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NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

SLOVAKIA

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Ministry of Foreign Affairs
Republic of Korea

Country report

Country: Slovakia

Author: Eva Kováčechová¹

Part 1.

Introduction

Summary (max. one page, 2000 characters).

Please summarise your main findings as well as state of interaction, collaboration between NGOs and judiciary in your country. What is most important? What is characteristic?

Before describing state of interaction between NGOs and judiciary in Slovakia it is important to introduce few general contextualizing facts.

Speaking in general about participation of civil society in Slovakia it is necessary to acknowledge that since 2004, when Slovakia joined the European Union, there has been a considerable weakening of NGOs due to a decrease of traditional financing sources from abroad on which a lot of NGOs have been dependent. In this sense there is weak (if any) political will to support NGO sector from public sources. This situation may influence sustainability of certain activities. According to experts on NGO sector advocacy, watchdog and analytic activities may be the first most threatened. They warn that if in the near future their financial sustainability will not be improved there is a risk they will disappear. This might destroy expressive, analytical and control function of NGO sector in Slovakia.²

Moreover if the collaboration and interaction of NGO sector and judiciary is limited it is also due to the context in which judiciary has been functioning since the 90-ties. Since the revolution in 1989 the judiciary has been one of the sectors that have had most difficulties to adapt to standards of a democratic society and suppress old regime practices.

Thus in this context only a small group of NGOs which traditionally have been addressing issues of judiciary keep working on activities focused on watchdog role and enhancing of the judiciary.

¹ Eva Kováčechová is an attorney co-operating with Via Iuris and some other NGOs since 1999. She specializes on human rights, constitutional right, administrative and environmental rights, anti-discrimination rights and other aspects of public interest law.

² Bútorá M., Bútorová Z., Strečanský B., Ondrušek D., Mesežnikov G., *Štúdiá trendov vývoja občianskej spoločnosti na Slovensku (Study of evolution trends of the civil society in Slovakia)*, Bratislava október 2011, http://www.tretisektor.gov.sk/data/files/1539_studia-trendov-vyvoja-os-na-slovensku.pdf, p.I.-II., accessed 8 July 2015

Majority of NGOs that focus on judicial affairs in Slovakia perform watchdog activities with purpose to report on the situation within the judiciary to the public and point out the problematic issues that need to be addressed in order to cultivate democratic society. However very few organizations implement projects that apart from naming problems would go further – i.e. offering deeper and constructive analysis of particular issues, proposing and advocating inevitable changes.

The other form of interaction of NGOs and judiciary is their involvement in trials in particular cases related to NGOs' missions.

Short country information

(max. 1000-1500 characters)

Please provide short information about your country including:

- its name,*
- population and ethnic origin if important,*
- size,*
- basics of political system.*

What are the formal-legal conditions for creating NGO in your country? Is it easy to start an NGO, what is the number of NGOs, are there any fundamental problems with running the organization?

Is there any other basic information that could be relevant from the point of view of our project?

Slovak Republic (hereinafter as Slovakia or SR) became an independent state on 1st January 1993 after the dissolution with the Czech Republic.

Slovakia is a parliamentary democracy republic. Legislative power is represented by National Council of the Slovak Republic (parliament, hereinafter National Council) which is the sole constitutional and legislative body of Slovakia. Members of the National Council are elected by universal, equal and direct suffrage by secret ballot. There are 150 Members of the National Council elected for a four-year term.³

Executive branch of power is represented by the president and the government. The Prime minister is appointed by the president and the remainder of the government is appointed by the President on the recommendation of the Prime Minister. The Government is responsible to the National Council for its policy and administration.⁴ The President is elected by direct popular voted for a five-year term.

The population of Slovak Republic is 5 429 763 inhabitants (data from 30 June 2010) and an area of 49,035 square kilometres. Ethnical composition of the population is the following: Slovak (80,7 %), Hungarian (8,5 %), Roma (2,0 %), Czech (0,6 %), Rusyn, Ukrainian, Russian, German, Polish and others (less than 2 %).

³ *Národná rada Slovenskej republiky* (National Council of the Slovak Republic), *Postavenie a právomoci* (Status and competences), official website of the National Council of the Slovak Republic, <http://www.nrsr.sk/web/default.aspx?SectionId=3>, accessed 8 July 2015.

⁴ *Vláda Slovenskej republiky* (Government of the Slovak Republic), official website of the Government <http://www.vlada.gov.sk/government-of-the-slovak-republic/>, accessed on 8 July 2015.

Slovakia is a member of the European Union, Eurozone, Schengen Area, NATO, the United Nations, the OECD and the WTO. The official language is Slovak, a member of the Slavic language family.⁵

NGOs in Slovakia are regulated by various laws – depending on the character of respective NGO. There are associations, foundations and the non-profit organisations providing publicly useful services. Most of the NGOs acting in the public interest field are civic associations. In general, it is quite easy to establish an association. There must be minimum of three people to found an association, at least one of them must be adult (i.e. at least 18 years old). Association needs its statutes registered by the Ministry of Interior, which is mostly formal step. The administration fee is 16,50 euro. The legislation on NGOs is rather loose and public friendly.⁶

Judicial system organization information

(max. 3000 characters)

Types of courts and instances.

Number of courts and judges.

Who appoints judges and how.

What is the term of appointment of judges - it is life term or time limited appointment?

On-going education of judges. Is there any special judicial educational institution? Is there an obligation for judges to participate in lifelong learning?

Who represents judges, any judicial bodies (plus their competencies). Also judges associations (public, private).

What are main challenges judiciary faces according to research, reports, and public debate?

What is the level of public trust in the judiciary (according to official research)?

Slovak judiciary consists of general courts (district courts, regional courts plus Specialized Criminal Court, and the Supreme Court) and the Constitutional Court.

Slovakia has two-instances judicial system – district courts (54) are the first instance jurisdictions, regional courts (8) are appellate courts, only in some criminal cases and in administrative cases they act as first instance courts. The Specialized Criminal Court (*Špecializovaný trestný súd*) is sort of a regional court and is dealing at first instance with organized crimes, corruption, or some other serious crimes. Decisions of regional courts and of the Specialized Criminal Court are reviewed by the Supreme Court which is the highest judicial authority.⁷

There are no special administrative courts in Slovakia, the administrative cases are decided by the administrative sections of the regional courts and the Supreme Courts.

Constitutional Court is a special court that oversees compliance with the Constitution.

⁵ *Vláda Slovenskej republiky* (Government of the Slovak Republic), official website of the Government <http://www.vlada.gov.sk/government-of-the-slovak-republic/>, accessed on 8 July 2015.

⁶ SloV-Lex, Zákon č. 83/1990 Zb. o združovaní občanov (Act no. 83/1990 Coll. on the association of citizens), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1990/83/20090901>, accessed on 8 July 2015.

⁷ Ministerstvo spravodlivosti Slovenskej republiky (The Ministry of Justice of the Slovak Republic), *Súdny systém v Slovenskej republike* (*The Court System in the Slovak Republic*), official website, <http://www.old.justice.sk/wfn.aspx?pg=lb0&uc=14/l41>, accessed on 8 July 2015.

There are 1,498 judges (1,337 in active service); out of them 101 (84 active) are judges of the Supreme Court of the SR.⁸

Judges are appointed for life term by the President of the Slovak Republic upon the proposal of the Judicial Council (Article 145 section 1 of the Constitution).⁹

The Judicial Academy of the Slovak Republic is an educational institution with nation-wide coverage. It is an independent legal entity, a non-profit budgetary organization under the Ministry of Justice with funds specifically allocated in the state budget for the purpose of education of judges, prosecutors and court officials.¹⁰

There are judicial councils at each court and then the Judicial Council of the Slovak Republic¹¹ (created in 2002) as a body of judicial legitimacy constituted by the Constitution. Judicial Council consists of 18 members, half of them elected by judges, the other half appointed/ elected by the parliament, president and government. Competences of the Judicial Council are mainly in personnel matters of judges (submission of candidates to be appointed by the President, election of the President of the Supreme Court, election of the members of disciplinary senates, decision on the assignment or transfer of judges, etc.).

There are a few judges associations: the Slovak Association of Judges is the biggest professional organization of judges in Slovakia that is supposed to represent their interests.¹² As number of judges believed that the Association lost its credit during times when Stefan Harabin¹³ was leading Slovak judiciary, in 2010 an alternative association of Judges 'For Open Justice' was established as a response to unsatisfactory situation in judiciary.¹⁴ A few years ago there was also active National Association of Slovak Female Judges, nowadays it is silent.

According to a survey carried out in 2013, 69% of respondents did not trust in Slovak judiciary. The latest survey (October 2015) showed that the public trust in judiciary is even worse – 74 % of respondents do not trust courts.¹⁵ According to other public survey carried out in January 2012 by agency Focus for Transparency International Slovakia, 52% of respondents considered corruption in courts and prosecution service as very frequent problem. Respondents considered that after health care system, courts represent second most corrupted segment of the public life in Slovakia. Moreover comparing to the survey

⁸ *Ministerstvo spravodlivosti Slovenskej republiky* (The Ministry of Justice of the Slovak Republic), official website <http://www.justice.gov.sk/Stranky/Sudcovia/SudcaZoznam.aspx>, accessed on 8 July 2015.

⁹ Constitution of the Slovak Republic, http://www.sudnarada.gov.sk/data/files/527_constitution-of-the-slovak-republic.pdf, accessed on 9 July 2015.

¹⁰ *Justičná akadémia Slovenskej republiky* (The Judicial Academy of the Slovak Republic), *General information on the Judicial Academy of the Slovak Republic*, official website, <http://www.ja-sr.sk/en/node/1652>.

¹¹ *Súdna rada Slovenskej republiky* (the Judicial Council of the Slovak Republic), official website, <http://www.sudnarada.gov.sk/home-page/>, accessed on 8 July 2015.

¹² *Združenie sudcov Slovenska* (Slovak Association of Judges), official website, <http://www.zdruzenie.sk/>, accessed on 8 July 2015.

¹³ Stefan Harabin is judge of the Supreme Court, former president of the Supreme Court (1998-2003, 2009-2014 – during the second term he was also the Chairman of the Judicial Council) and the former Minister of Justice of the Slovak Republic (2006-2009).

¹⁴ Javorčíková K., 'Prečo spoluzakladám ZOJ' ('Why I participate in creation of ZOJ'), *Za otvorenú justíciu* (For Open Justice), 3 October 2011, <http://zoi.sk/sk/o-nas/preco-zoi/500-precozoi-javorc>, accessed on 8 July 2015

¹⁵ <http://www.viaiuris.sk/aktualne/568-dovera-voci-sudom-opat-kl.html>.

undertaken in 2009, perception of the corruption in the Slovak judiciary has increased from 48% to 52%.¹⁶

Other main publicly debated issues related to judiciary in past few years were:

- delays in proceedings,
- overloaded courts, insufficient number of non-judicial staff,
- decisiveness and quality of judicial decisions,
- public criticism of judiciary – when the criticism is permissible and what it is interfering with the judicial independence,
- judicial ethics, adoption of new Code of conduct, lack of judges' accountability,
- access to judicial decisions,
- selection procedures for new judges and for heads of the courts, nepotism,
- disciplinary proceedings against judges – in terms of their misuses to punish critical judges,
- personality of Stefan Harabin – the former minister of justice and president of the Supreme Court as well as Chairman of the Judicial Council – he became a symbol of untrustworthy judiciary, he was well known for his preference of judges who were loyal to him on one side and persecution of those who were criticising him and his actions on the other side, moreover he was suspicious for his contacts with alleged boss of Albanian mafia living in Slovakia,¹⁷
- the role and status of the Judicial Council.

Types and examples of NGOs – courts interactions

The scope of the project is broad; we can name various ways of interaction between NGOs and judiciary (see following points). Please provide information whether in your country NGOs are engaging into particular type of interaction. Please provide some history of this type of involvement and give examples of particular activities of particular NGOs. Please do not limit your comments to your own NGO but refer to wide scope of NGOs (in most countries they are different NGOs that get in contact with courts and judges, for instance: consumer NGOs, court watch NGOs, environmental NGOs, feminist NGOs, human rights NGOs, NGOs combating discrimination, NGOs focusing on access to information etc.).

Interaction between NGO sector and the judiciary in Slovakia takes different forms, although not all interactions and activities performed by NGO sector shape judicial system. There are three watchdog organisations that have played the most vigorous role in the field of justice in recent years – Fair-Play Alliance, Transparency International Slovakia and Via Iuris.¹⁸

¹⁶ Transparency International Slovensko, *Súdnictvo (Judiciary)*, <http://www.transparency.sk/sk/temy/sudy/>, accessed on 8 July 2015.

¹⁷ There is a recording of an alleged phone call between S. Harabin and Baki Sadiki, the Albanian living in Slovakia who was sentenced to 22 years in prison for drug crimes. The phone call shows that both persons were good friends, using very familiar language referring to each other families. The negative role of S. Harabin in Slovak judiciary was reflected also by former Austrian judge Gunter Woratsch: Woratsch, G.: *Správa o súčasnej situácii v súdnictve na Slovensku (Report on the current situation of the Judiciary in Slovakia)*, Pécs, 23 April 2011.

¹⁸ It is obvious from the further text that majority of activities concerning judiciary is performed by Via Iuris. We must state, however, that Via Iuris is the only NGO (apart from judicial associations) which is active in the field of judiciary and is consisting of lawyers. Other significant NGOs are mostly consisting of former journalists or NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

Monitoring.

With regard to the monitoring activities, the first (and so far the only one) civic monitoring of courts was carried out by the Society for Open Judiciary from May till July 2005. During this period two district courts in two different regions have been monitored by public (volunteers). This activity has resulted with series of recommendations in order to enhance judiciary's efficiency and increase public's trust into judicial system¹⁹.

Since 2011 when sessions of Judicial Council of the Slovak Republic had become public, some of the NGOs (Fair-Play Alliance and Via Iuris) have been monitoring the Judicial Council and pointing out to different types of abuses and malfunctioning of the Council. Both NGOs also performed a monitoring of disciplinary proceedings against judges. During this period a misuse of disciplinary proceedings for persecution of non-conform critical judges was documented.²⁰ This method of dealing with judges became symptomatic especially during the period between 2006-2010 due to specific political situation in Slovakia (a political party SMER with Prime Minister Róbert Fico had come to power and judiciary went under control of controversial person Štefan Harabin – see above). During this period the Slovak judiciary was divided between those who were in support of S. Harabin, those who were criticising him and the majority of judges who remained silent. More than 15 judges were facing disciplinary proceedings under ambiguous and rather peculiar circumstances. They were monitored by the public, media and even representatives of foreign embassies. The disciplinary proceedings were critically watched also by group of judges opposing S. Harabin.²¹

Between 2011 and 2013, Via Iuris monitored 115 selection procedures of judges and courts' chairmen. These two years of monitoring resulted in a complex analysis concerning Selection procedures of judges in Slovakia.²²

Education. To start chronologically, the first educational interaction between NGOs and judiciary date from early 2000s. Then Via Iuris held series of educational workshops for judges of two regions on various topics - mainly on human rights issues and access to justice (including case law of the European Court on Human Rights), but also on communication skills and personal development. Later on also the anti-discriminatory agenda was discussed within these educational trainings.²³

members of other professional origins and they only co-operate with lawyers when they need to address some specific legal issues.

¹⁹ Dluhošová Z., Kolíková M., Kováčechová E., Marošiová L., Pufflerová Š., Žilinčík P., *Správa z občianskeho monitoringu súdov Máj- Júl 2005 (Report from civic monitoring of courts May- July 2005)*, Spoločnosť pre otvorené súdnictvo (Society for Open Judiciary), ÚVTIP Nitra, publisher NOI, 2005.

²⁰ Country Report on Human Rights Practices for 2011, Slovakia, U.S. Department of State.
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186403>

²¹ <http://www.sudcovia.sk/sk/dokumenty/disciplinarne-konania>.

²² Babiaková K., *Výber sudcov na Slovensku, monitoring a analýza výberových konaní (Selection of judges in Slovakia, monitoring and analysis of selected tender procedures)*, Via Iuris, 2013 ,
http://www.viaIuris.sk/stranka_data/subory/analzy/babiakova-web-upravena12022014.pdf, accessed on 8 July 2015.

²³ Via Iuris, *Vzdelávanie (Education)*, <http://www.viaIuris.sk/aktivita/vzdelavanie.html>, accessed on 8 July 2015
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Furthermore, some other NGOs performed educational activities for judges concerning diverse issues related to judiciary. NGO *Občan, demokracia a zodpovednosť* (Citizen, Democracy and Accountability) has been realizing various trainings for judges related to human rights and particularly to discrimination.²⁴ Another NGO – the Human Rights League focuses on protection and assistance to foreigners and asylum seekers in Slovakia.²⁵ In relation to these topics they regularly hold workshops and educational activities for judges.

Conferences and seminars.

It is worth to mention the initiative of conferences from cycle ‘Access to justice: Barriers and solutions’ that Via Iuris has been organizing since 1999. These conferences have always tried to address current problems of the judiciary and access to justice with purpose to create a platform for an expert discussion. Judges from general courts, from the Supreme Court of the Slovak Republic, from the Constitutional Court of the Slovak Republic and even from European judicial institutions have been participating in these discussions with experts from the civil society.

Transparency International Slovakia organized in 2009 a seminary entitled “*Challenges of the Slovak judiciary and possibilities to improve current situation*” where several important personalities from judiciary participated.²⁶

Elections of judicial chairmen.

The situation in Slovakia was specific with S. Harabin in function. Therefore many activities of NGOs were motivated by opposition against acting of S. Harabin as leader of Slovak judiciary. Among them, there were rather widespread campaigns of NGOs during election of the President of the Supreme Court – in 2009 and 2014. In 2009 Fair-Play Alliance supported by Via Iuris and Transparency International Slovakia held a campaign “Red for Harabin”. The goal of this campaign was to raise public awareness regarding the possible head of the Slovak judiciary and pointing out main reasons for which S. Harabin shouldn’t be elected as a President of the Supreme Court. Despite of public protests S. Harabin was elected for five years term. In 2014 during another election of the President of the Supreme Court there was campaigning of Via Iuris “For good election”. The main goal was again to raise public awareness about head of the Supreme Court. Via Iuris through its web page²⁷ provided information related to the election process: introduced the system of general courts, position, role and members of the Judicial Council, competences and status of the President of the Supreme Court. General public disgust against S. Harabin was in 2014 well acknowledged and S. Harabin was not elected.

Other activities.

²⁴ Občan, demokracia a zodpovednosť (Citizen, democracy, accountability), *Vzdelávanie (Education)*, <http://odz.sk/vzdelavanie/>, accessed on 8 July 2015.

²⁵ <http://www.hrl.sk/en>.

²⁶ Transparency International Slovakia, *Výzvy slovenského súdnictva a možnosti zlepšenia existujúceho stavu, Seminárny bulletin (Challenges of the Slovak judiciary and possibilities to improve current situation, Seminary Bulletin)*, Bratislava 2010, published with support of US Embassy, <http://transparency.sk/wp-content/uploads/2010/04/bulletin-sudnictvo.pdf>, accessed on 8 July 2015.

²⁷ <http://zadobruvolbu.sk/>, accessed on 8 July 2015.

Via Iuris is active in a project on judicial ethics. Its main goal is to commence discussion on and subsequently adopt new Code of ethics for judges.

In 2014 a new foundation was founded – Let's stop corruption²⁸ which is dealing with fighting corruption in society. It is analysing cases with corruption motives and proposing legislative changes in this regard. So far they do not have many interactions with the judiciary but it can be expected that they will come to this point.

NGOs in court trials.

NGOs have experience engaging in court trials defending particular rights in order to fulfill their mission. There are many civil associations defending different types of interests and rights so following text will point out only to a few of examples of NGOs litigations.

Access to information is very important right for a democratic society and at the same time it is quite often disputed. Public institutions often refuse to provide information requested by the public. In this respect (mainly) Fair-Play Alliance, Transparency International Slovakia and Via Iuris have experience and were (are) engaged in several court trials against public institutions, requesting the access to information. Such litigation is very important because of its contribution to the awareness raising among public institutions that still resist to provide public information when requested.

Right to the environment constitutes another important but still not well established and materially defined right in Slovakia. Numerous NGOs were/are engaged in strategic litigations in order to defend right of citizens to the healthy environment. It is worth mentioning the experience of association Slatinka promoting protection of environment, natural values and education in this respect.²⁹ They also promote a public participation in decision making process of public institutions which may have a considerable impact on environment. Litigations in courts is one of the tools Slatinka has been employing in order to protect environment from harmful projects (i.e. dams, hydroelectric power stations).

Association VLK (Wolf)³⁰ has vast experience with judicial proceedings when challenging various administrative permissions at the court. Wolf was very successful not only at Slovak courts, but it gained important precedent decision at Court of Justice of EU. The well known "Brown bear case"³¹ was a turning point in interpretation public participation as stipulated in Aarhus Convention.

There are also other environmental organisations using judicial petitions as a tool to stop or limit buildings and activities interfering with the nature and environment. These are mostly administrative court procedures and NGOs use them very actively for more than 20 years.

²⁸ *Zastavme korupciu* (Let's stop corruption), <http://zastavmekorupciu.sk/>, accessed on 8 July 2015.

²⁹ Civil Association Slatinka, <http://www.slatinka.sk/>, accessed on 8 July 2015.

³⁰ <http://www.wolf.sk/en/en-home>.

³¹ More information about Brown bear case is available e.g. here:

http://www.justiceandenvironment.org/_files/file/2011%20ECJ%20SK.pdf.

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A situation of foreigners is a delicate topic in Slovakia (as illegal migrants, asylum seekers, victims of human trafficking or regular migrants). Human Rights League (HRL) is an NGO that performs a large scale of activities in order to strengthen their position in Slovakia and help them in particular administrative and judicial procedures. As their rights are often violated within these administrative proceedings, HRL engages often in litigation in courts and thus enforces international standards in protection of foreigners and migrants.³²

Via Iuris has developed a strategic litigation as a tool which refers to a litigation in cases which have a potential to be precedent for solution of legal conflicts and systemic problems that may be inspiring for a further legislative change. Among them, the cases enforcing the right of public participation are rather significant. This usually includes public administration procedure, such as process of environmental impact assessment of different types of projects, integrated pollution prevention and control, and siting procedures (e.g. Hydroelectric power stations, paper and pulp plant, waste dump etc.).³³

General questions on NGOs engagement in interaction, collaboration with the judiciary

In the section above, you listed main challenges the judiciary faces. Are those challenges addressed by the NGOs? If yes, how? If not, why not?

Most of the above mentioned challenges were / are addressed by the NGOs in some way. It must be pointed out that many activities of NGOs were responding to acting of S. Harabin in his functions and without him in lead of judiciary such activities might never occur.

Among them there were campaigns accompanying the elections of the President of the Supreme Court in 2009 and in 2014. Fair-Play Alliance led campaign in order to impede re-election of S. Harabín who had been at this position previously. S. Harabín has been considered a symbol of decadency of Slovak judiciary. Under his presidency of the Supreme Court judiciary had entered its most difficult moments since revolution in 1989. Fair-Play Alliance with its project 'Red For Harabín' tried to stop his appointment as a President of the Supreme Court in 2009, though the campaign did not succeed at that time.³⁴ Then, in 2014, when S. Harabin aspired to be re-elected Via Iuris led an information campaign 'For a Good Election'³⁵ and exercised a pressure that helped to stop his re-election. Both campaigns were aiming to depose S. Harabin from the Presidency of the Supreme Court and to build independent, transparent and accountable judiciary in Slovakia.

Inadequate access to judicial decisions and (often) their poor quality is one of the persisting problems of Slovak judiciary. In this respect an interesting initiative came from Transparency International Slovakia which uses open data and created a special website

³² Human Rights League, Annual Report 2012, <http://www.hrl.sk/vyrocne-spravy>, accessed on 8 July 2015

³³ Via Iuris, *Kauzy (Strategická litigácia)*, Cases (Strategic Litigation), <http://www.viaiuris.sk/aktivity/kauly.html>, accessed on 8 July 2015.

³⁴ „Red for Harabin“ by Alliance Fair Play, <http://www.fair-play.sk/articles/vysledky-volby-sudnej-rady-su-zdrvujuce>, accessed on 8 July 2015.

³⁵ Campaign For a Good Election, <http://zadobruvolbu.sk/>, accessed on 8 July 2015.

otvorenesudy.sk.³⁶ This webpage enables public to access broader data on courts, judges, selection procedures of judges and their decisions. Making decisions public gradually increases their quality.

While to other problematic issues of judiciary Via Iuris has been continuously addressing them in more detailed and systemic way. For example, since 1999 Via Iuris has been organizing conferences from cycle 'Public Interest Law' where several of them were devoted to judiciary issues which were discussed with participation of experts and judges. Judicial ethics and disciplinary proceedings, cogency and transparency of Court decision-making, delays in Court proceedings were some of themes that were discussed at these conferences. It always resulted into series of recommendations and in some cases they were even incorporated into the national legislation. As an example - administrative permissions on big constructions were not subject to judicial review, which has changed based on the outcome of the conference. Another example is access to judicial decisions which was incorporated into Slovak legislation after our conference and (also) based on its outcomes.³⁷

Via Iuris is still addressing following issues:

- selection procedure of judges and heads of the courts,
- working on judicial Code of Ethics,
- disciplinary proceedings of the judges – analysing and proposing new legislation.

Recently, Slovakia has adopted new Administrative Judicial Procedure Code. Via Iuris participated in preparation and discussions on this important Code and achieved that some of its legislative proposals became part of newly adopted legislation. Among them there are provisions stipulating more precisely the requirements for reasoning of the court decisions in order to increase quality requirements of the decisions.³⁸

What aspects of judiciary should be monitored by civil society according to NGOs? According to judges?

There are various aspects of Slovak judiciary which are worth of monitoring – e.g. general monitoring of courts' activity, further monitoring of Judicial Council, monitoring of relevant legislation regulating judicial issues, selection of judges.

According to the statistics still most of citizens (69%) do not trust in Slovak judiciary and mainly because they consider judges corrupted and incompetent. As found out in monitoring of selection of judges, approximately one third of judges has close relatives working in courts and there is a strong suspicion that not their abilities but rather family connections were decisive factors for their selection. The monitoring also proved that personality of judges, the process of their selection and also their characters seem to be key to tackle the problem of public distrust.³⁹

³⁶ Transparency International Slovensko, *Otvorené súdy (Open courts)*, http://otvorenesudy.sk/selection_procedures/search, accessed on 8 July 2015.

³⁷ http://www.viaiuris.sk/stranka_data/subory/pilc/pilk2009-vyslo-2010sk.pdf.

³⁸ Since this law was adopted only in July 2015 there are no relevant documents in English available yet.

³⁹ Babiaková K., *Výber sudcov na Slovensku, monitoring a analýza výberových konaní (Selection of judges in Slovakia, monitoring and analysis of selected tender procedures)*, Via Iuris, 2013 , NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

From the perspective of judges and mainly of those who are more critical towards judiciary situation, disciplinary proceedings have been frequently misused and may be thus worth of monitoring. Poor quality decisions making and authority of judge constitute another issues that reform part of judiciary (association Judges 'For Open Justice') consider as important to tackle.⁴⁰ In this sense monitoring of selection procedures of judges and monitoring of judicial proceedings would be welcome.

Who is eligible to conduct such a monitoring, what are the competences needed?

According to the experience of various NGOs that performed monitoring within judiciary there is a possibility to perform it or by experts from NGOs (e.g. Monitoring of Disciplinary proceedings performed by Fair-Play Alliance) or by persons who were previously trained to perform it (e.g. Civic Monitoring of Courts realized by Society for Open Judiciary). In this latter experience participants were not evaluating legal aspects of the cases but it was rather focused on their perception of personality of judge, his/her empathy and treating of parties to proceeding, his moral and ethical principles etc.⁴¹ Concerning disciplinary proceedings it seems more adequate to entrust monitoring to experts from NGO sector.

Do you see any trends, developments in NGO engagement in the judicial affairs? Do you see any obstacles to this work?

Due to experience from the previous years the expertise on the judiciary of the NGOs members has significantly increased. It means that despite the fact that there are many active NGO members who have no legal education, they can still understand and address most of the critical processes and situations in judiciary correctly and in depth. Therefore the opinion of NGO members is respected. However – judiciary in Slovakia is rather closed community and is resistant to criticizing approach from public (and NGOs).

How to deliver NGO feedback to judiciary? What are the best ways used in your country? Is there any problem in communication with judicial bodies, courts, and judges when delivering feedback?

The first and most relevant way to communicate NGOs' feedback to judiciary is media. It represents an important pressure on authorities when problems are treated publicly.

Other experience shows that very convenient are expert round-tables or conferences with participation of both NGO sector and judges. However problem is that only a small group of judges (mostly those from association Judges 'For Open Justice') consider NGOs as relevant

http://www.viaiuris.sk/stranka_data/subory/analyzy/babiakova-web-upravena12022014.pdf, accessed on 8 July 2015.

⁴⁰ Za otvorenú justíciu (For open justice), *Komuniké z Konferencie „Spoločne za efektívne a dôveryhodnejšie súdnictvo“ konanej 19. novembra 2014 v Bratislave (Media Release from Conference „Together for an affective and more credible judiciary“ from 19 November 2014 in Bratislava)*, <http://zoi.sk/sk/dokumenty/zoi/1737-komunike-konferencie>, accessed on 8 July 2015.

⁴¹ Dluhošová Z., Kolíková M., Kováčechová E., Marošiová L., Pufflerová Š., Žilinčík P., *Správa z občianskeho monitoringu súdov Máj- Júl 2005 (Report from civic monitoring of courts May- July 2005)*, Spoločnosť pre otvorené súdnictvo (Society for Open Judiciary), ÚVTIP Nitra, publisher NOI, 2005, http://www.viaiuris.sk/stranka_data/subory/analyzy/sos-sprava.pdf, accessed on 16. November 2015.

partners for discussions and understand importance of interaction between civil society and judiciary in a democratic society. Many judges are, in contrast, reluctant to openly communicate with public and NGOs – it is due to the fact that judiciary is rather conservative and closed group of professionals.

Is the result of work of NGOs (regarding judiciary) being treated seriously? Are project findings and reports discussed, studied, answered? By whom, how?

NGOs' expert work and analysis on judiciary represent a rather important and needed piece of information. Their capacity of identifying and naming problems is a predisposition for further reflexions on solutions. Perception of these reflections by judges is very individual, depending on sensibility of issue and on respective judges in particular. Former chairman of the Supreme Court and the Judicial Council (S. Harabin) was well known for denying and attacking work of NGO sector. In reaction to the initiative of Transparency International Slovakia to create open data web site related to judiciary (otvorenesudy.sk) S. Harabin declared that it is a theft of data from the ministry's website.⁴²

In contrast, expert roundtables and conferences held by NGOs on issues related to judiciary are well recognised and highly appreciated by – at least – some part of judiciary. Some of the publications (e.g. commentaries to the legislation or on specific topics) and handbooks (as results of conferences) are source of expert information which are even occasionally cited by judges in their judgments. This approach proves that the result of work of NGOs (at least some of their pieces) is treated seriously.

Promotion of judicial ethics by Via Iuris is also rather positively taken by the judges. As already stated, Via Iuris is considered to be a respectful and professional organisation.

What is the overall attitude of the general public towards the NGO engagement in judicial matters? Are there any characteristic voices? Is there a support or the opposite?

As it was already mentioned, Slovak judiciary is generally reflected as very untrustworthy by the public. Therefore situation in judiciary has been perceived as serious by whole society and regularly NGOs and citizens point out to the disfunctioning of the judicial system. NGOs' activities are thus widely supported and accepted by the general public. They are aware of a need of a profound change, hence some of them welcome activities of NGOs working on this topic. At the same time a part of the society has become sceptical about any initiative as there have passed more than two decades from the revolution in 89' and they feel the changes were too little.

However there are very few NGOs in Slovakia whose agenda focus predominantly on judicial affairs.⁴³ Other point is to know to which extent even these few NGOs engage into judicial

⁴² SITA, 'Harabin: Nový web na kontrolu sudcov je vykradnutím databázy ministerstva' ('Harabin: New web for the control of judges is a theft from the database of the ministry'), PRAVDA, 33 July 2013, <http://spravy.pravda.sk/domace/clanok/287749-harabin-novy-web-na-kontrolu-sudov-je-vykradnutim-databazy-ministerstva/>, accessed on 8 July 2015.

⁴³ One of the main reasons is, of course, the fact that Slovak population is only little bit over 5 million inhabitants.

affairs. They mostly limit their actions to watchdog activities or data processing but important part of their work is also to initiate constructive discussion and to seek and propose relevant legislative changes or institutional development.

What are ways for the Judiciary to take into account NGO feedback?

Due to special status of the judiciary, interactions between judges and NGOs are limited. Main ways of the judiciary taking into account NGO feedbacks were mentioned above – participation at conferences and roundtables held by NGOs or using expert publications (commentaries) or handbooks by judges in their work. Judges also use in their reasoning of judgments argumentation of NGOs' representatives expressed during trial hearings.

Do NGOs collaborate, have common projects, and interact with judges associations? If not, why not? If yes, please provide examples.

As above mentioned, Slovak judiciary is rather closed entity that keeps distance from remaining society. Any cooperation with NGOs was depending on particular courts' leaders – this was a preconduct of series of educational workshop organised by Via Iuris in cooperation with the chairmen of two regional courts in early 2000s. This experience was kind of unique.

In 2010, as a reaction to passive role of the Slovak Association of Judges an alternative association of Judges 'For Open Justice' was founded. This association is open to public debate on judiciary and promotes discussion on judicial ethics and some other issues as a reaction to the most actual problems judges face. From the very beginning it was speaking openly about problems of judiciary which distinguished them from the Slovak Association of Judges. The Slovak Association of Judges mostly remained silent and did not comment on judicial issues at all. Even though only a minor group of judges are members of this association, they rapidly gained trust of general public. This association offers a platform for open discussion and collaborate also with NGO sector (e.g. with Fair-Play Alliance and Via Iuris they held common conferences on judiciary or seminar on judicial ethics). Common conferences / roundtables are typical example of cooperation between judges and NGOs.

Are NGOs represented in the official judicial bodies or bodies relevant for the judiciary (judicial council, consultative bodies, other)?

There is no NGO representative sitting in the official judicial bodies – namely the Judicial Council or disciplinary senates. According to law it is possible⁴⁴, but the respective authorities did not propose any NGO representatives to become members of those bodies. Perhaps it is due to the fact that NGO representatives are underestimated (with regard to their professional knowledge and experience) and the relevant authorities are resistant to propose someone who openly states his/her opinion.

⁴⁴ The law stipulates that the members of the Judicial Council must be lawyers with certain years in practice, which means that they do not have to be only judges. Similarly, the members of disciplinary senates may be any persons with legal education and certain years in practice.

Are NGOs being invited by judicial bodies to meetings, seminars, conferences etc.?

Not all NGOs experts that address judiciary problems in their activities have legal background. It often happens that in such a case NGO can point out to a problematical issue but is not able to provide a proposal for solution, for example in form of proposals of legislative drafts. However, there were cases when Fair-Play Alliance and Via Iuris representatives were invited to conferences / workshops held by judges' association Judges For Open Justice.

Do NGOs collaborate with legal profession(s) in projects regarding judiciary? If yes, on what subjects and in what form?

Members of Via Iuris are attorneys or lawyers and they work most of the time on projects of Via Iuris. Other NGOs co-operate usually with attorneys on specific topics – either when they need legal representation at the judicial proceedings or when they intend to analyse and challenge certain legislation.

Does curriculum for future judges (judicial academy) or judges in service include information about NGOs and their possible role in the Society and in the judicial proceedings?

Judicial Academy of the Slovak Republic is the educational institution for judges, judicial trainees and prosecutors, but it does not discuss the role of NGO sector in judiciary nor in whole society in its educational programs.

Are there any critical voices about NGOs engagement in the judicial matters? What mistakes NGOs make? What shall be improved changed in NGO approaches? What are opinions of judges on the above issues?

There are some critical voices of judiciary opposing opinions of NGOs, questioning and rebutting their expertise. They also ridicule their findings and proposals as unprofessional and ignorant to the situation in judiciary. It must be stated, however, that vast majority of judges (at least 80 %) do not show any opinion with regards to the sensitive issues of the judiciary. They are so called “silent majority” and they do not display any opinion – nor positive or negative.

Are NGOs (especially in their monitoring activities) collaborating with academia (scientists, researchers, sociologists of law)? What are the forms and scope of such collaboration?

This co-operation is not very popular and it rarely happens. If so, it is usually with experts and academics from abroad (e.g. Via Iuris invited for its lectures and seminars on judicial ethics professor from the USA, or for conference we invited experts from the Czech Republic, France, Germany and Canada). Nevertheless there were some occasions when academics were participating in conferences held by NGOs (Fair-Play Alliance, Via Iuris).

If needed, NGOs often co-operate with IT professionals or with survey agency in order to execute public survey on issues dealing with judiciary, with psychologists and sociologists when elaborating proper methodology for projects.

Is the idea of ranking (rating) of courts (based on chosen criteria) present in your country? Are NGOs in any way involved in this?

Ranking or rating of courts was partly included within an initiative of Transparency International Slovakia. Transparency International Slovakia works with open data and came with a proposal how to evaluate work of particular judges in order to point out to concrete fails and to avoid generalisation. They have set their own criteria based on quality and efficiency of decision-making of judges.⁴⁵ These evaluation figures in profiles of more than 700 judges were created on the website of Transparency International Slovakia - *otvorenesudy.sk* (open courts).

Is there a funding for such work (related to judiciary) available in your country? Who provides funding and for what types of projects? Is this available from public sources (what) or private (what)? Are there any recent changes in this matter?

As it was already mentioned there is lack of financing for NGO sector which according to the report of several NGO experts is one of the biggest threats to analytical watchdog and advocacy activities⁴⁶. Since 2004, as a consequence of the EU accession, NGO sector has been confronted with considerable decrease of foreign financial resources (from big foreign foundations) which were a major part of their financing. In Slovakia there is rather weak support of civil society activities by public sources and that applies also in respect to financing possibilities.⁴⁷ Speaking about public sources these are covered mainly by tax assignation sources and to a very small extent by public grants managed by some of the ministries (such as Ministry of Foreign Affairs).

If a cooperation of NGOs with public administration is not sufficient, this is even truer in cases when NGOs treat such a delicate issues as judiciary. Therefore NGOs have to redefine the financing schema and have to seek in a very creative way new financial sources (such as private sector support, crowdfunding, etc.).

⁴⁵ Transparency International Slovakia, 'Nie je sudca ako sudca: Ktorých sa treba obávať?' ('Not all judges are the same: who should we be afraid of?'), SME blog, 15 December 2014, <http://transparency.blog.sme.sk/c/371135/nie-je-sudca-ako-sudca-ktorych-sa-treba-obavat.html>, accessed on 8 July 2015.

⁴⁶ Bútorá M., Bútorová Z., Strečanský B., Ondrušek D., Mesežnikov G., *Štúdia trendov vývoja občianskej spoločnosti na Slovensku (Study of evolution trends of the civil society in Slovakia)*, Bratislava október 2011, http://www.tretisektor.gov.sk/data/files/1539_studia-trendov-vyvoja-os-na-slovensku.pdf, p.I.-II., accessed 8 July 2015.

⁴⁷ Dluhá M., Marček E., *Financovanie neziskového sektora na Slovensku, časť projektu S.P.A.C.E. „Poznávanie tretieho sektora na Slovensku“ (Financing of the non-profit organizations in Slovakia, part of the project S.P.A.C.E. „Exploration of the non-profit organization in Slovakia“)*, Panet 2004, http://www.panet.sk/download/text_financovanie_ns.pdf, accessed on 8 July 2015.

Legal framework. Standing of NGOs.

What are the ways in which NGOs may engage in judicial or other relevant procedures?

What types of proceedings (civil, administrative, criminal, etc.) may NGOs engage in? Are there any differences in NGOs' standing in different types of proceedings?

Are NGOs entitled to act on behalf of parties (to represent a party in court)? Under what terms and conditions?

Are NGOs entitled to act in support of parties (to join already existing proceedings)? Under what terms and conditions?

Does your national law allow for actio popularis (when NGOs act in the public interest on their own behalf, without a specific party/victim to support or represent)? Please give details.

Does your national law allow for class action (when NGOs act in the interest of more than one individual party/victim for claims arising from the same event)? Please give details.

Are there any legal limits or practical barriers that limit NGOs activities related to the proceedings or generally projects related to judiciary (like for instance restrictions on the entrance to the court, costs of the proceedings – how NGOs handle these problems)?

NGOs are legal entities and when representing themselves they can act in judicial proceedings as any other party to the proceedings. When they represent other entities (natural persons or legal entities), there are limitations (see below).

In general, NGOs usually engage in judicial proceedings connected to their work, i.e. when fulfilling their mission. Therefore they are usually active in these areas:

- environmental cases,
- access to information cases,
- consumers' rights protection cases,
- anti-discrimination cases, libel cases – these are rather rare, but there were cases when NGOs had to protect their reputation through judicial petition,
- and general law disputes – such as renting, petit disputes, etc.

Standing in judicial proceedings is regulated by general Civil Procedure Code (which regulates both civil and administrative judicial proceedings) and by the Act on Constitutional Court No. 38/1993.

When representing themselves in civil law cases the legislation does not provide any obstacles or special regulations to NGOs – they are treated as any other party to the proceedings. The civil courts are district courts, regional courts and the Supreme Court.

Administrative judicial cases are cases in which NGOs challenge administrative decisions, procedures, and other acts or omissions of public authorities, mostly when fulfilling their mission (such as access to information and public participation in decision making in public interest law cases). The administrative cases are held by administrative sections of regional

courts and the Supreme Court. To have standing in administrative lawsuit one must prove that his/her rights or interests may be directly affected by respective administrative / authoritative decision or other act. This applies to NGOs as well as to any other party to the administrative judicial proceedings. It is important to note that such condition was particularly difficult for NGOs to prove in cases when NGOs were challenging permissions or other acts with regard to nature and environmental protection. However, after some years of constant pressure of NGOs and hard disputes using international agreements and EU legislation as arguments NGOs won some cases and achieved that courts released some very progressive case law.⁴⁸ Moreover, gradually the relevant national legislation has changed – these are especially Environmental Impact Assessment Act, Nature and Land Protection Act and Integrated Pollution and Prevention Control Act. At present, these acts guarantee that NGOs with specific goals (mission) and character defined in their statutes, or NGOs that are active in specific procedures (e.g. EIA)⁴⁹ are granted standing in subsequent administrative and judicial procedures. In other words – in administrative judicial cases in the field of environmental protection, standing of specific NGOs is more favourable comparing to other parties to the proceedings.

It must be stated that in administrative judicial cases parties must be represented by an attorney. Only if a member or employee of legal entity has legal education such a person (member / employee) may represent his/her legal entity, including NGO.

When NGOs claim that their constitutional rights were violated, they can turn to the Constitutional Court. Again, they are treated as any other petitioner. They must fulfill general conditions set up by law, where the most important are:

- claiming violation of specific constitutional right or right guaranteed by the international convention (agreement),
- the Constitutional Court is the very last instance therefore it is important to exhaust all relevant remedies in general courts or other state authorities,
- the petition must be filed within certain time period,
- the petitioner must be represented by an attorney (or if a member or employee of legal entity has legal education such a person (member / employee) may represent his/her legal entity, including NGO).

When NGOs want to represent other persons (natural persons, legal entities), the situation is different. General legislation stipulates, that parties to the proceedings may be represented only by natural persons (except for representation provided by attorneys or their legal entities). However, there are a few particular examples when legal entities (other than attorneys) are entitled to act on behalf of parties, such as:

⁴⁸ Association Wolf reached a few important judicial decisions in nature protection cases (protection of brown bears), e.g. judgement of the Supreme Court 3Szp/30/2009 of 2 June 2011.

⁴⁹ Act no. 24/2006 Coll. On environmental impact assessment (EIA) regulates in its Section 26 position of civil associations (whose mission is to protect environment) in proceedings according to this law. This act overpasses a principle that only a person eligible to have rights and obligations can act. In this sense EIA act is very progressive. Civil associations are considered under this act as 'concerned public'. If they participate in administrative proceedings related to EIA process it procures them a position of a party to proceeding which enables them to make a complaint in court. It is on a way towards *actio popularis*. The same act in its Section 6a guarantees a position of a party to proceeding to a civil initiative which shall be a group of natural persons that act by intermediate of their representatives.

- Centre for International Legal Protection of Children and Youth⁵⁰ may under Civil Procedure Code represent minors or dependants in judicial procedures regarding children and youth protection, if there is an international element in case; Centre acts under proxy,
- Legal entity, including NGO, which goal or activity is anti-discrimination protection may represent victims in cases under Anti-discrimination Act No. 365/2004 Coll.; victim must agree with such representation,
- Legal entity, including NGO, which was founded or created in order to protect consumers' rights may represent consumers in procedures at state authorities when protecting consumer's rights.⁵¹

NGOs are entitled to join already ongoing judicial proceedings under the same terms and conditions as any other natural person or legal entity. The terms and conditions are stipulated by the Civil Procedure Code (when such a person intends to join plaintiff, a plaintiff must agree). Pursuant to the Civil Procedure Code anybody with legal interest on the outcome of the proceedings may join the proceedings as collateral party to the proceedings. This position (collateral party to the proceedings) is explicitly guaranteed to the legal entity which mission and/or activities include protection of rights according to specific laws – these include Anti-discrimination legislation, consumers' protection rights and minors' protection rights.

Slovak legislation does not recognise *actio popularis* or *class action* as such, there are only a few specific cases mentioned above when legal entity (including NGO) may represent other party to the proceedings apart from its members – in anti-discrimination cases and consumers' rights protection cases.

The Act No. 138/1991 Coll. on Municipal Property stipulates quasi *action popularis* in cases of protecting community property. The law says that natural person with residence in certain village/town may challenge validity of transfer of ownership to municipal property if the legal contract was not following the rules stipulated by the law. Such a person may file a judicial petition within one year after transfer of ownership). This law, however, refers only to natural persons and not to NGOs (or any other legal entity).

It is worth to mention, though, that in judicial administrative cases there are often many plaintiffs (including NGOs) when challenging administrative permits with regard to nature and environment protection.

There are no legal restrictions or practical barriers, apart from those mentioned above, limiting NGOs activities related to the proceedings, not even court fees (humanitarian, environmental or consumers' protection NGOs are exempt from court fees obligation).

Thematic questions

In each of the following thematic sections please provide following information:

⁵⁰ <http://cipc.sk/?lang=en>, accessed on 8 July 2015.

⁵¹ The Act No. 250/2007 Coll. on consumer's protection, Section 25.

- Do NGOs in your country engage in this type of activity?
- If yes, please provide more information, examples of particular organizations, examples of particular projects
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others
- Please share information on any barriers, problems, NGOs face in this type of activity
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)
- Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity
- Please address also other particular questions included in the particular sections

Monitoring of the judiciary by NGOs

For instance: monitoring of judicial institutions / judicial bodies, monitoring of courts' activities, monitoring of communication of courts with citizens, monitoring of judges appointments etc. Please note that this is different from monitoring of the legislative process and trial observation that are the separate categories below.

Monitoring of the judiciary in Slovakia was / is executed with different approach: it can be general monitoring of courts, or monitoring of certain aspects of the judiciary. There was only one general public monitoring of courts executed in Slovakia – it was managed by Society for Open Judiciary. Monitoring of specific judicial aspects was / is executed mainly by three key NGOs working on judicial affairs – i.e. Via Iuris (VI), Fair-Play Alliance and Transparency International Slovakia.

Civic monitoring of courts:

With regard to the monitoring activities, the first and so far the only civic monitoring of courts was carried out by the Society for Open Judiciary from May till July 2005. During this period two district courts (in cities Martin and Galanta) in two different regions have been monitored by the public. This activity has resulted with series of recommendations in order to enhance judiciary's efficiency and increase public's trust into the judicial system⁵². The civic monitoring in such extent was unique. The volunteers were specifically trained, their role was to monitor various aspects not only of judicial proceedings (observable by public), but also general facts about court buildings, access of courts, behaviour of judicial employees, etc. Each of the volunteers had to complete specific questionnaire as a result of visit at trials – they were supposed to visit at least seven court hearings. The outcomes of the monitoring were processed into a handbook and were presented to representatives of courts and of Ministry of Justice.

General public monitoring can be very useful for improvement of functioning of the judiciary. Unfortunately, such a general monitoring of courts was not repeated so far. The main reason is that such a monitoring is rather time and financial sources consuming.

⁵² Dluhošová Z., Kolíková M., Kováčechová E., Marošiová L., Pufflerová Š., Žilinčík P., *Správa z občianskeho monitoringu súdov Máj- Júl 2005 (Report from civic monitoring of courts May- July 2005)*, Spoločnosť pre otvorené súdnictvo (Society for Open Judiciary), ÚVTIP Nitra, publisher NOI, 2005.

Monitoring of the Judicial Council:

Both Fair-Play Alliance and Via Iuris have been monitoring sessions of the Judicial Council of the Slovak Republic. Fair-Play Alliance was monitoring it *in situ* and consequently reporting via its Facebook page and then reporting information to media and diplomatic representatives.⁵³

Via Iuris has been monitoring sessions of the Judicial Council by analysing the outcomes – the audible record from each session and the decisions passed by the Council. Findings were communicated via media in individual cases. The outcomes of the monitoring will be also reflected in legislative proposals.

This type of monitoring is very important because the Judicial Council plays an important role in the Slovak judiciary as it has important competences concerning nomination of judges and election of the chairman of the Supreme Court, adoption of ethical standards for judges and selecting members of disciplinary senates in disciplinary proceedings in case of judges. The Judicial Council also plays an important role in controlling and inspecting courts. In the past Slovakia had experienced a situation when the Judicial Council under the control of a controversial chairman had very destructive consequences on the functioning of the judiciary and on the trust of the public in the judiciary. Without monitoring of the Judicial Council, the public (and media) would have very little information about controversial, destructive actions of the President of the Supreme Court who, at the same time, was the head of the Judicial Council.

Monitoring can commence public discussions which may invoke necessary changes. Since 2014 the Judicial Council has acted in a more respectful and professional atmosphere which promises a change in the future functioning of this body. These changes could not have happened without NGOs' constant pressure through monitoring and critics towards the person of Štefan Harabin.

Monitoring of judicial decisions

Transparency International Slovakia has considerable experience in data processing and in providing of statistics on the situation in the Slovak judiciary using publicly accessible open data. In respect to the monitoring of activities of the judiciary the most important is their project of a special website 'otvorenesudy.sk' (open courts). This website provides information on the functioning of the judiciary in Slovakia.⁵⁴ The information concerns the activity of courts and particular judges. For example, using the list of judges' names, it is possible to see judgements of particular judges, type and number of cases they deal with. It is also possible to get information about on-going selection/appointment procedures of judges with concrete names of candidates and positions they apply for. In order to update information on the website Transparency International Slovakia is regularly monitoring different sources of information. It is an interesting initiative because there is still missing a good central information system with all relevant data related to activities of courts and judges. However, as the website sources of information are open data from official websites of

⁵³ Aliancia Fair-play, Annual Report 2012, <http://www.fair-play.sk/abouts/reports>, accessed on 8 July 2015, p.10.

⁵⁴ Transparency International Slovakia, Otvorené súdy (Open courts), <http://otvorenesudy.sk/>, accessed on 8 July 2015.

different public institutions, the extent of information is limited. Slovak courts and Ministry of Justice are, for example, obliged to publish most of the judicial decisions, however they fail to do so due to various reasons, and therefore the webpage “otvorenesudy.sk” still works with incomplete sources.

Monitoring of judges selection/appointment procedures

Between 2011-2013 Via Iuris together with its project partners - Partners for Democratic Change and Slovak Governance Institute (SGI) implemented the project „Windows to Judiciary“ which focused on monitoring and analysis of selection processes in Slovak courts.⁵⁵ The purpose of this monitoring was to contribute to improvement of selection procedures of judges and to increase the interest of the public in judicial affairs. Various aspects were monitored during this project: criteria for selection (professional and personal characteristics of candidate), system of selection, transparency of selection, criteria for decision-making of selecting body, composition of selecting body, kinship ties of the candidates, etc.

The monitoring and analysis highlighted some of the most important beneficial but also critical or controversial points of the legislation and practical application in the selection of judges and chief justices. This analysis has provided also a basis for proposed changes of the legislation and application of the law in this field. Subsequently findings of this project were presented and discussed at a conference from the cycle “Access to Justice: Barriers and Solutions”, in March 2015, with broader expert group, judges and representative of the Ministry of Justice. The outcomes of the monitoring are presented in the publication “Selection of judges in Slovakia, monitoring and analysis of selected tender procedures”.⁵⁶

Except for above-mentioned forms of long-lasting and systemic monitoring projects, NGOs perform also regular monitoring of issues of their interest. If there is, for example, an NGO focusing on asylum law, they will be monitoring court proceeding and decisions related to these issues. Similarly, environmental NGOs will be paying attention to decision-making of courts in environmental affairs etc. It means – particular NGOs monitor specific case law of their interest.

NGOs monitoring, advocating and engaging in the legislative process regarding judiciary

This section also covers engagement of the NGOs in the debate on judiciary and its systemic changes that may be part (or not) of the legislative process.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*

⁵⁵ Via Iuris, Project presentation, <http://www.viaiuris.sk/en/activities/windows-to-judiciary.html>, accessed on 8 July 2015.

⁵⁶ http://www.viaiuris.sk/stranka_data/subory/analyzy/babiakova-web-upravena12022014.pdf, accessed on 8 July 2015.

- Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity

Only a few NGOs that are monitoring situation in justice go further than naming problems and pointing them out publicly in media and public discussions. There are more NGOs that monitor (mostly on *ad hoc* basis) relevant legislation on judiciary (Fair-Play Alliance, Transparency International Slovakia, Via Iuris). It is usually legislation that is about to cause serious changes in the judiciary, e.g. changes in the Judicial Council, changes in the selection procedure of judges, separation of the head of the Supreme Court and the head of the Judicial Council, etc. These changes were lately provoking public discussions and they were noticed and commented by various NGOs. However, such a monitoring is mostly done on an *ad hoc* basis and in a responsive manner to the actual situation.

Via Iuris is monitoring legislation in judicial field on more systemic way since it is usually part of its projects. As it was already mentioned, Via Iuris holds (almost) annual conferences on public interest law called “Access to Justice: Barriers and solutions” and among other outcomes there are often proposals for legislative changes in the judiciary touching its particular aspects. Among participants of these conferences there were judges, academics, attorneys, constitutional court justices and other legal authorities not only from Slovakia, but also from abroad. Moreover, monitoring and analyses of legislation and relevant case law done by NGOs, brings legislative changes or proposals of changes. For instance changes in:

- disciplinary proceedings of judges,
- procedures of the selection of judges,
- proposal of Code of ethics for judges,
- proposals to improve operation of the Judicial Council,
- improvement in access to judicial decisions,
- more accurate wording of new civil and administrative procedural codes in order to improve quality of the reasoning part of the judgements,
- legislative proposals⁵⁷ regarding new Administrative judicial Procedure Code.

When NGOs want to advocate for changes in legislation they have possibility to participate in the legislative procedure at the national level, by commenting specific legislative proposals and proposing relevant changes. Public can get specific position if its proposals / comments to the legislative drafts gain public support from more than 500 persons. Then representatives of such public are invited to discuss their comments and proposals (so called “collective remarks”) with the author of legislative proposal (usually relevant ministry) and argue their position. This is already a well-known way of participating in the legislative procedure, though still not completely respected by ministries. However, some NGOs use it regularly and little by little in some sectors they gain stronger negotiation position. In other words, public (individuals, NGOs., etc.) can submit proposals / comments to the legislative drafts, but with support of 500 persons they have stronger position. In such case the relevant state authority and its head (e.g. the minister) is obliged to invite the author of the proposals and discuss them together.

⁵⁷ These proposals were accepted and incorporated in the new Administrative Judicial Procedure Code, No. 162/2015 Coll.

For example it is big success of Via Iuris that several of their proposals on judiciary have been incorporated into national legislation. In 2012 long lasting fight on access to judicial decisions resulted with a new legislation that obliges courts to publish all decisions. In 2015 a new Administrative Judicial Procedure Code was adopted, Via Iuris proposed certain provisions, and changes to the original proposal, which set higher standards for reasoning in Court decisions and better conditions for standing of NGOs (and other public) in environmental matters.

In November 2014 Via Iuris was asked by the member of the Judicial Council to comment on the internal regulation that Council was working on and which would regulate process of evaluation and selection of candidates for judges. Such document would introduce more transparency into these proceedings. This was a sign that Judicial Council considers Via Iuris as expert partner for discussions.

Nevertheless, success of advocacy activities naturally depends on the political will, sensitivity of the issue and on the attitude of concrete ministries or institutions – whether they understand a role of NGOs and consider them to be relevant partners or they discuss with NGOs only in order to fulfil some kind of formal obligation.

Trial monitoring, trial observation, court watch

There are different kinds of trial observation. Shortly it may be divided into more in depth specialized observation of particular cases or types of cases (often but not necessary of the high profile cases) done by experts or court watch activity when common citizens (usually not lawyers, sometimes students) visit the court for one day and observe “the culture of judging”.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
- *Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity*

Monitoring of courts

There was only one case of public trial monitoring performed by NGOs. The reason of not repeating such monitoring may be, perhaps due to rather demanding process both on capacities and funding. It requires thorough training of lay observers and elaboration of the methodology. The above mentioned project on general public monitoring of courts was oriented on “culture of judging”. It was executed by the NGO Society for Open Judiciary in May-July 2005. Monitoring was performed by lay participants (students, retired people or some unemployed) who were previously trained by lawyers, psychologists and sociologist. They monitored two district courts in two different regions. The courts were carefully chosen as sample examples for courts with similar number of judges and cases. Observers were supposed to monitor different aspects of proceedings in courts

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

(accessibility and safety of the court, dignity of proceedings, efficiency of proceedings, impartiality of judge, behaviour of judges, presence of the public in a court-room, etc.). Some of the results were surprising – e.g. comparing to the general assumption, participants had positive reactions to judges' behaviour at courts.⁵⁸

Judicial disciplinary proceedings:

As mentioned above, a few years ago disciplinary proceedings against judges attracted wide public attention for their controversial state. They were reported as highly inconsistent and intimidating to some of the judges⁵⁹ who were opposing and criticising the inappropriate situation in the Slovak judiciary. On the other side, judges who committed disciplinary offences were often relieved and not disciplinary punished. That is why disciplinary proceedings against judges became widely monitored by various NGOs – Fair-Play Alliance,⁶⁰ VI, judges association For Open Justice.⁶¹ The outcomes of the respective disciplinary hearings were discussed and spread through media.

Via Iuris besides monitoring the hearings and communicating this issue publicly did also in depth research of the case law of disciplinary senates (which is accessible via web page of the Judicial Council).⁶² The outcome of this monitoring and research resulted in the analysis "Selected aspects of the disciplinary proceedings".⁶³ Findings were also communicated via media.

Monitoring of specific cases:

Fair-Play Alliance undertook initiative to monitor a controversial 'antidiscrimination cases'. A few hundreds of judges submitted wage discrimination claims. They were objecting discriminatory treatment based on the fact that they were given lower salaries than judges of the Special Criminal Court.⁶⁴

Involvement of NGOs in court trials.

This section includes strategic litigation (impact litigation, test cases), providing amicus curiae brief, as well as engaging in the proceedings in other possible ways (initiating or joining it), like social/citizens representative and similar. Please also include information on actio popularis and class action cases if possible and done by NGOs. Generally we are focused on NGOs that engage in trials pro public bono, if there are interested in wider

⁵⁸ Dluhošová Z., Kolíková M., Kováčechová E., Marošiová L., Pufflerová Š., Žilinčík P., *Správa z občianskeho monitoringu súdov Máj- Júl 2005 (Report from civic monitoring of courts May- July 2005)*, Spoločnosť pre otvorené súdnictvo (Judiciary), ÚVTIP Nitra, publisher NOI, 2005.

⁵⁹ <http://www.state.gov/j/drl/rls/hrrpt/2011humanrightsreport/index.htm?dliid=186403#wrapper>.

⁶⁰ Aliancia Fair-play, Annual Report 2012, <http://www.fair-play.sk/abouts/reports>, accessed on 8 July 2015, p.11

⁶¹ Košťál C., Láštík E., Lovrantová K., Žitňanský R., Srba M., Deščiková R., *Národný systém integrity spravovania na Slovensku (National integrity system of administration in Slovakia)*, Slovak Governance Institute, http://www.transparency.sk/wp-content/uploads/2010/01/2012_Narodny_system_integrity_spravovania_sprava.pdf, accessed on 8 July 2015.

⁶² Web page of the Judicial Council – the decisions of the disciplinary senates,

<http://www.sudnarada.gov.sk/rozhodnutia-disciplinarneho-senatu/>, accessed on 8 July 2015.

⁶³ http://www.viaiuris.sk/stranka_data/subory/viaiuris-disciplinarne-sudnictvo.pdf, accessed on 8 July 2015.

⁶⁴ Aliancia Fair-play, Annual Report 2012, <http://www.fair-play.sk/abouts/reports>, accessed on 8 July 2015, p.10.

picture than just interest of their members. But sometimes it is different to evaluate, so please do not limit your answer if you think that it might be of interest to others or shows some trends or interesting phenomena.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
- *Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity*

There are not many NGOs working in the field of strategic litigation or pro bono legal representation. Sometimes NGOs working in the specific fields use litigation in order to reach their goal – but these are NGOs which work mostly for their members or to follow their specific mission on a topics (like environmental cases, nature protection, asylum seekers and refugees issues, minority protection, etc.).

Strategic litigation as a tool used for third persons (individuals, communities or NGOs) is used only by a few organisations: Via Iuris, The Charta 77 Foundation..In certain anti-discrimination cases also association Citizen, Democracy and Accountability was active. The Foundation Pontis is running pro bono attorneys program.

The Charta 77 Foundation: the foundation runs citizens’ counselling program, in the field of human rights protection. If necessary, they provide also legal representation. Moreover, foundation provides counselling also for NGOs with respect to NGO legislation.⁶⁵

Citizen, Democracy and Accountability: this association runs programs on advocacy activities in human rights field, concerning mainly women’s rights and gender equality. The association had several projects, such as:

- Advocacy activities focused on the Improvement of institutional protection and support of human rights of women on consistent implementation of the principle of gender equality in public policies,
- Implementation of the gender based equality right in practice of public authorities (including courts) and its projection in media work,
- advocating for elimination of serious violations of women’s human rights and discrimination of women in the fields of employment and reproductive rights in Slovakia,
- Senior citizens actively defending their rights and interests.⁶⁶

The association provides mostly legal and other type of counselling – in the field of anti-discrimination, gender equality and women’s human rights.⁶⁷

⁶⁵ Foundation Charter 77, <http://www.charta77.sk/projekty.html>, accessed on 8 July 2015.

⁶⁶ Citizen, Democracy and Accountability, <http://odz.sk/en/other-projects/>, accessed on 8 July 2015.

⁶⁷ Citizen, Democracy and Accountability, <http://odz.sk/en/consultancy/>, accessed on 8 July 2015.

Foundation Pontis: Pontis runs program called “Pro Bono Attorneys”. Its main cause is to provide pro bono legal assistance and legal representation by attorneys and attorney agencies to non-profit organizations which would not be able to afford it otherwise. Pro bono assistance is aiming to help strengthening justice in society and advocate public interest of rights of those in greatest need.⁶⁸

Via Iuris: Via Iuris provides legal assistance and representation in the field of public interest since 1993. During that time Via Iuris elaborated the idea of strategic litigation and is using it successfully for many years. The main areas of litigation are: access to information and transparency of decision-making of public authorities; broad public participation in decision-making; access to courts and assistance to those who are intimidated for defending the public interest. Legal assistance and representation is provided mostly on pro bono basis. Attorneys and lawyers co-operating with Via Iuris focus on cases of precedential value with a potential to impact other similar cases.⁶⁹

Amicus Curiae Briefs are not often used in Slovakia. Formally it is not a part of Slovak legislation, nevertheless it is not banned or excluded and some entities (NGOs) use it in order to stress argumentation in certain important cases (usually of public interest). Association European Information Society Institute filed amicus curiae briefs in a few cases regarding internet freedom, personal data protection and freedom of expression.⁷⁰ Via Iuris has filed an amicus curiae brief in case of transfer of ownership of public property in city of Zilina.⁷¹

As mentioned above, there are diverse NGOs involved in judicial proceedings related to their particular missions, often NGOs working on environmental issues. Association Slatinka and association Rieka (River) are examples of active environmental NGOs which have various experience with proceedings in courts concerning process of authorization of different types of projects affecting rivers, watercourses and water surfaces (ex. small hydroelectric power stations). Association VLK (Wolf) works on issues concerning nature and landscape protection (illegal logging, wolf and bear protection) and often uses quasi *actio popularis* to challenge exemptions from prohibitions, not only on national level, but also on European level judicial institutions.⁷²

There are quite a few other NGOs, often local ones, using litigation to fulfil their mission (especially in environmental law). Working in environmental protection means that NGOs often object administrative decisions (ex. different types of authorizations) and they try to challenge them in administrative procedure or in judicial proceedings. To establish their standing they effectively use provisions of recently amended law on Environmental Impact Assessment (EIA). The Act on EIA provides for quite strong positions of NGOs which are parties to the administrative proceedings and thus can file an action before court. However, in cases where there is no EIA process, the NGOs may still face difficulties to prove their standing. The problems may occur when such NGOs describe the way how their rights may

⁶⁸ Pontis – Pro Bono Attorneys, <http://www.nadaciapontis.sk/pro-bono-attorneys-en>, accessed on 8 July 2015.

⁶⁹ Via Iuris, <http://www.viaiuris.sk/en/topics/responsible-citizens.html>, accessed on 8 July 2015.

⁷⁰ EISI, <http://www.eisionline.org/index.php/sk/2-uncategorised/119-prehľad-pripadov>, accessed on 8 July 2015.

⁷¹ Via Iuris, <http://www.viaiuris.sk/aktualne/53-prevod-pozemkov-pod-zilinsky.html>, accessed on 8 July 2015.

⁷² VLK, <http://www.wolf.sk/>, accessed on 8 July 2015.

be violated by the administrative decision. If NGOs do not prove such violation, they do not get standing in administrative procedures.

The Human Rights League provides legal aid to migrants and asylum seekers. An important part of their work is litigation in courts. According to their 2012 annual report, in that year they filed 133 actions in courts (67 recourses against arrests in regional courts, 5 recourses against arrests in Supreme Court, 3 recourses against prolonged arrests, 17 appeals against administrative deportation, 1 complaint against administrative deportation etc.). 67,66 % of them were successful.⁷³

The main obstacle at courts, is facing the fact that NGOs are sometimes not considered as experts. However, based on the experience, this attitude of some judges is slowly positively changing.

NGOs working in the field of access to information. Transparency.

This section covers information on courts and their operation (including access to jurisprudence as well as access to information on administration and finances of courts).

- Do NGOs in your country engage in this type of activity?
- If yes, please provide more information, examples of particular organizations, examples of particular projects
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others
- Please share information on any barriers, problems, NGOs face in this type of activity
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)
- Please note whether you attach in part two and three of the report "the organization card" or "project card" relevant for this type of activity

Generally, all judicial hearings are public, with exemption to certain types of cases, as stipulated by the law, although the judgements must be announced publicly in any case.⁷⁴ In fact, however, hearings are visited by public rarely, usually by media representatives. Slovak judges almost never comment or interpret their decisions outside the court-room, there are courts' speakers who provide very brief and general information on cases to media. Judges do not appear in front of the public reasoning their decisions or presenting their work. If courts' spokespersons publically present cases, they never mention any concrete names. These attitude of judges – to stay in anonymity – does not contribute to the raise of the trust of the public.

Pursuant to the legislation, access to judicial decisions is formally guaranteed by the Act on Courts No. 757/2004.⁷⁵ According to this law almost all final judgements and some first instance decisions (all anonymised) must be published on the web page of the Ministry of

⁷³ Human Rights League, Annual Report 2012, http://www.hrl.sk/sites/default/files/documents/vyrocná_správa_2012.pdf, accessed on 8 July 2015.

⁷⁴ Article 142 of the Constitution of the Slovak Republic.

⁷⁵ The Act No. 757/2004 Coll. on Courts, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/757/20150101>, accessed on 8 July 2015.

Justice.⁷⁶ This provision is the outcome of the constant pressure exercised by some NGOs (Via Iuris, Citizen and Democracy...) due to previous insufficient access to judicial decisions, in fact only through the usage of the Freedom on Information Act.⁷⁷ The system though, is not working properly. Moreover, the publishing system of Ministry of Justice is of poor quality and is not user-friendly – it is quite difficult to search and find relevant decisions without knowing their file number.

In 2009 Via Iuris held a conference titled “Persuasiveness and transparency of judicial decision-making”⁷⁸ (as a part of a conference cycle “Access to justice: Barriers and solutions”) devoted to issues of access to judicial decisions, sufficient reasoning in judicial decisions, criticism of judiciary and persuasiveness and transparency of judgements. Among participants and speakers there were judges, constitutional court justices, academics, attorneys and other lawyers. Among the outcomes of the conference there were also some legislative proposals and suggestions, such as to enlarge type of judicial decisions which should be publicly accessible, or to specify with more details the content of justification part of the judgment.

Access to judicial decisions was monitored also by other NGOs, namely by association Citizen and Democracy (nowadays Citizen, Democracy and Accountability). Citizen and Democracy held monitoring on access to judicial decisions in 2009-2010. Access to judicial decisions was at that time guaranteed by Freedom on Information Act. The monitoring proved that many district and regional courts refuse to provide requested judgements to public, some of them even did not respond to their requests.⁷⁹

Another important project is executed by the Transparency International Slovakia – using open data (e.g. provided by the Ministry of Justice) they created website “Open courts” (*Otvorené súdy*). The data on this web page enable to link specific judgements with the respective judge / judges.⁸⁰ Data are regularly updated, but only to the extent as it is updated by official website of the Ministry of Justice and of courts where information comes from.

In the past there used to be also problem with audio recording the courts’ hearings, when the judges often refused it, though it was not legally well-founded. However, after several Constitutional Court’s decisions (among them there was a decision in favour of Fair-Play Alliance in 2013)⁸¹ the courts finally respect this right of parties to the proceedings and public present at a courtroom.

NGOs defending judiciary and judicial independence

While NGOs exercise social control over judiciary they may also act when the judiciary is under attack (especially political) and its independence is under threat.

- *Do NGOs in your country engage in this type of activity?*

⁷⁶ <http://www.justice.gov.sk/Stranky/Sudne-rozhodnutia/Sudne-rozhodnutia.aspx>, accessed on 8 July 2015.

⁷⁷ <http://www.viaiuris.sk/aktualne/430-sudne-rozhodnutia-nie-su-zve.html>, accessed on 8 July 2015.

⁷⁸ http://www.viaiuris.sk/stranka_data/subory/pilc/pilk2009-vyslo-2010sk.pdf, accessed on 8 July 2015.

⁷⁹ <http://oad.sk/archiv/en/node/570>, accessed on 8 July 2015.

⁸⁰ Transparency International Slovakia, *Otvorené súdy* (Open courts), <http://otvorenesudy.sk/>, accessed on 8 July 2015.

⁸¹ Aliancia Fair-play, Annual report 2013, <http://www.fair-play.sk/abouts/reports>, accessed on 8 July 2015

- If yes, please provide more information, examples of particular organizations, examples of particular projects
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others
- Please share information on any barriers, problems, NGOs face in this type of activity
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)
- Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity

Slovak judiciary has earned quite low credibility in Slovak society. Therefore most of the people are rather critical to judges and not so protective or defending their rights and status. On the contrary, NGOs focusing on judicial affairs have been mainly calling for transparency and accountability of judges. Nevertheless, until recently the judiciary had gone through a very critical and difficult period. This period is still not totally overpassed but with personal changes at the Judicial Council and at the Supreme Court in 2014 things have slightly started to improve.

NGOs played an important role in defending the independence within the judiciary. The most visible and publicly monitored were disciplinary proceedings of judges that were used as a tool of persecution of judges for their opinions. In response, NGOs like Via Iuris, Fair-Play Alliance and judicial association For Open Justice defended the side of persecuted judges, monitored their disciplinary proceedings and informed the public. An attorney working with Via Iuris was even involved in legal defence of several judges in disciplinary proceedings. Those were proceedings which some of the judges (including the association For Open Justice) and wide public considered as unfair and deterrent.

It must be stated that especially association of judges For Open Justice was active in protecting independency and fairness in the judiciary. It was established in 2011 for judges who wished to openly discuss the situation in the judiciary, share opinions and give proposals for the change. It started with initiative of judges “Justice Opens Gates” and proclamation of judges “Five Sentences”. The main reason behind founding of the association was protection of the interests of the judges against unjustified attacks from outside and inside the system. They promoted constructive criticism and discussion of the ideas to improve the status of the judiciary.⁸² Association For Open Justice was bringing to public stories of all unfairly persecuted judges, it held roundtables and discussions about the situation in the judiciary. It is also promoting the Code of Ethics for judges.

In 2009 the most courageous and determined judges acting against the situation in the judiciary were awarded the “White Crow” award. “White Crow” award (*Biela vrana*)⁸³ is a joint award created by Fair-Play Alliance and Via Iuris. White Crow is given annually for socially responsible and courageous civic action. The award is an acknowledgement to noble people who are willing to defend truth and justice, who have shown their civil courage by concrete action, who have suppressed their personal interests in the name of public benefit, values and principles and who have taken the risk, experienced various injustices or

⁸² <http://www.sudcovia.sk/en/about-us>, accessed on 8 July 2015.

⁸³ White Crow award, <http://www.bielavrana.sk/award.php>, accessed on 8 July 2015.

condemnation. In 2009 the jury of White Crow decided that this award went to group of judges persecuted and shamed by S. Harabin.⁸⁴ These judges were facing rough and mocking actions or expressions from S. Harabin as Minister of Justice and later as President of the Supreme Court.

In 2009 there was also a public petition of non-formal group of citizens to support judges who were disciplinary persecuted in unfair and purpose-built trials for allegedly made-up petit reasons. The goal of the petition was to support independent judiciary and impartial judges. The petition was more like general appeal without specific addressee and was signed by 1555 citizens.⁸⁵

The election of the head of the Supreme Court was big issue for public and NGOs already in 2009. Then Fair-Play Alliance carried out a campaign named “Red for Harabin” meaning “stop” for S. Harabin. The main aim of campaign was to publicly insist and influence the Judicial Council not to elect S. Harabin for a president of the Supreme Court. Despite of campaign effort S. Harabin was elected, but the campaign pointed out a few important issues, such as the role and position of the president of the Supreme Court. Moreover it also explained and emphasized the meaning and role of the Judicial Council, which was not very much noted by public until then. The issue of election of the Supreme Court chairman was brought back again five years later in 2014. Then campaign “For a good election” carried out by Via Iuris was aiming at change of the President of the Supreme Court as well. A special web page “*zadobruvolbu.sk*” (for a good election) constituted a tool to inform the public on particular candidates, on importance of a good choice and on competences of the Judicial Council. The main idea was to create a pressure from NGO sector and from citizens on members of Judicial Council to choose a new president with adequate personal and professional capacities. At the end the previous President (Stefan Harabin) was replaced by a new President of the Supreme Court and the situation has significantly changed in a slightly progressive way.

Trainings and workshops for judges organized by expert NGOs

This section covers educational activities organized by NGOs or in collaboration with NGOs dedicated to judges and judicial staff. This also covers NGOs (and their work) being an inspiration for creating official curricula.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
- *Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity*

⁸⁴ White Crow award in 2009, <http://www.bielavrana.sk/oceneni2009.php>, accessed on 8 July 2015.

⁸⁵ <http://www.changenet.sk/?section=kampane&x=428041#428692>, accessed on 8 July 2015.

The position of NGOs in training and workshops for judges was never strong in Slovakia. The main reason is that judiciary keeps distance from public and from all non-judicial bodies and persons. Nevertheless, there were some occasional situations when NGOs held workshops for group of judges. In 1998-2014 the relations between NGO sector and judiciary have gotten worse since NGOs vigorously criticised acting of S. Harabin in his leading positions. Such criticism along with very low public trust in judiciary was considered by judges as interfering with judicial independency. In this context, when the head of the judiciary considered NGOs as enemies, it became more difficult to provide any trainings for judges. Moreover, in 2004 the Judicial Academy of the Slovak Republic was established. It is the official institution providing education for judges, prosecutors and judicial administration and it has kind of exclusive position for education of judges.

Still, several NGOs in Slovakia have experience in training of judges.

NGO Citizen, Democracy and Accountability has been providing trainings on anti-discrimination and various human rights issues.⁸⁶

Via Iuris organized education cycles for judges, in the years 2000 - 2004. The seminars were focusing on topics that usually do not appear in education programs for judges, such as case-law in human rights and application of constitutional and international human rights institutions' principles by courts. Some seminars were focused on development of particular personal capacities of judges (such as public presentation abilities, communication skills, etc.).⁸⁷

In 2013 Via Iuris published a comparative analysis of the professional judicial ethics. It was based on the analysis of the existing Slovak Code of Ethics,⁸⁸ comparison with foreign codes of ethics, decisions of courts and opinions of advisory judicial committees or judicial associations. This publication serves as a source of information for expert debates, but also as a useful guide for judges to address ethical dilemmas. Moreover, in February 2013 Via Iuris organised a workshop for judges on professional ethics and personal management of power.

In the summer 2013, it was followed by an expert conference on judicial ethics, which was attended by more than 50 judges and other legal professionals. The conclusions of the conference were unambiguous: „Let's bring judicial ethics back to the game!". The existing Code of Ethics was adopted by the Association of Slovak Judges in 2001 and is short and general. It has Preamble and three parts – (i) Obligations in civic life, (ii) Obligations in judicial function, (iii) Obligations towards profession of judges. The Code of Ethics was not yet amended since its adoption. The main reason of opening discussion about code of ethics and possible adoption of a new code were high level of public distrust in the judiciary and unclear rules in several areas of execution of judicial power.

⁸⁶ Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), Vzdelávanie(Education) <http://odz.sk/vzdelavanie/>, accessed on 8 July 2015.

⁸⁷ Via Iuris, education of judges, <http://www.viaIuris.sk/aktivity/vzdelavanie.html>, accessed on 8 July 2015.

⁸⁸ Code of Ethics was adopted by the Association of Slovak Judges in 2001, http://www.zdruzenie.sk/ckeditor_assets/attachments/27/1_eticky_kodex_zss.pdf.

In 2014 Via Iuris implemented a project focused on education of judges in professional ethics. This project came at a moment when also the Judicial Council was working on preparation of a new Code of Ethics for judges. Activities were divided into two phases. The first phase was development of educational materials with special focus on impartiality of judges, reasoning of judicial decisions, and public statements of judges. These materials were translated into Slovak and used in the second phase of the project, which was the training of judges. Activities were carried out in cooperation with internationally respected expert, Law Professor James E. Moliterno from Washington and Lee University, USA. He drafted educational materials and led the training of judges in Slovakia. VIA IURIS provided analytical and management support and coordinated the project activities. Participants appreciated the form and content of the seminar. The positive point is that this initiative will be taken-on by the Judicial Academy which plans to collaborate with Professor J. E. Moliterno and provide further trainings for judges.

NGOs as organizations educating citizens in about the judiciary

This section covers all possible types of education and awareness raising about judiciary done by NGOs. This may include trial simulation, visits in courts, other events in interaction with courts and judges.

- Do NGOs in your country engage in this type of activity?
- If yes, please provide more information, examples of particular organizations, examples of particular projects
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others
- Please share information on any barriers, problems, NGOs face in this type of activity
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)
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One of the NGOs with experience in educating citizens about the judiciary is the Human Rights League. It is as an NGO with a long-term experience in asylum law and protection of the rights of foreigners living in Slovakia.⁸⁹ The Human Rights League has set a project of Asylum Law Clinic for students at the Law faculty of Trnava University. Students have the opportunity to enrol for an optional two-term course *Asylum Law Clinic*. They have opportunity to 'attend court hearings at regional courts and the Supreme Court in cases of asylum, deportation and other proceedings, accompany foreigners to state institutions and communicate with lawyers about individual cases.(...) Apart from that, students attend the simulated court trial annually organized in one of the Central Europe countries'.⁹⁰

Via Iuris (at the beginning in co-operation with the association Citizen and Democracy, later on its own) organized in the late 1990s and in 2000s several "human rights schools" for law students. The intention of these workshops was to present human rights issues in the light of particular case law and lead students to discuss and solve such cases. Simulations of trials

⁸⁹ Human Right League, <http://www.hrl.sk/en/organization>, accessed on 8 July 2015.

⁹⁰ Human Rights League, Asylum Law Clinic, <http://www.hrl.sk/en/asylum-law-clinic>, accessed on 8 July 2015

and acquiring of litigation abilities was the other aim of mentioned workshops. Besides lawyers working for Via Iuris there were as guest lecturers also some judges. This type of activities with young lawyers turned out to be very attractive and interesting for students.⁹¹

Any other form of NGOs – courts interactions that do not fit into previous types

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please list them here.

In November 2014 association of judges 'For open Justice', considered as a reform group of the judiciary, organized a conference titled 'Together for an effective and credible judiciary'. The conference was held under the auspices of the President of the Slovak Republic and with participation of diverse platforms of judges, representatives of all three state powers, NGOs and diplomats.⁹² Open Society Foundations and Via Iuris gave their support in the organization of this event.

International cooperation

Were/ are there any important projects in our area of interest that were done as a part on international projects or in international cooperation?

In 2014 Via Iuris implemented a project focused on education of judges in professional ethics in cooperation with the United States Embassy in Slovakia. Activities were carried out in cooperation with Law Professor James E. Moliterno from Washington and Lee University, USA. He drafted the educational materials and led the training for judges, also with participation of speakers from NGO sector.

Part 2

NGOs “organization cards”

Please see methodology section above.

Please use the format of the proposed table for “organization card” of the NGO.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

VIA IURIS

Radničné námestie 3

902 01 Pezinok

Slovak Republic

Phone: 033 641 2575

web: www.viaiuris.sk

⁹¹ Via Iuris, News Archive, 'Škola ľudských práv' ('School of Human Rights'), <http://www.viaiuris.sk/aktualne/102-skola-ludskych-prav.html>, accessed on 8 July 2015.

⁹² Za otvorenú justíciu (For open Justice), Communiqué from the conference “Together for Effective and More Reliable judiciary” which took place on 19 November 2014 in Bratislava, <http://www.zoj.sk/en/documents/33-zoj/1742-communication-from-the-conference-together-for-effective-and-more-reliable-judiciary-which-took-place-on-19-november-2014-in-bratislava>, accessed on 8 July 2015.

e-mail: info@viaiuris.sk

facebook: www.facebook.com/viaiuris

Mission:

'Since 1993, VIA IURIS helps citizens to protect their rights and participate in decision-making on public affairs. It contributes to accountable and effective functioning of the state and municipal institutions, and participates in the reform of the Slovak judicial system. It draws attention to injustice, violations of laws and lack of transparency.

VIA IURIS is an expert organization which cooperates with the team of lawyers and uses mostly legal tools to protect and promote the public interest such as legislative and analytical work, strategic litigation and legal assistance, organizing professional conferences or non-formal education.⁹³

Key areas of activities:

- Accountability of judges
- Accountability of public officials
- Responsible citizens

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

- Project 'Personality of the judge – key to the good judiciary'
Project emanated from the assumption that personality of judges is a key for good functioning of the judiciary. The objective of the project is to monitor selection

⁹³ Via Iuris, <http://www.viaiuris.sk/en/about-us/statutes.html>.

processes in courts (for general courts and Constitutional Court of the Slovak Republic) and also for important positions within judicial administration (president of the Judicial Council of the Slovak Republic, presidents of courts etc.) and to discuss the scheme of these procedures. Monitoring constituted a tool for public control of these selection procedures and at the same time it allowed organization to assess legality and quality of tender process. Outputs of monitoring constituted a basis for further legislative drafts.

This project took place in the years 2013-2015 when several key positions in the judiciary were filled (President of the Supreme Court, President of the Judicial Council and 3 new judges of Constitutional Court, as well as representatives of Slovakia in international judicial bodies). It was an important moment because with the new President of the Slovak Republic who has competences in nomination of judges there was even stronger hopes that situation in the judiciary could finally start to change. In the framework of the project Via Iuris created a web site "*zadobruvolbu.sk*" ('for good election') which constituted a tool to inform the public on particular candidates and on importance of a good choice among candidates. The main idea was to create a pressure, from NGO sector and from citizens, on persons responsible for selection of judges, to choose judges with adequate personal and professional capacities. This campaign used also a video in order to communicate in an understandable and popular way to the public on "why election of judges concerns us". This project also includes monitoring of the activities of the Judicial Council.

- 'Windows to judiciary'

Monitoring of selection procedures of judges, together with project partners between 2011-2013

- 'Public Interest Law' conferences "Access to justice: Barriers and solutions" (1999 - ongoing)

Legal experts, judges and lawyers from Slovakia and abroad participate at these conferences in order to discuss selected problematic aspects of the judiciary (e.g. Ethics and disciplinary proceedings, cogency and transparency of the judicial decision-making, delays in judicial proceedings). These expert meetings provide recommendations as results of a consensus among different actors and thus have rather high legitimacy. The outcomes often lead to legislative amendments.

- Legislative activities

Via Iuris has been regularly monitoring legislative activities in areas of its concern at national level in order to prevent adoption of legislation which does not respond to the public interest and international standards. When speaking of legislation which directly concerns judiciary we can mention last successful participation in the process of recodification of Civil Procedure Code and Administrative Judicial Procedure Code in 2014-2015. In recodification discussions Via Iuris helped to set higher standards of quality requirements of reasoning of courts decisions. In the past Via Iuris also successfully influenced the adoption of a legal obligation to publish decisions of courts. In 2014 Via Iuris influenced the amendment to the Act no. 385/2000 Coll. on Judges - new provisions requiring recording of the oral part of appointment procedures of judges were introduced.

- Monitoring and complex legal analyses in areas such as disciplinary judiciary in 2012
- Quality of reasoning of judicial decisions in 2013
- Monitoring of judicial affairs in general and comments and statements for media in this respect

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

- Public interest law conferences which are now respected and important platform for discussions/interactions on various topics on access to justice. However this experience has been limited to a group of judges who are open to discussion also with non-judicial NGOs
- An important experience was the work on Code of Ethics and training of judges – in this sense the cooperation with the US professor is highly beneficial
- Monitoring of selection procedures of judges

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Slovak judiciary is rather closed and exclusive group of people, cooperation with NGOs on judicial matters is challenging. Majority of judges consider judicial issues as topics solely for discussion of judges.

Moreover, in recent years there was quite difficult situation in the Slovak judiciary since it was overtaken by a person with allegedly close ties to the drug mafia member, and other judges who were misusing their status and who provoked the atmosphere of fear and bullying within judiciary. Only in 2014 due to legislative and personal changes at key positions of the judiciary the situation has slightly changed towards progressive development.

In this context, communication of NGOs with judiciary was very limited as NGOs represented kind of "enemy" for some representatives of the judiciary. Only a minority of judges, the ones who were critical towards the situation, and were persecuted themselves, were open to discuss challenges of the judiciary and justice in general.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Via Iuris cooperates with lawyers and non-lawyers who are experts in different issues:

- attorneys
- judges
- psychologists

- experts of other NGOs

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important. Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Fair-Play Alliance

Smrečianska 21
811 05 Bratislava

Phone: +421 220 739 919

web: <http://www.fair-play.sk/>

e-mail: fairplay@fair-play.sk

Mission:

At the beginning, Fair-Play Alliance was created with aim to monitor expenses of political parties in political campaigns in elections 2002. Today, Fair-Play Alliance is an independent “watch dog” over political representation, public administration and judiciary. The Fair-Play Alliance uses investigative journalism to highlight uneconomical, non-transparent and unethical activities in managing public funds or using entrusted power. It aims to contribute to a more professional, responsible and open administration of the state. The Alliance keeps developing modern technological instruments that help to increase transparency in public funds management and civic control. Apart from pointing out to systemic problems and concrete errors of politicians they try to held authorities liable for their actions and come with concrete solutions.

Key areas of activities:

- Corruption
- Financing of the political parties
- Open data
- Civic participation in public affairs
- Monitoring of Justice

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project

about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

Activities:

- Monitoring of Judicial Council of the Slovak Republic

In respect to the judiciary Fair-Play Alliance has been mostly monitoring Judicial Council sessions and providing information from them to the public in forms of comments on social networks and in internet blogs.⁹⁴ This monitoring was taking place even in times of Štefan Harabin when most of abuses of power have been happening at Council sessions. Alliance Fair Play thus played an important watchdog role at these times.

- Project 'Red for Harabin'

Project was born in the context of election of the president of the Supreme Court and of the President of the Judicial Council in 2009. Project's aim was to impede the election of S. Harabin, judge who became a symbol of decadency of Slovak judiciary. Other NGOs joined this initiative and call upon the Judicial Council not to elect S. Harabin.

- Monitoring "wage discrimination" proceedings (a few hundreds of judges from general courts complained about their smaller wages, comparing to judges from criminal specialized court)⁹⁵
- Monitoring disciplinary proceedings of judges
- Monitoring of selected court trials (mostly trials connected to top officials of the Slovak judiciary)
- Investigating of selected decisions of Judicial Council members and selected court cases (especially cases regarding the obligatory random assignment of cases)
- Pushing for more transparency in decision making of Judicial Council members

⁹⁴ Aliancia Fair-play, 'Myšlienkový svet top slovenských sudcov - 5 citátov zo Súdnej rady' ('Thoughts of top Slovak judges- 5 citations from the Judicial'), *blog on SME* (webportal of newspaper SME), 28 May 2013 <http://fairplay.blog.sme.sk/c/329549/Myšlienkovy-svet-top-slovenskych-sudcov-5-citativ-ze-sudnej-rady.html>, accessed on 8 July 2015.

⁹⁵ The judges sued the Ministry of Justice of the Slovak republic for compensation of dozens of millions of euros.

- Pushing for accountability of responsible officials by initiating disciplinary proceedings
- Acting as independent voice in the public debate, commenting problems connected to judiciary
- Offering consultancies to journalists regarding judicial themes
- Raising public awareness for judicial themes by attending public debates, organizing campaigns

Fair-Play Alliance together with Via Iuris organize the White Crow Award – an award dedicated to strong individuals within society that act in the name of the public interest and fight for just society

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

In respect to the interaction with judiciary we could say that campaign against Štefan Harabin has been finally successful, even though it was part of a broader movement. But the fact that S. Harabin was not elected as a Supreme Court president in 2014, happened also thanks to the pressure of NGOs like Fair-Play Alliance, pointing at incompetency and immorality of his person and calling for urgent change.

Fair-Play Alliance is recognized for their journalistic skills and intensive watch-dog activities. Investigation and identification of systemic problems are part of their work and can be considered as very important abilities for identifying strategies to tackle current problems of the Slovak judiciary.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

- Organization faces similar problems as Via Iuris (and as any non-judicial NGO): distrust of the judges, underestimation of their abilities to understand and comment on the judiciary.
- Lack of public awareness of necessity to conduct large systemic reforms in the field of the judiciary (missing public pressure, necessary to achieve changes)
- Lack of awareness of necessity to conduct large systemic reforms in the field of judiciary among a big part of Slovak judicial environment
- An atmosphere of fear in the Slovak judiciary and consequent small willingness of a part of Slovak judges to be responsive to criticism
- Lack of information, when institutions refuse to publish required materials

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

- Analysts skilled to investigate concrete cases

- Analysts skilled in monitoring proceedings being able to recognize possible breaking of rules
- Journalistic skills useful when communicating findings, reporting to a broader audience or launching a campaign
- An overview of relevant stakeholders active in the field
- Contacts to / cooperation with relevant journalists and other relevant players
- Cooperation with skilful IT experts

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important. Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Transparency International Slovakia

Bajkalská 25
827 18 Bratislava
Slovenská republika
tel./fax: (00421 2) 5341 7207
e-mail: tis@transparency.sk
url: www.transparency.sk

Mission:

Transparency International is the world's largest anti-corruption organization with more than 100 national chapters.

Mission of Transparency International Slovakia is to reduce corruption by increasing transparency and reducing red tape. They watch the powerful, propose policies and engage people in the fight against corruption.

Key areas of activities:

- Government
- Healthcare and health management
- Public procurement
- Self-government – transparency, eLearning
- Judiciary

- Access to information
- Citizen empowerment
- State-owned companies
- Media

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

- Data collection statistics and data-based advocacy

Transparency International Slovakia has been monitoring the state of corruption in Slovakia and at various occasions warned that judiciary is one of the most corrupted sectors.

- 'Open Courts'

To enhance low accountability of judges and courts, Transparency International Slovakia created an open-data portal which includes manually collected and calculated data about performance of judges and courts. It visualizes various data on their in-court activity and out-of-court behaviour. This portal enables the public to observe and discuss decisions of individual judges. Open Courts website was created to provide: a) improved access to judicial information; b) some rudimentary comparison of judicial performance of the individual courts and justices based on statistical analysis. Improved access will be provided by advanced, speedy and up-to-date search in rulings and proceedings.⁹⁶

- Monitoring of the judicial affairs

Transparency International Slovakia has been monitoring judicial affairs and when necessary they were providing statements concerning important judicial affairs (e.g. selection of judges) to media in order to inform the public.

- District court judges' performance evaluation (data analysis)

⁹⁶ Transparency International Slovakia, Otvorené súdy (Open courts), <http://www.transparency.sk/en/otvorene-sudy/>, accessed on 8 July 2015.

- Analysing judicial decisions in selected areas (e.g. corruption)
- Conference on challenges of the Slovak Judiciary and on possibilities to improve the situation (2009)⁹⁷

Experts, lawyers, judges from Slovakia and from abroad participated in this conference.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

Project "Open courts" is very interesting as it is working with open data, but in much more user-friendly way.

There are generally positive responses to data-based advocacy.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Similar problems as Via Iuris is facing (and as any non-judicial NGO) – distrust of the judges, underestimation of their abilities to understand and comment on the judiciary.

Despite generally positive perception of presented data, judges and court representatives are hesitant to use this data in order to improve perception of judiciary as such in Slovakia. This is perhaps due to collegiality among them.

Moreover some courts are not willing to provide certain data (not publishing decisions, missing information about judges' performance, defensive attitude towards requests for information).

However Transparency International Slovakia interacts more with the Ministry of Justice than representatives of the judiciary.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Transparency International Slovakia started to focus on the judiciary at the time when major NGOs in the area had already established their position in the discourse (Via Iuris, Fair-Play Alliance). Therefore Transparency International Slovakia is bringing new methods, ability to work with big-data, provide statistical analyses.

Transparency International Slovakia has an excellent expertise in data analysis and systematization of information. In relation to the judiciary it pointed out at various

⁹⁷ Transparency International Slovakia, *Výzvy slovenského súdnictva a možnosti zlepšenia existujúceho stavu, Seminárny bulletin (Challenges of the Slovak judiciary and possibilities to improve current situation, Seminary Bulletin)*, Bratislava 2010, published with support of US Embassy, <http://transparency.sk/wp-content/uploads/2010/04/bulletin-sudnictvo.pdf>, accessed on 8 July 2015.

occasions a strong nepotism within Slovak judiciary and problem of corruption.⁹⁸

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important. Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Citizen, democracy and accountability

Záhradnícka ul. 52
821 08 Bratislava
Slovak republic

tel.:(00421 2) 5292 0426

fax: (00421 2) 5292 5568

e-mail: odz@odz.sk, sekretariat@odz.sk

Mission⁹⁹:

The Citizen, Democracy and Accountability is a human rights non-governmental organisation with more than twenty years of practical experience. They promote the values of justice, human dignity and non-discrimination. The aim of the organization is to strengthen responsibility, legal awareness and a dialogue of partners.

Objectives:

- To promote fair conditions for the exercise of rights and responsibility for all
- To strengthen the responsibility of individuals – for themselves, their communities and the entire society
- To develop civic skills and legal awareness of individuals
- To encourage individuals to bear their share of responsibility for the supervision of public authorities and active participation in their decision-making
- To participate in creating room for a dialogue between civil society and public authorities in order to ensure the balance of powers

⁹⁸ Transparency International Slovakia, 'Hlásite sa za sudcu? Mať rodinu v justícii pomôže' ('Do you want to become a judge? Having a family in Justice might help'), *blog on SME* (webportal of newspaper SME), 16 May 2014, <http://transparency.blog.sme.sk/c/356200/hlasite-sa-za-sudcu-mat-rodinu-v-justicii-pomoze.html>, accessed on 8 July 2015.

⁹⁹ Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), Mission and objectives, <http://odz.sk/en/mission-and-objectives/#>, accessed 26 August 2015.

- To enhance accountability of public authorities towards the public and individuals for good governance in the country and for compliance with, and active enforcement of, human rights

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

Most important activities:

- trainings for judges on antidiscrimination issues, gender equality, and women's rights
- enforcement of the right of the public to access judicial decisions in order to increase transparency of the judiciary
- strategic litigation
- monitoring of judicial decisions

Concrete projects:

- For Transparent Judiciary Respecting the Principle of Equality¹⁰⁰

The main aim of the project implemented by the *Citizen, Democracy and Accountability* is to strengthen the impartiality of the judiciary system and the public confidence in its lawful and transparent decision-making. Our aim also covers the need to strengthen an important aspect in courts' decision-making, cutting across all areas of their decision-making practice, which also requires an in-depth and interdisciplinary understanding of the issue. This important aspect is the equality principle.

Project For Transparent Judiciary Respecting the Principle of Equality included following activities:

¹⁰⁰ Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), For Transparent Judiciary Respecting the Principle of Equality, <http://oad.sk/archiv/en/node/502>, accessed 26 August 2015.
NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

1.Set of Seminars: Antidiscrimination in the interdisciplinary context¹⁰¹

2.Set of Seminars: Gender equality and women's rights¹⁰²

The seminars were organized for judges.

3.Monitoring of the access of the public to judicial decisions¹⁰³

Project monitored regional and district courts in the Slovak republic in order to analyse problem of publication of judicial decisions. The report from the monitoring provides a legal analysis of the problem of access of the public to courts' decisions, and provides a series of recommendations.

- Project Implementation of the right to equality on the basis of the sex and gender in the activities of the public administration bodies (including courts) and its reflexion in media

Part of this project was creation of a database of national and European judicial decisions related to the cases of discrimination

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

Specific seminars for judges on such a delicate issue as anti-discrimination and gender equality and women's rights are very important in a Slovak conservative society.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Similar problems as Via Iuris is facing (and as any non-judicial NGO) – distrust of the judges, underestimation of their abilities to understand and comment on the judiciary.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Organization has strong competencies in legal analysis in areas of discrimination and women's rights. In the latter areas they have long-term experience in providing trainings and education activities.

¹⁰¹ Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), Seminár : Antidiskriminácia v interdisciplinárnom kontexte (Seminar: Antidiscrimination in the interdisciplinary context), <http://odz.sk/seminar-antidiskriminacia-v-interdisciplinarnom-kontexte/>, accessed 26 August 2015.

¹⁰² Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), CYKLUS SEMINÁROV: Rodová rovnosť a ľudské práva žien (Sets of seminars: Gender equality and women's rights), <http://odz.sk/cyklus-seminarov-rodova-rovnost-a-ludske-prava-zien/>, accessed 26 August 2015.

¹⁰³ Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), Monitoring prístupu verejnosti k súdnym rozhodnutiam (Monitoring of the Access of the public to judicial decisions), <http://odz.sk/monitoring-pristupu-verejnosti-k-sudnym-rozhodnutiam/>, accessed 26 August 2015.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important. Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Pontis Foundation

Zelinárska 2
821 08 Bratislava
Slovakia

Tel.: (421 2) 57108111

Fax: (421 2) 5710 8125

pontis@nadaciapontis.sk

pontis@pontisfoundation.sk

www.nadaciapontis.sk

The main objective of Pontis Foundation is to bring together people, organisations and countries to achieve a positive change in Slovakia and beyond. Foundation Pontis wants to motivate individuals, communities and companies to be responsible for themselves and for the world around them.

In this sense following activities are performed:

- Educational events and trainings for companies and NGOs
- Individual donations
- Corporate volunteering
- Corporate awards
- Know-how sharing
- Legal services
- Democratisation
- Management of corporate funds

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The only activity of Pontis Foundation related in some way to the judiciary is the Project Attorneys Pro Bono that focuses on legal help to non-profit organizations.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

There is no experience at this respect yet. However in the framework of the project Attorneys Pro Bono there has been set a strategic goal – to get involved in courts' trials when defending interests of non-profit organizations participating in the program as clients.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Special resources of the organization¹⁰⁴:

- Skills in educational activities and trainings
- Skills in Public policy
- Cooperation with attorneys
- Partnership with law faculty at University of Komenský in Bratislava

¹⁰⁴Pontis, Foundation, <http://www.nadaciapontis.sk/who-we-are-en>, accessed 26 August 2015.
NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important. Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Inštitút pre dobre spravovanú spoločnosť (SGI)

Slovak Governance Institute

Štúrova 3, 811 02 Bratislava

+421910 444 636

sgi@governance.sk, www.governance.sk

Slovak Governance Institute is an independent civic association founded in October 2001. Since its foundation the SGI has gone through a dynamic process. From the beginning SGI has been focusing on fields of modernization and transparency of public administration as well as on the issues of educational policy, science and technology, and labour market policy. Activities of the people associated with the SGI follow from the conviction that funds being effectively utilized form a basis for high quality and transparent services for citizens.

The main purpose and activities of SGI include research and preparation of recommendations for the allocation of funds for:

- Public services
- In the areas of education
- Employment, social inclusion
- Public administration
- Civic participation
- Anti-corruption.

SGI proposes its own solutions for an improvement of public services in terms of the quality, accessibility, transparency, integrity and effectiveness. It organizes educational programs, supports discussions and creation of a space for discussions, organizes workshops, seminars, conferences and meetings for knowledge exchange and creative confrontation.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

- Monitoring of the judiciary by NGOs;
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- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The National Integrity System assessment approach provides a framework to analyse the robustness and effectiveness of a country's institutions in preventing and fighting corruption. The concept has been developed and promoted by Transparency International (TI) as part of its holistic approach to countering corruption. A well-functioning national integrity system provides effective safeguards against corruption as part of the larger struggle against abuse of power, malfeasance, and misappropriation. The National Integrity System evaluates key 'pillars' in a country's governance system, both in terms of their internal corruption risks and their contribution to fighting corruption in society at large.

What kind of interaction with the judiciary takes place?

Judiciary is one of the evaluated pillars.

What are outcomes of the project and deliverables (reports, publications) of the project. ?

National report with executive summary in English is available here:

http://files.transparency.org/content/download/202/812/file/2011_NIS_SlovakExecSummary_EN.pdf

Full national report in Slovak language is available here: http://www.transparency.sk/wp-content/uploads/2010/01/2012_Narodny_system_integrity_sprovania_sprava.pdf

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

No experience has been shared by the organisation.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

No experience has been shared by the organisation.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods,

tools, partnerships), which are important in the context of relationships with the judiciary.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important. Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Judges For Open Judiciary

P.O.BOX 112
840 05 Bratislava
Slovenská republika
tel./fax: (00421 2) 5011 8179
e-mail: zsj@sudcovia.sk
url: www.sudcovia.sk

Mission:

Mission of Judges for Open Judiciary is to initiate open discussion on values of the judiciary and to promote open justice with public trust.

Key areas of activities:

- judiciary, judicial ethics, disciplinary procedures, judicial institutions

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support

- of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

As it is judicial association it does not execute many projects. They provide comments and statements to all important judicial issues, problems and legislation. Among the most important and recognised activities there was a conference on November 2014 “Together for effective and more trustworthy judiciary”. The main conclusions were:

- Functioning of the rule of law needs co-operation and mutual respect of all three powers in a state
- Legislative and executive power must include judiciary among their top priorities and shall solve problems of the judiciary without populism and misusing the topic in political competition
- Public trust is the most valuable feature of judiciary and it is inevitable to strengthen trust by judges as expert and moral authorities

BEST PRACTISES

The specific (resulting from the organization’s experience) examples of good practices of interaction between NGO and the judiciary.

The main important issue in the work of Judges for Open Judiciary is the fact that this NGO consists solely from judges. It means that its activities are executed by judges and mostly for judges. Therefore it can be easier to discuss even more sensitive problems – if it is done in a peer-to-peer way.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Judges from “For Open Judiciary” constitute only minority of Slovak judges (approx. 10 %) and it is very difficult to persuade the “silent majority” to participate in activities of the organization.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

All members of the association are judges, but they co-operate with experts from NGOs and other experts.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

Part 3

“Projects cards”

Please see methodology section above.

Please use the format of the proposed table for “project card”.

PROJECT TITLE

TYPE OF THE PROJECT (for instance trial observation or strategic litigation etc.)

Civic monitoring of courts

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Society for Open Judiciary

This organization does not exist anymore. It was a civic association created in December 2003 and its aim was to support positive trends in reform of the judiciary in Slovakia. This association was implementing project enhancing quality of the judiciary, and public participation in the control over the judiciary.

Activities: monitoring, publication, consultations, awareness raising, education

Report from the monitoring was prepared by:

Zuzana Dlugošová, Mária Kolíková, Eva Kováčechová, Lýdia Marošiová, Šarlota Pufflerová, Pavol Žilinčík

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

- the essence of the project – a description in a few sentences (strategic objective)
- objectives of the project
- elements/phases of the project (in chronological order)
- methods/tools used
- outcomes of the project - separately conclusions, recommendations and/or changes/reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.
- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

Civic monitoring of court hearings was carried out by previously trained citizens (mostly students, pensioners and unemployed persons) and its aim was to evaluate effective protection of the right to a fair trial of the parties to proceedings.

Monitoring was focusing on evaluating several aspects of proceedings which have direct impact on the trust of the people into the judiciary (ex. impartiality, independence, judge’s communication methods, dignity of the proceeding etc.). Analysis of legal aspects of the

proceeding did not fall under the scope of the monitoring.
Project was implemented in two district courts in two different regions.

A long-term goal of the project was to strengthen principles of justice in courts' proceedings and support for an independent, impartial and credible court decision-making.¹⁰⁵

Key assumption for the realization of this project was the following:

*'Transparency of the judiciary has to be a principle which enables the public to look into its functioning. It has to constitute one of the basic forms of the control of judiciary by the public and at the same time a mean to increase the trust and authority of courts for the public.'*¹⁰⁶

Participants attended civil law and criminal law trials. They were supposed to fill their observations into a questionnaire where open and closed questions were formulated. There was space for objective/standardized observations and subjective appreciations of participants. Collected data was uploaded to an on-line database.

23 monitoring persons were monitoring 28 judges in 2 courts on 211 trials in 17 court rooms. One judge was monitored on average approximately 7,5 times.

In general, the monitoring revealed that major part of participants were rather positively surprised by the behaviour of judges. This fact contradicts statistics on high mistrust of the public in the judiciary. The monitoring also proposed some ideas for improvement of the specific aspects of functioning of the judiciary.

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

Report is available only in Slovak version:

http://www.viaiuris.sk/stranka_data/subory/analyzy/sos-sprava.pdf

Report was prepared by: Zuzana Dlugošová, Mária Kolíková, Eva Kováčechová, Lýdia Marošiová, Šarlota Pufflerová, Pavol Žilinčík

OTHER INFORMATION

¹⁰⁵ Dlugošová Z., Kolíková M., Kováčechová E., Marošiová L., Pufflerová Š., Žilinčík P., *Správa z občianskeho monitoringu súdov Máj- Júl 2005 (Report from civic monitoring of courts May- July 2005)*, Spoločnosť pre otvorené súdnictvo (Society for Open Judiciary), ÚVTIP Nitra, publisher NOI, 2005.

¹⁰⁶ Ministerstvo spravodlivosti SR (Ministry of Justice of the Slovak Republic), *Stav a perspektívy súdnictva, Ministerstvo spravodlivosti SR (State and perspectives of the judiciary)*, 2000.

PROJECT TITLE**TYPE OF THE PROJECT (for instance trial observation or strategic litigation etc.)**

Personality of judge – key to good judiciary

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

VIA IURIS

Radničné námestie 3

902 01 Pezinok

Slovenská republika

Phone: 033 641 2575

web: www.viaiuris.ske-mail: info@viaiuris.skfacebook: www.facebook.com/viaiuris

person in charge of the project: Zuzana Čaputová

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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After a long-term experience and work on judicial affairs Via Iuris came to the conclusion that the personality of the judge is key issue in the judiciary. If we cannot ensure that to the judiciary enter only persons having adequate personal and professional capacities we cannot have expectations in moving forward in the quality of justice.

Among objectives of the project there was monitoring of selection procedures of judges (for general courts and Constitutional Court) and also for important positions within judicial administration (president of the Judicial Council, presidents of courts etc.). Monitoring constituted a tool for public control of these processes and allowed organization to assess legality and quality of selection procedure. Organization performed also a monitoring of sessions of the Judicial Council. Outcomes of both monitoring projects constituted a basis for further legislative proposals.

This project covered a period (between 2013-2015) when persons to several key positions in the judiciary were elected (president of the Supreme Court, President of the Judicial Council and 3 new judges of Constitutional Court). It was an important moment because there was a chance that situation in judiciary could finally turn to better. In the framework of the project Via Iuris created a web site www.zadobruvolbu.sk ('for good election') which

constituted a tool to inform the public on particular candidates and on importance of a good choice among candidates. The main idea was to create a pressure from NGO sector and from citizens on persons responsible for election to choose personalities with adequate personal and professional capacities. The campaign used also a video film¹⁰⁷ to communicate the issue in an understandable and popular way to the public, and explain why election of judges might be of interest to all citizens.

Elements of the project:

- Campaign on election of the president of the Supreme Court and of the judges of the Constitutional Court (amicus curiae brief, viral video, publication of candidates' profiles, meetings with deputies of the Parliament (the National Council), etc.)
- Monitoring of sessions of the Judicial Council of the Slovak Republic
- Advocacy for good selection of judicial authorities
- Series of recommendations for legislative amendments concerning the Judicial Council
- Statements in media concerning process of selection of judges and concerning the Judicial Council
- Monitoring of the legislation concerning selection procedures of judges and series of recommendation in this respect
- Monitoring of the legislation concerning the Judicial Council and series of recommendations in this respect
- Public survey concerning election to key positions in judicial administration

The strongest moment of the project was the campaign 'For good election'. This campaign helped to communicate to the wide public the importance of selection process to the key positions of judicial administration. It also increased the pressure not to elect controversial candidates, who destroy reputation of the judiciary. Finally, the campaign resulted in a positive outcome – a new person was elected to the head of the Supreme Court.

REPORT

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The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

The project will be concluded by the end of the year 2015.

Link to the campaign website and the viral video diffused as part of the campaign 'For good election':

<http://zadobruvolbu.sk/>

OTHER INFORMATION

¹⁰⁷ Short video film on „Sick justice“ is available on the web page of the campaign: <http://zadobruvolbu.sk/>.
NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

PROJECT TITLE**TYPE OF THE PROJECT (for instance trial observation or strategic litigation etc.)**

Open courts (Otvorené súdy)

Open data, access to information on judiciary and its decision-making

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Transparency International Slovakia

Bajkalská 25

827 18 Bratislava

Slovenská republika

tel./fax: (00421 2) 5341 7207

e-mail: tis@transparency.sk

url: www.transparency.sk

persons in charge of the project: Samuel Spáč (spac@transparency.sk)

PROJECT DESCRIPTION (please be concise, but max 3000 characters)

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- other relevant information

*'To enhance low accountability of judges and courts, Transparency International Slovakia created a web application that visualizes various data on their in-court activity and out-of-court behaviour. This portal should enable the public to observe and discuss decisions of individual judges.'*¹⁰⁸

The project has lasted since the beginning of 2013.

Link to the mentioned web application: <http://otvorenesudy.sk>

Essence of the project:

-to utilize unique datasets available in Slovakia and interconnect them in a portal available to everyone.

Objectives of the project:

- to shed light on individual judges and courts that can easily get lost in the mass of 1.400

¹⁰⁸ Transparency International Slovakia, Otvorené súdy (Open courts), <http://www.transparency.sk/en/otvorene-sudy/>, accessed on 8 July 2015.
NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

judges currently working in Slovakia,

- to encourage data-based discussion about the judiciary in Slovakia. Judiciary, just like any other area, is to some extent a policy area where the usual tools for policy analysis can be used.

Elements/phases of the project (in chronological order):

- creating an open-data portal,
- broadening and improving functionalities of the portal,
- analysing available big-data (on selection procedures, quality and efficiency of judges and courts),
- analysing judicial decisions available at the portal,
- continually improving methodology.

Methods/tools used:

- statistical inferential analysis,
- qualitative analysis of legal documents and judicial decisions,
- content analysis of judicial decisions.

Outcomes of the project:

- it is difficult to make any conclusions, judiciary is a rigid branch of power that changes incrementally,
- realization that data-based analysis is possible and can be used as a tool for policy change,
- however, political and judicial representatives react only when the public is involved,
- it is necessary to involve public, present data in such a form that would allow public to grasp the essence of otherwise complex problems,
- the project shows family interconnections in the judiciary (sudy.transparency.sk). It also provides statistical analysis of selection procedures that confirmed the hypothesis, that having family in judiciary increases one's chances to succeed in selection procedure. Based on this outcome the project contributed to certain shift in the debate about the topic (Judicial Council promised to deal with the issue that has not been considered as a problem before).

Outputs of the project as mentioned on the website of the organization:

'The ultimate goal is to make judiciary more accountable through people engagement, decrease politicisation, impunity and increase trust in the judiciary. According to the latest Eurobarometer poll, only 29% of respondents trust Slovak judges (nothing unusual in many weaker democracies of the world). In fact, judges are far less accountable to the public than politicians or government employees, because for the former the power of FOI (freedom of information) is often undermined by privacy and right to fair trial considerations.

To achieve this, Transparency International Slovakia in cooperation with Pavol Zbell and Samuel Molnar will create a website Open Courts which will provide a) improved access to

judicial information; b) some rudimentary comparison of judicial performance of the individual courts and justices based on statistical analysis. Improved access will be provided by advanced, speedy and up-to-date search in rulings and proceedings.

*We believe that the more people can identify individual judges' work (as opposed to often used "all judges are so corrupt..."), the better can the society differentiate between well- and badly performing judges. Moreover, the public will be able to understand judges' work better.*¹⁰⁹

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

No report available – only partial reports, available upon request.

All information available at:

<http://www.transparency.sk/en/otvorene-sudy/>

<http://otvorenesudy.sk>

OTHER INFORMATION

PROJECT TITLE

TYPE OF THE PROJECT (for instance trial observation or strategic litigation etc.)

Monitoring of the Judicial Council of the Slovak Republic

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Fair-Play Alliance (Aliancia Fair-play)

Smrečianska 21
811 05 Bratislava

Phone: +421 220 739 919

web: www.fair-play.sk

e-mail: fairplay@fair-play.sk

¹⁰⁹ Transparency International Slovakia, Otvorené súdy (Open courts), <http://www.transparency.sk/en/otvorene-sudy/>, accessed on 8 July 2015.

person in charge of the project: Zuzana Wienk

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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- other relevant information

Since 2011 Fair-Play Alliance has been performing a monitoring of the sessions of the Judicial Council of the Slovak Republic. Representatives of the Alliance were attending the sessions in person in different places in Slovakia.

This project had a big importance since it was executed during tremendous and intricate times of Slovak judiciary. This complexity was caused by the fact that the highest positions in judiciary (the head of the Supreme Court and of the Judicial Council) were taken by a controversial person (S. Harabin). During this time the role of Judicial Council was shaken as it did not openly stand for defending of independency and high professional standards within the judiciary.

Methods/tools used:

- Monitoring of meetings of the Judicial Council,
- Raising public awareness for judicial themes,
- Media articles and blogs on acting of the Judicial Council.

Outcome of the project:

- Dozens of monitored Judicial Council meetings,
- Dozens of minute by minute reports on the Judicial Council meetings (resource: Fair-Play Alliance Facebook page),
- Investigative articles pointing out breaking of rules or unethical behaviour of top judicial stakeholders (resource: Fair-Play Alliance blog page).

Fair-Play Alliance has been providing information from these sessions to the public in forms of comments on social networks and also on blogs.¹¹⁰ Fair-Play Alliance thus played an important watchdog role at the most difficult moments of the Slovak Justice and provided important information for the public and also for other NGOs working on judicial affairs. This monitoring revealed diverse unacceptable practices within the Judicial Council

¹¹⁰ Aliancia Fair-play, 'Myšlienkový svet top slovenských sudcov - 5 citátov zo Súdnej rady' ('Thoughts of top Slovak judges- 5 citations from the Judicial'), *blog on SME* (webportal of newspaper SME), 28 May 2013 <http://fairplay.blog.sme.sk/c/329549/Myšlienkovy-svet-top-slovenskych-sudcov-5-citativ-zo-Sudnej-rady.html>, accessed on 8 July 2015.

under the control of S. Harabin (ex. erasing of parts of audio records where S. Harabín was verbally attacking his opponent).¹¹¹

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

No report available.

All information available at:

<http://www.fair-play.sk/abouts/reports>

<http://fairplay.blog.sme.sk/c/286322/Ako-zo-zaznamu-zmizla-Harabinova-nadavka.html>

PROJECT TITLE

TYPE OF THE PROJECT (for instance trial observation or strategic litigation etc.)

For transparent judiciary respecting the principle of Equality

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Citizen, democracy and accountability

Záhradnícka ul. 52
821 08 Bratislava

tel.:(00421 2) 5292 0426

fax: (00421 2) 5292 5568

e-mail: odz@odz.sk, sekretariat@odz.sk

url: www.odz.sk

PROJECT DESCRIPTION (please be concise, but max 3000 characters)

¹¹¹ Aliancia Fair-play, 'Ako zo záznamu zmizla Harabínova nahrávka' ('How Harabin's invective disappeared from records'), *blog on SME* (webportal of newspaper SME), 16 January 2012, <http://fairplay.blog.sme.sk/c/286322/Ako-zo-zaznamu-zmizla-Harabinova-nadavka.html>, accessed on 8 July 2015.

The project was implemented from April 2009 to December 2010

Aim of the project:¹¹²

- To strengthen the impartiality of the judiciary system and the public confidence in it
- To strengthen an important aspect in courts' decision-making – the principle of equality – an element cutting across all areas of decision-making practice
- To strengthen the principles of the rule of law – in particular the principles of equality and non-discrimination, the principle of legal certainty and protection of legitimate expectations, and the principle of lawfulness
- To improve civic participation as a crucial condition for the public control of the judiciary

In order to better establish the aforementioned principles in the decision-making practices of the courts, we provided training to judges on antidiscrimination issues, gender equality, and women's rights. In addition, with the aim of improving the quality of decision-making practices of the courts, we further advance a more effective exercise of the right of the public to access to judicial decisions. This should contribute, among other things, to increase the transparency of the judiciary system.

Target groups

- Judicial professionals (judges primarily, judicial candidates, clerks),
- Other professionals and general public,
- Young activists.

Education

The project provided judges with training activities covering the major aspects of antidiscrimination legislation in international, European and national contexts, as well as a better insight into several interdisciplinary aspects of gender equality in a wider context of women's rights.

Educational Activities:

The project included two sets of seminars for judges, which were organised in cycles throughout the entire duration of the project. The seminars were led by internal and external experts, having interdisciplinary expertise in the field of antidiscrimination, women's rights and gender equality. Mainly experts on law, psychology, sociology, and other related disciplines. The seminar methodology, involving a number of interactive and participative features, such as discussions and group work, was designed to provide room for reviewing attitudes and prejudice that may often accompany judicial decision-making and lead to its discriminatory impacts.

¹¹² <http://oad.sk/archiv/en/node/502>.

1. A series of expert seminars entitled Antidiskriminácia v interdisciplinárnom kontexte (Antidiscrimination in Interdisciplinary Context) was focused on basic issues of antidiscrimination law in the context of the Slovak legal system.
2. The seminars under the Rodová rovnosť a ľudské práva žien (Gender Equality and Women's Human Rights) series focused primarily on the presentation of basic theoretical concepts and international law standards on women's human rights and gender equality. The seminars also integrated theoretical knowledge from scientific disciplines other than the legal science.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

Link to the presentation of the project For Transparent Judiciary Respecting the Principle of Equality:

<http://oad.sk/archiv/en/node/502>

Link to the presentation of the seminar Antidiskriminácia v interdisciplinárnom kontexte (Antidiscrimination in Interdisciplinary Context):

<http://odz.sk/seminar-antidiskriminacia-v-interdisciplinarnom-kontexte/>

Link to the presentation of the seminars Rodová rovnosť a ľudské práva žien (Gender Equality and Women's Human Rights):

<http://odz.sk/cyklus-seminarov-rodova-rovnost-a-ludske-prava-zien/>

OTHER INFORMATION

PROJECT TITLE

TYPE OF THE PROJECT (for instance trial observation or strategic litigation etc.)

Monitoring of public access to judicial decisions

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Citizen, democracy and accountability

Záhradnícka ul. 52

821 08 Bratislava
Slovak Republic

tel.:(00421 2) 5292 0426
fax: (00421 2) 5292 5568
e-mail: odz@odz.sk, sekretariat@odz.sk
url: www.odz.sk

Person in charge of the project: Šarlota Pufflerová

PROJECT DESCRIPTION (*please be concise, but max 3000 characters*)

- the essence of the project – a description in a few sentences (strategic objective)
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Association Citizen, democracy and accountability monitored in 2009 how regional and district courts provide access to their decisions. Monitoring was part of the project For Transparent Judiciary respecting the Principle of Equality.¹¹³ The main objective was to monitor attitudes and practice in courts towards their obligation to give Access to the decisions on merits when required on the basis of the Act on free Access to information. The strategic aim of the organization was to increase transparency and quality in the functioning of the judiciary. Thus the organization was making efforts that all courts at regional and district level give access to all their decisions on the basis of the request.

The basis for the realization of the monitoring was a legal analysis of the organization related to the obligation of courts to give access to their decisions when they are requested.

Monitoring took place in two phases. In both phases organization realized monitoring by sending requests to courts to access judicial decisions in form of a photocopy or in an electronic version (hereinafter „scan“).

Monitoring revealed that courts proceeded in different way depending on whether the applicant was an individual or a civil association. In case when the request was formulated by an individual (its request did not contain legal arguments) more than a half of courts proceeded illegally and did not provide at all or provided just a part of the decision. When

¹¹³ Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), For Transparent Judiciary respecting the Principle of Equality, <http://oad.sk/archiv/en/node/502>, accessed 26 August 2015.

the request was sent by a civil association (containing broad legal argumentation and pointing out to two decisions of the Ministry of Justice of the Slovak republic supporting the idea of access of the public to the judicial decisions) majority of courts provided them with the requested decision.¹¹⁴

Monitoring served as a basis for formulation of recommendations to the courts that were wrongly interpreting the Act on the free access to information and thus violating right to the information of the public. Courts are supposed to make Access to whole decisions and even to persons that are not party to proceedings.¹¹⁵

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

Report was prepared in order to present a Project activity- monitoring of the access of the public to judicial decisions to broader public, especially expert one in area of the judiciary. The project report consists of:¹¹⁶

- Description of the problem of the access of the public to judicial decisions
- Goals and phases of monitoring
- Conclusions and recommendation of monitoring
- Legal analysis of monitoring conclusions
- Legal analysis of courts proceeding and their reasons to reject access to the decisions by the public

Report available on:

http://www.oad.sk/sites/default/files/downloads/mon_pvsr.pdf

Authors of the report: Kristína Babiaková, Peter Wilfling

OTHER INFORMATION

¹¹⁴ Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), Monitoring prístupu verejnosti k súdnym rozhodnutiam (Monitoring of the Access of the public to the judicial decisions), <http://odz.sk/monitoring-pristupu-verejnosti-k-sudnym-rozhodnutiam/>, accessed 26 August 2015.

¹¹⁵ Babiaková K., Wilfling P., *Monitoring prístupu verejnosti k súdnym rozhodnutiam (Monitoring of the Access of the public to the judicial decisions)*, Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), Bratislava, January 2011, <http://odz.sk/monitoring-pristupu-verejnosti-k-sudnym-rozhodnutiam/>, accessed 26 August 2015.

¹¹⁶ Babiaková K., Wilfling P., *Monitoring prístupu verejnosti k súdnym rozhodnutiam (Monitoring of the Access of the public to the judicial decisions)*, Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), Bratislava, January 2011, <http://odz.sk/monitoring-pristupu-verejnosti-k-sudnym-rozhodnutiam/>, accessed 26 August 2015.

PROJECT TITLE**TYPE OF THE PROJECT (for instance trial observation or strategic litigation etc.)**

Implementation of the right to equality on the basis of the sex and gender in the activities of the public administration bodies (including courts) and its reflection in media

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Citizen, democracy and accountability

Záhradnícka ul. 52

821 08 Bratislava

Slovak republic

tel.:(00421 2) 5292 0426

fax: (00421 2) 5292 5568

e-mail: odz@odz.sk, sekretariat@odz.sk

url: www.odz.sk

Person in charge of the project: Šarlota Pufflerová

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- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

Creation of the database of judicial decisions related to the discrimination was part of a broader project “Implementation of the right to equality on the basis of the sex and gender in the activities of the public administration bodies (including courts) and its reflection in media”. The main goal of the project was to contribute to the elimination of identified barriers in creation of public policies in issues of gender equality and women’s rights and thus contribute to a better and more sustainable implementation of the gender equality and women’s rights into the practice. Project also aimed to increase sensibility of the society, increase legal awareness and to offer a space to discuss mentioned issues.¹¹⁷

¹¹⁷ Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), Uplatňovanie práva na rovnosť na základe pohlavia a rodu v činnosti orgánov verejnej moci (vrátane súdov) a jeho premietnutie v práci médií NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

Elaboration of a database was a partial goal. Even though the Antidiscrimination Act entered into force in Slovakia in 2004, the public still knew very few judicial cases where individuals would be defending their right to equality on the basis of the mentioned Act. This database is published on the web and is meant to serve the public.

Database contains important decisions from national but also from European level.

Considering the fact, that access to judicial decisions in general is still very problematic issue, in the sense that searching formularies on the courts' websites are not very user-friendly and do not work efficiently, elaboration of this database was very significant and important effort.

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

Database link: <http://diskriminacia.sk/kategoria/sudne-rozhodnutia/>

OTHER INFORMATION

PROJECT TITLE

TYPE OF THE PROJECT (for instance trial observation or strategic litigation etc.)
Attorneys Pro Bono

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Pontis Foundation

Zelinárska 2
821 08 Bratislava
Slovakia

Tel.: (421 2) 57108111

Fax: (421 2) 5710 8125

(

<http://odz.sk/uplatnovanie-prava-na-rovnost-na-zaklade-pohlavia/>, accessed 26 August 2015

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication



pontis@nadaciapontis.sk

pontis@pontisfoundation.sk

www.nadaciapontis.sk

Person in charge of the project: Lucia Borovská

PROJECT DESCRIPTION (*please be concise, but max 3000 characters*)

- the essence of the project – a description in a few sentences (strategic objective)
- objectives of the project
- elements/phases of the project (in chronological order)
- methods/tools used
- outcomes of the project - separately conclusions, recommendations and/or changes/reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.
- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

The Pontis Foundation is an expert on the third sector and within this project decided to connect attorneys with trustful and really prosperous organizations which need pro bono help. 15 attorneys offer pro bono legal consulting to philanthropic organizations via Attorneys Pro Bono program. They help strengthening justice in society and advocate public interest or rights of those in greatest need. Membership is voluntary and open to all attorneys and attorney agencies operating in Slovakia. Program members sign the Pro Bono Declaration and express their consent with pro bono principles and rules of the Attorneys Pro Bono initiative.

The Attorneys Pro Bono Program improves availability of qualified legal help to non-profit organizations which would not be able to afford it otherwise. Up to now legal help of attorneys consisted mainly in legal consultations, legal analysis of particular cases or legislation. However strategic aim is to enlarge the scope of project activities and include the litigation in courts.

The idea to establish this initiative in Slovakia came from the international organization [PILnet](#) (The Global Network for Public Interest Law) which helps to develop pro bono legal services in more than 20 countries in the world. They cooperate also in Czech Republic (with Pro Bono Alliance), Hungary (PILnet Budapest) and Poland (with Centrum Pro Bono). At the beginning of 2011 PILnet approached the Pontis Foundation and law firms Allen&Overy, Kinstellar and White&Case with which it cooperates also in other countries.¹¹⁸

¹¹⁸ Pontis Foundation, About the programme: Attorneys help Non-profit pro bono, <http://www.nadaciapontis.sk/about-the-programme-en>, accessed 26 August 2015.
NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

Types of activities:¹¹⁹

- Legal consultation to non-profit organizations
- Legal help to the clients of the non-profit organizations
- Legal analysis and trainings for non-profit organizations
- Legal clinic within the Law Faculty of the University of Komenský in Bratislava (students with support of attorneys integrated in program help non-profit organizations)
- Attorneys in programs provide systemic legal help in the issues of homelessness

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE

TYPE OF THE PROJECT (for instance trial observation or strategic litigation etc.)
National Integrity System Assessment Slovak Republic

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Inštitút pre dobre spravovanú spoločnosť (SGI)

Slovak Governance Institute

Štúrova 3, 811 02 Bratislava

+421910 444 636

sgi@governance.sk, www.governance.sk

Responsible person: Mgr. Ctibor Košťál, EMPM

PROJECT DESCRIPTION (please be concise, but max 3000 characters)

- the essence of the project – a description in a few sentences (strategic objective)
- objectives of the project

¹¹⁹ Pontis Foundation, Advokáti už pomohli viac ako 70 neziskovým organizáciám (Attorneys have already helped more than 70 non-profit organisations), <http://www.nadaciapontis.sk/pomohli-sme>, accessed 26 August 2015.

- elements/phases of the project (in chronological order)
- methods/tools used
- outcomes of the project - separately conclusions, recommendations and/or changes/reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.
- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

The National Integrity System¹²⁰ evaluates key 'pillars' in a country's governance system, both in terms of their internal corruption risks and their contribution to fighting corruption in society at large. The 16 pillars are divided into two groups based on their performance – better performing and not well performing. The first group involves such institutions as Supreme Audit Office, Legislature, Media, Civil Society etc. Contrary, the Judiciary, Prosecution, Police, Public Procurement Office are included in the second group since they are less involved in anti-corruption or integrity policies.

Objectives of the project:

The main goal of the project was to evaluate 16 pillars in Slovak Republic under the methodology developed by Transparency International.

Elements/phases of the project (in chronological order):

Creation of the working group, desk research, field research (interviews), preparation of the report.

Methods/tools used:

Methodology provided by Transparency International. Sixteen pillars are assessed in three main dimensions: capacity, governance and role. There are two indicators used: legislation and practice, where "legislation" assesses the legal framework of relevant pillar, and "practice" assess the way of implementation or legal norms. The indicators are assessed during 24 months period, sometimes they refer to older events.

Outcomes of the project:

Generally, Slovakia has a well-developed legal framework. However, it lacks implementation skills and mainstreaming of specific integrity mechanisms across the sectors. Judiciary is in the group with other entities that have been either operating in an unstable environment or have been less involved in anticorruption or integrity policies.

Judiciary Overall Pillar Score: 49 / 100

	Indicator	Law	Practice
Capacity 56/ 100	Resources	75	50

¹²⁰ https://www.transparency.org/whatwedo/nisarticle/slovakia_2012. More detailed information about the project is available at: <http://media.transparency.org/nis/cogs/?Country=sk>.

	Independence	75	25
Governance 54/100	Transparency	75	50
	Accountability	75	25
	Integrity mechanisms	75	25
Role 38/100	Executive oversight	50	
	Corruption prosecution	25	

Survey of the Transparency International Slovakia:

<https://www.transparency.org/whatwedo/nis/158>

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

Executive summary of national report in English is available here:

http://files.transparency.org/content/download/202/812/file/2011_NIS_SlovakExecSummary_EN.pdf

Full national report in Slovak language is available here: http://www.transparency.sk/wp-content/uploads/2010/01/2012_Narodny_system_integrity_sprovania_sprava.pdf

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

Project coordinator: Transparency International Slovensko, Emília Sičáková-Beblavá, Tomáš Jacko

Lead researcher: Inštitút pre dobre spravovanú spoločnosť (SGI), Ctibor Košťál

OTHER INFORMATION

Part 4

Country bibliography

Please provide the list of publications, reports written by NGOs as a result of projects regarding judiciary (please see Basic style guide attached).

Please list also separately any publications that go beyond particular project and are

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

specifically dedicated to the matter of watchdog activities, interactions, collaboration and communication between NGOs and judiciary.
Please provide English translation in brackets.

Babiaková, K., *Výber sudcov na Slovensku, monitoring a analýza výberových konaní (Selection of judges in Slovakia, monitoring and analysis of selected tender procedures)*, Via Iuris, Pezinok, 2013.

http://www.viaiuris.sk/stranka_data/subory/analyzy/babiakova-web-upravena12022014.pdf

Babiaková K., Wilfling P., *Monitoring prístupu verejnosti k súdnym rozhodnutiam (Monitoring of the Access of the public to the judicial decisions)*, Občan, demokracia a zodpovednosť (Citizen, democracy and accountability), Bratislava, January 2011.

<http://odz.sk/monitoring-pristupu-verejnosti-k-sudnym-rozhodnutiam/>

Čaputová, Z., *Profesijná etika sudcov v etických kódexoch, judikatúre a stanoviskách etických poradných komisií (Professional judicial ethics in Codes of ethics, case law and opinions of ethical advisory commissions)*, VIA IURIS, Pezinok, 2012.

Dlugošová, Z., Kolíková, M., Kováčeková, E., Marošiová, L., Pufflerová, Š., Žilničik, P., *Správa z občianskeho monitoringu Máj- Júl 2005 (Report from civic monitoring of courts May - July 2005)*, Spoločnosť pre otvorené súdnictvo (Society for Open Judiciary), ÚVTIP Nitra, publisher NOI, 2005.

Košťál, C., Láštic, E., Lovrantová, K., Žitňanský, R., Srba, M., Deščíková, R.: *Národný systém integrity spravovania na Slovensku (National integrity system assessment of Slovakia)*, Slovak Governance Institute, January 2012,

http://www.transparency.sk/wp-content/uploads/2010/01/2012_Narodny_system_integrity_sprovania_sprava.pdf

Kováčeková, E., Čaputová, Z., *Vybrané aspekty disciplinárneho súdnictva (Selected aspects of the disciplinary proceedings)*, VIA IURIS, Pezinok, 2012.

http://www.viaiuris.sk/stranka_data/subory/viaiuris-disciplinarne-sudnictvo.pdf

Kováčeková, E., Wilfling, P., *Presvedčivosť a transparentnosť rozhodovania súdov (Cogency and transparency in decision-making of courts)*, Almanac from Public Interest Law Conference, VIA IURIS – Centrum pre práva občana (Centre for rights of the citizen), Pezinok, 2010.

http://www.viaiuris.sk/stranka_data/subory/pilc/pilk2009-vyslo-2010sk.pdf

Lacko, P.: *Myšlienkový svet top slovenských sudcov – 5 citátov zo Súdnej rady (Mental world of the top Slovak judges – five quotes from the Judicial Council)*, 28 May 2013,

<http://fairplay.blog.sme.sk/c/329549/Myslienkovy-svet-top-slovenskych-sudcov-5-citativ-zo-Sudnej-rady.html>

Lacko, P.: *Ako zo záznamu zmizla Harabinova nadávka (How the Harabin's invective*

disappeared from the record), 16 January 2012, <http://fairplay.blog.sme.sk/c/286322/Ako-zo-zaznamu-zmizla-Harabinova-nadavka.html>

Transparency International Slovakia, National Integrity system assessment- Slovak republic, Transparency International Slovakia, 23 February 2012.

http://issuu.com/transparencyinternational/docs/2011_nis_slovakexecsummary_en?e=2496456/3187179

Transparency International Slovakia, *Výzvy slovenského súdnictva a možnosti zlepšenia existujúceho stavu, Seminárny bulletin (Challenges of the Slovak judiciary and possibilities to improve current situation, Seminary Bulletin)*, Bratislava 2010.

<http://transparency.sk/wp-content/uploads/2010/04/bulletin-sudnictvo.pdf>

Wilfiling, P., *Prístup verejnosti k súdnym rozhodnutiam (Access of the Public to Court decisions)*, Via Iuris 2010.

http://www.viaiuris.sk/stranka_data/subory/analyzy/analyza-pristupu-k-sudnym-rozhodnutiam.pdf

Wilfiling, P., *Kvalitné požiadavky na odôvodnenie súdneho rozhodnutia, Vybrané otázky (Quality Requirements for Reasoning of Judicial Decisions, Chosen Aspects)*, Via Iuris 2013.

http://www.viaiuris.sk/stranka_data/subory/publikacie/kvalitativne-poziadavky-na-odovodnenie-sudneho-rozhodnutia-2-vydanie.pdf

The Human Rights Reports of the U. S. Department of State are specific source of information on judiciary and NGOs,

<http://www.state.gov/j/drl/rls/hrrpt/>