

Questionnaire relating to the *Convention of 25 October 1980 on International Access to Justice (Access to Justice Convention)*

Responding State:

Slovak Republic

I. General Feedback

1. How does your State rate the general operation of the Access to Justice Convention?
(b) Good.
2. How does your State rate the operation of the Model Forms?
(b) Good.
3. In your State's opinion, should the PB develop further guidance or explanatory material on the operation of the Access to Justice Convention?
(a) Yes.
"The designated authority (Centre for Legal Aid) has a very limited knowledge about problems or any other misconceptions with procedures and forms mentioned above, as there are very few real cases in our line of work."

II. Operation of the Convention

4. Has your State, as a requesting or as a requested State, experienced any difficulties in the application of any of the chapters of the Access to Justice Convention?
(b) No.
5. Has the concept of habitual residence, as used in the Access to Justice Convention, led to any difficulties of interpretation or application in your State?
(b) No.
6. Has your State granted legal aid to legal persons (as opposed to "natural" persons) under Chapter I of the Convention (noting comments in the Explanatory Report by Gustaf Möller, which excludes legal persons from Chapter 1).
(a) Yes.
"In fact, no, because the Legal Aid Authority has not provided such legal aid because under the Slovak law, Legal Aid Centre have competencies in providing legal aid only for natural persons (Act. No. 327/2005 col. on Legal Aid)."

7. If your State has made a reservation under Article 28(1), please indicate whether your State has exercised the power granted by that Reservation.

(Art. 28(1) allows a Contracting Party to exclude the obligation of Article 1 of the Convention:

(1) in the case of persons who are not nationals of a Contracting Party, but who have their habitual residence in a Contracting Party other than the reserving State, and / or

(2) in the case of persons who formerly had their habitual residence in the reserving State, if, in either of these cases, there is no reciprocity of treatment between the reserving State and the State of nationality of the applicant.)

- (a) Yes.
“the data not available”

8. In your State, is legal aid made available only in civil and commercial matters, or also in administrative, social or fiscal matters? (Art. 1(3))

- (b) Administrative, social or fiscal.
“civil law, family law, labour law, commercial law, certain administrative proceedings, certain cases in the proceedings before the Constitutional Court, proceedings for debt relief for natural persons, cross-border disputes, asylum matters, proceedings on administrative expulsion, proceedings on the detention of a third-country national, proceedings on the detention of asylum seekers.”

9. In judicial proceedings before the courts of your State, does the law or practice of your State impose any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in your State?

- (b) No.

10. Is your State able to provide the PB with an example or case of the Convention operating effectively in practice?

- (b) No.

III. Use of Information Technology

The questions below seek information from Contracting Parties on the use of technology and in light of the COVID-19 pandemic.

11. Has your State taken any steps (including through legislation) to enable or increase the use of technology or electronic means to facilitate the transmission or processing of applications for legal aid under the Convention, including in response to the COVID-19 pandemic?

- (b) No.

12. In the past five years, has your State **received** any applications using electronic means?

- (a) Yes.
 (i) E-mail (regular).
 (iii) Electronic transmission via online platform administered by the government.
 (vi) Other.
“The new complex IT system with expanded functionality and phone app is currently developed with expected operational status by fall 2023.”

12.1. If no, please provide further information about why this is not yet possible.

N/A

13. In the past five years, has your State **sent** any applications using electronic means?

- (a) Yes.
 - (i) E-mail (regular).
 - (iii) Electronic transmission via online platform administered by the government.

13.1. If no, please provide further information about why this is not yet possible.

N/A

14. What challenges, if any, has your State faced regarding the use of information technology under the Access to Justice Convention? *More than one answer is possible.*

- (b) Internal law limitations.
- (c) Judicial or administrative structures.
- (g) Security concerns.

15. In addition to the Access to Justice Convention, is your State a party to any bilateral, regional, or multilateral agreements that provide rules for access to justice in a cross-border context?

- (a) Yes.

“Within the EU, the matter is governed by the Legal Aid Directive (Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in crossborder disputes by establishing minimum common rules relating to legal aid for such disputes, OJ L 26, 31.1.2003, p. 41–47) that had to be transposed by 30 November 2004 / 30 May 2006 (depending on the specific provisions). Apart from that a wide spread of bi-, tri- or multilateral treaties as shown here: <https://www.justice.gov.sk/agenda-ministerstva/medzinarodne-pravo/justicna-spolupraca/pramene-prava/>”

For Parties that answered yes to Q15 above:

15.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or process applications for access to justice?

- (a) Yes.

“(b) The Legal Aid Directive is technology neutral as to the means of communication. However, on 1 December 2021, the European Commission adopted a proposal for a Regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation and a proposal for a Directive amending certain acts in the field of judicial cooperation (Digitalisation proposals). These proposals also apply to the Legal Aid Directive. The main objective of the proposal for a Regulation is to make the digital communication channel between competent authorities mandatory. The intention is to build upon our achievements to date, namely to extend existing IT tools such as e-CODEX and the eEvidence Digital Exchange System (eEDES), which already support digital exchanges of European Investigation Orders and Mutual Legal Assistance (in criminal matters) requests. The Service of Documents / Taking of Evidence IT systems will also be based on the eEDES and will start applying from May 2025. Additionally, in civil and commercial matters the proposed Regulation will provide natural and legal persons with the option to communicate with competent authorities digitally through a European electronic access point (on the e-Justice Portal) or existing national IT portal. The Council adopted its General Approach in December 2022 and the European Parliament is expected to adopt its position in March 2023 after which the trilogies can start. For information on the challenges faced regarding the use of

information technology prior to the adoption of the Digitalisation proposals please see Impact assessment report - Proposal for a Regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial, criminal matters.”

IV. 2024 Meeting of the Special Commission & Monitoring

16. What are the three key topics or practical issues related to the Access to Justice Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *“Awareness”*
2. *“Translations”*
3. -

16.1 Please indicate whether the information provided in Q16 above may be published.

- (a) Yes.

17. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Access to Justice Convention?

- (a) Yes.
“Providing information leaflets and brochures with relevant information aimed at non professional persons with real life examples of application.”

17.1. If the answer to Q17 above is “yes”, please indicate whether the information provided may be published.

- (a) Yes.

DATA & STATISTICS FOR CONTRACTING PARTIES

I. General Application

- Please indicate, by numbering from 1 to 4, the Access to Justice Convention chapters which have been most frequently applied in your State (1 representing the highest, 4 the lowest)

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II. Application for Legal Aid

A. Chapter 1 – Legal Aid

1. Incoming Requests

- How many **incoming applications** for legal aid has your State received and granted?

Year	Number of requests received	Number of requests granted
2017	-	-
2018	-	-
2019	-	-
2020	-	-
2021	-	-
2022	-	-
Unknown – <i>please explain.</i>		
-		

- Which three States made the most requests?

N/A

- If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-

Unknown – <i>please explain.</i> -

5. Please select the categories of persons that have been granted legal aid in your State (as a requested State) in the past five years under the Convention.

Please also indicate the total number of persons in each category.

Category	Number granted	Total Number
Nationals of a Contracting Party (Art. 1(1))	-	-
Persons habitually resident in a Contracting Party (Art. 1(1))	-	-
Persons who formerly had habitual residence in your State	-	-
Persons seeking the recognition and enforcement of a decision in circumstances of Article 13.2	-	-
Unknown – <i>please explain.</i> -		

2. Outgoing Requests

6. How many **outgoing applications** for legal aid has your State sent?

Year	Number of requests sent
2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> -	

7. To which three States did your State send the most requests?

N/A

8. If possible, please provide a breakdown of how long (in months) it took to have outgoing requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
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9. Please indicate the categories of persons in your State (as the requesting State) that have been granted legal aid abroad in the past five years and indicate the number in each category.

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B. Chapter II - Security for Costs and Enforceability of Orders for Costs

1. Incoming Applications

This question applies if your State has not excluded the application of Chapter II.

10. Please indicate how many applications for the enforcement of orders for costs and expenses (“Article 15 Applications”) have been **received** annually by the Central Authority(ies) of your State, in the past five years?

Year	Number of applications
2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	
-	

11. Which three States made the most requests?

N/A

12. If possible, please provide a breakdown of how long (in months) it took to have incoming requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
-					

2. Outgoing Applications

This question applies if your State has not excluded the application of Chapter II.

13. Please indicate how many applications for the enforcement of orders for costs and expenses (“Article 15 Applications”), have been **sent** annually by the authorities of your State to the Central Authorities of other Contracting Parties in the past five years?

Year	Number of requests
2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	
-	

14. To which three States has your State sent most requests?

N/A

15. If possible, please provide a breakdown of how long (in months) it took to have outgoing requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
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CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Access to Justice Convention since 2014 and provide a link to or upload the decisions (in PDF format only).

“On the interpretation of the Legal Aid Directive, please see the judgment of the Court of Justice of the European Union of 26 July 2017 in the case C-670/15 Šalplachta.”

1 file uploaded.

II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

“The following resources are available on the e-Justice Portal: - factsheets on national law on legal aid; - notifications of Member States related to the transposition of the Legal Aid Directive including a “finding the competent courts / authorities” tool; - dynamic forms of the Legal Aid Directive.”

PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.