

A reform in the making

by **Tomáš Borec**, Minister of Justice of the Slovak Republic

The fall of the communist regime 25 years ago marked a historical moment by creating conditions enabling Slovakia to become a free and successful country. Many mistakes were made on our path to becoming a modern and democratic state and not everything has worked out as people had perhaps envisioned during the November 1989 demonstrations. Nevertheless, nobody can reasonably cast any doubt on the fact that our history over the past two and a half decades was a spectacularly successful story.

Today, the Slovak Republic is a respected and trusted member of the EU and the Eurozone. Our citizens and entrepreneurs can enjoy the benefits of the single free market and take advantage of the Eurozone's economic potential. Despite the persisting problems with high unemployment and low wages, the Slovak Republic is one of the EU member states that has successfully dealt with the challenges of the drawn out economic crisis. Also thanks to the measures taken by the Slovak government, today we are looking into the future with optimism, as a stable member of the healthy European core.

I believe that one of the reasons why Slovakia's story has been successful is the fact that despite the differences in opinion between opposing political camps, a basic will to adopt the difficult reform-oriented decisions was always present.

In recent years, the government of the Slovak Republic has been mainly focusing on the consolidation efforts in relation to public finance, as well as social reforms and a reform of public administration.

Along these heavyweight policies, we also decided to concentrate our efforts on the reform in the field of supporting the rule of law and law enforcement as such.

I am very well aware that any kind of reform in the field of justice must be driven by quality individuals with deep integrity. This is why our efforts so far have been mainly felt in the sphere of strengthening the accountability in the respective judicial professions: we all know that one cannot enjoy independence without accountability and rights without duties.

This simple truth was my driving principle when promoting stricter demands on attorneys or distrainers and the same principle was applied to judges. To give you one example: in relation to the Judicial Council, the duty of adopting the principles of judicial ethics was anchored directly in the supreme piece of legislation – the Constitution of the Slovak Republic – and we expect that this decision will soon bear its fruit. Based on the recent constitutional amendments, we have seen changes in the Supreme Court and the Judicial Council triggering positive reactions of the general public.

I am convinced that Slovak judiciary is ready to undergo an essential transformation also thanks to the measures we have taken in relation to the accountability principle. We are not talking minor fine-tuning here but building the new foundations of a system enabling individuals to appeal for protection of their rights, whether they are citizens, entrepreneurs or investors, both foreign and domestic. I honestly believe that during these very days and weeks, we are laying the foundations that will lead to a more efficient, faster and fairer protection of everyone's rights at courts.

A number of practical challenges related to enforcing the protection of one's rights at courts today is based on the fact that courts proceed in compliance with the procedural acts that were written as early as in the 1960s, i.e. many years before the fall of communism. Despite a great number of amendments from various periods, the existing Code of Civil Procedure does not correspond to the needs of the modern society and the established European legal context.

We are therefore working on making this obsolete piece of legislation history, thus creating space for the introduction of new codes of procedure built on the foundations inspired by the best European legal traditions and the modern trends in codes of procedure. While I am writing these lines, experts are putting finishing touches on a comprehensive proposal of a reform of the procedural law, making sure everything is ready to initiate the actual legislative process.

Slovakia has gone a long way in those 25 years and we made huge and successful efforts in the field of reforms particularly in the economic sphere. Now the time is ripe to show our reforming potential also in the law enforcement sphere. I believe that the ongoing reform of the procedural law, which forms the true backbone of law enforcement as such, won't make it to the newspaper headlines very often. However, from the perspective of strengthening the protection of everyone's rights, the rule of law, and accessibility of court protection it truly is the most significant process taking place at this period of time.



BIOGRAPHY

EDUCATION

- United Kingdom Central European • Legal Scholarship London (1993)
- Duke University School of Law – • Summer Institute Brussels, Belgium (1992)
- Comenius University, Faculty of • Law, JUDr. (1990)
- Comenius University, Faculty of • Law, Mgr. (1989)

WORKING EXPERIENCE

- Minister of Justice of the Slovak • Republic (April 2012 – Present)
- President of the Slovak Bar • Association (2010 – 2012)
- BOREC&BOHUNSKY law office, • Partner (2009 - 2012)
- Owner and Partner at his own • law firm based in Bratislava (2000 – 2009)
- Squire Sanders, counseling • (2000 – 2003)
- Citibank (Slovakia) a.s., Head of • Legal Dpt. (1997 – 2000)
- AK Havlát, Borec & partners, • lawyer (1993 – 1997)