



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Slovenia

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

#### 1) Number of inhabitants (if possible on 1 January 2011)

2 050 189

#### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	9 874 155 345
Regional / federal entity level (total for all regions / federal entities)	NA

#### 3) Per capita GDP (in €)

17 286

#### 4) Average gross annual salary (in €)

17 939

#### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

#### A.1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

1., 3. and 4. - Statistical Office of the Republic of Slovenia, Slovenia in figures 2010 and Slovenia in figures 2011

2. - Ministry of Finance, Draft final account of the budget for 2010

1. The number of inhabitants is valid for the date 1.1.2011.

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

#### 6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	178 158 919
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	126 167 405
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	4 074 203
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	37 976 296
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	7 634 034
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	1 077 240
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1 229 741

7. Other (please specify):

NAP

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

The Courts Act prescribes:

"The scope of the finances for the wages of the judges and the court personnel, as well as for the costs of the activities of the courts in the framework of the state budget of the Republic of Slovenia, based on the financial plans of the individual courts are provided in the budget user Supreme Court of the Republic of Slovenia for all courts" and "In the framework of the state budget of the Republic of Slovenia, the scope of the finances for the equipment of the courts and provision of spatial conditions for the courts, excluding the finances for wages, is formed and provided in the ministry responsible for justice, while for the computerisation of the courts in the Supreme Court of the Republic of Slovenia."

Besides the above-cited amount there's also a part of the Ministry of Justice budget dedicated to the investments and the rentals in justice sector (courts, prosecution, state attorneys), but there's no data available as to the share dedicated to the courts. The courts, in their financial plans, include only so called "small" investments, which are the investments that are not included in the Ministry of Justice plan and cannot exceed a certain value.

As already mentioned, there is one exception: the computerisation of the judiciary is in the authority of the Supreme Court which means, that investments in hardware are included in the financial plan of the latter.

This means that the cited amount includes only the finances for the functioning and the informatization of the courts. On the other hand, it does not include the budget dedicated to the investments and the rentals in justice sector and the resources that are provided for education of judges and court staff by the Ministry of Justice to its Judicial Training Centre. The Judicial Training Centre, part of the Ministry of Justice, spent 238893 in 2010 for the education of judges, court staff, prosecutors and state attorneys.

The resources in the cited amount (budget allocated to all courts) do not cover other organs of the judiciary (the Judicial Council, the Ministry of Justice, State Prosecutor's Offices, State Attorney's Office, prisons, etc.).

The annual public budget allocated to investments in new (court) buildings (1077240 EUR – the investments in the new court palace that is planned in Ljubljana) is not part of the budget allocated to the Supreme Court (which is 177081679 EUR), but of the budget of the Ministry of Justice. However, it is included in the total amount under question 6, since the table explicitly lists the category of investments in new court buildings.

**8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

for criminal cases?

for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Art. 11 of the Courts Fees Act allows the court to decide on the exemption from payment in certain cases:

The court shall exempt from payment of court fees a party, if such payment would significantly affect the funds needed for the maintenance of the party or his/her family members.

The Labour and Social Courts Act specifies that in collective labour disputes and social disputes no court tax is required.

**9) Annual income of court taxes or fees received by the State (in €)**

50 858 000

**10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)**

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NA

263 000 000

**11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

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Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	NAP

**Comment :**

The answer given for the categories 'Probation services' and 'Judicial protection of juveniles' is 'Yes'. However, it has to be stated that 'Judicial protection of juveniles' does not mean special services for juveniles (like education, housing, etc.). The budget of the justice system covers criminal procedures against juveniles, but not other (social) expenditures. Similarly, the category 'Probation services' involves the work of probation commissions at the Ministry of Justice, but not other possible expenses.

On the other hand the category 'Refugees and asylum seekers services' forms part of the budget of the Ministry of Interior.

**12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	5 834 338	NA	NA

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.**

Amount 19 263 376

**Comment :**

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	Yes	No	No	No
Parliament	No	Yes	No	No
Supreme Court	Yes	No	Yes	Yes
Judicial Council	No	No	No	No
Courts	Yes	No	No	Yes
Inspection body	No	No	No	No
Other	No	No	No	Yes

**15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

The legal basis for the procedure for adoption of the budget are the Public Finance Act and the Regulation for the Bases and Procedures for the Preparation of the Proposal State Budget.

The establishing of the budget may be shown through an eight step scheme:

- Establishing of a macroeconomic framework
- Specifying of the development priorities and tasks of the Government
- Setting up of a framework cross section of the budget in accordance with the program and the plans
- Budgetary Manual of the Ministry of Finance
- Preparing of detailed financial plans of direct budget users

- Negotiations with the Ministry of Finance
- Governmental proposal of the state budget
- Discussion and adoption of the budget and the Law on Execution of the Budget, within Parliament.

The Supreme Court as the entity proposing the financial plans of all the courts has a specific role in this process. Although the Courts Act provides that "the volume of financial resources for the salaries of judges and judicial personnel, and for the operation costs of courts, shall be provided within the framework of the state budget of the Republic of Slovenia for all courts on the basis of financial plans of individual courts at the budget user, the Supreme Court of the Republic of Slovenia", the Supreme Court has limited access to the first four phases, which are crucial. Once the priorities are set, it is impossible to reach important changes in the volume of financial resources during budget negotiations. During these four phases it is only the Ministry of Justice that can influence the decisions of the Government, but it has not sufficient knowledge of the needs of the courts, the Supreme Court has some influence only by informal ways.

The Supreme Court enters the process between the fourth and fifth phase. It proposes a cross section of the budget quota specified by the Government of RS, regarding the judiciary for the following two years.

The budget quotas are determined on the level of individual courts, whereby in addition to the initial rules determined by the budget manual, the following criteria are also taken into consideration:

- level of the financial plan of the user for the current year;
- semester realization of the financial plan of the user in the current year.

The Supreme Court also prepares internal manuals for the users as well as internal forms for budgetary items, which may reflect any additional needs for funds along with a short explanation, which is used as a basis for subsequent negotiations with the Ministry of Finance. Then, each court prepares its own financial plan within the framework of the assigned quota in line with the budget items up to the level of a sub-account and submits it to the Supreme Court. During this process job allocation schedules are also prepared, because they have to be adjusted to the proposed budget. The Supreme Court examines every court's financial plan proposal and based on the gathered data and internal forms with appropriate explanations which reflect the additional needs of the users, prepares a new assessment of the needed funds to facilitate a smooth operation of the courts within the following two years.

In addition, a complex analysis is prepared of the budgetary expenses and a dialogue is established between the users in regard to a concept for future negotiations.

The negotiations with the Ministry of Finance may occur in several phases depending on the divergence between the posed requests on one hand and the possibilities or the constraints posed by Ministry of Finance.

If the Ministry of Finance agrees, the additionally provided funds shall be distributed among the courts in line with the proposed priorities. However, if no agreement is reached, the proposed budget of the courts shall be submitted to Parliament, which takes the final decision.

## A.2

**You can indicate below:**

- **any useful comments for interpreting the data mentioned in this chapter**
- **the characteristics of your budgetary system and the main reforms that have been implemented over the last two years**
- **if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process**

6. The budget covering training and education (1229741 EUR) does not include the resources that are provided for education of judges and court staff by the Ministry of Justice to its Judicial Training Centre.

The Judicial Training Centre, part of the Ministry of Justice, spent 238.893 in 2010 for the education of judges, court staff, prosecutors and state attorneys.

cf. 11/07 (Q6#2#6) :The annual public budget allocated to investments in new (court) buildings (1077240 EUR – the investments in the new court palace that is planned in Ljubljana) is not part of the budget allocated to the Supreme Court (which is 177081679 EUR), but of the budget of the Ministry of Justice. However, it is included in the total amount under question 6, since the table explicitly lists the category of investments in new court buildings. All the given funds are devoted to the

building of a new court palace in Ljubljana that would accommodate first instance courts that are now scattered between different locations under the same roof. The funds in 2008 (60.000 EUR) were spent for research of the terrain (geo-mechanical and archaeological research) that would be used for the project documentation. In 2009 1.831.200 EUR were spent for project documentation, while in 2010 the figure devoted to project documentation was 1.077.240 EUR. None of the funds were devoted to the actual construction of the new court building, as the construction itself has not started yet. Given the economic situation the question remains, if and when the actual construction might start. The funds devoted for documentation were allocated as required by the contracts that were signed in 2008.

Q6#2#6 : There is a considerable difference in the figures allocated to new court buildings (60.000 EUR in 2008 and 1.077.240 EUR in 2010). The explanation is the following – all the given funds are devoted to the building of a new court palace in Ljubljana that would accommodate first instance courts that are now scattered between different locations under the same roof. The funds in 2008 (60.000 EUR) were spent for research of the terrain (geo-mechanical and archaeological research) that would be used for the project documentation. In 2009 1.831.200 EUR were spent for project documentation, while in 2010 the figure devoted to project documentation was 1.077.240 EUR. None of the funds were devoted to the actual construction of the new court building, as the construction itself has not started yet. Given the economic situation the question remains, if and when the actual construction might start. The funds devoted for documentation were allocated as required by the contracts that were signed in 2008.

Q6#2#7 : The difference in the budget allocated to training and education (1.835.8080 in 2008 and 1.229.741 EUR in 2010) can be attributed to the effect of the economic and financial crisis. As there were cuts in the budget of the judiciary, one of the affected fields was training and education. This meant that the expenditures for international training of judges and court personnel were lowered (seminars, conferences, etc.). Similarly, fewer funds were available for national legal seminars and other educational events.

Q9 : The difference in the annual income of taxes or fees received by the State (36.041.000 EUR in 2008 and 50.858.000 EUR in 2010) is the consequence of two factors - the increase in the number of incoming cases and the change in the Court Fees Act. On one hand the total number of incoming cases has increased from a bit more than 783.000 cases in 2008 to almost 970.000 cases in 2010, which means that there was a 23.87% increase that caused an increase in the number of court fees received. On the other hand the new Court Fees Act was introduced in the end of 2008 that increased the limits of court fees. Consequently, the amount of court fees received by the State has increased, since some court fees are set in accordance with the disputed value.

Q10. The whole sum of the budget allocated to the whole justice system of 263 million EUR is divided into the following programs:

- 0901 - Coordination of the justice system and general administrative tasks: 21 million EUR;
- 0902 - Coordination of the Supreme Court and the functioning of courts: 177 million EUR;
- 0903 - Functioning of the State Prosecutor's Office and the State Attorney's Office: 25 million EUR;
- 0904 - Management and maintenance of prisons: 40 million EUR;

The following figure should not be included in the annual budget to the whole justice system:

- 0905 - Restitutions: 11 million EUR.

cf. NC 21/06 (Q12) : The figure for Slovenia is correct main reason for the difference in the budget allocated to legal aid (2.821.428 EUR in 2008 and 5.834.338 EUR in 2010) is the increased number of incoming cases. In the year 2008 there were 11.728 incoming cases, while in 2010 the number of incoming cases has risen to 15.909. On one hand this is the consequence of a better awareness in the general public about the possibility of free legal aid. On the other, a higher amount of funds dedicated to legal aid in 2010 compared to 2008 can be attributed to the effect of the economic crisis, which hit individuals that are parties in court proceedings. Additionally, there was a big increase in the number of bankruptcy cases. The biggest increase in the budget allocated to legal aid took place between the years 2009 and 2010 (3.694.195 EUR in 2009 to 5.834.338 EUR in 2010), which is mainly the consequence of the adoption of the new Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act. This Act introduced the procedure of personal bankruptcy, while the 2009 amendment introduced the possibility of getting legal aid in the form of the prepayment for the initial costs of bankruptcy proceedings. According to evaluations by the courts the prepayment costs for personal bankruptcy amount to approximately 2.000 EUR, while they are even higher for bankruptcy proceedings of legal persons.

**Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.**

Financial and accounting department of the Supreme Court of the Republic of Slovenia  
Draft Financial Statement of the Budget 2010  
The Supreme State Prosecutor's Office

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

#### 17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

The law specifically provides the exoneration of court fees (Free Legal Aid Act, Article 1).

#### 18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

The law prescribes that legal aid can be granted in any proceedings before the court, i.e. also in the proceedings of the execution of judicial decisions (Free Legal Aid Act, Article 7).

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

The law prescribes that legal aid shall mean the right of the eligible person to the entire or partial provision of funds necessary to cover the costs of legal assistance and the right to exemption of payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 1).

Further on the law defines that legal aid may be approved for legal advice, legal representation and other legal services laid down in this Act, for all forms of judicial protection before all courts of general jurisdiction and specialised courts based in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia, and before all authorities, institutions or persons in the Republic of Slovenia authorised for out-of-court settlement (hereinafter referred to as: judicial proceedings), as well as in the form of exemption from payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 7).

On the other hand the approved legal aid shall not cover the costs of the proceeding and actual expenditure of and remuneration for the person authorised by the opposing party (Free Legal Aid Act, Article 9).

The law specifically lists the costs that can be covered by the approved legal aid (Free Legal Aid Act, Article 26):

- for legal advice surpassing initial legal advice;
- for the formulation, verification and certification of documents on legal relations, facts and statements;
- for legal advice and representation in cases of out-of-court settlement;
- for legal advice and representation before courts in the first and second instances;
- for legal advice and representation involving extraordinary appeals;
- for legal advice and representation involving constitutional action;
- for legal advice and representation before international courts;
- for legal advice and representation involving the filing of a petition for the assessment of constitutionality;
- in the form of exemption from payment of the costs of the judicial proceeding.



Legal aid may also be granted in the form of an exemption from payment of the costs of proceedings before courts, particularly in the form of an exemption from payment of:

1. Court fees;
2. Costs of experts, witnesses, interpreters, servicing orders and translations, costs of external operations of the court or other authority in the Republic of Slovenia, and other justified costs;
3. Security deposits for the costs, or of the costs, of the implementation of the proceeding (advance payments);
4. Costs of public documents and receipts required for the proceeding before a court;
5. Other costs of the proceeding.

**20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]**

	Number
Total	9618
in criminal cases	1396
other than criminal cases	8222

Comment :

In 2010 legal aid offices at 11 district courts in Slovenia solved 13829 matters. In 8588 legal aid was granted. In 4363 cases the applicant was granted the exemption of the costs of judicial proceedings, while the other cases are represented by legal assistance or/and legal representation, initial legal advice, legal advice surpassing initial legal advice, etc.

Within the 8588 granted cases of legal aid the structure is the following:

- 6884 in civil matters
- 1396 in criminal matters
- 102 in minor offence cases
- 2 in administrative cases
- 1 in a social case
- 20 in labour cases and
- 183 in other cases.

At 4 labour and social courts the legal aid offices solved 1519 matters in 2010. In 1015 legal aid was granted.

Within the 1015 granted cases of legal aid the structure is the following:

- 1 in an administrative case
- 47 in social cases
- 769 in labour cases and
- 198 in other cases.

At the Administrative court the legal aid office solved 227 matters in 2010. In 15 legal aid was granted (all of them in administrative cases).

Altogether (district courts, labour and social courts and the Administrative court) legal aid was granted in  $8588 + 1015 + 15 = 9618$  cases.

**21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.**

Accused individuals	Yes
Victims	Yes

Comment :

The Free legal Aid Act prescribes that legal aid may be approved for legal advice, legal representation and other legal services for all forms of judicial protection before all courts of general jurisdiction and specialised courts (Article 7). Since victims do need legal advice on their rights even in the case when they are not represented in court, both categories (accused individuals and victims) fall within the category of persons eligible for legal aid.

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system** Yes No**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	454	13620
for other than criminal cases?	454	13620

Comment :

The Free Legal Aid Act prescribes that (Free Legal Aid Act, Article 13):

Legal aid shall be granted to persons that, given their financial position and the financial position of their families, are not able to meet the costs of the judicial proceeding without causing harm to their social position and the social position of their families.

It shall be deemed that the social position of the applicant and his or her family is put at risk by the costs of the judicial proceeding, if the monthly income of the applicant (personal income) or average monthly income per family member (personal family income) does not exceed the amount of 2 times the basic amount of the minimum wage, laid down in the act governing the minimum wage (hereinafter referred to as: minimum income).

Legal aid shall not be granted if the applicant's property and property of his or her family does exceed the value 60 times the minimum income.

The minimum income being 227 EUR on January 2010 the monthly income or the average monthly income per family member must not exceed 454 EUR and the value of the property must not exceed 13620 EUR.

Legal aid may also be granted if the personal income of the applicant and the income of his or her family does not exceed twice the minimum income and if the applicant's property and property of his or her family does not exceed 60 times the minimum income, if the application for legal aid approval is founded on the family circumstances of the applicant, the applicant's state of health, extraordinary financial liabilities imposed on the applicant, or other reasons out of the family's control for which they found themselves at material risk (exceptional approval of legal aid) (Free Legal Aid Act, Article 22).

According to the Free Legal Aid Act, the applicant has to give evidence of his assets with a statement (the court then gets all the relevant data from the different authorities that have evidence of the wealth of the applicant).

**24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?** Yes No

If yes, please explain the exact criteria for denying legal aid:

The Free Legal Aid Act expressly states that when deciding upon granting legal aid, the first criteria that regards the case is that "the matter is not obviously irrational or that the applicant has a probable chance of success" (Article 24).

**25) Is the decision to grant or refuse legal aid taken by :** the court? an authority external to the court? a mixed decision-making authority (court and external bodies)?**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?** Yes

No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

Out of 16 insurance companies, listed by the Insurance Supervision Agency, 7 offer legal expense insurance to individuals. Both reinsurance companies offer it as well. The arrangements regarding legal expense insurance differ according to the type of case (civil, criminal, commercial, etc.) and according to the company. The company ARAG ([www.arag.si](http://www.arag.si)) offers only this type of insurance, others have it together with other, regular types of insurance. The list of insurance companies offering legal expense insurance is accessible at the home-page of the Insurance Supervision Agency ([www.a-zn.si/Eng/Default.aspx?id=35](http://www.a-zn.si/Eng/Default.aspx?id=35)). The number (7) has not changed since the 2008 Report, only the number of insurance companies has slightly risen (from 15 to 16).

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

criminal cases?	Yes
other than criminal cases?	Yes

### B.1

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering the questions 20 and 23**

Court Statistics 2010, Ministry of Justice

Free Legal Aid Act, together with the provisions of the Social Security Act

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

**28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**

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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

- legal texts (e.g. codes, laws, regulations, etc.)?  Yes
- Internet address <http://zakonodaja.gov.si> (Register of legal texts)  
<http://dz-rs.si> (General Assembly)  
<http://mp.gov.si> (Ministry of Justice)  
<http://dt-rs.si> (Supreme State Prosecutor's Office)
- case-law of the higher court/s?  Yes
- Internet address [http://www.sodisce.si/znanje/sodna\\_praksa/iskalnik\\_po\\_bazah/](http://www.sodisce.si/znanje/sodna_praksa/iskalnik_po_bazah/)  
(es):
- other documents (e.g. downloadable forms, online registration)?  Yes
- [http://www.sodisce.si/sodni\\_postopki/obrazci/](http://www.sodisce.si/sodni_postopki/obrazci/)

Comment :

The website portal of the Slovenian judicial system accessible at [www.sodisce.si](http://www.sodisce.si) contains a number of different documents and forms, e.g. the confirmation form that a person is not accused in a criminal procedure, form for the procedure of enforcement on the basis of an authentic document, forms for signing a company into the court register, forms for the European order for payment procedure, the application for legal aid, forms for the European Small Claims Procedure, etc.

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

Yes

No

If yes, please specify:

**30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

Yes

No

If yes, please specify:

The Police informs victims of crimes of their rights and keeps them informed on the course of the investigations.

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	No	Yes	No
Victims of terrorism	No	Yes	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	No	Yes	No
Ethnic minorities	No	Yes	No
Disabled persons	No	Yes	No
Juvenile offenders	No	Yes	Yes
Other (e.g. victims of human trafficking)	No	No	No

**Comment :**

Regarding victims of rape or terrorism: The Criminal Procedure Act states in Article 240.a that if there are reasonable grounds for believing that disclosure of the personal data or whole identity of a certain witness could endanger his life or body, or the life or body of his close relatives or of persons proposed by the witness, the court may order one or more of the following measures to protect him or his close relative:

- 1) deletion of all or certain data from the criminal case file;
- 2) the marking of all or some of the data from the preceding point as an official secret;
- 3) the issuing of an order to the accused, his counsel, the injured party, or their legal representative and attorneys to keep certain facts or data secret;
- 4) the assignment of a pseudonym to the witness;
- 5) the taking of testimony using technical devices (protective screen, devices for disguising the voice, transmission of sound from separate premises and other similar technical protective devices).

Furthermore Article 242.a states that if the life or body of the person doing the identification or his close relatives is under serious risk, or there is a likelihood that the person being identified might influence the course of the identification process, the identification shall be conducted in such a way that the person being identified cannot see the person making the identification.

Regarding children (witnesses or victims): The Criminal Procedure Act states in Article 240 that a person under age, especially if that person has suffered damage from the criminal offence at issue, must be examined considerably to avoid producing harmful effect on his state of mind. If necessary, a pedagogue or some other expert should be called to assist in the examination of a minor. In the examination of a witness under the age of 14, a person who he/ she trusts can be present.

Regarding ethnic minorities: The Criminal Procedure Act states that in those areas in which members of the Italian or Hungarian national minority reside, members of these national minorities shall be allowed to file submissions in the Italian or the Hungarian language if these languages are used as official languages of the court (Article 7). Regarding other languages the Act states the following: Parties, witnesses and other participants in the proceedings shall have the right to use their own languages in investigative and other judicial actions and at the main hearing. If a judicial action or the main hearing is not conducted in the languages of these persons, the oral translation of their statements and of the statements of others, and the translation of documents and other written evidence, must be provided.

Regarding disabled persons: The Criminal Procedure Act states in Articles 233 and 243 that if the accused or witness is deaf he shall be asked questions in writing, and if he is dumb he shall be requested to answer questions in writing. If the interrogation cannot be carried out in that way, a person who knows how to communicate with the accused shall be invited to act as interpreter.

Regarding children, protected, anonymous witnesses or disabled persons: these witnesses or anyone else, when it is not desirable or possible that the witness would appear in court, can be examined via videoconference (Article 244.a).

**32) Does your country allocate compensation for victims of crime?**

Yes

No

If yes, for which kind of offences

The Crime Victims Compensation Act prescribes (inter alia):

Formal conditions (Article 5):

Formal conditions for access to the compensation hereunder are fulfilled if the applicant is a:

- Citizen of the Republic of Slovenia or
- Citizen of any other Member State of the European Union.

Material conditions (Article 6):

The material conditions for access to the compensation hereunder are:

- The applicant was a victim of a violent intentional crime (hereafter: the crime),
- The crime was committed on the territory of the Republic of Slovenia, on a Slovene ship or on a Slovene airplane, regardless of the location when the crime is committed,
- The crime was noted or notified to the competent authority as a criminal offence,
- There are no circumstances on the part of the applicant for which no application for compensation may be submitted under the Code of Obligations,
- Due to the crime the applicant sustained a bodily injury, impairment of health or suffering,
- Due to the crime the applicant incurred the damage recognized herewith.

**33) If yes, does this compensation consist in:**

a public fund?

damages to be paid by the responsible person (decided by a court decision)?

a private fund?

**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

Yes

No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

Yes

No

If yes, please specify:

Prosecutors can have a special role, when victims are interrogated as witnesses in court.

The role of prosecutor is very important in the case, when procedural measures for protection of witnesses are used and when the procedure for implementation of witness protection programme is initiated.

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**

-----  
Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- Yes
- No
- NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

They have the right to prosecute the case on their own within 8 days (Criminal Procedure Act, Article 60).

## 2. 2. 2. Confidence of citizens in their justice system

### 37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

The Act on the protection of the right to trial without undue delay gives a party to court proceedings the right to have his rights, duties and any charges brought against him in his case before the court to be decided upon by the court without undue delay.

The legal remedies that are available to protect the right are three:

- supervisory appeal;
- motion for a deadline and
- claim for just satisfaction.

The purpose of the first two remedies is to expedite the proceedings. On the other hand, the claim for just satisfaction can only be filed, if the supervisory appeal was granted or if the motion for a deadline was filed.

Just satisfaction can be provided by:

1. payment of monetary compensation for damage caused by a violation of the right to a trial without undue delay;
2. a written statement of the State Attorneys' Office that the party's right to a trial without undue delay was violated;
3. the publication of a judgement that the party's right to a trial without undue delay was violated.

Monetary compensation is payable for non-pecuniary damage caused by a violation of the right to a trial without undue delay. The strict liability for damage caused lies with the Republic of Slovenia. The amount of monetary compensation for an individual case is limited by law to the figures between 300 and 5000 EUR.

When deciding on the amount of compensation, the criteria that are taken into account are in particular the complexity of the case, actions of the State, actions of the party and the importance of the case for the party.

The procedure of compensation in the case of wrongful arrest and wrongful condemnation is regulated by the Criminal Procedure Act. Chapter 32 is entitled Proceedings for compensation, rehabilitation and the exercise of other rights of unjustifiably convicted or arrested persons.

The Act gives the right to seek the recovery of damages inflicted by an unjustified judgement of conviction. Similarly, the right to compensation is also enjoyed by persons, who were victims of different forms of unfounded arrest.

The Act states that before filing the claim for damages with the court, the injured person has to address his claim to the Office of the State Attorney General to try and reach agreement about the existence of the damage and the type and extent of compensation. If the request for recovery of damages is not granted or the Office of the State Attorney General and the injured person do not reach accord within three months of the filing of the request, the injured person may file a claim for damages with the court of jurisdiction. The tariff, offered by the State Attorney's Office for wrongful arrest is 300 EUR per day, if the detention lasted from 1 to 3 days, while it is 42 EUR per day for more than 3 days.

### 38) Does your country have surveys aimed at legal professionals and court users to measure their trust

**and/or satisfaction with the services delivered by the judicial system? (multiple options possible)**

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Within the Quality project of the implementation of the CAF Model for the needs of the judiciary, that has evolved in the Model for the quality of work of the courts, various satisfaction surveys have been prepared. So far, the surveys aimed at judges and court staff have been carried out at three pilot district courts. For the year 2012 the testing of the methodology by an academic institution together with the representatives of the Supreme Court and the Judicial Council is foreseen. The verified surveys will then be used regularly. There are different surveys prepared for different stakeholders: court users, the general public, employees (judges and court staff) as well as legal professionals (lawyers, public prosecutors, state attorneys).

Within the Slovenian Public Opinion Survey (SPOS) public trust in different institutions is surveyed and one question relates also to the courts. (<http://www.cjm.si/>). However, this is a general opinion survey and it does not focus only on citizens, visitors of the court.

The incidental survey at court level aimed at parties has been in use at the District Court of Ljubljana to measure the satisfaction of the parties, involved in the mediation procedures.

**39) If possible, please specify:**

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	Yes	No
Surveys at court level	No	Yes

**40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the treatment of a case by a judge or the duration of a proceeding)?**

- Yes
- No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	Yes	Yes	No
Ministry of Justice	No	No	No
High Council of the Judiciary	No	No	No
Other external bodies (e.g. Ombudsman)	No	No	No

Comment :

According to the Act on the Protection of the Right to a Trial without Undue Delay the party in the proceedings who feels that her right has been violated has three legal remedies:

- the supervisory appeal (motion to expedite the hearing of the case);
- the motion for a deadline (motion to set a deadline);
- the claim for just satisfaction.

When deciding on the legal remedies the circumstances of the particular case are taken into account, namely its complexity in terms of facts and law, actions of parties to proceedings, in particular as regards the use of procedural rights and fulfilment of obligations in proceedings, of the compliance with the rules on the set order of resolving cases, statutory deadlines for fixing preliminary hearings or drawing court decisions, the manner in which a case was heard before a supervisory appeal or motion for a deadline were filed, the nature and type of a case and its importance for a party.

If a party considers that the court unduly protracts with the decision-making, he may file a supervisory appeal. If the president of the court rejects the supervisory appeal or fails to answer to the party within two months or fails to send the notification within the said deadline or if appropriate procedural acts were not performed within deadlines set in the notification or ruling of the president of the court, the party may file the motion for a deadline.

If a ruling was issued, the party may file a new supervisory appeal only after six months have elapsed from the receipt of the decision. In the process of supervisory appeal the judge can notify the president of the court in writing that all relevant procedural acts shall be performed or a decision issued within the deadline not exceeding four months following the receipt of the supervisory appeal. In this case the president of the court informs the party thereof and thus concludes the consideration of the supervisory appeal.

If the president of the court establishes that the court is unduly delaying the decision-making of the case, he shall, subject to the state and nature of the case and by way of a ruling, order a deadline for performing certain procedural acts and he may also order that the case be resolved as a priority due to the circumstances of the case, particularly when the matter is urgent. If he orders that the appropriate procedural acts be performed by the judge, he also sets the deadline for their performance, which may not be shorter than fifteen days and not longer than six months, as well as the appropriate deadline for the judge to report on the acts performed.

If the president of the court rejects the supervisory appeal or fails to answer to the party within two months or fails to send the notification within the said deadline or if appropriate procedural acts were not performed within deadlines set in the notification or ruling of the president of the court, the party may file the motion for a deadline.

The president of the higher court in the judicial area covering the local court, district court or other court of first instance, has the competence to decide on the motion for a deadline concerning the cases heard by the local court, district court or other court of first instance. The president of the Supreme Court of the Republic of Slovenia has the competence to decide on the motion for a deadline concerning cases heard by higher court or court having the status of higher court. The president of the Supreme Court of the Republic of Slovenia has the competence to decide on the motion for a deadline concerning cases heard by the Supreme Court of the Republic of Slovenia.



### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	55
42.2 First instance specialised Courts (legal entities)	5
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	66

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Total (must be the same as the data given under question 42.2)	6
Commercial courts	NAP
Labour courts	4
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Administrative courts	1
Insurance and / or social welfare courts	1
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

The number given under question 43 is not the same as the one given under question 42.2, since there are 3 labour and 1 labour and social disputes court. Altogether (with the Administrative court) there are 5, but 1 is both labour and insurance / social welfare court. For that reason the sum is 6, although there are 5 specialised courts altogether.

**44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

If yes, please specify:

The main modifications that came into force in 2010 with the Amendment of Courts Act included:

1. The extension of competences of the Judicial Council - competence in the appointment of presidents of the courts is transferred from the minister of justice to the Judicial Council;
2. The establishing a specialized department for jurisdiction over criminal offences related to organized and economic crime (operating at 4 different district courts);
3. For the purpose of disburdening the president of the court and setting a more efficient court management a new position of Director of the court is appointed;
4. With the intention of effective and economical administration of courts justice administration for county courts is held by justice administration of district courts;
5. More flexible assigning of county and district judges within the range of the district court by president of the district court.

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number of courts
a debt collection for small claims	44
a dismissal	4
a robbery	11

**Please give the definition for small claims and indicate the monetary value of a small claim:**

According to the Civil Procedure Act a small claim dispute shall denote a dispute on a monetary claim where the amount of dispute does not exceed 2000 EUR. Small claims disputes shall also include disputes on non-monetary claims in respect of which the plaintiff has declared his willingness to accept, instead of satisfaction the claim, a sum of money not exceeding 2000 EUR. Small claims disputes shall also include disputes on claims for delivery of movable property where the stated amount in dispute does not exceed 2000 EUR (Civil Procedure Act, Article 443).

On the other hand small claim disputes shall not include disputes relating to immovable property, disputes arising out of copyright, disputes relating to the protection and use of inventions and marks of distinctiveness or to the right to use a company title, disputes relating to the protection of competition, and disputes for disturbance of possession (Civil Procedure Act, Article 444).

**Please indicate the sources for answering questions 42, 43 and 45:**

Court Statistics, Ministry of Justice, 2010

### 3. 1. 2. Judges and non-judge staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Please provide in the "comment" box below any useful comment for interpreting the data above.**

\*\*\*\*\*

**[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.**

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1024	229	795
1. Number of first instance professional judges	793	154	639
2. Number of second instance (court of appeal) professional judges	194	53	141
3. Number of supreme court professional judges	37	22	15

## Comment :

On the 31.12.2010 there were 1024 judicial posts. This number represents all the posts, which are formally occupied although some posts are de facto vacant, since the judge is actually absent due to e.g. maternity leave. According to some estimations of the Ministry of Justice this kind of posts represent around 15 - 20% of all judicial posts.

Accordingly, calculations were made that included the actual number of working hours. These calculations excluded the judges that were on maternity leave, judges on sick leave, but included the annual leave. The final number of judicial posts according to these calculations (934) would be the number of actual working hours in 2010, divided by judges (952), from which 17 judges are subtracted, since they do not perform judicial functions, but they are assigned to other duties (1 general secretary of the Supreme Court, 11 appointed to the Registry Department of the Supreme Court, 2 appointed to the Judicial Council and 4 appointed to the Ministry of Justice).

However, for reasons of comparability and in line with the discussions with the CEPEJ experts that prepared the 2010 (2008 data) CEPEJ Report, the number of judicial posts is indicated in the table. The figures about the actual working hours serve just as an indication.

This is the structure of judges according to different levels and jurisdictions of the courts on the 31.12.2010:

## First instance courts:

- Local courts (44): 483 judges (83 male, 400 female)
- District courts (11): 265 judges (62 male, 203 female)
- Labour and social disputes courts (4): 45 judges (9 male, 36 female)

## Second instance courts:

- Higher courts (4): 144 judges (40 male, 104 female)
- Administrative court (1): 35 judges (6 male, 29 female)
- Higher labour and social disputes court (1): 15 judges (7 male, 8 female)

Supreme court: 37 judges (22 male, 15 female)

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	66	23	43
1. Number of first instance court presidents	59	20	39
2. Number of second instance (court of appeal) court presidents	6	2	4
3. Number of supreme court presidents	1	1	0

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure NAP  
 If possible, in full-time equivalent NAP

## Comment :

There are no professional judges sitting in courts on an occasional basis, since The Judicial Service Act does not allow such posts.

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).**

Gross figure  Yes 3 445

**50) Does your judicial system include trial by jury with the participation of citizens?**

Yes No

If yes, for which type of case(s)?

There is no trial by jury in Slovenia. However, in some cases the panel of judges is composed of lay judges as explained in the comment to the previous answer.

**51) Number of citizens who were involved in such juries for the year of reference:**

NAP

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> Yes	3274
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	436
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars		NA
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)		NA
4. Technical staff		NA
5. Other non-judge staff		NA

Comment :

The number 3274 (valid for the date 31.12.2010) contains the following categories:

- secretaries of courts: 18
- senior judicial advisers: 398
- other court staff: 2858

- court clerks: 436
- Local courts – Land register court clerks: 198
- Local courts – Enforcement court clerks: 200
- District courts – Commercial register clerks: 38

Judicial advisers are non-judge staff whose task is to assist the judges, since they »in particular matters outside the main proceedings perform the work connected with the hearings of parties, witnesses and experts, perform more complex preparatory work for the main trial proceedings, report at the panel sessions, draft decisions, conduct the main trial proceedings under the guidance of the judge and perform other work under the order of the judge«. These are lawyers with law degree and the Legal State Examination.

Judicial assistants are non-judge staff, who have graduated in law (not necessarily) and assist the judge in various fields, but do not help in preparing decisions for the cases. They mainly help with the preparations of decisions about the costs of proceedings, about execution of the proceedings (summoning witnesses and other participants), etc.

The situation concerning court clerks is explained under question 53.

The data that concern other court staff is not differentiated between administrative staff and technical staff.

**53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:**

Court clerks are similar to the Rechtspfleger, since they have autonomous competences and their decisions can be subject to appeal. Generally, they are without law degree, and they work at local courts (land register and enforcement cases) and at district courts (commercial register). Their previous title was 'judicial clerk', now they are '

independent judicial assistants' or 'higher judicial assistants'.

The Courts Act states their duties and responsibilities:

Independent judicial assistants and higher judicial assistants lead the proceedings and decide in matters of the commercial court register, they lead enforcement proceedings and issue decisions on enforcement for the recovery of monetary debts, on enforcement on the basis of authentic documents as well as decisions about advance payments, security deposits, costs of the proceedings and court fees. At first instance they decide upon land registration in cases where the registration is not in the competence of the judge of the land register court and decide in inheritance cases of intestate succession, when the object of succession is only movable property.

The decision of the independent judicial assistant or the higher judicial assistant can always be subject to an appeal. It is the judge of the same court who decides upon the appeal.

The figures are the following (for the date 1.1.2011):

- Local courts – Land register court clerks: 198
- Local courts – Enforcement court clerks: 200
- District courts – Commercial register clerks: 38

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**

Yes

No

If yes, please specify:

Some services are delegated, some are not, depending on the service. The IT services are supervised centrally by the Centre for informatics at the Registry department of the Supreme Court. The training of staff is mainly provided by the Judicial Training Centre, which is an organ of the Ministry of Justice, taking care of the training of judges, prosecutors and court staff. Security services are run by private companies that sign a contract with each court separately. Archives are kept by court staff for a certain period of time, defined by statute, after which they are transferred either to the national archive or the regional ones. Cleaning is provided by staff that is employed by the court.

**C.1**

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

49. The number given in this answer represents a pool of lay-judges, but data on actual sitting days are not available. The number is taken from the Act on setting the number of lay judges at the district courts in the Republic of Slovenia, the number being 1968, together with the number from the Act on setting the number of lay judges at the labour and social courts, the number being 1476. Together, the pool of lay judges is thus that of 3445.

Although lay-judges are in full capacity of a judge as a member of a panel of judges, they can't hear cases on their own and therefore none of the cases can be solved by them without the presence of the professional judge, who also takes care of all the procedures, writing the judgement etc.

According to the Criminal Procedure Act, the district courts try cases involving criminal offences punishable by fifteen or more years of imprisonment before panels of five judges (two professional and three lay judges), and cases of criminal offences punishable by three to fifteen years of imprisonment before panels of three judges (one professional or presiding judge and two lay judges).

Since the change in law in 2008 lay judges are not involved in civil trials anymore. The Civil Procedure Act prescribed panels of three judges (one professional or presiding judge and two lay judges) in family law matters and in intellectual property rights disputes. Now, only professional judges decide in these matters.

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

Court Statistics, Ministry of Justice, 2010  
Information gathered from individual courts

**3. 1. 3. Public prosecutors and staff**

**55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised**

**jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	165	55	110
1. Number of prosecutors at first instance level	136	42	94
2. Number of prosecutors at second instance (court of appeal) level	15	6	9
3. Number of prosecutors at supreme court level	14	7	7

Comment :

Some prosecutors that have worked at first instance level have the title of the higher state prosecutor, but are included in the total number of prosecutors at first instance level.

Q55#1#2 : Total number of district state prosecutors (together with state prosecutors from the Group of state prosecutors for the prosecution of organised crime and from the Specialized Department)

Q55#1#3 and Q55#3#3 : Total number of higher state prosecutors from the Supreme State Prosecutor's Office (Appeals Department), plus Head of the Specialized Department, who is higher state prosecutor (female), plus national member in Eurojust, who is higher state prosecutor (female).

Q55#1#4 and Q55#3#4 : Supreme state prosecutors + Prosecutor General

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	14	6	8
1. Number of heads of prosecution offices at first instance level	11	6	5
2. Number of heads of prosecution offices at second instance (court of appeal) level	2	0	2
3. Number of heads of prosecution offices at supreme court level	1	0	1

Comment :

The Office of the State Prosecutor General of the Republic of Slovenia is the highest-ranking prosecutor's office in the country, within which there are also the Appeals Department and the Group of state prosecutors for the prosecution of organised crime. The heads of the Group and of the Appeals Department are females.

**57) Do other persons have similar duties to public prosecutors?**

Yes

No

Number (full-time equivalent)

26

**58) If yes, please specify their title and function:**

Assistants of public prosecutors (26 in total, 9 male, 17 female) can replace them, if they are authorised by the public prosecutor.

**59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

Yes

No

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number  Yes 226

**C.2**

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Beside the prosecutors and assistant prosecutors there were also 31 apprentices in the State Prosecution Offices on the 31 of December 2010.

Q57 : In 2008 there were 20 assistants of prosecutors and the number increased in two years to 26. The reason for the increase could be attributed to the new approach to educating and training lawyers to become prosecutors that has started in last years. Graduate lawyers are monitored by the prosecutorial human resources service during the period of prosecutorial traineeship (two years) and after the state law exam during the period of working as civil servants (senior judicial experts) - at least three years. After that time it is possible to apply for the post of the state prosecutor's assistants. The decision was made in 2010 to employ some more competent, highly trained and highly educated senior judicial experts as assistants rather than new state prosecutors without prosecutorial experiences, who could become district state prosecutors immediately.

**Please indicate the sources for answering questions 55, 56 and 60**

The data are from Annual Report of State Prosecution Service for 2010 and from the Office of the State Prosecutor General.

3. 1. 4. Court budget and new technologies

**61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.**

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

Comment :

Art. 61 of the Courts Act prescribes: Matters of court management shall be the responsibility of the president of the court, unless otherwise determined by this Act. Courts may have a secretary of the court for dealing with matters of court management, who shall meet the conditions for occupying the working post of justice councillor.

Art. 75 of the same Act prescribes: The preparation of financial plans, their implementation and monitoring shall be performed in individual courts. Resources for the work of local courts in the territory of an individual district court shall be planned within the framework of the financial plan of that court, whereby the resources for the work of local courts shall be stated separately. The proposal of the financial plan of district courts for the work of local courts shall be prepared by the President of the district court on the basis of the proposal of the President of the local court one month after the adoption of the budget at the latest. District courts shall coordinate the preparation of financial plans and the use of resources according to particular local courts considering the requirements of local courts and the total financial resources earmarked in the budget. Larger local courts may be independent budget users, if determined so by the public financial regulations. The Supreme Court shall coordinate the preparation of financial plans and the consumption of resources by individual courts with regard to their financial plans and aggregately provided resources in the budget. The president of the Supreme Court and presidents of high and district courts are entitled to determine the allocation of resources to individual courts.

**62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

| | |

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	+50% of courts
E-mail	100% of courts
Internet connection	100% of courts

**63) For administration and management, what are the computer facilities used within the courts?**

Case registration system	100% of courts
Court management information system	+50% of courts
Financial information system	100% of courts
Videoconferencing	100% of courts

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?**

Electronic web forms	+50% of courts
Website	100% of courts
Follow-up of cases online	-50% of courts
Electronic registers	100% of courts
Electronic processing of small claims	100% of courts
Electronic processing of undisputed debt recovery	+50% of courts
Electronic submission of claims	+50% of courts
Videoconferencing	+50% of courts
Other electronic communication facilities	+50% of courts

**65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	Yes	Yes	Yes

**Comment :**

The Criminal Procedure Act states in the new Article 244.a that the hearing of a defendant or witness can be done with the use of modern technical means of audio and video transfer (videoconferencing). The article then gives the list of when such a hearing can take place:

- when the witness has a status of protected witness and coming to court would represent a serious danger for his/ her life or body or that of his/ her relatives;
- when the witness is an anonymous witness under the same conditions described above;
- when there was a request for such a hearing given by a foreign organ;
- when for other justified reasons it is not reasonable or possible that the person would come to court.

**C.3**

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

Regarding question 62:

Under the term 'Electronic files' the answer given understands 'Electronic data files', since in question 63 'Case registration system' is specifically addressed.



Regarding question 63:

All courts have a Case registration system, but not for all procedures – approximately 95% of the procedures use electronic case registration systems.

In the answer regarding Court management information system a new BI toll for analysing court statistics is taken into account that courts do not use fully yet for the purposes of court management, but soon the answer will change to 100%.

The answer beside the category Videoconferencing is +50% of courts, since all 11 district courts are equipped with the technology + 2 mobile units are available, meaning that all courts can use it. However, not all courts have it, so the answer given is not 100%.

Regarding question 64:

Electronic web forms – they are used in some types of procedures, e.g. application for videotaping a court procedure, the forms that are used at the Central department for enforcement on the basis of authentic documents (CoVL), land register forms (eZK), forms used in insolvency procedures (eINS).

Follow-up cases online - they are used in some types of procedures, e.g. land register (eZK), court register (SRg), insolvency procedures (eINS).

Electronic registers – all they registers kept by the court are in electronic form – the court register (for companies) (SRg) and the land register (eZK).

Electronic processing of small claims – there is one Central department for enforcement on the basis of authentic documents (CoVL).

Electronic processing of undisputed debt recovery – there is electronic enforcement on the basis of a decision of the Tax Administration of the Republic of Slovenia (tax enforcement), some other procedures use it as well, like in minor offences procedures.

Electronic submission of claims – used at the Central department for enforcement on the basis of authentic documents (CoVL), in land register procedures (eZK) and in insolvency procedures (eINS).

Videoconferencing – all 11 district courts are equipped with the technology + 2 mobile units available, meaning that all courts can use it. However, not all courts have it, so the answer given is not 100%.

Other electronic communication facilities – the answer given takes into account the use of e-delivery (used at the Central department for enforcement on the basis of authentic documents (CoVL), in land register procedures (eZK) and in insolvency procedures (eINS)).

### 3. 2. Performance and evaluation

#### 3. 2. 1. Performance and evaluation

**66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

Yes

No

If yes, please indicate the name and the address of this institution:

Ministry of Justice, Župančičeva 3, 1000 Ljubljana T: +386 (0)1 369 52 00 F: +386 (0)1 369 57 83 E: gp.mp(at)gov.si <http://www.mp.gov.si/>

**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

Yes

No

**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

-----  
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

number of incoming cases?

- number of decisions delivered?
- number of postponed cases?
- length of proceedings (timeframes)?
- other?

If other, please specify:

Each court monitors the above mentioned data on regular basis, depending on their own decision, but four times a year (prescribed by the Court Rules) these data are collected and published on a national level.

**69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

-----  
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

- Yes
- No

Please specify:

According to the Courts Act (Article 60.a) every court has to prepare the yearly report, which includes data on the number of judges, the number of their working days, the number of solved cases, unsolved cases, legal remedies, their outcome, the number of solved cases considered backlogs, time frame of judicial proceedings, etc. Beside that the court has to give explanations for the difference in years and an estimation of the success in meeting the targets set in the yearly plan.

Beside that, every court president has to prepare a yearly plan (Courts Act, Article 71.a, b and c) that is sent to the president of the higher court, the Supreme Court and the Minister of Justice. The yearly plan includes estimations of the number of new cases and targets in terms of time frames for typical acts in judicial procedures and the disposition time indicator. The yearly plan of results includes estimations of the number of solved cases and criteria regarding efficiency rate, disposition time, case per judge, etc. Additionally, the criterion of costs per case is monitored and evaluated. Court presidents are responsible for meeting the targets set and they can lose the position of president, if the targets are not met.

In the process of budget preparation each court has to set targets, the achieving of which is subject of yearly report to the Ministry of Finance. Courts also report to the Ministry of Justice. The Judicial Council also evaluates the performance of courts.

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

- Yes
- No

**71) Please select the 4 main performance and quality indicators that have been defined:**

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

The Judicial Council, the Ministry of Justice and the Supreme Court are responsible for setting the targets. The Judicial Council adopts the measures for quantity and quality of work of judges. On the basis of the Courts Act, the Judicial Council monitors, ascertains and analyses the effectiveness of work of judges and courts, on which it keeps annual reports. The Supreme Court and the Ministry of Justice exercise supervision over the performance of court management in courts. They are responsible for matters of justice administration. The Supreme Court also co-ordinates the preparation of financial plans and aggregately provided resources in the budget.

**72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- Yes  
 No

**73) Who is responsible for setting the targets for each judge?**

- executive power (for example the ministry of Justice)?  
 legislative power  
 judicial power (for example a High Judicial Council or a Higher Court)  
 other

If other, please specify:

The Judicial Council adopts the measures for quantity and quality of work of judges. The Council thus adopted the Criteria for the minimum expected quantity of work for judges. Regarding quality, the Council also adopted the Criteria for the assessment of quality of work for judges.

**74) Are there performance targets defined at the level of the court (if no please skip to question 77)?**

- Yes  
 No

**75) Who is responsible for setting the targets for the courts?:**

- executive power (for example the ministry of Justice)?  
 legislative power  
 judicial power (for example a High Judicial Council, Higher Court)  
 other

If other, please specify:

**76) Please specify the main targets applied to the courts:**

The new Criteria for the assessment of quality of the work of courts have been adopted in 2010 by the Judicial Council and there is a 3-year trial period in which some pilot courts will be monitored regarding the selected criteria.

The criteria include the following:

- 1 - Accessibility of the courts
- 2 - The judicial procedure - timeliness
- 3 - The judicial procedure - fair trial
- 4 - Efficiency of the court
- 5 - Quality of the judges
- 6 - Quality of judicial decisions
- 7 - Satisfaction of employees
- 8 - Leadership
- 9 - Relations with stakeholders

Every criterion is divided into sub-criteria with different methods of acquiring the relevant data. Beside court statistics, new satisfaction surveys are planned for 2012, taking into account views of different stakeholders (court users, judges and other employees, the general public, experts (lawyers, public prosecutors, state attorneys) and the media).

After the trial period the criteria will be revised and then adopted on state level.

**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, please specify:

The Judicial Council adopts the measures for quantity and quality of work of judges. The Council thus adopted the Criteria for the minimum expected quantity of work for judges. Regarding quality, the Council also adopted the Criteria for the assessment of quality of work for judges.

The executive power – the Ministry of Justice is involved with the setting of targets in the context of the Lukenda programme. In the joint programme of the Supreme Court and the Ministry of Justice, targets were set in 2005 with the aim of eliminating half of the judicial backlogs by the end of 2010. The programme included a number of targets and planned activities, including additional personnel to help judges.

Otherwise, the Supreme Court is also involved in the setting of targets of individual courts. In the procedure of adoption of the State Budget, individual courts set their own targets, but it is the Supreme Court who, on the basis of the information provided by the individual courts, sets the final targets in the process of adoption of the Budget.

The external audit body meant is the Court of Audit of the Republic of Slovenia. In accordance with the Slovenian Constitution the Court of Audit of the Republic of Slovenia is the highest body for supervising state accounts, the state budget and all public spending in Slovenia.

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- Yes
- No

If yes, please specify:

The new Criteria for the assessment of quality of the work of courts have been adopted in 2010 by the Judicial Council and there is a 3-year trial period in which some pilot courts will be monitored regarding the selected criteria. After the trial period the criteria will be revised and then adopted on state level.

Beside that activities to conduct a pilot project for a quality system within the Slovenian judiciary were started in 2008.

In 2009 the pilot project of self-evaluation with the CAF (Common Assessment Framework) model was launched at three pilot district courts. The CAF model was adapted to the judicial organisation so that in 2011 a new model named Quality of the work of courts has been developed. Three pilot courts have already concluded the self-evaluation. In 2012 the self-evaluation will continue at other courts.

The quality areas observed in this model overlap significantly with the quality criteria for the assessment of the work of courts set by the Judicial Council. The difference is in the fact that this model is based on self-evaluation activities, with the main aim of opening communication within individual courts to improve the overall functioning, while the Criteria adopted by the Judicial Council aim at measuring the performance of courts.

**79) Do you have specialised court staff that is entrusted with these quality standards?**

- Yes
- No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

- in civil law cases
- in criminal law cases
- in administrative law cases

**81) Do you monitor waiting time during court procedures?**

- Yes
- No

If yes, please specify:

Cases that are considered court backlogs are precisely defined by the Court Rules in Article 50 in relation to the time from the matter being filed with the courts, depending on individual types of case. The time frames that define the time limits for backlogs have been changed and different time limits were in force in 2008, 2009 and 2010.

The time limits for backlogs in 2008 were:

Local Courts:

Criminal cases - 18 months after case filing  
Criminal investigation activities - 6 months after case filing  
Misdemeanor cases - 12 months after case filing  
Non-contentious cases - 18 months after case filing  
Civil cases - 18 months after case filing  
Inheritance cases - 6 months after case filing  
Enforcement cases - 12 months after case filing  
Land register cases - 1 month after case filing

District Courts:

Criminal cases - 18 months after case filing  
Criminal investigations - 18 months after case filing  
Juvenile criminal proceedings - 6 months after case filing  
Commercial disputes - 18 months after case filing  
Civil cases - 18 months after case filing  
Labour and social security disputes - 12 months after case filing  
Court register cases - 1 month after case filing

High Courts:

Criminal cases - 6 months after case filing  
Civil cases - 6 months after case filing  
Commercial disputes - 6 months after case filing

Supreme Court:

All cases - 6 months after case filing

The time limits for backlogs in 2009 were:

Local Courts:

Criminal cases - 12 months after case filing  
Criminal investigation activities - 6 months after case filing  
Misdemeanor cases - 9 months after case filing  
Non-contentious cases - 12 months after case filing  
Civil cases - 12 months after case filing  
Inheritance cases - 6 months after case filing  
Enforcement cases - 9 months after case filing  
Land register cases - 1 month after case filing

District Courts:

Criminal cases - 12 months after case filing  
Criminal investigations - 12 months after case filing  
Juvenile criminal proceedings - 6 months after case filing  
Commercial disputes - 12 months after case filing  
Civil cases - 12 months after case filing  
Labour and social security disputes - 12 months after case filing  
Court register cases - 1 month after case filing

High Courts:

Criminal cases - 6 months after case filing  
Civil cases - 6 months after case filing  
Commercial disputes - 6 months after case filing

Supreme Court:

All cases - 6 months after case filing

In 2010 the time limits for backlogs have shortened again:

Local Courts:

Criminal cases - 6 months after case filing  
Criminal investigation activities - 6 months after case filing  
Misdemeanor cases - 6 months after case filing  
Non-contentious cases - 6 months after case filing  
Civil cases - 6 months after case filing  
Inheritance cases - 6 months after case filing  
Enforcement cases - 6 months after case filing  
Land register cases - 1 month after case filing

## District Courts:

Criminal cases - 6 months after case filing  
 Criminal investigations – 6 months after case filing  
 Juvenile criminal proceedings - 6 months after case filing  
 Commercial disputes – 6 months after case filing  
 Civil cases - 6 months after case filing  
 Labour and social security disputes - 6 months after case filing  
 Court register cases - 1 month after case filing

## High Courts:

Criminal cases - 6 months after case filing  
 Civil cases - 6 months after case filing  
 Commercial disputes - 6 months after case filing

## Supreme Court:

All cases – 6 months after case filing

However, following an agreement between the Judiciary, the Ministry of Justice and the Judicial Council, the focus moved from the area of backlogs to the criterion of timeframes for judicial decisions.

**82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**  
 -----

**This question does not concern the specific evaluation of performance indicators.**

Yes

No

Please specify the frequency of the evaluation:

In certain areas as the land register such visits existed already. As for a general functioning of the courts these visits started on a regular basis in 2011. The president of the Supreme Court of the Republic of Slovenia together with the general secretary and advisors visits courts regularly to discuss about the functioning of the judicial system and the difficulties or advantages of individual courts.

**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**

Yes

No

If yes, please give further details:

The Heads of individual State Prosecutor's Offices and the Supreme State Prosecutor's Office are responsible for that. The Supreme State Prosecutor's Office monitors public prosecutor's work by examining concrete cases, file registers, other documentation and by other means (Article 67 of State Prosecutor Act). Concrete cases can be examined on demand or regularly. Regular examination of district state prosecutor's work is made every 3 years. Examiners are supreme and higher state prosecutors and the reports are sent to State Prosecutor General and after that to the Minister of Justice. State prosecutors that are being examined also have the right to receive the report and they can give their remarks on the report. The final report is issued after the meeting between the examiners and the examined state prosecutor's office.

**C.4**

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General information

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?**

NA

**85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

Yes

No

If possible, number of successful challenges (in a year):

**86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	10	89	2	0
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

**Please indicate the sources:**

The State Attorney's Office – the data on procedures regarding Article 6 of the ECHR are not differentiated among criminal and civil proceedings, so specific data are not available.

#### D.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

civil cases?

criminal cases?

administrative cases?

there is no specific procedure

If yes, please specify:

In each specific act on procedure there are provisions on temporary injunctions.

**88) Are there simplified procedures for:**

civil cases (small disputes)?

criminal cases (small offences)?

administrative cases?

there is no simplified procedure

If yes, please specify:



For civil cases:

According to the Civil Procedure Act a small claim dispute shall denote a dispute on a monetary claim where the amount of dispute does not exceed 2000 EUR. Small claims disputes shall also include disputes on non-monetary claims in respect of which the plaintiff has declared his willingness to accept, instead of satisfaction the claim, a sum of money not exceeding 2000 EUR. Small claims disputes shall also include disputes on claims for delivery of movable property where the stated amount in dispute does not exceed 2000 EUR (Civil Procedure Act, Article 443).

On the other hand small claim disputes shall not include disputes relating to immovable property, disputes arising out of copyright, disputes relating to the protection and use of inventions and marks of distinctiveness or to the right to use a company title, disputes relating to the protection of competition, and disputes for disturbance of possession (Civil Procedure Act, Article 444).

For criminal cases:

According to the Criminal Procedure Act a special summary proceeding takes place in front of local courts (courts that deal with criminal offences for which the of criminal offences carrying as principal penalty a fine or a prison term of up to three years that are heard by a judge sitting alone and not a panel of judges).

Additionally, where criminal offences falling within the jurisdiction of a local court are involved, the public prosecutor may, in filing the summary charge sheet, propose to the court to issue, without holding a main hearing, a punitive order by which the proposed penal sanction or measure is imposed on the accused.

**89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

Yes

No

If yes, please specify:

Courts and lawyers can have agreements on dates of hearings, of course within the procedural rules. Procedural rules limit the possibility to present evidence outside the first hearing, so different agreements in this sense are not possible.

**4. 2. 2. Caseflow management and timeframes of judicial proceedings**

**90) Comment:**

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

**91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.**

**Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	331 019	673 141	672 061	332 099
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see	42 605	37 652	36 820	43 437

category 6)*				
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	17 211	31 529	30 502	18 238
3. Enforcement cases	219 042	232 589	239 146	212 485
4. Land registry cases**	44 160	271 328	266 091	49 397
5. Business register cases**	394	44 960	44 795	559
6. Administrative law cases (litigious and non-litigious)	3 057	3 339	4 096	2 300
7. Other cases (e.g. insolvency registry cases)	4 550	51 744	50 611	5 683

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

Civil and commercial non-litigious cases in the first instance include:

- N - all non-litigious civil cases dealt with by the local and district courts,
- Ng - non-litigious commercial cases dealt with by the district courts,
- D - cases pursuant to the Inheritance Act dealt with by the local courts,
- insolvency cases including bankruptcy (St-st), liquidation (St-rl) and compulsory composition (St-pp) cases pursuant to the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act dealt with by the district courts
- Pr - withholding cases dealt with by the local courts.

**93) If "other cases", please indicate the case categories included:**

Other civil law cases in the first instance include:

- R – different civil matters at local courts,
- Pl - payment forms at local courts,
- Pom – legal aid at local courts,
- R – different civil matters at district courts,
- Pl - payment forms at district courts,
- Plg – commercial payment forms at district courts,
- Pom – legal aid at district courts,
- Pom-i – international legal aid at district courts,
- Ov-i – international attestations at district courts,
- Ov-H – attestations according to the Hague convention,
- Zg – temporary injunctions in commercial matters,
- Bpp – free legal aid at district courts,
- II Upr – important other administrative cases,
- I Upr – other administrative cases,
- Bpp – free legal aid at the Administrative court.

**94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	71 484	90 205	99 928	61 761
8. Criminal cases (severe criminal offences)	20 493	18 622	18 918	20 197
9. Misdemeanour and / or minor offences cases	50 991	71 583	81 010	41 564

**95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).**

-----  
Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases

**included under "misdemeanour and /or minor criminal cases".**

Criminal law cases concerning severe criminal offences include:

- K – criminal cases at local and district courts,
- Kpr – criminal investigations at district courts,
- Km – criminal cases against juveniles at district courts.

They do not include the following:

- Kpd – criminal investigation actions at local and district courts,
- Kr – different criminal matters at local and district courts,
- Po – clemency procedures at local and district courts,
- Kmp – criminal cases against juveniles in preparatory proceedings,
- Ks – cases of the out-of-hearing senate,
- IKZ – execution of the sanction of prison,
- IKZt – execution of criminal sanctions of foreign courts,
- Pp – cases of decisions to permit interventions within human rights and freedoms.

Misdemeanour cases and minor offences cases include:

- PR-zsv – minor offences in regular court procedure at 1st instance – request for judicial protection,
- PR-zsv – minor offences in regular court procedure at 1st instance – accusation proposals,
- PRs – minor offences at 1st instance at the transition from 2004 to 2005,
- PRv – minor offences at 1st instance, introduced in the judicial jurisdiction after the 31.12.2004,
- EPVD – cancellation of validity of the driver's licence at 1st instance according to the legal limit of punitive points,
- PRuz – compliance detention.

They do not include the following:

- PomPR – legal aid in minor offences,
- PomPRi – international legal aid in minor offences,
- PRhp – search of premises,
- PRnk – setting a task for the good of the community or the local community,
- Prr – different cases in minor offences.

**96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.**

Q91#1#1 :The decrease in the total number of other than criminal law cases from 443.133 pending cases on the 1 Jan. 2008 to 331.019 cases on the 1 Jan. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008 and 2009 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased). On the other hand, the increase in the number of resolved enforcement cases can be attributed to technological developments (the creation of the Central department for enforcement on the basis of authentic documents that is supported by ICT).

Q94#1#1 and Q94#4#1 : The decrease in the total number of criminal law cases from 104.956 pending cases on the 1 Jan. 2008 to 71.484 pending cases on the 1 Jan. 2010 and from 85.625 pending cases on the 31 Dec. 2008 to 61.761 on the 31 Dec. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008, 2009 and 2010 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased). Another reason that concerns criminal cases is the drop in the number of incoming cases for misdemeanor / minor offences cases. The number of new cases in this category has been steadily falling since the reform of the minor offences system in 2003 that included the minor offence courts in the general court system. In 2006 there were over 150.000 new cases at local and higher courts while in 2010 this number has fallen under 100.000. Consequently, the number of pending cases has dropped.

**97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	5 138	23 284	22 371	6 051
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see	2 941	12 363	11 664	3 640

category 6)*				
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Enforcement cases	2 096	9 317	9 061	2 352
4. Land registry cases	NA	NA	NA	NA
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	94	367	409	52
7. Other cases (e.g. insolvency registry cases)	7	1 237	1 237	7

**98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	2 204	9 146	9 723	1 627
8. Criminal cases (Severe criminal offences)	1 094	4 424	4 546	972
9. Misdemeanour and/or minor offences cases	1 110	4 722	5 177	655

Comment :

Civil and commercial litigious cases include:

- Cp – civil litigious cases at 2nd instance,
- Cpg – commercial civil litigious cases at 2nd instance.

Enforcement cases include:

- Ip - enforcement and commercial enforcement cases at 2nd instance.

Administrative law cases include:

- I Up - appeals in administrative disputes, which are lodged with and dealt with by the highest instance court, namely the Supreme Court of the Republic of Slovenia.

Other civil law cases include:

- R - other civil at 2nd instance,
- Rg - other commercial law cases at 2nd instance.

Criminal law cases concerning severe criminal offences include:

- Kp - criminal cases at 2nd instance

They do not include:

- Kr - other criminal cases at 2nd instance.

Misdemeanour cases and minor offences cases include:

- PRp-zsv – minor offences in regular court procedure at 2nd instance – request for judicial protection,
- PRp-zsv – minor offences in regular court procedure at 2nd instance – accusation proposals,
- PRps – minor offences at 2nd instance at the transition from 2004 to 2005,
- PRpv – minor offences at 2nd instance, introduced in the judicial jurisdiction after the 31.12.2004,
- EPVDp – cancellation of validity of the driver's licence at 2nd instance according to the legal limit of punitive points,
- PRuzp – compliance detention at 2nd instance.

They do not include the following:

- PRnkp – setting a task for the good of the community or the local community at 2nd instance,
- PRr – different cases in minor offences at 2nd instance.

Q98#1#1 : The increase in the total number of criminal law cases from 1.685 pending cases on the 1 Jan. 2008 to 2.204 pending cases on the 1 Jan. 2010 is the result of a lower number of cases solved in 2008 than the number of incoming cases. The reason for that is that in 2008 second instance courts have received a considerably higher amount of new misdemeanour / minor offences cases (6.433 in 2008 compared to 5.278 in 2007), while the number of solved cases has not

increased in the same percentage (5.622 solved cases in 2008 compared to 5.363 in 2007). The increase in the number of incoming cases at second instance could be attributed to the developments that followed the 2003 reform of the minor offences system.

Q98#4#1 : The decrease in the total number of criminal law cases from 2.375 pending cases on the 31 Dec. 2008 to 1.627 pending cases on the 31 Dec. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved misdemeanour / minor offences cases in 2009 and 2010 exceeded the number of incoming cases that caused the reduction in the number of pending cases, turning the trend from the year 2008 when the number of pending cases has increased. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased). Another reason that concerns criminal cases is the drop in the number of incoming cases for misdemeanour / minor offences cases. Consequently, the number of pending cases has dropped.

**99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	4 046	2 862	3 801	3 107
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	2 423	1 710	2 017	2 116
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NA	NA	NA	NA
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	773	607	1 002	378
7. Other cases (e.g. insolvency registry cases)	850	545	782	613

**100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	200	967	960	207
8. Criminal cases (severe criminal offences)	166	753	749	170
9. Misdemeanour cases (minor offences)	34	214	211	37

Comment :

Civil litigious cases include:

- Cp - civil litigious cases at 3rd instance,
- R deleg – delegations, jurisdiction disputes,
- R raz civ – other civil cases at 3rd instance,
- II Ips zvz – requests for protection of legality,
- II Ips rev – revisions in civil cases,
- II DoR – permission to file for revision in civil cases

in the highest instance court, namely in the Supreme Court of the Republic of Slovenia.

Commercial litigious cases include:

- G – judicial protection procedures,
- Cpg – commercial cases at 3rd instance,

- R deleg - delegations, jurisdiction disputes,
  - R raz gosp – other commercial cases at 3rd instance,
  - II Ips zvz – requests for protection of legality,
  - II Ips rev – revisions in commercial cases,
  - II DoR – permission to file for revision in commercial cases
- in the highest instance court, namely in the Supreme Court of the Republic of Slovenia.

Administrative law cases include:

- U - administrative cases in the highest instance court,
- X Ips – revisions,
- I Upr - jurisdiction disputes,
- II Upr – other cases,
- I Uv – Article 66 of the Administrative Dispute Act,
- II Uv – protection of the right to vote,
- Ips prs – extraordinary examination of a final judgment in administrative dispute,
- Ips druge – other extraordinary legal remedies in administrative dispute.

They do not include appeals in administrative disputes. The latter are considered as the cases in the second instance.

Other cases among civil cases in the highest instance court include:

- cases governed by employment and social (security) law, dealt by the Labour and Social Security Department of the Supreme Court.

Limitations to the appeal to the highest instance court – There are limitations to appeal to the Supreme Court in almost all procedures, excluding the criminal procedure. In labour and social disputes law limitations were introduced in 2005, in administrative law in 2007 and in civil law disputes in 2008.

Criminal law cases concerning severe criminal offences include:

- Kp - criminal cases at 3rd instance,
- Kr - delegations, jurisdiction disputes,
- Kr pp – prolongation of detention,
- Kr r – other criminal cases at 3rd instance,
- Ips iok – extraordinary reduction of sentences,
- zvz kaz - requests for protection of legality in criminal cases.

Misdemeanour cases and minor offences cases include:

- zvz prek - requests for protection of legality in minor offences cases.

**101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	1 104	1 903	1 937	1 070
Employment dismissal cases	887	1 093	1 252	728
Robbery cases	NA	NA	109	NA
Intentional homicide	NA	NA	9	NA

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]**

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	1,4	0,54	200,5	45,6	132	NA
Employment dismissal cases	36,34	3,0	211,6	127,0	546,8	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

Litigious divorce cases include the following two types of divorce proceedings: divorces involving children and divorces without children. The data given exclude divorces as a result of mutual agreement between the parties (i.e. the non-litigious divorce).

**104) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.**

The average length of the court proceedings of each category given is calculated as arithmetic mean of the lengths of all the proceedings of certain category resolved in the year observed, wherein the length of each proceeding is calculated in number of days counted from the date of initiation/lodging of the proceeding up to the date of its resolution. Arithmetic mean is calculated by the formulae as follows: " $Y_a = (y_1 + y_2 + \dots + y_N) / N$ ", wherein  $Y_a$  is arithmetic mean of the lengths of the proceedings,  $y_1$  is length of proceeding No 1,  $y_2$  is length of proceeding No 2,  $y_N$  is length of proceeding No N and N is the number of all proceedings.

**105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

Prosecutors cannot conduct or supervise police investigation, but they can set guidelines for police work by giving directions, expert opinions and proposals. They can also lead national or international joint investigation teams.

Prosecutors cannot impose or negotiate a penalty, but they can use some alternative methods when solving cases. For example they can, upon consent of the injured party, suspend a case if the suspect binds himself to act as instructed by the public prosecutor and to perform certain actions to allay or remove the harmful consequences of the criminal offence. They may also transfer the case into a settlement procedure or propose to the court to issue, without holding a main hearing, a punitive order by which the proposed penal sanction is imposed on the accused.

Other significant powers - prosecutors can apply extraordinary legal remedies against final judicial decisions.

Regarding the answer on conducting an investigation - prosecutors conduct the investigation when joint investigation team is established.

**106) Does the public prosecutor also have a role in civil and/or administrative cases?**

- Yes
- No

If yes, please specify:

Supreme state prosecutors can file a "request for protection of legality" against final judicial decisions in civil, administrative and minor offences cases - if there was violation of law or proceedings.

**107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	91 489	70 868	NAP	14 758

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	70 868
1. Discontinued by the public prosecutor because the offender could not be identified	52 146
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	14 452
3. Discontinued by the public prosecutor for reasons of opportunity	4 270

**109) Do the figures include traffic offence cases?**

Yes

No

## D.2

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter  
 the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Q97#1#1 : The decrease in the total number of other than criminal law cases from 7.629 pending cases on the 1 Jan. 2008 to 5.138 cases on the 1 Jan. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008 and 2009 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased).

Q99#2#1 : The decrease in the total number of other than criminal law incoming cases from 3.696 incoming cases in 2008 to 2.862 incoming cases in 2010 is the result of the change in the Civil Procedure Act in 2008 that has introduced the leave to appeal for the extraordinary legal remedy of revision. According to the new legislation a panel of 3 judges of the Supreme Court is entitled to decide whether to let the panel of 5 judges decide on a revision. The revision is allowed only when it concerns a legal question on which the decision of the higher court departs from the case law of the Supreme Court, secondly, when it concerns a legal question on which there is no case law of the Supreme Court, especially if the case law of the higher courts is not settled and finally, when there is no settled case law of the Supreme Court on the issue. The number of incoming cases just for the Civil department of the Supreme Court has fallen from 1.588 in 2008 to 1.367 in 2010. Similarly, the number of incoming cases for the Labour and Social department of the Supreme Court has fallen from 755 in 2008 to 545 in 2010. Additionally, the number of senior judicial advisers that help judges in preparing the decision has increased as well, thus increasing productivity.

Q99#4#1 : The decrease in the total number of other than criminal law pending cases from 4.518 pending cases on the 31 Dec. 2008 to 3.107 pending cases on the 31 Dec. 2010 is the result of the change in the Civil Procedure Act in 2008 that has introduced the leave to appeal for the extraordinary legal remedy of revision. According to the new legislation a panel of 3 judges of the Supreme Court is entitled to decide whether to let the panel of 5 judges decide on a revision. The revision is allowed only when it concerns a legal question on which the decision of the higher court departs from the case law of the Supreme Court, secondly, when it concerns a legal question on which there is no case law of the Supreme Court, especially if the case law of the higher courts is not settled and finally, when there is no settled case law of the Supreme Court on the issue. The change caused a drop in the number of incoming cases (explained above), while the number of resolved cases has been rising. Consequently, the number of pending cases has dropped significantly. Additionally, the number of senior judicial advisers that help judges in preparing the decision has increased as well, thus increasing productivity.

Q100#1#1 : The decrease in the total number of criminal law pending cases from 268 pending cases on the 1 Jan.



2008 to 200 pending cases on the 1 Jan. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008 and 2009 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources. The number of senior judicial advisers that help judges in preparing the decision has increased as well, thus increasing productivity.

Q101: Data on robbery cases and intentional homicide cases derive from crime statistical data collected by the Statistical Office of the Republic of Slovenia. These data are collected by means of statistical questionnaires answered by the public prosecutor's office and local and district courts. According to the Statistical Office of the Republic of Slovenia "the data collection begins at the moment when the procedure is finished or when the judgement is final as in this way the observation unit becomes known. The number of observation units is determined by data processing for each calendar year. Observation units are perpetrators of criminal offences. When more than one perpetrator participates in committing one criminal offence, each participant is a separate observation unit. If one perpetrator commits several criminal offences, the attribute of the perpetrator is only the main criminal offence." The data are obtained based on search profile for »Adults against whom the criminal procedure before senate has been finished by sex, criminal offence, type of decision and duration of detention, Slovenia, annually« in year 2010 for murder and robbery. Not only convicted persons are included, but also the acquitted ones – the figure given represents the number of cases for murder (Article 127 of the old Criminal Code) or robbery (Articles 213 (89) and 214 (20) of the old Criminal Code). Regarding question 108: \* The public prosecutor cannot discontinue the case, because the offender could not be identified, so the number 52146 represents all criminal cases in which the offender was not yet identified, but are still open. \*\* The total number of 1st instance cases discontinued by the public prosecutor for reason of opportunity (4270) includes beside the criminal acts of minor importance also the so called 'alternative' (dismissal of the case after the successful postponement of prosecution and settlement). Regarding question 109: The answer given is 'Yes'. However, these data include only those traffic offences, in which the injured person has more serious injuries (aggravated bodily harm) or dies. Other cases of traffic offences are not criminal offences, but minor offences and are not included in the given figure.

**Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

Court Statistics, Ministry of Justice, 2010

Office for Court Administration, Supreme Court of the Republic of Slovenia

State Prosecutor's Office

## 5. Career of judges and public prosecutors

### 5. 1. Recrutement and promotion

#### 5. 1. 1. Recrutement and promotion

##### 110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

According to the Judicial Service Act a person can become judge (with at least 30 years of age together with other general conditions) after three years of practice at a legal position after passing the legal state exam. There are different periods of practice required for different levels of judges. However, there are no restrictions regarding the institutions – the law only states that the practice has to be done at a legal position.

Judges are elected by the National Assembly (Parliament) upon the proposal by the Judicial Council (body of 11 members, 6 judges and 5 lawyers). Since the election, the career of a judge is in an exclusive competence of the Judicial Council.

Anyone who fulfils the following general conditions may be elected a judge (Article 8, Judicial Service Act):

1. he/she is a citizen of the Republic of Slovenia and has an active command of Slovene language;
2. he/she has the capacity to contract and is in generally good health;
3. he/she is at least thirty years of age;
4. he/she has obtained the professional title of a graduate lawyer in the Republic of Slovenia or has nostrified a law degree obtained abroad in the Republic of Slovenia;
5. he/she has passed the lawyer's state examination;
6. he/she is personally suited to holding judicial office.

Persons who fulfil the listed conditions may be elected to a judicial position at a local court (local judge), if they have at least three years of working experience in legal work after passing the lawyer's state examination.

The Administrative court has the position of a high court, so judges at the Administrative court have to fulfil the conditions for a high court judge. Beside the general conditions, a person can be elected to the position of a high court judge, if he/she has successfully held judicial office for at least six years or has at least nine years of working experience in legal work after passing the lawyer's state examination. Besides that, university lecturers in law who fulfil the general conditions may be elected a high court judge provided they have been elected to a title of assistant professor.

As far as the Supreme Court is concerned, the working experience conditions are judicial office for at least fifteen years or at least twenty years of working experience in legal work after passing the lawyer's state examination. As for the university lecturers, they may be elected a judge of the Supreme Court, if they have been elected to a title of associate professor.

##### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

**[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].**

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Judges are elected by the National Assembly (Parliament) upon the proposal by the Judicial Council (body of 11 members, 6 judges and 5 lawyers). Since the election, the career of a judge is in an exclusive competence of the Judicial Council.

**112) Is the same authority competent for the promotion of judges?**

- Yes  
 No

If no, which authority is competent for the promotion of judges ?

The answer should be partly 'yes' and partly 'no', because for some kinds of promotion the Judicial Council is competent, while other kinds fall under the competence of the president of the court.

If the Judicial Council selects a candidate who has never been elected to judicial office, it shall be obliged to propose such candidate to the National Assembly for election in accordance with the provisions of the Judicial Service Act.

If the Judicial Council selects a candidate already elected to judicial office for the judicial position, it shall appoint such candidate to the advertised judicial position and transfer him/her to the court where the position was advertised.

Upon entering judicial service judges shall acquire the right to promotion in accordance with the conditions set out by the Judicial Service Act.

Promotion includes promotion in wage classes within the limits of wage classes for a judicial position, promotion to a superior judicial position and promotion to the position of councillor. It is the president of the court who rules on promotion in wage classes and promotion to the position of councillor at the proposal of the judge after having carried out the procedure for determining the judge's expertise and performance. However, the promotion to a superior judicial position, a more rapid promotion in wage classes within the limits of a judicial position, a more rapid promotion to the position of councillor and an extraordinary promotion to a superior judicial position are decided by the Judicial Council upon proposal of the judge or the president of the court (Article 24, Judicial Service Act).

**113) Which procedures and criteria are used for promoting judges? Please specify.**

The procedure is specified in the previous answer.

The criteria that the president and the Judicial Council consider when deciding on the appropriate candidates for election or for promotion that constitute the assessment of judicial service are the following (the criteria listed for promotion are used mutatis mutandis also for election) – (Article 29, Judicial Service Act):

- specialist knowledge (general description, post-graduate studies etc.);
- working abilities (number of solved cases, structure of solved cases, number of solved old cases, respecting time schedules, solving cases by turns, judge's ability to bring parties to the settlement; comments about statistical results – i.e., longer absences, some very difficult cases that required additional time etc.);
- ability of solving legal questions (the success rate at the court of appeal – percentage of appeals dismissed, granted etc.);
- work accomplished on the field of judicial backlogs (this point was added recently due to the backlog problem; the description of judge's activities about solving backlogs, i.e. amount of backlogs in the number of solved cases, solving cases by turns, etc.);
- maintaining the reputation of the judge and the court (judge's behaviour in the courtroom, communication with parties and other participants in the trial, maintaining the independence, impartiality, dignity of the court etc.);
- ability of spoken and written communication (legal, logical and grammatical integrity and correctness of his/her written decisions);
- additional accomplished work (i.e. tutorship to trainees and younger judges, participation in educational process inside and outside of judiciary, published papers in professional journals etc.);
- relationship with co-workers;
- leadership abilities (only for judges who also hold certain leading positions – heads of departments and their deputies, presidents etc.).

**114) Is there a system of qualitative individual assessment of the judges' activity?**

- Yes  
 No

**115) Is the status of prosecution services:**

- Indépendant?
- Under the authority of the Minister of justice ?
- Other?

Please specify:

According to The State Prosecutor's Office Act of The Republic of Slovenia a state prosecutor shall perform his tasks on the basis of the Constitution and the statute. With regard to the function of prosecutors we can say that the status of prosecutors is independent, similar to the status of judges, but not the same. The Prosecution Office belongs to the judiciary, but the Ministry of Justice as a part of the executive power has a strong administrative role with regard to the State Prosecution Office.

#### 116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

Any person that meets the general conditions that apply to all state prosecutorial ranks, as well as special conditions, can be appointed to the post of state prosecutor. The general conditions are that he or she has acquired the national title of university graduate of law or has obtained a degree from a law faculty abroad that has been approved as being valid in Slovenia, has passed the Legal State Examination, is a national citizen and is fluent in the Slovenian language, has a contractual capacity and is in good general health, is at least 30 years of age and is personally suited to carry out prosecutorial functions.

District, higher and supreme state prosecutors are appointed by Government on the recommendation of the Minister of Justice. The State Prosecutor General is elected by parliament on the recommendation of the Government. The length of the mandate is 6 years.

The State Prosecution Council is an important body within the state prosecution system, charged with selecting candidates for the post of state prosecutor. The procedures are conducted by the Ministry of Justice, with the State Prosecution Council giving his opinion on the candidates.

#### 117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

The State Prosecutorial Council, the Minister of Justice, the Government of the Republic of Slovenia (nomination of states prosecutors) and the National Assembly (nomination of the State Prosecutor General).

#### 118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

There are three different categories of promotion – in salary classes, to the position of councillor and to higher post.

The State Prosecutorial Council (consisted of seven prosecutors) is formally responsible for the promotion of prosecutors in salary classes and to the position of councillor.

The body with the jurisdiction to appoint a state prosecutor (Government) is responsible to decide on promotion to a higher post.

**119) Which procedures and criteria are used for promoting public prosecutors? Please specify:**

Professionalism and successfulness of prosecutors are checked prior to the promotion.

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

Yes

No

**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes

No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

According to the Judicial Service Act (Article 74) judges have their judicial office terminated pursuant to law:

1. if they fail to make an oath no later than sixty days from the day of being elected to judicial office, unless the failure of not making an oath is a result of factors beyond their control;
2. if they lose the citizenship of the Republic of Slovenia;
3. if they lose the capacity to contract or cease to be in sufficient health to perform judicial service;
4. if they resign from judicial service via a written application sent to the Judicial Council by the president of the court;
5. if the court is abolished and it cannot be guaranteed that they will continue to perform judicial service at another court;
6. if they accept an office, begin to perform activities, conclude an employment relationship or despite a prohibition perform work that is incompatible with judicial office);
7. if it proceeds from assessment of their service that they are unsuited to judicial service;
8. if a disciplinary sanction of termination of judicial office is pronounced upon them.

Judges have their judicial office terminated upon retirement, but no later than upon reaching 70 years of age.

A disciplinary sanction may be pronounced upon a judge who wilfully or by negligence breaches the judicial duties prescribed by law and the court rules, or irregularly performs judicial service.

The disciplinary sanctions are:

1. written warning
2. suspension of promotion
3. wage reduction
4. transfer to another court
5. termination of judicial office.

The Disciplinary Court of First Instance and the Disciplinary Court of Second Instance rule in disciplinary proceedings. The Disciplinary Court of First Instance consists of eight judges: two judges of the Supreme Court, two high court judges, two district judges and two local judges. One of the Supreme Court judges is the President of the Disciplinary Court of First Instance. The Disciplinary court of First Instance rules in an individual case in a panel of three judges, at least one member of which must have a status equal to that of the judge against whom the disciplinary proceedings are being brought. The Disciplinary Court of Second Instance consists of five judges of the Supreme Court.

Additionally, the Parliament can dismiss a judge, if he/she commits a criminal offence. The procedure depends on the type of criminal offence and on the sanction pronounced.

The Judicial Service Act states (Articles 77 and 78):

#### Article 77

If a judge wilfully commits a criminal offence through the abuse of judicial office, the court must send the final judgement of conviction to the Judicial Council.

In the case specified in the previous paragraph the Judicial Council shall be obliged to immediately notify the National Assembly, which shall dismiss the judge.

#### Article 78

If a judge is convicted of a criminal offence and receives a custodial sentence, the court must send the final judgement to the Judicial Council.

If a judge is convicted of a wilful criminal offence and receives a custodial sentence of more than six months, the Judicial Council shall propose to the National Assembly that the judge be dismissed; the Judicial Council shall merely notify the National Assembly regarding other judgements by which a judge is convicted of a criminal offence.

When a judge is convicted of a criminal offence and receives a custodial sentence of less than six months or a non-custodial sentence, the Judicial Council shall propose to the National Assembly that the judge be dismissed if it is a matter of a criminal offence owing to which the judge is deemed personally unsuited to holding judicial office.

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of probation period (in years)
	NAP

**123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes

No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

According to the State Prosecutor's Office Act (Article 72), s state prosecutor function shall cease:

1. upon retiring but no later than upon reaching the age of 70;
2. if he loses the citizenship of the Republic of Slovenia;
3. if he loses capacity to contract or health capability for performance of the service;
4. if he renounces the service of a state prosecutor with a written application send to the Government of the Republic of Slovenia through the head of the competent state prosecutor's office;
5. if the state prosecutor's office is abolished and it is not possible to provide for the prosecutor to continue with work in another state prosecutor's office;
6. if the state prosecutor accepts a function, starts performing an activity or concludes an employment relationship, or despite a prohibition performs an activity or work which is incompatible with the function of a state prosecutor;
7. if the assessment of his performance indicates that he is unsuitable for the state prosecutorial service;
8. if a disciplinary sanction of termination of his state prosecutor office is issued on him.

A state prosecutor shall be dismissed (Article 75) if he is convicted by a final judgment:

- 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.

(2) A state prosecutor can be dismissed if he is convicted by a final judgment:

- For 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
- For 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.

(3) In the cases referred to in the previous paragraphs, the court shall send the final judgment to the Ministry, the State Prosecutorial Council and the State Prosecutor General.

(4) In the case referred to in the second paragraph of this Article, the State Prosecutorial Council and the State Prosecutor General shall submit to the Minister, within one month of receipt of the judgment, their opinion on personal suitability or unsuitability of the convicted state prosecutor for the performance of the state prosecutorial office.

(5) A state prosecutor shall be dismissed by the Government of the Republic of Slovenia on the Minister's proposal.

Disciplinary sanctions under the State Prosecutor's Office Act include:

1. a written reprimand;
2. reduction of salary;
3. suspension of promotion;
4. transfer to another state prosecutor's office;
5. dismissal of the function of the state prosecutor.

The disciplinary court of first instance has nine members, namely:

- six state prosecutors appointed by the State Prosecutorial Council upon the proposal of the State Prosecutor General with their consent;
- three judges appointed by the State Prosecutorial Council upon the proposal of the president of the disciplinary court of first instance from among the members of this court with their consent;

The disciplinary court of first instance decides in individual matters by a senate of three members.

The disciplinary court of second instance has six members:

- the president, deputy of the president and two members appointed by the State Prosecutorial Council on the proposal of the president of the disciplinary court of second instance as judges from among the members of this court with their consent; and
- two supreme state prosecutors appointed by the State Prosecutorial Council on the proposal of the State Prosecutor General with their consent.

The disciplinary court of second instance decides in individual matters by a senate of three members.



**124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
	NAP

**125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?**

NAP

**126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?**

NAP

### E.1

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

Regarding question 110:

The regulation has not changed since the last evaluation round. However, the answer has been modified due to a better insight into the organisation of European judicial training through the Menu for Justice project (lifelong Learning Programme of the EU).

Regarding question 111:

The regulation has not changed since the last evaluation round. However, the answer has been modified since there is a clear explanation that the question refers to the recruitment organ (in this case the Judicial Council) and not the Parliament that elects the judges. In the previous round the answer 'An authority composed of non-judges only' referred to the Parliament.

## 5. 2. Training

### 5. 2. 1. Training

#### 127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Compulsory
In-service training for the use of computer facilities in courts	Optional

#### 128) Frequency of the in-service training of judges:

General in-service training	Occasional (e.g. at times)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Regular (e.g. every 3 months)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

**129) Training of public prosecutors**

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Compulsory
In-service training for the use of computer facilities in office	Compulsory

**130) Frequency of the in-service training of public prosecutors**

General in-service training	Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).**

**If your judicial training institutions do not correspond to these criteria, please specify it.**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	No
One institution for prosecutors	No	No	No
One single institution for both judges and prosecutors	No	No	Yes

Comment :

The budget of the Judicial Training Centre for the year 2010 was of 263528 EUR.

The Judicial Training Centre is an organ of the Ministry of Justice. According to the Courts Act the tasks of the Centre are:

- to implement the training of judicial trainees;
- to organize and control the execution of legal state exams, to organize and control the execution of other forms of exams required in the justice system;
- to organize and control the execution of different types of permanent in-service training of judges, judicial advisers and court personnel;
- to conduct the obligatory professional training for presidents and directors of courts;
- to publish professional literature.

The director of the Centre is a judge that is appointed to work at the Ministry of Justice in accordance with the provisions of the Judicial Service Act.

The Courts Act states that the Expert Council is set up for providing expert assistance to the Centre in the implementation of its tasks.

The Council consists of the following 11 members:

- two representatives of the ministry competent for justice;
- one representative of the Supreme Court of the Republic of Slovenia;
- one representative of the Supreme State Prosecutor's Office of the Republic of Slovenia;
- one representative of the State Attorney's Office of the Republic of Slovenia;
- one representative of the Judicial Council of the Republic of Slovenia;

- one representative of the Slovenian Judges' Association;
- one representative of the Association of State Prosecutors of Slovenia;
- one representative of each law faculty in the Republic of Slovenia (3 altogether).

The work of the Expert Council is conducted by the Minister of Justice or by the state secretary under his authorisation. It is the Minister of Justice who adopts the programme of the Centre as well.

## E.2

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

#### 132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	28 968	17 521
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	57 909	30 823
Public prosecutor at the beginning of his/her career	34 858	19 901
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	54 765	29 367

Comment :

The salary given for the Supreme Court judge represents the average salary of the two possible salary classes – Supreme Court judge and Supreme Court judge councillor. In the last evaluation round the highest possible salary was given – the salary of the Supreme Court judge councillor. For the year 2010 this salary would amount to 59045 EUR (gross annual salary) and 31345 EUR (net annual salary).

#### 133) Do judges and public prosecutors have the following additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

#### 134) If other financial benefit, please specify:

There are no additional benefits for judges or public prosecutors.

#### 135) Can judges combine their work with any of the following other functions ?

	with remuneration	without remuneration
Teaching		

	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

**136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.**

The Judicial Service Act (Articles 41-43) states the following:

Judges may not perform lawyer's or notary's transactions, or any commercial or other profit-making activities.

Judges may not perform managerial transactions, and may not be a member of the board of directors or supervisory board of any company or other legal person involved in profit-making activities.

Judges may not accept any employment or work that would obstruct them in performing judicial service, or that would be in conflict with the reputation of judicial service or encourage the impression that they are not impartial in performing their judicial service.

Judges may perform teaching, scientific, publishing and research work and other similar work in the legal profession, provided the performance of judicial service is not thereby obstructed.

Judges may not conclude an employment relationship in order to perform the work specified in the previous paragraph or other work that judges may perform in addition to judicial service.

Judges must inform the president of the court in advance in writing of their acceptance of work that judges may perform in addition to judicial service; the president of the court must inform the president of the immediately superior court.

If the president of the court feels that it is a matter of work that pursuant to the provisions of the present act judges may not perform, he/she shall propose that the Judicial Council rule on the incompatibility of the work with judicial office and notify the judge of such.

If the Judicial Council rules that the work is incompatible with judicial office, it shall prohibit the judge from accepting it.

**137) Can public prosecutors combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

Prosecutors cannot engage in a profitable activity (long term) or take any job that could harm the reputation or independence (impartiality) of their service.

**139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?**

Yes

No

If yes, please specify the conditions and possibly the amounts:

In June 2007 the amendment to the Salary System in the Public Sector Act was passed, allowing bonuses for judges in case of exceeding the minimum expected amount of work. Following a vast opposition from the side of the judges, the law was under scrutiny of the Constitutional Court, which held that in principle, such bonuses are not unconstitutional as long as the criteria are clear and set in advance. Nevertheless, the newly amended version of the Act was in front of the Constitutional Court again in 2008, which deemed that the reform of the wage system was unconstitutional, since it was not giving equal value to the representatives of the three branches of power and thus undermining the independency of judges. In December 2009 new laws were passed that followed the Constitutional Court's decisions. The new laws regulating the wages of judges do not include any bonuses for extra work anymore.

#### 5. 4. Disciplinary procedures

##### 5. 4. 1. Disciplinary procedures

#### 140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

For judges - the initiative to introduce disciplinary proceedings may be put forward by the president of the court where the judge performs judicial service, the president of the immediately superior court, the Judicial Council or the Minister of justice.

However, the formal proposal for disciplinary sanctioning shall be lodged and presented by the disciplinary prosecutor, in whose absence the deputy thereto shall deputise for. They shall both be judges of the Supreme Court.

#### 141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

For prosecutors – The State Prosecutor General and the Minister of Justice are authorized to initiate disciplinary proceedings.

#### 142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council

- Disciplinary court or body  
 Ombudsman  
 Parliament  
 Executive power  
 Other?

If "executive power" and/or "other", please specify:

According to Judicial Service Act a disciplinary sanction may be pronounced upon a judge who wilfully or by negligence breaches the judicial duties prescribed by law and the court rules, or irregularly performs judicial service.

The disciplinary sanctions are:

1. written warning
2. suspension of promotion
3. wage reduction
4. transfer to another court
5. termination of judicial office.

The Disciplinary Court of First Instance and the Disciplinary Court of Second Instance rule in disciplinary proceedings. The Disciplinary Court of First Instance consists of eight judges: two judges of the Supreme Court, two high court judges, two district judges and two local judges. One of the Supreme Court judges is the President of the Disciplinary Court of First Instance. The Disciplinary court of First Instance rules in an individual case in a panel of three judges, at least one member of which must have a status equal to that of the judge against whom the disciplinary proceedings are being brought. The Disciplinary Court of Second Instance consists of five judge of the Supreme Court.

**143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):**

- Supreme Court  
 Head of the organisational unit or hierarchical superior public prosecutor  
 Prosecutor General /State public prosecutor  
 Public prosecutorial Council (and Judicial Council)  
 Disciplinary court or body  
 Ombudsman  
 Professional body  
 Executive power  
 Other?

If "executive power" and/or "other", please specify:

For prosecutors – The state prosecutor has no disciplinary liability for opinions given by him in the course of his work. The principle of disciplinary liability applies to the state prosecutors in specific cases:

- violation of discipline of a more or less serious nature,
- violation of the reputation and dignity of the post,
- non-conscientious, tardy or negligent performance of his official duties,
- failure to fulfil his official duties,
- unjustified refusal to perform official duties or
- failure to follow instructions given in accordance with the provision of the law,
- violation of regulations on the safeguarding of national and official secrets,
- undignified and offensive conduct towards individuals, state bodies or legal persons in connection with performance of the functions of state prosecutor and outside them,
- an abuse of position or a more serious violation of official powers.

Disciplinary proceedings may be proposed by the state Prosecutor General or the Minister of Justice. Violations are decided by the disciplinary court comprised of the president and 2 members of the disciplinary court for the judges and public prosecutors.

The types of sanctions are:

1. dismissal from the post of state prosecutor,
2. a halt to promotion,
3. a reduction in salary.

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Judges	Public prosecutors
Total number (1+2+3+4)	1	0
1. Breach of professional ethics	0	0
2. Professional inadequacy	1	0
3. Criminal offence	0	0
4. Other	0	0

Comment :

In 2010 one disciplinary proceeding was initiated against a judge, because of unconscientious, late, inappropriate or negligent performance of judicial service (Article 81/2 – point 3 of the Judicial Service Act). After the investigation carried out by the disciplinary prosecutor the charges have been withdrawn.

No disciplinary proceedings were initiated or finished against public prosecutors in 2010.

Q144#1#1 : The apparently high percentage of the change can be partly attributed to the relatively low absolute number of disciplinary proceedings initiated against judges. While in 2008 there were 3 such proceedings, there was only 1 in 2010. Nevertheless, this does not represent a trend, since in 2011 there were 9 such proceedings.

The reasons for the initiation of disciplinary procedures against judges were the following:

2008 (3 cases):

- 1 for action or behaviour on the part of the judge that conflicts with the judge's impartiality or that damages the reputation of the judicial profession (Article 81/2 – point 14 of the Judicial Service Act);
- 1 for breach of the case roster or priority handling of cases defined by law or the court rules (Article 81/2 – point 9 of the Judicial Service Act);
- 1 for failure to achieve the expected work results for more than three months consecutively without justifiable grounds (Article 81/2 – point 8 of the Judicial Service Act).

2009 (1 case):

- 1 for unconscientious, late, inappropriate or negligent performance of judicial service, for breach of the case roster or priority handling of cases defined by law or the court rules and for action or behaviour on the part of the judge that conflicts with the judge's impartiality or that damages the reputation of the judicial profession (Article 81/2 – points 3 , 9 and 14 of the Judicial Service Act);

2010 (1 case):

- 1 for unconscientious, late, inappropriate or negligent performance of judicial service (Article 81/2 – point 3 of the Judicial Service Act);

2011 (9 cases):

- 1 for commission of an act that has the statutory definition of a criminal offence while holding judicial office (Article 81/2 – point 1 of the Judicial Service Act);
- 6 for unconscientious, late, inappropriate or negligent performance of judicial service (Article 81/2 – point 3 of the Judicial Service Act);
- 1 for breach of the case roster or priority handling of cases defined by law or the court rules (Article 81/2 – point 9 of the Judicial Service Act);
- 1 for action or behaviour on the part of the judge that conflicts with the judge's impartiality or that damages the reputation of the judicial profession (Article 81/2 – point 14 of the Judicial Service Act).

**145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Judges	Public prosecutors
Total number (total 1)	0	0

to 9)		
1. Reprimand	0	0
2. Suspension	0	0
3. Removal of cases	0	0
4. Fine	0	0
5. Temporary reduction of salary	0	0
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	0	0
8. Resignation	0	0
9. Other	0	0

Comment :

The numbers for the year 2010 seem to demonstrate that there are almost no disciplinary proceedings against judges. However, this is not the case. In 2011 there have been 9 disciplinary proceedings initiated against judges for different reasons:

- 1 for commission of an act that has the statutory definition of a criminal offence while holding judicial office (Article 81/2 – point 1 of the Judicial Service Act);
- 6 for unconscientious, late, inappropriate or negligent performance of judicial service (Article 81/2 – point 3 of the Judicial Service Act);
- 1 for breach of the case roster or priority handling of cases defined by law or the court rules (Article 81/2 – point 9 of the Judicial Service Act);
- 1 for action or behaviour on the part of the judge that conflicts with the judge's impartiality or that damages the reputation of the judicial profession.

For prosecutors the situation is different. In 2011 two procedures ended - one procedure (initiated in 2009) was stopped since the prosecutor charged with (1) unconscientious, late or negligent performance of service and (2) failure to carry out judicial duties, unjustifiable refusal thereof or failure to observe rulings (Article 44/1, points 1 and 2 of the State Prosecutor Act) retired. In the second procedure (initiated in 2008) a prosecutor charged with abuse of status or severe transgression of official authorisations (Article 44/1, point 6 of the State Prosecutor Act) was acquitted.

### E.3

**You can indicate below:**

- **any useful comments for interpreting the data mentioned in this chapter**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years**

**Please indicate the sources for answering questions 144 and 145**

Disciplinary tribunal at the Supreme Court of the Republic of Slovenia



## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

1 294

**147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

- Yes  
 No

**148) Number of legal advisors who cannot represent their clients in court:**

NA

**149) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

- Civil cases?  
 Criminal cases - Defendant?  
 Criminal cases - Victim?  
 Administrative cases?  
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Civil cases:

The Civil Procedure Act gives the right to appear in Court:

· of First Instance:

in County Court - to everyone who is capable to contract,

in District Court - only to lawyers or individuals who passed the Legal State Exam

· of Second Instance, before Higher Court - only to lawyers or individuals who passed the Legal State Exam

· of Third Instance, in the Supreme Court - only to lawyers or individuals who passed the Legal State Exam.

Criminal cases:

- Defendant: By The Criminal Procedure Act only a lawyer or a prospective entrant is entitled to defend the accused. Only a lawyer is permitted to be a defender in the Supreme Court.

- Victim: The monopoly is given to lawyers only when representing the minor victims only in specific cases.

Administrative cases:

The General Administrative Procedure Act gives the right to appear in front of state authorities to everyone who is capable to contract.

**150) Is the lawyer profession organised through? (multiple options possible)**

- a national bar?  
 a regional bar?  
 a local bar?

**151) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- Yes  
 No

If not, please indicate if there are other specific requirements as regards diplomas or

university degrees :

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**

- Yes  
 No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**

- Yes  
 No

If yes, please specify:

There are no obligatory rules about continuous training for lawyers in Slovenia.

The Article 14 of the Code of Professional Conduct of the Bar Association of Slovenia enacts that the lawyer shall permanently engage in his expert advance studies and shall mind his general education and broad knowledge. Through his professional practice he shall assert and intensify the importance of legal aid as well as the good reputation of the social function of the Bar. The Code also provides that the lawyer shall help other lawyers with his expert knowledge and shall contribute to the expert and general education of prospective entrants and pupils.

Every year a "Lawyers school" is organized in order to introduce them the latest education about the newer legislation and other issues important to Slovenian lawyers by the Slovenian Bar Association. Nevertheless, the attendance of lawyers is not obligatory.

The lawyer who has been awarded the title of specialist in a certain subject or the academic title of Master of Law shall on his demand be recognized the status of specialist lawyer, provided that he has practiced the legal profession and/or has held a judicial office in the claimed domain for at least five years. The lawyer who has been elected assistant senior lecturer, associate professor or full professor of the Faculty of Law, shall be recognized the status of lawyer specialized in the legal domain where he practiced his pedagogical and scientific work, even if he does not fulfill the conditions of the five years' practice (Article 33 of the Attorneys Act).

**F.1**

**Please indicate the sources for answering questions 146 and 148:**

**Comments for interpreting the data mentioned in this chapter:**

The Slovenian Bar Association

**6. 2. Practising the profession**

**6. 2. 1. Practising the profession**

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

- Yes  
 No

**155) Are lawyers' fees freely negotiated?**

- Yes  
 No

**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

- Yes laws provide rules
- Yes standards of the bar association provide rules
- No, neither laws nor bar association standards provide rules

## F.2

### Useful comments for interpreting the data mentioned in this chapter:

The lawyer shall be entitled to the payment for his performance and to the reimbursement of costs related to the performed task, according to the lawyer's fee.

The lawyer shall be entitled to higher payment for his performance than deserving according to the lawyer's fee, if so agreed with the client in writing.

In property related matters the lawyer may agree with the client on such payment that instead of the payment according to the lawyer's fee he may claim at maximum a 15 per cent share of the amount awarded to the client by the court. The agreement shall be made in writing (Article 17, Attorneys Act).

On 1.1.2009 the new Act on the attorney's fee (attorney's price list), adopted by parliament, came to force. This new law replaced the Attorney's tariffs, adopted by the Slovenian Bar Association that was agreed with the Minister of Justice. However, this situation did not last long – the amendment of the Attorney's act, which came into force on 9.5.2009, provided the end of validity of the new Act on attorney's fee, but it is still used until enforcement of the new regulation by the Slovenian Bar Association, previously approved by the Minister of Justice. The Slovenian Bar Association has already prepared a new Attorney's tariff, but the Minister of Justice had not given consent to it.

## 6. 3. Quality standards and disciplinary proceedings

### 6. 3. 1. Quality standards and disciplinary proceedings

#### 157) Have quality standards been determined for lawyers?

- Yes
- No

If yes, what are the quality criteria used?

The rules of professional conduct are defined in the provisions of the Statute and the Code. The violations of professional conduct relate to acts or omissions affecting other lawyers (i.e. contacting the counter party that is represented by another lawyer), the Bar Association (i.e. repeated non-payment of membership duties), violations committed in relation to the representation of the client (i.e. cancellation of the power of lawyer in an inappropriate behaviour or statements of the lawyer). Gross violations present mostly violations of duties related to clients, conduct of other activities that are not compatible with the lawyer profession and violations relating to conflict of interest rules.

#### 158) If yes, who is responsible for formulating these quality standards:

- the bar association?
- the Parliament?
- other?

If "other", please specify:

#### 159) Is it possible to file a complaint about :

- the performance of lawyers?
- the amount of fees?

Please specify:

The customers can make an official complaint to the Slovenian Bar Association. The disciplinary prosecutor shall require the introduction of the disciplinary proceedings, if he is informed of the facts and evidences on the basis whereof it is possible to soundly infer that the lawyer and/or the prospective entrant or the pupil has violated his duty. In his demand for introduction of the disciplinary proceedings, the Disciplinary Prosecutor shall specify the breach of duty as well as state the facts and propose evidences to be submitted for their identification.

On the demand of the President of the Supreme Court and the Minister of Justice, the disciplinary prosecutor shall require the introduction of the disciplinary proceedings.

In the disciplinary proceedings against lawyers there shall be imposed the following disciplinary measures: warning, reprimand, fine and denial of the right to practice the legal profession or the practice in a law office.

Disciplinary matters against the lawyer, the prospective entrant and/or the pupil shall be subject to the decision of the Disciplinary Commission, except in the matters which in compliance with the provisions specified in Bar Act fall under the competence of the Disciplinary Board.

In front of the Disciplinary Commission and in the Disciplinary Board the charge shall be represented by the disciplinary prosecutor elected by the Assembly of the Bar Association.

**160) Which authority is responsible for disciplinary procedures?**

- the judge  
 the Ministry of justice  
 a professional authority  
 other

If other, please specify:

The disciplinary prosecutor, who presents charges against lawyers in front of the Senate of Disciplinary Commissions of the first and the second instances or in front of the Disciplinary Board, shall be elected by the Assembly of the Bar Association out of the lawyers for three years.

The Senate of Disciplinary Commissions of the first and the second instances, who decides in individual discipline cases, is assembled out of the president and two members. The president and one member for each Senate of Disciplinary Commissions of the first and the second instances are elected by the Assembly of the Bar Association out of the lawyers. The other member is selected by the Bar Association out of the list of five members, appointed by the Minister of Justice, chosen among lawyers with at least five years of experience on legal matters after passing bar examination.

Disciplinary matters due to the breach of the legal duties for which it is possible to deny the right to practice the legal profession, the practice and/or the pupillage in the law office shall be subject to the decision of the Disciplinary Board in the Senate that consists of two judges of the Supreme Court of the Republic of Slovenia and of three lawyers. The President of the Senate shall be a judge. Both judges, members of the Disciplinary Board Senate, shall be appointed in advance with the annual time schedule of activities of the Supreme Court of the Republic of Slovenia. The lawyers, members of the Senate, shall be elected by the Assembly of the Bar Association for a two years' term.

An appeal against the decision of the Disciplinary Board may be filed and shall be subject to the decision of the Supreme Court of Slovenia in the Senate of five judges.

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	59	59	0	0	0

Comment :

Disciplinary proceedings against lawyers are conducted in the case of breach of duties in the practice of legal profession. These breaches are divided into minor and serious. In 2010 there were 59 breaches in which the disciplinary prosecutor began disciplinary procedures. In 43 cases the proposal to start a disciplinary procedure was rejected.

If it is not a disciplinary breach, but it is a breach of professional ethics (Code of professional conduct), these breaches are considered by Commission on Ethics.

**162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	25	13	0	0	12	0

Comment :

In disciplinary proceedings the following sanctions can be pronounced: warning, reprimand, fine and denial of the right to practise the legal profession (for max 5 years).

### F.3

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

## 7. Alternative Dispute Resolution

### 7. 1. Alternative Dispute Resolution

#### 7. 1. 1. Alternative Dispute Resolution

**163) Does the legal system provide for mediation procedures? If no skip to question 168**

-----  
**[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]**

- Yes  
 No

**164) Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	No	No	No
Family law cases (ex. Divorce)	Yes	Yes	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	Yes	Yes	No	No	No
Criminal cases	No	No	No	No	No

**165) Is there a possibility to receive legal aid for mediation procedures?**

- Yes  
 No

If yes, please specify:

According to the Article 7 of the Free Legal Aid Act, free legal aid may also be granted for legal consultation, legal representation and other legal services in ADR proceedings.

**166) Number of accredited or registered mediators who practice judicial mediation:**

344

**167) Number of judicial mediation procedures.**

-----  
**Please indicate the source in the "comment" box below:**

Total number of cases (total 1+2+3+4+5)	<input checked="" type="checkbox"/> Yes	2 239
1. civil cases	<input checked="" type="checkbox"/> Yes	1 917
2. family cases	<input checked="" type="checkbox"/> Yes	0
3. administrative cases		NAP
4. employment dismissals cases	<input checked="" type="checkbox"/> Yes	322
5. criminal cases		NAP

Comment :

The number of family cases is included in the number of civil cases. The situation on criminal cases is explained below.

Civil and commercial matters: The Act on Alternative Dispute Resolution in Judicial Matters has been adopted in November 2009. According to this Act, all courts of first and second instance have to adopt ADR programmes. On the basis of these programmes, mediation is offered in disputes arising from commercial, labour, family and other civil relationship, with regard to claims that are at parties' disposal and that parties can agree upon. Courts may also introduce other forms of ADR. The Act refers to county, district and labour courts, as well as to high courts and high labour court. The courts of first instance had to adopt programmes before June 15th 2010; the courts of second instance will adopt them before June 15th 2012. The court may adopt and implement the programme as an activity organised directly in court (court-annexed

programme) or on the basis of a contract with a suitable provider of ADR (court-connected programme). Courts can also cooperate when implementing the programme. Mediators in these programmes have to fulfil conditions, determined by the Act. The courts' budget shall provide the funds for the programmes that are offered by courts. Mediation in disputes in relations between parents and children and in labour disputes due to termination of an employment contract is free of costs for parties. In other disputes, the first three hours of mediation are free of costs for parties. The only exception is mediation in commercial disputes; parties pay the costs of such mediation. Parties may be referred to mediation in two different ways: on the basis of parties' agreement or on the basis of the information session (in this case they may oppose to referral and in such case, mediation does not start). In case mediation starts, the court proceedings are suspended for 3 months. The Act expressly refers to cases in which the state is a party. In all judicial disputes where this Act is applied and where the Republic of Slovenia is a party, the State Attorney shall give consent for mediation when such a decision is appropriate, given the circumstances of the case. If the State Attorney deems mediation to be unsuitable, he shall submit an explanation and a proposal to the Government of the Republic of Slovenia and ask for a decision.

Criminal matters: The possibility of a settlement proceeding has been introduced in 1998, with the changes of Criminal Procedure Act. The proceeding is not called "mediation" but "settlement in criminal matters". It may be introduced before filing a request for investigation or before filing a charge sheet without the investigation; it may be applied in case of minor criminal offences. The aim of such proceedings is to reach a settlement, which contains certain moral or material satisfaction for the victim. It is up to the public prosecutor to transfer the case into the settlement proceedings. In doing so, the public prosecutor shall take account of the type and nature of the offence, the circumstances in which it was committed, the personality of the perpetrator and his prior convictions for the same type of / or for other criminal offences, as well as his degree of criminal liability. The settlement proceedings shall be run by the settlement agent. The settlement proceedings may only be implemented with the consent of the suspect and the victim. The suspect and the victim bear the costs of the proceedings. The control over these proceedings is exercised by a board, established by the Supreme Public Prosecutor's Office.

The abovementioned statistical data refers (only) to mediation in civil and commercial matters under the Act on Alternative Dispute Resolution in Judicial Matters. It does not refer to settlement proceedings in criminal matters.

**168) Does the legal system provide for the following ADR.**

**If "other", please specify it in the "comment" box below:**

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

According to Act on Alternative Dispute Resolution in Judicial Matters, the courts shall be obliged to provide mediation to the parties and they may also provide other forms of alternative dispute settlement. The Act determines in the Article 3: "According to this Act, an alternative dispute settlement shall be a procedure that does not entail trial and in which one or more neutral third parties co-operate in the dispute settlement as described in Article 2 of this Act using the procedures of mediation, arbitration, preliminary neutral evaluation or other similar procedures."

**G.1**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

**Please indicate the source for answering question 166:**

The Ministry of Justice of the Republic of Slovenia; data for the year 2010.

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

#### 169) Do you have enforcement agents in your judicial system?

- Yes  
 No

#### 170) Number of enforcement agents

46

#### 171) Are enforcement agents (multiple options are possible):

- judges?  
 bailiffs practising as private professionals under the authority (control) of public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

Enforcement agents - bailiffs perform immediate acts of enforcement and the protection of claims. The office of bailiff is a public office whose work area and powers are regulated by statute. The office of bailiff is performed as an independent private activity.

Bailiffs are appointed by the Minister of Justice. The Enforcement and Securing of Civil Claims Act, which governs the legal status of the enforcement agents, prescribes (Article 281): "In order to be appointed as an enforcement officer, a candidate shall meet the following requirements:

- 1) he must be a citizen of the Republic of Slovenia,
- 2) he must be legally capable and enjoy good general health,
- 3) he must have completed at least secondary education,
- 4) he must have at least two years' work experience,
- 5) he must have passed the examination for enforcement agents, based on a program prescribed by the Minister of Justice,
- 6) he must be fluent in Slovene,
- 7) he must prove fit to hold a position of trust for the performance of acts of execution and insurance of claims as public mandates,
- 8) he must possess suitable facilities and premises necessary for the carrying-out of enforcement and insurance of claims.

#### 172) Is there a specific initial training or examination to become an enforcement agent?

- Yes  
 No

#### 173) Is the profession of enforcement agents organised by?

- a national body?  
 a regional body?  
 a local body?  
 NAP (the profession is not organised)

#### 174) Are enforcement fees easily established and transparent for the court users?

- Yes  
 No

#### 175) Are enforcement fees freely negotiated?



Yes No**176) Do laws provide any rules on enforcement fees (including those freely negotiated)?** Yes No**Please indicate the source for answering question 170:**

Ministry of Justice

Enforcement and Securing of Civil Claims Act

## 8. 1. 2. Efficiency of enforcement services

**177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?** Yes No**178) Which authority is responsible for supervising and monitoring enforcement agents?** a professional body? the judge? the Ministry of justice? the public prosecutor? other?

If other, please specify:

Supervision of the office of enforcement agent and over the work of the Chamber of Enforcement Officers is carried out by the Minister of Justice, ex officio or upon proposal.

Supervision over the legality and performance of the office in connection with the cases that have been assigned to the enforcement agent by the court is carried out by the president of the court that assigned the case to the agent.

Regular and direct supervision of the performance of the enforcement agent is carried out by the Chamber of Enforcement Officers.

**179) Have quality standards been determined for enforcement agents?** Yes No

If yes, what are the quality criteria used?

The Ministry of Justice examines the efficiency of the execution officers, taking into account the following criteria:

- the expected minimum amount of work in a calendar year,
- the time and speed of the proceedings,
- the legality and regularity of the performance of the office of the execution officer.

**180) If yes, who is responsible for establishing these quality standards?** a professional body the judge the Ministry of Justice other

If "other", please specify:

Quality standards are established by Rules on criteria for assessing the performance of enforcement officers - prescribed by the Minister of Justice and by Enforcement and Securing of Civil Claims Act.

**181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?**

- Yes  
 No

if yes, please specify

**182) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

**183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all?  
 non execution of court decisions against public authorities?  
 lack of information?  
 excessive length?  
 unlawful practices?  
 insufficient supervision?  
 excessive cost?  
 other?

If other, please specify:

**184) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

- Yes  
 No

If yes, please specify:

In 2010 a reform concerning the enforcement of court decisions was introduced which aims to increase the speed of enforcement on the basis of executive instruments (judgments, enforceable notarial deeds, etc) upon assets which a debtor has deposited with organizations for money movements (banks etc). Special enforcement procedure on the basis of bill of exchange was also introduced which pursues the same aim. Steps were also taken to improve collecting information on debtor's property and to expand electronic commerce in enforcement procedures.

In 2011 a reform was introduced aiming at speeding up the procedure of enforcement on the basis of an authentic instrument by tackling the problem of unjustified objections against decree of enforcement which are lodged with the sole purpose of delaying enforcement.

**185) Is there a system measuring the timeframes of the enforcement procedures:**

- for civil cases?  
 for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:**

NA

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of disciplinary proceedings (1+2+3+4)	<input type="checkbox"/> number:	20
1. for breach of professional ethics	<input type="checkbox"/> number:	1
2. for professional inadequacy	<input type="checkbox"/> number:	19
3. for criminal offence	<input type="checkbox"/> number:	0
4. Other	<input type="checkbox"/> number:	0

Comment :

**188) Number of sanctions pronounced against enforcement agents.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5)	<input type="checkbox"/> number:	20
1. Reprimand	<input type="checkbox"/> number:	8
2. Suspension	<input type="checkbox"/> number:	0
3. Dismissal	<input type="checkbox"/> number:	0
4. Fine	<input type="checkbox"/> number:	2
5. Other	<input type="checkbox"/> number:	10

Comment :

Some proceedings are still open.

## H.1

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

**Please indicate the source for answering the questions 186, 187 and 188:**

Ministry of Justice, Chamber of Executors

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Execution of decisions in criminal matters

**189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The Prison Administration of the Republic of Slovenia is responsible for the implementation of enforcement of prison sentences. Most alternative sanctions are carried out by Centres for social work, which are institutions run by the Ministry of Family and Social Affairs.

**190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

Yes

No

**191) If yes, what is the recovery rate?**

80-100%

50-79%

less than 50%

it cannot be estimated

Please indicate the source for answering this question:

Ministry of Justice

**H.2**

**You can indicate below:**

**- any useful comments for interpreting the data mentioned in this chapter**

**- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Notaries

#### 9. 1. 1. Notaries

**192) Do you have notaries in your country? If no go to question 197**

- Yes  
 No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

private professionals (without control from public authorities)?		NAP
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	93
public agents?		NAP
other?		NAP

Comment :

**194) Do notaries have duties (multiple options possible):**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to certify the authenticity of legal deeds and certificates?  
 other?

If "other", please specify:

The functions of notaries as persons in positions of public trust shall be according to the provisions of the notarial law to draw up public documents of legal deeds expressed statements or legal facts from which legal rights are derived; to store documents and to receive money and securities for delivery to third persons or to state authorities; under court order to conduct any matter which they may be delegated.

According to the law, certain legal affairs within the framework of civil procedure are valid only if concluded in the form of a notarised deed - agreements regulating matrimonial financial relations, agreements on the disposal of the property of the persons deprived of contractual capacity, agreements on the delivery and distribution of property during one's lifetime, contracts of annuity for life, contracts of donation for the case of death and promises to make gifts, purchase contracts including reservation of title, agreements on the renunciation of inheritance.

**195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?**

- Yes  
 No

**196) Which authority is responsible for supervising and monitoring notaries:**

- a professional body?  
 the judge?  
 the Ministry of justice?  
 the public prosecutor?  
 other?

If other, please specify:

The supervision of the exercising of the notary office shall be conducted by the Ministry of Justice.

Direct supervision of the operations of the notary shall be conducted by the Chamber of Notaries.

The supervision of legality in operating as a notary office in matters referred to the notary by the law court shall be conducted by the president of the higher court within whose jurisdiction the notarial post is based.

### I.1

**You can indicate below:**

**- any useful comments for interpreting the data mentioned in this chapter**

**- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

(Caution: comments and interpretation done by the Chamber of Notaries only.)

The main task imposed on the Notary under the Notaries Act includes the drawing up of public deeds, such as notarised records, notarised minutes and notarised certificates. A public deed drawn up by the Notary proves the truth of what has been specified or certified therein. Every contract may be drawn up in the form of a notarised deed. According to the law, certain legal affairs are valid only if concluded in the form of a notarised deed. A notarised agreement or settlement can be automatically executory, if so agreed by the parties. In such case it is not necessary to proceed to a suit; in the event of non-fulfillment, immediate judicial execution against the obligor is possible. The Notary is obliged to keep his notarised deeds for good and shall issue to its clients the respective counterparts that are also public deeds. The Notary may also draw up private deeds and may represent its clients in undisputed matters before the courts and other governmental bodies, provided that such matters are directly related to the notarised deed he has drawn up.

The Notary issues certificates of facts and statements that entail certain rights (in particular: authentication of signatures on documents, notarisation of copies of documents, certification of translations, confirmation of the time when the document was submitted for perusal, confirmation that the person is still alive, notarisation of the resolutions passed by the bodies of commercial companies and other legal entities, issuing protests of bills and cheques).

In past years the Slovene Notariat has undergone considerable changes that have a effect on the work of notaries and performance of their service (lowered notary fees, an increase in the number of notary posts and some loss of competences). The Chamber of Notaries of Slovenia has the opinion that it would be necessary to give new competences to the notaries, above all in the field of non-contentious matters in civil law. These matters are now within the competence of law courts. Such new area would be the transfer of inheritance cases to the competence of notaries. In this way the number of the present court cases in arrears would be reduced and the institution of the notariat in Slovenia would be on equal standing with other comparable European legal systems. We are convinced that by transferring some parts of the procedure in inheritance cases to notaries a large number of positive effects would be achieved. Above all, the law courts would be considerably relieved and the judges would use their working time for dealing with such fields of law cases, in which law court arrears occur. The notary office would deal with inheritance cases faster, more efficiently and more conveniently for the customers. These proposals are in agreement with the endeavours of the Ministry of Justice as well as with the recommendations of the EU-bodies for the elimination of law court arrears in Slovenia.

Since May 2011, the land registry in Slovenia is available online. The electronic access to land registry has simplified and shortened the time of procedures. The notaries have key role in the procedures (cca. 80% of all land registry proposals are submitted by notaries). In any case only notary can convert original documents (contracts) into electronic form and sends them to the land registry.

The source:

Chamber of Notaries of Slovenia

Constitution of the Republic of Slovenia

Notary Act (Law of notaries)

Decree on the number and seats of notarial posts

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Court interpreters

**197) Is the title of court interpreters protected?**

- Yes  
 No

**198) Is the function of court interpreters regulated by legal norms?**

- Yes  
 No

**199) Number of accredited or registered court interpreters:**

680

**200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

- Yes  
 No

If yes, please specify (e.g. having passed a specific exam):

Court interpreters are bound by the appropriate laws and the Rules on court interpreters to perform their office conscientiously, accurately and to their best of ability and knowledge. It is their duty to regularly update their professional skills and knowledge thru professional training. Every five years all court interpreters have to submit to the Ministry of Justice evidence on the fulfilment of these requirements.

The Minister of Justice can dismiss a court interpreter in a special procedure in case doubts arise about his/her professional skills.

**201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.**

- Yes  for recruitment and/or appointment for a specific term of office  
 Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings  
 -  No

Comment :

The Ministry of Justice carries out the procedure of selection of court interpreters in line with the Courts Act and the Rules on court interpreters. A candidate for a court interpreter must, beside general conditions listed below, also pass a knowledge and skills examination and take an oath in front of the Minister of Justice. The general conditions are the following:

- 1) citizenship of the Republic of Slovenia or of a Member State of the European Union or of a Member State of the European Economic Area and an active command of the Slovene language,
- 2) legal capacity,
- 3) suitable personal qualities,
- 4) non-conviction res judicata of an intentionally committed criminal offence prosecuted ex officio, because of which the candidate would be morally unfit to perform his/her work as an interpreter since this might jeopardize the impartial or professional performance of her/his work or the reputation of the Court,
- 5) adequate university education and appropriate knowledge, as well as practical skills and experience for being an interpreter for a specific language,
- 6) successfully passing an appropriate exam for professional court interpreters.

The Ministry of Justice administers an official list of court interpreters from which judges choose interpreters in line with the linguistic needs of a particular judicial procedure.

### J.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 199:**

Ministry of Justice, internal computer management system



## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

**202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

**203) Is the title of judicial experts protected?**

- Yes
- No

**204) Is the function of judicial experts regulated by legal norms?**

- Yes
- No

**205) Number of accredited or registered judicial experts (technical experts)**

1 600

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

The specific timeframe for providing a technical report to the judge by a judicial expert is set out in the Rules on court experts and court appraisers, specifically in its Article 2 which states the following (unofficial translation and summary concerning the relevant provisions of the original Slovene text of the said Rules):

A judicial expert is required to work in compliance with the provisions of the applicable laws and carry out his or her work regularly, diligently and in accordance with the professional rules and the established findings of the appropriate science and provide his or her technical report in a timely fashion within the time-limit set by the Court. This time-limit varies from case to case, but is usually defined as a period of usually 30 days, up to 60 days in exceptional cases. A judicial expert is mandated to inform the Court immediately or within 15 days after the receipt of the relevant decision of the Court at the latest of the fact, that he or she is not able to provide his or her technical report within the set time-limit. In exceptional cases, where there are justified reasons for doing so, the Court may extend the set time-limit.

Additionally there is a sanction defined in the Courts Act (in Article 90.) for a judicial expert who does not provide his technical report within the time-limit, set by the Court. His reward is reduced by one percent for each day of delay, but for a maximum of 50 percent, unless the judicial expert shows that the delay was due to legitimate and justifiable reasons.

**207) Are the courts responsible for selecting judicial experts?**

-----  
**If no, please indicate in the "comment" box below which authority selects judicial experts?**

- Yes  for recruitment and/or appointment for a specific term of office
- Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

**Comment :**

The Ministry of Justice carries out the procedure of selection of judicial experts in line with the Courts Act and the Rules on court experts and court appraisers. A candidate for a judicial expert must, beside general conditions listed below, also pass a knowledge and skills examination and take an oath in front of the Minister of Justice. The general conditions are the following:

- 1) citizenship of the Republic of Slovenia or of a Member State of the European Union or of a Member State of the European Economic Area and an active command of the Slovene language,
- 2) legal capacity,
- 3) suitable personal qualities,
- 4) non-conviction *res judicata* of an intentionally committed criminal offence prosecuted *ex officio*, because of which the candidate would be morally unfit to perform expert work since this might jeopardize the impartial or professional performance of her/his work or the reputation of the Court,
- 5) adequate university education and appropriate expert knowledge, as well as practical skills and experience for a specific type of expert work,
- 6) six years of work experience in the field in which he or she wishes to perform the expert work,
- 7) the candidate does not perform an activity or paid duty that is incompatible with the work of a judicial expert's.

In order to establish whether a person has professional knowledge and practical skills for the performance of expert work, the Minister of Justice shall require from a candidate that he/she submit the opinion of an appropriate state body, institution or professional association or other institution, and he or she may also order a special test of proficiency before a commission consisting of experts in the field in which the person will perform the expert work. The members of the commission must have at least equal professional education as the candidate for judicial expert.

Judicial experts are obliged to undergo professional education and in particular to be promptly informed of the latest findings and methods in the field of activity, and to actively participate in consultations and professional education organized by the competent state body, authorized organization or professional association. The Minister of Justice may determine that judicial experts from individual professional fields must, within a certain period, pass special tests regarding the new findings and methods of work in the profession. If an expert does not sit the test or fails the test, he is dismissed. It is their duty to regularly update their professional skills and knowledge thru professional training. Every five years all judicial experts have to submit to the Ministry of Justice evidence on the fulfilment of these requirements.

The Ministry of Justice administers an official list of judicial experts from which judges choose experts in line with the needs of a particular judicial procedure.

**K.1**

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 205:**

Ministry of Justice, internal computer management system

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:**

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

As the parliamentary elections in Slovenia have just been concluded and the new government has not been formed yet, at this moment is not possible to speak about planned reforms in details. Nevertheless the possible reforms could be adopted with the aim of increasing the independency and efficiency of the judiciary. Various activities may be included into the plans, such as a better organization of the courts (also the simplification of the court organization), improved unification of case law, a reduction of the backlog of cases. Some of the activities may be concentrated on the new working methods, a widening of powers for court staff, etc. As next step the changes may be focused on structural measures, for example in reducing the number of courts. A reform about the modifications in the competences of a Council for the Judiciary is also possible (Source – Ministry of Justice).

The Slovenian National Assembly adopted the new State Prosecutor's Office Act in August 2011, which is in force from the 6th of November. In the beginning of November 2011 the National Assembly adopted also the Act Amending the Criminal Code and the Act Amending the Criminal Procedure Act. All this legislation brings many changes to our judicial system and to the organisation of the prosecution service. According to the new legislation the new institute of the plea-bargaining should be implemented in our system. Plea-bargaining in Slovenian legislation is defined as an agreement of pleading guilty and also the bargaining related to the penalty. According to the new State Prosecutor's Office Act a new State Prosecutorial Council has been established with more powers and also a new Special State Prosecution Office for prosecuting organized crime and corruption (Source - State Prosecutor's Office).

In 2010 some additional places were provided for prisoners. A new open department for prisoners with long sentences was created. In Slovenia's largest prison for longer prison sentences two additional facilities were built in 2011 with 174 additional places. In this manner the pressure will be taken off the closed part of the prison. An Inter-Ministerial Task Group was appointed in April 2010 with a mandate to examine and prepare the basis for the establishment of a Special Forensic Psychiatric Hospital in Slovenia. A new Forensic Psychiatric Department within Maribor Psychiatric Hospital was opened in September this year (Source - Ministry of Justice).