



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: SLOVENIA

Contact Name: JANKO MARINKO, Secretary general, Supreme Court of Slovenia

I. General information

1. Number of inhabitants

Number: 1.964.036

Year of reference: 2002

Source: Statistical Office of the Republic of Slovenia (SORS)

2. Total annual State/regional public budget

Budget: 6.037 mio EUR
6.423 mio EUR

Year of reference: 2002
2003

Source: Draft Financial Statement of the Central Government Budget 2002 and 2003

3. Average gross annual salary

Salary: 235.436 SIT (1065 EUR)

Year of reference: 2002

Source: SORS

II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

There are two "systems" of providing legal aid in Slovenia: a) system governed by Free Legal Aid Act (from September 2001 - FLAA), which covers all legal fields and b) system governed by Criminal Procedure Act (from 1995 – CPA), which covers criminal procedures only. Since the extent of legal aid under FLAA is still developing, the numbers are given for three years to show the increase. It is expected that the figures of legal aid cases and budget spent on legal aid will

continue to grow. While the numbers on legal aid under FLAA are available, numbers on legal aid under CPA are not.

4. Annual public budget spent on legal aid **NA**

Annual budget:

Source :

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases **NA**

Annual budget:

Year :

Source :

- annual public budget spent on legal aid in other court cases

Annual budget:	150.393 SIT	709 EUR	Year :2001
	31.081.120 SIT	140.639 EUR	2002
	88.803.419 SIT	386.102 EUR	2003

Source : Free Legal Aid Annual Report, Supreme Court

6. Total number of legal aid cases (in a year) **NA**

Number of cases:

Year :

Source :

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases:

NA

Year :

Source :

- the total number of legal aid cases in other court cases (in a year)

Number of cases:	520	Year : 2001
	2.973	2002
	6.060	2003

Source : Free Legal Aid Annual Report, Supreme Court

8. Does your country have an income and asset test for granting legal aid?

Yes / No: **Y**

9. If yes, what is the maximum income level for granting legal aid?

Income level:

Those entitled to free legal aid are persons who with respect to their financial position and the financial position of their family would not be able to cover the costs of a legal procedure without damaging their own financial situation and that of their family. The financial position of an applicant is determined taking into account his or her income and the income of his or her family, and the property owned by the applicant and his or her family. An applicant is not eligible for free legal aid if the applicant or his or her family owns property to the value of 20 minimum monthly wages (the minimum wage for January 2002 was 94,675.00 SIT, which is 421.00 Euro.) According to law, the following does not count as property: the applicant's residence which is deemed appropriate by law (in line with the provisions of the Housing Act and the Civil Tax Act, an appropriate residence is that which covers 160 m² of living area), objects which according to the regulations on execution and insurance are excluded from execution, a car up to the value of 18 minimum wages and assets giving an income which is, in line with the law, taken into account in determining the applicant's income).

10. Is it possible to refuse legal aid for lack of the merit of the case?
(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: **Y**

If yes, is the decision taken by : - the court **Y**
 - a body external to the court
(please indicate the right answer) - a mixed decision-making body (court and external)
 - other:

What factors are taken into account ?

Factors:

- the case is obviously without merit
- vexatious action
- the case law is clear and the claim is obviously in contradiction with it
- the claim is in contradiction with principles of law and moral rules

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: **Y**

If yes, is this true for : - criminal cases? Yes / No **N**
 - other than criminal cases? Yes / No **Y**

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: **Y**

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise: **Y**

If yes, is this true for : - criminal cases ? Yes / No **Y**
 - other than criminal cases? Yes / No **Y**

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / No **N**
 - the State? Yes / No **N**

If yes, please indicate the references of these studies published in the year 2002 or 2003:
(Author / instance) (Title) (Type of courts or costs reported on):

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? Yes / No **Y**
internet address:

http://www.dz-rs.si/si/aktualno/spremljanje_zakonodaje/sprejeti_zakoni/sprejeti_zakoni.html

- to the case-law of the higher court/s? Yes / No **Y**
internet address: <http://www.sodisce.si>

- to other documents (for examples legal forms)? Yes / No **Y**
internet address: <http://www.sodisce.si>

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / No **N**

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No **Y**

Comments: From the 1 May 2004.

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / No **N**

Comments: Although prescribed in Art. 162 of the Criminal Procedure Act, the fund is not operative yet.

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary? Yes / No **Y**

If yes, are these surveys

- at national level Yes / No **Y**

- at court level Yes / No **N**

(in the national survey of public trust in the different institutions only one question relates to the courts)

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / No **Y**

Please specify:

- at court level/internal procedure Yes / No **Y**

- at court level/external procedure Yes / No **Y**

- at national level/internal procedure Yes / No **Y**

- at national level/external procedure Yes / No **Y**

Comments:

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes / No **N**

- time limit for dealing with the complaint: Yes / No **N**

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts: 66

23. Number of general jurisdiction first instance courts

Number of courts: 55

24. Number of specialised first instance courts

Please specify the different areas of specialisation

(area of specialisation)	(number of courts)
Labour and social disputes courts	4
Administrative court	1

25. Number of professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges:	774	fte	Year :	2002 (as of 31.12.)
	772			2003 (as of 31.12.)

Source : Judicial Statistics (JS), Ministry of Justice

26. Number of non-professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges: / fte Year :

Source :

Please give details:

27. Number of non-judge administrative staff who are working in courts

(present the information in full time equivalent and for permanent posts)

Number of staff:	2171	fte	Year :	2002
	2201			2003

Source : JS

28. Annual budget allocated to all courts

Annual budget:	101 mio EUR	Year of reference:	2002
Annual budget:	106 mio EUR	Year of reference:	2003

Source: Draft Financial Statement of the Central Government Budget 2002 and 2003

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget of the MOJ: 34.722.950 EUR (8.790.624 EUR) Year : 2002

The first number represents the whole budget of the MOJ. The second is the budget of the MOJ after subtraction of parts which are clearly not for the functioning of the judiciary. When only the financing of the capital investment is taken into observation, the budget for the judiciary is about 4.524.887 EUR.

Annual budget of the Judicial Council: 64.226 EUR Year : 2002

Source : Official Gazette no. 64/2002

30. Has the budget for justice increased during the last 5 years? Yes / No **Y**
What are the figures?

Budget: 76 mio EUR Year of reference: 1999
Source: Official Gazette no. 65/2002 – Financial Statement of the Budget 1999

Budget: 88 mio EUR Year of reference: 2000
Source: Official Gazette no. 25/2003 – Financial Statement of the Budget 2000

Budget: 96 mio EUR Year of reference: 2001
Source: Official Gazette no. 53/2003 – Financial Statement of the Budget 2001

Budget: 101 mio EUR Year of reference: 2002
Source: The National Assembly Reporter no. 80/2003 – Draft Financial Statement of the Budget 2002

Budget: 106 mio EUR Year of reference: 2003
Source: Ministry of finance – Draft Financial Statement of the Budget 2003

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / No **N**
- the Government Yes / No **Y**
- the Parliament Yes / No **Y**
- the Judicial Council Yes / No **N** (gives an opinion on the governmental proposition)
- the Courts Yes / No **Y**
- other:

32. Who manages the budget of the courts?

- the President of the Court Yes / No **Y**

- the person administratively responsible for the court Yes / No
- other:

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: the court **Y** / public prosecutor / lawyer / other:
- in other than criminal cases the court **Y** / public prosecutor / lawyer / other:

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases (**data are per person, not per case!**): 31.399 (adults), 3.855 (juvenils) (+ 43.369 unknown perpetrator) Year : 2002

Source : Annual Report 2002, State Prosecution Office (AR 02)

35. Total number of criminal cases (**data are per person, not per case!**) dropped by the public prosecutor (in a year)

Number of cases: 29% of known perpetrators Year : 2002

Source : Annual Report 2002, State Prosecution Office (AR 02)

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: 43.369 Year : 2002

Source : Annual Report 2002, State Prosecution Office (AR 02)

36. Total number of criminal cases (**data are per person, not per case!**) which are concluded by asanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: 2001 (adults) (these are included in the number of all dropped charges)

Year : 2002

Source : AR 02

37. Total number of criminal cases (**data are per person, not per case!**) charged by the public prosecutor before the courts (in a year)

Number of cases: 14.484 Year : 2002

Source : AR 02

38. Total number of incoming criminal cases (**data are per person, not per case!**) in the courts involving robbery cases (in a year)

Number of cases: 131 (robbery + theft immediately followed by violence) (Bag-snatching: NA)

Year : 2002

Source : AR 02

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases(**data are per person, not per case!**):

116 (robbery) 12 (theft immediately followed by violence) (Bag-snatching: NA)

Year : 2002

Source : Crime 2002 (Co2), Statistical Office of the Republic of Slovenia

Please indicate, if possible:

Number of convicted persons: 62 (robbery), 12 (theft immediately followed by violence)

% of convicted persons:

Number of acquitted persons: 44 (robbery), 0 (theft immediately followed by violence)

% of acquitted persons:

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)
NA

Percentage of decisions: Year :

Source :

41. Total number of incoming criminal cases (**data are per person, not per case!**) in the courts, involving intentional homicide (in a year)

Number of cases: 58 Year : 2002

Source : AR 02

42. Total number of judicial decisions (**data are per person, not per case!**), involving intentional homicide (in a year)

Number of decisions: 31

Year : 2002

Source : C 02

Please indicate also if possible:

Number of convicted persons: 26

% of convicted persons:

Number of acquitted persons: 5

% of acquitted persons:

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year) **NA**

Percentage of decisions:

Year :

Source :

44. Total number of incoming civil and administrative cases in the courts (in a year)

Most information is available for year 2003 only!

Number of cases:	32.208 (civil+commercial)	5.809 (administrative)	Year : 2002
	33.896 (civil+commercial)	6.960 (administrative)	Year : 2003

Source : JS 02 and 03

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of cases:	42.295 (civil+commercial)	6.344 (administrative)	Year : 2002
	36.186 (civil+commercial)	6.676 (administrative)	Year : 2003

Source : JS 02 and 03

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: 28,7 (civil only), administrative NA Year : 2003

Source : SC

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: 3025 Year : 2003

Source : JS 03

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: 2920

Year : 2003

Source : SC

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: 6,1%

Year : 2003

Source : SC

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: 135

Year : 2003

Source : SC

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: 1485

Year : 2003

Source : SC

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: 37%

Year : 2003

Source : SC

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: 1.852.145 EUR + 899.910 EUR

Year : 2002

While the first number is the IT budget in a narrow sense, the second is the budget for the project of informatization of land registry, which is closely connected with the IT but ends in fy 2004.

Source : Official Gazette no. 64/2002, Financial Statement of the Budget

54. In general, do the courts in your country have computer facilities?

- for judges Yes / No **Y**

- for non-judges court staff Yes / No **Y**

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary? Yes / No **Y**

If yes, please specify the name and the address of this institution

(Name) Ministry of Justice (Address) Župančičeva 3, 1000 Ljubljana

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone Yes / No **Y**

- Mail Yes / No **Y**

- Fax Yes / No **Y**

- E-mail Yes / No **Y**

- Internet Yes / No **Y**

57. Is there an electronic form to carry out certain procedural steps? Yes / No **Y**

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: 100% Year : 2002

Source : Criminal Procedure Act

59. Is there a right to an interpreter for all those within your jurisdiction if the

persons cannot understand or speak the language used in court? Yes / No **Y**

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No **Y**

61. Are reasons given for all prison sentences? Yes / No **Y**

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment **NA**

Average length: days Year :
Source :

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment **NA**

Average length: days Year :
Source :

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: 178,5 days Year : 2003

Source : SC

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment **NA**

Average length: days Year :
Source :

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: 440,6 days Year : 2003

Source : SC

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment **NA**

Recruited by Judicial Council, elected by National Assembly.

(if yes), who are represented in this institution (**Judicial Council**):

- the members of the judiciary Yes / No
- officials not part of the judiciary Yes / No
- a mixture of the two categories referred to above Yes / No **Y**

Is the process of selection and nomination of judges carried out according to pre-established procedures ? Yes / No **Y**

74. Is there a system of induction and continuation training for judges?

No / Yes, but not compulsory **Y** / Yes, compulsory

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: 100% (4-5 days) Year : 2002

Source : SC

75. Is there a system of supervision and control on the courts - other than through appeal ? Yes / No **Y**

If yes, please specify:

76. Is there in your country a system of temporary judges? Yes / No **N**

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify:

77. Annual number of disciplinary proceedings against judges

Number of proceedings:	3	Year : 2001
	0	2002
	3	2003

Source : Disciplinary Court of First Instance, SC

78. Annual number of sanctions against judges

Number of sanctions: None of this proceedings ended by a sanction, but in 3 cases the judicial tenure ended in some other way (e.g. decision of the Judicial Council) Year :

Source : Disciplinary Court of First Instance, SC

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: 14.731.946 EUR

Year : 2002

Source : Draft Financial Statement of the Central Government Budget 2002

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: 163

Year : 2002

Source : AR 02

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary : 25656 EUR

Year : 2004

Source : SPO

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : 46440 EUR

Year : 2004

Source : SPO

83. Can public prosecutors combine their work with other professions? Yes / No **Y**

If yes, please specify:

84. Are public prosecutors recruited and nominated by an independent institution? Yes / No

Recruited **Y**

Nominated **N** (Government)

(If yes), who are represented in this institution:

- the public prosecutors ? Yes / No **Y**

- other stakeholders outside? Yes / No

- a mixture of the two categories referred to above? Yes / No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes / No **Y**

85. Is there a system of induction and continuation training for public prosecutors?

No / Yes, but not compulsory **Y** / Yes, but compulsory

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: 100% (4-5 days/year) Year :

Source : SPO

86. Is there a system of supervision and control on public prosecutors? Yes / No **Y**

If yes, please specify:

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: 0 Year : 2003

Source : SPO

88. Annual number of sanctions against public prosecutors

Number of sanctions: 0 Year : 2003

Source : SPO

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: 914 Year : 2002
947 2003

Source : The Bar Association of Slovenia (OZS)

90. Is there a national bar association? Yes / No **Y**

91. Have quality standards been formulated for lawyers? Yes / No **Y**

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No **Y**

- the legislature Yes / No

- other Yes / No

92. Can disciplinary proceedings be instituted against lawyers? Yes / No **Y**

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: 43+13 Year : 01.03.2003 – 01.03.2004

Source : OZS's Disciplinary Commission Report 2004

94. Annual number of sanctions against lawyers

Number of sanctions: 9+6 Year : 01.03.2003 – 01.03.2004

Source : OZS's Disciplinary Commission Report 2004

95. Is it possible to complain about the performance of lawyers? Yes / No **Y**

If yes, please specify:

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: There's no cap fee.

Year :

Source : SC

IX. Mediators and mediation proceedings

Court annexed mediation in civil matters has just started in 2002 so data are for 1 court only. Substantial growth is expected in next years. In the field of criminal law there are two different procedures of pre-trial settlements. The figures given in this paper are for both.

97. Number of accredited or registered mediators

Number of mediators: 22 persons

Year : 2002

Source : District Court in Ljubljana

98. How much public budget is devoted to mediation?

Amount: 2.242.612 SIT or 0,14 % of all material expenses of the District Court in Ljubljana

Year : 2002

Source : District Court in Ljubljana

99. Number of incoming mediation cases (in a year)

Number of cases:

Year : 2002

Classical civil cases: 269

Family cases: 44

Together: 313

Source : Source : District Court in Ljubljana

100. Number of cases solved through mediation (in a year)

Number of cases:

Year : 2002

Classical civil cases: 104

Family cases: 14

Together: 118

Source : District Court in Ljubljana

If possible, please specify:

- number of criminal cases solved through mediation: 1520 (year 2002)

- number of cases other than criminal solved through mediation:

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No Y

- in other than criminal cases? Yes / No Y

Year :

Source :

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases: **N**
(Type) (Number) (Year) (Source)

- in other than criminal cases: **Y**

At present, the number of enforcement agents is 48.

Service of an enforcement agent is public service, defined by law. Enforcement agents are appointed by Minister of Justice and they execute their service as independent private activity.

103. Is there an institution to supervise or control the activities of enforcement agents?
Yes / No **Y**

If yes, please specify:

Control of enforcement agents is executed by Chamber of enforcement agents, District and County Courts and by Ministry of Justice.

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: 0 Year : 2003

None until now; however, several proposals have been given Ministry of Justice to begin disciplinary proceedings, but they were not justified.

Source : MOJ

105. Annual number of sanctioned enforcements agents

Number of agents: 0 Year : 2003

Source : MOJ

106. Is it possible to file a complaint against an enforcement agent? Yes / No **Y**

If yes, please specify:

Anybody who thinks that the enforcement agent has affected his rights, especially a party in an execution procedure, can file a complaint against enforcement agent to the Ministry of Justice. If the Ministry ascertains that the violation of rights could be a basis for starting of disciplinary proceedings against enforcement agent, such proceeding is introduced.

Besides, a Law upon execution defines that Chamber of enforcement agents, presidents of County, District and High Courts, as well as parties to the execution procedure, can propose introducing of disciplinary proceedings against enforcement agent. Minister of Justice introduces disciplinary proceeding upon proposal of above stated persons or by virtue of office.

107. Does the court play a role in the execution of court decisions? Yes / No **Y**

If yes, please specify:

The court allows the introduction of the execution proceeding by a conclusion upon proposal of the creditor.

108. Are the courts competent to decide against public authorities? Yes / No **Y**

Are the courts involved in executing decisions against public authorities? Yes / No **Y**