

# Slovenia's contribution to the second annual Rule of Law Report

## Introduction

*The following document represents the input of Slovenia in response to the Commission's questionnaire for the preparation of the second annual Rule of Law Report. Providing the overview of the relevant aspects across the four pillars since January 2020, the input includes significant developments as regards the legal framework and its implementation in practice. The contribution addresses the progress made and significant developments with regard to the points raised in the respective country chapter of the 2020 Rule of Law Report, as well as other important features, including those in relation to the COVID-19 pandemic falling under the scope of the four pillars covered by the report.*

*In this context, the focus is on relevant legislative and policy developments, institutional characteristics, implementation and impact aspects, surveys, plans and processes, follow-ups to the reports and recommendations by international organizations, other important administrative measures, etc. The information comprises aspects set out under each pillar making explicit reference to contributions already provided in the 2020 Rule of Law Report with the aim of avoiding repetition and pursuing clarity. Significant developments highlighted in the contribution below also include challenges, positive developments and best practices, covering both legislative developments as well as implementation and practices. Where relevant, information related to measures taken in the context of the COVID-19 pandemic is provided under the appropriate topics.*

*The Commission will have recalled that in the preparation of the first report, Slovenia has reiterated the importance of involving the EU institutions (not only the EU Member States) as equal subjects of the rule of law review. Given the EU institutions are also co-legislators, this would contribute to the credibility, integrity and comprehensiveness of the state of the rule of law in the EU. Moreover, we have also consistently stressed the fact that the respect for the Rule of Law also includes respect for the international legal obligations and agreements and enforcement of judgments of all courts by all Member States and EU institutions – which should be reflected in the comprehensive Rule of Law monitoring.*

*Due to our common efforts, the EU today is much better equipped to face different challenges related to the upholding of the rule of law with mechanisms and instruments of promotional, systemic, preventive and responsive nature. The Commission's first annual report showed that the rule of law in the EU must not be taken for granted. Important challenges should be addressed through better prevention combined with other instruments.*

## I. Justice system

### I. **FEEDBACK AND PROGRESS MADE: DEVELOPMENTS WITH REGARD TO THE POINTS RAISED IN THE 2020 REPORT**

As an immediate response to the First Annual Report on the Rule of Law, the Minister of Justice appointed a **working group in October 2020 to discuss findings of the Report in the Justice System section** (working group), which consists of the representatives of the judicial stakeholders, external legal experts, the Ministry of Foreign Affairs and the Ministry of Justice. The working group so far (i.e., the working group is still in session) discussed the findings of the Report, which needed to be addressed, identified the challenges, and suggested proposals for improvements, which will serve as the basis for the Ministry's legislative proposals and other measures.

The working group addresses the challenges of the Justice system in Slovenia as identified in the Report, as well as other issues facing the judicial stakeholders relating to the independence, quality and efficiency of Slovenian justice system. The working group also discusses areas where the Slovenian justice system made improvements in the last years and the indicators used for the evaluation of the justice system. The discussed proposals in the working group have different timelines for implementation. The long-term proposals addressing structural reforms will be included in the Strategy of the judicial system, which is being drafted by the Ministry of Justice. The working group will conclude its work by adopting a Report by the end of March 2021.

### II. **REPLIES TO THE EUROPEAN COMMISSION'S QUESTIONNAIRE**

***Developments related to the Judiciary / Independent Authorities: state of play on terms and nominations for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the request for input).***

The Courts Act stipulates that the President of the Supreme Court of the Republic of Slovenia is appointed by the National Assembly at the proposal of the minister responsible for justice based on the preliminary opinion of the Judicial Council and the plenary session of the Supreme Court of the Republic of Slovenia for a period of six years with the option of reappointment. Only a supreme judge may be appointed President of the Supreme Court.

According to the provisions of the Constitutional Court Act, the President of the Constitutional Court is elected by the judges of the Constitutional Court among themselves by means of a secret ballot for a period of three years. The ballot must be carried out before the term of the previous President of the Constitutional Court is terminated.

As stipulated in the Judicial Council Act, the Judicial Council has a president and a vice-president who are elected among the members of the Judicial Council themselves by means of a secret ballot with a two third majority vote of all members. The President and the Vice-President are elected for a period of three years and cannot be re-elected after the expiry of their terms of office. The term of the members of the Judicial Council lasts six years and they cannot be immediately re-elected.

The State Prosecutor's Council as governed by the State Prosecution Service Act consists of nine members who are appointed or elected for a period of six years and cannot be immediately re-elected or appointed after the expiry of their terms. The State Prosecutor's Council consists of four members elected by state prosecutors from among the state prosecutors who are not in leading positions (one among those with the title of a supreme state prosecutor, a higher state prosecutor, a district state prosecutor and a local state prosecutor), and four members elected by the National Assembly of the Republic of Slovenia at the proposal of the President of the Republic and selected among legal experts, and one member appointed by the Minister among the heads of district state prosecutors. The President and Vice-President of the State Prosecutor's Council are elected among the members by a two third majority vote at a secret ballot for a term of two years. After the expiry of their terms, they cannot be re-elected.

According to the provisions of the Human Rights Ombudsman Act, the Human Rights Ombudsman is elected by the National Assembly at the proposal of the President of the Republic with a two third majority vote of all deputies for a period of six years and can be re-elected once for another term. Only a citizen of the Republic of Slovenia may be elected Ombudsman.

Members of the Court of Audit are the President of the Court of Audit and two deputies. According to the provisions of the Court of Audit Act, a member of the Court of Audit is a Slovenian citizen with a university-level education at minimum, who is an expert in the field that is relevant for the execution of the powers of the Court of Audit, who has knowledge of at least one foreign language and who has not been a member of the Slovenian Government in four years prior to the appointment. The National Assembly appoints a member of the Court of Audit for a period of nine years from the date on which they took up their duties. The President of the Court of Audit represents the Court of Audit and serves as the Auditor General and the head of the Court of Audit.

The Advocate of the Principle of Equality functions as an independent state authority. Appointed by the National Assembly at the proposal of the President of the Republic, the Advocate of the Principle of Equality is a citizen of the Republic of Slovenia with a university degree in social sciences or humanities, or higher professional education in the same fields with specialisation or a master's degree, or education in the same fields obtained in accordance with a second-degree study programme, as per the act governing higher education. (S)he must have at least five years of work experience, of which at least three years must have been spent working in the field of implementing the principle of equality or human rights and fundamental freedoms. (S)he is not a member of bodies of a political party, has not been convicted *res judicata* and sentenced to unconditional imprisonment, and is not subject to criminal proceedings for a criminal offence prosecuted *ex officio*.

***1. Appointment and selection of judges, prosecutors and court presidents***

Supplementing the first Rule of Law Report:

The Courts Act<sup>1</sup> stipulates in Article 62a that the President of the Supreme Court of the Republic of Slovenia is appointed by the National Assembly at the proposal of the minister responsible for justice based on the preliminary opinion of the Judicial Council and the plenary session of the Supreme Court of the Republic of Slovenia for a period of six years with the option of reappointment.

Presidents of other courts are appointed by a decision of the Judicial Council following a prior opinion of the minister responsible for justice based on the prior opinion of the President of the Supreme Court of the Republic of Slovenia and the prior opinion of the president of the directly superior court or the president of the district court when appointing a president of a local court, which is an organisational unit of the relevant district court, for a period of six years with the option of reappointment. When selecting or appointing a candidate, the Judicial Council observes in particular the following criteria: needs of the specific court, the court's strategic work programme drafted and presented by the candidate, the candidate's professional qualifications and special knowledge, experience, recommendations and achievements related to passing judgments and the candidate's knowledge of foreign languages.

State prosecutors are appointed by the government on the proposal of the minister of justice. In the selection procedure The State Prosecutorial Council (SPC) ranks the candidates in a reasoned opinion according to their suitability for the office. Should the minister disagree with the opinion, he/she may request reevaluation. Minister's proposal may not differ from the opinion passed in a repeated consideration of SPC by two-thirds majority vote (Article 28-34, SPSA).<sup>2</sup>

For the selection of a prosecutor the following criteria are used (Article 28, Judicial Service Act):<sup>3</sup> working abilities and professional knowledge (capability of written and oral articulation, analytical reasoning, structured work, expertise in a legal field of the prosecutor); personal characteristics (accountability, reliability, prudence); social skills (communicative skills, handling of conflict situations); and managerial skills (for the heads of offices).

As the SPC has already pointed out within the working group for discussing the findings of the Rule of law report for Slovenia for the year 2020, there are delays in the appointment of some state prosecutors at the Government of the Republic of Slovenia.

## ***2. Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors***

### Supplementing the first Rule of Law Report:

In Article 74, the Judicial Service Act<sup>4</sup> stipulates the termination of judicial office and judicial service. A judge's judicial office shall terminate in accordance with the Act:

1. if he or she fails to take the oath within sixty days of the day of being elected to judicial office, unless the failure to take the oath is due to reasons beyond his or her control;
2. if he or she loses their citizenship of the Republic of Slovenia;
3. if he or she loses their legal or medical capacity to perform the functions of office;
4. if he or she resigns from judicial service by means of a written request sent to the Judicial Council through the president of the court;
5. if the court is abolished and it cannot be guaranteed that the judge will continue to perform judicial service at another court;
6. if he or she accepts office, begins to perform activities or concludes an employment relationship or, notwithstanding the prohibition thereon, performs work that is incompatible with judicial office;
7. if, on the basis of an assessment, it is established that the judge is unsuitable for judicial service;
8. upon the imposition of a disciplinary sanction of termination of judicial office.

In accordance with the Act, the judicial office of a judge shall terminate upon retirement, but at the latest upon reaching 70 years of age.

<sup>1</sup> Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 94/07 – official consolidated text, 45/08, 96/09, 86/10 – ZJNepS, 33/11, 75/12 – ZSPDLS-A, 63/13, 17/15, 23/17 – ZSSve, 22/18 – ZSICT, 16/19 – ZNP-1, 104/20 and 203/20 – ZIUPOPDVE.

<sup>2</sup> Uradni list RS, št. 58/11, 21/12 – ZDU-1F, 47/12, 15/13 – ZODPol, 47/13 – ZDU-1G, 48/13 – ZSKZDČEU-1, 19/15, 23/17 – ZSSve, 36/19 in 139/20.

<sup>3</sup> Uradni list RS, št. 94/07 – uradno prečiščeno besedilo, 91/09, 33/11, 46/13, 63/13, 69/13 – popr., 95/14 – ZUPPJS15, 17/15, 23/17 – ZSSve in 36/19 – ZDT-1C.

<sup>4</sup> Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 94/07 – official consolidated text, 91/09, 33/11, 46/13, 63/13, 69/13 – amended, 95/14 – ZUPPJS15, 17/15, 23/17 – ZSSve and 36/19 – ZDT-1C.

In Article 72, the State Prosecution Service Act<sup>5</sup> stipulates that the office of a state prosecutor shall be terminated:

1. when they retire, but not later than upon reaching the age of 70;
2. if he or she loses their citizenship of the Republic of Slovenia;
3. if he or she loses their legal or medical capacity to perform the functions of office;
4. if they resign their state prosecution position by means of a written submission sent to the Government through the head of the competent state prosecutor's office;
5. if the individual state prosecutor's office is terminated and the state prosecutor cannot not be provided with an opportunity to continue their work in another state prosecutor's office;
6. if the state prosecutor assumes an office, except in the event that their state prosecution office and all the rights and obligations arising therefrom are suspended in accordance with Article 46 of this Act;
- 6.a if the state prosecutor undertakes an activity or concludes an employment contract, and/or performs an activity or work that is incompatible with the state prosecution office despite the prohibition;
7. if the assessment of their performance indicates that they are unsuitable for the state prosecution service;
8. if a disciplinary sanction of termination of the state prosecution office is imposed on them.

Prosecutors are appointed to the office for an undetermined period – until the official age of retirement at 70 years. Prosecutor may be transferred to another office without his/her consent for organizational or disciplinary reasons (Article 60/2, 81/1/4 SPSA, Q-121-1, CEPEJ questionnaire).<sup>6</sup> Obligatory dismissal follows final conviction of a prosecutor: for a criminal offence committed by abusing the state prosecutorial function; or for an intentional criminal offence to a prison sentence of more than six months. Facultative dismissal may be issued in case of: intentional or unintentional criminal offence to a prison sentence up to six months or other sentence or if a conditional judgment was passed on him; or an unintentional criminal offence to a prison sentence of more than six months and this conviction makes him unsuitable as a personality to perform the state prosecutorial function (Article 75, SPSA). A prosecutor may be dismissed also as a result of disciplinary procedure (Article 81/1/5 SPSA).

### **3. Promotion of Judges and Prosecutors**

The same authority is responsible for the promotion as well as for recruitment of prosecutors (Q-188, CEPEJ questionnaire).<sup>7</sup> A state prosecutor may be promoted in salary grades, title, position, or to the title of councilor. Similar criteria are in use for the promotion and for selection: years of experience, professional skills and qualitative performance, quantitative performance, assessment results, subjective criteria: integrity, reputation (Q-119-2, CEPEJ questionnaire)<sup>8</sup>

### **4. Allocation of cases in Courts**

No changes.

### **5. 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)**

In addition to the information on the Judicial Council for the first annual Rule of Law report, more information below is provided on the State Prosecutorial Council. The SPC is a self-dependent authority with the task of safeguarding the self-dependence of state prosecutors and participating in ensuring the uniformity of prosecution. The SPC is responsible for the appointment and dismissal of the heads of district state prosecutor's offices, performance assessment and promotion, transfers, secondments and participation in the appointment procedure of state prosecutors, providing opinions on the policy of prosecution, performance assessment and efficiency of functioning of the state prosecutor's offices (Article 18/2 SPSA). SPC decides on the proposal of the prosecutor that his/her self-dependence has been violated (Article 3/2 SPSA).

---

<sup>5</sup> Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 58/11, 21/12 – ZDU-1F, 47/12, 15/13 – ZODPol, 47/13 – ZDU-1G, 48/13 – ZSKZDČEU-1, 19/15, 23/17 – ZSSve, 36/19 and 139/20.

<sup>6</sup> Responses of RS for 2018: <https://rm.coe.int/en-slovenia-2018/16809fe2d7>

<sup>7</sup> With the exception of promotion to the title of the supreme state prosecutor which is in the responsibility of the government.

<sup>8</sup> In 2016, SPC adopted detailed Criteria for assessment of the quality of prosecutor's work that define the procedure in requirements for promotion. In the first three years after appointment the prosecutor is annually evaluated, from then on he/she is evaluated every three years. [https://www.drzavnotozilski-svet.si/files/Akti/Merila\\_kakovost%20dela%20drzavnih%20tozilcev%20za%20OTS\\_%2027.10.2016.pdf](https://www.drzavnotozilski-svet.si/files/Akti/Merila_kakovost%20dela%20drzavnih%20tozilcev%20za%20OTS_%2027.10.2016.pdf)

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

### Supplement to the first annual Rule of Law report:

The immunity of judges is determined in Article 134 of the Constitution of the Republic of Slovenia,<sup>9</sup> which stipulates that no one who participates in making judicial decisions may be held accountable for an opinion expressed during decision-making in court. If a judge is suspected of a criminal offence in the performance of judicial office, they may not be detained nor may criminal proceedings be instigated against them without the consent of the National Assembly. The immunity of judges prohibits a judge or a lay judge to be held accountable for an opinion expressed during decision-making in court, which is stipulated in paragraph one of the relevant Article and constitutes the so-called substantive immunity. A judge may not be detained, and criminal proceedings may not be instigated against them, if consent by the state authority was not given in both cases. Such consent is required if a judge is suspected of a criminal offence when performing their judicial office. Such prohibition represents the so-called procedural immunity. The relevant constitutional provision guarantees that the legislative and executive branches of power cannot supervise the judiciary with no limitations or hinder it by means of criminal proceedings against judges when no legal basis exists to do so.

In 2019, the Judicial Council filed with the Constitutional Court a request for a review of the constitutionality of the Parliamentary Inquiries Act and the Rules of Procedure on Parliamentary Inquiries as the acts fail to provide a suitable mechanism enabling the prevention of parliamentary inquiries, which unconstitutionally interfere with the independence of the judiciary and enable inadmissible pressure on the work of judges. On 7 January 2021, the Constitutional Court found in case no. U-I-246/19-41 that the aforementioned regulations were non-compliant with the Constitution. It was a 6-2 decision that overturned a previous ruling. Two dissenting justices argued that there was an important difference between the parliament investigating suspicion of unlawful external pressure or abuse as a possible defect in the functioning of the judiciary or the prosecution, which could only strengthen general public perception of judicial independence, and questioning a court decision or even holding a judge to account, which would indeed be unacceptable. The two expressed the belief that the majority reasoning regarding danger to judicial independence was insufficient and concluded that the ruling effectively exempts the judiciary from the system of checks and balances in the future. Based on the constitutional independence of judges, the Constitutional Court is responsible for the conformity assessment of the act on ordering a parliamentary inquiry until the elimination of the established unconstitutionality. The Judicial Council may file a requirement for the assessment of the conformity of the act on ordering a parliamentary inquiry within 30 days from the publication of the act on ordering a parliamentary inquiry.

Accountability of judges at the constitutional level is governed by Article 132 of the Constitution, which regulates the termination of, and dismissal from, judicial office. Paragraph two of Article 132 of the Constitution stipulates that the National Assembly may dismiss a judge at the proposal of the Judicial Council if they violated the Constitution or seriously violated the law when performing their judicial office. Furthermore, paragraph three of the same Article determines an obligatory dismissal of a judge by the National Assembly if a judge is found by a final judgement to have deliberately committed a criminal offence through the abuse of their judicial office. Paragraph one of Article 132 of the Constitution governs all other circumstances for the termination of judicial office, by stating that such grounds are provided by law. The accountability of judges may only be determined within the set limitations of the instrument of judicial immunity.

Decisions made by the state prosecutor may be a subject of review in the supervision process (Articles 172-175 SPSA) or by a takeover of the case (Article 170, SPSA). The supervision is carried out by the Supreme State Prosecutor's Office through a general, partial or individual review of the cases. The power to take over the case and assign it to another prosecutor is attributed to the head of the office (with regard to the jurisdiction of that office) and the State Prosecutor General (with regard to any case). The takeover should be substantiated by following reasons:

- disagreement in terms of merits with the decision and/or reasons for the decision of the state prosecutor with respect to the established prosecution policy;
- a presumption of severe irregularities or illegalities in the resolving of case;
- unscrupulous, late, inappropriate or negligent resolving of case;
- conflict with the general instructions;
- disciplinary violation (Article 170 SPSA).

---

<sup>9</sup> Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121, 140, 143, 47/13 – UZ148, 47/13 – UZ90, 97, 99 and 75/16 – UZ70a.

Prosecutors may be held disciplinary responsible for the breach of duties of the service. A disciplinary sanction is issued by the disciplinary court composed of state prosecutors and judges (Articles 79-92 SPSA). The prosecutor may be also criminally liable for actions related to prosecution according to criminal offence Abuse of Office or Official Duties (Article 257 of the Criminal Code).<sup>10</sup> Provisions on obligatory and facultative dismissal of prosecutors following a criminal conviction are included under the question 2 above.

The SPC has created Commission for ethics and integrity that is entitled to:

- pass general opinions on the conduct of state prosecutors that could constitute a breach of Code of professional ethics;
- pass recommendations and guidelines concerning ethics and integrity of state prosecutors;
- training of state prosecutors in the field of ethics and integrity (Article 108.a SPSA).

General opinions on breaches of Code of ethics are published in internal publication and on the web page of State Prosecutor's Office.<sup>11</sup> Since its constitution in September 2015, the Commission for ethics and integrity at the State Prosecutorial Council has passed a recommendation on the conflict of interests for state prosecutors and three general opinions dealing with a conduct of prosecutor at the hearing of a witness, a role of prosecutor as a legal representative of a party in a judicial and administrative procedures and public statements of a prosecutor with reference to political content.

### **7. Remuneration/bonuses for judges and prosecutors**

The Public Sector Salary System Act<sup>12</sup> regulates the salaries for judges and prosecutors. Prosecutor's salary is determined on an equal basis, with the same bonuses and pursuant to the same methodology as the salary of a judge of the corresponding title or post (Article 49/1 SPSA). The amendment of SPSA passed in October 2020 (ZDT-1D)<sup>13</sup> brought additional clarification of rights and duties of prosecutors in the time of duty or readiness.

At the beginning of April 2020, the National Assembly adopted the Intervention Measures Act to curb the COVID-19 epidemic and mitigate its consequences for citizens and the economy (hereinafter: ZIUZEOP), which among other provisions determined the reduction of salaries of state officials in the A1, A2 and A4 salary subgroups by 30%, with the exception of Constitutional Court judges. The Association of State Prosecutors of Slovenia (hereinafter: ASPS) and the Prosecutorial Council considered ZIUZEOP in the part related to the reduction of salaries of state officials to be unconstitutional and non-systemic, claiming the reduction of salaries of state prosecutors was an unreasonable, disproportionate and unjust decision, contrary to both the Constitution, laws, and case law, especially in comparison to other state officials, judges and public sector employees who were not covered by this measure.

This reduction of salaries was, however, introduced at the beginning of the pandemics as a short-term measure (valid between 10 April and 31 May 2020), based on law that alleviated the consequence of the pandemic before any of the of EU programs (such as SURE) were at disposal and before an agreement on MFF and NGEU has been reached. The reduction of salaries was limited to public officials (and not public servants) in the executive and legislative branch and valid for less than two months. On June 1 2020 the salaries of the prosecutors went back to normal. The pending dispute before the court therefore only concerns the legality of the salary cuts during the mentioned period. While formally part of the executive power, salaries of state prosecutors in Slovenia, based on SPSA (ZDT-1), in fact continue to be comparable to the salaries of judges.

### **8. Independence/autonomy of the prosecution service**

State prosecutors are exclusively authorized to conduct public prosecution in criminal matters on behalf of society in the public interest. The Constitution and law guarantee autonomy in status and the functioning of state prosecutors. Decisions made by the state prosecutor shall not be interfered with, except by way of general instructions and assigning of a case in the manner determined by the law.

---

<sup>10</sup> Uradni list RS, št. 50/12 – uradno prečiščeno besedilo, 6/16 – popr., 54/15, 38/16, 27/17, 23/20 in 91/20.

<sup>11</sup> <https://www.drzavnotozilski-svet.si/komisija-za-etiko-in-integriteto>

<sup>12</sup> Uradni list RS, št. 108/09 – uradno prečiščeno besedilo, 13/10, 59/10, 85/10, 107/10, 35/11 – ORZSPJS49a, 27/12 – odl. US, 40/12 – ZUJF, 46/13, 25/14 – ZFU, 50/14, 95/14 – ZUPPJS15, 82/15, 23/17 – ZDOdv, 67/17 in 84/18.

<sup>13</sup> Uradni list RS, št. 139-2453/2020.

The autonomy of the performance of prosecution's office is guaranteed by the Constitution stating in Article 135 that "state prosecutors file and present criminal charges and have other powers provided by law." According to the interpretation of the Constitutional Court in case U-I-42/12-15 of 7 February 2013 (par. 26)<sup>14</sup> this reserves the authority to decide on bringing the case to the court and representing it to the individual state prosecutor who is assigned with the concrete case. The Court construed that "with regard to the performance of the function of prosecution, state prosecutors are not such a part of the executive power that in terms of political or professional instructions they could be directed in concrete cases by the Government or any ministry."

The Constitution requires that the state prosecutor's office be organized in the framework of the executive power as a system of independent authorities of the state. State prosecutors perform their function in 13 organizational units – prosecution offices. There are 11 district prosecutor's offices and one Specialized State Prosecutor's Office of The Republic of Slovenia, where local, district and higher state prosecutors are positioned. At the Supreme State Prosecutor's Office, supreme state prosecutors and State Prosecutor General perform their functions. There are also some state prosecutors of lower ranks assigned to perform demanding professional tasks.

There are no higher state prosecutor's offices as the proceedings before the courts of appeal are governed by the district prosecutor's offices. According to the SPSA, prosecutors with at least local state prosecutor rank may represent a case before local courts. Prosecutors with the rank of at least district state prosecutor may represent a case before district courts. Prosecutors with the rank of at least higher state prosecutor may represent a case before higher courts, whereas only supreme state prosecutors may represent a case before the Supreme Court. Local state prosecutors may also appear before district courts if authorized by the head of a state prosecutor's office for certain categories of matters, for a particular matter, for certain categories of procedural acts or for a particular procedural act. Local and district prosecutors may in their cases appear along with a higher prosecutor before the courts of appeal if authorized by the head of an appellate division of the state prosecutor's office for a particular case. Higher and supreme state prosecutors are competent to represent a case also before first instance courts (Q-55 CEPEJ questionnaire).

#### **9. Independence of the Bar (chamber/association of lawyers) and of lawyers**

No changes.

#### **10. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary**

According to the 2020 Barometer survey,<sup>15</sup> trust in the independence of the judiciary in Slovenia has been gradually increasing. With regard to trust in the independence of the judiciary among the general public, Slovenia ranked 20<sup>th</sup> (22<sup>nd</sup> in 2019 and 24<sup>th</sup> in 2018); 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 2019 (the results were published in 2020). According to the survey, trust in the judiciary somewhat decreased among the general public in 2019 (from 4.9 to 4.8 from a total of 10), but it increased among court users (from 5.6 to 5.9 from a total of 10) and the expert public (from 5.7 to 5.8 from a total of 10). The survey is conducted systematically and continually (every two years); the next survey is scheduled at the end of 2021.

In the second half of 2020, two cases concerning judges received high media coverage and drew considerable public attention.

The first one involved a veteran district court judge who had expressed his suspicions regarding seven judiciary cases (2018) and has publicly stated, upon proclaiming the judgement in a high-profile murder case, that he was subjected to unlawful pressure throughout the retrial, as well as giving an interview for the national television where he was also critical of the Slovenian judiciary (2019). There was a disciplinary procedure and the judge was put on temporary suspense in August 2020, after the Ethics and Integrity Commission of the Judicial Council had established a violation of the Code of Judicial Ethics. He is also facing several criminal charges on false crime allegations and defamation. In December 2020, the Judicial Council concluded there were no limitations for the criminal persecution of the judge. In January 2021, the

---

<sup>14</sup><https://www.us-rs.si/decision/?lang=en&q=U-I-42%2F12-15&df=&dt=&af=&at=&vd=&vo=&vv=&vs=&ui=&va=&page=1&sort=&order=desc&id=111447>

<sup>15</sup> Eurobarometer FL483, implemented between 7 and 11 January 2020 in "3.3.1 Perceived judicial independence" in Review of the state of justice in the EU for 2020 (EU Justice Scoreboard).

Commission for Public Office and Elections of the National Assembly proposed to the National Assembly to allow initiating a criminal procedure against the judge, based on a criminal charge filed by one of the District State Prosecutor's Offices.

Secondly, in October 2020, another district court judge was removed from her cases and reassigned on short notice to a smaller county court by order of the President of the district court. According to media reports, the judge's transfer followed a police officer's complaint in September 2020 on alleged inappropriate conduct of the judge while witnessing, in her private time, a nearby house investigation. Supposedly, the judge also made remarks and gave instructions to the police officer on how to properly conduct a house investigation. The incident is reported to have coincided with the judge finding a previously highly decorated member of the police guilty of selling prescription medicines on the black market for narcotic use. In the latter case, the judge was transferred before the issuing of a written judgement. The day before her reassignment, she also carried out a preliminary hearing in an alleged sports corruption/blackmail case. Both cases received regular media coverage, resulting in the interest of the public. Since, the President of the district court reportedly proposed a disciplinary procedure before the Judicial Council against the judge on the account of obstructing a house investigation.

As both cases mentioned involve ongoing and potential future legal procedures, none of the competent authorities can comment on potential aspects and/or implications. However, due to the relative scarcity of disciplinary procedures involving judges in Slovenia, as well as an above average public profile of both cases, consequences for the general public perception of judicial independence are possible, if not likely.

In early March 2021, the media revealed that a justice of the Constitutional Court has ruled on a constitutional complaint concerning a case he had previously co-decided as a member of the Bar association of Slovenia executive board. In such a circumstance, a justice is required to remove him- or herself from ruling on the case. A similar issue arose with at least one other Constitutional Court justice who decided over a contested Supreme Court ruling, passed by a senate his son was a member of. The first case is awaiting decision by the European Court of Human Rights since April 2020. In both cases, the circumstance seems to have been overlooked not only by justices in question but also by two other justices ruling on the case and the legal advisers. This provoked criticism by certain law experts from the academia, including speculations that justices might have not read the files prior to their correspondence ruling sessions. The President of the Constitutional Court dismissed such accusations as insinuations, reassuring the public that the justices do not take their work lightly. He stated that due to the large inflow of cases, formal mistakes happen and will likely continue to occur but, the courts have to correct them. The President pointed out that the Constitutional Court was not the final instance as the European Court of Human Rights remains above it. On claims that around a thousand unreasoned decisions were passed by the Constitutional Court since beginning of pandemic, he explained the number may include non-admissions.

According to the Supreme State Prosecutor's Office, there were some events in 2020 that could be perceived by general public as undue influence on the independence of the prosecution.

The prerogatives of the prosecutor's office to decide on the progression or dismissal of the criminal case may have been interfered by the request of minister of internal affairs that sought to review some of high profile cases where police investigations did not end in prosecution.<sup>16</sup>

The government proposed a time limit for processing criminal cases by prosecutors into amendment of Criminal Procedure Act. The reason for this proposal lies in the fact that in the past, the prosecution was publicly criticised on several occasions for allegedly abusing its autonomy to conveniently time pressing charges against politically exposed individuals by either hastening or delaying the indictments and proceedings. In the absence of prior correspondence, the Supreme State Prosecutor's Office criticized this proposal stating the strive for timeliness could severely affect the quality of prosecutor's work. The provision was passed in the National Assembly, restricting time limits for obligation to act not for obligation to bring result.

The amendment of SPSA (ZDT-1D) enacted the obligation of prosecutors to submit in advance to the head of office their acts on dismissals of criminal cases for criminal offences with the incarceration more than three years. The State Prosecutor's Office had also objected to this his provision, arguing it weakens the autonomy of the individual prosecutor whereas the head of the office may not realistically have appropriate resources to properly evaluate every act of dismissal that he/she is obliged to by the law.

---

<sup>16</sup> <https://www.24ur.com/novice/slovenija/hojs-pticakuje-porcilo-kako-so-stekle-zadeve-glede-revizije-na-npu.html>



Another possible influence on general public perception of independent authorities is related to the Court of Audit. In December 2020, it prepared a confidential draft report on the purchases of protective equipment at the beginning of the pandemic which attracted considerable attention by the media already before being drafted and sent to the addressees for response. Despite the draft being confidential, there was strong media coverage with direct accusation of wrong-doings by the Ministry of Economic Development and Technology.

The President of the Court of Audit made an unusual move when he convened a press conference on the report, which had not yet been finalized or even forwarded to the recipients of the report. This resonated with part of the public as a politicization of the work of the Court of Auditors. Such an opinion was enhanced by the subsequent information that the President of the Court of Auditors prematurely revoked the review of the report from one of the Vice-Presidents and assigned it to another, who then concluded the review of the 300-page report within a few days.

The President of the Court of Audit in 2020 additionally earned some public attention due to the fact he earns a substantial side amount, exceeding his official salary several times, for performing supervisory functions in a Swiss-based international sports foundation. That information was revealed by investigative journalists. In response, the President of the Court of Audit publicly denied any conflict of interest, explaining he had informed the Commission for the Prevention of Corruption which had long since given its permission, as required by law (question 19 below). However, no written evidence of this has been presented so far and the Commission responded it had no such document available in material form.

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

No changes. As per procedural acts, a party to proceedings has the right to be tried in a language they understand.

### **12. Resources of the judiciary (human/financial/material)**

In a general regard of questions relating to financing of judiciary and other organs (partially also questions no. 18 and 20), the Ministry of Finance provided an explanation that the Supreme Court of the Republic of Slovenia obtains data on financing the judiciary from Draft Annual Financial Statements for the past year. As the national correspondent of the European Commission for performance of the judiciary in respect of the assessment of the national judiciary systems by the Council of Europe (CEPEJ), the Supreme Court of the Republic of Slovenia uses data from Draft Annual Financial Statements for responding to the CEPEJ Questionnaire. Data from CEPEJ Questionnaire are also used by the European Commission for the preparation of the EU Justice Scoreboard document.

#### Supplementing input for the first annual Rule of Law report:

The Ministry of Justice restarted the project of a new court building for which spatial and programme verification was conducted in 2020 at the location of Bežigranski dvor in Ljubljana. A call was also published to lease a large courtroom for Ljubljana District Court. In 2020, an agreement was reached with the lessor to rearrange four courtrooms into two large ones. Within the EU co-funded project "Effective Justice"<sup>17</sup>, several minor modifications of the process were implemented to ensure the purchase of equipment as a response to the situation related to COVID-19. Laptops for supreme and higher court judges were purchased to enable working from home or remote access to the working environment. Video conferencing equipment for small courtrooms at local courts in Slovenia was also purchased for the purpose of carrying out hearings pertaining to persons being treated in the special supervision wards of psychiatric hospitals and secure wards of social care institutions or those undergoing supervised treatment in retirement homes. Video conferencing equipment was also provided for the needs of the Judicial Training Centre to implement remote education. By purchasing tablets, prisoners were enabled to maintain remote contact.

The adopted budget for 2021 amounts to EUR 199.5 million for all courts and is higher by EUR 17.9 million with regard to the realisation in 2020 (which was unusually low due to the limitations of court operations because of the COVID-19 epidemic). The 2021 budget also anticipated more funds for the costs of proceedings and free legal aid as more insolvencies and requests for free legal aid are anticipated due to the impact of the COVID-19 epidemic.

#### Joint budget of State Prosecutor's Offices (without State Prosecutorial Council and Alternative dispute resolution) in EUR

- accepted budget: 23.317.009
- valid budget: 21.979.364

---

<sup>17</sup> Effective Justice – the investment is co-financed by the Republic of Slovenia and the European Union under the European Social Fund,

- actual budget: 21.888.344

#### Budget for Alternative dispute resolution in EUR

- accepted budget: 120.000

- valid budget: 96.520

- actual budget: 85.346

#### Budget for State Prosecutorial Council in EUR

- accepted budget: 199.943

- valid budget: 189.561

- actual budget: 186.985

State Prosecutorial Council is still facing challenges regarding financial and subsequently also human resources.

#### Human resources for year 2020 - number of prosecutors and staff

##### Total number of all state prosecutors: 206, of that:

- Local State Prosecutors: 47,
- District State Prosecutors: 110,
- Senior State Prosecutors: 37,
- Supreme State Prosecutors: 12.

##### Total number of civil servants: 321, of that

- legal advisors: 88,
- directors: 3,
- other staff: 215.

### **13. Training of justice professionals (including judges, prosecutors, lawyers, court staff**

Due to the COVID-19 situation, the Judicial Training Centre was forced to adjust its set work programme for 2020. All educational events scheduled before 16 March 2020 were implemented in accordance with the work programme. All educational events planned between 16 March and the end of June 2020 were postponed or cancelled due to the situation. All planned educational events were carried out in September 2020 in a classical format, and as of October, the Judicial Training Centre implemented remotely those educational events which were methodologically suitable for remote implementation for all target groups and all fields of law. Only small-scale scheduled educational events based on a discussion between the participants and including a practical section were not executed fully.

Education and training courses are also carried out within the project called *Improving the Quality of Justice*.<sup>18</sup> *Judgcraft* (education of mentor judges) was being implemented, so that the newly appointed judges have the opportunity to be mentored by their more experienced peers (11 mentorships were carried out in 2019 and one in 2020 – the lower number was the result of the COVID-19 epidemic, which hindered the implementation of activities due to social distancing). A handbook for new judges was published on the Intranet (239 downloads in 2020) and 13 handbooks on various legal fields for judges and court staff (between 75 and 310 downloads of individual materials in 2020) and various specialist materials (e.g. protocol on conduct in the event of urgent removal of children). Handbooks for writing court decisions are still being drafted. Workshops on judicial skills with the application of supervision techniques that were carried out in 2018 and 2019, were not implemented in 2020 due to the COVID-19 epidemic (there will be an attempt to implement them in 2021). A curriculum of training for court staff has already been confirmed and published. Training for on-the-job training providers was implemented. By the end of 2020, 41 training courses were completed and seven are still underway. A handbook for public employees was published on the Intranet (479 downloads in 2020). Online training for public employees was organised. By the end of 2020, a total of 210 persons completed training courses, 41 of these in 2020.

The training of state prosecutors and state prosecutorial staff continued in 2020 with the participation of the Centre for Judicial Training (CIP), which operates as an organizational unit of the Ministry of Justice. The framework program of

---

<sup>18</sup> The project called Improving the Quality of Justice (IQ Justice) won the Council of Europe and European Commission Crystal Scales of Justice prize in 2019.

education, which is prepared separately every year and then presented at the session of the Centre for Education, was also adjusted in terms of content to the education programmes organized by other institutions. It should be noted that due to the epidemiological situation, in 2020 most training events by the CIP were cancelled, some were carried out remotely and some postponed to later dates. Despite the unfavourable epidemiological situation and the declared epidemic, a large number of different trainings were organized for state prosecutors and state prosecutorial staff, also to improve the competencies of individual employee profiles.

With regard to training in the field of economic crime, it is necessary to highlight the Forum on Financial and Economic Crime, organized in November 2020 by the Association of State Prosecutors in cooperation with the Center for Judicial Training, which was attended by many prosecutors this year as well as criminal judges.

In December 2020, the traditional training of state prosecutors took place, which is the central prosecutorial training event. Also in 2020, workshops were organized by the Supreme State Prosecutor's Office with descriptions of criminal offenses, which were recognized as an excellent aid for the successful work of state prosecutors.

In 2020, state prosecutors as well as state prosecutorial staff actively participated in some trainings, both organizationally and with contributions, they also cooperated in scientific research.

#### **14. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems during the COVID-19 pandemic)**

A specialised web page *e-Sodstvo*<sup>19</sup> enables electronic communication in enforcement of civil cases (*elzvršba*), land registry cases (*eZK*) and insolvency cases (*eINS*). 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 2020, 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 (as well as to all other participants in the proceedings) via the courts' web portal *eSodstvo* (a digital certificate is required). The Supreme Court encourages enforcement agents to submit their documents electronically. Bankruptcy agents are obliged to submit their reports - the list of tested claims and other writings in electronic form via the courts' web portal *eSodstvo*.

The laws prescribe that certain types of documents must be submitted to court by notary and in electronic form only (i.e. in the land registry and court registry cases). 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.

A rise in the implementation of procedural actions via video conferencing was significant in the judiciary in 2020, particularly as a response to the occurrence of the coronavirus epidemic. In spring, a significant increase was recorded in criminal proceedings in which detainees and prisoners were heard. In the second half of the year, there was also an increase in civil proceedings (hearing of parties to proceedings or carrying out of hearings in commercial litigations, urgent non-contentious hearings). To this end, the judiciary and the Ministry of Justice cooperated intensively to supply additional video conferencing equipment and succeeded in tripling the current capacities in 2020; additional purchases are also planned in 2021. In conclusion, it should be highlighted that video conferencing played a crucial role in the ongoing management of urgent proceedings.

As part of the project "*Effective Justice*", the Supreme Court of the Republic of Slovenia as the beneficiary developed and began using the *Archeia* (previously: *eHramba*) information system in 2020. This will enable the storage of material received and generated by the judiciary in a uniform and legally compliant manner; the material in the electronic form will be retained in accordance with determined deadlines, and controlled selection, serving, exclusion and destruction of documents will be enabled in compliance with regulations. The new *Archeia* system will also be certified at the Archives of the Republic of Slovenia. As part of the development of new functionalities of the PUND information system, which supports court operations in civil proceedings, a new horizontal solution was developed – the *eVa* application for a uniform validation of incoming mail, and as such, it can be used by other information systems of the judiciary. Through the *eVa* application, incoming mail will be directed to the target register of an individual information system. As a horizontal solution,

---

<sup>19</sup> Available at: <https://evlozisce.sodisce.si/>

the *eVa* application will enable the organisation with the entirety of incoming mail in individual districts, the organisation of certain proceedings of several courts or districts and the organisation of incoming mail management at all specialised courts with regard to staffing, spatial and other organisational resources.

Due to the legally prescribed mandatory electronic operations in family law matters between courts and social work centres, a new subportal within the *eSodstvo* portal was launched in 2020 through which social work centres may file electronic applications in family law matters as of February 2021. New functionalities of the *eObveznosti* information system developed in 2020 will contribute significantly to improved financial operations of the courts. Licence support was guaranteed until the end of 2023 by means of a public call to support the system for business intelligence. 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.

In 2020, the Supreme Court also carried out the *eDražbe* project within the operation and developed new functionalities for several projects (*e-ZK*, *e-Su*, updating of the system for business intelligence, etc.). Furthermore, the providers of the *e-Spis* system were also selected and they have already commenced work on its functionality. As part of the project "*Effective Justice*", the Ministry of Justice, as the beneficiary, implemented a project to expand the information system for the Prison Administration of the Republic of Slovenia and centralise the IT infrastructure of the State Prosecutor's Office of the Republic of Slovenia in a single location in 2020. The objective of the investment in centralisation is the renovation of the server or networking hardware and software equipment, simplification of hardware and software maintenance, elimination of local servers at all locations of the authority and consolidation of all necessary resources, reduction of the risk of unforeseen events and subsequent optimisation of all infrastructure-related costs, introduction of modern technologies and enabling mobile working for employees in the state prosecution service, adjustment of the system to the applicable GDPR, and other security regulations.

With the Improvement of the Information System and Business Processes in the State Attorney's Office and the State Prosecutor's Office project, and the Upgrade of the Central Criminal Record project, a cost-benefit analysis was completed on the basis of which technical documentation for a public call for both aforementioned projects was drafted. As per the observance of the measures related to COVID-19, the promotion of mediation (also remotely) on the basis of the already concluded contracts was implemented within the Identification and Implementation of Tools for the Promotion of Court-Annexed Mediation project. Education took place within the Education in Accordance with the Competence Model project, which was organised remotely following the outbreak of the COVID-19 epidemic. For this purpose, suitable video conferencing equipment was purchased to support the implementation of such education methods. Within the Upgrading, Implementing and Introducing Audio Visual Aids to Facilitate and Accelerate the Work of Judges and Court Staff project, eleven sets of video conferencing equipment were purchased for small courtrooms at local courts for the purposes of carrying out hearings pertaining to persons being treated in the special supervision wards of psychiatric hospitals and secure wards of social care institutions or those undergoing supervised treatment in retirement homes. Technical documentation was drafted, and a public call was published, for the projects Optimisation of the Legislative Process in the Judiciary, Information System Upgrade for the Work of Notaries, and Optimisation of Record Management Processes According to the Law. The activities within the operation were also implemented by beneficiaries, the Probation Administration and the Constitutional Court.

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 will be published. A broader circle of interested buyers will thus be enabled simple, prompt and free-of-charge access to data about items on sale. Publication of all real estate, movable property and rights being sold in enforcement proceedings, insolvency-related proceedings, compulsory wind-up proceedings, non-contentious, criminal and minor offence proceedings irrespective of the sales method, was organised in 2020, including a web (electronic) sale of real estate in enforcement proceedings so that the interested buyers will be able to access data and image material about the items on sale and data about the sale via the *e-Dražbe* portal and also apply for the web auction of real estate in enforcement proceedings in one place. The system is in use since February 2021.

The Supreme State Prosecutor's Office had to prepare a basis for the use of many different solutions, as the State Prosecutor's Office operates with a larger number of stakeholders, especially outside the Ministry of Justice. The focus was on two areas. Within the ministry, Cisco Webex was first introduced and later due to integration with existing systems, Microsoft Teams, which proved to be a more dynamic and more flexible solution. In connection with external stakeholders, the State Prosecutor's Office was forced to adapt to different systems, where the biggest problem was the closed system of communications in public administration. For solutions that use non-standard protocols for communication, adjustments were needed in the network to allow communication. Thus, connections should be established with any provider of electronic communication tools, among which Zoom, Jabber and BlueButton are in the lead, as well as Skype, WhatsApp, Google Duo and Meet, etc. Because the Microsoft Teams solution is in the cloud (it does not depend on its own installation on site), it provides almost 100% reliability even in a suitable local system failure.

The *Polycom service* (courts, prisons - hearings) has also been established within the judiciary, but it is in the hands of the court and the Supreme State Prosecution Office is only an end user. A suitable system was purchased for the needs of the Specialized State Prosecutor's Office for the purpose of connecting to the court system.

During the COVID-19 pandemic, in order to provide adequate equipment for working from home, prosecution offices allowed employees to take home computer equipment that is suitable for working from home and in some cases provided replacement laptops for those employees whose equipment was not otherwise suitable for working from home. Expert Information Center at the Supreme State Prosecutor's Office as the administrator of the information system of the State Prosecutor's Office provided remote accesses to the State Prosecutor's Office information system. They also established online access to e-mail services on the computers and mobile phones.

The functionalities of the information system that supports paperless operations proved to be very efficient. It turned out that the electronic form of the file plays a key role in this, as it enables the review and ordering of the execution of individual tasks related to the file as electronic. An electronic order proved to be very useful, with which the holder of the file is able to order the preparation of the prosecutor's decision and its posting. This is possible with an e-order without the physical contact that is necessary in a paper business. The functionality of electronic signature also proved very important when working from home, as it enables the electronic signing of the prosecutor's decision, which is then forwarded to the addressee electronically.

Regarding low publication of first instance judgements mentioned in the 2020 Rule of Law Report, the Ministry of Justice carried out a comparative legal analysis of publications of judgements and will establish a legal obligation of publication of at least the meritorious judicial decisions important for legal security within a renewal of judicial legislation. In December 2020, the National Assembly passed a resolution to include the legal basis for the publication of all final judgements in the amendment of the Public Information Access Act.<sup>20</sup>

#### **15. 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)**

No major changes, however, please see also answers to questions 10 and 14 above.

In 2017, the SPC adopted the Criteria for evaluating the performance of the state prosecutor's offices<sup>21</sup> at the proposal of the State Prosecutor General. The criteria define indicators and their target values for the appraisal of the work efficiency and realization of prosecution policy. Main performance and quality indicators for the public prosecution services are the length of proceedings (timeframes), number of resolved cases, number of pending cases, backlogs, productivity of prosecutors and prosecution staff, clearance rate, disposition time, percentage of convictions and acquittals, percentage of different types of decisions, pronounced criminal sanctions.

The quantitative indicators are defined in the Criteria for evaluating the performance of the state prosecutor's offices adopted by the SPC. General guidelines for the work of state prosecutors and priority fields of prosecution are defined in a Prosecution Policy by prosecutor general. Heads of offices implement both criteria in their Annual Work Program. Twice a year the prosecutor general, the SPC and the Minister discuss the performance of state prosecutor's offices at joint meetings held with the heads of state prosecutor's offices and adopt and/or coordinate the measures required for implementation of annual work programs. An evaluation of attained goals set in the adopted Annual Work Program, Criteria and Prosecution Policy are an integral part of Annual Report of each prosecution office. The prosecutor general compiles

<sup>20</sup> <https://imss.dz-rs.si/Imis/ImisAdmin.nsf/ImisnetAgent?OpenAgent&2&DZ-MSS-01/023d7b90349185ac0481b2f0152cdab68a31a350e8e41d9c682e5a9557483895>

<sup>21</sup> <https://www.dt-rs.si/files/documents/Merila%20za%20uspres%CC%8Cnost%20pregona%20drz%CC%8Cavnih%20toz%CC%8Cilstev.pdf>

Joint Annual Report on the work of all state prosecutor offices. The Minister and SPC may submit their opinion to this report.

Based on the data and analysis from the previous paragraph, the joint annual report shall contain:

- measures for improving the efficiency, performance and economy of work and implementation of the prosecution policy for particular and for all state prosecutor's offices together;
- measures for improving the efficiency of state prosecutor's offices whose results deviate considerably from the planned ones;
- assessment of suitability of the number of state prosecutor posts and state prosecutor personnel and other conditions including the appropriate proposals for their improvement.

The heads are primarily responsible for direct and constant evaluation of the performance of prosecution offices. Surveillance of the prosecution management is conducted by the state prosecutor general. The SPC and the Minister have a consultative function in the process of evaluation. Joint Annual Report is submitted to the National Assembly for its consideration.

The BI tools that use data gathered in information system of the State Prosecutor's Office provide the heads of prosecution offices with up-to-date overview of the performance of state prosecutors and the functioning of the office. Heads can customize the level and content of information presented to them for the purpose of making quantitative data supported decisions on allocation of work among prosecutors and control of the case-flow.

## **16. Geographical distribution and number of courts/jurisdictions ("judicial map") and their fields of specialisation**

The unified judicial system of the Republic of Slovenia consists of general and specialised courts. Specialised courts operate only in the fields of labour, social and administrative law, while general courts are local, district, higher and supreme courts. There are 11 district courts and 44 local courts at first instance, which are organisational units of district courts. The courts provide for an even coverage of the Slovenian state territory. Four higher courts (Ljubljana, Koper, Maribor and Celje) operate at second instance. The Supreme Court of the Republic of Slovenia is the highest appellate court in the country and has its head office in Ljubljana. It holds an appellate jurisdiction in civil, criminal, commercial, administrative, labour and social matters. In the majority of cases discussed, it acts as the court of third instance, which means that it particularly deals with so-called extraordinary legal remedies.

Four specialised first-instance labour courts deal with labour disputes and one of them also decides on disputes arising from social insurance. These courts have a joint appellate court – the Higher Labour and Social Court in Ljubljana. The Administrative Court of the Republic of Slovenia ensures judicial protection in administrative matters and holds a status of a higher court.

The Constitutional Court is not part of the regular judiciary system. Among other things, the Constitutional Court decides on the compliance of regulations with acts and on constitutional complaints based on the violation of human rights and fundamental freedoms with regard to individual acts.

## **17. Length of proceedings**

In supplement to the input for the first annual Rule of Law report:

Due to the COVID-19 pandemic in 2020, the President of the Supreme Court suspended procedural deadlines, implementation of procedural actions and the serving of judicial documents in non-urgent matters (from 26 March 2020 to 31 May 2020 and from 16 November 2020 to 1 February 2021) by means of orders and within his legal authorisation, which affected the duration of judicial proceedings. The average duration of proceedings was extended in 2020 from 7.9 to 8.0 months in more important cases and shortened from 1.4 to 1.1 month in other cases.

The number of received, resolved and unresolved cases somewhat deviated if compared to the previous years due to the limitations affecting court operations because of the COVID-19 pandemic. The derogation depended on the limitations of court operations in a certain period, epidemiological conditions and the severity of related measures. Throughout the year, courts received 11% fewer cases and they resolved 13% fewer cases than in 2019. The number of unresolved cases increased by 5% when compared to 2019. The judiciary tried to make up for lost time in the summer, since 40% more cases were resolved in June, 23% more in July and 16% more in August than in the same months of 2019.

According to the Supreme State Prosecutor's Office, the declaration of the Covid-19 pandemic in 2020 affected judicial, administrative and other public law matters or procedures, and it also had a major impact on the work of entities who are investigating perpetrators of criminal offences. During both the first and the second declared Covid-19 epidemic, the courts operated with a limited extent, with hearings held only in urgent cases. As a result, the consideration of individual cases at the Specialised State Prosecutor's Office (SSPO) was also extended. In 2020, SSPO resolved more criminal complaints than were received in the same year (the percentage of unresolved complaints at the state prosecutor is 35.5).<sup>22</sup>

## II. Anti-corruption framework

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

**18. List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant), e.g. in table format.**

The Commission for the Prevention of Corruption (hereinafter: CPC) refers to the institutions in the fight against corruption that were listed in last year's answers (Question 19 of the 2020 questionnaire).

Resources of the CPC:

Year	Allocated budget (EUR)
2021	2,162,768.50
2022	2,350,280.50

The CPC currently has 40 employees (Chief Commissioner, his 2 deputies and 37 public servants).

Slovenia's main anti-corruption law, the Integrity and Prevention of Corruption Act (hereinafter: IPCA<sup>23</sup>) was amended in 2020 and the legislative changes entered into force on 17 November 2020<sup>24</sup>. The amendments to the IPCA provide new criteria for improving the transparency of the procedure for the appointment of the CPC Chief Commissioner and deputies. The amendments to the nomination committee (instead of the selection committee), which nominates the candidates exclude members with political background. Additionally, the nomination committee conducts a personal suitability assessment of the candidates. The President of the Republic of Slovenia takes the final decision on the appointment of the CPC Chief Commissioner.

The amended IPCA foresees improvement of existing tools in the area of investigation procedure before the CPC, as it defines more clearly the different procedure types and the rules that apply to the CPC when conducting administrative procedures, expedited minor offence proceedings and other public law proceedings, including the procedural rights of investigated persons. The amendment brings additional improvements in the fields of gift giving and acceptance, lobbying and supervision of asset declarations. Finally, the amendments provide a legal basis for the CPC's "Erar" tool: an online application that enables easy browsing of financial transaction data from the entire public sector. The IPCA amendments enable the CPC to include more data sources into *Erar* and thereby make public spending even more transparent.

The legal framework of the Police is set out in the Organisation and Work of the Police Act<sup>25</sup> and Police Tasks And Powers Act.<sup>26</sup> In Slovenia, the police is a unified law enforcement authority. It performs basic functions of public order in the country, including migrations and border control, and it is under the supervision of the Ministry of the Interior. It consists of the

<sup>22</sup> The actual duration of the proceedings at the SSPO is extensively explained in the attached Annual Report of the Specialized State Prosecutor's Office of the Republic of Slovenia for 2020 (pages 75-84) . The manners of resolving complaints are also extensively explained in the Annual Report of the Specialized State Prosecutor's Office of the Republic of Slovenia for 2020 (pages 33-36) – see the report in attachment.

<sup>23</sup> The unofficial consolidated version is available at:

<http://www.pisrs.si/Pis.web/npbDocPdf?idPredpisa=ZAKO7930&idPredpisaChng=ZAKO5523&type=doc&lang=EN>

<sup>24</sup> The act amending the IPCA was passed by the National Assembly on 21 October 2020 and was published in National Gazette on 2 November 2020. The Act entered into force on 17 November 2020.

<sup>25</sup> Official Gazette RS, no. 15/13, 11/14, 86/15, 77/16, 77/17, 36/19, 66/19 – ZDZ and 200/20

<sup>26</sup> Official Gazette RS, no. 15/13, 23/15 – amended, 10/17, 46/19 – Constitutional Court decision and 47/19).

General police directorate, police directorates and local police stations. The presentation of the operation of the Police is visible from the publically available report Greco Eval5Rep(2017)2, published on 8th March 2018, in the Fifth evaluation round – Prevention of corruption and promotion of integrity in the central government (the highest carriers of the executive branch) and in investigative authorities.<sup>27</sup>

### Human Resources

In Slovenia, Police are a body affiliated to the Ministry of the Interior. The police have three hierarchical levels: the General Police Directorate (GPD) at the national level, 8 police directorates (PDs) at the regional level and 112 police stations at the local level.<sup>28</sup>

The Director General of the Police (DGP) is the highest-ranking officer acting as chief of the police organisation and of the General Police Directorate. The Director General of the Police has two deputies. Each regional police directorate is managed by a Director of Police Directorate. According to the Regulation on internal organisation, job classification and ranks within the police (hereinafter: the Regulation), the following organisational units have the duty to detect, investigate and prosecute corruption:

- at the national level: Corruption Section within the Economic Crime Division of the Criminal Police Directorate, and the National Bureau of Investigation;
- at the regional level: corruption groups organised within economic crime sections of criminal police divisions in the regional Police Directorates of Ljubljana, Maribor, Celje, Koper and Novo mesto.

Organisationally smaller regional directorates, such as those of Nova Gorica, Kranj and Murska Sobota, assign the tasks of detection, investigation and prosecution of corruption to individual employees working in the economic crime sections (part of the criminal police structure).

**The responsibilities of the Corruption Section operating at the national level** include (Article 29 of the Regulation):

- investigation of corruption in economic/business and financial activities;
- investigation of corruption within state bodies/authorities, organisations exercising public authority and local community authorities;
- investigation of electoral or voter corruption.

**The National Bureau of Investigation** is a national-level specialised criminal investigation unit for the detection and investigation of serious criminal offences, especially economic and financial crime, corruption and organised crime. These duties require specific skills and qualifications, organization of work and equipment for crime investigators, and involve targeted operational cooperation with state authorities and agencies operating in the field of revenues/taxes, customs, business operations, securities, protection of competition, prevention of money laundering, corruption, illegal drugs and inspection (Article 34 of the Regulation).

**Corruption Groups organised within regional Economic Crime Sections** carry out the following tasks (Article 57 of the Regulation): investigation of crimes committed within the public sector, investigation of business/economic crime, misappropriation of funds, financial crime and corruption.

Table: An overview of work posts classified/occupied within units dealing with detection, investigation and prosecution of corruption – 16 February 2021 (Source: Personnel records, MFerac)

LEVEL	UNIT		POSTS CLASSIFIED	POST OCCUPIED
National	Criminal Police Directorate General Police Directorate	Corruption Section Economic Crime Division	6	4
	Criminal Police Directorate	National Bureau of Investigation	85	77

<sup>27</sup> Available at: <https://www.kpk-rs.si/kpk/wp-content/uploads/2020/05/GRECO-Skupina-dr%C5%BEav-proti-korupciji-%E2%80%93-Peti-krog-ocenjevanja-%E2%80%93-Poro%C4%8Dilo-o-ocenjevanju-Slovenija-%E2%80%93-Prepre%C4%8Devanje-korupcije-in-spodbujanje-integritete-v-centralni-vladi.pdf> (page 33).

<sup>28</sup> The GPD and PD organisational charts are available at: <https://www.policija.si/eng/about-the-police/organization>, [https://www.policija.si/images/stories/O\\_Policiji/PDF/20210118-ORG\\_GPU\\_ENG.pdf](https://www.policija.si/images/stories/O_Policiji/PDF/20210118-ORG_GPU_ENG.pdf), [https://www.policija.si/images/stories/O\\_Policiji/PDF/01012021-ORG\\_PU\\_ENG.pdf](https://www.policija.si/images/stories/O_Policiji/PDF/01012021-ORG_PU_ENG.pdf)



	General Police Directorate			
<b>Regional</b>	Police Directorate of Celje Criminal Police Division	Corruption Group Economic Crime Section	6	5
	Police Directorate of Koper Criminal Police Division	Corruption Group Economic Crime Section	6	6
	Police Directorate of Kranj Criminal Police Division	Economic Crime Section	17*	10*
	Police Directorate of Ljubljana Criminal Police Division	Corruption Group Economic Crime Section	6	6
	Police Directorate of Maribor Criminal Police Division	Corruption Group Economic Crime Section	6	6
	Police Directorate of Murska Sobota Criminal Police Division	Economic Crime Section	10*	10*
	Police Directorate of Nova Gorica Criminal Police Division	Economic Crime Section	7*	7*
	Police Directorate of Novo mesto Criminal Police Division	Corruption Group Economic Crime Section	7	6
<b>Total</b>			<b>156</b>	<b>137</b>

\*Note: one (1) employee responsible for detection, investigation and prosecution of corruption

### Financing

Crime prevention, detection and investigation combine measures for successful and efficient performance of statutory tasks of the police and covert investigative measures defined in the Criminal Procedure Act. This financial heading covers activities for the efficient protection of witnesses and other persons at risk for their collaboration in criminal proceedings. The assistance funds include costs of rented accommodation for persons under the witness protection programme and financial support to protected witnesses. The above funds also address the costs of technical and specialized equipment for the operation of the Witness Protection Division, and the costs of activities for the prevention of work or family-related threats directed at police employees. The funds are also earmarked for the operation of the National Bureau of Investigation as a specialised criminal investigation unit for the detection and investigation of serious criminal offences, especially economic, financial crime and corruption. The NBI also addresses cases of organised crime, cybercrime and serious conventional crime. The NBI began operation on 1 January 2010.<sup>29</sup>

**Specialized State Prosecutor's Office (SSPO)** is exclusively competent to prosecute criminal offences related to corruption in public and private sector in the entire territory of the RS. It is a self-dependent authority composed of most qualified appointed or seconded state prosecutors.

#### Human and financial resources:

In 2020, there were 27 state prosecutors, one director, 12 legal advisers, one judicial intern and 13 administrative/prosecutorial staff – civil servants employed at SSPO. In 2020, the budget of SSPO was adopted in the amount of EUR 3.674.514. Funds for salaries were provided in the amount of EUR 3.227.747.

#### SSPO resources:

Year	Financial resources	Number of prosecutors	Number of legal advisers	No. of administration staff
2020	3.674.514	27	12	15

#### Legal resources:

SSPO's state prosecutors and legal advisers have access to computer databases in the field of legal regulations, case law, court register, employment and insurance data (Health Insurance Institute of Slovenia's database), access to database of administrative internal affairs »e-RISK« (addresses, births, deaths, marriages, name changes, cars, vessels, issued documents, etc.), cadastre, land registry. SSPO is subscribed to the magazine dedicated to legal issues *Pravna praksa*

<sup>29</sup> Attached please find the data sheets for 2021 (Criminal Police Directorate – material costs, Criminal Police Directorate – investment, National Bureau of Investigation (rental expenses), National Bureau of Investigation (salaries).

(Legal practice), which is published on weekly basis, and to the magazine *Pravnik* (Lawyer). Through the *IUS-INFO portal*, prosecutors also have access to other magazines and professional literature. SSPO has an internal library with the latest commentaries on the law and monographs from the areas of their work.

#### Practical resources:

In 2020, the budget of SSPO for material costs was adopted in the amount of EUR 335.686. For several years, the cost of translations represents the largest part in the use of those funds. In 2020, as much as EUR 57.827 was spent on translation. The majority of other funds were spent on security, cleaning, customers IT services support, purchase of professional literature, medical examinations of employees, electricity, water, heating, communications, postal services, costs of use and maintenance of company cars, routine maintenance of business facilities and compensation fee for the building site use. A large proportion of the budget in 2020 represented also the purchase of protective masks, disinfectants, protective panels etc., which, despite the duration of the pandemic, ensured the smooth operation of the SSPO throughout the year.

The office space shortage of the SSPO was resolved in February 2021, when the SSPO acquired additional premises, and the Department for the Investigation and Prosecution of Official Persons Having Special Authority (hereinafter: The Special Department) and European Public Prosecutor's Office Department (hereinafter: The EPPD Department) will operate at the same location. In 2020, the project of a central cooling system for offices was implemented. At the end of 2020, SSPO had five company vehicles and the purchase of a delivery vehicle is also planned. Some state prosecutors use laptops, which allows them to work at home and use them at court hearings, but there are not enough laptops for all state prosecutors. At the beginning of 2021, SSPO switched to a new server system, which will enable the improvement of work processes.

## **B. Prevention**

### **19. Integrity framework: asset disclosure, including incompatibility rules, lobbying, (e.g.: revolving doors)**

In supplement to the CPC input under question 20 of the first annual Rule of Law report questionnaire, the Act Amending the Integrity and Prevention of Corruption Act (IPCA, ZIntPK-C) was adopted in 2020. This amended and partly changed the rules on asset declaration and public disclosure of data regarding assets. The amending act expanded the circle of liable persons, which now also binds national councillors and supervisors in state-owned companies to report on their assets. A somewhat narrow circle of liable persons whose data is published was also determined and a manner of publication was defined which will facilitate the Commission's publication of data on the website.

#### **a) Asset Disclosure:**

The supervision of the assets of the officials is one of the basic conditions of trust in the public office and represents an inseparable element of the integrity of the public sector. In Slovenia, the obligation for the declaration of assets is defined in the IPCA and covers over 17,000 individuals. Article 41 of the IPCA determines which officials are obligated to file an asset declaration with the CPC. CPC is responsible for monitoring the financial status of public officials that include high-level, local, elected and appointed officials such as professional high-level officials, non-professional mayors and deputy mayors, high-ranking civil servants, managers, persons responsible for public procurement, civil servants of the National Review Commission. Violations of the duty to disclose assets are considered as misdemeanours (minor offences). In 2020, the CPC worked with the Ministry of Public Administration to introduce new electronic forms that make the declarations easier for the officials, and on the other side provide the oversight institutions with the possibility of cross-referencing and further analysing data for possible violations of the law.

#### **b) Incompatibility Rules:**

According to Article 26 of the IPCA, a professional holder of public office may not be engaged in any professional or other activity aimed at generating income or proceeds while holding a public office, with the exception of pedagogical, scientific, research, artistic, cultural, sports and publishing activities, and managing a farm or their own assets. A holder of public office who, prior to taking office, performed an activity or held an office that is incompatible with their office under the IPCA must cease to perform the activity no later than 30 days of the date of their election or appointment or the approval of their mandate. The CPC can initiate a procedure for assessing the incompatibility of office, if it considers that the performance of the activity, given the actual scope and nature of the activity in question and the office held by the professional holder of public office, is likely to present a disproportionate risk to the objective and impartial discharge of the duties of the office or jeopardise its integrity. In this regard, the CPC can issue a decision prohibiting the holder of public office from performing an additional activity or imposing conditions or restrictions on the official that must be complied with when performing the activity. The CPC can also allow a professional holder of public office to perform a professional or other activity aimed at generating income, taking into account the public interest and the level of risk the performance of the activity poses to the

objective and impartial discharge of the duties of the office or to its integrity. If the CPC issues such permission, it may impose conditions and limitations on the holder of public office that must be complied with when performing another activity. If the holder of public office does not cease performing the professional or other activity after the decision on the revocation of the permission has become final, the CPC informs the body responsible for the appointment and dismissal of the holder of public office. A professional holder of public office may not be a member of or engaged in the management, supervision or representation activities in a company, economic interest grouping, cooperative, public institute, public fund, public agency or other entity governed by public or private law, the exceptions being societies, foundations and political parties.

**c) Lobbying regulation:**

In addition to the reply under the question 20 of the 2020 questionnaire, the Lobbying Registry is kept by the CPC and information in the Registry is public<sup>30</sup>, except for the tax ID number of the lobbyist. The lobbying contacts between lobbyists and lobbied persons are published within the *Erar* application<sup>31</sup>.

**20. General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)**

Referring also to the previous question (lobbying, asset disclosure rules), the oversight of the financing of political parties is in the competence of the Court of Audit.

The persons liable (officials and public employees at the national and local levels) are obliged to report their lobbyist contacts to their employer and the Commission for the Prevention of Corruption. The Commission processes and publishes the data collected on the website (<https://erar.si/lobiranje/>). It is possible to obtain data about each reported lobbyist contact from the application, including the lobbying organisation, the interest organisation and the purpose of the lobbying.

Asset declaration

In relation to the Act Amending the Integrity and Prevention of Corruption Act (ZIntPK-C) which was adopted in 2020, the Ministry of Justice points out that this amended and partly changed the rules on asset declaration and public disclosure of data regarding assets. The amending act expanded the circle of liable persons, which now also binds national councillors and supervisors in state-owned companies to report on their assets. A somewhat narrow circle of liable persons whose data is published was also determined and a manner of publication was defined which will facilitate the Commission's publication of data on the website. The Commission for the Prevention of Corruption has not yet provided an online publication of data regarding assets.

**21. Rules on preventing conflict of interests in the public sector**

The basic legal act governing conflict of interests for official persons in the public sector is the IPCA, which holds the definition of "conflict of interests" in Article 4 and rules preventing conflict of interests in Chapter 4 (Articles 37 – 40). Conflict of interest means circumstances in which the private interest of an official person (pecuniary or non-pecuniary) influences or appears to influence the impartial and objective performance of his public duties. An official person may not use their office or post to advance their personal interests or the personal interests of another person. "Private interest of the person" is further defined as a pecuniary or non-pecuniary benefit, which is either to their advantage or to the advantage of their family members or other natural or legal persons with whom they or their family member maintains or has maintained personal, business or political relations. Avoiding conflict of interest is primarily the obligation of the official person, who has to pay attention to each actual or potential conflict of interest and must make every effort to avoid it. Official person who finds that a conflict of interest has arisen or might arise must:

- 1) immediately inform their superior in writing, and if they have no superior, the CPC;
- 2) immediately cease to perform any work with regard to the matter in which the conflict of interest has arisen, unless the delay would pose a risk. The violation of the duty to inform one's supervisor about conflict of interest is considered a misdemeanour (minor offences) according to the IPCA.

**22. Measures in place to ensure whistle-blower protection and encourage reporting of corruption**

For the topic of whistle-blower protection, please refer to answers provided under question 22 of the 2020 questionnaire. Following the entry into force of EU's new directive on whistle-blower protection, the Ministry of Justice is drafting a whistle-

---

<sup>30</sup> <https://www.kpk-rs.si/nadzor-in-preiskave-2/lobiranje-2/register-lobistov/>

<sup>31</sup> <https://erar.si/lobiranje/>

blower protection law to implement and integrate the provisions of the directive into the Slovenian legal system. This way, the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law will be transposed into the Slovenian legal order.

**23. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).**

The CPC identifies higher corruption risks in the following fields:

- public procurement (with additional risks in the areas connected to the fight against the COVID-19 epidemic – see answer under question 24 below);
- employment procedures in the state-owned companies, public institutes and public agencies;
- spatial planning and environmental matters;
- healthcare sector (with additional risks in the areas connected to the fight against the COVID-19 epidemic – see answer under question 24 below);
- distribution of funds to humanitarian and disability organisations.

The 2020 Rule of Law Report commended the role of civil society in Slovenia and noted the state financing of NGO projects and programmes through public calls, tenders and direct financing. However, due to the NGO sector strongly relying on public funding and considerable discretion in its distribution, room for corruption risk exists. Alliances may have been formed between political option long time in power and selected NGO beneficiaries. With due reference to question 45, there is no obvious difference between humanitarian and disability organisations, identified as a sector with higher corruption risks by the CPC, and other similar public funds recipients left out.

The CPC is conducting regular trainings for officials, civil servants and employees of state-owned companies that include comprehensive overviews of conflict of interest and lobbying regulation. In case of identified corruption risks, the CPC issues recommendation to public sector bodies and monitors their integrity plan improvements, and communicates about these issues through appropriate channels for awareness-raising purposes.

In 2020 the Commission for the Prevention of Corruption discussed several cases of procurement of material, including the procurement of protective and medical equipment to curb the COVID-19 epidemic. The findings have not yet been published<sup>32</sup>.

**24. Measures taken to address corruption risks in the context of the COVID-19 pandemic.**

In 2020, the CPC conducted a systemic oversight of public sector entities that have procured the protective equipment needed to control the spread of COVID-19. By carrying out thematic supervision, the CPC helped public sector institutions to identify corruption risks by examining the concrete implementation of the provisions and - in case of identified corruption risks - by issuing recommendations for better and more appropriate management of risks in future public procurements related to the acquisition of necessary equipment. The CPC also issued several recommendations.

The Ministry of Justice points out that in the field of legislative regulations, the Republic of Slovenia has not implemented any special measures to prevent corruption which would be specifically aimed at preventing corruption in the context of the COVID-19 epidemic.

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

*Erar*<sup>33</sup> is an online application, developed and managed by the CPC, which enhances transparency of expenditure of public funds by providing the general public with a user-friendly access to information on business transactions of public sector bodies. Currently, *Erar* contains data on approximately 200 million financial transactions from both government and local agencies from the year 2003 onward. The application allows for an oversight of an average of 5 billion EUR of annual public expenditure. The data on transactions from *Erar* is provided free of charge, in a machine-readable form and is updated daily. This way, financial flows from the public to private sector are accessible to the public quickly, simply and free of charge, which increases the perceived level of responsibility of public office holders for effective and efficient use of public finances. It also decreases risks of illicit management of funds and abuse of public functions, as well as limits

<sup>32</sup> <https://www.kpk-rs.si/2020/12/15/nabave-zascitne-opreme-vedenih-21-preiskav-zoper-osem-uradnih-oseb/>

<sup>33</sup> <https://erar.si/>

systemic corruption, unfair competition and cronyism in public procurement procedures. In addition to data on expenditures, *Erar* matches financial transactions to company records from the Business Register, including annual reports, corporate leadership, founders and subsidiaries of economic entities, which provides further insight into links between the public and private sphere. There is also comprehensive information on major tax debtors, creating a list of tax debtors that are receiving funds from the public sector. The application also manages the public display of lobbying contacts, gifts in the public sector and other important information. Thus, *Erar* presents an indispensable tool for strengthening the rule of law and integrity of the public sphere, and managing corruption risks and conflicts of interest. The amendments of the IPCA provided the legal basis for *Erar*, and enabled the CPC to include more data sources into *Erar* and thereby make public spending even more transparent.

The Act Amending the Integrity and Prevention of Corruption Act adopted in 2020 provided explicit legal grounds for operations of the *Erar* application. A selection of additional databases is determined, which are managed by state authorities and from which the application will obtain data and publicly display them to the users. Among other, the data on electronic invoices received for payment by public sector entities will be available, including the data on physical assets of the state and local communities, the data on real estate transactions and other data which will make the operations of the state even more transparent.

## C. Repressive measures

### 26. Criminalization of corruption and related offences

The following criminal offences, categorized as corruption, are defined in the three following chapters of the Slovenian Criminal Code<sup>34</sup>:

- **Criminal offences against voting right and elections**
  - Obstruction of Freedom of Choice (Article 151 of the CC -1)
  - Acceptance of Bribe during the Election or Ballot (Article 157 of the CC -1)
- **Criminal offences against the economy**
  - Unauthorised Acceptance of Gifts (Article 241 of the CC -1)
  - Unauthorised Giving of Gifts (Article 242 of the CC -1)
- **Criminal offences against official duties and public authorisations**
  - Acceptance of Bribes (Article 261 of the CC-1)
  - Giving Bribes (Article 261 of the CC-1)
  - Accepting Benefits for Illegal Intermediation (Article 263 of the CC-1)
  - Giving of Gifts for Illegal Intervention (Article 264 of the CC-1).

**27. Data on investigation and application of sanctions for corruption offences (including for legal persons) and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.**

**Table: Corruption Criminal Offences**

Type of crime	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Obstruction of Freedom of Choice	1		1	1		11				
Acceptance of Bribe during the Election or Ballot		1								
Unauthorised Acceptance of Gifts	10	4	6	23	9	22	5	54	10	8
Unauthorised Giving of Gifts	13	3	6	24	11	20	7	35	8	10
Acceptance of Bribes	38	9	5	4	28	80	30	5	83	92
Giving Bribes	31	9	10	8	30	24	26	9	41	187
Accepting Benefits for Illegal Intermediation	17	16	9	6	11	27	9	2	23	
Giving of Gifts for Illegal Intervention	9	10	4	1	7	15	4	3	20	1
<b>Sum</b>	<b>119</b>	<b>52</b>	<b>41</b>	<b>67</b>	<b>96</b>	<b>199</b>	<b>81</b>	<b>108</b>	<b>185</b>	<b>298</b>

<sup>34</sup> (Official Gazette RS, no. [50/12](#) – official consolidated text [6/16](#) –amended, [54/15](#), [38/16](#), [27/17](#), [23/20](#) in [91/20](#)):

In the year 2020, there were no legal entities subjected to the investigation of corruption offences.

**CORRUPTION OFFENCES – SANCTIONS (NATURAL PERSONS)**

Criminal offence (relevant articles of the Criminal Code)	Prison sentence	Suspended sentence	Suspended sentence with additional condition	Fine	Confiscation of objects	Judicial admonition	Confiscation	Total
241	0	2	0	1	0	0	1	4
242	0	1	0	1	0	0	0	2
261	2	5	0	7	0	0	1	15
262	0	7	0	7	0	0	2	16
263	0	0	0	0	0	0	0	0
264	0	4	0	4	0	0	0	8
157	0	0	0	0	0	0	0	0
151	0	0	0	0	0	0	0	0
245	9	5	0	10	0	0	5	29
240	13	24	1	3	0	0	5	46
257	0	4	0	0	0	0	0	4
257a	0	0	0	0	0	0	0	0
286	0	1	0	0	0	0	0	1

**CORRUPTION OFFENCES – SANCTIONS (LEGAL PERSONS)**

Criminal offence (relevant articles of the Criminal Code)	Fine	Confiscation of property	Winding-up of legal person	Prohibition of disposal with securities	Total
241	0	0	0	0	0
242	0	0	0	0	0
261	0	0	0	0	0
262	0	0	0	0	0
263	0	0	0	0	0
264	0	0	0	0	0
157	0	0	0	0	0
151	0	0	0	0	0
245	0	0	0	0	0
240	1	0	0	0	1
257	0	0	0	0	0
257a	0	0	0	0	0
286	0	0	0	0	0

**CORRUPTION OFFENCES – REQUESTS FOR INVESTIGATION AND INDICTMENTS (NATURAL PERSONS)**

Criminal offence (relevant articles of the Criminal Code)	Request for investigation	Indictment
241	1	8
242	1	4
261	69	5
262	10	2
263	23	3
264	17	3

157	0	0
151	0	0
245	21	41
240	129	90
257	26	13
257a	0	0
286	7	13

#### **CORRUPTION OFFENCES – REQUESTS FOR INVESTIGATION AND INDICTMENTS (LEGAL PERSONS)**

Criminal offence (relevant articles of the Criminal Code)	Request for investigation	Indictment
241	0	0
242	0	0
261	0	0
262	0	0
263	0	0
264	0	0
157	0	0
151	0	0
245	2	2
240	3	4
257	1	0
257a	0	0
286	0	0

The Supreme State Prosecutor's Office does not keep statistics on corruption offences that relate to EU funds therefore this data cannot be provided.

#### **28. Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)**

The reasons for difficult detection and investigation of corruption offences remain the same: closed circle of participants, who all have certain advantages from the illegal actions or they do not feel adversely affected and criminal liability of bribe or gift givers, which deters them from reporting criminal offences.

From the publicly available report Greco Eval5Rep (2017) 2, published on 8 March 2018 in the Fifth evaluation round – Prevention of corruption and promotion of integrity in the central government (the highest carriers of the executive branch) and in investigative authorities, it is evident. In the 125<sup>th</sup> reply, on the page 31, it is stated that the highest carriers of the executive branch in Slovenia do not have any form of immunity or any procedural privileges in criminal or administrative procedures. In the reply 227, on the pages 55 and 56, it is stated that when it comes to violation of provisions, the police officers do not have an immunity and they are also not entitled to procedural privileges.<sup>35</sup>

In 2020, SSPO dealt with classic corruption offenses in the areas related to public procurement and public tenders, corruption offenses related to the performance of health care activities, corruption offenses related to the performance of banking activities, and corruption offenses in the field of traffic safety (vehicle roadworthiness tests).

In 2020, SSPO did not deal with corruption cases in which the provisions on political immunity were applied. Nevertheless, the SSPO faced other challenges in dealing with corruption offenses/cases. All the above-mentioned forms of corruption

<sup>35</sup> Available at; <https://www.kpk-rs.si/kpk/wp-content/uploads/2020/05/GRECO-Skupina-dr%C5%BEav-proti-korupciji-%E2%80%93-Peti-krog-ocenjevanja-%E2%80%93-Poro%C4%8Dilo-o-ocenjevanju-Slovenija-%E2%80%93-Prepre%C4%8Dvanje-korupcije-in-spodbujanje-integritete-v-centralni-vladi.pdf>

are very difficult to investigate and to prove (due to lack of witnesses and traces of illegal actions and extreme difficulties to prepare persons to testify in proceedings). The SSPO and the police often encounter cases when persons who know something about acts of corruption are willing to provide this information only “informally” or anonymously and are not willing to expose themselves as witnesses in court proceedings (the problem of insufficient protection of whistle-blowers and repentants). In cases of crimes in the private sector, proving classic corrupt practices (acceptance of bribes or giving bribes) is the most difficult, and thus the perpetrators' actions are generally considered as abuse of position or trust in business activity (Article 240 of Slovenian Criminal Code ) in companies, which were subscribers and payers of goods or services, as it was acted to their detriment (corruption in a broader sense). In cases of difficulties in proving corruption in the public sector also criminal offenses such as abuse of office or official duties (Article 257 of Slovenian Criminal Code), defrauding of public goods (Article 257a of Slovenian Criminal Code) or misfeasance in office (Article 258 of Slovenian Criminal Code), which have certain relation with corruption can be used.

Additionally, time limitation in processing corruption cases is also perceived as a problem. For most corruption offenses a ten-year limitation period is considered, which is too short, as the offenses are usually detected late and the court proceedings are lengthy. It usually takes several months or more than a year from the filing of a prosecutor's request for a judicial investigation to the finality of the decision on the investigation. A few more months then elapse before the end of the judicial investigation. An average of nine months may elapse between the filing of an indictment and the commencement of the court hearings. A large part of the length of the proceedings is caused by ensuring the procedural rights of defendants, which they use to the full extent, and often also abuse, e.g. when they do not take over court documents sent to them by post (e.g. invitations, court decisions).

In investigation and prosecution of corruption cases in health care, the SSPO faces the unresponsiveness of health care institutions, both in preventing and detecting such practices, which is mainly due to the ineffectiveness of internal audit procedures. There are also not enough proceedings at the Medical Chamber of Slovenia, especially with the final introduction of criminal proceedings against doctors. There is also a declining trend in the number of reports (including anonymous reports) of such crimes.

In investigation and prosecution of banking criminality, SSPO faces the lack of jurisprudence, lengthy court investigations, vague standards in determining good banking practice, high standards of proof and difficulties in proving “*dolus coloratus*”, vast documentation, access to information from abroad, acquiring and analysing large amounts of digital data, lack of willingness of afflicted banks to initiate investigations into suspected criminal acts within their abilities, need of specific knowledge in economics and banking, and lack of specialisation of courts on professional banking and economic issues.

Suspensions of criminal offenses that fall under the competence of the SSPO are not investigated only by the National Bureau of Investigation (NBI), but also by other police organizational units. Therefore, the SSPO within the pre-criminal proceedings directs the work of the NBI, the General Police Directorate (GPD) and the Criminal Police Sectors (CPS) of regional police administrations over the entire Slovenian territory. This situation is a consequence of Article 22 of the Organization and Work of the Police Act , which stipulates that the Director of the NBI independently decides which cases the NBI will take over. The NBI is therefore autonomous in the choice of cases. The Head of the SSPO can submit a proposal that the NBI take over a certain criminal case, as it employs police officers with the most specific knowledge and very experienced staff investigating the most demanding criminal offenses. The final decision on whether the NBI will take over the investigation of a particular case is in the remit of the Director of the NBI. It happens that the NBI Director does not follow the proposal of the Head of the SSPO to take over a case. There were no changes in this part in 2020.

### **III. Media pluralism**

#### **A. Media authorities and bodies**

##### **29. Independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies**

In accordance with the Act regulating the field of audio-visual media services (ZAVMS)<sup>36</sup>, inspection and administrative control is performed by the Communication Network Agency of the Republic of Slovenia (the Agency). The Agency is an independent regulatory body established on the basis of the law governing the field of electronic communications and

---

<sup>36</sup> Zakon o avdiovizualnih medijskih storitvah (Uradni list RS, št. 87/11 in 84/15)



services (ZEKom-1)<sup>37</sup> which defines its legal status, independent sources of funding, competencies, governing bodies and the manner of their appointment and dismissal. The Agency is financed exclusively by revenue from payments determined by this Act and other laws in the fields of its operation (financial resources for operation are extra-budgetary and independent of industry). With the amendment to ZAvMS-B, which the government is expected to submit to the legislative procedure in the first quarter of 2021, the provisions of Article 30 of Directive 2018/1808 / EU will be transposed in the legal order of the Republic of Slovenia.

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

The bodies of the Agency are the Council of the Agency (the Council) and the Director of the Agency (Articles 173 to 186 of ZEKom-1). Council members are appointed by the government based on a public tender. The main criterion for appointing council candidates is their professionalism and qualifications. Candidates must disclose their interest connections. Reasons for the incompatibility of the position are also determined by the law. The director of the agency is appointed by the government at the proposal of the minister. Selection process is carried out on the basis of a public tender. The candidate for the director must disclose interests and connections. Ban on performing other activities and a conflict of interest, as well as restrictions on conducting other business are determined by the law. The law exhaustively determines the conditions for the appointment of a director (level of education, professional references, impunity, etc.). The Government may dismiss a director prematurely only for the reasons specified in the law (Article 185 ZEKom-1), namely by an administrative decision in which it must explain the reasons for dismissal. The director can defend himself and exercise the right to judicial protection. Information on the dismissal of the director is made public by the government. If this information does not contain a justification for all the reasons for dismissal, the government must, at the request of the dismissed director, make the decision public on its website.

### **31. Existence and functions of media councils or other self-regulatory bodies**

The Act governing the field of media (the Mass Media Act - ZMed)<sup>38</sup> (Articles 100 to 103 ZMed) determines the competencies of an independent professional body (Broadcasting Council), sources of funding, its composition, method of appointment, criteria for appointing members, competencies, reasons for incompatibility of functions, reasons for early dismissal. The Council is an independent professional body that performs the tasks specified by law. The members of the Council are appointed by the National Assembly for a term of 5 years based on a public call. Candidates from the fields of law, telecommunications, and informatics, audio-visual culture, economics, journalism, and communication may apply. The law determines the reasons for the incompatibility of the function and the conditions for early dismissal.

## **B. Transparency of media ownership and government interference**

### **32. The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference**

The law governing the election and referendum campaign (ZVRK)<sup>39</sup> regulates advertising content and other forms of political propaganda. ZVRK allows advertising and political propaganda during the election campaign, which may begin 30 days before the election day and must end no later than 24 hours before the election day. ZVRK stipulates that media broadcasters in the media, which are determined by the media act, must publish election advertising content with the indication of the contracting authority. The Public Broadcasting Act (ZRTVS-1)<sup>40</sup> allows political propaganda in public broadcasting programs only during the election campaign, in accordance with ZVRK. RTV Slovenia (public service broadcaster) may publish political propaganda messages only with an indication of the contracting authority.

### **33. Rules governing transparency of media ownership and public availability of media ownership information**

Transparency of media ownership is determined in the ZMed, namely by keeping a media register in which publicly available data on the media (media register - Article 12 of the ZMed), including data on persons who have at least 5% ownership or management share or share of voting rights in the property of the publisher of a general-information daily newspaper and weekly newspaper, and a radio and television program. With the amendment to ZAvMS-B, providers of

37 Zakon o elektronskih komunikacijah (Uradni list RS, št. 109/12, 110/13, 40/14 – ZIN-B, 54/14 – odl. US, 81/15 in 40/17)

38 Zakon o medijih (Uradni list RS, št. 110/06 – uradno prečiščeno besedilo, 36/08 – ZPOMK-1, 77/10 – ZSFCJA, 90/10 – odl. US, 87/11 – ZAvMS, 47/12, 47/15 – ZZSDT, 22/16, 39/16, 45/19 – odl. US in 67/19 – odl. US)

39 Zakon o volilni in referendumski kampanji (Uradni list RS, št. 41/07, 103/07 – ZPoIS-D, 11/11, 28/11 – odl. US in 98/13)

40 Zakon o Radioteleviziji Slovenija (Uradni list RS, št. 96/05, 109/05 – ZDavP-1B, 105/06 – odl. US, 26/09 – ZIPRS0809-B in 9/14)

audio-visual media services must publish on their website the personal name or company name of a natural or legal person who has at least a 5% ownership or management share or a share of voting rights in the provider's property.

ZMed in Section 9 (Articles 56 to 63) sets out the rules in the field of protection of media pluralism. There is a restriction on the acquisition (restriction of disposition of property rights) of ownership shares or management or voting rights in the property of a radio or television program or publisher of a general information printed daily (prior consent of the competent ministry is required to acquire a stake greater than 20%).

The prohibition of cross-ownership applies, namely that the broadcaster and a natural or legal person or a group of related persons who have in its property more than 20% ownership or more than 20% management or voting rights, cannot be the publisher or co-founder of the publisher of a general - informative printed diary. The prohibition also applies in the opposite direction - the publisher of a printed general-information printed newspaper may not be the publisher or co-founder of the publisher of a radio or television program, nor may it carry out radio and television activities. An individual broadcaster may perform only radio or television activity (the exception is determined for public radio and television only). The incompatibility of advertising agency and radio and television activities applies (Article 60 of the ZMed), i.e. an advertising agency and a natural or legal person, or a group of related parties, which has in the capital or property of this organization more than 10% ownership or more than 10% management or voting rights, cannot be founder of a radio or television broadcaster, nor can they have more than 20% share in the capital or 20% share of management or voting rights in the property of the broadcaster of the radio or television program. Incompatibility of telecommunications and radio and television activity, which is determined in Article 61 of the ZMed, is abandoned in practice due to technological development and digital convergence.

Connected persons are also considered when limiting the concentration, i.e. persons who are administratively, capitally or otherwise related to each other (connected) in such a way that, due to the aforementioned connections, jointly formulate business policy or operate in a coordinated manner in order to achieve common goals, so that one person has the opportunity to direct another or significantly influence them in financing and operations deciding on the program concept of the media.

During recent times print media in Slovenia has been dominated by legal entities owned by six specific individuals through an intricately connected web of shell companies. Moreover, these same entities own two distribution companies that run distribution services for all print publications in Slovenia. They form a united front against smaller publishers. Distribution of newspapers and magazines is thus now completely controlled by a select group of individuals, who also own the largest mainstream daily newspapers. Attempts have been made to displace other media with expensive distribution margins and favourable placements of their own publications in kiosks. Distribution margins have already increased last year, and payments have been running increasingly late. The two distribution companies form a monopoly and are systematically pushing other print media out of the market, while favouring the ones owned by their own stakeholders.

One of the aforementioned is also a major player in television and especially radio broadcast business. Besides his print media empire – which includes almost all Slovenian magazines, more than 30 in total – he is also controlling several TV stations as well as 19 individual radio stations. This kind of endeavour is only possible through a misuse of the Media act, which allowed local radio stations to be connected through so called »programming networks«, which by-passes a ZMed restriction on acquisition of ownership shares

These kinds of practices clearly breach the Prevention of Restriction of Competition Act, yet the institutions so far have been powerless to act, due to a complicated ownership structures of these conglomerates. The proposed amendment to the Media Act (ZMed) proposes a new model for assessing the consequences of media concentrations for the public interest in the field of media. The proposition stipulates that the Public Agency for the Protection of Competition (AVK) assesses potential media concentrations according to ZPOMK-1 and ZMed. Proposed amendments to ZMed also prohibit programming networks.

## **C. Framework for journalists' protection**

### ***34. Rules and practices guaranteeing journalist's independence and safety***

The position of journalists (autonomy of journalistic work and the rights and obligations of the editorial board) is regulated in Section 4 of the ZMed (Articles 18 to 22). When appointing an editor-in-chief, the publisher must obtain the prior (ex ante) opinion of the editorial board, unless a stronger legal influence of the editorial board is determined by the basic legal

act. The editorial board, editors, journalists, and authors of other articles are independent and autonomous in their work within the program concept and in accordance with the basic legal act of the publisher.

The editor, journalist or author of the article is not obliged to disclose the source of information, except in cases provided by criminal law. A journalist's employment contract may not be terminated, salary not reduced nor worsen his/her status in the editorial office as a consequence (retaliation) in regards of expressing his/her opinions and views that are in accordance with the program concept and professional rules, criteria and standards.

### **35. Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists**

On 5 November 2020, during violent protests in front of the National Assembly, a photojournalist was attacked, knocked down and brutally beaten while unconscious, suffering broken jaw as well as other injuries. There were other journalists and media teams that also reported violent incidents. On 22 December, the police apprehended the key suspect and brought him before the examining judge the next day. Two further cases both involved cameramen of a small pro-government TV station. On 16 October 2020, a cameraman had his camera forcefully removed from him by a culture worker attending an anti-government protest until a police officer intervened. On 26 February 2021, another cameraman was physically prevented from entering the room where an opposition party was holding a press conference.

### **36. Access to information and public documents**

Access to public information is regulated in a special law – Public Information Access Act (ZDIJZ)<sup>41</sup>. Article 45 of the ZMed specifically regulates the procedure for access to information for the media, namely by giving the media a special (more favourable) position in obtaining information of public nature from the bodies that fall within the scope of ZDIJZ. The regulation ensures that information of public nature, if requested by registered media, is provided within a shorter period (7 days) than the period specified in the ZDIJZ (20 days from the receipt of a complete request). The authority must respond within 7 days (the request must be filled in writing). If the authority intends to reject or partially reject the answer, it must inform the media in writing by the end of the next working day from the receipt of the question.

In 2020, the Supreme court delivered a precedential decision in the matter of right to obtain information of public nature from the criminal case file.<sup>42</sup> The court adjudicated that special provisions of criminal procedure legislation that restrict the right to inspect the case file to persons that possess legal interest (defendants, victims, etc.) preclude the right under ZDIJZ. The legislator responded with the amendment of the Criminal procedure act in a way that it now gives the priority to the norms of ZDIJZ.<sup>43</sup> The amendment was passed in striking contrast to the precedent of the Supreme court raised. It raised concerns for the appropriate balance of the right to public information on one hand and the respect of presumption of innocence of the dependants and the right of privacy of persons involved in criminal procedure on the other hand.

For the purpose of transparency and access to the information about work of the ministries on measures to improve the regulatory and business environment in the Republic of Slovenia, the Single document is publicly accessible to the media and the interested public. Regarding the implementation of measures contained in the Single document, the Ministry for Public Administration has established inter-ministerial working group in charge of regular monitoring of the state of implementation of their respective measures and, in case of changes in individual measures, also of reporting on these changes. As a result of the increased cooperation with the economic associations and citizens alike, the Single document is regularly updated with new measures. It also contains the publication of best practice cases and ex-post evaluations to improve the regulatory and business environment in the Republic of Slovenia, that are the result of cooperation between citizens, business entities and public administration bodies, via the Stop Bureaucracy portal.

### **37. Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse**

Acts against honour and reputation (defamation) are regulated by the Criminal Code (Articles 158 to 169 of KZ-1),<sup>44</sup> which deals with these acts separately (more strictly), if committed by the press, radio, television or other media or on websites. Prosecution for criminal offenses under Articles 158 to 162 and 166 of the Code begins with a private action (civil lawsuit).

<sup>41</sup> Public Information Access Act (Official Gazette of the Republic of Slovenia Nos. [51/06](#) – official consolidated text, [117/06](#) – ZDavP-2, [23/14](#), [50/14](#), [19/15](#) – Constitutional Court decision and [102/15](#) and [7/18](#)); Slovenian version: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3336>; English version can be found at: <http://www.pisrs.si/Pis.web/cm?idStrani=prevodi>.

<sup>42</sup> Decision of the Supreme court of RS, X Ips 4/2020 27 May 2020.

<sup>43</sup> Article 14 of Act Amending the Criminal Procedure Act (<https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2020-01-3630?sop=2020-01-3630>)

<sup>44</sup> Kazenski zakonik (Uradni list RS, št. 50/12 – uradno prečiščeno besedilo, 6/16 – popr., 54/15, 38/16, 27/17, 23/20 in 91/20)

The amendment to CC-1C introduced an important change in the field of disclosure of classified information in protection of the public interest and protection of freedom of expression (the right of the public to be informed) in case of disclosure of the classified information (Article 260 CC-1), namely: "Notwithstanding the provision of the second paragraph of this Article, anyone who publicly discloses, acquires, transmits or possesses classified information for the purpose of disclosure to the public shall not be punished if, depending on the circumstances of the case, the public interest prevails over the interest of keeping the information in question in secrecy. If the life of one or more persons is not directly endangered by the act."

In this way, the protection of publishers of classified information in the public interest is ensured. In practice, this will be predominantly journalists or the media and their assistants (members of the editorial board). The explanation reads as follows: "We believe that in times of increased sensitivity to the effective protection of freedom of expression in constitutional democracy, the Criminal Code should establish a "control mechanism" that directly discloses and indirectly prevents serious abuses of power or mass and secret violations of human rights and fundamental freedoms."

### ***Other – please specify***

A legal stalemate has recently occurred between the Government's Communications office (UKOM) and the Slovenian press agency (STA). Currently ad hoc funds are being transferred to STA without the Government having access to documentation which would allow it to assess how much the agency needs to run its public news service. The contract between the Government and STA was signed by the previous government of Prime Minister Marjan Šarec. It stipulates that STA is obligated to hand over all documentation, which would allow the Government to assess an adequate amount it allocates for the funding of the public service the agency provides. UKOM paid all instalments for 2020 and contacted the European Commission inquiring whether a permission for state aid was necessary.

As the 2020 contract was running out, UKOM had requested all business documentation from the STA in order to determine the sum to which 'suitable financing' would amount to in 2021. However, the long-time Director of the STA refused to provide UKOM with the requested documentation. The matter is still pending.

A new director general of RTV Slovenia was appointed, after the previous director general's term of office has expired. The previous director general ran a full term of office. The procedures for selecting a new director general have been initiated according to ZRTVS-1 after which the programming board voted for an appropriate candidate from a pool of three candidates. The candidate who won got a large majority of votes.

## **IV. Other institutional issues related to checks and balances**

### **A. The process for preparing and enacting laws**

#### ***38. Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), transparency and quality of the legislative process***

The Supreme State Prosecutor's Office reports that in general the Ministry of Justice has allowed State Prosecutor's Office to cooperate in the preparation of normative proposals with submitting initiatives, comments and participating in working groups as early as in the phase of drafting policy documents. There were instances of unrealistic time limits for making submissions. Final drafts sometimes included solutions that were previously not coordinated. While the Ministry of Justice reports the involvement of the judicial stakeholders in the field, legislation is always ensured.

The Advocate of the Principle of Equality points out the 2020 Rule of Law report country chapter for Slovenia (hereinafter: 2020 Slovenia ROL report) stating that the consultation period in the framework of the legislative process is often short and the position of the independent bodies is not always considered<sup>45</sup>. However, in 2020 some ministries have both provided the Advocate with their responses and also considered and implemented Advocate's recommendations. In two cases, ministries responsible for draft legislation have consulted the Advocate at their own initiatives.

A particular challenge for external stakeholders, including the Advocate, exists with regard to emergency legislation drafted and adopted in the context of the government's response to the economic and social impact of the COVID-19 epidemic.

---

<sup>45</sup> Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/DOC/?uri=CELEX:52020SC0323&from=EN>, at p.1.

This legislation is adopted through the emergency fast-track procedure, which does not include a public consultation phase. The Advocate has thus only been acquainted with such draft emergency legislation after it was published on the National Assembly's website, i.e. after being adopted by the government.

This means that the Advocate has a very limited time-frame to respond to emergency COVID-19 legislation which could potentially be discriminatory or fail to address certain vulnerable groups that have been particularly impacted by the epidemic or the measures to contain it.

Nonetheless, the Advocate regularly submitted to the National Assembly numerous and extensively reasoned recommendations on such legislation.<sup>46</sup> Some of the Advocate's recommendations have been considered.

The Ministry of Public Administration is in charge of the field of better regulation, which includes activities that are carried out at a horizontal level in the broader sense. Cooperation and communication between the state, people, businesses and the interested public is crucial for the development of society and values.

The ministry has been involved in an intensive cooperation with the inter-ministerial working group throughout the year on the implementation of measures contained in the [Single document](#) with the aim to reduce regulatory burdens and improve business environment. Coordinators are in charge of regular monitoring of the state of implementation of their respective measures and, in case of changes in individual measures, also of reporting on those changes. Interested public can regularly monitor the state of measure realization online. As a result of an increased cooperation with economic associations and citizens alike, the Single document is regularly updated with new measures. Best practice cases are also published resulting from cooperation between citizens, business entities and public administration bodies via the Stop Bureaucracy portal.

In order to increase the role of stakeholder participation in the regulation drafting process, training activities for regulation drafters were strengthened and improved. In 2019 and 2020, workshops were carried out in cooperation with CNVOS - Centre for Non-Governmental Organizations of Slovenia. So far, 8 training sets were conducted (amounting to approximately 120 participants) for public servants, with the specific emphasis on increasing the role of cooperation with different stakeholders in the process of regulation drafting. In the coming years, such training will continue. In 2021 and 2022, follow-up workshops will be organized for participants who have already participated in such trainings in the past, with the aim of further strengthening and encouraging cooperation with the interested public.

In July 2019, the Action Plan for Better Regulation was adopted by the Government of the Republic of Slovenia, with the aim to systematically improve regulation. It contains a set of measures that will significantly influence better preparation of regulation drafting. The intention is to increase the quality of regulation by: actively involving professional and interested public in the preparation phase, preparing impact assessments of regulations in different fields (social, IT, environment, finance), as well as carrying out ex-ante and ex-post evaluations of regulations, thus reducing the legislative burdens. The key result of the Action plan will be the setting-up of the *MOPED* system (modular IT system for e-documents).

### **39. 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)**

Within the framework of the Ministry of Public Administration, the implementation of the provisions of the [Resolution on Legislative Regulation](#) is regularly monitored. They note that the situation in the field of better legislation towards ensuring higher standards in public consultation, the publication of draft regulations at *E-democracy* portal and the adoption of most laws under the ordinary procedure has improved considerably. When analysing the period between 2017 and 2018, there was a positive trend towards a reduction in the adoption of laws under the necessary or shortened procedure and an increase in the adoption of laws under the ordinary procedure.<sup>47</sup>

It should be pointed out that the Secretariat-General of the Government of the Republic of Slovenia has instituted and consistently implemented the annual evaluation of laws that were adopted in accordance with the necessary procedures to achieve the stated objectives and the possibility of taking corrective action in the case of laws that failed to achieve the stated objectives.

---

<sup>46</sup> The Advocate's recommendation to COVID-19 legislation are available at: <http://www.zagovornik.si/priporocila-2020/> and <http://www.zagovornik.si/priporocila-2021-2/> (in Slovenian)

<sup>47</sup> In 2017, 128 laws were analysed, of which 19 were proposed by the urgency procedure (7 %), while in 2018 we analysed 55 draft laws, of which 7 (12 %) were proposed under the urgency procedure.

The competent services within the National Assembly report that in 2020, 31% of all laws were adopted by the regular procedure, 32% by the urgent procedure, 27% by the shortened legislative procedure, while 10% were laws ratifying international treaties.

#### **40. Regime for constitutional review of laws**

No changes in addition to the input provided under question 38 within the input for the first annual Rule of Law report questionnaire. Similar cases are also stated in the present input under questions 6 above and 41 below.

The Constitutional Court suspended a number of measures to fight pandemics but has not yet provided the final decisions despite the need to do so as a matter of priority.

In addition, the Advocate of the Principle of Equality states that pursuant to Article 39 of the Protection against discrimination act (PADA) if the Advocate assesses that a law or other regulation is discriminatory it can submit a request for constitutional review. The Advocate has direct access to the Constitutional Court on the basis of PADA and does not have to prove its legal interest to request constitutional review. In 2020, the Advocate exercised also this competence. The Advocate submitted to the Constitutional Court two requests for constitutional review of specific legislative acts.

#### **41. COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic):**

- **judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic,**
- **oversight by Parliament of emergency regimes and measures in the context of COVID19 pandemic,**
- **measures taken to ensure the continued activity of Parliament (including possible best practices)**

Numerous ordinances and orders were adopted in the period between March 2020 and February 2021, for the most part, on the basis of the Communicable Diseases Act (adopted in 1995; amendments up to 2021), which enforced temporary restrictions or prohibition of movement, public gatherings, use of certain services (certain business activities), public services (education, judiciary, administrative services), use of protective equipment, quarantine, public passenger transport services, etc. Certain from among these measures were also adopted on the basis of other acts (e.g. applicable Courts Act and intervention acts). The measures were usually adopted in the form of ordinances and orders, seldom in the form of decisions and acts. The measures in the form of ordinances, orders or decisions were usually adopted by the executive branch of power, most frequently by the Government of the Republic of Slovenia and rarely by individual ministers. The majority of measures were published in the Official Gazette of the Republic of Slovenia and those that were not, were assessed by the Constitutional Court from the viewpoint of constitutional provisions on the necessity of publication. On the basis of the statutory powers, measures were also adopted by municipalities, but only in the field of their jurisdiction.

Pursuant to the Courts Act, the President of the Supreme Court adopted a total of eight orders on special measures due to the COVID-19 epidemic. The first order was issued on 13 March 2020. Among other matters, it limited court operations to specific cases, suspended procedural deadlines, implementation of procedural actions and the serving of judicial documents in non-urgent matters.

On 29 March 2020, the National Assembly also suspended deadlines determined by law for exercising the rights of the parties in judicial proceedings by means of a special act and procedural deadlines, except in the court matters being discussed as urgent.

On 31 May 2020, the President of the Supreme Court revoked the applicable order and other measures determined on its grounds. Following the revocation of the epidemic, the courts operated to an unlimited extent in accordance with the applicable measures of the Government of the Republic of Slovenia and the recommendations of the National Institute of Public Health (NIJZ) for a transition to regular implementation of judicial, administrative and other public law matters during the coronavirus epidemic.

In cooperation with the Ministry of Justice, the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief provided protective equipment for the safe operations of the judiciary at the beginning of the first wave of the COVID-19 epidemic. Subsequently, the Supreme Court ordered protective equipment on its own initiative.

On 25 July 2020, the amended Courts Act was adopted, which consisted of:

- amendments to the business rules during summer operations of courts. Summer operations, which usually last one month, were shortened to 15 days in 2020;
- the authorisation to the President of the Supreme Court to order that individual matters determined by the act as urgent are not considered urgent in extraordinary circumstances or orders a different scope of operations for those matters, and that courts operate in an unlimited extent in all other or specific non-urgent matters;
- the authorisation to the Government to suspend the deadlines determined by law for exercising the rights of the parties in judicial proceedings at the proposal of the President of the Supreme Court if the operations of all courts are disabled and the enforcement of parties' rights is hindered due to an emergency.

Based on the amended Courts Act, a new order was adopted by the President of the Supreme Court on 19 October 2020, which limited the scope of court operations in a way that they were carried out in accordance with the restrictions arising from the expert recommendations of the NIJZ. On 13 November 2020, an order was adopted limiting the work of courts in such a way that procedural actions were not implemented in non-urgent matters, which inevitably require the physical presence of the parties or other participants in proceedings. Procedural deadlines in non-urgent matters were suspended.

At the proposal of the President of the Supreme Court, deadlines determined by law for exercising the rights of the parties in judicial proceedings were suspended by means of decisions of the Government of the Republic of Slovenia as of 20 November 2020.

On 1 February 2021, the courts commenced their operations in all matters, while consistently complying with all measures and recommendations in this field.

The Supreme Court proposed that judges and court staff be classified as so-called critical infrastructure, which would enable priority vaccination and childcare for judges and court staff in kindergartens and primary schools at the time when these institutions would not be open for all children.

The role of the Administrative Court of the Republic of Slovenia was significantly narrowed, e.g. deciding on the introduction of individual quarantine - the Administrative Court carried out full assessments.

The assessment regarding temporary measures determining the suspension of certain procedural deadlines within judicial proceedings (e.g. minor offences) is being carried out particularly by courts with general jurisdiction.

In line with its competences defined in Article 39 of PADA, the Advocate conducted several assessments of the discriminatory nature of legislative measures adopted, and submitted one request to the Constitutional Court for constitutional review (see also information provided under question 40 above). With regard to assessments of the discriminatory nature of other legislative acts, the Advocate assessed as discriminatory two legislative acts. Since the Advocate's assessment, however, one act is no longer in effect and the other has been adequately corrected. The Advocate also processed complaints regarding five other COVID-19 related legislative acts where the Advocate assessed they were not of discriminatory nature.<sup>48</sup>

In Slovenia, the epidemic of the communicable disease SARS-CoV-2 (COVID-19) was declared on 12 March 2020. In the first wave, the epidemic lasted until 31 May 2020 (Government Ordinance of 14 May 2020, Official Gazette of RS, No. 68/2020). On 18 October 2020, faced with the second wave of infections, the Government again declared an epidemic on the territory of the entire country (Official Gazette of the Republic of Slovenia, No. 146/2020). Ever since, the Government Ordinance has been extended three times: 18 November 2020 (Official Gazette of the Republic of Slovenia, No. 166/2020), 16 December 2020 (Official Gazette of the Republic of Slovenia, No. 190/2020), and 13 January 2021 (Official Gazette of the Republic of Slovenia, No. 5/2021).

All institutions had to adapt to the circumstances resulting from the declaration of the epidemic, including the National Assembly and the National Council that occupy the same parliamentary building.

By amending its Rules of Procedure (34<sup>th</sup> session, 7 April 2020) with new Articles 93a and 93b (PoDZ-1F), the National Assembly enabled remote participation at committee meetings and plenary sessions. The manner in which a

---

<sup>48</sup> The Advocate's assessments are available at: <http://www.zagovornik.si/ocene-diskriminatornosti-predpisov-2020/> (in Slovenian).

session/meeting is to be convened is decided by the Council of the President of the National Assembly with due account of the epidemiological situation. Following the amendments of the Rules of Procedure, also the National Assembly's conference and voting system was upgraded. The respective IT solution supports what is known as hybrid attendance, i.e. a part of the deputies physically present in the session hall and a part of them participating remotely from outside the seat of the National Assembly. The deputies who attend the session from a remote location are able to follow the session, join the debate, and directly participate in voting.

The National Assembly has been actively implementing a number of preventive measures to curb the spread and mitigate the consequences of the epidemic with the aim of ensuring a smooth operation of the National Assembly (restricted access to external visitors, measuring body temperature, providing the relevant information to employees, wearing protective face masks indoors, maintaining social distance (1.5 meters), regularly airing the premises, etc.). TV broadcasting and webcasting of all plenary sessions and committee meetings has been provided. The employees have been teleworking (including work from home), and the use of Cisco WebEX videoconferencing technology has become widespread.

In 2020, the National Assembly adopted 23 laws, 47 laws amending other laws, 7 laws ratifying international treaties, and 1 act of notification, i.e. 78 laws altogether. Moreover, the National Assembly adopted 104 other acts (decrees, resolutions, official consolidated texts of laws, resolutions, budgetary acts, and recommendations). A total of 1,857 parliamentary questions and motions were presented. The National Assembly was referred 28 cases from the Constitutional Court. Every citizen has the right to file petitions and other initiatives of general interest. Petitions are dealt with by the Commission for Petitions, Human Rights and Equal Opportunities. In 2020, the Commission received 133 submissions. In the second half of 2020, two commissions of inquiry related to the epidemic of the communicable disease SARS-CoV-2 (COVID-19) were set up.

Table: **Data on plenary sessions in 2020 compared to 2019**

<b>PLENARY SESSIONS</b>	<b>2019</b>	<b>2020</b>
No. of regular sessions	11	7
No. of extraordinary sessions	12	26
No. of agenda items at regular and extraordinary sessions	217	190
Duration of regular and extraordinary sessions	62 days	65 days

## **B. Independent authorities**

### ***42. Independence, capacity and powers of national human rights institutions (NHRIs), of ombudsman (incl. their publication and rules on collection of relevant data) and judicial review (incl. scope, suspensive effect).***

**The Human Rights Ombudsman of the Republic of Slovenia has on 26 January 2021 formally become an “A Status” institution**, which means that it functions in compliance with the 1993 Paris Principles, which relate to the status and functioning of national human rights institutions. The Ombudsman previously participated in the accreditation process in 2000 and 2010, obtaining “B” status accreditation both times, which meant that it was only partially compliant with the Paris Principles. The Ombudsman has worked intensively towards acquiring the “A” status since 2015. The awarded status is a sign for Slovenia to respect the Ombudsman as an independent national human rights institution and to further strengthen its commitments to human rights. At the same time, for the Ombudsman, the newly acquired status is principally a great acknowledgement and recognition of the work done so far and will also enable its full participation in various meetings within the United Nations and at the regional level, as well as in the bodies of the Global Alliance of National Human Rights Institutions (GANHRI) and the European Network of National Human Rights Institutions (ENNHRI), where it was granted voting rights.<sup>49</sup>

**The GANHRI Sub-Committee on Accreditations, however, recommends** a proper formalization and application of an appointment process of deputies as well as some other improvements in legislation.<sup>50</sup> In addition, **the Venice Principles**

<sup>49</sup> See: The Ombudsman Of the Republic of Slovenia With the Paris Principles' Highest Status; available at: <https://www.varuh-rs.si/en/news/news/hro-slovenia-with-the-paris-principles-highest-status/>

<sup>50</sup> See: Global Alliance of National Human Rights Institutions (GANHRI), Report and Recommendation of the Virtual Session of the Sub-Committee on Accreditation (SCA), 7-18 December 2020, pp. 22-24.



of the Protection and Promotion of the Ombudsman Institutions give several recommendations of the highest standards of functioning of ombuds institutions,<sup>51</sup> which would also require legislative changes.

**Regarding the important case law adopted:** the Constitutional Court of the Republic of Slovenia adopted its Decision No U-I-474/18-17 of 10 December 2020<sup>52</sup> on the annulment of Article 20, second paragraph of Article 40, first paragraph of Article 103 in connection to first and second paragraph of Article 103 of the Public Finance Act, insofar as they relate to the National Council, the Constitutional Court, the Ombudsman and the Court of Audit, on the ruling that the first paragraph of Article 95 of the Public Finance Act insofar as they relate to the National Council, the Constitutional Court, the Ombudsman and the Court of Audit in inconsistent with the Constitution and on the ruling that the fifth point of the first paragraph of Article 3 as well as the first and the third to seventh paragraph of Article 40 of the Public Finance Act are not inconsistent with the Constitution. This decision emphasised the financial autonomy and independence of four independent institutions, established by the Constitution, i.e. the National Council, the Constitutional Court, the Human Rights Ombudsman and the Court of Audit. The deadline for the implementation of the decision is 23 December 2021. The government and the legislator are now required to ensure funds for these institutions without having much influence on their amount. Such solution alters the present system of "checks and balances" within the division of powers.

The Advocate of the Principle of Equality points out that the 2020 Slovenia ROL report<sup>53</sup> correctly summarizes the key characteristics, competences and statutory tasks performed by the Advocate as an independent state authority in accordance with PADA. The government has approved the Advocate's proposal for financial plans in 2021 and 2022. With such budget proposal, the government has enabled the Equality Body to strengthen its capacity both in terms of staff as well as its programmes.

With regard to the Advocate's funding in relation to its independence and effectiveness, the National Assembly adopted amendments to the state budget for 2021 and the state budget for 2022 in accordance with the Advocate's and government's proposals on 18 November 2020. State budgets for 2021 and 2020 therefore represent a 28% increase in the funding of the national Equality body compared to the year 2020 and is considered by the Advocate as an adequate budget also in relation to the European Commission recommendations on Standards for Equality bodies, 2018/951, from June 2018.

### **C. Accessibility and judicial review of administrative decisions**

#### ***43. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect).***

Administrative decisions are also subject to "assessment" by the lay and expert public who can, on the basis of the Public Information Access Act, demand certain documents, thereby ensuring the transparency of the state authorities' operations. Judicial supervision of the correctness of the administrative authority's assessment on whether a certain document would be handed over is implemented by the Administrative Court.

The publication of inspection administrative decisions is the responsibility of individual bodies. They are published by some authorities (not all) on their websites, with the personal data being anonymized in accordance with the protection of personal data.

#### ***44. Implementation by the public administration and State institutions of final court decisions).***

In relation to the question, on 16 of February 2021, the National Assembly passed legislation that redraws the boundaries of multiple electoral districts in compliance with a 2018 Constitutional Court decision ([U-I-32/15-5](#)). Constitutional court decided that the constituencies and that the electoral districts as defined in article 4 of Act Establishing Constituencies for the Election of Deputies to the National Assembly do not fulfil criteria from article 20 of National Assembly Elections Act. Since the adoption of the law until now the differences between electoral districts and constituencies in terms of meeting

---

<sup>51</sup> **Principles on the Protection and Promotion of the Ombudsman Institution ("The Venice Principles"), adopted at the Venice Commission at its 118<sup>th</sup> Plenary Session (Venice, 15-16 Marc 2019), endorsed by the Committee of Ministers oot the 1345<sup>th</sup> Meeting of the Ministers' Deputies (Strasbourg, 2 May 2019**

<sup>52</sup> **Official Gazette of the Republic of Slovenia, No. 195/2020 of 23 December 2020.**

<sup>53</sup> Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/DOC/?uri=CELEX:52020SC0323&from=EN>, at p. 15.

the legal criteria have increased. The principle "one voter, one vote" system was effectively undermined. Electoral districts were no longer formed in such a way that each has approximately equal number of inhabitants, covering the area of one or more municipalities, and geographical, common cultural and other characteristics were also not taken into consideration, which is now accordingly ensured in the adopted law. "

There are no changes regarding other non-implemented decisions of the Constitutional Court.

## **D. The enabling framework for civil society**

### **45. Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)**

Slovenia is considered as having an open and extensive civil society, with relatively high levels of volunteering. More than 28.000 non-governmental organisations are registered in Slovenia. The main types of non-profit organisations (NGOs) in Slovenia are associations, institutes, and foundations. An association is an independent, voluntary, and non-profit legal person created by three or more natural or legal persons for the purpose of pursuing their joint interests. A private institute is a legal person, established by one or more natural or legal persons for non-profit activities. These interests and activities can cover in any area, such as education, science, culture, sports, health, social protection etc. Institutes and associations can perform lucrative activities but cannot constitute them as their main purpose and must spend allocated financial resources in accordance with its intended activities.

In 2018, Slovenia adopted the Non-governmental Organizations Act. The Act introduces a uniform definition of NGOs, defines the conditions an organization must fulfil to be considered an NGO, introduces the status of NGO acting in public interests and establishes a single and up-to-date record of non-governmental organisations acting in public interest.

The state finances NGO projects and programmes in areas where it considers that NGOs could implement public policies and provide services to citizens. Financing flows mostly through public tenders and public calls. NGOs, based in Slovenia, have access to different mechanisms of public funding:

- through calls for proposals, issued by the ministries/agencies or municipalities means for funding are allocated either in the national budget or through European structural funds,
- through calls for projects issued by the Foundation for Funding Disability and Humanitarian Organizations of Slovenia and Slovenian Foundation for Sport, which are funded through taxation of the winnings of the conventional games of chance.

To be eligible for these funds NGOs must fulfil the criteria set by the legislation and the fund provider. For accessing funds of the Foundation for Funding Disability and Humanitarian Organizations of Slovenia the applicant NGO must have acquired the status of a humanitarian organization or organization for the disabled, which is awarded by the Ministry of Health or the Ministry of Labour, the Family, Social Affairs and Equal Opportunities.

The government is implementing the Strategy on Development of NGOs and Volunteering, adopted in 2018. The Strategy also foresees measures for strengthening the role of NGOs in design and implementation of public policies and boosting transparency, integrity, and responsibility of NGOs.

## **E. Initiatives to foster a rule of law culture**

### **46. 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, etc.) Other – please specify**

The National Assembly is aware of the importance of the rule of law as the foundation of the democratic functioning of the state and society. While observing the principle of the separation of powers and the system of checks and balances, as the key holder of legislative power the National Assembly fully respects the role of the executive, the judiciary, and the competent state bodies.

As part of its legislative function, in 2020 the National Assembly adopted several laws that contribute to the strengthening of the rule of law. Worth mentioning in this regard is the amendment to the Integrity and Prevention of Corruption Act which, in accordance with the recommendations of the EU institutions and the international organisations, enhanced the

preventive and supervisory function of the Commission for the Prevention of Corruption. Among other things, the amendment clearly set out the rules governing the procedures conducted by the Commission and defined the legal basis for the operation of the Commission's online tool for ensuring the transparency of public spending (*ERAR*).

Furthermore, the National Assembly allocates additional funds from the state budget for better functioning of judicial bodies, both in terms of personnel and premises, and for the further development of digitalisation within the judiciary.

As part of its supervisory function, the National Assembly established several commissions of inquiry to determine the responsibility of holders of public office (there are currently six commissions of inquiry operating in the National Assembly, two of which were appointed in 2020). The National Assembly promotes the rule of law also by discussing the Ombudsman's annual reports and the recommendations for the operation of other state bodies adopted by the National Assembly in such regard. Other state bodies – courts, state prosecutor's offices, Police, Commission for the Prevention of Corruption, Advocate of the Principle of Equality – annually report to the National Assembly. At each regular session, deputies pose oral and written questions to the Prime Minister and Members of the Government relating to issues within the competence of the Government (also regarding the rule of law).

In the framework of the Conference of European Affairs Committees (COSAC), the Chair of the Committee on the EU Affairs regularly attends meetings with Commissioners and other senior officials of the European Commission, which also touch upon the rule of law issues, such as in a virtual meeting with EC Vice-President Jourova and European Commissioner Reynders (29 October 2020), and a virtual meeting with Commission's Vice-President Jourova (28 January 2021).

In a video conference between the members of the Committee on Justice and Committee on the EU Affairs with European Commissioner Reynders (11 February 2021), the Commissioner presented the first annual report on the rule of law in the EU (published in September 2020). Upon the country visit of the Director of the EU Agency for Fundamental Rights (FRA) scheduled for March 2021, he will exchange views with ministers and state secretaries of many line ministries, as well as with the joint delegation of the Committee on Justice and Committee on the EU Affairs of the National Assembly.

In the draft Presidency programme priorities, Slovenia as the incoming Presidency to the Council of the EU, identifies the Union founded on the rule of law. In this context, Slovenia will continue its active engagement in the strengthening of the rule of law also through the annual Rule of Law dialogue to be held during the Presidency in two GAC discussions, a general and a country specific one. Furthermore, various international events and activities are planned in relation to the rule of law and different aspects of fundamental rights.