

2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023^[1] falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

A) Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

C) Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[2])

D) Any other relevant developments

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

* Organisation name

250 character(s) maximum

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Other

If "Other", please specify

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

legal NGO, established to provide professional legal support to individuals, vulnerable groups and non-governmental organization in exercising and protecting their rights and strengthening their position in the society. It is active in advocacy, training, encouraging civil dialogue... is one of
 , a
 .

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia

- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea

- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi

- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe

- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☒ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☒ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☐ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2024 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania

- ☐ Slovak Republic
- ☒ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

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

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

5000 character(s) maximum

JUDICIAL STRIKE

The issue of the level of judges' salaries has been an open one in Slovenia for a long time, but it became particularly acute after the deadline for the implementation of the last related constitutional decision issued in June 2023, which expired on January 3, 2024. On January 12, 2024, judges started to implement the so-called two-week protest action. Among other things, under this measure, the judges cancelled hearings and appointments that had already been scheduled. These are classic strike actions, but a strike by judges is not allowed in Slovenia. Under Article 77 of the Constitution, the right to strike applies only to workers in an employment relationship with their employer, not to judges in an employment relationship with the state. The legislature has not recognised the right of judges to strike because they are holders of one of the branches of power.

Judges must not obstruct the functioning of the courts in order to exercise their rights, but this is exactly what is happening in the context of the action: hearings and appointments are being cancelled, the examination dates for the State Bar Examination are being postponed, and judges have even announced their non-participation in the electoral commissions, which will soon start their work in view of the upcoming European elections. This would constitute disproportionate interference in the conduct of the elections and, as a consequence, may also raise questions about the legitimacy of the elections. In any event, the latter goes beyond the objective of achieving compliance with the constitutional decision.

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

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

5000 character(s) maximum

WHEN DISMISSING A CRIMINAL CHARGE, THE PROSECUTORS DO NOT STATE THE REASONS

Legal Network for the Protection of Democracy has through individual case learned that in practice when a criminal charge (e.g. on hate speech) is dismissed, the person or organization submitting the charge is not entitled to know the reason or receive explanation behind this decision.

If the State Prosecutor's Office does not identify the individual or organisation as a victim of criminal act, they are not obliged to inform of the reasons for the dismissal. Article 161(1) of the Code of Criminal Procedure provides, inter alia, that: 'The public prosecutor shall inform the victim within eight days (Article 60) and, if the complaint was made by a public authority, the victim of the dismissal of the complaint and the reasons for it.'

This provision limits information on the dismissal to victim, which does not create legal certainty for others, for examples NGOs which operate in public interest, to be acquainted with the reasons and act accordingly in the future. In case of hate speech it is common that the victims are generalised therefore no one is entitled to reasoning of the dismissal. This hinders submission of other cases on questions that score high in public interest and are a burning issue.

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

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

5000 character(s) maximum

THE MINISTRY OF JUSTICE OPPOSES MANDATORY TRAINING FOR JUDGES ON VIOLENCE AGAINST WOMEN

In its latest report, GREVIO notes that Slovenian case law reveals that there are many misconceptions among judges and prosecutors about different forms of violence against women, including domestic violence. Some court decisions reflect a misunderstanding among judges that gender-based violence is both a cause and a consequence of unequal power relations based on perceived differences between women and men, leading to women's subordinate position in the private and public spheres, and GREVIO believes that this topic should be addressed in training programmes for judges. The number of femicides in Slovenia is increasing.

GREVIO called on the Slovenian authorities to provide systematic and mandatory initial in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, on equality between women and men, on the needs and rights of victims, and on the prevention of secondary victimisation for all professional groups, in particular the health sector, social workers and the judiciary.

The Ministry of Justice argues that the executive "cannot give directions or other instructions to judges to decide on specific cases, as this would impermissibly interfere with the constitutionally guaranteed independence of the judiciary and the independence of individual judges, who are bound only by the Constitution and the law in the exercise of their judicial functions".

The Ministry's position is entirely incorrect, as training judges on a particular issue does not in any way constitute guidance for deciding a specific case and does not in itself create or change case law. It is an incomprehensible resistance to the training of judges in an area of great social importance, where clear standards are set by the Istanbul Convention, but unfortunately not sufficiently known to the Slovenian judiciary, as an analysis of case law shows.

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

5000 character(s) maximum

General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

5000 character(s) maximum

Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

5000 character(s) maximum

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

5000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

5000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

5000 character(s) maximum

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

SUSPICIONS OF UNPROFESSIONAL RECRUITMENT AT THE HIGHEST LEVELS, UNDUE INFLUENCE ON THE WORK OF THE POLICE

Suspicion of unprofessional and political appointments by the current government have been raised in the public domain. These concerns are raised by the appointment of a new Director General of the Police in October 2023 by the Minister of the Interior, Boštjan Poklukar. The adequacy of the selection procedure for the appointment of Senad Jušić to the post of Director General of Police is currently in the hands of the Administrative Court. The case is being dealt with as a matter of priority before the Court, but the procedure has not yet reached an epilogue at the time of the finalisation of the report.

In addition, following the testimony of the former Minister of the Interior, Tatjana Bobnar, before the National Assembly's Commission of Inquiry, suspicions have been raised that the Prime Minister attempted to influence the organisation and functioning of the police during her term of office. He allegedly stated that it was necessary to "purge the police of Janissists" or "Janissism", which is contrary to Article 14 of the Constitution. The assertion of collective responsibility or blame for possible illegal or unconstitutional actions by the top of the executive branch (in this case, the previous branch) of government is contrary to the fundamental postulates of the democratic order. Individual responsibility of individuals must be established and proven in a fair labour, criminal or other legal procedure, which must not degenerate into an arbitrary and unlawful hunt for individuals on the basis of their political or other convictions or a desire to replace individuals critical of the authorities with pro-authority cadres. Any pressure or attempts to influence state bodies by representatives of the executive branch of government, including impermissible public communication about the need to "purge certain individuals", both before the start of the proceedings and during the proceedings, is also completely inadmissible.

The Commission for the Prevention of Corruption has opened an investigation into these allegations against Prime Minister Robert Golob.

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures adopted to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

ILLEGAL INSTRUCTIONS TO THE POLICE TO PUNISH PROTESTERS, WHICH THE MINISTRY REFUSES TO WITHDRAW
During the previous government, the Ministry of the Interior (Directorate of Administrative Home Affairs,

Migration and Naturalisation) issued instructions to the Police on 21 April 2021, which constituted the basis for punishing anti-government protesters. The Police is a body within the Ministry of the Interior and the position of the Police vis-à-vis the Minister of the Interior is regulated by the Law on the Organisation and Work of the Police ; the law does not provide for the Directorate of the Ministry of the Interior to interpret to the Police the content of the law applied by the Police in the determination of offences. The relationship between the executive and the police is of constitutional importance. Guiding the police in specific offence cases by a document of the Directorate (as an organisational unit of the Ministry), which interprets the law to the police, is unlawful and contrary to the principle of police independence and transparency. The police understood the aforementioned instructions as binding, as they explicitly referred to them in their decisions on offences.

In this particular case, it was not a question of professional assistance, but of influencing the police to apply a broad interpretation of the signs of an offence when dealing with protests and protesters, in order to punish as many of them as possible, despite the signals of the Constitutional Court of the Republic of Slovenia, the Ombudsman and the professional public, which were already different at the time. The current Minister of the Interior does not see any controversy in these instructions and has still not revoked them, and what is more, he has appointed the very person who drafted them to head the Directorate.

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

NON-TRANSPARENT GOVERNMENT

During the previous government, a group of opposition MPs (in the current government, these MPs are ministers) sent two provisions of the Aliens Act that restrict access to the asylum procedure to the Constitutional Court for review. These are provisions that had been subject to constitutional review in the past and were reinstated in the amended law during the Janša government, despite their obvious unconstitutionality.

In the new proceedings before the Constitutional Court, the latter asked the National Assembly or the Government of the Republic of Slovenia for its position on the articles under review, which is otherwise part of the established procedure. However, the Ministry of the Interior, which was responsible for drafting the position, did not coordinate the opinion inter-ministerially, nor was the content of the opinion communicated to the coalition, nor was it included among the materials of this kind of status, but rather it "found its way" into the material that is decided on in a package, i.e. the content of the opinion is not communicated to the ministers in detail, if at all. This is diametrically opposed to the position of the current ministers who initiated the constitutional review. It is also diametrically opposed to the coalition government's commitments on asylum and migration. 13 NGOs have therefore called for the resignation of the Ministers.

The Ministry of the Interior initially refused to publish this position when asked by the media. The National Assembly did not endorse this opinion in the working body and the Legislative and Legal Service of the National Assembly gave a negative opinion on it. Nevertheless, the opinion was forwarded to the Constitutional Court. The situation is indicative of both the Government's alarming diversions from its pre-election and coalition commitments, and the pressing problem of the non-transparent functioning of the Government of the Republic of Slovenia, as the decision-making procedures at the sessions are closed, the materials are practically inaccessible, and the minutes only summarise the adopted decisions, not the discussions. This severely restricts public and media access to the subjects of government deliberation and

limits the right to participate in the management of public affairs.

In 2023, the Government did not adopt the Legislative Work Programme of the Government, which is foreseen by the Rules of Procedure of the Government itself, making it difficult for all external stakeholders to participate in the processes of legislative change. The Legislative Programme is the basis for the fulfilment of the coalition commitments and its timely adoption is the responsibility of the Secretariat-General, which produces a monthly statistical report on the work of the Government, which is normally published in the Government Information System. None of the above is available to the public in this Government's mandate, and the Secretariat-General responds to letters and requests with months of delay or not at all. .

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

POST-FLOOD LEGISLATION VIOLATES THE PRINCIPLES OF PUBLIC INTEREST PROTECTION

Following the devastating floods and landslides in August 2023, Slovenia has taken measures to rebuild and develop the areas affected through the Law on Reconstruction, Development and Provision of Financial Resources .

The law also provides for a number of departures from the existing provisions of the system legislation in order to speed up the implementation of the renovation (and development). It is foreseen that if the opinion-giver (e.g. the Environment Agency of the Republic of Slovenia, the Institute for the Protection of Cultural Heritage and the Water Directorate) fails to issue an opinion on the compliance of the proposed construction with the relevant regulations (e.g. on the protection of the environment, cultural heritage or water) within 30 days of the submission of a complete application, it will be deemed that the opinion has been submitted and that the construction complies with the relevant regulations.

Such "simplification" is not only envisaged for the construction of replacement buildings (e.g. residential houses) and related infrastructure, but also for more complex constructions related to the construction of the third development axis (long-term infrastructure road project), which are otherwise decided in an integral procedure, including an environmental impact assessment procedure (in the form of an opinion of the competent authority). This means that the Ministry will be able to issue a building permit for the construction of the third development axis without first being satisfied that the proposed construction does not have (significant) adverse environmental impacts.

The shortening of the time limits for issuing an opinion on the compliance of the intended construction with the sectoral regulations or the "threat" of the so-called positive fiction in the case of the silence of the opinion-giver is all the more problematic due to the human and professional under-staffing of many opinion-givers, which may lead to the fact that opinion-givers, due to time constraints, will issue (positive) opinions on the compliance of the intended construction with the sectoral regulations, without prior professional and in-depth assessment of all the possible impacts of the intended construction. This will, however, make it significantly more difficult to challenge such a building permit or integrated building permit in subsequent proceedings, as representatives of the public interest - including, inter alia, environmental protection or nature conservation NGOs with public interest status - will have to prove the incorrectness of such an opinion in proceedings before the Administrative Court with the assistance of experts.

In this respect, it should be noted that the law reduces the time limit for filing a lawsuit in an administrative dispute against a building permit or an integral building permit from 30 to 15 days, both for the parties and for the representatives of the public interest. This will, in practice, make it even more difficult for the latter in particular to bring legal actions, given the short time-limit for familiarising themselves with the case, examining it and preparing the action.

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services

5000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

5000 character(s) maximum

EXCESSIVENESS OF THE PERSONAL DATA REQUESTED IN THE EXERCISE OF THE RIGHT TO FREEDOM OF EXPRESSION

By requiring the provision of more personal data, the Public Meetings Act has a significant dissuasive effect on the exercise of the right to protest. According to the law, the organiser of a rally must register the rally with the police station at least three days before the day of the rally. However, in the case of a rally using a

road, the organiser must apply for a permit at the administrative unit at least seven days before the day of the rally. In the registration of the rally or in the application for a permit, the applicant must provide a large number of personal details of the organiser of the rally: personal name, registration number, or date of birth and sex if no registration number is provided, nationality, address of permanent or temporary residence, or company name, registered office, registration number and the personal name of the representative. He/she must also provide more personal data of the rally leader and of the leaders of the rallies: personal name, registration number, date of birth and sex if no registration number is provided, nationality, address of permanent or temporary residence. All rallies shall be published on the e-Government website, where the personal name of the organiser (if the organiser is a legal person, the name of the legal person shall be published) and of the rally leader, who shall always be a natural person, shall be publicly available. The publication of the personal data of the organiser of the protest, the rally leader and the leader of the marshals also reveals their political views.

By requiring the provision of personal data, the law unduly restricts the right to protest. The State has not only a negative duty to refrain from interfering with the right to protest, but also a positive duty to promote and protect its exercise. Assemblies for the purpose of expressing political opinions collectively enjoy a particularly high level of protection under constitutional law. When protests are carried out against the authorities, the organisers often do not wish to be identified, as they may otherwise be disproportionately sanctioned by the authorities.

The law should allow for anonymity, of the organiser, as otherwise the deterrent effect may nullify the right to protest.

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives etc.)

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

Contact

rule-of-law-network@ec.europa.eu

