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Types of legal professions

Slovakia

This page provides an overview of the legal professions in Slovakia.

Legal professions - introduction

Prosecutors

Organisation

The **Public Prosecution Service** of the Slovak Republic is an independent State authority headed by the **Prosecutor-General**. Within the scope of its powers, the Public Prosecution Service protects the rights and the legally protected interests of individuals, legal entities and the State.

The Public Prosecution Service of the Slovak Republic has its own separate budget chapter within the State budget.

The status and role of the Public Prosecution Service and of the Prosecutor-General are governed by the **Constitution of the Slovak Republic** (Article 149) and by **Act No 153/2001 on the Public Prosecution Service**, which also governs the powers of the Prosecutor-General and other prosecutors. The Act also governs the organisation and management of the Public Prosecution Service. The status, rights and responsibilities of prosecutors are set out in **Act No 154/2001 on Prosecutors and Trainee Prosecutors**.

Hierarchical structure

Given its role as an authority safeguarding the law, the **Public Prosecution Service** needs to be organised hierarchically. It ensures uniform implementation of laws and other legislation of general application, and of penal policy.

Within the Public Prosecution Service there is a hierarchy of prosecutors, all of whom are subordinate to the Prosecutor-General.

Powers

The powers of the Public Prosecution Service include the following:

the criminal prosecution of individuals suspected of having committed criminal offences and the monitoring of compliance with the law both before criminal prosecution is initiated in accordance with the relevant law and during preliminary proceedings;

ensuring that persons who have been deprived of their liberty or whose liberty has been restricted by decision of a court or any other authorised state body are detained in places and under conditions that are legally compliant;

exercising its powers in court proceedings;

representing the State in court proceedings pursuant to the relevant legislation;

overseeing legal compliance by public administrative authorities to the extent defined by law;

exercising its powers in the field of international cooperation to the extent specified in the relevant legislation, in international treaties promulgated in the manner laid down by law and in legally binding EU acts;

participating in the drafting and implementation of measures designed to prevent breaches of laws and other legislation of general application;

helping to eliminate the causes of and conditions for criminal activities, and to prevent and repress crime;

helping to prepare legislation (involvement in the legislative process);

carrying out other tasks provided for in a specific law or act or in a legally promulgated international treaty.

Duties

The Prosecutor-General and the individual prosecutors carry out all duties falling within the Public Prosecution Service's remit, and use all statutory means available when discharging their duties and obligations. They are required to:

implement (to the best of their knowledge and belief) the Constitution of the Slovak Republic, constitutional and other laws, legally promulgated international treaties and other legislation of general application;

respect and protect human dignity and fundamental human rights and freedoms, and refrain from any form of discrimination;

protect the public interest;

act with initiative, fairness and impartiality, and without undue delay.

Hierarchy

The **organisational system** of the Slovak Republic's Public Prosecution Service is made up of the following **bodies**:

The **Prosecutor-General's Office** is the highest authority and stands at the apex of the prosecution system. The Prosecutor-General's Office comprises:

the **Special Prosecutor's Office**, established in order to detect and prosecute cases of corruption and organised crime;

Regional Prosecutor's Offices (8), which are superior to District Prosecutor's Offices in their region; and

District Prosecutor's Offices (55).

The headquarters of the Prosecutor-General's Office are in Bratislava.

The headquarters and **territorial districts** of the subordinate prosecution offices correspond to the headquarters and districts of the relevant courts. However, headquarters and territorial jurisdiction do not correspond to the country's administrative territorial division.

Prosecutors perform their duties as part of a **service relationship**, which is established when they are appointed. Prosecutors are appointed by the Prosecutor-General to **prosecutorial positions for an indefinite period**. Prosecutors must swear an unconditional oath when taking up their positions.

Qualifications

Prosecutors must be **Slovak nationals** and meet the following **conditions**. They must:

be at least 25 years of age on the date of their appointment;

hold a master's degree in law from a law faculty of a university in the Slovak Republic or a recognised certificate issued by a foreign university and attesting to a master's degree in law; if a prosecutor first obtains a bachelor's degree and then a master's degree, both degrees must be obtained in the field of law;

enjoy full legal capacity and be medically fit to perform the tasks of a prosecutor;

have no criminal record, and be of sound character to carry out their functions properly;

have a perfect command of Slovak;

have permanent residence in the Slovak Republic;
not be a member of any political party or political movement;
have passed the prosecutorial examination;
have successfully passed the selection procedure, unless otherwise provided by law;
consent in writing to being appointed as a prosecutor in a particular prosecution office.

Only a **trainee prosecutor** may register for the **prosecutorial examination**. Vacancies for trainee prosecutors are filled by means of a selective examination.

Judicial expert examinations, bar examinations and notarial examinations also qualify as prosecutorial examinations under the Act.

Promotion to the position of the Chief Prosecutor or a more senior position is possible only on the basis of **a selection procedure and following consultation of the Council of Prosecutors**.

The temporary secondment of a prosecutor to perform tasks in another prosecutor's office is subject to his or her consent. Without such consent, prosecutors may be seconded temporarily to perform tasks in another prosecutor's office for a maximum of 60 working days per calendar year if that is necessary in order to enable the prosecutor's office in question to perform its tasks properly.

Prosecutors may be transferred to another prosecutor's office only if they consent to the transfer, apply to be transferred or are transferred for disciplinary reasons.

The Prosecutor-General may **suspend** a prosecutor who is prosecuted for an intentional criminal offence or a criminal offence committed by negligence in the performance of prosecutorial duties, or who is subject to disciplinary proceedings for an act that could result in his or her removal from prosecutorial duties.

The service relationship of a prosecutor may be **terminated** only for reasons defined by law.

Roles and responsibilities

A prosecutor supervises compliance with the law both before prosecution and during preliminary proceedings. In carrying out their supervisory duties, prosecutors have the power to:

issue binding instructions to members of the police force before criminal proceedings begin and during the investigation and summary investigation of criminal acts, and to impose time limits for handling a case; any instruction must be included in the relevant case file;
request files, documents, materials and reports on the status of a police investigation once a prosecution has begun, in order to establish whether the police launched the prosecution promptly and are acting appropriately;
take part in police operations, carry out individual investigative activities or conduct an entire investigation or a summary investigation, and issue a decision relating to any case; in doing so, the prosecutor must act in accordance with the law; complaints against prosecutors' decisions may be lodged in the same way as against police decisions;
refer a case back to the police with instructions to supplement an investigation or summary investigation, and set a time limit for so doing; the prosecutor notifies both the accused and the injured person that a case has been referred back;
cancel unlawful or unjustified decisions by the police and replace them with his/her own decisions; a prosecutor may decide to discontinue a criminal prosecution or transfer a case elsewhere within 30 days, if the prosecutor replaces a police decision with his or her own decision other than on the basis of a complaint submitted by an entitled party; a complaint may be made against the prosecutor's decision and police resolution; a prosecutor may also issue binding instructions to launch an investigation and summary investigation.
withdraw a case from a police officer and take action in order to transfer it to another police officer(s);
take action to ensure that an investigation or summary investigation into a criminal offence committed by a member of the armed security force is carried out by a police investigator; prior to such action, prosecutors shall seek the opinion of the Head of the Inspection Service Office; in investigations or summary investigations into criminal offences committed by customs officers, prosecutors may proceed in a similar fashion.

Only a **prosecutor** has the power to:

bring charges;
conclude a guilt and punishment agreement with an accused person and submit a proposal to the court for such agreement to be approved;
suspend a criminal prosecution;
discontinue or provisionally discontinue a criminal prosecution;
approve conciliation or a pre-trial settlement and discontinue criminal prosecution;
issue an order to seize an accused person's property and determine which possessions should not be seized, or cancel such seizure;
secure the claim of an injured person, cancel or partially cancel it or exclude an item from it;
issue an order to exhume a dead body;
request consent for the criminal prosecution or the taking into custody of a person in a case requiring the consent of the National Council of the Slovak Republic, the Judicial Council of the Slovak Republic, the Constitutional Court or the European Parliament;
seek a court order taking a defendant into custody or extending a period of custody;
seek an order requesting a defendant's return from abroad;
carry out a preliminary investigation into extradition proceedings, unless provided otherwise by law;
on the basis of a request from a competent foreign authority, seek a court order with the aim of provisionally seizing the property of an individual against whom a criminal prosecution is being conducted abroad, or the part of that property that is located within the territory of the Slovak Republic.
In exercising their **supervisory power with a view to ensuring that places of detention for persons who have been deprived of their liberty** or whose liberty has been restricted are legally compliant, prosecutors must ensure that such persons are detained in such places only on the basis of a court decision or a decision by some other authorised state body, and that laws and other acts of general application are complied with at the places concerned.

In civil proceedings, a prosecutor has the power to:

seek the initiation of civil proceedings in order to:

impose protective rehabilitation on a person aged between 12 and 14 years if he or she has committed a criminal act that is punishable under the Criminal Code by a life sentence;
declare a strike or a lock-out unlawful;
declare invalid the transfer of State property under the Act on proving the origin of funds in the event of privatisation, the Act laying down the conditions for the transfer of State property to other persons or the Act on the administration of State property;
review the legality of any decision made by an administrative authority in cases where an objection lodged by a prosecutor has not been accepted;
repeal an unlawful decision adopted by a municipality if the latter has failed to repeal its decision on the basis of a prosecutor's objection;

intervene in any civil non-contentious proceedings except for divorce proceedings. If divorce proceedings are joined with proceedings determining the spouses' post-divorce relationships with their underage children, prosecutors may intervene in this part of the proceedings.

In civil contentious proceedings, prosecutors may:

file an action in cases where the State claims recovery of unjust enrichment, where determination of ownership is being sought, where the provisions of an act of general application have been infringed, or where provided for in a specific act;
intervene in open proceedings in cases where the State, a legal person established by the State, a State enterprise, a legal person in which the State has an ownership interest, a municipal authority or a higher territorial unit is one of the parties to the proceedings, or in cases concerning liability for damage caused through the exercise of public authority.

When overseeing compliance by public administrative authorities with laws and other legislation of general application, the prosecutor has the right to **review the lawfulness** of:

legislation of general application issued by public administrative authorities;

internal administrative rules issued by public administrative authorities with the aim of ensuring that public administrative tasks are performed;

decisions taken in individual cases in the field of public administration;

actions by public administrative authorities when issuing rules and decisions in the field of public administration.

Judges

Organisation

Court staff

Principal administrator-assistant  (382 Kb) 

Court registrar  (295 Kb) 

Senior judicial officer  (460 Kb) 

Assistant to supreme court judge  (291 Kb) 

Lawyers

Legal databases

For further information, please refer to the Slovak Bar Association's [website](#).

Solicitors / Legal Advisers

Legal databases

For further information, please refer to the [website](#) of the Slovak Centre for Legal Aid.

Notaries

Notaries in the Slovak Republic must hold a **degree in law**.

The task of a notary is to execute preventive justice and issue authenticated official acts.

Notaries are overseen by the Ministry of Justice.

Notaries must be members of the Slovak Republic's **Chamber of Notaries**.

Legal databases

The [website of the Chamber of Notaries](#) provides only intranet support for notaries. Access is **free** but the information that can be searched is limited.

The database provides access to:

public registers

a list of notaries (contact data, language(s) known, opening hours)

legislation

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