



REPUBLIC OF SLOVENIA
Ministry of Justice

**Judicial Forum: Relations between Ministry of Justice and Judiciary
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(Unofficial translation)

Ladies and Gentlemen, dear colleagues,

I am honored to welcome the participants of the Hungaro-Slovenian judicial forum, the members of the Slovenian delegation, our obliging and amicable hosts and every colleague from Slovenia and abroad whose presence is expected to be a major contribution to the success of this event. To begin with, I will give a concise summary about the Hungarian system of judicial administration, the scope of responsibility of the Minister of Justice and the work relationship developed between the Ministry of Justice and the courts of justice.

The substantial changes in the economic and political life of Hungary since the early nineties have, significantly altered the legislation that governs the work of the courts. The Act XLII of 1989 abolished the right previously due to the Minister of Justice to control the professional activities of the courts, based on a policy contradictory to the principle of judicial independence. As to enhance such integrity and independence, also the authority vested in the Minister of Justice in respect to administrative and supervisory power has been reduced.

In order to complete the tasks of jurisdiction and to fully implement the principle of judicial independence, the Hungarian Parliament amended the Constitution and, simultaneously, adopted Act LXVI of 1997 on the organization and administration of the courts. In order to support furtherance of the independence of jurisdiction, which has already been separated from the other branches of state power, the "Courts Act" transferred the administrative authority from the Minister of Justice to a judicial body, the National Justice Council (NJC).

NJC consists of members, which two-thirds are delegates elected by the judges from among themselves. The rest of the delegates are: two members of the Parliament, the Minister of Justice delegated by the government, the Attorney General who represents the body of prosecutors participating in judicature, and the President of the Hungarian Chamber of Lawyers. This approach facilitates the enforcement of the general constitutional requirements of judicature in the administration of the courts and enables the most prominent public functionaries to continuously monitor the status and activities of the courts of justice.

The scope of authority of the National Justice Council covers each area related to the administration of the courts. Central administration responsibilities related to keeping the entire network of the courts in action constitute a part of the tasks since the control and supervision of the senior officials of the judiciary is a comprehensive task of general nature

of NJC. The draft budget of the courts is prepared by NJC, which is simultaneously responsible for managing with the resources available to the judiciary. On an exceptional basis, either member of NJC can request the granting of extraordinary priority to certain issues affecting the public as a whole or having special importance for public policy. However, NJC observed the extraordinary nature of this option and availed itself of this opportunity quite infrequently.

When viewed by keeping strictly legal aspects in mind, the National Justice Council's activities have complied with the basic principles of the Constitution but neither this legal institution can be perfect. The citizens hold the government responsible for the deficiencies experienced in the performance of jurisdiction (for example, proceedings dragging on for years, substandard court decisions) although the government has only a few means for taking remedial measures. Being a member of NJC, the Minister of Justice is entitled to submit proposals concerning issues of presumed significance and can produce an indirect effect on issues of general nature through codification.

In respect to the entirety of the judiciary, we can state that the quality of judgements is satisfactory but the average period needed to pass a judgement should be reduced. Of course, there are some categories of actions where the courts are capable of passing their decisions without delay. Some of the new legal possibilities, for example, lodging an appeal with the court against a decision passed by the authority handling cases of minor offences have been integrated in our judicatory system quite efficiently. Also the Country Report of 2001 on Hungary prepared by the European Union stated that the system developed in Hungary satisfied in all respects the principle of independence of the judiciary. Hungary has proceeded on the road of reforms and introduced new measures in order to further improve efficiency. As a whole, the judicatory system of Hungary has continued to work properly.

Quoting the findings and acknowledgment of the Country Report, the situation in jurisdiction has improved consistently. This success can, in part, be attributed to the measures taken by the government. However, the co-operation of all the interested parties must be sought for to support the joint efforts and to assist the Minister of Justice in exercising the entitlements vested in her in respect to the development of law policy.