertising Standards Council (hereinafter as "ASC"), when examining a complaint on a particular advertisement. The issue with the application of this provision is the perceived inadequacy of the sanctions issued by the self-regulatory body.
The ASC also made a significant change in their self-regulation mechanism with the adoption of an Optional Protocol to the Code of Ethics of Advertising Practice on Advertising Practice in the Dissemination of Audiovisual Media Commercial Communication that takes the provisions of the AVMSD for commercial communications in their form as transposed in the Slovak legislation.
This code that the major broadcasters (including radio broadcasters) adhere to provides for the user another possibility to complain about the commercial communications breaching the rules, besides the Council. More information can be found here. The long-term aim is to establish this as a part of a co-regulatory mechanism in the area of commercial communications with a possibility to extend it in the future into other areas.
In relation to the adequacy of resources, it needs to be underscored that the Council as separate independent legal entity and state administration authority disposes of its own budget and its activity is refunded from the state budget. Pursuant to the Act on Broadcasting and Retransmission the Council has a duty to propose its budget and a closing account to the Slovak National Council committee (hereinafter as "the National Council committee") and to the Ministry of Finance of the Slovak Republic.
Also, we would like to draw the attention to the undergoing process of the transposition of the Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (hereinafter as the "Directive (EU) 2018/1808“) that extensively enlarges the scope (inclusion of the video-sharing platforms) and width of the regulation and activities (ERGA, media literacy, extension of the provisions for the TV/video-on-demand services etc.) that are foreseen to be undertaken by the competent national regulatory authorities. These changes are also discussed in Slovakia as part of the transposition process led by the Ministry of Culture of the Slovak Republic (hereinafter as the "the Ministry“). These additional activities should be reflected in the increased budget allocation to the responsible regulatory authorities. This is also in line with the Article 30 of Directive (EU) 2018/1808 where it is stipulated that "*Member States shall ensure that national regulatory authorities or bodies have adequate financial and human resources and enforcement powers to carry out their functions effectively and to contribute to the work of ERGA.*"

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

The composition of the Council and appointment process is regulated by the Broadcasting and Retransmission Act. The Council shall have nine members, who shall be elected and recalled by the National Council of the Slovak Republic (hereinafter as "the National Council").

Candidates for membership of the Council may be proposed to the National Council committee by members of the Parliament, professional institutions and civil associations operating in the areas of audio-visual, mass information means, culture, science, education, sport, registered churches and religious societies and civil associations of citizens with disabilities through the Coordinating Committee for Issues of Disabled Citizens of the Slovak Republic.
The term of office of the Council member shall be six years. A Council member may be elected for a maximum of two terms of office. The Council is renewed by one-third every two years. The Council shall elect the Chairperson and Vice-chairperson of the Council from its members. Based on the Broadcasting and Retransmission Act, no specific qualifications or professional expertise is required with respect to undertaking a function of a chairman or a member of the Council.
The Broadcasting and Retransmission Act also stipulates conditions for election, the incompatibility of the function of a member of the Council and the other conditions of council membership. The basic conditions for election as a member of the Council shall be citizenship of the Slovak Republic and permanent residence in the territory of the Slovak Republic, age not less than 25 years, full legal capacity and integrity. It needs to be highlighted that the function of a member of the Council is incompatible with the function of President of the Slovak Republic, a member of the National Council, a member of the Government of the Slovak Republic, a state secretary and a head of ministerial service office, the director of another central state administration body and its statutory deputy, an employee of a state administration body, a mayor, a judge, a prosecutor, a member of the Slovak Radio and Television Council. Council member must not

a. hold a function in a political party or a political movement, act on their behalf or for their benefit,
b. be a periodic press publisher, a broadcaster, retransmission operator, a provider of on demand audio-visual media service or a member of the statutory body, managing body, control body, or be the statutory representative or an employee of such an organisation; this restriction applies also to persons closely related to the Council members,
c. have a share in the ownership, or a share in the voting rights of an entity that is a broadcaster or retransmission operator or the provider of on-demand audio-visual media service; this restriction shall also be applied to persons closely related to the Council members,
d. be a member of the statutory body, managing body or control body or be the statutory representative of an organisation that provides services connected with the creation of programmes, advertisements or technical support for broadcasting, retransmission and the provision of on-demand audio-visual media services,
e. provide direct or mediated consultation or professional services or assistance for payment or other consideration to the broadcasters, retransmission operators, or on-demand audio-visual media service providers.

The function of a member of the Council is a public function. The function of the Chairperson of the Council is incompatible with any other employment relation or equivalent employment relation; this restriction does not apply to scientific, pedagogical, journalistic, literary or artistic activity. Other members of the Council may perform their function as their sole activity or alongside employment relation, provided that the respective conditions lay down in the Broadcasting and Retransmission Act are satisfied.
The membership of the Council may be terminated only on the basis of the reasons stated in the law, listed below:

a. by expiration of the term of office

b. by resignation from office
c. by recalling of the Council member from office or
d. by the death of the Council member.

The National Council can dismiss a member of the Council on the basis of reasons provided in the law, e.g. if a member has ceased to fulfil the conditions for holding office laid down in the law, has not performed his or her function for more than six consecutive calendar months or acts in contravention of the statutes of the Council.
An executive branch of the Council is the Office, which is legally an integral part of the Council. The Office provides for the organisational, personnel, administrative and technical needs of the Council activity, and executes the Council´s decisions. The Office director is appointed and recalled by the Council and manages the activities of the Office.

B. Transparency of media ownership and government interference

30. The transparent allocation of state advertising (including any rules regulating the matter)
It needs to be underscored that the Broadcasting and Retransmission Act does not define the term state advertising and to our knowledge there are no specific regulations governing the state advertising. Therefore, it is not possible to assess a transparency of its allocation. In this connection, there are several facts that need to be brought to the attention. The contracts between the state and the private sector (including state advertising related contracts) need to be registered in the Central register of contracts (Centralny register zmluv), these contracts are publicly accessible via https://www.crz.gov.sk/index.php?ID=114372.
With respect to state advertising topic, the public procurement process rules need to be taken into account (in general, provided that the monetary value of the state advertising does not exceed threshold prescribed by the procurement law, state advertising is exempted from the public procurement process).
In the light of the current legislative framework, with respect to the state advertising there is a following requirement that might be of relevance: When there is an urgent public interest, the broadcaster shall provide free of charge at the request of state authorities, broadcasting time necessary to broadcast an important and urgent message, instruction or decision pursuant to other specific legislation or to broadcast civil protection information at a time that minimises the risk resulting from delay.

31. Public information campaigns on rule of law issues (e.g. on judges and prosecutors, journalists, civil society)
In connection to a broadcasting relating to rule of law issues, it needs to be pointed out that the Broadcasting and Retransmission Act regulates broadcasting of a public service announcement (i.e. a short announcement of a non-political subject intended to raise edification, in particular, of increasing of legal conscience, road safety or protection of consumer, health, nature, the environment or cultural heritage). With regard to the broadcasting of such an announcement, the Broadcasting and Retransmission Act provides for the following exceptions from the share of broadcasting time for advertising. The Broadcasting and Retransmission Act states that the broadcasting time reserved for advertising shall not include time given to the public service announcements in case when the public service announcements are broadcasted free of charge. There are no specific public information campaigns dedicated to the rule of law issues that could be mentioned in this regard.

32. Rules governing transparency of media ownership

Limited size of media market in the Slovak Republic should be considered as a significant factor for evaluation of media pluralism and anti-concentration mechanisms in the media field.
Broadcasting and Retransmission Act in accordance with the relevant provisions of the Act No. 220/2007 Coll. on the digital broadcasting of programme services and the provision of other content services via digital transmission and on the amendment of certain acts (hereinafter as the "Digital Broadcasting Act") regulate the plurality of information and transparency of ownership and personal relations in media. Provisions of these acts restrict the ownership and personal interconnection of some media market entities and represent special provisions to the general competition rules.
According to the provisions of the Broadcasting and Retransmission Act one entity may not be the publisher of a periodical that is published at least five times a week and is available to the public in at least half of the territory of the Slovak Republic and at the same time licensed broadcaster on the multiregional or national level.
Furthermore, the Broadcasting and Retransmission Act limits the cross-ownership connection, one legal entity or natural person must not have a cross ownership connection with more than one licensed broadcaster of a radio programme service on the multiregional or national level, or one licensed broadcaster of a television programme service on the multiregional or national level, nor shall cross-ownership exist with a publisher of periodicals with national circulation. However, one legal or natural person can have a cross-ownership connection with several licensed broadcasters of radio programme services on the local or regional level, or with several licensed broadcasters of television programme services on the local or regional level only if the broadcasting of all of the broadcasters with whom this person has cross-ownership connections can be received by at most 50% of total population.
The cross-ownership is defined by the Broadcasting and Retransmission Act as a holding of more than 25% in the share capital of other companies or more than 25% of the voting rights in other companies, as well as mutually among closely related persons. A personal connection is defined as a participation in the management or control of another company including participation through closely related persons or co-owners of a company or persons closely related to them.
The Section 43 of the Broadcasting and Retransmission Act prohibits cross ownership and personal links among specified entities and stipulates, that all forms of cross ownership and personal connection between the broadcaster of a radio programme service and the broadcaster of a television programme service to each other or with a periodical press publisher on the national level shall be prohibited.
It is an obligation of a broadcaster to submit to the Council at its request documents and data necessary to establish that the conditions laid down in the Sections 42 and 43 of the Broadcasting and Retransmission Act are met. If it is proved that a broadcaster does not meet the conditions laid down in the Sections 42 or 43 of the Broadcasting and Retransmission Act, the Council shall give the broadcaster adequate time limit for redress. If the respective correction is not made in the stipulated time limit, the Council shall revoke the license of the broadcaster.
Furthermore, the Broadcasting and Retransmission Act stipulates that the Council when deciding on granting licenses shall be obliged to assess and take into account the transparency of the ownership relations of the applicant for the license and the fact that a license applicant should not obtain a dominant position in the relevant market.
The current Slovak Government Declaration 2020 also deals with the rules governing transparency of media ownership. Due to current developments in the European Law in this area, the Slovak Government plans to introduce new regulations concerning transparency of media ownership and media pluralism mechanisms.

C. Framework for journalists´ protection

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

The topic of protection of journalists constitutes a challenge for many states throughout Europe and the Slovak Republic is not an exception. In the light of increased threat and attacks against journalists and media players in Europe, it is essential to ensure elimination of these undesirable consequences that disrupt the functioning of democratic society and the free exercise of journalism.

The Slovak Republic fully respects the fundamental rights and freedoms related to the freedom of media, resulting from the internal legal order as well as from European and international documents. Likewise, the Constitution of the Slovak Republic guarantees everyone freedom of speech, the right to information, the right to express their opinions in words, print, image or otherwise, as well as freedom to search, receive and disseminate ideas and information irrespective of the state's borders. Censorship is forbidden. A legal limitation of this freedom can only be made if the measures are necessary in a democratic society to protect the rights and freedoms of others, state security, public order, protection of public health and morality.

Furthermore, legal provisions which fall within the competence of the Ministry ensure media independence, including the independence of the public broadcaster and performance of the journalistic profession without the need for a formal recognition by the state authorities, in accordance with European standards, and also guarantee the protection of the source and content of the information.

Likewise, the issuing of a periodical is not subject to prior authorization. Pursuant to the Press Act the role of the Ministry in relation to periodical is solely to keep records of periodicals by entering them in the register, changing their entry in the register and removing them from the register. The register is a public record of periodicals published in the territory of the Slovak Republic, while anyone can access the register and order extracts or full entries from it. Furthermore, if the Press Act does not stipulate otherwise, the publisher of a periodical shall be responsible for the content of the periodical and a press agency shall be responsible for the content of the agency news service.

With regard to strengthening of protection of journalists, the Ministry initiated a creation of temporary working group (consisting of experts from affected ministries and other relevant entities) to deal with the new legislation that would ensure better protection of journalists. The Slovak Republic is making every effort to prevent any acts of violence on journalists in the future. The first meeting of the group was held on 19 July 2018, which resulted in the identification of the main tasks for the coming period, namely the preparation of draft objectives regarding the legal protection of journalists, elaboration of the draft definition of a journalist and an overview of life situations faced by journalists in the course of their work. The second meeting was held on 4 December 2018, the subject of which was to discuss a draft amendment to the Press Act, which included, inter alia, the draft definition of a journalist.

In parallel with the activities of the Ministry, the National Council adopted (in September 2019) a bill, which reestablishes a right of reply for political leaders and public figures, who claim that their reputation has been damaged in media reports. In particular, the right of reply is granted with respect to false, incomplete or distorting statement of fact that impinges on the honor, dignity or privacy of a natural person, or the name or good reputation of a legal entity, from which the person or entity can be precisely identified. If a publisher or news agency fails to publish a correction, response or supplementary information at all, or fails to comply with any of the conditions for their publication, the person who has requested the publication of the publisher or news agency has the right to adequate financial compensation. In this regard, it should be noted that the objectives of ministerial working group are not the same as those

pursued by the mentioned bill and that the parliamentary bill, is not the result of the activities of the members of the working group for protection of journalists and it was not discussed with the Ministry in advance.
The activity of the temporary working group regarding the amendment to the Press Act has been postponed since negotiations at the National Council mentioned above. However, given the fact that the Ministry places great emphasis on respect for media freedom and independence, protection of journalists is still a topical and not less intensively discussed issue, thus going forward our ministry plans to continue focusing on this topic.
With a view to the transposition of the revised Audiovisual Media Services Directive to the Slovak legislation, during the upcoming legislation process there might be opportunity for further improvement of the position of journalists and other media workers to ensure their protection and effective investigation and prosecution of crimes against them.

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

In the current Slovak legislative environment, journalists have no special position in terms of their protection, for example, in relation to the unjustified criminal prosecution for defamation, or civil actions initiated in relation to the performance of their profession. It has been identified that Slovak Criminal law does not specifically reflect the special position of the journalist, as the above-mentioned legal acts that provide for the freedom of speech and the obligation of a journalist to protect his sources.

With respect to police activity, protection can be provided to journalists and other media actors on the basis of the two institutes i.e. witness protection or interim protection, if the person qualifies for such protection. Within these institutes, the issue of providing protection to persons included in specific groups such as journalists or other media actors is not addressed separately.
In terms of effective protection of journalists, the emergency line of the integrated emergency system is available in the Slovak Republic, which brings together all emergency services, including the police. Apart from this, the 158 emergency line of the police is in place for receiving reports made by the public in the event of an emergency in which life, health, property or the environment is at immediate risk.
Pursuant to the applicable legislation on criminal proceedings in the Code of Criminal Procedure, criminal investigations (including attacks against journalists) are exclusively in the competence of law enforcement agencies (a police officer and prosecutor) and the imposition of measures in criminal proceedings falls within the competence of courts in the Slovak Republic.
The communication between the journalists´ community and the police force in Slovakia takes place through the Police Force Department of Communications & Prevention. This communication takes place in a standard manner, both in noteworthy cases, as well as via ordinary communication by means of the usual channels, i.e. telephone calls, e-mail communication, press releases sent to the media, articles on the Police Force website and on Facebook, and by means of briefings and press conferences. Communication on behalf of the Police Force Presidium is conducted by spokespersons of the Police Force Presidium, for cases in the competence of regional Police Force Directorates, by spokespersons of the regional Police Force Directorates. As regards noteworthy cases, which so require from the communication aspect, such information is provided by the heads of organizational units, or experts on the given issue that is the subject-matter of communication with the public via the media.
The legal system of the Slovak Republic also recognizes the institute of a public defender of rights, which is codified directly in the Constitution of the Slovak Republic. The public defender

of rights is an independent body of the Slovak Republic which in the extent and manner provided for by law protects fundamental rights and freedoms of natural persons and legal persons in proceedings before general government authorities and other public authorities, if their conduct, decision-making or inaction breaches a law. The public defender of rights, as an independent body, is involved in the protection of fundamental rights and freedoms of natural persons and legal persons. The public defender of rights cannot cancel or change the decision of any authority. It may alert the respective body to the fact that its decision or action is incorrect or to the respective body´s inactiveness.

35. Access to information and public documents

Activity of the Ministry in the area of providing information is in full compliance with the relevant legal provisions. Access to information and important public documents is ensured by the Ministry by publishing up-to-date news and information on the Ministry's website, including contracts concluded between the Ministry and relevant subjects, strategic material, legal frameworks or other documents that are precisely categorized to ensure trouble-free and transparent approach.

Another way how journalists can obtain the required information and documents is the use of the so-called "journalistic questions" or the use of request for disclosure of information in accordance with Act No. 211/2000 on Free Access to Information and on Amendment and Supplementation of Certain Acts (Freedom of Information Act). Pursuant to the Act, any obliged person, including the Ministry, is obliged to disclose the following information:

a) the method of establishing the liable entity, its powers and competences and the description of the organizational structure,
b) the place, time and manner in which information can be obtained; information on where an application, proposal, initiative, complaint or other submission may be lodged,
c) the place, time and manner of appeal and the possibility of judicial review of the decision of the liable entity, including an explicit requirements that have to be met,
d) the procedure that has to be followed by the liable entity in dealing with all applications, proposals and other submissions, including the relevant time limits to be followed,
e) an overview of the regulations, directions, instructions, interpretative standpoints under which the liable entity acts and decides or regulates the rights and obligations of natural persons and legal entities in relation to the liable entity,
f) the schedule of administrative charges, which the liable entity collects for administrative acts, and the schedule of charges for disclosure of information.

In addition, the Ministry is obliged to publish materials of a program, conceptual and strategic nature and texts of proposed legal acts after their release for interdepartmental comment procedure.

Moreover, if a person (including journalist) is interested in information that is not obligatory published information and such information is at obliged person´s disposal, this person (e.g. the Ministry) is obliged to provide it upon request in accordance with the Freedom of Information Act.

Furthermore, pursuant to Section 3 of the Press Act public authorities, budgetary organisations and grant-funded organisations that they establish and legal entities established by law are obliged, on a basis of equality, to provide the publishers of periodicals and press agencies with information on their activities in order to supply true, timely and impartial information to the public; this shall not affect the provisions of applicable regulations.

36. Other – please specify

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

A. The process for preparing and enacting laws

Legal framework for the process of adopting and enacting laws:

Act No. 460/1992 Coll. - the Constitution of the Slovak Republic, as last amended effective from July 2019, Articles: 84, 86, 87, 102, 119, 120, 125
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/460/20190701#
Act No. 350/1996 Coll. on rules of procedure of the National Parliament of the Slovak Republic, as last amended effective from May 2019, §2 competence, §67-97 procedures for adopting laws
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1996/350/20190501
Act No. 400/2015 Coll. on legislation, as last amended, effective from March 2019, §7 – 19, §21
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/400/20190301
Act No. 575/2001 Coll. on the organisation of government activities and the organisation of central state administration, as last amended effective from June 2019, §1-3, §21, §37, §39
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/575/20190601
Act No. 19/1996 Coll. resolution No. 519 of the National Council of the Slovak Republic, of 18. December 1996 adopting Legislative Rules, Art. 8-12
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1997/19/19970129
Resolution of the Government of the Slovak Republic No. 164/2016 Coll. adopting Legislative Rules of the Government, as last amended, effective from 29. May 2019, Articles 1, 9, 10, 13, 14, 23-31
https://www.vlada.gov.sk/data/files/7528_uplne-znenie-legpravvladysr-v-zneni-uzn-vlsr-z-29-maja-2019-c-242.pdf

The process for preparing and enacting laws

Law proposals (Bills) may be submitted by the government, deputies of the National Council of the Slovak Republic and committees of the National Council of the Slovak Republic.
Preparation of legislative proposals is carried out through a portal, which is a part of the public administration information system Slov-Lex, whose administrator and operator is the Ministry of Justice of the Slovak Republic. Parliamentary law proposals are not subject to this regime. Before launching the preparation of legislation, the submitter shall publish on the portal preliminary information on the proposal, in which he shall briefly state the basic objectives and theses of the legislative proposal, an assessment of the current situation and the expected start of the consultation procedure. Parliamentary law proposals are not subject to this regime. Legislative proposal must be obligatorily published on the portal for consultation procedure, allowing also the public to submit comments. Parliamentary law proposals are not subject to this regime. The law proposal must, among other things, contain a clause of selected effects. Law proposals that have an impact on public budget must state and justify their expected financial implications for the public budget, not only for the current year but also for subsequent financial years. The budgetary implications are discussed in advance with the Ministry of Finance of the Slovak Republic. If the submitter has not accepted a comment of the public in the process of evaluating the consultation procedure, he may conduct a dispute procedure with a representative of the public in case of so-called "collective comment" (i.e. a larger number of persons signed it) and at the same time a representative of the public was elected. The dispute procedure shall always be conducted in the case of a collective comment of at least 500 persons.

The law proposal, adjusted according to the results of the consultation procedure, is submitted to the Legislative Council of the Government, chaired by the Minister of Justice and, depending on the nature of the matter, to other advisory bodies of the Government (e.g. the Economic and Social Council). After the discussion of the law proposal in the Legislative Council, the proposal is subsequently submitted to the Government for discussion. The law proposal is submitted to the Government for discussion also in electronic form through the portal and the Office of Government will publish it on its website. A law proposal approved by the government is referred to as a governmental law proposal and is signed by the Prime Minister and the relevant minister who submitted it. The signed governmental law proposal is then forwarded to the National Council for adoption. The adoption of laws in the National Council of the Slovak Republic is a three-stage process (so-called three readings). After the adoption of the law proposal by the National Council of the Slovak Republic, the law shall be submitted for signature to the President, who has the right to return it to the National Council of the Slovak Republic with comments on renegotiation. If the President vetoes an approved law, the Parliament shall renegotiate it and might break the president's veto. The law shall enter into force on the day of its publication in the Collection of Laws of the Slovak Republic and shall become effective on the date stated therein. Since last year, a new legal regulation has entered into force introducing electronic Collection of Laws of the Slovak Republic which has the same legal effects and identical content as the paper form of the Collection of Laws of the Slovak Republic. Parliamentary law proposals are subject neither to commentary procedure nor to dispute procedure and the governmental discussion on them is only of recommendatory nature.

Broadening the participation of public and professionals in the legislative process is planned to be introduced, please refer to the Governmental Program, adopted by the new Government on 19. April 2020, please see the link below, page 54-55:
https://www.vlada.gov.sk//data/files/6483_programove-vyhlasenie-vlady-slovenskej-republiky.pdf

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).

All consultations regarding new legislation are public and anybody can comments on new Bills, moreover draft-law are being consulted with judiciary (obligatory with Supreme Court and General Prosecutor’s Office).

Duty to inform on prepared rules and regulations and consult it with entities engaged and with public is stipulated in Act No. 400/2015 Coll. on Law-making and on the Collection of Laws of the Slovak Republic and on amendments and supplements to certain laws, in Sections 9 and 10. Related details are provided by Resolution of the Government of the Slovak Republic.
Please consult Legislative Rules of Government (§ 13):
https://www.vlada.gov.sk/data/files/7528_uplne-znenie-legpravvladysr-v-zneni-uzn-vlsr-z-29-maja-2019-c-242.pdf

According to the abovementioned Resolution, consultations take place with entities particularly set but also with bodies and institutions to which tasks are assigned or which are concerned, as well as with public. It is mandatory to disclose draft legal rule or regulation for consultations through public administration information system in a way that the possibility of application of

comments by public be ensured. It is possible to watch the law-making procedure through public administration information system or through websites of the Government Office or the National Council of the Slovak Republic. Through the courses of action in question, transparency of legislative procedure is ensured, as well as possibility to take part in preparation of and consultations about rules and regulations.
Against a background of fast track legislative procedures, it is necessary to state that those are only allowed in exceptional situations and only used very scarcely. Shortening time limits or skipping some stadiums of the legislative procedure is only possible under extraordinary circumstances when fundamental human rights and freedoms, or the national security is in jeopardy or when there is a threat that the state could suffer considerable economic damage (Section 89 of Act No. 350 Coll. on Rules of Procedure of the National Council of the Slovak Republic; Legislative rules of the Government of the Slovak Republic). The abovementioned option has currently been used to adopt several laws in connection with COVID-19 disease.

38. Regime for constitutional review of laws

Legal framework for constitutional review of laws

Act No. 460/1992 Coll. - the Constitution of the Slovak Republic, Art. 124-140
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/460/20190701#
Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic (effective from March 2019) §7-9, §41-52, §55, §56, §58-70 and the procedure of constitutional review of laws in §74-93.
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2018/314/20190301
(Act No. 413/2020 Coll. effective from May 2020, in its Article V. amends §160 of the Act No. 314/2018 Coll., the legislative change is irrelevant for the topic , however the legal text in the link above does not include this minor change, therefore a link to the last amendment is provided separately as follows:
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/413/20200501.html)

Regime for constitutional review of laws

The Constitutional Court of the Slovak Republic decides on compliance of laws with the Constitution of the Slovak Republic, with constitutional acts and international agreements ratified by the Slovak Republic. The proposal for constitutional review of law can be delivered to the Constitutional Court by one fifth of members of the National Council of the Slovak Republic, President of the republic, Government, court, Attorney General or the President of the Council for the Judiciary (only regarding legal acts regulating administration of justice. After receiving a proposal for commencement of constitutional review proceeding, the Court can suspend the legal effectiveness of the challenged legal act, as a whole or in its part when the latter is able to jeopardize fundamental rights and liberties, in case of threat of serious economic loss or when a different irreparable damage is to be feared. The base for this review is the Constitution. When the Court decides that the challenged legal act or its part does not comply with the Constitution, constitutional act or an international agreement, the legal act or its challenged part loses its effect. The authorities that issued such piece of legislation are given period of six months to restore its compliance. If compliance has not been restored, the respective legal act or its part loses validity six months from delivery of judgement. Once the Court's decision becomes effective, it gains absolute binding force. The details of the compliance review procedure are established in the Act No. 314/2018 Coll. in §74-93.

B. Independent authorities

Legal framework:

Act No. 460/1992 Coll. Constitution of the Slovak Republic, Art.151a (public defender of rights)
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/460/20190701
Act No. 308/1993 Coll. on Establishing the Slovak National Centre for Human Rights, as last amended, effective from January 2019: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1993/308/20190101
Act No. 564/2001 Coll. on the Public Defender of Rights, as last amended, effective from January 2020:
https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/564/20200101
English version: https://www.vop.gov.sk/act-on-the-public-defender-of-rights

Institutional framework:
Slovak National Centre for Human Rights - is a national human rights institution as well as an equality body in the Slovak Republic. Summary on the Centre can be found at the website of the EQINOC:
https://equineteurope.org/author/slovakia_nchr/
Public Defender of Rights – an independent body that *protects the fundamental rights and freedoms*

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

- **Slovak National Centre for Human Rights**

Competencies of SNCHR in a role of **National Human Rights Institution**:

- monitors and evaluates the observance of human rights;
- gathers and upon request provides information on racism, xenophobia and anti-Semitism in Slovakia;
- conducts researches and surveys to provide data in the area of human rights, gathers and distributes information in this area, provides library services, and provides services in the area of human rights.

Competencies of SNCHR as an **Equality body**:

- monitors and evaluates the observance of the equal treatment principle and the Antidiscrimination Act,
- gathers and upon request provides information on racism, xenophobia and anti-Semitism in the Slovak Republic,
- prepares educational activities and participates in information campaigns aimed at increasing tolerance of the society,
- provides legal assistance to victims of discrimination and manifestations of intolerance,
- upon requests from natural persons or legal entities or on its own initiative, issues expert opinions on matters of the observance of the equal treatment principle under the Antidiscrimination Act,
- performs independent inquiries related to discrimination,
- prepares and publishes reports and recommendations on issues related to discrimination,
- can represent a party in the proceedings on matters related to violation of the equal treatment principle.

The SNCHR centre **annually** prepares and publishes a **report on the observance of human rights**, including the **equal treatment principle in the Slovak Republic**. The Act states obligation for courts, prosecution, other state bodies, bodies of territorial self-government,

bodies of interest self-government, and other public institutions to provide the Centre, upon its request, with information on the observance of human rights within the determined date.
Independence of the Centre is ensured by:

- the Act which explicitly states that the Centre is "an independent legal person" (see Art. 2 par. 1);
- the election process of the Executive Director – decision is made by the Administrative Board which comprises of various representatives appointed by 9 different subjects (see Art. 3a par. 1);
- Centre's budget – a financial donation from state budget but the Centre can independently decide on its use.

- **Public Defender of Rights**

The Public Defender of Rights is an **independent body which in the scope and in manner laid down by law protects the fundamental rights and freedoms of natural persons and legal entities in the proceedings, before public administration bodies and other public bodies, if activities, decision making or inactivity of the bodies are inconsistent with the legal order**. In cases laid down by law the public defender of rights submits recommendations, if persons or public bodies have violated fundamental rights or freedoms of natural persons and legal entities. All public power bodies shall provide the public defender of rights with needed assistance. (Art. 151a par. 1 of the Constitution)
Pursuant to Article 11 paragraph 1 of the Act: Anyone whose fundamental rights and freedoms could have been infringed, contrary to the legal order or principles of the democratic state and the rule of law in relation to activities, decision-making or inactivity of a public administration body can turn to the public defender of rights.
The **competence** of the public defender of rights shall apply to
a) state administration bodies,
b) local self-government bodies,
c) legal entities and natural persons, who are taking decisions on or otherwise intervene into the rights and duties of natural persons and legal persons in the area of public administration, following provisions of the specific act. (Art. 3 par. 1 of the Act)
The Public Defender of rights shall act **upon a complaint** of a natural person or legal entity or **on his own initiative**. (Art. 13 par. 1)
After investigating complaint and finding out that the complaint does not fall within his competence, the public defender of rights notifies claimant and instructs the claimant about the correct procedure, or he can forward matter to competent body depending on the nature of the complaint (see Art. 14).
In the process of dealing with the complaint, the public defender of rights shall be authorized to:

- **enter into the premises** of the public administration bodies,
- ask public administration body to provide him with the necessary **files and documents** as well as an **explanation** concerning the subject of the complaint. The provision is applied even in the case, when right to look into files is granted only to a limited group of entities in accordance with specific regulation,
- **question the employees** of public administration body,
- **talk with persons, who are detained** at places of custody, imprisonment, disciplinary sanctions of soldiers, court-ordered rehabilitation, juvenile correction, court-ordered hospitalization or residential care of children, or in detention cell, also in the absence of other persons.

The public defender of rights can **demand cooperation of public administration bodies**, (for specification of the obligations see Art. 17 par. 2 and following). According to the outcome of the investigation of complaint, public defender of rights has capacity to act in different ways (Art. 18-21).

The public defender of rights can **file a complaint with the Constitutional Court of the Slovak Republic for commencement of proceedings** according to Art. 125, if fundamental rights or freedoms of a natural person or legal entity are violated by a generally binding legal regulation. (Art. 151a par. 2 of the Constitution).

The public defender of rights **annually submits the activity report** and has power to submit **an extraordinary report** if he finds facts indicating that an infringement of the fundamental right and freedom is significant or relates to higher number of persons (Art. 23-24).
Independence of this institution is ensured by:

- the Slovak Constitution which explicitly states that the Public Defender of Rights is "an independent body";
- the process of election and possible recall only by the National Council of the Slovak Republic.

C. Accessibility and judicial review of administrative decisions
Legal and institutional framework for accessibility and judicial review of administrative decisions

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

41. Implementation by the public administration and State institutions of final court decisions
There is no separate administrative court in the Slovak Republic. Although there is a plan to create the Administrative Court (please consult the Governmental Program). At the moment administrative decisions are being reviewed by general court (administrative chambers).

D. The enabling framework for civil society

42. Measures regarding the framework for civil society organisations
Engagement of civil society has also been encouraged considerably by establishment of the office of the plenipotentiary of the Government of the Slovak Republic for development of civil society in 2011, and the Council of the Government of the Slovak Republic for non-government, non-profit organizations in 2012. Since their establishment, both of these institutions have been actively involving the civil society entities into management of public affairs and also promote engagement of civil society in other issues of public life.

Plenipotentiary of the Government of the Slovak Republic for development of civil society
The plenipotentiary of the SR Government for development of civil society is an advisory body of the SR Government. The plenipotentiary may submit proposals concerning the development of civil society to the SR Government and take part in the meetings of the SR Government where issues falling into his competence are negotiated. The plenipotentiary may also take part in inter-departmental consultations in the position of a comment-making entity. In the event a proposal is submitted for the inter-departmental consultations concerning problems of active public participation in management of public affairs, non-government, non-profit organizations as active public institutions or state and regional administration open to active public, or

financing in these areas including deriving financial means from foreign funds and European Union funds, the plenipotentiary is a compulsory comments-making entity.

Council of the Government of the Slovak Republic for non-government, non-profit organizations

Council of the Government of the Slovak Republic for non-government, non-profit organizations is a permanent expert, advisory, coordinative and consultative body of the SR Government in the area of development of civil society in Slovakia. This body evaluates the results reached and suggests solution in a particular area initially. It is the task of the Council to perform activities in order to contribute to enhancing participative democracy in society, for governmental materials in the area of public policy to not only be effective, just and democratic but accepted as well by a broad consensus of both government and non-government sectors, and for their fulfilment to be controlled by civil society at the same time. The Council concentrates, negotiates and, through its chairman or vice-chairmen, submits proposals, resolution and statements to the Government concerning development of civil society and non-government, non-profit organizations and relating to creation of adequate environment for the existence and activities.

The Council consists of two independent chambers. One chamber comprises state secretaries of particular ministries of the SR Government and other members appointed by the SR Government, whereas the second chamber is composed of platform representatives of non-government and non-profit organizations. The Chairman of the Council is the Minister of Interior of the Slovak Republic, Vice- Chairmen are: State Secretary of Ministry of Finance of the Slovak Republic, State Secretary of Ministry of Foreign and European Affairs of the Slovak Republic, Plenipotentiary of the SR Government for development of civil society and Head of the Chamber for non-government, non-profit organizations.

43. Other - please specify

Conception of development of civil society

Conception of development of civil society in Slovakia is a strategical material with the aim to describe and analyze status quo of civil society and non-government, non-profit organizations in Slovakia, to identify their position, priorities and developments and, at the same time, to provide proposals of measures to intensify cooperation between public administration authorities, civil society and non-government, non-profit organizations.

The Conception contains fundamental points and a vision of priority areas of civil society development in which the state and public administration in Slovakia should take an active part. It offers fundamental arguments for support of civil society, cooperation of the state and non-government, non-profit organizations and is focused on four areas in which activities of public administrations are proposed to be taken as follows:

- Cooperation between public administration and non-government, non-profit organizations;
- Promotion of active citizens and strengthening social capital;
- Promotion of public discussion on serious issues of society;
- Open governance, transparent management of public affairs and civil society.

Based on the Conception, action plans are regularly worked out and approved by the SR Government resolution, such becoming binding for all the central state administration bodies. When performing tasks set in the action plans, ministries and other central state administration bodies are obliged to provide cooperation or are co-responsible for their fulfilment.

Initiative for open governance

The aim of the international Initiative for open governance is to strengthen the trust of citizens in their country, improve the provision of basic services, and fight against corruption through promoting and enhancing transparency, participation and accountability as principles of the

management of public affairs. The aims of the Initiative for open governance are reached through elaboration, approval and implementation of the action plans on two-year basis. The action plans are worked out in a participative way with broad participation of civil society. The action plans are approved by the SR Government resolution and such becoming binding for all the central state administration bodies which are either responsible for fulfilment of the tasks set or obliged to provide cooperation.

To mention the greatest success reached on the grounds of performing tasks of the action plans of the Initiative for open governance, we may point out adoption of the Act No. 54/2019 Coll. on Protection of Whistleblowers of Anti-social Activity through which their protection has been strengthened and new Whistleblower Protection Office has been established; reinforcement of disclosure of the prosecutors´ list with places of their acting – this contributes to higher transparency of prosecutor´s offices; introduction of Electronic multiple request as an institute enabling public to turn directly to the SR Government through electronic petition, etc.