



**International
Lawyers
Project**

SLOVAKIA

**VICTIMS OF CORRUPTION:
DAMAGE REPARATION
AND LEGAL STANDING**

**INTERNATIONAL
DATABASE**

2022

**SOURCE: INTERNATIONAL LAWYERS
PROJECT**

VICTIMS OF CORRUPTION WORKING GROUP

UNCA CIVIL **Coalition**
SOCIETY

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¹ Note, we are only qualified to advise on US and UK law, and as such are not qualified in this jurisdiction.

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1. Legal Standing

1.1 Legal standing for civil society organisations and/or citizens in corruption-related cases

It is unlikely for civil society organisations and citizens to have legal standing in corruption-related cases.

1.2 Type of Cases

- Civil
- Administrative

1.3 Legal basis under which citizens have legal standing

Generally speaking, in order to bring a civil claim under Act No. 40/1964 (Civil Code) seeking compensation under §§420-450, the claimant must allege that it personally suffered damage, and the damage resulted from a breach of legal duty of the defendant or an intentional act of the defendant against good morals. Section 442 specifically mentions damage caused by the defendant committing a criminal offence of corruption and notes that punitive damages are available. For the purposes of restitution for unjust enrichment (§§451-459), the claimant must allege that the defendant enriched himself/herself without a reason and that the enrichment by the defendant was at the expense of the claimant.

1.4 Citizens and/or civil society's intervention in corruption cases in other capacities (e.g. third party contributors, expert input, etc)

Citizens and civil society organisations may anonymously submit (in writing, in person, or electronically) criminal complaints as “notifiers,” even when they are not victims of a crime. See also <https://www.justice.gov.sk/Stranky/Ministerstvo/Pomoc-obetiam/Pre-obete/Co-je-t-o-trestne-konanie/Ako-sa-zacina-trestne-konanie.aspx>.

1.5 State's entitlement to represent the citizens collectively in corruption cases and whether its intervention excludes direct intervention by citizens

The state is not entitled to represent the citizens collectively in corruption cases and whether its intervention excludes direct intervention by citizens. However, ombudsmen are tasked with protecting basic human rights and freedoms of individuals and legal persons where public action (or conversely inaction) breaks the law. The ombudsman accepts complaints from both citizens and civil society organisations. While it cannot interfere in court proceedings and investigation by state prosecutors or the police, the ombudsman can investigate certain public bodies, and can request the relevant body to rectify an incorrect decision, process, action, or inaction. However, it does not have the ability to punish the wrongdoers or bring legal action against them; where the relevant body refuses to rectify its wrongdoing/shortcoming, the ombudsman can inform the body's parent agency.

1.6 Legal standing of any foreign government or foreign-based non-governmental institution to bring corruption cases on behalf of this country's citizens

No foreign government or foreign-based non-governmental institution has legal standing to bring corruption cases on behalf of this country's citizens.

2. Cases

2.1 Existence of corruption-related cases brought to Court by civil society organisations, journalists, or citizens

No examples have been widely reported.

3. Collective Damage

3.1 Legal instruments that enable claiming reparation, compensation, or restoration of collective damages in any field (

environmental damages, human rights, corruption, among others)

There are no legal instruments that enable claiming reparation, compensation, or restoration of collective damages in any field.

However, the Ministry of Justice is in the process of preparing collective damages legislation in relation to consumer cases, which is expected to come into force in 2023. This is in response to a European Union directive 2009/22/ES. Slovakia started the process of transposition in 2021 (see <https://www.slov-lex.sk/legislativne-procesy/SK/PI/2021/248>). The reference number of this legislative process is PI/2021/248.

3.2 Procedures for advancing class-actions

Slovakia has procedures and respective legal instruments that are similar to opt-in class actions. A group of persons can collectively bring a claim for damages caused to several victims by the same or similar illegal conduct. According to the Act. No. 160/2015 Coll. (Civil Dispute Code), such proceedings are called “joint actions,” which mean that there are several entities acting as the claimant or the defendant. A legal entity can also bring a claim on behalf of a group of affected persons by means of a “public interest action.” These types of action can apply to unfair competition proceedings according to the Act No. 513/1991 Coll., which includes cases of bribery. However, these actions are rarely brought to court, and are instead typically advanced via alternative dispute resolution.

4. The Role of the victims of corruption

4.1 Definition of victims of corruption or common definition used by the courts in this country

There is no definition of victims of corruption.

4.2 Cases that recognize the role of victims

There are no cases that recognize the role of victims.

4.3 Corruption-related court cases (criminal, civil, administrative) that awarded compensation to individuals or to identifiable or non-identifiable groups of victims to repair the damage caused by the corruption offense

There are no corruption-related court cases that awarded compensation to individuals or to identifiable or non-identifiable groups of victims to repair the damage caused by the corruption offense.

4.4 Innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases

There are no innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases.

5. Available Information

5.1 Information published by enforcement authorities (including control agencies) about corruption enforcement actions

The general public can access information about the status of enforcement actions:

<https://www.justice.gov.sk/stranky/pojednavania/pojednavaniezoznam.aspx>.

However, it is not easy to search in the database without knowing the reference code of the individual cases. The type of information that is shared:

- The initiation of investigations
- The conclusion of investigations whether the investigated person has been acquitted or not
- The enactment of sanctions
- Initiation of settlement negotiations
- Settlements
- The grounds for sanctioning or acquitting (the case)

5.2 Feasible access to information on ongoing or concluded cases

All aspects should be available unless the information is restricted under Act No. 211/2000 Coll. (Free Access to Information Act).

5.3 Ways for citizens or civil society organisations to gather information on whether corruption cases are being investigated or trialed.

Citizens and society organisations can request information under Act No. 211/2000 Coll. (Free Access to Information Act). These can be requested from state authorities, local government bodies, public institutions and subjects to which the state entrusted decision-making powers.

6. Supplementary information

6.1 Main identified barriers that prevent CSOs, citizens, and journalists from standing as victims of corruption cases.

Under current standing rules, it is very difficult for a citizen or a civil society organisation to demonstrate that it has personally suffered damage such that it has legal standing to bring a corruption-related claim.

6.2 Other aspects, issues, provisions, or practices linked to the role, recognition, and compensation of victims of corruption.

N/A