

Justice System – Slovenia

Independence

Appointment and selection of judges, prosecutors and court presidents

In Slovenia, candidates for judges (and again Supreme Court judges) are nominated by the Judicial Council and appointed by the National Assembly. The National Assembly has already voted against the appointment of Supreme Court judge candidates proposed by the Judicial Council.

For a long time, the judiciary has been advocating a Constitutional change that would remove the election of Supreme Court judges (and judges in general) from the competence of the National Assembly and thus prevent possible political influence on this choice (this has been also already pointed out by GRECO).

The latest information of the Government regarding this question is that it intends to amend the Constitution in 2023 to exclude political influence in the procedure of appointment.

Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

Promotion of judges and prosecutors

Allocation of cases in courts

Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges

The Supreme Court considers that after the jurisdiction to conduct disciplinary proceedings had been transferred to the Judicial Council in 2018, some questions proved as unaddressed or inadequately solved (e.g. one-instance procedure and possibility of appeal for both the accused and the disciplinary prosecutor, use of procedural rules etc.), which can reflect on the efficiency of the procedure. The Supreme Court supports the initiative of the Judicial Council to further amend the legislation in order to increase the efficiency of disciplinary proceedings.

Remuneration/bonuses for judges and prosecutors

The Constitutional Court decided twice already that wage disparities between representatives of various branches of government exist and that this is not in line with the principle of division of powers. The European Judicial Systems Report of the Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe shows that Slovenia is among the countries with the lowest ratio between judges' salaries and the average salary in the country (for judges at the beginning of the career, the ratio is 1,6, and for judges at the Supreme Court, this ratio is 3,2).

In 2022 efforts of judges (represented by the Slovenian Judges' Association) to strengthen the independence of judges and improve the position of the judiciary, including financial independence of judges, continued. Both the Association and the Judicial Council resorted to the Constitutional court to address again the issue of constitutionality of salaries of judges. The complaint of the Association has been rejected while it has not been decided yet on the complaint of the Judicial Council.

On the 10th of January 2023 the Prime minister, together with the Minister for Justice and the Minister

for public administration (competent for the salary system) attended a meeting of the Judicial Council and the session of the Slovene Judges' Association together with the President and Vice-president of the Supreme Court. The message of the Prime minister was that from January 2023 a special bonus (600 EUR brutto) would be awarded to all judges and prosecutors and that in June 2023 a thorough reform of the salary system would be carried out, forming a new, separate pillar for justice. Additionally, it has been stated expressly by the Minister for public administration that the non-evolution of salaries in the judiciary represents an injustice that has been persisting for 10 years, from 2012.

For now this remains as a promise, no legal guarantee has been given yet.

Independence/autonomy of the prosecution service

Independence of the Bar (chamber/association of lawyers) and of lawyers

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

According to the 2022 Barometer survey,¹ trust in the independence of the judiciary in Slovenia has been gradually increasing. The percentage of people who have confidence in the independence of the Slovenian judiciary has increased from 30% to more than 40% in recent years. Trust in the judiciary is also improving among companies.

The survey of the Supreme Court on public satisfaction with the operations of courts was carried out again at the end of 2021. The results show that trust in the Slovenian judiciary has substantially increased among the general public (from 4.8 in 2019 (and 4,2 in 2015) to 5.8 from a total of 10 in 2021).The survey is conducted systematically and continually (every two years); the next survey is scheduled at the end of 2023.

The activities on the Improving the Quality of Justice Project² continued in 2022.

From September 2022, a completely renewed website is available, containing data on the functioning and organization of Slovenian courts. The updated website provides information on the trend of received, resolved and unresolved cases, the duration of proceedings and the age of pending cases, as well as the number of judges and court staff and the organization of Slovenian courts. The data is updated every month and is available for the last ten years, i.e. from January 1, 2012 onwards.

The renovation of the website was carried out as part of the Procedural Justice Project within the Effective Justice Operation, financed from the funds of the European cohesion policy.

An English version of the website will also be established in 2023.

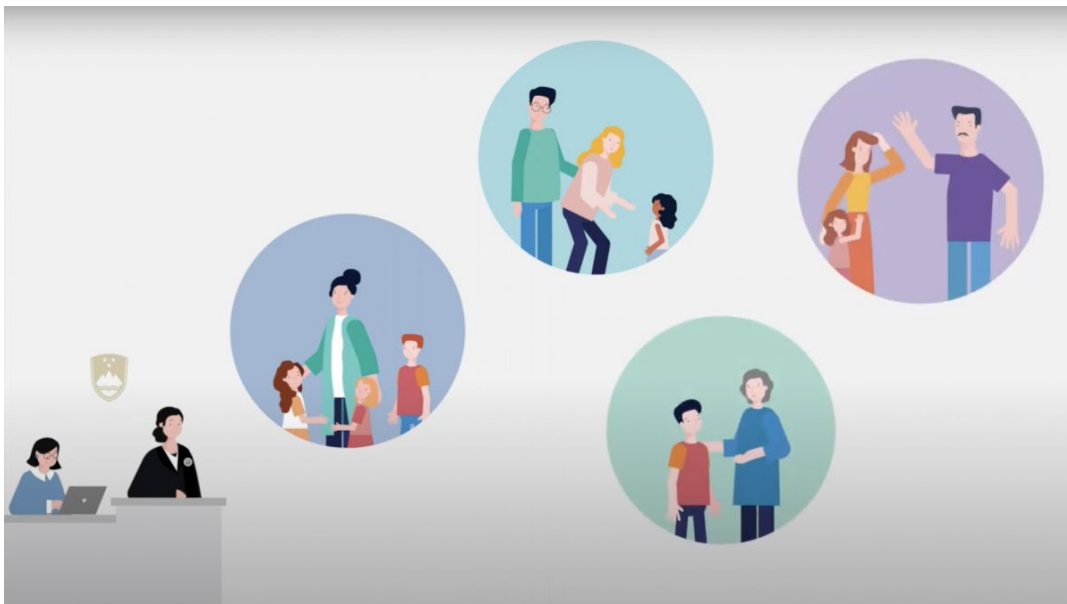
¹ Eurobarometers FL503 and FL 504, implemented in January 2022 for the 2022 EU Justice Scoreboard.

² The IQ Justice project has won the Council of Europe and the European Commission Crystal Scales of Justice prize in 2019; for more information on the IQ Justice project, see the inputs of the Republic of Slovenia for the 2020 Rule of Law questionnaire.



Link to the website: <https://poslovanje-sodstva.sodisce.si/>

On the 25th of October (The European Day of Justice), the Supreme Court of the Republic of Slovenia published the first part of the online animated series regarding court procedures. In these informative videos, the viewer is introduced to inheritance, family, civil enforcement, litigious and criminal procedures in court. The animations aim to offer the most basic information on these procedures to the general public. They are prepared according to the user-centric approach, in plain language and a friendly tone. To ensure the legal-technical accuracy, the scripts were prepared and confirmed with judges and other legal practitioners. The animations will direct users to seek additional information at the informative webpage <https://nasodiscu.si>. The series will consist of a total of 15 animated movies and will be published in its entirety in 2023. Additionally, these animations will be available to schools and other educational facilities as tools for teachers that will help in the debate on the importance of the judicial system in the lives of the pupils and students and to promote active citizenship.



The animated series can be viewed as separate videos on the Youtube channel of the Supreme Court of the Republic of Slovenia (<https://www.youtube.com/user/SupremeCourtSLO/videos>) and will be included in the webpage <https://nasodiscu.si/>, as well as in social media posts.

Quality of justice

Accessibility of courts (e.g. court fees, legal aid, language)

The Supreme Court has again reiterated to the Ministry of Justice (responsible for court premises) that the spatial conditions for the work of first instance courts in the capital city Ljubljana are not appropriate, and do not enable efficient work. The locations of the courts are scattered around the city, many of the premises are not owned by the state, leading to large amounts of funds being spent on rents. Activities for a new court palace in Ljubljana have been going on for a really long time, without any real tangible result.

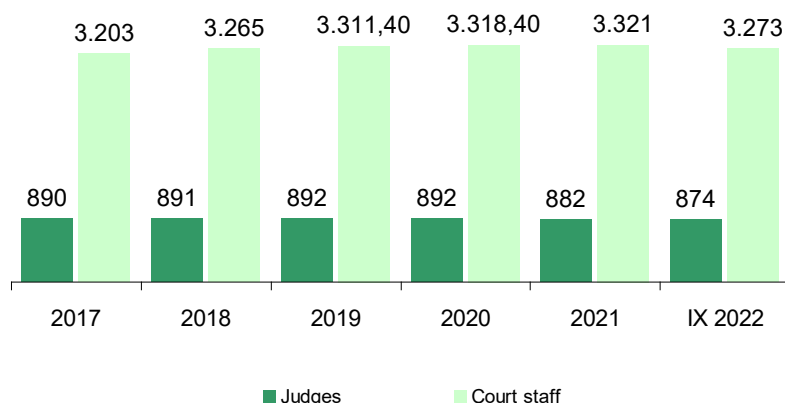
Resources of the judiciary (human/financial/material)

The adopted budget for 2023 for all courts in the Republic of Slovenia amounts to EUR 219.0 million and is EUR 18.5 million higher than the adopted budget rebalance for 2022 or by EUR 20.1 million higher than the estimated realization for 2022. The bulk of the higher spending in 2023 compared to the previous year is planned for the salaries of judges and civil servants, namely due to the adopted Agreement on measures in the field of salaries and other labour costs in the public sector for the years 2022 and 2023 and due to the adopted Act on Amendments and Supplements to the Act on the Salary System in the Public Sector. We estimate that the adopted budget for 2023 will not be sufficient to cover all the obligations of the courts in the following year. The deficit is estimated on the items for the costs of court proceedings and free legal aid in the total amount of 7.9 mio EUR, namely mainly due to the enactment of the Act on Amendments and Supplements to the Law on Advocacy (ZOdv-G), with which the lawyer's tariff for the payment of ex officio cases and the case of free legal aid increases from the current 50% to 100%. The financial consequences of the ZOdv-G could not be taken into account when preparing the budgets for the years 2023-2024 in August 2022, as the mentioned legal amendment only applies from 26 October 2022 onwards.

Figure 1: Total human resources on the 30.9.2022:

Judges and court staff

Judges and court staff



Court staff

	Secretary General, directors	Senior judicial advisors	Judicial Assistants	Registrars	Typists	Other Court Staff
2011	21	455	502	561	1.102	704
2012	21	481	502	557	1.079	677
2013	20	541	500	554	998	664
2014	20	534	494	550	976	671
2015	20	517	502	534	947	657
2016	19	543	538	504	947,5	649,5
2017	19	549	539	499	943,5	653,5
2018	19	575	573	495	934	669,0
2019	20	592	588	505	935,5	670,5
2020	18	596	593	499	929,5	682,5
2021	18	624	595	500	892,5	690,5
IX 2022	17	609	588	496	877,5	685,5

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

(1) The work of the Judicial Training Centre (organ of the Ministry of Justice) could resume and continue with live events that in 2020 and 2021 were either cancelled or performed remotely (videoconferences, web seminars etc.) due to Covid-19.

(2) Extensive efforts are devoted to training within the framework of the project Improving the Quality of Justice (IQ Justice). The three project groups are focusing on judges, court staff and procedural fairness.

Judgecraft (education of mentor judges) was being implemented, so that the newly appointed judges have the opportunity to be mentored by their more experienced peers and various specialist materials (e.g. Handbook for civil procedure, Handbook for criminal procedure, Handbook for new judges, Handbook for writing quality civil decisions (published in August 2021 and it has 1.350 downloads till December 2022), are published on the Intranet. Workshops on judicial skills with the application of supervision techniques were carried out in 2018, 2019 and 2021. A curriculum of training for court staff has already been confirmed and is carried out. Training for on-the-job training providers was implemented. A handbook for public employees was published. Online training for public employees is organised and is carried out.

(3) Extensive efforts are devoted to providing information on the recent case-law of the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ). The Supreme Court's Office for Analysis and Research is monthly preparing translations of relevant ECtHR and ECJ decisions. Furthermore, the Office produces comparative analyses of legal institutes and decisions of Supreme Courts of Member States of the EU, the ECtHR and the ECJ, in connection with current cases at the Supreme Court of the Republic of Slovenia. These analyses are published on the intranet and available to all courts.

(4) The Supreme Court has long sought to revise the state bar exam, finding it no longer appropriate, as it does not adequately prepare candidates for judicial office. The proposal for reform is closely connected to the issue of the number and the age structure of judges, as it would enable more accurate and long-term planning of the demand for new judges. The coordination of the proposal with the Ministry of Justice was in course until 2019. In 2023 the Ministry of Justice plans to reopen the discussion.

Digitalisation

(1) Extensive efforts are devoted to digitalisation in courts. The digitalisation has already been

determined as priority in previous strategic documents of the judiciary.³ Some of the priority tasks have already been completed (see below), while others are planned to be completed until the end of 2023.

A specialised web page e-Sodstvo⁴ (eCourts) enables electronic communication in enforcement of civil cases (elzvršba), land registry cases (eZK), insolvency cases (eINS) and in family matters (between courts and social workers). Civil enforcement on the basis of an authentic document is an informatized procedure where claims can be filed online, with the support of a specific legislative framework, without the need for simultaneous submission of cases in paper form, and integrated to the CMS. (In 2022, 99,90% of those claims were filed electronically; with no limit to the value of the disputed amount in these cases).

The possibility to electronically submit all kinds of documents is provided to enforcement agents, notaries, lawyers, bankruptcy agents, as well as clients and other participants in court proceedings via the courts' web portal eSodstvo (a digital certificate is required). The Supreme Court encourages all of them to submit their documents electronically.

The laws prescribe that certain types of documents must be submitted to court by notaries, lawyers, bankruptcy agents, state authorities, social workers in electronic form only (i.e. in the land registry, insolvency cases, court registry cases and in family matters for social work centres). In Criminal, Administrative and Civil and Commercial litigious cases, currently efforts are taking place to upgrade the informatized CMS to allow electronic communication (see below - eVa). This is foreseen by the end of 2023.

For the transition to a comprehensive electronic business process in administrative, civil and commercial matters, the CMS has already been partially upgraded, the eVa application has been developed and the CMS is being further upgraded. The transition to e-business in all these cases in full for all courts and all participants in court proceedings is planned for the end of 2023. In criminal cases, e-business between courts and prosecutors' offices is planned for mid-2023, for other participants in criminal proceedings until the end in 2023.

As part of the project "Effective Justice", the Supreme Court of the Republic of Slovenia as the beneficiary began using the Archeia (previously: eHramba) information system in 2021 and in 2022 the system was certified by the Archives of the Republic of Slovenia. In 2021, the system was connected to the court administration CMS, it was test connected to the PUND information system, and in 2022 it also started to be connected to the enforcement CMS. This enables a centralised, long-term storage of digital content (e.g. electronic documents) received or generated by the judiciary in a uniform and legally compliant manner; the material in the electronic form will be retained in accordance with determined archiving deadlines, and controlled selection, serving, exclusion and destruction of documents is supported in compliance with regulations.

As part of the development of new functionalities of the PUND information system, which provides case management in civil proceedings, a new horizontal solution was introduced – the eVa application for a uniform validation of incoming submissions, and as such, it is planned to be used by other court information systems. Through the eVa application, incoming submissions are directed to the target case management system. As a horizontal solution, the eVa application enables the processing of the entirety of incoming submissions at the level of court districts, management of certain proceedings of several courts or districts and optimization of court applications management at all specialised courts with regard to staffing, spatial and other organisational resources. The use of the eVa application in all civil cases for all courts is planned in 2023. In 2022 a central information solution was developed for recording and managing financial obligations in all court cases and in all courts. Currently, information support is provided for dealing with obligations in criminal proceedings that have been imposed or ordered to be paid (fine, property benefit, costs of criminal proceedings and court fees), from the

³ Opening of the judicial year 2019, 2021 and 2022– documents available at http://www.sodisce.si/sodna_uprava/statistika_in_letna_porocila/

⁴ Available at: <https://evlozisce.sodisce.si/>

creation of the obligation with the issuance or finality of the decision until its conclusion in the form financial or non-financial closure.

The data warehouse and the system for business intelligence ensure official reporting to competent institutions and enable the management of courts from monitoring court operations to in-depth analyses and research whose results serve as the basis or information for adopting management, business and strategic decisions at all levels of the Slovenian judiciary. Within the framework of the project "Effective Justice", the data warehouse is expanded with additional data and new content based exclusively on data from external source records. The quality of data in the data warehouse is improved and the system for business intelligence is being upgraded in accordance with innovations in information systems for managing court cases, additional content and court performance indicators.

Based on the Rules on Announcements of Sales in the Online Search Engine and Online Public Auctions in Enforcement Proceedings, the Supreme Court of the Republic of Slovenia introduced the e-Dražbe (SodneDrazbe.si) as a security-supported website where all topical auctions of Slovenian courts are published. In February 2021, the eAuctions application was put into production and it was continuously upgraded in 2022 in accordance with the requirements of its users.

New functionalities of the e-ZK and e-Su systems were developed in 2021 and 2022.

Furthermore, the application for viewing and studying electronic court cases (eSpis) was developed by the end of Q1 2022, currently being tested and pending production in insolvency and civil procedure.

A new project is planned at the Supreme Court for 2023, named "Knowledge base", aiming to bring together different texts that are being produced to reach the final decision of the court and the relevant case-law to have a "knowledge warehouse". Intelligent browsers would enable the search among different case-law sources, including the European Court of Human Rights and the European Court of Justice.

Use of assessment tools and standards

The Supreme Court is tasked with the yearly adoption of time standards (expected times of resolving cases and performing procedural acts). Before 2023 time standards were based on the statistical data on the actual duration of procedures in courts. In 2022 extensive efforts have been devoted to the preparation of new time standards, based on procedural time limits as set in law and the daily practice of courts. The new time standards have been adopted for 2023.

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization

The Supreme Court is of the view that the activities of the Ministry of Justice regarding changes in legislation on the organisation of the judiciary (mainly on the position of judges), aimed at more efficient work of courts while promoting the quality of justice, are not evolving in a timely manner in accordance to the expectations of the Supreme Court.

Changes in legislation in the organisation of first-instance courts and judges were proposed from the judiciary to the Ministry of Justice already years ago. First instance judges are currently divided to local and district judges, which limits the possibility of court presidents to effectively manage human resources within the district.

The unfulfilled proposals to establish a uniform first-instance judge seriously affect the course of court proceedings and the organisation of operations of courts and consequently the financial operations of courts. This change does not directly influence the judicial map, but it would significantly affect the work of courts and allow a more flexible organisation within court districts, allowing a more organic development of the judicial map.

The Ministry of Justice has stated that it intends to proceed with the reform of the organization of

first instance courts to form a uniform first instance judge in the first half of 2023, while the reform of the judicial map could be done gradually.

Unfortunately, no new activities are foreseen for 2023 regarding the long awaited new court palace for courts of first instance in Ljubljana.

Efficiency of the justice system

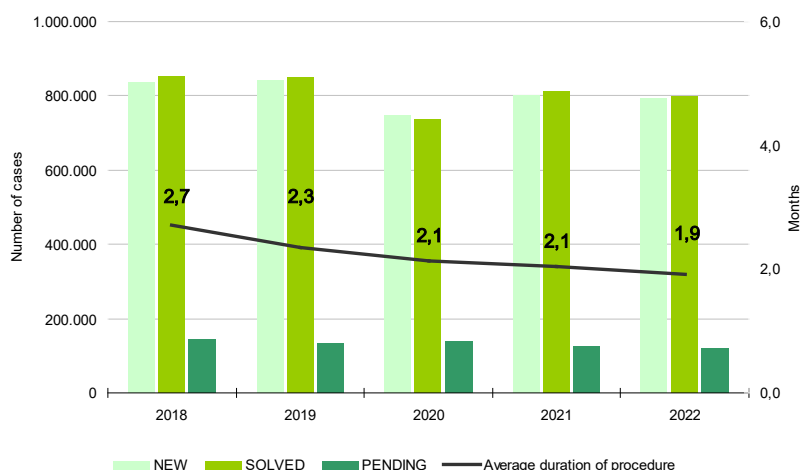
Length of proceedings

The duration of procedures in 2022 remained at a similar level as in 2021; the duration of important cases was a bit longer (8.6 months), while the duration of other cases shortened even further (to 0,8 months)

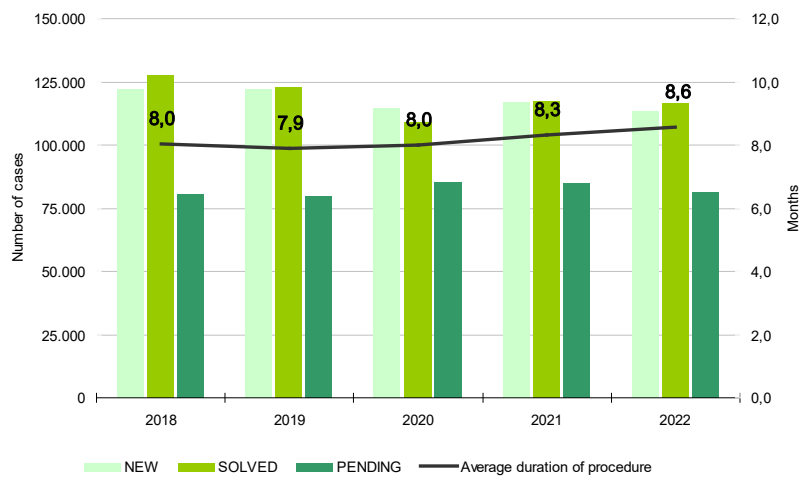
Courts received 1% less cases and resolved 2% less cases in 2022 than in 2021. The clearance rate was above 101% and consequently the number of pending cases decreased by 5% in 2022.

Figures 2, 3, 4: Movement of all, major and other cases and average duration of cases, 2018-2022

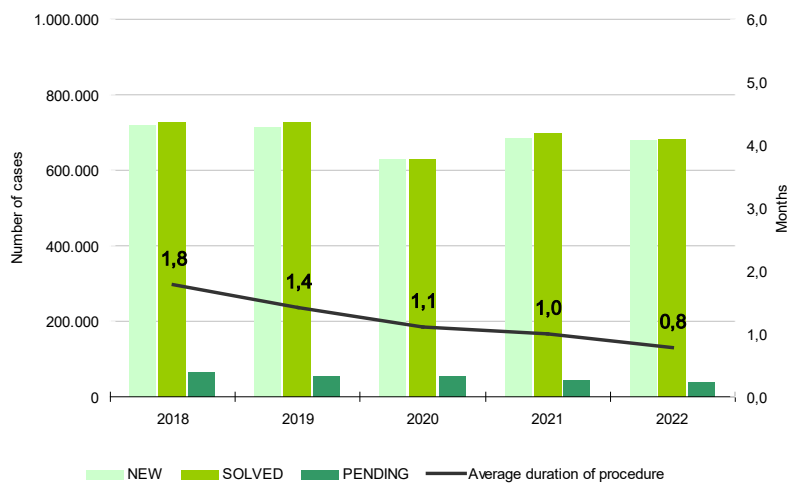
ALL cases



MAJOR cases



OTHER cases

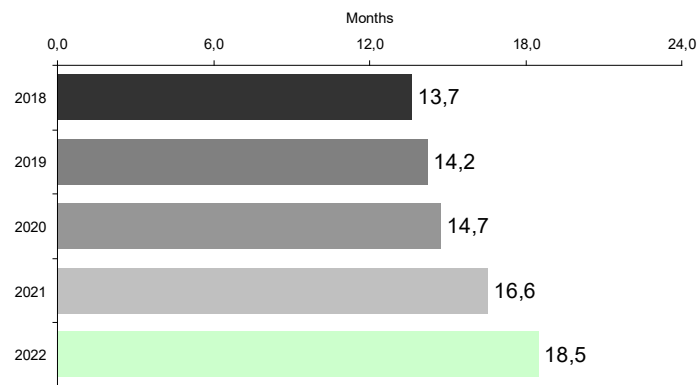


Movement of all, major and other cases by court type

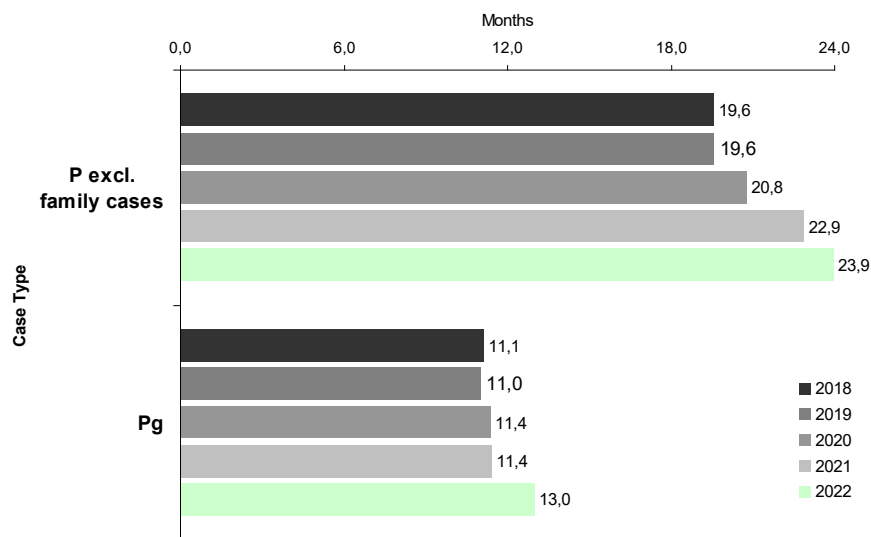
Court Type	Year	2020					2021					2022				
	Case Type	NEW	SOLVED	PENDING	Clearance Rate	Average duration of proceedings (months)	NEW	SOLVED	PENDING	Clearance Rate	Average duration of proceedings (months)	NEW	SOLVED	PENDING	Clearance Rate	Average duration of proceedings (months)
SUPREME COURT	Major	3.068	3.369	770	110%	4,3	3.185	3.126	829	98%	3,6	3.070	3.174	707	103%	3,6
	Total	3.068	3.369	770	110%	4,3	3.185	3.126	829	98%	3,6	3.070	3.174	707	103%	3,6
HIGHER COURT	Major	14.700	15.988	1.418	109%	1,9	16.433	15.648	2.203	95%	1,5	15.612	15.449	2.365	99%	1,7
	Other	198	204	2	103%	0,5	255	248	9	97%	0,4	271	275	5	101%	0,4
	Total	14.898	16.192	1.420	109%	1,9	16.688	15.896	2.212	95%	1,5	15.883	15.724	2.370	99%	1,7
DISTRICT COURT	Major	22.467	20.999	27.789	93%	13,7	20.556	22.398	25.947	109%	13,8	20.479	21.333	25.093	104%	14,3
	Other	82.806	82.885	3.852	100%	0,6	85.921	85.869	3.904	100%	0,6	83.624	83.536	3.932	100%	0,5
	Total	105.273	103.884	31.641	99%	3,2	106.477	108.267	29.851	102%	3,3	104.103	104.869	29.025	101%	3,3
LOCAL COURT	Major	67.095	61.050	47.190	91%	7,5	69.816	69.467	47.539	100%	7,9	66.196	69.250	44.484	105%	8,1
	Other	425.353	432.376	23.550	102%	1,1	493.627	493.882	23.179	100%	0,8	485.858	486.539	22.376	100%	0,7
	Total	492.448	493.426	70.740	100%	1,9	563.443	563.349	70.718	100%	1,7	552.054	555.789	66.860	101%	1,7
ADMINISTRATIVE COURT	Major	2.893	3.088	3.751	107%	13,7	2.751	2.605	3.897	95%	14,9	2.718	2.669	3.946	98%	16,8
	Other	3.187	3.210	87	101%	0,5	3.160	3.188	59	101%	0,5	3.801	3.784	76	100%	0,3
	Total	6.080	6.298	3.838	104%	7,0	5.911	5.793	3.956	98%	6,9	6.519	6.453	4.022	99%	7,1
HIGHER LABOUR AND SOCIAL COURT	Major	931	1.136	113	122%	2,9	990	929	174	94%	1,9	1.176	999	351	85%	2,6
	Total	931	1.136	113	122%	2,9	990	929	174	94%	1,9	1.176	999	351	85%	2,6
LABOUR AND SOCIAL COURT	Major	3.793	3.422	4.327	90%	11,4	3.399	3.881	3.845	114%	12,7	4.304	4.013	4.136	93%	13,0
	Other	1.150	1.172	45	102%	0,7	1.011	1.013	43	100%	0,5	913	926	30	101%	0,5
	Total	4.943	4.594	4.372	93%	8,7	4.410	4.894	3.888	111%	10,2	5.217	4.939	4.166	95%	10,6
CoVL	Other	116.877	108.656	26.103	93%	1,5	101.630	112.062	15.670	110%	2,1	104.651	106.941	13.380	102%	1,3
	Total	116.877	108.656	26.103	93%	1,5	101.630	112.062	15.670	110%	2,1	104.651	106.941	13.380	102%	1,3
PgP	Major	42	1	41	2%	2,2	2	0	43	0%		1	0	44	0%	
	Total	42	1	41	2%	2,2	2	0	43	0%		1	0	44	0%	
Total	Major	114.989	109.053	85.399	95%	8,0	117.132	118.054	84.477	101%	8,3	113.556	116.887	81.126	103%	8,6
	Other	629.571	628.503	53.639	100%	1,1	685.604	696.262	42.864	102%	1,0	679.118	682.001	39.799	100%	0,8
	Total	744.560	737.556	139.038	99%	2,1	802.736	814.316	127.341	101%	2,1	792.674	798.888	120.925	101%	1,9

Figures 5, 6, 7: Average duration of proceedings in district courts, 2014-2022

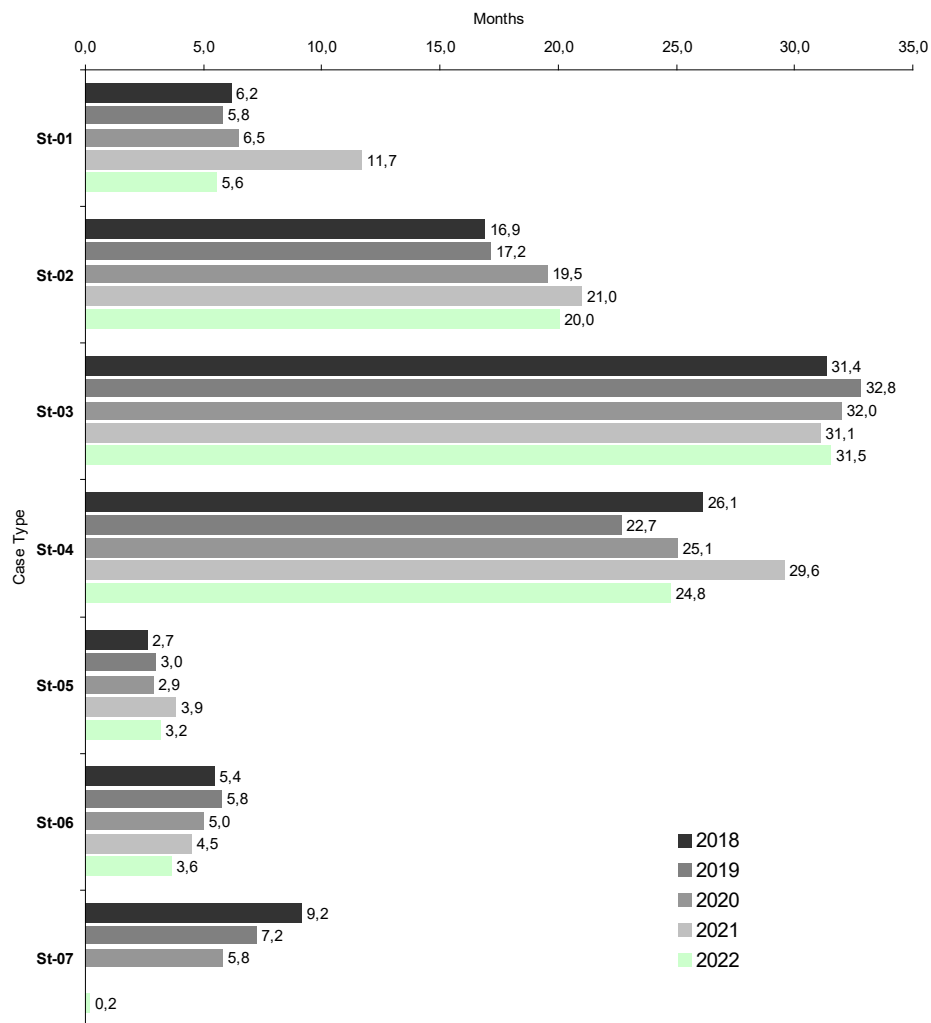
District Courts/Criminal cases - average duration of proceedings



District Courts / Civil and Commercial cases - average duration of proceedings

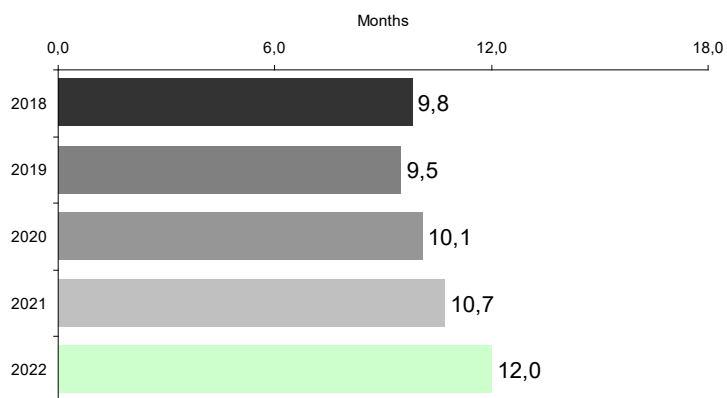


District Courts / Insolvency cases - average duration of proceedings

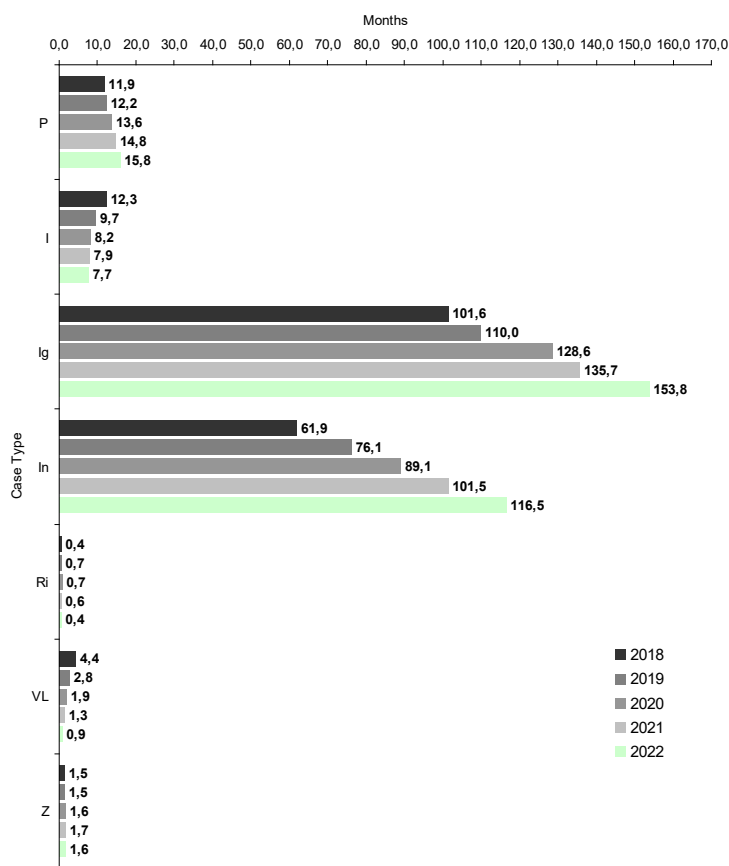


Figures 8, 9, 10: Average duration of proceedings in local courts, 2018 - 2022

Local Courts/Criminal cases - average duration of proceedings

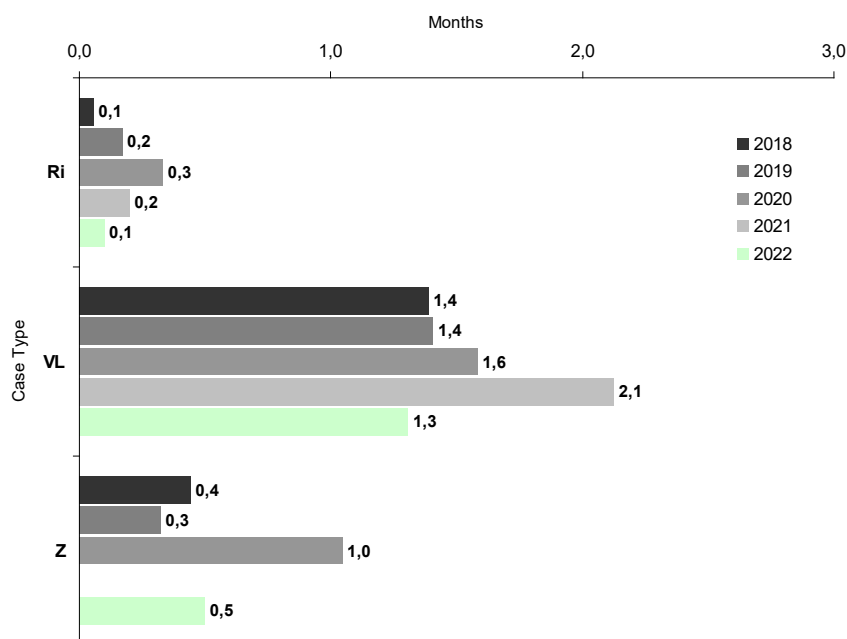


Local Courts/Civil and Enforcement cases - average duration of proceedings



The data regarding enforcement cases has to be interpreted considering the fact that statistical reporting has recently changed. With the beginning of the year 2016 two registers (Ig and In) are not filled anymore with new cases – these cases are registered according to the legal basis of the enforcement – either an enforcement title (these cases go into register I) or an authentic document (these cases go into register VL).

CoVL - average duration of proceedings



In the Opening of the judicial year 2022 special attention was devoted to administrative procedures in courts. New legislative solutions to shorten the duration of cases are expected. However, due to new case-law of the Supreme Court (and the ECtHR) which requires the Administrative court to perform main hearings as a rule, the duration of procedures is expected to increase short-term.

Figures 11, 12, 13: Number of new (incoming), resolved and pending cases, average duration of proceedings and average age of pending cases at the Administrative court, 2018 - 2022

