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Groupe d'États contre la corruption

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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

SECOND COMPLIANCE REPORT

SLOVENIA

Adopted by GRECO at its 79th Plenary Meeting
(Strasbourg, 19-23 March 2018)

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I. INTRODUCTION

1. The Second Compliance Report assesses the measures taken by the authorities of Slovenia to implement the recommendations issued in the Fourth Round Evaluation Report on Slovenia (see paragraph 2) covering "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The Fourth Round Evaluation report on Slovenia was adopted at GRECO's 58th Plenary Meeting (19 October 2012) and made public on 30 May 2013, following authorisation by Slovenia ([Greco Eval IV Rep \(2012\) 1E](#)).
3. The Compliance Report was adopted by GRECO at its 66th Plenary Meeting (12 December 2014) and made public on 18 March 2015, following authorisation by Slovenia ([Greco RC-IV \(2014\) 2E](#)). It was concluded that Slovenia had implemented satisfactorily or dealt with in a satisfactory manner only two of the nineteen recommendations contained in the Fourth Round Evaluation Report. Of the remaining recommendations, five had been partly implemented and twelve had not been implemented. GRECO considered that the very low level of compliance was "globally unsatisfactory" within the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure and therefore decided to apply Rule 32, paragraph 2 (i) concerning members found not to be in compliance with the recommendations contained in the evaluation report, and asked the Head of Delegation of Slovenia to provide a report on the progress in implementing the pending recommendations.
4. An Interim Compliance Report was adopted by GRECO at its 69th Plenary Meeting (16 October 2015) and was made public on 26 January 2016 ([Greco RC-IV \(2015\) 8E](#)). GRECO concluded that, whilst Slovenia had made tangible progress, only four recommendations had been implemented satisfactorily or dealt with in a satisfactory manner, five had been partly implemented and ten remained not implemented. Therefore, GRECO concluded that the current level of compliance with the recommendations remained "globally unsatisfactory". In accordance with Rule 32, paragraph 2 (ii.a), GRECO instructed its President to send a letter – with a copy to the President of the Statutory Committee – to the head of the Slovenian delegation, drawing her attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving tangible progress as soon as possible.
5. A Second Interim Compliance Report was adopted by GRECO at its 74th Plenary Meeting (2 December 2016) and made public on 15 February 2017 ([Greco RC4\(2016\)14](#)). GRECO concluded that Slovenia had made substantial progress with twelve recommendations being implemented satisfactorily or dealt with in a satisfactory manner, five partly implemented and two not implemented. GRECO therefore concluded that the current level of compliance with the recommendations was no longer "globally unsatisfactory". Application of Rule 32 was discontinued and Slovenia was requested to submit additional information regarding the implementation of the outstanding recommendations. This report was received on 29 September 2017 and served as a basis for this Second Compliance Report.
6. This Second Compliance Report evaluates the progress made in implementing the pending recommendations since the last Interim Report (recommendations i, ii, iii, v, xiii, xviii and xix) and provides an overall appraisal of the level of compliance of Slovenia with these recommendations.
7. GRECO selected Belgium and Croatia to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Ricardo PARRONDO RAMOS on behalf of Belgium and Mr Dražen JELENIĆ on behalf of Croatia. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.

II. ANALYSIS

8. GRECO, in its Evaluation Report, had addressed 19 recommendations to Slovenia. In the subsequent Compliance Reports, GRECO concluded that recommendations iv, vi, ix, x, xii and xiv-xvii had been implemented satisfactorily, recommendations vii, viii and xi had been dealt with in a satisfactory manner, recommendations i, iii, xiii, xviii and xix had been partly implemented and recommendations ii and v remained not implemented. Compliance with the seven pending recommendations is examined below.

Corruption prevention in respect of members of parliament

Recommendation i.

9. *GRECO recommended (i) that a code/standards of conduct for members of the National Assembly and the National Council is/are adopted (including guidance on e.g. conflicts of interest, gifts and other advantages, misuse of information and of public resources, contacts with third parties, including lobbyists, preservation of reputation) and (ii) that, in order to make these standards work, a credible mechanism of supervision and sanction be elaborated.*
10. GRECO recalls that this recommendation was considered partly implemented in the Compliance Report; the authorities had made reference to draft codes of conduct being discussed in the relevant commissions of the National Council and the National Assembly. GRECO had welcomed the drafts as a good first step and called for them to be finalised and adopted and for adequate supervision and sanction mechanisms to be established. In the Interim Compliance Report, GRECO welcomed the National Council's adoption of a Code of Conduct for its members; however, this Code was not considered sufficiently detailed in respect of conflicts of interest and lacked a supervision mechanism and sanctions. In the Second Interim Compliance Report, GRECO noted the on-going developments to draft a code of ethics at the National Assembly but regretted that the process was still at a very early stage - a working group had been set up but the drafting of the text had not started. It also regretted that no new information had been submitted about new developments at the National Council on its Code of Conduct.
11. The authorities now indicate that the preparation of a new working draft of the code of conduct of the National Assembly has been undertaken but will be handed over to the next composition of the National Assembly following the June 2018 elections.
12. GRECO takes note of the information provided and that the drafting of a code of conduct has been undertaken within the National Assembly but will only be examined for adoption after the National Assembly reconvenes following the forthcoming general elections in June 2018. There is no information on developments regarding the National Council's Code of Conduct, in respect of conflicts of interest, supervision and sanctions. Therefore, GRECO cannot at this stage consider the recommendation as more than partly achieved.
13. GRECO concludes that recommendation i remains partly implemented.

Recommendation ii.

14. *GRECO recommended that the implementation of the rules on contacts with lobbyists by members of the National Assembly and of the National Council be subject to a thorough assessment, with a view to improving them where necessary.*

15. GRECO recalls that this recommendation was considered not implemented in the Second Interim Compliance Report. GRECO regretted that the efficiency of the rules on contacts with lobbyists had not been subject to an assessment as required by the Recommendation.
16. The authorities now state that the National Assembly reiterates its opinion that the legal provisions on lobbying are sufficient. However, it now indicates that several institutions, including the Commission for the Prevention of Corruption, have been asked to report any shortcomings they would come across.
17. GRECO takes note of the above. While it notes that the National Assembly still has not carried out an assessment of the existing rules on contacts with lobbyists by its members, GRECO welcomes that the Commission for the Prevention of Corruption and other institutions have been asked to report any shortcomings they would identify in the current system, which appears to be a starting point. However, there is no other information as to what steps to be taken to implement this recommendation, and GRECO concludes that this recommendation has not been implemented, even partly.
18. GRECO concludes that recommendation ii remains not implemented.

Recommendation iii.

19. *GRECO recommended both in respect of MPs and members of the National Council, (i) the establishment of a dedicated counsellor, with the mandate to provide parliamentarians with guidance and advice on the practical implications of their legal duties in specific situations and (ii) the provision of specific and periodic information and training on ethics and integrity.*
20. GRECO recalls that the recommendation had been considered partly implemented in the Second Interim Compliance Report. Regarding the National Council, GRECO welcomed the decision to designate the Commission for Public Office and Immunity to provide counselling on ethics and integrity to members of the Council. However, it noted that no dedicated counsellor had been appointed in respect of MPs. Consequently, the first part of the recommendation had only been partly implemented. As to the second part of the recommendation, GRECO considered the Commission for the Prevention of Corruption's dialogue and provision of material, training and opinions on ethics, lobbying and integrity to members of the National Council was a positive step, but that the recommendation called for periodic information and training; this should also apply to MPs. Therefore, it considered this part of the recommendation only partly implemented.
21. The authorities report no new development, and therefore GRECO concludes that recommendation iii remains partly implemented.

Corruption prevention in respect of judges

Recommendation v.

22. *GRECO recommended that the Slovenian authorities consider revisiting the procedure of appointment of judges to the Supreme Court, in order to minimise the possibilities of political influence.*
23. GRECO recalls that this recommendation was not implemented according to the Second Interim Compliance Report. The Judicial Council had expressed its support for reform, but there were no tangible results to change the current procedure of election of judges to the Supreme Court by the National Assembly.

24. The authorities now state that the Ministry of Justice plans to present amendments to the Courts Act and the Judicial Service Act to the Government, which is to examine them to find ways of improving the appointment procedure of Supreme Court judges. The authorities indicate that these amendments are part of a broader reform of the judiciary, which also includes the optimisation of the judicial map. This requires a high level of support of all stakeholders and it will not be possible to propose these amendments to Parliament before the forthcoming parliamentary elections of June 2018.
25. GRECO takes note of the information concerning actions planned. However, in the absence of any tangible results, GRECO maintains its previous conclusion.
26. GRECO concludes that recommendation v remains not implemented.

Corruption prevention in respect of prosecutors

Recommendation xiii.

27. *GRECO recommended that a set of clear standards/code of professional conduct, accompanied by explanatory comments and/or practical examples, is made applicable to all prosecutors.*
28. GRECO recalls that this recommendation was partly implemented in the Interim Compliance Report; a Code of State Prosecutorial Ethics had been adopted as a new principle instrument and, in the Second Interim Compliance Report, the Commission for Ethics and Integrity of the Prosecutorial Council had started its work, but it remained to develop explanatory comments and/or practical examples to the principles contained in the Code, as the recommendation requires.
29. The authorities now indicate that the Commission for Ethics and Integrity of the Prosecutorial Council has adopted Clarifications to the Code of State Prosecutorial Ethics, which explain both what is expected from state prosecutors and the profession's ethical principles. Both the Code and Clarifications are public and published on the Prosecution Services' website.
30. GRECO takes note of the Clarifications to the Code of State Prosecutorial Ethics, which the authorities have provided. GRECO is satisfied that their content meets the requirements of the recommendation, which is thus fully implemented.
31. GRECO concludes that recommendation xiii has been implemented satisfactorily.

Recommendation xviii.

32. *GRECO recommended (i) that a public communication strategy be adopted and (ii) that relevant training be provided as appropriate.*
33. GRECO recalls that this recommendation was considered partly implemented in the Second Interim Compliance Report, as training activities on communication had been organised, but a public communication strategy had yet to be adopted.
34. The authorities now indicate that a Communication Strategy was finalised in April 2017 and published on the website of the Office of the State Prosecutor General. Different communication tools are envisaged by the Strategy such as Internal Rules on Communicating with the Media, which provide recommendation on how state prosecutors should handle so as to provide timely information to the media whilst contributing to a better public image of the prosecution services. In

addition, the website of the Office of the State Prosecutor General has been revamped and includes general information on the prosecution services, the State Prosecutorial Council, the Commission for Ethics and Integrity, reports on educational and international activities, as well as explanations on typical pre-trial procedures and related information. Furthermore, several seminars were organised throughout 2017 for state prosecutors with a view to developing their communication skills and implementing the recently adopted Communication Strategy.

35. GRECO welcomes the recently adopted Communication Strategy of the Office of the Prosecutor General, a translation of which was provided by the authorities. It also considers positive that regular training sessions on communication skills are organised for state prosecutors.

36. GRECO concludes that recommendation xviii has been implemented satisfactorily.

Corruption prevention regarding all categories under review

Recommendation xix.

37. *GRECO recommended, in order to ensure that the Commission for the Prevention of Corruption is adequately equipped to perform its tasks with respect to MPs, judges and prosecutors effectively, that its financial and personnel resources in the areas of asset declarations, lobbying and conflicts of interest be increased as a matter of priority.*

38. GRECO recalls that this recommendation was considered partly implemented in the Second Interim Compliance Report. Whilst noting that no substantial changes had occurred, GRECO also noted that the recommendation, which is entirely about the provision of adequate resources (budget and staffing) to the CPC, was also about preventing further cuts in the budget of the CPC, which appeared to have been achieved compared to other institutions.

39. The authorities now provide updated information on the human and financial resources of the CPC over the last few years. Staff numbers have remained stable from 2013 to 2017 at around 40. As to budget figures, it went from EUR 1 419 872 in 2015, to EUR 1 531 382 in 2016 to EUR 1 716 340 in 2017.

40. GRECO notes that the budget allocated for 2017 has been increased but at the same time that staff numbers remain the same. Given the tasks entrusted to the CPC, the recommendation called not only for financial resources but also human resources to be increased. While, on the one hand, GRECO welcomes the recent increase in the budget allocated to the CPC, on the other hand, it regrets that the CPC's personnel has not seen a similar increase to deal effectively with its many tasks. Therefore, it can only conclude that the recommendation remains partly implemented.

41. GRECO concludes that recommendation xix remains partly implemented.

III. CONCLUSIONS

42. **In view of the conclusions contained in the Fourth Round compliance reports on Slovenia and in view of the above, GRECO concludes that Slovenia has implemented satisfactorily or dealt with in a satisfactory manner in total fourteen of the nineteen recommendations contained in the Fourth Round Evaluation Report. Out of the remaining recommendations, three have been partly implemented and two not implemented.**
43. More specifically, recommendations iv, vi-xii and xiv-xvii had been considered as implemented satisfactorily or dealt with in a satisfactory manner and recommendations xiii and xviii have now been implemented satisfactorily. Further, recommendations i, iii and xix are partly implemented whilst recommendations ii and v remain not implemented.
44. With respect to members of parliament, some progress, though limited, has been achieved towards the implementation of GRECO's three recommendations. The National Council has adopted a Code of Conduct, although GRECO has found it insufficient in respect of conflicts of interest, supervision and sanctions. The National Assembly has worked on a draft code of conduct but has yet to adopt such an instrument. As to rules on contacts with lobbyists, the National Assembly has asked the Commission for the Prevention of Corruption to report any shortcomings it would identify, but the National Council does not appear to have taken any steps, as per GRECO's recommendation. The National Council has designated the Commission for Public Office and Immunity to provide counselling on ethics and integrity to its members; however, no such counsellor appears to have been designated by the National Assembly. Furthermore, the National Council has asked the Commission for the Prevention of Corruption to provide information and propose training for its members, but no initiative appears to have been taken by the National Assembly to the same effect. GRECO urges the authorities to take further steps to ensure that both the National Assembly and National Council fully meet the requirements of the recommendations, which so far are only partly implemented.
45. Insofar as judges are concerned, significant developments have taken place to implement the recommendations formulated by GRECO in its Evaluation Report. Amendments to the Judicial Service Act have given a more prominent role to the Judicial Council in the selection process, guaranteeing greater uniformity and predictability of selection criteria. The Judicial Council has also adopted the Code of Judicial Ethics and Integrity and will publish decisions and opinions on various issues of ethics and integrity, such as conflicts of interest, to provide more details on the general principles of the code. In addition, the Policy on the detection and management of corruption risks and exposure of courts was released; it covers, *inter alia*, the conduct of judges, the reporting of unethical behaviour, and risk management. Moreover, many training sessions around integrity and ethics are organised for judges. The one outstanding issue concerns the revision of the procedure of appointment of judges to the Supreme Court to minimise the risks of political influence, which is still pending. GRECO calls on the authorities to take this matter forward without further delay.
46. Regarding prosecutors, all eight recommendations have been fully implemented. Responsibility for the Prosecution Service was given back to the Ministry of Justice, alleviating concerns of undue influence when it was under the Ministry of the Interior. The Judicial Council's Commission for Ethics and Integrity has adopted the recommendations for prosecutors on conflicts of interest, with accompanying sanctions. A policy on corruption risks was adopted. Further, prosecutors can

receive counselling from the Commission for Ethics and Integrity and/or the Working Group for Integrity. Training on integrity and ethical issues is provided and the Prosecutorial Council's Commission for Ethics and Integrity has adopted Clarifications to provide more details on the standards of the Code of State Prosecutorial Ethics.

47. The adoption of this Second Compliance Report terminates the Fourth Round compliance procedure in respect of Slovenia. The authorities of Slovenia may, however, wish to inform GRECO of further developments with regard to the implementation of the pending recommendations i, ii, iii, v and xix.
48. Finally, GRECO invites the authorities of Slovenia to authorise, as soon as possible, the publication of the report, to translate the report into the national language and to make this translation public.