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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

### COMPLIANCE REPORT

### SLOVENIA

Adopted by GRECO at its 66<sup>th</sup> Plenary Meeting  
(Strasbourg, 8-12 December 2014)

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## **I. INTRODUCTION**

1. The Compliance Report assesses the measures taken by the authorities of Slovenia to implement the recommendations issued in the Fourth Round Evaluation Report on Slovenia which was adopted at GRECO's 57<sup>th</sup> Plenary Meeting (15-19 October 2012) and made public on 30 May 2013, following authorisation by Slovenia ([Greco Eval IV Rep \(2012\) 1E](#)). GRECO's Fourth Evaluation Round deals with "Corruption Prevention in respect of members of parliament, judges and prosecutors".
2. As required by GRECO's Rules of Procedure, the authorities of Slovenia submitted a Situation Report on measures taken to implement the recommendations. This report was received on 1 July 2014 and served, together with the information submitted subsequently, as a basis for the Compliance Report.
3. GRECO selected Belgium (with respect to parliamentary assemblies) and Croatia (with respect to judicial institutions) to appoint rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Frederik DECRUYENAERE, Attaché at the Particular Offences and Procedures Department, Federal Department of Justice, on behalf of Belgium and Mr Dražen JELENIĆ, Deputy State Attorney General, on behalf of the Croatia. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.
4. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any outstanding recommendation (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of the present Compliance Report.

## **II. ANALYSIS**

5. GRECO addressed 19 recommendations to Slovenia in its Evaluation Report. Compliance with these recommendations is dealt with below.

### *Corruption prevention in respect of members of parliament*

#### **Recommendation i.**

6. *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.*
7. The authorities of Slovenia report that the Legal and Analytical Service of the National Council has prepared a draft code of conduct for the members of the National Council, which is currently under discussion within the interest groups that form part of the National Council<sup>1</sup>. Once all comments are received, the Commission for Public Office and Immunity will present a final draft proposal to the plenary of the National Council. The draft code contains seven general ethical principles; in case of breaches of these principles, the Commission for Mandate and

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<sup>1</sup> The National Council is the parliament's second chamber, which represents interest groups (employers, employees, farmers, crafts-, trade-, self-employed persons, non-economic sector) and local communities.

Immunities of the National Council may assess the situation and issue, if necessary, a warning specifying the breach, along with an explanation.

8. As regards the National Assembly, a group of MPs entered into the legislative procedure a "Draft Recommendation on the Code of Ethical Conduct of Members of the National Assembly (Code of Ethics)" (EPA 142-VII), which was referred on 10 November 2014 to the National Assembly's Commission for Public Office and Election and to the Legislative and Legal Service for discussion. The draft code contains four general ethical principles and provisions to ensure compliance. MPs would have to sign a statement upon taking up their functions, agreeing to step down if they are found guilty of a serious violation of the code by the Council of the President of the National Assembly, supported by the leaders of all parliamentary groups. For less serious violations, the Council, supported by the leaders of parliamentary groups representing more than half of the MPs, can explain to the MP concerned what would constitute due conduct.
9. GRECO welcomes that draft codes of conduct are currently being discussed in the relevant commissions of the National Council and the National Assembly. It notes that these texts are still at an early stage of development and are likely to undergo several changes before their adoption. This seems to be especially the case for the draft code of ethics of the National Assembly, which was proposed by a group of MPs. This draft represents a good first step and includes provisions for the future establishment of a supervision mechanism. However, GRECO points out that the ethical principles themselves are very general and as such, are unlikely to provide sufficient guidance on most issues identified in the recommendation. Therefore, GRECO encourages the National Assembly to foresee supplementing the draft code of ethics with more detailed guidance on the code's principles and to see to it that such guidance and the code are reviewed regularly.
10. The ethical principles contained in the draft code of conduct for members of the National Council are similarly of a general nature and GRECO encourages the National Council to foresee additional explanations and guidance to facilitate their implementation. More detailed provisions are needed, especially on several of the issues identified in the recommendation such as conflicts of interest and contacts with third parties. Finally, the supervision and sanction mechanisms foreseen in both draft codes will only materialise after the codes are finalised and adopted.
11. GRECO concludes that recommendation i has been partly implemented.

#### **Recommendations ii and iii.**

12. *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 (recommendation ii);*
  - *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 (recommendation iii).*
13. The authorities of Slovenia indicate, as regards recommendation ii, that in the President of the National Assembly's opinion, the current legal provisions on MPs' contacts with lobbyists are sufficient, but that compliance with these provisions

must be strengthened. To this end, the president supports the establishment of a dedicated counsellor to advise on and monitor integrity, as per recommendation iii. However, work on the implementation of these recommendations was suspended and handed over to the new National Assembly elected on 13 July 2014. The President of the new National Assembly shares the opinion of his predecessor. The National Council, for its part, has not carried out any activities regarding recommendations ii and iii.

14. As regards recommendation iii, the Commission for the Prevention of Corruption (CPC) organised a training session for the members of the SMC parliamentary group, which is currently the majority party in the governmental coalition. This session dealt with integrity, lobbying, asset declaration and other features of the Integrity and Prevention of Corruption Act. The CPC is in the process of establishing similar contacts with the other parliamentary groups.
15. In order to increase transparency of procedures within the National Assembly, amendments to several acts were adopted (Act Amending the Public Information Access Act (Official Gazette of the Republic of Slovenia, No. 23/14) and two amendments to the Political Parties Act (Official Gazette, Nos. 99/13 and 46/14)) and work is on-going to amend sub-legislation and supervision regarding expert assistance to MPs, following a May 2014 report of the Court of Audit on the efficiency of the regulations in this area.
16. GRECO regrets that the implementation of recommendations ii and iii has yet to start in both chambers. The measures reported on the transparency of expert assistance to members of the National Assembly, while welcome, do not correspond to the objectives of the recommendations. No thorough assessment of the implementation of the rules regarding MPs' contacts with lobbyists, as required by recommendation ii, has taken place in either chamber. GRECO recalls that the Evaluation Report (Greco Eval IV Rep (2012) 1E, paragraph 72) called among others for a clarification of how the rules on contacts with lobbying apply to members of the National Council, who are specifically elected to represent various interest groups.
17. Moreover, GRECO disagrees that the appointment of a dedicated counsellor, as per recommendation iii – which has not occurred either – would be an adequate substitute measure in order to increase compliance with the rules on contacts with lobbyists. The purpose of the integrity counsellors is to provide practical information, training and confidential advice to MPs on their duties and ethical dilemmas and in order to be credible and trusted interlocutors, their function must be separate from any monitoring role. Finally, GRECO takes note of the training session organised by the CPC for the members of one parliamentary group. This activity is welcomed, but similar activities already existed at the time of the adoption of the Evaluation Report.
18. GRECO concludes that recommendations ii and iii have not been implemented.

#### *Corruption prevention in respect of judges*

19. The Slovenian authorities indicate that several of the recommendations of the Evaluation Report concerning judges call for new competences for the Judicial Council and that this requires amendments to the Courts Act and the Judicial Service Act. Similarly, several recommendations relating to prosecutors imply new competences for the State Prosecutorial Council and the State Prosecutor General, which have to be laid down in amendments to the State Prosecutor's Office Act. A Framework Table and Action Plan for the implementation of GRECO recommendations were adopted in August 2013 by the government, in co-operation

with the CPC, the Supreme Court, the Supreme State Prosecution Office and the State Prosecutorial Council. According to this plan, working groups were established in September 2013 and prepared draft amendments to the above-mentioned laws. However, as the government's authority at the time only included regular duties, it could not debate the working groups' proposals.

20. Following the parliamentary elections and the forming of a new government in September 2014, the draft amendments have been reworked. Pending their approval by the government, they are expected to be sent to the parliament by the end of 2014 for fast-track adoption. In addition to some specific provisions directly related to certain recommendations, which are presented below, the draft amendments foresee the establishment of new Integrity and Ethics Commissions within both the Judicial Council and the State Prosecutorial Council. These commissions will give principled opinions regarding violations of the respective codes of ethics and adopt recommendations and guidelines on how to fulfil standards of ethics and integrity, on conflicts of interest and on situations in which (former) judges and prosecutors have moved to the private sector. They will also monitor, collect and propose training events in the area of ethics and integrity. The draft amendments are conceived so as to provide an explicit legal framework to a system enabling an organic evolution of ethical standards.
21. As regards implementation of the recommendations for which no legislative changes are necessary, working groups have been established, between the CPC, the Supreme Court and the Judicial Council on the one hand and between the CPC, the Supreme State Prosecution Office and the State Prosecutorial Council on the other hand.

#### **Recommendation iv.**

22. *GRECO recommended that the criteria of selection and evaluation of judges set out in the Judicial Service Act be further developed, by any appropriate instrument, including an act of the Judicial Council, with the aim of enhancing their uniformity, predictability and transparency.*
23. The authorities of Slovenia report that the draft amendments to the Courts Act referred to above will explicitly give the Judicial Council competence to adopt more detailed criteria for the selection of judges, with the assent of the Ministry of Justice. The draft amendments to the Judicial Service Act will set out in more detail the basic substantive criteria (expertise, personal qualities, skills and competences) and the general methods by which they can be assessed. To ensure the transparency of the selection procedure, it is envisaged that minutes will be taken during the process. Meanwhile, the Judicial Council adopted on 14 November 2013 detailed criteria on the quality of judicial performance for the evaluation of judicial service<sup>2</sup>.
24. GRECO welcomes the criteria on the quality of judicial performance adopted by the Judicial Council. This document provides detailed guidance, which seems to meet the objective of a more uniform, transparent and predictable evaluation of judges' performance, as required by the recommendation. GRECO also takes note of the legislative work currently underway to enable the Judicial Council to adopt more detailed criteria for the selection of judges.
25. GRECO concludes that recommendation iv has been partly implemented.

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<sup>2</sup> <http://www.sodnisvet.si/images/stories/datoteke/criteria-quality-judicial-performance.pdf>

### **Recommendation v.**

26. *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.*
27. The authorities of Slovenia explain that the Supreme Court proposed that the president of the Supreme Court be chosen by the judges of this court and no longer elected by parliament. The Ministry did not take that proposal up in the draft amendments to the relevant laws in order not to delay their adoption. As possible changes of the procedure for the appointment of Supreme Court judges would have significant consequences on the separation of powers, due regard has to be had for the legitimacy and transparency of the procedure. This issue will therefore be considered in a possible future reform of the judicial system of Slovenia. The Judicial Council, for its part, supports a review of the procedure for the appointment of judges to the Supreme Court and has expressed its willingness to actively participate in any further legislative reform on this issue.
28. GRECO takes note of the reason provided by the authorities for not revisiting the procedure for the appointment of judges to the Supreme Court at this stage. It is one of timing and opportunity and therefore, consultations on the substance of this issue have not been completed. GRECO recalls its concerns expressed in the Evaluation Report (paragraph 117) that recent appointments of Supreme Court judges had been occasions of heated political debates in Parliament and had fuelled the perception existing in Slovenia that judges are subject to political influence. Taking into account international standards, in particular Recommendation CM/Rec(2010)12 of the Committee of Ministers on judges: independence, efficiency and responsibilities according to which judicial appointments based on political considerations are clearly not admissible, GRECO urges the Slovenian authorities to give proper consideration to this recommendation.
29. GRECO concludes that recommendation v has not been implemented.

### **Recommendation vi.**

30. *GRECO recommended that a set of clear standards/code of professional conduct, accompanied by explanatory comments and/or practical examples, be established which would cover in scope all judges.*
31. The Slovenian authorities indicate that the Judicial Council adopted, on 29 May 2014, a decision whereby it would take into account the Code of Judicial Ethics, adopted on 8 June 2001 by the General Assembly of the Slovenian Association of Judges, in taking principled positions concerning the ethics and integrity of judges, including as regards incompatibilities. These positions are published on the website of the Judicial Council. The Judicial Council also recommended that all judges adhere to the principles enshrined in the Code of Judicial Ethics. This recommendation is also published on the website of the Judicial Council. The recommendations and positions of the Judicial Council will serve as practical guidance and examples of (un)acceptable behaviour. Moreover, the draft legal amendments mentioned above will explicitly give competence to the Judicial Council to adopt a code of ethics for all judges.
32. GRECO takes note of the information reported and welcomes the intention to explicitly give the Judicial Council competence to adopt a code of ethics covering in scope all judges. The opinions and recommendations that the Judicial Council has started to adopt and publish on its website are also positive initiatives, but they

have only begun to develop. That being said, a general, renewed code of conduct covering all judges has not yet been prepared.

33. GRECO concludes that recommendation vi has not been implemented.

**Recommendations vii and ix.**

34. *GRECO recommended:*

- *(i) that the Judicial Council, in cooperation with other relevant institutions, including the Commission for the Prevention of Corruption, develops guidelines on conflicts of interest for judges with respect to conduct expected of them outside the court; (ii) and that these guidelines be accompanied with clear rules of enforcement and sanction and be made public (recommendation vii);*
- *(i) that a policy for detecting and managing the risks and vulnerabilities of corruption in the judiciary be developed and made public and (ii) that the Judicial Council be given the core responsibility and the resources to manage this policy and cooperate with other relevant institutions, including the Commission for the Prevention of Corruption, in its oversight and implementation (recommendation ix).*

35. The Slovenian authorities stress that, in order to obtain an overview of the different moral and ethical dilemmas that judges encounter in the course of their work or outside their professional lives, the CPC proposed to develop an online survey and disseminate it among judges. The survey was prepared in cooperation with representatives of the Supreme Court, the Judicial Council, the District Court in Celje and the Slovene Association of Judges. The survey also focused on the attention given by the judicial authorities, namely the presidents of courts and the Judicial Council, to resolving such dilemmas and on existing procedures and possible improvements in this area. The survey was carried out in March-April 2014 among the all judges in Slovenia<sup>3</sup>. Its results were presented to judges during the training event referred to under recommendation x below, as well as during a meeting between the CPC, the Supreme Court, the Judicial Council and the Celje District Court in May 2014. The CPC is currently preparing an action plan on future steps for the elaboration of guidelines on conflicts of interest, as well as for developing a policy for detecting and managing risks and vulnerabilities to corruption within the judiciary. Moreover, the draft amendments to the Courts Act and the Judicial Council Act referred to in paragraph 20 will give the future Integrity and Ethics Commissions within the Judicial Council competence to adopt guidelines with respect to conflicts of interest both for work and outside-work situations.

36. GRECO welcomes the online survey carried out, as a good first step towards identifying actual ethical challenges faced by judges in their professional and personal lives. The results of this survey will no doubt offer useful information in order to devise appropriate guidelines and policies, as required by the recommendations. However, guidelines on conduct outside the court, as required by recommendation vii, and a policy on detecting and managing corruption risks, as required by recommendation ix, do not appear to be under development yet. For this reason, GRECO cannot conclude that the recommendations have even been partly implemented.

37. GRECO concludes that recommendations vii and ix have not been implemented.

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<sup>3</sup> 218 out of the 958 Slovenian judges took part in the survey.

### **Recommendation viii.**

38. *GRECO recommended in order to avoid conflicts of interest, that clear rules/guidelines be introduced for situations where judges move to the private sector.*
39. The authorities of Slovenia refer to the information submitted under paragraph 20. The future Integrity and Ethics Commission within the Judicial Council will be competent to adopt guidelines regarding internal organisational measures to be undertaken by courts in cases where (former) judges have moved to the private sector.
40. GRECO takes note of the information provided and of the fact that rules/guidelines corresponding to the objectives of the recommendation have not yet been developed.
41. GRECO concludes that recommendation viii has not been implemented.

### **Recommendation x.**

42. *GRECO recommended that all judges are provided appropriate training and counselling services on ethics and integrity, in particular by giving a leading role to the Judicial Council in this respect.*
43. The Slovenian authorities report that on 4 April 2014, at the initiative of the Judicial Council, the Judicial Training Centre at the Ministry of Justice organised a one-day seminar on ethics and integrity of judges. This seminar gathered 94 participants and dealt with topics such as "the importance of ethics and integrity for the judge and the criteria for the selection of judges", "analysis of the corruption situation in the judiciary" and "the Code of Judicial Ethics". The Slovenian Association of Judges also organised, in cooperation with the Centre, a round table on "Judicial ethics and integrity" on the occasion of the "Days of the Slovene Judiciary" on 6-7 June 2014, with the participation of the President of the Supreme Court and the Supreme State Prosecutor. Reference is also made to a dozen other training events held in 2013 and 2014 on various topics and for audiences at all levels of the judiciary and the prosecution service, which included lectures on ethics and integrity. Following a recommendation of the Judicial Council, all judicial training events in 2014 included lectures on ethics and integrity. The Judicial Council recommended that over the following years, training events be held in smaller groups in higher courts in order to enable discussion. The Judicial Council, the Judicial Training Centre and the Ministry of Justice agreed that the training programme for the judiciary in 2015 would cover topics related to ethics and integrity. Finally, as regards counselling services, the Judicial Council refers to its participation in the online survey conducted by the CPC (see paragraph 35). The results of this survey will also help determine the roles and responsibilities of individual bodies in providing advice on issues of ethics and integrity.
44. GRECO takes note of the various training events dealing with ethics and integrity organised for judges in 2013-2014. It agrees that training events gathering a small number of participants, organised in several courts throughout the country, would be a good manner to ensure that judges receive appropriate training. It expects that action will be taken to ensure such regular training also beyond 2015. GRECO recalls that the recommendation also calls for appropriate counselling services, in order to help judges determine an appropriate course of action when confronted with concrete situations that might conflict with judicial standards. No concrete measures appear to have been taken yet in this respect.



45. GRECO concludes that recommendation x has been partly implemented.

*Corruption prevention in respect of prosecutors*

**Recommendation xi.**

46. *GRECO recommended that the Slovenian authorities ensure that the Ministry of the Interior exercises its authority over the prosecution service in such a way as not to undermine prosecutors' integrity and create risks of improper influence.*
47. The authorities of Slovenia recall that this recommendation was based on the fact that the responsibility for the prosecution service had been transferred from the Ministry of Justice to the Ministry of the Interior (see Evaluation Report, paragraph 181). GRECO was concerned that in the specific situation of Slovenia, where the level of public confidence in the prosecution service was very low, this transfer would further deteriorate its public image and fuel citizens' perception that prosecutors are vulnerable to improper influence. The transfer was effectively reversed by the new government in 2013 (article 3, paragraph 2, indents 2 and 3 of law ZVRS-G, Official Gazette of the Republic of Slovenia no. 21/2013 of 13 March 2013<sup>4</sup> and article 6 of law ZDU-1G, Official Gazette no. 47/2013 of 31 May 2014<sup>5</sup>).
48. GRECO very much welcomes that responsibility for the prosecution service has been transferred back to the Ministry of Justice. In view of the serious concerns that had been raised in the Evaluation Report (paragraphs 181-182) about the fact that the Ministry of the Interior had acquired authority over the prosecution service, a return to the *statu quo ante* is even more praiseworthy than the measures advocated in the recommendation.
49. GRECO concludes that recommendation xi has been dealt with in a satisfactory manner.

**Recommendation xii.**

50. *GRECO recommended that the State Prosecutor General further develops general instructions on prosecution policy, in particular with regard to the use of discretion, the procedure of plea bargaining and case dismissals, ensures that these instructions are made public and monitors their implementation.*
51. The authorities of Slovenia report that the Prosecutor General issued, in October 2012, a number of general guidelines following the prosecution policy adopted in June 2012. These guidelines deal with the conditions, procedure and proposed sanctions in cases of plea bargaining, proposed sanctions in case of admission of guilt, sanctions in general, discretion in case of disproportion between offences of minor relevance and consequences of criminal prosecution, conditions and circumstances of deferral of criminal prosecution, mediation in criminal cases and notification of cases of wider public relevance. All guidelines, as well as the new prosecution policy, are published on the website of the Office of the Prosecutor General<sup>6</sup> and the implementation of the prosecution policy is monitored by the Office of the Prosecutor General. The authorities stress that these guidelines are general in nature, as any interference in a prosecutor's decisions, even by his/her superiors, is strictly prohibited.
52. GRECO takes note of the instructions adopted by the Prosecutor General, which it trusts should provide appropriate guidance for prosecutors in the implementation of

<sup>4</sup> <http://www.uradni-list.si/1/content?id=112304>

<sup>5</sup> <http://www.uradni-list.si/1/objava.jsp?urlurid=20131783>

<sup>6</sup> [http://www.dt-rs.si/sl/informacije\\_za\\_medije/114/](http://www.dt-rs.si/sl/informacije_za_medije/114/)

several aspects of the new prosecution policy about which uncertainties had been expressed in the Evaluation Report (paragraph 195). GRECO also notes that these instructions have been published on the website of the Office of the Prosecutor General, which monitors their implementation.

53. GRECO concludes that recommendation xii has been implemented satisfactorily.

**Recommendation xiii.**

54. *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.*

55. The Slovenian authorities explain that a special working group of prosecutors was formed in August 2013, in order to analyse GRECO recommendations, in close cooperation with the CPC, and to prepare proposals regarding standards of professional conduct with practical examples. The group determined that the adoption of any such standards was subject to prior amendments to the State Prosecutor's Office Act. As regards this legislative work, reference is made to the information contained in paragraph 20, according to which the draft amendments to the State Prosecutor's Office Act will explicitly give competence to the State Prosecutorial Council to adopt a code of conduct for all prosecutors. As regards the Prosecutorial Council, its future Integrity and Ethics Commission will be competent to give recommendations on how to implement the standards, as well as principled opinions on violations of the code.

56. GRECO takes note of the position of the Slovenian authorities according to which prior legislative amendments are necessary for the implementation of this recommendation. It regrets that preliminary work regarding proposed standards of conduct, including practical examples, has not even started in the meantime.

57. GRECO concludes that recommendation xiii has not been implemented.

**Recommendations xiv, xv and xvi.**

58. *GRECO recommended:*

- *(i) that the Prosecutorial Council, in cooperation with other relevant institutions, including the Commission for the Prevention of Corruption, develops guidelines on conflicts of interest for prosecutors with respect to conduct expected of them outside their office and (ii) that these guidelines be accompanied with clear rules of enforcement and sanction and be made public (recommendation xiv);*
- *in order to avoid conflicts of interest, that clear rules/guidelines be introduced for situations where prosecutors move to the private sector (recommendation xv);*
- *(i) that a policy for detecting and managing the risks and vulnerabilities of corruption in the prosecution service be developed and made public and (ii) that the State Prosecutor General and/or the State Prosecutorial Council be given the core responsibility and resources to manage this policy and cooperate with other relevant institutions, including the Commission for the Prevention of Corruption, in its oversight and implementation (recommendation xvi).*

59. The authorities of Slovenia refer to the information submitted under paragraphs 20 and 55, according to which the implementation of these recommendations was subject to prior legislative amendments. The draft amendments to the State Prosecutor's Office Act will explicitly give competence to the State Prosecutor

General to prepare and adopt a policy for detecting and managing the risks and vulnerabilities of corruption in the prosecution service, while the State Prosecutorial Council will have to give its assent to this policy and may suggest updates to it. Meanwhile, the CPC is preparing an online survey similar to the one carried out for the judiciary (see paragraph 35), that is expected to be carried out in the District Prosecutor's Office of Celje. The survey is expected to be ready by the end of February 2015 and its results will be used in particular for the development of the policy foreseen under recommendation xvi.

60. GRECO welcomes that the State Prosecutor General and the State Prosecutorial Council will be explicitly given responsibilities to develop a policy to detect and manage the risks of corruption in the prosecution service. It also welcomes that an online survey will be carried out among prosecutors, as a good preliminary step towards identifying actual ethical challenges faced by prosecutors in their professional and personal lives. It trusts that the results of this survey will provide useful information in order to develop guidance on conflicts of interests, situations where prosecutors move to the private sector, as well as the above-mentioned policy, as required by recommendations xiv, xv and xvi respectively. However, given that the process of development of these instruments has not yet begun, GRECO cannot conclude that the recommendations have even been partly implemented.
61. GRECO concludes that recommendations xiv, xv and xvi have not been implemented.

**Recommendation xvii.**

62. *GRECO recommended that appropriate training and counselling services on ethics and integrity be made available to all prosecutors.*
63. The authorities of Slovenia refer to the information on training activities submitted in paragraph 41, which also applies to prosecutors. As regards counselling services, they mention that activities ranging from expert supervision of prosecutors' work to discussions on outstanding issues related to the administration of the function of criminal prosecution are on-going, but cannot be isolated or described specifically.
64. GRECO takes note of the training events dealing with ethics and integrity organised for prosecutors in 2013-2014. It expects that similar activities will be available to prosecutors in 2015 and beyond. As regards counselling services, however, the information reported is very general. It does not appear that concrete measures have been taken that would meet the need expressed by prosecutors in the Evaluation report (paragraph 230) for more advice and guidance.
65. GRECO concludes that recommendation xvii has been partly implemented.

**Recommendation xviii.**

66. *GRECO recommended (i) that a public communication strategy be adopted and (ii) that relevant training be provided as appropriate.*
67. The Slovenian authorities explain that, although no formal public communication strategy was adopted, due in part to a lack of resources, action was taken to increase the frequency and quality of prosecutors' public appearances, with the aim of informing the public on the role of the prosecution service in general and on particular criminal cases in which public interest was reported. Moreover, special training on public relations and public appearances is included in the training curriculum of heads and directors of prosecution offices. This training is mandatory

for all newly-appointed heads and directors, as well as for their deputies. Further (facultative) training on public appearances, with a focus on issues relevant to the judiciary, was provided to other prosecutors and judges by the Judicial Training Centre.

68. GRECO takes note of the information reported and welcomes the heads and directors of prosecution offices having to undergo compulsory training on communication. However, given the extent of the communication problems and the negative image of the prosecution service referred to in the Evaluation Report (paragraph 231), much more clearly needs to be done to address this issue. Besides training on how to communicate with the public, guidance also needs to be provided on what and when to communicate, as well as on how to balance confidentiality of the criminal procedure and the aim of greater transparency. Moreover, GRECO reiterates that a public communication strategy is instrumental in helping the prosecution service improve its public image. Such a strategy can set out desirable goals, coordinate activities and resources to achieve them, develop a climate of greater openness and demonstrate that the prosecution service is willing to take action to change the negative perception to which it has been subject. Finally, GRECO hopes that the issue of the lack of resources highlighted by the authorities will be addressed.
69. GRECO concludes that recommendation xviii has been partly implemented.

*Corruption prevention regarding all categories under review*

**Recommendation xix.**

70. *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.*
71. The authorities of Slovenia report that in 2012, when the Evaluation Report was adopted, the budget of the CPC was 1 886 841.44 EUR. In 2013, it was 1 716 719.11 EUR and in 2014, 1 782 024.59 EUR. The CPC, however, had to return 175 052.61 EUR to the state budget so the final budget of the CPC in 2014 is 1 606 971.98 EUR. The planned budget for 2015 is 1 626 500 EUR. On 5 February 2014, the government granted additional funds to the CPC<sup>7</sup> to implement measures foreseen in the Programme of Action of the Government of the Republic of Slovenia for the Prevention of Corruption<sup>8</sup>, namely 44 000 EUR for salaries, 15 000 EUR for equipment purchases and 10 000 EUR for the purchase of intangible assets. These amounts are already included in the total budget reported for 2014.
72. GRECO regrets that the budget of the CPC has decreased, rather than increased, since 2012. This clearly puts an even greater strain on the CPC's ability to fulfil its tasks and to take proper action to prevent corruption of MPs, judges and prosecutors. GRECO urges the Slovenian authorities to ensure that the CPC is adequately equipped to function properly, as an instrumental step in the implementation of other recommendations contained in this report.
73. GRECO concludes that recommendation xix has not been implemented.

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<sup>7</sup> Sklep Vlade RS, št. 41012-9/2014/2,

[http://www.vlada.si/medijsko\\_sredisce/sporocila\\_za\\_javnost/sporocilo\\_za\\_javnost/article/vlada\\_zaradi\\_posledic\\_zledoloma\\_novelirala\\_uredbo\\_o\\_trosarinah\\_in\\_zagotovila\\_dodatna\\_sredstva\\_v/](http://www.vlada.si/medijsko_sredisce/sporocila_za_javnost/sporocilo_za_javnost/article/vlada_zaradi_posledic_zledoloma_novelirala_uredbo_o_trosarinah_in_zagotovila_dodatna_sredstva_v/)

<sup>8</sup> <http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/SOJ/word/MNZ-VRS-PK-marec2014.pdf>

### **III. CONCLUSIONS**

74. **In view of the foregoing, GRECO concludes that Slovenia has 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 have been partly implemented and twelve have not been implemented.
75. More specifically, recommendation xii has been implemented satisfactorily, recommendation xi has been dealt with in a satisfactory manner, recommendations i, iv, x, xvii and xviii have been partly implemented and recommendations ii, iii, v, vi, vii, viii, ix, xiii, xiv, xv, xvi and xix have not been implemented.
76. With respect to members of parliament, the discussion of draft codes of conduct in the National Council and the National Assembly are positive developments. However, no adequate measures have been taken as regards rules on contacts of parliamentarians with lobbyists and the provision of increased training and counselling to MPs and members of the National Council. This is partly due to the fact that elections to the National Assembly took place on 13 July 2014. Work on the implementation of the recommendations was suspended in the run-up to the elections, until the new National Assembly took the issue over. The National Council was not concerned by the elections, but has not addressed yet the issues of contacts with lobbyists and training/counselling for its members either.
77. With respect to judges and prosecutors, the overall picture is also far from satisfactory. That said, a very positive development is the fact that responsibility for the prosecution service has been transferred from the Ministry of the Interior back to the Ministry of Justice. The Prosecutor General has also adopted a number of instructions on the new criminal policy and training activities on ethics, integrity and communication were organised for judges and prosecutors. Aside from this, however, reforms concerning most of the issues covered in the recommendations are still at an incipient stage. The Slovenian authorities are of the view that legislative amendments are a prerequisite to the implementation of most of the recommendations on judges and prosecutors. The process of preparation of these amendments suffered delays due to the parliamentary elections and the fact that prior to the elections, the government only had a limited mandate to deal with the most pressing affairs. GRECO notes, however, that the process has resumed under the current government. Nonetheless, not enough has been done to address the recommendations that did not require legislative changes, for example, as regards the provision of counselling on integrity issues for judges and prosecutors or the development of a communication strategy for the prosecution service. Likewise, more determined action could have been taken to accompany the legislative process by reflecting upon the ethical challenges that the judiciary is currently facing. The online survey carried out among judges is a good preliminary step, but little progress has been made in the preparation of the various soft law instruments required by several recommendations. The judicial and prosecutorial authorities should take more initiative in this very important process and follow the proactive examples of the Commission for the Prevention of Corruption and the Ministry of Justice. As to the Commission itself, GRECO regrets that its resources have further decreased since the adoption of the Evaluation Report, contrary to its recommendation. GRECO recalls that ensuring that the Commission is adequately equipped to carry out its missions regarding the prevention of corruption among members of parliament, judges and prosecutors is instrumental to the implementation of other recommendations contained in its report.
78. In view of the above, GRECO therefore concludes that the current very low level of compliance with the recommendations is is "globally unsatisfactory" in the meaning of

Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decides to apply Rule 32, paragraph 2 (i) concerning members found not to be in compliance with the recommendations contained in the mutual evaluation report, and asks the Head of delegation of Slovenia to provide a report on the progress in implementing the outstanding recommendations (i.e. recommendations i to x and xiii to xix) as soon as possible, however – at the latest – by 30 June 2015.

79. 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.