

## **AGREEMENT**

**between**

**the Council of Europe**

**and**

**the Ministry of Justice of the Slovak Republic**

**on the funding of the Project**

**"Efficiency and quality of the Slovak justice system"**

This agreement, hereinafter referred to as the "Agreement", is made

**BETWEEN** the Ministry of Justice of the Slovak Republic hereinafter referred to as the "Donor"

**AND** The Council of Europe, hereinafter referred to as the "Council of Europe"

Jointly referred to as the "Parties";

**WHEREAS** the Donor wishes to contribute financially to the Council of Europe Project entitled "Efficiency and quality of the Slovak justice system", hereinafter referred to as the "Project"

**WHEREAS** the Council of Europe is prepared to accept and administer the contribution, offered by the Donor, in accordance with the Council of Europe Financial Regulations, and the terms set out hereinafter in this Agreement.

**NOW, THEREFORE**, for and in consideration of the representations, warranties and mutual agreement of the Parties set forth in this Agreement, the Parties have agreed as follows:

### **Article 1 – Scope and objective**

- 1.1. The present Agreement regulates the award by the Donor of a contribution with a view to the implementation of the Project entitled "Efficiency and quality of the Slovak justice system" (VC 3785), described in Appendix I to this Agreement and forming an integral part thereof.
- 1.2. The contribution is awarded to the Council of Europe under the conditions stipulated in the present Agreement, made up of the clauses of the present Agreement and its Appendices.
- 1.3. The Council of Europe accepts the contribution and undertakes to carry out the project under its responsibility and to resort to the contribution only for the financing of the expenses related to the project and exposed in the budget of the project herein enclosed in Appendix II.
- 1.4. The Donor shall make every effort to respect the payment dates specified in Article 3 of this Agreement. Where it is not possible to meet the relevant dates, the Donor shall inform the Council of Europe in advance.
- 1.5. The Donor shall make every effort to accept the progress and financial reports within a reasonable time limit (*i.e.* 30 days after submission), once the reports are submitted in accordance with Article 4 below.

- 1.6. The Parties agree to provide all information necessary for the good functioning of this Agreement and to apply the highest degree of transparency and accountability as well as the principles of good governance, sustainable development and gender equality.
- 1.7. The Parties shall promptly inform each other of any circumstances that interfere or threaten to interfere with the successful implementation of this Agreement. In particular, the Council of Europe shall immediately inform the Donor of any cases of suspected or actual fraud, corruption or other illegal activity that come to its attention, at any level or any stage of implementation of the Project.

## **Article 2 – Implementation of the Project**

The Project described in Appendix I shall be implemented by the Council of Europe from 1 April 2017 to 31 March 2019 (24 months).

## **Article 3 – Financing of the Project and disbursement of the contribution**

- 3.1. The total cost of the project eligible for financing by the Donor is estimated at 700,000 euros, according to the budget in Appendix II.
- 3.2. The Donor undertakes to finance the Project in an amount not to exceed 700,000 euros. The contribution of the Donor shall be paid in three instalments, in the following manner:
  - 280,000 euros, which is 40% of the total amount of the contribution, by 30 April 2017 and upon presentation to the Donor of the request for payment (Appendix III);
  - 280,000 euros, which is 40 % of the total amount of the contribution, by 31 August 2017 following the acceptance by the Donor of the first report regarding the accomplishment of goal no. I of the Project, in accordance with Article 4 below, and upon presentation to the Donor of a request for payment;
  - 140,000 euros, which is 20 % of the total amount of the contribution, by 31 October 2018 following the acceptance by the Donor of the second report regarding the accomplishment of goal no. II of the Project, in accordance with Article 4 below, and upon presentation to the Donor of a request for payment.
- 3.3. Requests for payment shall be made by using the model in Appendix III
- 3.4. The Council of Europe shall acknowledge receipt of the payments, referencing the Donor's Project number and the Council of Europe's Project number within 10 days of receipt.
- 3.5. The Council of Europe shall endeavour to obtain exemption from custom duties import/export fees, and value added tax, social taxes or similar charges, which may be due for the implementation of the Project. However, should taxes be payable, these shall be paid from the contribution.

- 3.6. In compliance with the objectives of the project, and notwithstanding the indications contained in the budget of the project, transfers of funds from one budget line to another within a single budget heading, or between main budget headings up to a maximum variation of 15%, are acceptable without requiring a written decision by the Parties. Any other transfers shall be subject to a written decision by the Parties, providing the reasons necessitating the transfer and the consequences of such transfer for the implementation of the Project
- 3.7. The Council of Europe shall notify the Donor should any amount of the contribution remain unutilized after the completion of the Project. Such unutilized amount of the contribution shall be repaid by the Council of Europe to the Donor within 30 days of the acceptance by the Donor of the final financial report submitted by the Council of Europe, unless the Donor provides specific guidance for the use of the balance in writing.

#### **Article 4 –Progress and Financial Reports**

- 4.1. The Council of Europe shall keep the Donor informed of the implementation of the Project. To this end, the Council of Europe shall submit to the Donor progress (narrative) and financial reports illustrating the accomplishment of the Project in accordance with the provisions of paragraph 4.2. These reports shall be certified by the Project Manager and shall, in particular, present the results achieved, the means deployed, and a financial report certified by the Treasurer of the Council of Europe, detailing the funds received for the financing of the project and the expenditure incurred in the execution of the project.
- 4.2. The report schedule is the following:
- the first report shall be submitted in support of the first payment and no later than 31 July 2017, to cover the accomplishment of goal no. I of the Project specified in the Terms of reference enclosed in Appendix I.
  - the second report shall be submitted in support of the second payment and no later than 31 December 2017, to cover the accomplishment of goal no. II of the Project specified in the Terms of Reference enclosed in Appendix I.
  - the third report shall be submitted in support of the third payment and no later than 28 February 2019, to cover the accomplishment of goal no. III of the Project specified in the Terms of Reference enclosed in Appendix I.
- the final narrative and financial report covering the entire period of implementation of the project shall be submitted no later than 30 June 2019.
- 4.3. The Donor shall make every effort to accept the reports within the time limit provided in Article 1.5 above.

#### **Article 5 – Audit and checks**

The Contribution shall be subject to the auditing procedures laid down in the Council of Europe rules and procedures. The Organisation will certify, through its progress report and certified financial report, that the funds have been used in accordance with the intended purpose and that the financial data contained in the report is in accordance with the Council of Europe's financial records. It will further certify that all expenditures have been made in accordance with the Organisation's Financial Regulations, which provide for a detailed procedure of internal control and an annual external verification of the accounts by the external auditor whose report is transmitted to the Committee of Ministers of the Council of Europe.

## Article 6 – Liability

- 6.1. The financial responsibility of the Donor under this Agreement is limited to funding the amount indicated at Article 3 above. The Agreement does not provide or imply, directly or indirectly any responsibility or liability of the Donor for any other claims for damages, loss or injury from a third party, which the Council of Europe may sustain in consequence of or arising out of the implementation of the Project and the contractual relationship and/or partnerships entered into by the Council of Europe for the purpose of the Project.
- 6.2. The contribution shall be accepted by the Council of Europe on the understanding that:
- a) The contribution shall be used and administered in accordance with the financial regulations and other applicable internal rules and procedures of the Council of Europe;
  - b) The Council of Europe commits itself only within the limits of its mandate and competence;
  - c) Extraneous factors beyond the Council of Europe's control may impede the successful implementation of the Project in question;
  - d) The Donor releases the Council of Europe from any liability for not returning the contribution partially or entirely, in the event of unsuccessful implementation of the Project, in the event that such funds have been transferred by the Council of Europe to implementing partners, engaged for the purpose of implementation of the Project, and cannot be recovered by the Council of Europe from implementing partners.
- 6.3. The Council of Europe shall not be held responsible for the unsuccessful implementation of the Project, resulting from the fact that the Council of Europe personnel and/or the Council of Europe contractors and partners, as the case may be, have not been granted, by the countries involved in the Project financed by this contribution:
- a) access to the sites, equipment and facilities where activities are undertaken to ensure effective implementation and oversight;
  - b) the necessary site security and personnel safety;
  - c) any necessary visas and travel documents.

## Article 7 – Code of conduct and conflict of interest

### 7.1. Ethical standards

The Parties shall observe the highest ethical standards during the implementation of the Agreement, and shall ensure the application of adequate and effective means to prevent unethical practices or/and behaviour. The Council of Europe confirms that its own relevant internal rules and regulations provide for the standards as established in this Article.

### 7.2. Gifts

If one of the Parties or staff members offer to give, or agree to offer or agree to give, or give to any person, any bribe, gift, gratuity or commission as an inducement or reward for doing or forbearing to do any act in relation to this Agreement, or for showing favour or disfavour to any person in relation to this Agreement, the other Party may terminate this Agreement forthwith, without prejudice to any accrued rights of the Council of Europe under the Agreement.

7.3. Conflict of interest

The Parties shall take all necessary measures to prevent or end any situation that could compromise the impartial and objective execution of this Agreement. Such conflict of interests could arise in particular as a result of economic interest, political or national affinity, family or emotional ties, or any other relevant connection or shared interest. Any conflict of interests, which could arise during the execution of the Agreement, must be notified in writing to the other Party without delay.

The Parties should refrain from entering into any contractual relationship, which could compromise their independence or that of their personnel employed. If one of the Parties fails to maintain such independence the other Party may, without prejudice to compensation for any damage, which it may have suffered on this account, terminate this Agreement forthwith, without giving formal notice thereof.

7.4. Professional secrecy and confidentiality

Both Parties and their personnel employed, be that contractually or nominally engaged, shall maintain professional secrecy for the duration of this Agreement and three years after completion thereof. In this connection, except with the prior written consent of the other Party, neither Party nor the personnel employed shall at any time communicate to any person or entity any information that may adversely affect the successful implementation of the Project. This is without prejudice to any existing obligations to disclose information to the organs of the Council of Europe, the Donor or for auditing purposes.

Both Parties undertake to preserve the confidentiality of reports, documents and any information exchanged in pursuance of the present Agreement.

**Article 8 – Publicity**

The Council of Europe will acknowledge the contribution provided by the Donor in publicity about the project.

**Article 9 – Assignment**

The present Agreement, and all rights and obligations attached thereto, may not be assigned to a third party without the prior agreement of the parties to the Agreement.

**Article 10 – Entry into force – duration, amendments and termination**

- 10.1 This Agreement enters into force the day after its publication in the Central Register of Contracts pursuant to Section 47a of the Civil Code and in line with Section 5a of the Public Information Access Act and shall remain in force until the complete execution of the obligations deriving from it. The Donor ensures that this Agreement will be published in the Central Register of Contracts without undue delay, but no later than 5 days after the date of the last signature on the Agreement and shall also inform the Council of Europe without undue delay that this agreement has been published in the Central Register of Contracts.
- 10.2 The Agreement can be modified by mutual consent at the initiative of either party. Any modification of the Agreement shall be subject to the written approval of both parties.
- 10.3 Should a party fail, without any justification, to fulfil any one of its essential obligations under the present Agreement, the other party may terminate the present Agreement by serving a one month written notice and without being required to pay compensation.

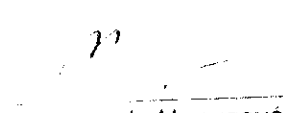


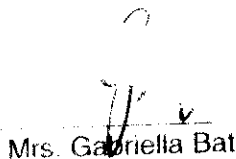
Done in four originals in the English language, whereas three originals are for the Donor and one for the Council of Europe.

Strasbourg, 31 March 2017

For the Ministry of Justice  
of the Slovak Republic

For the Council of Europe

  
\_\_\_\_\_  
Marcela Hanusová  
*Chargé d'affaires a.i.*  
Permanent Representation of the Slovak Republic  
to the Council of Europe acting on behalf of the  
Ministry of Justice in accordance with the  
Power of Attorney granted on 16 March 2017

  
\_\_\_\_\_  
Mrs. Gabriella Battaini-Dragoni  
Deputy Secretary General

## Appendix I

## Project description

PART I

<b>Title of the action</b>	<i>"Strengthening the efficiency and quality of the Slovak judicial system"</i>
<b>Reference</b>	<i>VC 3785</i>
<b>Total budget</b>	<i>700 000 euros</i>
<b>Requested financial contribution</b>	<i>700 000 euros</i>
<b>Duration (months)</b>	<i>24 months</i>
<b>Implemented by:</b>	<i>DG1 – Human Rights and Rule of Law, Directorate of Human Rights, Justice and Legal co-operation Department</i>

## Contact details

<b>Programme manager</b>	<i>Clementina BARBARO</i>
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## SUMMARY OF THE ACTION

<b>Title of the action</b>	<i>Strengthening the efficiency and quality of the Slovak judicial system</i>
<b>Location(s)</b>	<i>Slovak Republic</i>
<b>Overall objective of the action</b>	To improve the efficiency and quality of the Slovak judicial system, through a thorough assessment of the efficiency and quality of the judicial system and application of CEPEJ tools and methodology.
<b>National partner(s)</b>	Ministry of Justice
<b>Target group(s)<sup>1</sup></b>	Courts, judges and court staff, analytical centre (to be developed)
<b>Final beneficiaries<sup>2</sup></b>	Court users and citizens
<b>Expected results</b>	<p>ER 1: The Slovak judicial system is assessed as regards efficiency and quality, and relevant recommendations to improve these aspects and contribute to potential reforms are formulated by CEPEJ experts.</p> <p>ER 2: Recommendations are addressed by CEPEJ experts to the Slovak authorities as regards the capacity development of an analytical centre and how to use the IT system more efficiently, and other specific issues.</p> <p>ER 3: The efficiency and quality of courts is enhanced through application of CEPEJ methodology and tools on judicial time management and quality of justice in pilot courts.</p>
<b>Main activities</b>	<p><b>Main activities for ER 1 :</b></p> <p>Collection of qualitative and quantitative indicators on the functioning of the justice system at national level (further to the information and data collected within the framework of the CEPEJ 2014-2016 evaluation cycle) and at individual courts' level – 12 courts to be identified with the Slovak authorities.</p> <p>Assessment visit of the team of CEPEJ experts to Slovakia and exchanges on collected data with the relevant institutions (MoJ and 12 courts). 6 courts will be visited during a second visit, following the collection of data.</p>

<sup>1</sup> "Target groups" are the groups/entities who will be directly positively affected by the project.

<sup>2</sup> "Final beneficiaries" are those who will benefit from the project in the long term at the level of the society or sector at large.



The CEPEJ report including recommendations is drawn up and discussed with the Slovak authorities.

#### **Main activities for ER 2 :**

Specific assessment of data collection and data analysis, as well as functioning of the IT system, through one or two CEPEJ experts' visit(s).

Expertise is provided by CEPEJ experts with a view to contributing to the current reflexions in Slovakia on specific issues such as simplified proceedings and reform of the judicial map

The CEPEJ complementary report is drawn up and submitted to the authorities with a view to support the Slovak authorities in the capacity development of the analytical centre and contribute to other current reflexions on specific issues.

#### **Main activities for ER 3 :**

Court coaching programmes are implemented in up to 6 pilot courts allowing for application of CEPEJ methodology and tools on judicial time management. Up to 3 visits per pilot court.

**VC 3785**

## **PART II**

### **1. BACKGROUND**

#### **• Origin of the action/Sources of justification**

CEPEJ documents:

EU documents:

#### **• The CoE as implementer of the project:**

The CoE is an intergovernmental organisation with a unique network of governmental and non-governmental partners throughout Europe. The CoE's core mandate is to promote and protect human rights, the rule of law and democracy in Europe.

The CoE is a widely recognized reference point in the field of justice in Europe: in over 60 years of existence, the Organisation has developed common standards for its 47 member states and it has well-established expertise and experience in the field of independence, efficiency and quality of justice. European standards on an independent and efficient judiciary are mostly those set forth by the Organisation and they are acknowledged by the EU as such. The CoE also monitors the functioning of European judicial systems through its European Commission for the Efficiency of Justice (CEPEJ) and provides support to its member states in improving their judicial systems in line with the standards set forth by the Organisation.

The work in the field of justice is part of the Organisation's mission to promote the rule of law, human rights and democracy in its member states, in accordance with its Statute. The CoE provides its member states with guidance and expertise as regards the substantive and practical implications of

the principle of an independent and efficient judiciary. The main objective is to help member states improve their legislation and practice in line with these standards and make their policies and systems in the field of justice more efficient and closer to the needs of the users.

The CoE *acquis* has been developed by the CoE standard setting and monitoring bodies, in particular the European Court of Human Rights. In its rich case law, the Court has interpreted and developed the requirements of a fair trial enshrined in Article 6 of the European Convention on Human Rights (ECHR), a binding treaty for the CoE's 47 member states.

European Commission for the Efficiency of Justice (CEPEJ):

The CoE is also the **evaluator of the day-to-day functioning of European court systems** through the CEPEJ. The CEPEJ is made up of qualified experts from the 47 CoE member states and was set up to assess and improve the efficiency of judicial systems by means of practical tools and measures. To this end, the CEPEJ publishes every two years a report based on a proven scientific process widely validated by the scientific and judicial community in Europe and beyond. During the process of preparation of the report, data related to key indicators for the functioning of judicial systems are collected from member states, verified and included in a database made up of more than 3 million entries. The report, which provides a detailed picture of the situation of European judicial systems, is an important comparative tool. Its tables, graphs and comments help understand the day-to-day functioning of courts, underline the main trends in judicial systems and identify key issues to be addressed. The report is also an important policy tool for policy makers, legal professionals and researchers, and can guide them in their judicial reforms endeavours.

In addition, the CEPEJ has developed specific tools aimed at addressing in particular the problem of **excessive length of judicial proceedings**, in the form of the SATURN Guidelines and the Checklist for judicial time management. Another set of tools focus on developing user-oriented policies in the field of justice, such as the Checklist for promoting the **quality of justice** in Courts. All these tools have been applied in a number of courts throughout Europe with a view to speeding up judicial proceedings and increasing users' satisfaction with justice services.

- **Added value and comparative advantage of the action**

The project aims to improve the efficiency and quality of the Slovak judicial system, through assessment at both national and courts' levels and application of CEPEJ tools and methodology. The project will formulate recommendations and advise on possible reforms in the justice sector.

While the evaluation will be carried out with a cross - country and comparative perspective (with Austria, Slovenia and the Netherlands), it will be tailored to the needs of Slovak judicial system.

Efficiency and quality of justice are subjects where the CEPEJ has extensive experience; CEPEJ has developed a unique methodology, set of tools and guidelines in the fields of time management, evaluation, mediation, quality and efficiency which are successfully implemented in the CoE member states

Since 2004 the CEPEJ has undertaken a regular evaluation of the functioning of the judicial systems in Europe, including Slovakia. The CEPEJ, through its Evaluation Scheme, collects and analyses qualitative and quantitative information. The reports resulting from this work have become key references for improving the efficiency and quality of justice in Europe and beyond.

The CEPEJ report on "European Judicial Systems - Edition 2016" was published in October 2016 giving a comprehensive picture of the state of affairs of judicial matters in 44 member countries, including Slovakia. For the preparation of the report, key data were collected and analysed. Based on the information already gathered by the CEPEJ within the framework of its 2014 - 2016 evaluation cycle, CEPEJ experts will deepen their analysis and prepare an in-depth assessment of the current functioning of the Slovak judicial system, including recommendations for normative and institutional evolutions.

Furthermore, the following tools, that have been designed and are already implemented throughout CoE member States, could be used in the framework of the project:

CEPEJ Guidelines on Judicial Statistics (GOJUST);  
 Checklist for judicial time management and the Protocol for implementing the checklist  
 SATURN Guidelines for judicial time management (including the list of indicators and the synoptic tables) and the subsequent best practices and guide for implementing the guidelines  
 Checklist for promoting the quality of justice and courts;  
 Handbook for conducting satisfaction surveys aimed at court users;  
 According to the items to be addressed, various quality Guidelines (judicial map, role of experts in the proceedings, organisation and access to court premises, etc.)

- **Methodology**

The project largely relies on the methodology developed by the CEPEJ for evaluating the day-to-day functioning of the judicial systems and for promoting the efficiency and quality of the public service of justice in the CoE member states.

In addition, the methodology used in project implementation could consist of different techniques:

**Legislation analysis** enables to identify shortcomings in the legislation and recommend changes.

**Working groups/roundtable meetings** enables the experts to review together with the relevant judicial bodies the relevant legislation and regulations for improving the efficiency and quality of the judicial system; discussing the judicial evaluations at national and court levels also contribute to the better understanding of the day-to-day work of the judges; give an accurate picture of the functioning of justice in the country; and help to understand what would be the impact of the proposed changes.

**Translation and Publications of documents - training materials, evaluations, methodological tools, CEPEJ guidelines, etc.** - ensure that the CEPEJ expertise and further reference materials is made available to policy makers and the justice practitioners.

**Round table/Conferences** can be used to address with the policy makers and the justice practitioners the recommendations drafted by the CEPEJ experts and their implementation.

## 2. OVERALL OBJECTIVE

To improve the efficiency and quality of the Slovak judicial system, through a thorough assessment of the efficiency and quality of the judicial system and application of CEPEJ tools and methodology.

## 3. EXPECTED RESULTS AND ACTIVITIES

ER 1: The Slovak judicial system is assessed as regards efficiency and quality, and relevant recommendations to improve these aspects and contribute to potential reforms are formulated by CEPEJ experts.

ER 2: Recommendations are addressed by CEPEJ experts to the Slovak authorities as regards the capacity development of an analytical centre and how to use the IT system more efficiently, and other specific issues.

ER 3: The efficiency and quality of courts is enhanced through application of CEPEJ methodology and tools on judicial time management and quality of justice in pilot courts.

The assessment will focus on the CEPEJ indicators on efficiency and quality of justice selected within the initial phase of project. In addition, the Slovak authorities requested the CEPEJ to analyse data from 12 courts that should be chosen in cooperation with the Slovak authorities on the basis of criteria respecting regional and workload differences. Subsequent visits of 6 courts will be organized and meetings with courts' staff, including courts' Presidents, judges, judicial and administrative staff will be held to continue collecting quantitative and qualitative data.

In addition, the evaluation will be carried out with a cross - country and comparative perspective (with Austria, Slovenia and the Netherlands).

The conclusions and recommendations of the assessment will be discussed with relevant national authorities and will support them in strengthening efficiency, structure and quality of the judicial system. In particular, and as requested by the Slovak authorities, the assessment and recommendations will aim at contributing to the elaboration of possible reforms in the justice sector. On specific topics (setting up specialized courts or specialized section within courts, setting-up ad hoc courts or taskforces to deal with the backlog), CEPEJ team could feed the reflections and comment on the proposals made by the national authorities.

In a second stage, the project will contribute to the capacity development of the analytical centre that will become key institution in the evaluation of efficiency of the entire judicial system and will be in charge of its future reforms. In this respect, a specific report will be established and recommendations will be formulated with particular focus on data collection and data analysis as well as efficiency of the IT system.

Expertise will also be provided by CEPEJ experts with a view to contributing to the current reflexions in Slovakia on specific issues such as structure of the judiciary, simplified proceedings and reform of the judicial map, by sharing its expertise and relevant European experiences and commenting on the proposals made by the national authorities.

In a third stage, CEPEJ tools will be introduced in 6 pilot courts through court coaching programmes. In this respect and as requested by the Slovak authorities, particular focus will be put on reduction of backlog and unnecessary delays. CEPEJ tools on quality of justice could also be implemented, as relevant.

#### **Main activities for ER 1:**

Identification of qualitative and quantitative indicators to be collected in the framework of the evaluation (CEPEJ experts in cooperation with the MoJ and other relevant authorities).

Collection of qualitative and quantitative indicators on the functioning of the justice system and of the 12 courts identified in cooperation with the MoJ (further to the information and data collected within the framework of the CEPEJ 2014-2016 evaluation cycle and with particular focus on court performance, judges and staff's workload).

First assessment visit of the team of CEPEJ experts to Slovakia and exchanges with the relevant institutions on previously collected data and main challenges (MoJ and the 12 courts).

Second assessment visit of CEPEJ experts to Slovakia, allowing to visit 6 of the 12 courts assessed and meet, as relevant and necessary, the MoJ.

The CEPEJ overall report including recommendations is drawn up and submitted to the authorities for comments.

#### **Main activities for ER 2:**

Specific assessment of data collection and data analysis, as well as functioning of the IT system, through one or two CEPEJ experts' visit(s).

Expertise will be provided by CEPEJ experts with a view to contributing to the current reflexions in Slovakia on specific issues such as structure of the judiciary, simplified proceedings and reform of the judicial map.

A CEPEJ complementary report is drawn up and submitted to the authorities with a view to supporting the Slovak authorities in capacity development of the analytical centre and contributing to other current reflexions on specific issues mentioned above.

#### **Main activities for ER 3 :**

Court coaching programmes are implemented in 6 pilot courts allowing for application of CEPEJ methodology and tools on judicial time management, and as relevant, on quality of justice. Up to 3

visits per pilot court (assessment/reporting/implementation).

Flexibility will be ensured in the organisation of the above-mentioned activities, which may be subjects to adjustments but should nonetheless allow for the fulfilment of the project's objectives. Possible additional activities may be explored depending on the conclusions of the evaluation study and the budget available.

#### **4. TARGET GROUPS AND STAKEHOLDERS**

Ministry of Justice, Courts, judges and court staff, analytical centre (to be developed) will be the main beneficiaries of the project.

Justice users and civil society will also benefit from the Project. The efficiency and quality of court services is expected to improve, along with the ability of the system to react on internal and external factors that could affect them, thereby bringing immediate benefits to justice users and civil society.

#### **5. CROSS-CUTTING ISSUES**

The Project will follow a human rights-based approach based on the principles of gender equality, inclusion of diversity, equal access and participation of all in society, irrespective of their specific characteristics (e.g. sex/gender; age; ethnicity; disabilities; religious or political belief; etc.), ensuring that all these aspects are appropriately taken into consideration.

Gender equality has been regularly addressed by the CoE since its creation in 1949. The CoE's pioneering work in the fields of human rights and gender equality has resulted in a solid legal and policy framework, which, if implemented, would considerably advance women's rights and bring member States closer to real gender equality. The CoE seeks to combat gender stereotypes, sexism and violence against women in its many forms. It aspires to change mentalities and attitudes, promote balanced participation of women and men in political and public life and encourage the integration of a gender perspective into all programmes and policies.

#### **6. MANAGEMENT AND ORGANISATION**

A project team, within the CEPEJ secretariat, will be responsible for the management and implementation of the activities foreseen under the project, and supporting and mobilising CoE expertise. It will be composed of a senior project officer and a project assistant, supervised by a Senior Project Manager.

CEPEJ experts will conduct the assessment (up to 6 experts, with relevant expertise depending on the thematic assessed – evaluation/quality/judicial time management/IT).

The CEPEJ will rely on the data submitted by the Slovak national correspondent in the framework of the CEPEJ evaluation cycle, as well as any other data which would be useful to make a complete assessment, including specific data of the 12 courts that will be part of the assessment. In this regard, the Slovak authorities will establish liaison teams in the MoJ and in each of the 12 courts assessed that should inform CEPEJ about the administration of courts and provide assistance with data collection. In addition, CEPEJ experts may have to comment on draft legislation and regulations; to this end, the cooperation of the Slovak authorities in transmitting the relevant documents will be essential.

The assessment will be conducted in close co-operation with the Ministry of Justice and the 12 courts selected in cooperation with the Slovak authorities. The involvement of individual courts, which is very important in the framework of the assessment process, will be discussed with the MoJ with a view to identifying the most appropriate courts for this exercise. The report and recommendations will be discussed with the MoJ and other relevant institutions involved. The 6 pilot courts in which CEPEJ tools on efficiency and quality will be implemented will also be selected in cooperation with the MoJ, based on the results of the assessment report.

## **7. KEY ASSUMPTIONS, RISKS AND SUSTAINABILITY**

The project is designed to ensure ownership by the project beneficiaries and future sustainability. Indeed, the project aims to delivering recommendations for evolutions and developments of the justice system which can be used by the beneficiary institutions after the project ends.

There are no physical, environmental, economic or social risks identified that would likely prevent this project from achieving the planned results. Political risk is considered as minor as the assessment will be conducted in close co-operation with the MoJ and the report and recommendations will be discussed regularly with the national authorities. It is also worth recalling that the tools and methodology which will be applied within the current project are the result of the intergovernmental work of the CEPEJ and are based on inputs from experts from the 47 CoE member states. These methodology and tools have been successfully applied in CoE member states, including Slovakia.

## **8. MONITORING<sup>3</sup>**

In close co-operation with the Slovak authorities, the project will be monitored by the CEPEJ Secretariat (Justice and Legal Co-Operation Department, Directorate General of Human Rights and Rule of Law) of the CoE in Strasbourg which will oversee the implementation of the activities, prepare and submit required contractual project documents and provide all necessary support to the Expert project team.

## **9. COMMUNICATION AND VISIBILITY**

Proper actions are envisaged to ensure that the results of the project – namely the assessment report and the recommendations contained in the report – are communicated and that the project has good visibility. The communication and visibility actions will target all governmental and non-governmental stakeholders and actors. These actions will highlight the Slovak authorities/EU/CoE's respective roles, the project's objectives, its scope, and the methodology of intervention.

The communication and visibility actions will contribute to build up a positive image for the project; to build up public confidence and knowledge in justice-related issues; to reinforce transparency and accountability; and to share best practices/success stories.

The project team will use the following tools to raise public awareness:

- on-line communication (via the CEPEJ website),
- interviews (press, radio, TV),
- conference presenting the assessment report,
- publication and wide dissemination of the assessment report,
- translation of relevant CoE documents, including the assessment report in Slovak

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<sup>3</sup> Continuous assessment of the action with regard to the planned objectives, results, activities as well as financial and human resources utilised

## Terms of Reference with schedule

The Slovak authorities requested CEPEJ to fulfil three principal goals:

- I. accomplishment of the in-depth analysis of the entire judicial system of the Slovak republic,
  - II. A. contribution to the capacity development of the analytical centre and the recommendation how to use IT systems more efficiently,
  - II. B. assessment of selected points regarding efficiency, structure and quality of judicial system of Slovak republic
  - III. implementation of the quality and judicial time management tools developed by CEPEJ in selected pilot courts, with the support of CEPEJ experts.
- I. In-depth assessment of the efficiency, structure and quality of judicial system of Slovak republic in order to:
1. Carry out an in-depth evaluation on the functioning of the Slovak justice system including recommendations on how to enhance the efficiency and quality of justice and to that purpose,
    - a. Devise an action plan on the basis of gathered information (e.g. how to employ SATURN guidelines and other tools used by CEPEJ),
    - b. Assess how many judges and legal assistants are needed and how to distribute workload among them. To propose, which of their tasks can be performed by administrative staff,
    - c. Contribute to designing the specialized courts or specialized sections within courts, through sharing of relevant European experience
  2. Reduction of backlog and unnecessary delays.
    - a. Analyse the structure of cases and establish, which are the main sources of backlog,
    - b. Contribute to establishing Ad-hoc court to deal with the backlog, setting up the taskforce (flying brigade) to provide help for overburdened courts.

Slovak authorities requested CEPEJ to analyse data from 12 courts that should be chosen on the basis of criteria respecting regional and workload differences. CEPEJ's experts would also directly visit 6 selected courts and meet with representatives of 12 courts.

- II. A. Contribution to the capacity development of the analytical centre that will become key institution in the evaluation of efficiency of the entire judicial system and will be in charge of its future reforms. In this respect the Slovak authorities seek the expertise of the CEPEJ in order to establish the following:
1. Which relevant data should be collected by the centre.
  2. Which measures should be taken in order to achieve efficient data collection.
  3. Regularity of the data collection.
  4. How to analyse collected data.
  5. What kind of conclusion (output) can be drawn from the data analysis.
  6. Suggestions how to advance in the digitalization of processes.
  7. Examine the possibilities how to use the IT systems more efficiently (not the IT part, but general specifications).
    - a. Analyse the existing judicial management and propose its optimization.

- b. How to advance in the digitalization of judicial processes resulting in dematerialisation and more efficient justice system.
- c. Advise how to employ and encourage electronic communication between parties to the dispute.

**II. B. assessment of selected points regarding efficiency, structure and quality of judicial system of Slovak republic**

1. Share expertise on the optimal structure of judiciary, including the judicial administration, based on the proposals made by the national authorities.
2. Submit comparative analysis of Austria, Slovenia and Netherlands.
3. Contribute to introducing specific and simplified proceedings (small claim cases) to deal with the backlog.
4. Contribute to drafting the judicial map of Slovakia in order to address structural problems with the division of labour.

Possible additional activities may be explored depending on the conclusions of the evaluation study and the budget available.

**III. Implement the quality and judicial time management tools developed by CEPEJ in selected pilot courts, with the support of CEPEJ experts**

The Slovak authorities in cooperation with CEPEJ would like to implement judicial time management efficacy tools as well as other recommendations devised by CEPEJ in 6 pilot courts. If needed, Ministry of Justice would prepare relevant reform bills.

**Duration and schedule:** 24 months

**April 2017 – July 2017** – first report submitted in July 2017 summarizing activities defined in goal no. I

**April 2017 – December 2017** - second report submitted in December 2017 summarizing activities defined in goal no. II.A and II.B

**January 2018–January 2019-** implementation according to goal no. III.

**February 2019 –** reports submitted after the implementation and summarizing activities according to goal no III.

**Budget :** 700.000 euros. Origin of the funds: European Social Fund



## Appendix II

Strengthening the efficiency and quality of the Slovak judicial system (VC 3785)

Strengthening the efficiency and quality of the Slovak judicial system (2023-2025)		Budget All Years		
Expenses	Unit	# of units	Unit rate (in EUR)	Cost (in EUR)
<b>1. Human Resources</b>				
1.1. Project Manager	Person	1	45000	45000
1.2. Senior Project Officer	Person	1	35000	35000
1.3. Project Officer	Person	1	25000	25000
1.4. Project Assistant	Person	1	25000	25000
1.5. Project Assistant	Person	1	25000	25000
1.6. Project Assistant	Person	1	25000	25000
1.7. Project Assistant	Person	1	25000	25000
1.8. Project Assistant	Person	1	25000	25000
1.9. Project Assistant	Person	1	25000	25000
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1.42. Project Assistant	Person	1	25000	25000
1.43. Project Assistant	Person	1	25000	25000
1.44. Project Assistant	Person	1	25000	25000
1.45. Project Assistant	Person	1	25000	25000
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1.93. Project Assistant	Person	1	25000	25000
1.94. Project Assistant	Person	1	25000	25000
1.95. Project Assistant	Person	1	25000	25000
1.96. Project Assistant	Person	1	25000	25000
1.97. Project Assistant	Person	1	25000	25000
1.98. Project Assistant	Person	1	25000	25000
1.99. Project Assistant	Person	1	25000	25000
1.100. Project Assistant	Person	1	25000	25000
Sub-total 1. Human Resources				992 450
<b>2. Travel</b>				
2.1. Travel of the driver	Person	1	100	100
2.2. Travel of the project manager	Person	1	100	100
2.3. Travel of the project officer	Person	1	100	100
2.4. Travel of the project assistant	Person	1	100	100
2.5. Travel of the project assistant	Person	1	100	100
2.6. Travel of the project assistant	Person	1	100	100
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2.97. Travel of the project assistant	Person	1	100	100
2.98. Travel of the project assistant	Person	1	100	100
2.99. Travel of the project assistant	Person	1	100	100
2.100. Travel of the project assistant	Person	1	100	100
Sub-total 2. Travel				51 450
<b>3. Equipment and supplies for project beneficiaries / recipients</b>				
3.1. Equipment and supplies	Person	1	0	0
Sub-total 3. Equipment and supplies				0
<b>4. Local office</b>				
4.1. Local office	Person	1	0	0
4.2. Local office	Person	1	0	0
4.3. Local office	Person	1	0	0
4.4. Local office	Person	1	0	0
4.5. Local office	Person	1	0	0
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4.30. Local office	Person	1	0	0
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4.32. Local office	Person	1	0	0
4.33. Local office	Person	1	0	0
4.34. Local office	Person	1	0	0
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4.64. Local office	Person	1	0	0
4.65. Local office	Person			

## Appendix III

## REQUEST FOR PAYMENT

Date of request: 31 March 2017

**Appendix III**

**REQUEST FOR PAYMENT**

Date of request: 31 March 2017

For the attention of: Mrs. Jana Britaňáková  
Secretary General of the Ministry of Justice  
Ministry of Justice  
Župné námestie 13  
813 13 Bratislava

**Project ref:**

**Project title:** Efficiency and quality of the Slovak justice system

Dear Mrs. Britaňáková,

I hereby request the payment of the first instalment of the voluntary contribution offered by the Slovak Republic for the above-mentioned project.

The amount requested is **€280,000**.

The payment should be made to the following bank account:

**COUNCIL OF EUROPE BANK ACCOUNT DETAILS**

SOCIETE GENERALE STRASBOURG

IBAN CODE

SWIFT CODE

ACCOUNT OWNER

REFERENCE

Yours sincerely,

Verena Taylor  
Director  
Office of the Directorate General of Programmes  
Council of Europe