

SLOVENIA

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YES

Although there's no specialised and centralised body, which would deal with detection of dysfunctions within the courts, there are different mechanisms to detect different aspects of dysfunctions within the court:

1. Internal audit (performed by Supreme Court's department for all the courts) and external audit (performed by Court of Audits) which covers not only economy, but also effectiveness and efficiency of the court performance. Internal audit is performed according to annual plan, but presidents of the courts can take the initiative also. External audit is performed according to annual plan of Court of Audits.
2. A court of higher instance may request from a court of lower instance in its territory the data related to the application of statute, data on problems, which arise during adjudication, and other data necessary to examine particular issues, which occur during its work. (Courts Act Art.12). The initiative may come from a court of higher instance.
3. On the basis of the judicial job classification act, the Judicial Council shall monitor, ascertain and analyse the effectiveness of the work of judges and courts, on which it shall keep annual records. (Courts Act Art.28) This monitoring is obligatory.
4. The performance of matters of court management in courts of first instance shall be monitored by the president of the court of higher instance, and in courts of all instances by the president of the Supreme Court of the Republic of Slovenia and the minister competent for justice who exercises official supervision over the work of courts of higher instance or of the president of the Supreme Court of the Republic of Slovenia. (Courts Act Art. 67) The initiative may come from public at large, state authorities, parties etc.
5. Whenever a party believes that a court is unreasonably delaying the resolving of the case, he shall address an appeal to the president of the court, in which the case is being heard, because of the delays in the procedure (supervisory appeal).
6. The president of the court and the immediately superior court shall conduct official supervision of judges' work. Official supervision shall comprise all the measures necessary for determining the fulfilment of judicial duties pursuant to law and the court rules and for eliminating the causes of inappropriate volume, quality and expertise of work and backlogs in work. (Judicial Service Act Art.79a) The president of the court shall conduct official supervision with regard to his/her own findings on the judge's work or at the initiative of the Human Rights Ombudsman, or compulsorily at the proposal of the president of the immediately superior court or the president of the Supreme Court, the minister responsible for justice, the competent personnel council or the Judicial Council.

II 2:

Methods used to check dysfunctions are various:

Audit, on location visits, evaluation of statistical data, written reports, inspecting of files etc.

III

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Both centralised in the Ministry of Justice, Court of Audits, Supreme Court and decentralised e.g. no. I 5,6 which can and even must be performed at court level.

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Depends on a body, which performs certain measure: executive, judicial or independent (e.g. Court of Audits) bodies.

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See no. 5.

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See no. 1.

8 - 10

Depends on a body which performs certain measure: in the case of auditing (I 1) a written report is produced with suggestions for the improvement of work (in the case of external audit they are mandatory), in other cases usually also a written report is produced with different effects: in the case of I 2 and 4 suggestions for the improvement of work may follow but should some serious dysfunctions be detected, other measures can be undertaken (e.g. official supervision of judges work, dismissal of the president of the court); in the case under I 3 underperformance of individual judge may lead to the disciplinary proceedings; in the case under I 5 if, on the basis of statements in the supervisory appeal and on the basis of other data whenever this is necessary, the president of the court opines that the rules regarding the order of resolving cases or statutory time limits for fixing preliminary hearings or drawing court decisions have not been respected, he may demand of the judge, to whom the case has been assigned for resolution, that he produces a report without delay, and may also demand to inspect the file. If he finds irregularities, he shall warn the judge in writing and may also propose measures according to the provisions of the statute regulating judges service; in the case under I 6 during official supervision a warning may be delivered to the judge, and a period after which official supervision is to be repeated may be stipulated. If during official supervision or in connection with a supervisory appeal it is determined that the right to a decision-making without unnecessary delay is endangered or violated, the priority resolution of a case may be ordered upon the judge and a deadline by which the judge must report on individual acts in the procedure may be stipulated.

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No.

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