



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

**Country: Slovenia****National correspondent**

First Name - Last Name: **JAŠA Vrabec**  
Job title: **Head of the Office for Court Management**  
Organisation: **Supreme Court of the Republic of Slovenia**  
E-mail: **jasa.vrabec@sodisce.si**  
Phone Number : **+386 1 434 27 85**

## 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 2013)

2 058 821

#### 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 or federal level	17 377 000 000
Regional / federal entity level (total for all regions / federal entities)	NAP

#### 3) Per capita GDP (in €)

17 172

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

18 300

#### 5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

#### A1. 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

2. Eurostat, Government finance statistics, Summary table – 1/2013. In previous evaluation cycles the provided data for this question included only expenditure on state level, which was represented in the final account of the budget. To ensure comparability with other member states the current provided data includes expenditure of the whole public sector in accordance with the ESA 95 methodology.

mail CN 9/1/14: CN add: This sector includes state budget, mandatory pension and invalidity insurance, mandatory health insurance, municipalities budget and public funds, agencies and institutes which receive more than 50 % of their means for functioning from public finances, Pension Fund Management and Slovene Compensation Company.

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

#### 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	165 060 055
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	123 329 428
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	3 454 684
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	30 732 240
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	7 037 588
5. Annual public budget allocated to investments in new (court) buildings		NA
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	506 115

7. Other (please specify):

NA

**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 by the ministry responsible for justice, while for the computerisation of the courts by the Supreme Court of the Republic of Slovenia."

This means that the cited amount of the total approved budget allocated to the functioning of all courts includes only the finances for the functioning and the informatisation of the courts. On the other hand, it does not include the budget dedicated to the investments and the rentals in justice sector (courts, prosecution, state attorneys), which is a part of the Ministry of Justice budget, because there is 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 and are represented in the category of the budget allocated to court buildings (7037588 EUR).

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.

The total budget does not include the resources that are provided for education of judges and court staff by the Ministry of Justice to its Judicial Training Center. The Judicial Training Center, part of the Ministry of Justice, spent 308317 EUR in 2012 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 bodies 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 is not part of the budget allocated to the Supreme Court, but of the budget of the Ministry of Justice.

It is also important to note, that for the most part of 2012 the Ministry of Justice was unified with the former Ministry for Public Administration into a uniform Ministry of Justice and Public Administration that as such existed until March of 2013, when a new government took office. Therefore for 2012 it is not possible to report the exact amounts of the budget allocated specifically to spatial planning specifically to the courts and justice system, as these were reported together with the figures for the whole public administration part of the formerly unified ministry.

It is important to note that the data given reflects only the spent amounts not the approved budget. The approved budget for functioning of courts (without legal aid and the Judicial Council) in 2012 was 172 million EUR and was after the rebalance decreased to 155 million EUR. The final amount that was effectively executed in 2012 was 165 million EUR. The explanatory note states that the budget that was formally approved in Parliament should be inserted. Nevertheless, the effectively executed amount was inserted, as the two budgets approved in Parliament do not show the real value spent.

**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:

According to the Court Fees Act 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.

A worker is not required to pay a court fee in individual labour disputes on conclusion, existence and termination of labour contract.

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

**8.1) Please briefly present the methodology of calculation of courts fees?**

Court fees are calculated according to the value of dispute and a specific quotient which is prescribed for certain kinds of court proceedings. In some cases (e.g. divorce cases, insolvency cases) court fees are in fixed amounts.

**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

125 EUR

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

40 461 043

**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. (Question modified)**

**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	6741620
12.1 Annual public budget allocated to legal aid for cases brought to court	6741620
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

According to Article 26 of the Free Legal Aid Act legal aid may also be granted for legal advice surpassing initial legal advice; for the formulation, verification and certification of documents on legal relations, facts and statements and for legal advice and representation in cases of out-of-court settlement.

**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                      18 198 295

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 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
High Judicial Council	No	No	No	No
Courts	Yes	No	No	Yes
Inspection body	No	No	No	No
Other	No	No	No	Yes

**14.1) 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 Basis 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

mail CN 9/1/14: The difference in the budget allocated to training and education (1 835 808 in 2008, 1 229 741 EUR in 2010 and 506 115 EUR in 2012) 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.

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

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

#### **1. 1. 3. Budgetary data concerning the whole justice system**

#### **15) The following data would be useful for information**

**15.1) (Former question 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

254154443

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

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	NAP
Council of the judiciary	Yes
Constitutional court	Yes
Judicial management body	NAP
State advocacy	Yes
Enforcement services	NAP
Notariat	NAP
Forensic services	NAP
Judicial protection of juveniles	NAP
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

## 2. Access to justice

### 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 exemption from court fees which was previously regulated by the Free Legal Aid Act is now regulated by the Court Fees Act (answer no. 8) and is awarded by the court at which the procedure takes place. The matter of legal aid is decided by district courts, labour and social courts and the Administrative court.

#### 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:

Look at the previous answer.

In the procedure of enforcement of judicial decisions the exemption from court fees is possible according to the provisions of the Court Fees Act. On the other hand, legal aid in the form of legal advice, legal representation and the exemption from payment of the procedural costs is regulated by the Free Legal Aid Act. This means that fees related to the enforcement of judicial decisions are still not paid by the party, but the legal ground for the exemption from payment is not legal aid. That is why the answer given is NO.

#### 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. 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;
2. Security deposits for the costs, or of the costs, of the implementation of the proceeding (advance payments);
3. Costs of public documents and receipts required for the proceeding before a court;
4. Other costs of the proceeding.

**20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

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Please specify in the "comment" box below, when appropriate.

[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	5607
in criminal cases	NA
other than criminal cases	NA

Comment :

**20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Number of cases
698

Comment :

The number of cases not brought to court for which legal aid has been granted includes:

- first legal advice (218),
- legal advice surpassing initial legal advice (207),
- formulation, verification and certification of documents on legal relations, facts and statements (244);
- legal advice and representation in cases of out-of-court settlement (29).

[Data confirmed by the National correspondent (e-mail of 18 February 2014)]

**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?**

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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 ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

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**Please provide in the "comment" box below any information to explain the figures provided.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	530	13780
for other than criminal cases?	530	13780

Comment :

The Free Legal Aid Act prescribes that (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 exceeds 13.780 EUR.

The minimum income being 260 EUR on the 31.12.2012 the monthly income or the average monthly income per family member must not exceed 520 EUR and the value of the property must not exceed 13780 EUR.

Legal aid may also be granted, if the personal income of the applicant and the income of his or her family exceeds twice the minimum income and if the applicant's property and property of his or her family exceeds 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) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

- the court?  
 an authority external to the court?  
 a mixed 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 15 insurance companies with their registered office in Slovenia, 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)).

**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 questions 20 and 23:**

Court Statistics 2012

Free Legal Aid 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.)?  
Internet address (es):

- Yes <http://zakonodaja.gov.si> (Register of legal texts)  
<http://www.pisrs.si> (Legal-information system)  
<http://dz-rs.si> (General Assembly)

case-law of the higher court/s?  
Internet address (es):

- Yes [http://www.sodisce.si/znanje/sodna\\_praksa/iskalnik\\_po\\_bazah/](http://www.sodisce.si/znanje/sodna_praksa/iskalnik_po_bazah/)

other documents (e.g. downloadable forms, online registration)?  
Internet address (es):

- 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  
 Yes only in some specific situations

If yes only in some specific situations, please specify:

There is no formal obligation to provide information to the parties concerning timeframes of proceedings. Nevertheless, according to the principle of transparent functioning of the judiciary all courts publish data on the average length of proceedings every 3 months, which can serve as a general reference for parties.

**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:

Victims of crimes have the right to be informed on the course of the investigation and its conclusion, the right to be acquainted with their role in the investigation, the right to receive a report on the denunciation of a criminal offence, the right to file a complaint, the right to legal advice of a lawyer and the escort of a confidential person in proceedings before police, courts and other authorities. The policeman, who investigates the case, is responsible for issuing the information.

**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 sexual violence/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	No	Yes
Disabled persons	No	Yes	No
Juvenile offenders	No	Yes	Yes
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	Yes	No

Comment :

Regarding victims of rape and domestic violence: The investigating judge may order the accused to be removed from interrogation, if a witness is unwilling to testify in the presence of the accused or if circumstances indicate that the witness will fail to tell the truth in the presence of the accused or in instances where a recognizance will be required after hearing the witness (fourth paragraph of Article 178 of the Criminal Procedure Act - CPA).

A victim of violence can have a person to whom she trusts to stand by her in police investigation phase and in criminal procedure (fourth paragraph of Article 65 of the CPA).

Regarding children (witnesses or victims): The CPA 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.

In criminal proceedings conducted as a result of criminal offences against sexual inviolability referred to in Chapter XIX of the Penal Code, a criminal offence of neglect of minors and cruel treatment referred to in Article 201 of the Penal Code or a criminal offence of trafficking in human beings pursuant to Article 387.a of the Penal Code, an injured party who is a minor shall, from the initiation of the criminal proceedings onwards, have an attorney to care for his rights, particularly in connection with the protection of his integrity during examination before the court and during the assertion of a claim for indemnification. To injured parties who are minors without an attorney the court shall assign ex officio an attorney from among the members of the Bar. An injured party who is a minor can have a person to whom she trusts to stand by her in

police investigation phase and in criminal procedure (third and fourth paragraph of Article 65 of the CPA).

The accused may not be present during the examination of witnesses younger than 15 who are victims of any of the criminal offences referred to in the third paragraph of Article 65 of this Act. The injured party may only attend the examination of a witness, if the witness is not likely to appear at the main hearing. Direct questioning of persons under 15 years of age, who are victims of criminal offences referred to in the third paragraph of Article 65 of this Act, shall not be permitted in the main hearing. In such instances, the court shall decide that the records of previous questioning of such persons be read (fourth paragraph of Article 178 and fifth paragraph of Article 331 of the CPA).

Minors who in view of their age and the stage of their intellectual development cannot understand the meaning of the right to decline testimony may not be examined as witnesses except where the accused himself demands it (third paragraph of Article 236 of the CPA).

Regarding ethnic minorities:

Any kind of participant 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 (Article 8 of the CPA). This means that members of ethnic minorities in the Republic of Slovenia do not have extra rights in the field of court hearing than other persons who do not speak the official language.

However, 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 of CPA).

Regarding disabled persons: The CPA 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).

Regarding juvenile offenders: The CPA has a special proceeding against minors, which binds the participating bodies to act considerately and with due regard to the stage of minor's mental development, sensitivity and personal characteristics, to avoid the criminal proceedings exert an adverse effect on his development. Because of the educational purpose of the proceeding the minor cannot be tried in absentia. There is an emphasis on determining the circumstances necessary for the assessment of minor's mental development, his environment and conditions in which a minor lives, as well as other circumstances concerning his personality. To serve this purpose the law prescribes the participation of social welfare agency and professional staff with pedagogic knowledge.

### **31.1) Is it possible for minors to be a party to a judicial proceedings :**

- Yes  
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

Minors younger than 14 years cannot be accused in criminal procedures. If the minor was older than 14 years at the time of criminal offence and at the beginning of trial did not turn 21 years yet, he can be a subject of a special criminal procedure against minors.

Minors can be parties in civil and administrative procedures. Minors younger than 15 years do not have a procedural capacity (a capacity to solely perform valid procedural acts) and are thereby represented by their legal representatives. Turning 15 they are capable to solely perform in disputes about legal deeds that could not significantly affect their life after becoming full-aged. In disputes on custody and child support the court shall allow a minor who has turned 15 years and is capable to understand the consequences of his actions to solely perform in a procedure.

### **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 illustrate with available data concerning 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 decision by a judge".

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

If necessary, please specify:

They have the right to prosecute the case on their own within 8 days.

**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 Protection of Right to Trial without Undue Delay Act 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:

In 2013 the first extensive survey on satisfaction with the functioning of the judicial system was carried out.

In collaboration with the Scientific research centre of the University of Primorska four different surveys were conducted by the Supreme Court:

1. Court employees (judges and court staff) - web survey
2. Court users - printed surveys in court houses
3. Professional users (lawyers, public prosecutors and state attorneys) - web survey
4. General public - telephone survey

The results are yet to be obtained and analysed.

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 handling 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
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external bodies (e.g. Ombudsman)	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.

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

In 2012 the State Attorney's Office concluded 97 settlements in cases of breach of the right to a trial without undue delay and paid compensation in the amount of 242.186 EUR. The Slovenian courts adjudicated in 22 cases in favour of claimants and awarded them the amount of 79.954 EUR. There were 3 concluded settlements before Slovenian courts for compensation in the amount of 4.240 EUR and 12 settlements in cases that were ceded to the State Attorney's Office by the European Court for Human Rights with compensation in the amount of 35.750 EUR.

Overall there were 134 complaints about the functioning of the judicial system upheld with compensation in the amount of 362.130 EUR.

### 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 data is not available, please indicate NA.**

-----  
**If the situation is not applicable in your country, please indicate NAP.**

	Number
Total (must be the same as the data given under question 42.2)	6
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	4
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	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:

There are discussions about the reorganisation of the structure of courts.

Following the CEPEJ Guidelines on the creation of judicial maps to support access to justice within a quality judicial system (CEPEJ(2013)7) the change should be gradual. The reduction in the number of courts regarding geographical locations is not foreseen, but a reorganisation in the powers of local courts that are organisational units of district courts might be needed. There are local courts that have only a few (3-5) judges, which is not rational in the sense of court management. Such local courts might start dealing only with certain kinds of cases, with other local courts in the same district dealing with other kinds of cases, having de facto specialised local courts.

Nevertheless, these changes are still in the initial debate phase, so no formal proposal can be presented yet.

**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
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 of 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 (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:**

The Courts Act

### 3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012) (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	NAP
Total number of professional judges (1 + 2 + 3)	970	217	753	
1. Number of first instance professional judges	786	154	632	
2. Number of second instance (court of appeal) professional judges	150	42	108	
3. Number of supreme court professional judges	34	21	13	

Comment :

On the 31.12.2012 there were 983 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. The number of actual presence of the judges (907) excludes the ones that were on maternity leave or sick leave, but includes the annual leave.

From the number of all the judicial posts (983) 13 judges are subtracted, since they do not perform judicial functions (they do not sit in courts), but they are assigned to other duties (1 general secretary of the Supreme Court, 8 are appointed to the Supreme Court, 2 are appointed to the Judicial Council and 2 are appointed to the Ministry of Justice).

In the previous evaluation cycle we counted the judges of Administrative Court in the number of second instance judges, since they have the position of higher judges. Regarding the fact they try administrative cases on first instance and to ensure compatibility with the answer for question number 42 where Administrative Court is classified as first instance court, we counted them as first instance judges. The same comment applies for next answer.

This is the structure of judges according to different levels and jurisdictions of the courts on the 31.12.2012, including assigned judges:

## First instance courts:

- Local courts (44): 458 judges (78 male, 380 female)
- District courts (11): 265 judges (62 male, 203 female)
- Labour and social disputes courts (4): 41 judges (10 male, 31 female)
- Administrative court (1): 33 judges (6 male, 27 female)

## Second instance courts:

- Higher courts (4): 139 judges (38 male, 101 female)
- Higher labour and social disputes court (1): 13 judges (5 male, 8 female)

Supreme court: 34 judges (21 male, 13 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	NAP
Total number of court presidents (1 + 2 + 3)	66	22	44	
1. Number of first instance court presidents	60	19	41	
2. Number of second instance (court of appeal) court presidents	5	2	3	
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 2012).**

-----  
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 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**

-----  
If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure  Yes 3445

## Comment :

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 1969, 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.

In labour cases on termination of employment contract and in labour and social cases with a disputed value over 40000 EUR labour and social court(s) try in a panel of three judges (one professional judge and two lay judges).

**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 2012) (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)  Yes (among which women) 3 330

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  Yes (among which women) 346

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  Yes (among which women) 481

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 :

In first category we put court clerks, whose status is explained under question 53.

In second category we put judicial advisers, which 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.

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 one of '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.

On 31. 12. 2012 there have been 346 court clerks (posts filled):  
 local courts – land register court clerks: 151  
 local courts – enforcement court clerks: 161  
 district courts – business register court clerks: 34

**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.

**C1 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

The last modifications of the Courts Act introduced a new Ministry of justice department for the supervision on the affairs of justice administration. This department shall control the organization of courts' administration, complying with the requirements for quality work of the courts, collecting court fees and exercising court rules. It shall not breach the independence of the judge, presumption of innocence, secrecy of court proceedings or the fair trial provisions and shall not inspect court files except concerning court fees or administrative matters.

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

Court statistics, 2012

3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2012) (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	NAP
Total number of prosecutors (1 + 2 + 3)	189	62	127	
1. Number of prosecutors at first instance level	141	NA	NA	
2. Number of prosecutors at second instance (court of appeal) level	35	NA	NA	
3. Number of prosecutors at supreme court level	13	NA	NA	

Comment :

Since November 2011, when the new State Prosecutor Act came into force, the function “assistant state prosecutor” changed in “local state prosecutor”. The same legal act dissolved the special department of the Office of the State Prosecutor General, responsible for the second instance level. The proceedings before the courts of appeal are now governed by the 4 State circuit prosecutor offices in those towns where the higher courts are located. All Slovenian prosecutors are organised in 12 offices (11 circuit prosecutor offices and one Specialised State Prosecutor's Office, in which local, circuit and higher prosecutors work) and the Supreme State Prosecutor Office (supreme state prosecutors and general state prosecutor).

[E-mail from the NC sent on 18 April 2014: It is true that reform in 2011 has changed only the organization of public prosecutors' offices and did not amend their competences to represent a case before different instances of courts. According to the State Prosecutor Act prosecutors with the rank of at least local state prosecutor may represent a case before local courts, prosecutors with the rank of at least district state prosecutor may represent a case before district courts, prosecutors with the rank of at least higher state prosecutor may represent a case before higher courts and only supreme state prosecutors may represent a case before supreme court. In the context of question 55 we therefore counted local and district prosecutors as prosecutors at first instance level (141), higher prosecutors as prosecutors at second instance level (35) and supreme prosecutors as prosecutors at Supreme Court level (13). In the interpretation of these figures it is important to note that higher

prosecutors are competent to represent a case also before first instance courts.]

**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	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	13	8	5	
1. Number of heads of prosecution offices at first instance level	12	7	5	
2. Number of heads of prosecution offices at second instance (court of appeal) level				NAP
3. Number of heads of prosecution offices at supreme court level	1	1	0	

Comment :

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

- Yes  
 No  
 NA

Number (full-time equivalent)

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

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

- Yes  
 No

**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

- Yes

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number  NA 227  
Among which women  NA 187

**C2 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**

The new State Prosecutor Act brought a significant change by establishing the Specialised State Prosecutor's Office of the Republic of Slovenia for dealing with the most severe criminal offences. It is competent for the prosecution of perpetrators of criminal offences against economic sector punishable by five or more years of imprisonment; in cases of organized crime; bribery and corruption; terrorism; establishing slavery relations and human trafficking. It has exclusive competence for directing the investigation, filing and representing the motions for temporary securing and seizure of property of illicit origin. In May 2012 the Assets of Illicit Origin Forfeiture Act was enacted, which gives the public prosecutor the authority to proceed financial investigation, if: there are reasons to believe that a person committed one of the criminal offences which are explicitly stated in the Act (catalogue offence) there are reasons to believe that this person owns or possesses the assets of illicit origin and these assets were not acquired by the means of catalogue criminal offence or in connection with it. The property can be confiscated, if the prosecutor in civil procedure states the facts that give rise to the presumption of illegal origin of the property of the defendant. The defendant has the burden of proof, that the property was legally obtained (reverse burden of proof). The amendment

of the Criminal Procedure Act (enacted on the 15th of May 2012) introduced a new institute of plea-bargaining.

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

Office of the State Prosecutor General.

### 3. 1. 4. Management of the court budget

**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	Yes	Yes	Yes	Yes
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 and the secretary of the court, unless otherwise determined by this Act.

### 3. 1. 5. Use of Technologies in 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 caselaw	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	100% 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 ?**

-----

**Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.**

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	0 % of courts
Electronic processing of undisputed debt recovery	100% of courts
Electronic submission of claims	+50% of courts
Videoconferencing	100% of courts



Other electronic communication facilities

100% of courts

Comment :

Further explanations of the answers given above:

- all the answers are given regarding the number of cases, processed by Slovenian courts  
 - since IT system provision and support in Slovenian courts is provided centrally by the Supreme Court, Slovenian courts are equally equipped with IT. Therefore we cannot give the estimates regarding the number of courts, but only regarding to the number (and types) of cases processed.

Regarding question 62:

Under the term 'Electronic files' the answer given understands 'Electronic case files' which presents the possibility of keeping all the files in electronic form, electronic submission and electronic serving of files. This is enabled for enforcement cases (e-Izvršba), insolvency cases (eINS), land (eZK) and business (eSrg) registry cases.

Besides, electronic case files are implemented for criminal cases but without the possibility for electronic submission and electronic serving of files. Collectively more than 50% of cases are processed by an IT system, supporting electronic case files.

Regarding question 63:

Case registration system - all courts are equipped with Case management systems (CMS), but not all court procedures use one – however, more than 95% (currently about 97%) of cases are processed by the courts using the appropriate electronic case management system. This system allows management of relevant data on the case (parties, procedural acts, hearings, etc.) in electronic form.

Court management information system - a new Business Intelligence (BI) tool for support of court management was introduced, supporting management of all Slovenian courts by providing relevant information on case processing, personnel and costs, using information from all the CMS used by the courts.

The answer regarding the category Videoconferencing is 100% of courts, since all 11 district courts are equipped with the technology + 2 mobile units are available, meaning that the technology is available to all the courts when needed.

Regarding question 64:

Electronic web forms are used:

in insolvency procedures (eINS),  
 in business (eSReg) and land (eZK) register procedures,  
 for record on the fact that a person is not accused in criminal procedure,  
 for supervisory appeal according to the Act on Protection of the Right to a Trial without Undue Delay,  
 for the application for enforcement on the basis of authentic documents (COVL),  
 for European order of payment,  
 in European small claims procedure,  
 for application for recording a court procedure.

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

Electronic processing of small claims – there is no electronic processing of small claims. In the previous evaluation cycle we understood 'processing of small claims' as a procedure for the enforcement on the basis of authentic document, which is completely electronic. In this cycle we provide the information in consistency with the definition of small claims in answer to question number 45.

Electronic processing of undisputed debt recovery - under the term 'undisputed debt recovery' the answer given understands the procedure for issuing a payment order and the procedure for enforcement on the basis of an authentic documents. The latter is essentially a procedure for issuing a payment order with allowed enforcement under the condition the payment order remains uncontested.

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

Videoconferencing - the answer is 100% of courts, since all 11 district courts are equipped with the technology + 2 mobile units are available, meaning that the technology is available to all the courts when needed.

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)).

### 65) The use of videoconferencing in the courts (details on question 63).

-----  
**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 or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
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?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

The Criminal Procedure Act states in 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.

The Civil Procedure Act states in Article 114.a that if the parties agree, they can give their statement from another location than the courtroom, if technical means allow video transfer (videoconference).

The Witness Protection Act states in Article 19 indicates measures for witness protection and one of them is also the use of videoconference for hearing a protected witness.

Videoconference equipment is available in all 11 district courts in Slovenia. Three mobile videoconference sets have also been provided that can be used in local courts or anywhere else when needed. For hearings of protected witnesses there is a videoconference room (unknown location) prepared, that is under the supervision of police. A similar room is available also in our strictest prison, so the inmate can give his/hers statement in a court proceeding by the use of videoconference. More information of the national capacities are available on the EU e-Justice Portal ([https://e-justice.europa.eu/content\\_videoconferencing-69-en.do](https://e-justice.europa.eu/content_videoconferencing-69-en.do)).

Videoconferencing systems are used also for interviews with children, victims of crimes, abused, who are most delicate groups within the society. Children do not have to come to court anymore, they are staying in a child-friendly room at the social care centre, where the judge or an expert conducts the interview with the child and all the other participants can follow the interview online from the courtroom and can transmit their questions to a hand-held communication device in the social care centre, so the judge or expert can translate the question to the child in a friendly language and get the answer from the child. The entire session is being recorded, so the record can be used in parallel ongoing procedures or the record can be given to another expert, who should make a second opinion. The objective is to avoid secondary victimization of children.

#### **C3 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

### 3. 2. Monitoring 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 5342  
 F: +386 (0)1 369 5783  
 E: gp.mp(at)gov.si  
 http://www.mp.gov.si/

**66.1) Does this institution publish statistics on the functioning of each court on the internet:**

- Yes  
 No, only in an intranet website  
 No

**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, only in an intranet website

**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:

mail CN 6/2/14: Q 68 - For 2012 we have added "other elements":

We have a regular monitoring system in a form of collecting data on court statistics. Court statistics are collected and published four times a year by the Ministry of Justice. They include the data on the number of judges and court staff, number of incoming, resolved and pending cases, age of unresolved cases, length of proceedings, average time to resolve a case, type of decision, court backlogs, legal remedies and time to issue a court decision.

Beside that courts themselves are equipped by special reports produced in the Court management information system on priority areas that are set in the beginning of year. They include more detailed information on court activities (length of specific phases in a court procedure, top 20 oldest cases in certain area of law for each specific court, etc.) and human resources, as well as performance indicators (the critical indicators are marked red) that provide guidance to presidents and directors of courts. These additional data available to court management officials are the reason, why we put check before "other elements".

Both systems – court statistics and the business intelligence system that creates priority reports derive the data from the same source - the Data warehouse of the Supreme Court.

\*\*\*\*\*

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.

According to the priorities for the whole judiciary set by the Supreme Court at the opening of the judicial year, specific areas are monitored – in 2013 these areas were the following:

1. Clearance of cases within the prescribed timeframes
2. Solving of oldest unresolved cases
3. Monitoring of judicial procedures
4. Disburdening the judges
5. Levelling of human resources

**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

If yes, 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 analyse the efficiency of work of judges. This report is sent to the higher court, the Supreme Court, the Judicial Council and the Ministry of Justice.

Every court president has to prepare a yearly plan (Courts Act, Article 71.a, b) 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. It also includes a plan of results with 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.

The Judicial Council monitors and evaluates the performance of courts and issues a yearly report on the execution of judicial power (Courts Act, Article 28). With the amendment of the Courts Act that steps in force in year 2014 this responsibility is entrusted with the Supreme Court.

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.

**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 has monitored performance of courts according to the indicators that were reported in the previous evaluation round (mainly by incoming, closed and pending cases and backlogs, productivity of judges and court staff). With the development of justice administration the attention has shifted towards indicators prescribed by the Courts Act (Article 71b) to draft a yearly plan of operating results:

- criterion of efficiency – number of closed cases, divided with the number of judges and non-judge staff
- criterion of effectiveness – timeframes of proceedings
- criterion of economy – budget, divided with the number of closed cases.

**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, Higher Court)  
 President of the court  
 other

If other, please specify:

The Judicial Council adopts the measures for quality and quantity of work of judges. The Council thus adopted the Criteria for the assessment of quality of work for judges on the 16.12.2010, which include the following criteria:

- 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.).

The criteria also include standards for the minimal expected number of solved cases.

**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)  
 President of the court  
 other

If other, please specify:

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

According to Article 28c of the Courts Act the Judicial Council issues its yearly report evaluating the efficiency of courts' performance primarily regarding the number of solved cases and the length of the proceedings.

**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 monitors and evaluates the performance of courts and issues a yearly report on the execution of judicial power (Courts Act, Article 28). With the amendment of the Courts Act that steps in force in year 2014 this responsibility is entrusted with the Supreme Court which shall adopt the measures for quality of work of courts for next year, prescribe instructions for the efficient court management and set the expected time limits for typical procedural actions and of solving cases for specific kinds and instances of 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.

The Ministry of Justice has no formal role in evaluating the performance of courts, so we did not put check beside. Nevertheless, it has significant influence with allocating the budget for investments in courts and preparing the legislation on the judicial system.

**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.

**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.

Since 2010 the time limits for backlogs are:

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:

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 advisers visits courts regularly to discuss about the functioning of the judicial system and the difficulties or advantages of individual courts. Since 2011 these visits to each higher and district court (with the inclusion of local courts) and all specialised courts (labour and social disputes court, administrative court) have been conducted yearly.

**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

mail CN 6/2/14: Q 79: Specialised staff at the Office for Court Management Development at the Supreme Court of the Republic of Slovenia is responsible for dealing with quality standards for the judicial system.



## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**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 lawyer)?**

NA

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

- Yes  
 No

Number of successful challenges (in a year):

NA

**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)	29	0	12	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	1	0

**Please indicate the sources:**

The State Attorney's Office

There were 7 cases declared inadmissible by the court for the reason they were obviously non-substantiated and 22 cases because of failing to meet other admissibility criteria (exhaustion of all domestic remedies, filing the application within a period of six months from the date on which the final decision was taken, etc.).

**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:

The Civil Procedure Act has special provisions on temporary injunctions in paternity and divorce cases (Article 411). The Administrative Dispute Act (ZUS-1) specifically prescribes for temporary injunctions in administrative dispute (Article 32). The proceeding in cases on disturbed possession is fast, the sample proceedings and employment dismissal cases are a priority.

There are provisions in the Criminal Procedure Act for issuing a court order to preserve evidence in urgent matters e.g. secret monitoring, monitoring of electronic communication, etc.

**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:

A civil dispute is proceeded according to special small disputes provisions, if the value of the claim does not exceed 2000 EUR. Basic features of this procedure are: limited number of writings before the main trial (all the facts and evidence must be presented in a suit or respectively in a defence of the suit, each party has further on only one preparatory file), more options to conclude a case without a main trial, stricter sanctions for parties for their unexcused absence from hearing (presumption of renouncement of a claim, presumption of admittance of a claim), narrower scope of legal remedies.

In the case of a pecuniary claim for a specific amount of money that has fallen due and is supported with an authentic document in original or in certified copy the court issues the defendant an order of payment. If the defendant objects, the claim is regularly proceeded.

Criminal offences punishable by up to 3 years of imprisonment are tried in a summary procedure. For the same category of criminal offences the public prosecutor can propose the issuing of an order of punishment, provided he does not propose imprisonment. If the accused objects, the case is regularly proceeded.

Concerning question 88.1

The judgements issued in small disputes procedure have a summary reasoning with the short listing of factual conclusions and rules of procedural and substantial law that were applied in the case. Consequently, the appeal on the base of wrong or imperfect findings of facts is not possible.

The order for payment is issued without legal reasoning.

Only the evidence that supports the issuing of the order is presented in the reasoning of the judgement on order of punishment.

**88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- Yes
- No

**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. Case flow 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 and criminal law cases. 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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	344760	910717	963652	291825
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	45417	37637	39379	43675
2. General 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)*	18370	31711	32809	17272
3. Non litigious enforcement cases	181744	218961	229120	171585
4. Non litigious land registry cases**	43587	303965	334006	13546
5. Non litigious business registry cases**	839	50144	50506	477
6. Administrative law cases	2416	3174	3667	1923
7. Other cases (e.g. insolvency registry cases)	52387	265125	274165	43347

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

Civil and commercial non-litigious cases at first instance include (the letters stand for specific case registers):

- N – all non-litigious civil cases at local and district courts,
- Ng – non-litigious commercial cases at district courts,
- Pl – procedures for issuing a payment order at local and district courts in civil matters,
- Plg – procedures for issuing a payment order in commercial matters at district courts,
- D – cases pursuant to the Inheritance Act at local courts,
- Pr – cases pursuant to the Mental Health Act at local courts.

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

Other civil law cases at first instance include:

- Pom – legal aid at local and district courts,
- Pom-i – international legal aid at district courts,
- R – various civil matters at local courts and district courts,
- Rg – various commercial matters at district courts,
- Ov-i – international attestations at district courts,
- Ov-H – attestations according to the Hague convention at district courts,
- Bpp – free legal aid at district courts and at the Administrative court,
- COVL – cases at The Central Department for Authentic Document which operates as a part of Local Court of Ljubljana and has jurisdiction over all enforcement cases on the basis of authentic documents in the state,
- II Upr – important various administrative cases,
- I Upr – various administrative cases.

In the previous evaluation cycle the data on COVL cases has not been available yet. In this round we put it in 'other cases' because of the double legal nature of cases of the enforcement on the basis of authentic document. On one hand they represent a procedure for issuing an enforcement title – payment order as they include a decision on the applicant's pecuniary claim. Therefore they could be counted as non-litigious cases according to the questionnaire systematization. On the other hand they present a conditionally approved writ of execution of this enforcement title and could be counted as enforcement cases. COVL cases present all cases processed by the Central Department for Authentic Document. These are mainly cases of enforcement on the basis of authentic document until the writ for the execution becomes final or until the referral to a local or district court upon objection of the defendant. Afterwards the case is referred to a regular local court to lead an enforcement procedure or to a local/district court to lead a litigious procedure.

**94) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	52493	72124	87069	37548
8. Severe criminal cases	19953	16817	19058	17712
9. Misdemeanour and / or minor criminal cases	32540	55307	68011	19836

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

Severe criminal law cases at first instance 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 – various 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 at first instance include:

- PR-zsv – minor offences in regular court procedure – request for judicial protection,
- PR-obp – minor offences in regular court procedure – accusation proposals,
- PRs – minor offences at the transition from 2004 to 2005,
- PRv – minor offences, introduced in the judicial jurisdiction after the 31.12.2004,
- EPVD – cancellation of validity of the driver's licence 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 – various cases in minor offences.

**96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

Regarding question 91

Civil and commercial litigious cases at first instance include:

- P – civil litigious cases at local and district courts,
- Pg – commercial litigious cases at district courts,
- INS – insolvency cases including compulsory composition (INS-01), bankruptcy of legal person (INS-02), bankruptcy of physical person (INS-03), bankruptcy of inheritance (INS-04) and compulsory dissolution (INS-05) cases pursuant to the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act dealt with by the district courts.

In this category we included bankruptcy proceedings, which were in the previous round counted as 'other cases'. The example for this 7th category was "insolvency registry cases", so we mistakenly included here all the cases pursuant to the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act handled by district courts. These are not insolvency registry proceedings, but are according to the Explanatory note to be understood as litigious proceedings.

Non litigious enforcement cases at first instance include (all of them are at local courts):

- I-ns – civil enforcement cases on the basis of an enforcement title,
- Ig-ns – commercial enforcement cases on the basis of an enforcement title,
- In – cases for enforcement on real-estate property,
- Nt – cases for enforcement of the non-monetary claim,
- I-vl – cases for enforcement on the basis of authentic document resulting from the period before the establishment of the Central Department for Authentic Document,
- Ig-vl – enforcement on the basis of authentic document in commercial matters resulting from period before the establishment of the Central Department for Authentic Document,
- VL – enforcement cases on the basis of authentic document in civil matters after the writ for the execution became final,

- Z – temporary injunctions in civil matters,
- Zg – temporary injunctions in commercial matters,
- R-i – various enforcement cases.

Non litigious land registry cases at first instance include (at local courts):

- Dn – land registry cases,
- Rz – various land registry cases.

Non litigious business registry cases include (at district courts):

- Srg – business registry cases.

Administrative law cases at first instance include (at the Administrative court)::

- U – administrative cases.

mail CN 9/1/14: Q 91: explications sur différences quant au précédent cycle: The figures of pending cases on 1 January 2012 for non-litigious business registry cases are higher than in 2010, since the number of incoming cases rose from 37 248 in 2009 to 44 960 in 2010 and 48 383 in 2011, which is probably due to the somehow postponed effect of the financial and economic crisis. Nevertheless, courts managed to solve almost all incoming cases, so the number of pending cases is not high, compared to the number of incoming cases.

The rise of total of incoming and resolved cases has to do with the fact that we included for the first time cases that are processed by the Central Department for Authentic Document which operates as a part of Local Court of Ljubljana and has jurisdiction over all enforcement cases on the basis of authentic documents in the state – COVL cases.

Although this department has existed since 2008, the data on processed cases was not reported in the previous CEPEJ questionnaires. In 2012 the COVL department had 48 836 pending cases on 1 January, 227 231 incoming cases, 236 313 resolved cases and 39 728 pending cases on 31 December 2012. The nature of the COVL procedures is explained in Q 93.

The area of land registry cases has been in constant improvement since a successful computerisation project in 2003 – the average disposition times have fallen from 18 months to 2 weeks. The lowering of the number of pending cases is the consequence of a better organisation of work and of the totally electronic procedure.

[Q94 : E-mail from the NC sent on 18 April 2014: The decrease of the number of "misdemeanour and /or minor criminal cases" before courts is the result of the reform in law on minor offenses which transferred some of the jurisdiction in cases previously tried by courts to other authorities.]

#### 97) Second instance courts: total number of cases

##### 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.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	6 430	20 659	20 984	6 105
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	2 956	8 824	8 820	2 960
2. General 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)*	422	1 135	1 253	304
3. Non litigious enforcement cases	2 288	8 791	8 972	2 107
4. Non litigious land registry cases	699	646	666	679
5. Non litigious business registry cases	50	264	268	46
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	15	999	1 005	9

#### 98) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	1637	7637	8070	1204
8. Severe criminal cases	1012	4252	4422	842
9. Misdemeanour and/or minor criminal cases	625	3385	3648	362

Comment :

Civil and commercial litigious cases at second instance include:

- Cp – civil litigious cases,
- Cpg – commercial litigious cases,
- insolvency cases including compulsory composition (Cst-01), bankruptcy of legal person (Cst-02), bankruptcy of physical person (Cst-03), bankruptcy of inheritance (Cst-04) and compulsory dissolution (Cst-05) cases.

Enforcement cases at second instance include:

- Ip – civil and commercial enforcement cases.

Non litigious land registry cases include:

- CDn – land registry cases.

Administrative law cases:

In the previous round we included 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 (I Up) in this category. To ensure internally consistent answers we decided to provide the data in this chapter regarding the instance of the court that decides on the case not the instance of the procedure in which the cases is decided. This means that all the cases that are addressed by the Supreme Court of the Republic of Slovenia are taken into account at question 100.

Other civil law cases at second instance include:

- R – various civil cases,
- Rg – various commercial law cases.

Severe criminal law cases at second instance include:

- Kp – criminal cases.

They do not include:

- Kr – various criminal cases.

Misdemeanour cases and minor offences cases at second instance include:

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

They do not include the following:

- PRnkp – setting a task for the good of the community or the local community,
- PRr – various cases in minor offences.

### 99) Highest instance courts: total number of cases

#### 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.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	2479	3030	3732	1777
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	1668	1349	1728	1289
2. General 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)	15	28	26	17
3. Non litigious enforcement cases	12	5	9	8
4. Non litigious land registry cases**	4	2	3	3
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	378	1215	1297	296
7. Other cases (e.g. insolvency registry cases)	402	431	669	164

#### 99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

- Yes. If yes, please indicate the number of cases closed by this procedure?  
 No

Number

715 (out of  
28002  
received  
cases)

**100) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	208	819	789	238
8. Severe criminal cases	176	694	666	204
9. Misdemeanour and/or minor criminal cases	32	125	123	34

Comment :

Civil litigious cases at the highest instance court include:

- Cp – appeals in civil litigious cases,
- II Ips zvz – requests for protection of legality in civil cases,
- II Ips rev – revisions in civil cases,
- II DoR – permission to file for revision in civil cases,
- I R – other civil cases - delegations, jurisdiction disputes,
- II R – other civil cases.

Commercial litigious cases at the highest instance court include:

- G – judicial protection procedures in commercial cases,
- Cpg – appeals in commercial cases,
- III Ips zvz – requests for protection of legality in commercial cases,
- III Ips rev – revisions in commercial cases,
- III DoR – permission to file for revision in commercial cases,
- III R – other commercial cases – delegations, jurisdiction disputes,
- IV R – other commercial cases.

Administrative law cases at the highest instance court include:

- I G – judicial protection procedures in administrative law cases,
- U – administrative law cases,
- I Up – appeals against decisions of the Administrative court,
- II Up – appeals against decisions of the Supreme Court of Republic of Slovenia,
- X Ips – revisions in administrative law cases,
- Uv – protection of the right to vote,
- VI Ips – reopening of the proceeding against the decision of the Supreme Court of Republic of Slovenia,
- I Upr – other administrative law cases - jurisdiction disputes,
- II Upr – other administrative law cases.

Other cases at the highest instance court include:

- VIII Ips ind soc rev – revisions in individual labour cases and social cases,
- VIII Ips kol rev – revisions in social labour cases,
- Dsp – appeals in labour cases,
- VIII DoR – permission to file for revision in labour and social disputes,
- VIII R – other cases – delegations, jurisdiction disputes,
- IX R – other cases.

Severe criminal law cases at the highest instance include:

- Kp – appeals in criminal cases,
- I Ips – requests for protection of legality in criminal cases,
- XI Ips – requests for protection of legality against a decision ordering or prolonging a detention,
- IX Ips – extraordinary mitigation of punishment,
- I Kr – other criminal cases – delegations, jurisdiction disputes,
- II Kr – other criminal cases – prolongation of detention,
- III Kr – other criminal cases.

Misdemeanour cases and minor offences cases at the highest instance include:

- IV Ips – requests for protection of legality in minor offences cases.

**101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	1.068	1.954	1.999	1.023
Employment dismissal cases	622	1.038	1.003	657
Insolvency	3.667	2.669	1.778	4.558
Robbery cases	157	151	154	154
Intentional homicide	17	12	16	13

**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.]**

	% 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	4,75%	0,37%	208,4	48,3	127	NA
Employment dismissal cases	34,7%	3,9%	255,7	99,0	329,2	NA
Insolvency	28,5%	16,4%	349,7	23,9	373,2	NA
Robbery cases	36,36%	27,27%	536,83	112,01	154	577,26
Intentional homicide	56,25%	28,86%	595,87	161,13	131,5	845,70

**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 five 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 a 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: "Ya = (y1 + y2 + ... + yN) / N", wherein Ya is arithmetic mean of the lengths of the proceedings, y1 is length of proceeding No 1, y2 is length of proceeding No 2, yN 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 request 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 the enforcement procedure
- to discontinue a case without needing a decision by a judge (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 file extraordinary legal remedies against final judicial decisions.

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

With new legislature some additional significant powers have been given to prosecutors. They can conclude an agreement on the admission of guilt with the defendant and file a lawsuit against the defendant to forfeit the assets of illegal origin.

**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 a violation of law or proceedings.

**106.1) Does the public prosecutor also have a role in insolvency cases?**

Yes

No

If yes, please specify:

**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	95874	74930	1837	13304

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NAP	322

**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)	74 930
1. Discontinued by the public prosecutor because the offender could not be identified	

	58 575
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor for reasons of opportunity	2 280

### 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**

mail CN 9/1/14: Q97: The figures of pending cases on 1 January 2012 for civil litigious cases (as well as for incoming, resolved and pending cases on 31 December 2012) are higher than in the previous exercise, because we included in this category the cases of bankruptcy proceedings (including: compulsory composition, bankruptcy of legal person, bankruptcy of physical person, bankruptcy of inheritance and compulsory dissolution), which were counted as 'other cases' in the previous evaluation cycle. The example in the questionnaire for this 7th category was 'insolvency registry cases', so we mistakenly included here all the cases pursuant to the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act handled by district courts. These are not insolvency registry proceedings, but are to be understood as litigious proceedings according to the CEPEJ Explanatory note.

mail CN 14/1/14: We indicated NA in Q-97 for civil non-litigious cases and business register cases, since all of these cases are included in the number of civil (and commercial) litigious cases. The total number of other than criminal cases is therefore available.

mail CN 9/1/14: Q99: The lowering of the number of pending cases at the Supreme Court of the Republic of Slovenia can be attributed to different factors. On one hand procedural legislation has changed. Following the changes to the Administrative Dispute Act (2007) and the Civil Procedure Act (2008) the Supreme Court has now the right to decide in these types of cases whether to review a case or not. With the reform the admissibility criteria have changed and revision is now a remedy that depends mainly on the discretion of the Supreme Court. Now revision is admissible only, if the case raises a question of law of fundamental significance or if the development of law or the preservation of uniformity of case law requires a decision by the Supreme Court. The number of all incoming cases for the whole Supreme Court has dropped considerably from more than 5 000 in 2008 to less than 4000 in 2012). On the other hand this is the consequence of changes in human resources management. Firstly, the number of judicial advisers for judges at the Supreme Court has risen (38 in 2008 and 2010 and 43 in 2012). Secondly, several judicial advisers were transferred from less burdened departments to those with more pending cases and consequently the productivity has risen. There are now less than 2 000 pending cases at all departments of the Supreme Court.

mail CN 9/1/14: Q 102: The average length of proceedings for employment dismissal cases at the Supreme Court is shorter than in the previous exercise due to improvements in productivity of the Supreme Court (the reasons are explained under Q 99). While in 2010 the Labour and social disputes department had 850 pending cases at the beginning of 2010, it received 545 new cases, solved 782 cases and had 613 pending cases at the end of the year, it had 402 pending cases at the beginning of 2012, received 431 new cases, solved 669 cases, and had 164 pending cases at the end of the year.

Regarding question 101 and 102

The number of insolvency cases at question 101 includes the number of compulsory composition (INS-01), bankruptcy of legal person (INS-02), bankruptcy of physical person (INS-03), bankruptcy of inheritance (INS-04) and compulsory dissolution (INS-05) cases at first instance courts. At question 102 we took into account only compulsory composition (INS-01, Cst-01), bankruptcy of legal person (INS-02, Cst-02), bankruptcy of physical person (INS-04, Cst-04) and compulsory dissolution (INS-05, Cst-05) cases at first and second instance courts. The reason to exclude bankruptcy of physical person (INS-03, Cst-03) cases lies in the fact, that most debtors – physical persons in bankruptcy proceedings apply for conditional release from debt. The trial period for debt release lasts from 2 to 5 years. In this period of time the courts have no influence on the development of the case whatsoever, so the data on length of proceedings would not give a realistic picture of productivity of the courts. This reporting method is in line with CEPEJ guidelines GOJUST which state that the time of processing should consider only the time that was needed to process the case within the particular court.

As robbery cases we included criminal offences defined in the Criminal Code of Republic of Slovenia as Robbery and Larceny in the Form of Robbery. As intentional homicide we included criminal offences defined in the Criminal Code as Murder (which responds to Anglo-Saxon definition of first and second degree murder), Voluntary Manslaughter and Infanticide. The data includes criminal cases against adult and juvenile offenders, it does not include attempts.

At question 101 only the main hearing stage of the criminal procedure is counted (K, Km), not the criminal investigation stage (Kpr, Kmp).

At question 102 we calculated the percent of decisions, which are subject to appeal with the ratio between the number of resolved cases in 2012 at first instance courts and the number of filed appeals in 2012 at second instance courts. In percent of pending cases for more than 3 years we calculated the ratio between the number of unresolved cases in 2012 and cases that were unresolved (at I., II. or III. instance) by the end of 2012 and were at that moment pending for more than 3 years.

The average length of the proceedings at first instance includes the time of criminal investigation and preparatory proceeding against juveniles (Kpr, Kmp) and main trial (K, Km) in cases that were resolved in first instance in 2012.

The average length of the proceedings at second instance includes the time of processing appeal on the principal matter in cases that were resolved at second instance in 2012 (15 intentional homicides and 61 robberies). The appeals against procedural decisions (e.g. prolongation of detention) are not included.

The average length of the proceedings at third instance includes the time of processing appeal on the principal matter against the ruling of second instance court in cases that were resolved in third instance in 2012 (2 intentional homicide and 1 robbery). The appeals against procedural decisions and extraordinary legal remedies are not included.

Average total length of the total procedure includes cases that were resolved in 2012 and shows the sum of the effective time in which courts of first, second or third instance considered the case without the time when the case was at the public prosecutor nor the time to serve the final decision or the time limit for appeal.

Regarding question 107 and 108:

The number of received cases by the public prosecutor includes the number of cases against known as well as unknown offenders. There is no vertical nor horizontal consistency in data due to the fact that data for certain categories is not available.

Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor include the number of dismissed denunciations due to concluded settlement between an offender and the aggrieved person (Article 161.a of the Criminal Procedure Act) or due to the offender accomplishing some tasks imposed by public prosecutor (Article 162 of Criminal Procedure Act).

The public prosecutor cannot discontinue the case, because the offender could not be identified, so the number 58757 represents all criminal cases in which the offender was not yet identified, but are still open.

Cases discontinued by the public prosecutor for reason of opportunity include the number of dismissed denunciations in bagatelle cases (Article 163 of the Criminal Procedure Act and cases where denunciations were dismissed because the consequences of conviction would prove disproportionate to the weight of criminal offence).

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.

[Q98 & 100 : E-mail from the NC sent on 18 April 2014: The decrease of the number of "misdemeanour and /or minor criminal cases" before courts is the result of the reform in law on minor offenses which transferred some of the jurisdiction in cases previously tried by courts to other authorities.]

[Q108 : E-mail from the NC sent on 18 April 2014: The cases that are concluded by a penalty or a measure imposed or negotiated by public prosecutor (1837) are according to Slovenian law also discontinued, so they are included in the total number of discontinued cases at question 108. Because the public prosecutor cannot discontinue a case, if the offender cannot be identified, the figure 58757 in the first sub-category of question 108 should be counted in the total number of discontinued cases with reserve. As to the total number of discontinued cases by the public prosecutor (74930), it must be taken into account that there is no consistency in those figures.]

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

Court Statistics, Ministry of Justice, 2012

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

State Prosecutor's Office

## 5. Career of judges and public prosecutors

### 5. 1. Recruitment and promotion

#### 5. 1. 1. Recruitment 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.

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.

##### 110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

##### 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.

According to Article 24 of the Judicial Service Act promotion includes:

- promotion within wage grades within the range of wage grades for particular judicial titles,
- promotion to a higher judicial title,
- promotion to a higher judicial post and
- promotion to the position of a senior judge.

It is the president of the court who rules on promotion within wage grades and promotion to the position of senior judge at the proposal of the judge whereby the criteria for assessing judicial work shall be taken into consideration.

However, the promotion to a higher judicial title and accelerated promotion within wage grades, to a position of a senior judge or to a higher judicial post and exceptional promotion to a higher judicial title is decided upon by the Judicial Council at the judge's or the president of the court's proposal. Promotion shall be decided upon after the procedure for assessing judicial work has been carried out.

**112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?**

Yes

No

If "yes", please specify:

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

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, respecting time schedules, 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 (the description of judge's activities about solving backlogs, i.e. amount of backlogs in the number of solved cases, solving cases by turns, number of settlements reached, 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 processes inside and outside of judiciary, participation in the preparation of legislation, etc.);
- relationship with co-workers;
- leadership abilities (only for judges who hold certain leading positions – heads of departments and their deputies, presidents, etc.).

The same criteria are used in regular assessing of judicial work by Personnel Councils.

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

Yes

No

If yes, please indicate the frequency

The Personnel Councils of Higher courts are composed of 4 higher judges and are responsible for the assessment of judicial service of local and district judges. The Personnel Council of The Supreme Court is composed of 4 Supreme court judges and is responsible for the assessment of judicial service of higher judges (Courts Act Article 30 and 33).

The Judicial Service Act prescribes (Article 31) that the personnel council shall conduct an assessment of judicial service for judges every three years, or before such period has elapsed at the request of the Judicial Council, the president of the court, the president of a superior court or the judge himself/herself.

An assessment of judicial service shall be conducted every year for judges in their first three years of judicial service.

The Personnel Council shall use the assessment of judicial service to determine whether a judge:

1. is unsuitable for judicial service;
2. fails to fulfil the conditions for promotion;
3. fulfils the conditions for promotion;
4. fulfils the conditions for accelerated promotion;
5. fulfils the conditions for exceptional promotion to a higher judicial title.

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

Independent?

Under the authority of the Minister of justice ?

Other?

Please specify:

According to Article 10 of the State Prosecutor Act State prosecutor's offices are self-dependent authorities within the system of justice.

**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 who meets the general conditions that apply to all ranks of state prosecutions, 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 the office of state prosecutor.

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 Prosecution Council (consisted of 5 prosecutors and 4 legal experts), 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).

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes
- No

If "yes", please specify:

**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:

The State Prosecution Council is formally responsible for the promotion of prosecutors in salary classes, on the position of district state prosecutor, councillor and on the position of higher state prosecutor.

The Government is responsible to decide on promotion to the position of supreme state prosecutor.

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

The same criteria are used for the promotion and individual assessment of public prosecutors as for judges.

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes
- No

If "yes", please specify:

**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)?**

-----  
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

Yes. If yes, please indicate the compulsory retirement age	70
No	

Comment :

According to the Judicial Service Act a judge shall have his judicial function terminated pursuant to law:

- if he accepts an office, begins to perform activities, concludes an employment relationship or despite a prohibition performs work that is incompatible with judicial office (Article 74, paragraph 1, point 6; see also answer to question 136);
- if it proceeds from the assessment of his service that he is unsuited to judicial service (Article 74, paragraph 1, point 7);
- if a disciplinary sanction of termination of judicial office is pronounced upon him (Article 74, paragraph 1, point 8);
- if he is dismissed by the General Assembly for committing a criminal act with abuse of his function or for being convicted of a wilful criminal offence and is given a custodial sentence of more than six months (Article 77 and 78).

**121.1) Can a judge be transferred to another court without his consent:**

- For disciplinary reasons  
 For organisational reasons  
 For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards



Transfer as a disciplinary sanction: Transfer to another court one level inferior in rank or to a court of the same rank in another area may be pronounced for a period of six months to three years. It shall not be possible to pronounce this sanction on a judge of the Supreme Court (Article 83 of Judicial Service Act).

Transfer for organisational reasons: Judges may exceptionally be transferred to another court of the same or inferior status and powers without their consent:

1. if the court where a judge performs judicial service is abolished;
2. if the volume of work at the court where the judge performs judicial service decreases significantly for an extended period of time or if the number of judicial posts where the judge performs judicial service is reduced due to the decreased volume of work;
3. if the organisation of the courts is changed.

In the cases specified in the previous paragraph it shall be necessary to provide judges with the same judicial post and the same wage grade as those held before the transfer. If this is not possible, judges shall be transferred to another court but shall have the right to retain their previous judicial position as a title and their previous wage grade if they were higher, and the right to promotion as held before the transfer. (Second and third paragraph of Article 66)

Judges may be assigned to perform judicial service at another court of the same or inferior status for full-time or part-time working hours:  
if so required in order to facilitate the regular execution of judicial power at the court;  
if so required in order to eliminate backlogs in the court's work;  
if they cannot achieve the expected volume of work at the court to which they are appointed because of a temporary reduction in the caseload.

Assignment under this article may, according to requirements, last no more than two years while it can be prolonged upon judge's consent (Article 67 of Judicial Service Act).

A judge who has been elected or appointed to a district or a local court, which is an organisational unit of this district court, can be assigned to every organizational unit of the district court with the annual schedule (Third paragraph of Article 36 of Courts Act).

**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 the probation period (in years)
Yes	
No	
NAP	NAP

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

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

Yes. If yes, please indicate the compulsory retirement age	70
No	

Comment :

The function of public prosecutor is terminated for the same reasons as for judges.

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

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

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

NAP

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

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 public prosecutors and the main reforms that have been implemented over the last two years

## 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	Annual / Regular (e.g. every 3 months)
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)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in courts	Annual / Regular (e.g. every 3 months)

**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	Annual / 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 the**

**budget of such institution(s) in the "comment" box below.**

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

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	No	No
One institution for prosecutors	No	No	No	No
One single institution for both judges and prosecutors	No	No	Yes	No

**Comment :**

The Judicial Training Centre is a body 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 supervise the execution of legal state exams, to organize and supervise the execution of other forms of exams required in the justice system;
- to organize and supervise 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 higher judge that is delegated to work at the Ministry of Justice in accordance with the provisions of the Judicial Service Act. He or she has a status of a full-time judge with all the rights derived therefrom.

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.

The Judicial Training Centre spent 308.317 EUR in 2012.

**131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?**

**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 public prosecutors and the main reforms that have 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 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	32633	20291
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)	63664	34212
Public prosecutor at the beginning of his/her career	31980	19560
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average	55812	31536

salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)		
---	--	--

Comment :

Sources:

- Supreme Court, Office for finance and accounting,
- Supreme State Prosecutor's Office

**133) Do judges and public prosecutors have 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:**

**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	Yes	Yes
Consultant	No	No
Cultural function	Yes	Yes
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.

[Data confirmed by the National Correspondent (see e-mail sent on 18 April 2014)]

**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:

## 5. 4. Disciplinary procedures

### 5. 4. 1. Disciplinary procedures

**140) Who has been 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:  
The Minister of Justice.

[E-mail from the NC sent on 18 April 2014: The competence to initiate disciplinary proceedings against public prosecutors was widened from the State Prosecutor General and the Minister of Justice to the Public prosecutorial Council and head of organizational unit where public prosecutor executes his office with the new State Prosecutor Act which came into force in 2011.]

**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 the 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 judges of the Supreme Court.

Besides disciplinary proceedings which are conducted upon a special initiative (see answer to question 140) a disciplinary control of judges is also performed through an assessment of judicial service, that is conducted by the Personnel Council every three years, or before such period has elapsed at the request of the Judicial Council, the president of the court, the president of a superior court or the judge himself/herself. If the Personnel Council in the assessment of judicial service determines that a judge is not suitable for performing judicial function, his/her judicial office shall be terminated upon the approval of the Judicial Council (Article 31 and 32 of Judicial Service Act).

**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:

The Disciplinary Court of First Instance consists of nine members: six public prosecutors and two judges form the Disciplinary Court of First Instance for disciplinary proceedings against judges. The Disciplinary court of First Instance rules in an individual case in a panel of three members: president of the court, a judge and public prosecutor.

The Disciplinary Court of Second Instance consists of six members: two supreme public prosecutors and four judges form the Disciplinary Court of Second Instance for disciplinary proceedings against judges. The Disciplinary court of First Instance rules in an individual case in a panel of three members: president of the court, a judge and supreme public prosecutor.

**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	2
1. Breach of professional ethics	0	0
2. Professional inadequacy	0	1
3. Criminal offence	0	1
4. Other	1	0

Comment :

In 2012 one disciplinary proceeding was initiated against a judge because of an 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). A proposal of the disciplinary prosecutor for the pronouncement of disciplinary sanction has been refused.

**145) Number of sanctions pronounced in 2012 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 to 9)	1	0
1. Reprimand	1	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 :

Concerning judges

In 2011 the following sanctions have been pronounced:

- 1 reprimand because of an 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) and
- 2 suspensions of promotion for one year period because of an unconscientious, late, inappropriate or negligent performance of judicial service (Article 81/2 – point 3 of the Judicial Service Act).

Two proceedings are still in progress, one 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) and one 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).

In 2012 the following sanctions have been pronounced:

- 1 reprimand because of an unconscious, late, inappropriate or negligent performance of judicial service (Article 81/2 – point 3 of the Judicial Service Act).

In 2012 there has been no termination of judicial office for a judge on the grounds that he/she is not suitable for performing judicial service.

In 2013 the judicial office was terminated on the same grounds for 2 judges and one such proceeding is still in motion.

Concerning prosecutors

For prosecutors the situation is different. In 2011 two procedures ended - one procedure (initiated in 2009) was stopped since the prosecutor charged with (1) unconscious, 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 public 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 and Register of disciplinary proceedings in the Office of the State Prosecutor General



## 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.**

1417 on the 1st of March 2012

**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:

In civil procedures on first instance a party can be represented at local courts by everyone who is capable to contract. At district courts and in second instance procedures at higher courts as well as at the Supreme Court there is a lawyers' monopoly on legal representation. The exception goes for individuals who passed the Legal State Exam. A party can submit exceptional legal remedies only with the representation of a lawyer.

In criminal procedures the accused can be defended only by a lawyer, who can be substituted by his prospective entrant. There is no monopoly in representing victims in criminal cases, except for minor victims in specific cases where lawyers' representation is obligatory.

In proceedings at the Administrative court a party can be represented by 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 practised 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 practised his pedagogical and scientific work, even if he does not fulfil the conditions of the five years' practice (Article 33 of the Attorneys Act).

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

The Slovenian Bar Association

**F1 Comments for interpreting the data mentioned in this chapter:**

**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

**F2 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 (Attorneys Act, Article 17).

**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 client 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 or 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.]**

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	40
1. Breach of professional ethics	NA
2. Professional inadequacy	NA
3. Criminal offence	NA
4. Other	NA

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 2012 there were 40 breaches in which the disciplinary prosecutor began disciplinary procedures. In 56 cases the proposal to start a disciplinary procedure was rejected.

[E-mail from the NC sent on 18 April 2014: "Professional inadequacy" and "criminal offense" are both possible grounds for initiation of disciplinary proceedings. In case of several disciplinary breaches the Statute of the Bar Association refers to breaches of professional ethics, which are laid down in a special Code of professional conduct. The breaches of professional ethics that are not at the same time disciplinary breaches (Code of professional conduct) are considered by the Commission on Ethics of the Bar Association.]

**162) Sanctions pronounced against lawyers.**

-----

**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)	29
1.Reprimand	14
2. Suspension	0
3. Removal	NAP
4. Fine	15
5. Other (e.g. disbarment)	NAP

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).

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation and other forms of ADR

**163) Does the judicial system provide for judicial 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

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**  
-----

**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

The Court may, where the circumstances of the case mandate it and on the basis of consultations with the parties, decide that the proceedings shall be suspended for a period not longer than three months, and refer the parties to mediation. The latter is provided by the court (so called Court annexed mediation) on the basis of a program – Article 4 and 19 of Act on Alternative Dispute Resolution in Judicial Matters. A special mandatory referral to mediation is regulated by the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act in the field of insolvency proceedings.

**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	Yes	No	No	Yes

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

- Yes
- No

If yes, please specify:

According to 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:**

347

**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)  Yes 4 714
- 1. civil cases  Yes 3 929

2. family cases		NA
3. administrative cases		NAP
4. employment dismissals cases	<input checked="" type="checkbox"/> Yes	785
5. criminal cases		NAP

## Comment :

mail CN 9/1/14: The figures in 2012 show rising trends of readiness of parties to use judicial mediation and capacities of the courts to supply it. The area of judicial mediation and alternative resolution procedures in general has been the focus of legislative changes in 2009 as explained in the comment under Q 167. According to these changes courts of first and second instance had to adopt mediation procedures. Consequently, the figures of judicial mediation procedures have risen in 2012.

**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 the Act on Alternative Dispute Resolution in Judicial Matters, 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 You can indicate below:**

- 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

Regarding question 167: 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 relationships, 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 local, district and labour courts, as well as to high courts and the Higher labour and social disputes 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 above mentioned 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.

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

Ministry of Justice; data for the year 2012



## 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**

45

**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 language,
- 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; data for the year 2012

## 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 Professional 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 Professional 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.

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

**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:

Professional Chamber of Enforcement Officers.

**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 how the enforcement procedure is conducted by the enforcement agent?**

- Yes  
 No

If yes, please specify

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 judges who are leading the enforcement procedures.

In the previous evaluation round we put the answer 'no' because we understood that it applies on the monitoring system for overall performance of an enforcement agent. Concerning the enforcement procedure in single cases, the answer should be 'yes'.

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

**185) Is there a system measuring the length of 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:**

- between 1 and 5 days  
 between 6 and 10 days  
 between 11 and 30 days  
 more

If more, please specify

**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 initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	17
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	2
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	15
3. for criminal offence	<input checked="" type="checkbox"/> number:	0
4. Other	<input checked="" 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 initiated 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 checked="" type="checkbox"/> number:	16
1. Reprimand	<input checked="" type="checkbox"/> number:	12
2. Suspension	<input checked="" type="checkbox"/> number:	0
3. Dismissal	<input checked="" type="checkbox"/> number:	0
4. Fine	<input checked="" type="checkbox"/> number:	4
5. Other	<input checked="" type="checkbox"/> number:	0

Comment :

**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 have been implemented over the last two years**

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 (judgements, 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 document by tackling the problem of unjustified objections against a decree of enforcement which are lodged with the sole purpose of delaying enforcement.

In 2013 a general overhaul of the enforcement procedure has been announced, that will culminate with a new novella, expected to be enacted in 2014.

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

Ministry of Justice; data for the year 2012

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

### 8. 2. 1. Functioning

**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:

Prison services are responsible for the enforcement of prison sentences. Most alternative sanctions are carried out by social welfare agencies, which are institutions run by the Ministry of Family and Social Affairs. The judge decides on modalities of the enforcement of incarceration sanction. He supervises the enforcement of house prison. The probation commission (composed of supreme or high judge, supreme or high public prosecutor and a worker of the Ministry of Justice), decides on probational dismissal. The judge for juvenile offenders supervises the enforcement of pedagogic measures.

**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%
- cannot be estimated

Please indicate the source for answering this question:

**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**

Ministry of Justice

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functionning

**192) Do you have notaries in your country? If no please skip 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.

#### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring 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.

Comparing the answer from the previous evaluation round we changed the mark from 'judge' to 'other' because the president of higher court by executing the above mentioned supervision does not act in a function of a judge, but as a president of court. That way the answer is consistent with the answer on question 178.

### **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**

The main task imposed on the Notary under the Notaries Act includes the drawing up of public deeds, such as notarial records, notarial minutes and notarial 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 notarial deed. According to the law, certain legal affairs are valid only if concluded in the form of a notarial deed. A notarial agreement or settlement can be automatically enforced, if so agreed by the parties. In such case it is not necessary to proceed to a suit; in the event of non-fulfilment, immediate judicial execution against the debtor is possible. The Notary is obliged to keep his notarial 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 courts and other governmental bodies, provided that such matters are directly related to the notarial 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 2011, a new Land Register Act came into force, according to which the proposal for registration of title to land can be submitted only in electronic form, whereas the originals which are annexed to the proposal can be transformed into electronic form by notaries.

At the end of 2012, the Minister of Justice reduced the notary fees once again. The tariffs have dropped approx. 15%, which has seriously affected the business of various notary offices in times of economic crisis, slow property market, dropping of loans and economy legislation. Therefore, many have difficulties with covering their operating costs.

The changes of insolvency legislature came in force in June 2013 and introduced a new simplified compulsory settlement procedure. In this procedure the contract between debtor and creditors on accepting compulsory settlement is concluded in the form of a notarial deed. This notarial deed is an executive instrument for the enforcement of the debtor's obligation towards creditors in accordance with the compulsory settlement.

According to amendment of Financial Collateral Act which is currently in legislative procedure the notaries shall conduct a real estate sale based on the directly enforceable notarial deed. Herein we talk about creditor-debtor relationships in which at least one party is a credit institution. The notarial sale will be carried out at the request of the creditor complying with the conditions listed in the notarial deed.

### **Please indicate the sources for answering question 193:**

Chamber of Notaries of Slovenia  
Constitution of the Republic of Slovenia  
Notary Act  
Decree on the numbers and seats of notarial posts

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Functioning

**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:**

approximately 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 Statutes (Courts Act et. al) 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 through professional training. Every five years all court interpreters have to submit to the Ministry of Justice evidence on the fulfilment of these requirements. It is also mandatory for their appointment to the office of a court interpreter to pass specific exams at the Judicial Training Centre.

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 appointment of candidates to the office 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 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, published and freely available on the official internet page of the ministry ([http://www2.gov.si/mp/tol\\_cen.nsf/%28WebTolmaci%29?OpenView](http://www2.gov.si/mp/tol_cen.nsf/%28WebTolmaci%29?OpenView)) 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)**

Approx. 1450 judicial experts and approx. 880 judicial evaluators/appraisers [E-mail from the NC sent on 18 April 2014: In answer to question 205 for the year 2010 we reported only the figure for judicial experts (approx. 1600). From 2011 on 300 judicial experts were dismissed, which is the reason for a substantially lower figure for year 2012.]

**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 (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 specify in the "comments" 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 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.

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 submits 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 through 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, published and freely available on the official internet page of the ministry ([http://www2.gov.si/mp/to1\\_cen.nsf/%28WebIzvedenci%29?OpenView](http://www2.gov.si/mp/to1_cen.nsf/%28WebIzvedenci%29?OpenView)) from which judges choose experts in line with the needs of a particular judicial procedure.

**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. Foreseen 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 at this stage. 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)**

**3.1 Access to justice and legal aid**

**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**

**6.1 Personal status**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crim**

1. (Comprehensive) reform plans

Ministry of Justice: In July 2013 the amendments to the Courts Act and the Judicial Service Act were adopted. The legislative changes pursue three goals: greater effectiveness and thereby independence of courts, more effectiveness and quality in the oversight of court administration, and greater accountability in the judiciary. The changes oblige all courts to execute projects that have proved beneficial and to determine norms for shortening the duration of proceedings, while a transfer is also envisaged of powers from the Justice Ministry to the Supreme Court to strengthen the independence of the judicial branch of power. Moreover in 2014 there are new steps planned to boost the efficiency of the judiciary concerning its organizational structure.

Judicial Council: On the basis of findings in the annual report on efficiency and effectiveness of courts for 2012 the Judicial Council has highlighted some of the systemic problems and outlined proposals for improvements that would contribute to a more efficient, more effective and more qualitative operation of the courts. The Judicial Council noted that it is necessary to make strategic orientation of the judiciary, to optimize the network of courts, to resolve the spatial and staffing issues of the courts, to renew business processes of the courts, deliberately and with the participation of experts to prepare amendments to the legislation and to implement some changes in the assessment of the quality of the judges.

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)  
Changes of the State Prosecutor Act.

3.1. Access to justice and legal aid

4. High Judicial Council

The current legal system of the Republic of Slovenia, the provisions on the functioning and powers of the Judicial Council, as constitutional authority are involved in the laws governing the organization of the courts (Courts Act) and the judicial service (Judicial Service Act). Recent (2013) legislative changes of these two acts reduced some powers of the Judicial Council.

The question is, whether the current legislation adequately provides the realization of the principle of the independence of the Judicial Council in relation to the judiciary. Based on the constitutionally intended role and statutory powers of the Judicial Council, it would be necessary to regulate the functioning of Judicial Council in a special act. Its tasks and powers should be provided in this special Act in a comprehensive and united way. As such the provisions should include also the area of the integrity of the judiciary and the preparation of detailed criteria for the selection and evaluation of judges. Independence of the Judicial Council from the judiciary would provide a legal status of an independent direct budget user and proposer of the budget.

The Judicial Council has already prepared a proposal of the Judicial Council Act, which was sent to the Ministry of Justice for adjustments. The act has not been adopted yet. The proposal represents a homogeneous whole of partly amended and complemented provisions of the applicable legislation. It defines the Judicial Council as an independent state authority whose task is to ensure the independence and autonomy of courts and judges, and the quality of the functioning of the judiciary and its public reputation, acting impartially, taking into account the legal, ethical and professional principles and is independent and direct budget user and proposer. With the adoption of this act the position and purpose of the Judicial Council, the manner of its operation, organization, powers and funding would be

rounded, distinctly regulated and internally consistent, which would ensure the realization of the principle of independence of the Judicial Council in relation to the judiciary, and recognise the role of an important factor in regulating the relationship between branches of government.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

In past years the Slovene Notariat has undergone considerable changes that have an 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. Last year, the Ministry of Justice assembled a work-group of faculty representatives, judges, lawyers and notaries that prepared a draft law governing the transfer of inheritance regulations onto notaries. They have prepared quality material for the amendments of the Inheritance Act, which is ready for immediate implementation and for a quick and effective transfer onto notaries. Despite the consensus of experts, the Act has not been submitted to legislative procedure yet. In 2011, the new Family Code which envisaged new competences of notaries in the field of family law (no-fault divorce at the notary, wedding contracts, etc.) was pending, but it was rejected at the referendum because of the solutions it provided for the equation of rights for same-sex partnerships and the respective adoption of children.

By the end of year 2012 the Ministry of Justice instituted the proceedings for the liberalization of notariat (among which the abolition of *numerus clausus* and the compulsory membership of notaries in the Chamber of Notaries), which will lead to decreased legal security and unfavourable consequences. The Slovene Chamber of Notaries strongly opposed this trend. The proceedings are now at a standstill and the amendments of the Notary Act shall become topical in 2014. We are also faced with proposals for equalising notarizations with administrative certifications. The government wants the certification of signature on contracts in the field of property law and the law on commercial companies to be carried out by officials in administrative units (state officials who are not lawyers and are not competent in these matters). We have strongly opposed to such changes, because the advantages of cheaper services are only fictitious. If the notarizations will be carried out in the administrative units, this kind of populism will strongly mislead clients in the time of economic crisis. The truth is the quality of service and legal security would drastically decrease, allowing the number of legal actions to rise.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities  
Improvements of the Assets of Illicit Origin Forfeiture Act.

6.1. Personal status

7. Enforcement of court decisions

In 2013 a general overhaul of the enforcement procedure has been announced, that will culminate with a new novella, expected to be enacted in 2014.

8. Mediation and other ADR

9. Fight against crime

Resolution on the national program of preventing and suppressing criminality 2012 – 2016.

9.1. Prison system

9.2 Child friendly justice

9.3. Violence against partners

10. Other