



Press release

EUROPEAN DAY OF CIVIL JUSTICE

In the year 2003 the European Commission and the Council of Europe set the 25th of October as the European Day of Civil Justice, a symbolic event aiming to bring justice closer to the citizens. For this purpose the Supreme Court of the Republic of Slovenia, in collaboration with the Higher Court of Ljubljana and the District Court of Ljubljana organised a presentation in which dr. Mateja Končina Peternel, head of the Civil Department at the Higher Court of Ljubljana presented the role of the judiciary, the work of a judge and the current topics in civil law to the students of the Law Faculty, University of Ljubljana and journalists in a court room of the Judicial Palace in Ljubljana.

Ljubljana, 25th of October 2006 – The European Day of Civil Justice is a symbolic event, meant to bring civil justice closer to its end users. The marking of the day serves to inform the public of the fact that civil justice is first and foremost a service to citizens, which enables them to settle their private conflicts and assert their rights. The image of courts is too often associated with criminal law, neglecting the practical value of the judiciary in the daily life of people (family, inheritance law, consumer protection etc.).

The presentation of dr. Končina Peternel began by depicting the daily work of a judge at various levels – the Local and District Courts, the Higher Courts, the Supreme Court and the Constitutional Court of the Republic of Slovenia.

In today's presentation the judge focused mainly on the current topics in various fields of civil law – property, contract, inheritance, family law and author's rights. She specifically mentioned the importance of the evolving legal corpus in the field of consumer protection and the Regulations of the EC aiming at simplifying the procedure of recognition and enforcement of legal decisions from other Member states. For instance, the Regulation Brussels II enables the recognition of marriages performed in other Member states and simplifies the procedure of returning kidnapped children.

The second part of the presentation was dedicated to the analysis on the reasons for legal setbacks and the right to a trial without undue delay. The judge emphasised the need for stable and coherent legislation, noting that the change of the economic system into a market driven capitalistic economy, founded on the institute of private property, led in the last 15 years to a number of drastic changes in legislation regarding property, real estate, enforcement and family law. Dr. Končina Peternel explained that a significant number of cases emanate from the mentioned areas and underlined the difficult task that the judges face in these instances – to find a legal and at the same time just solution.

The work of judges is therefore extremely difficult, but at the same time creative and responsible. The judge has to follow the applicable law and search, within the existing legal rules, for a just and balanced decision, taking into consideration all particularities of every single case. Dr. Končina Peternel agreed that it is the duty of judges to offer to citizens the decision of their case without undue delay, but warned that the uncritically raised quantity of decisions could have a dramatic effect on their quality. In her eyes, the judiciary can be helped by the legislator by a sensible and restrained evolution of changes in the law, as well as by the Ministry of Justice by granting sufficient technical, personal and material working conditions to judges, fostering international legal assistance and education, improving the organisation of courts as well as by a selection of competent experts, translators, bailiffs and asset valuers.

The presentation was in part an open court day, as the Judicial Palace was firstly presented to students and journalists. During and after the presentation the judge answered a number of interesting questions and gave in an interview for one of the daily newspapers.