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**Answer to the  
REVISED SCHEME  
FOR  
EVALUATING JUDICIAL SYSTEMS  
2004 Data**

**Réponse à la  
GRILLE REVISEE  
POUR  
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES  
Données 2004**

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**SLOVENIA/SLOVENIE**



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 15 September 2005

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**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

**adopted by the CEPEJ at its 5<sup>th</sup> Plenary Meeting (Strasbourg, 15 – 17 June 2005) and  
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(936<sup>th</sup> meeting of the Ministers' Deputies)**

## Contents

<b>I. Demographic and economic data</b> .....	<b>p. 3</b>
I. A. General information.....	p. 3
I. B. Budgetary data concerning judicial system.....	p. 3
<b>II. Access to Justice and to all courts</b> .....	<b>p. 5</b>
II. A. Legal aid.....	p. 5
II.B. Users of the courts and victims .....	p. 6
II.B.1. Rights of the users and victims .....	p. 6
II.B.2. Confidence of citizens in their justice system.....	p. 8
<b>III. Organisation of the court system</b> .....	<b>p. 9</b>
III.A. Functioning.....	p. 9
III.B. Monitoring and evaluation .....	p. 13
<b>IV. Fair trial</b> .....	<b>p. 15</b>
IV.A. Fundamental principles.....	p. 15
IV.B. Timeframes of proceedings .....	p. 16
IV.B.1. General .....	p. 16
IV.B.2. Civil and administrative cases.....	p. 17
IV.B.3. Criminal cases.....	p. 18
<b>V. Career of judges and prosecutors</b> .....	<b>p. 20</b>
V.A. Appointment and training.....	p. 20
V.B. Practice of the profession .....	p. 22
V.C. Disciplinary procedures .....	p. 23
<b>VI. Lawyers</b> .....	<b>p. 24</b>
<b>VII. Alternative Dispute Resolution</b> .....	<b>p. 27</b>
<b>VIII. Enforcement of court decisions</b> .....	<b>p. 29</b>
VIII.A. Execution of decisions in civil matters .....	p. 29
VIII.B. Enforcement of decisions in criminal matters .....	p. 31
<b>IX. Notaries</b> .....	<b>p. 32</b>

## REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY: Slovenija

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### I. Demographic and economic data

#### I. A. General information

1. **Number of inhabitants** 1.997.590  
*Source Statistical office of the Republic of Slovenia*
2. **Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**  
State level 7.006,9 mio EUR  
Regional / entity level  
*Source Poročevalec DZ 88/2005 Draft Financial Statement of the Central Government Budget 2004*
3. **Per capita GDP** 13.103 EUR  
*Source Statistical office of the Republic of Slovenia*
4. **Average gross annual salary** 13.565 EUR  
*Source Statistical office of the Republic of Slovenia*

#### I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** 111,5 mio EUR  
*Source Poročevalec DZ 88/2005 Draft Financial Statement of the Central Government Budget 2004*

**Please specify:**

Besides the above cited amount there's also a part of the MOJ budget dedicated to the investments (but not the rentals!) and the investment maintenance in justice sector (courts, prosecution, misdemeanour judges, state attorneys), altogether cca 4,620 mio EUR, but there's

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 can not exceed certain value (in FY 2004 253 EUR per employee). However, 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.

**6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:**

	<b>Yes</b>	<b>Amount</b>
▪ <b>Salaries?</b>	<b>X</b>	<b>77,1 mio EUR</b>
▪ <b>IT?</b>	<b>X</b>	<b>2,9 mio EUR</b>
▪ <b>Justice expenses borne by the State?</b>	<b>No</b>	

Source *Poročevalec DZ 88/2005 Draft Financial Statement of the Central Government Budget 2004*

**7. Annual public budget spent on legal aid** NA

Source *Free Legal Aid Annual Report, Supreme Court*

There are two “systems” of providing legal aid in Slovenia: a) system governed by Free Legal Aid Act (FLAA), which covers all legal fields and b) system governed by Criminal Procedure Code (CPC), which covers criminal procedures only. While the numbers on legal aid under FLAA are available, numbers on legal aid under CPC are not.

**8. If possible, please specify:**

▪ <b>the annual public budget spent on legal aid in criminal cases</b>	<b>NA</b>
▪ <b>the annual public budget spent on legal aid in other court cases</b>	<b>0,9 mio EUR</b>

Source *Free Legal Aid Annual Report, Supreme Court*

**9. Annual public budget spent on prosecution system** 15,6 mio EUR

Source *Poročevalec DZ 88/2005 Draft Financial Statement of the Central Government Budget 2004*

**10. Bodies formally responsible for budgets allocated to the courts:**

	<b>Preparation of the budget (Yes/No)</b>	<b>Adoption of the budget (Yes/No)</b>	<b>Management and allocation of the budget among courts (Yes/No)</b>	<b>Evaluation of the use of the budget (Yes/No)</b>
Ministry of Justice	Yes	No	No	No
Other ministry. Please specify	Ministry of Finance			Ministry of Finance
Parliament	No	Yes	No	Yes
Supreme Court	Yes	No	Yes	Yes

Judicial Council	No	Yes	No	No
Courts	Yes	No	Yes	Yes
Inspection body. Please specify.	Internal Audit of the Supreme Court and Ministry of Finance, Court of Audits	Internal Audit of the Supreme Court and Ministry of Finance, Court of Audits	Internal Audit of the Supreme Court and Ministry of Finance, Court of Audits	Internal Audit of the Supreme Court and Ministry of Finance, Court of Audits
Other. Please specify				

\*\*\*

***You can indicate below:***

- ***any useful comments for interpreting the data mentioned above***
- ***the characteristics of your budgetary system***

The legal basis for the procedure for adoption of the budget are Public Finance Act and the Regulation for the Bases 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 (CA) 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 this four phases it is only MOJ 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 fourth and fifth phases. 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<sup>1</sup> within the framework of the assigned quota in line with the budget items up to the level of a sub-account and submit 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 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 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.

## II. Access to Justice and to all courts

### II. A. Legal aid

#### 11. Does legal aid concern:

	<b>Criminal cases</b>	<b>Other than criminal cases</b>
Representation in court (Yes/No)	<b>Yes</b>	<b>Yes</b>
Legal advice (Yes/No)	<b>Yes</b>	<b>Yes</b>

<sup>1</sup> PFA, Art. 16: »The explanation pertaining to the proposed financial plan of a direct spending unit must comprise the following:

1. Presentation of objectives, strategies and programmes in individual fields;
2. Legal and other bases on which the planned strategies and programmes are based;
3. Adjustment of objectives, strategies and programmes to the long-term development planning documents and budget memorandum;
4. Guidelines and indices on which calculations and estimates with regard to the funds required are based;
5. Other clarifications facilitating an understanding of the proposed strategies and programmes; and
6. A report on the objectives attained and the results of strategies and programmes applied within a direct spending unit for the period of the first half of the current year.

Other (Yes/No). Yes Please specify	Legal Aid also covers costs such as cost of experts etc.	Legal Aid also covers costs such as cost of experts etc
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**12. Number of legal aid cases:**

- **total** NA
- **criminal cases** NA
- **other than criminal cases** 8355 (representation in court, other costs) + 10309 legal advice (so called "first legal advice")

Source *Free Legal Aid Annual Report, Supreme Court*

**13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?**

Yes  No

**14. Does your country have an income and asset test for granting legal aid:**

- |   |                          |            |
|---|--------------------------|------------|
|   | No                       | Yes/Amount |
| ▪ <b>for criminal cases?</b>            | <input type="checkbox"/> | Yes        |
| ▪ <b>for other than criminal cases?</b> | <input type="checkbox"/> | Yes        |

Those entitled to free legal aid are persons who with respect to their financial position and the financial position of their family would not be able to cover the costs of a legal procedure without damaging their own financial situation and that of their family. The financial position of an applicant is determined taking into account his or her income and the income of his or her family, and the property owned by the applicant and his or her family. An applicant is not eligible for free legal aid if the applicant or his or her family owns property to the value of 20 minimum monthly wages (the minimum wage for January 2004 was 471 EUR), that is 9420 EUR. According to law, the following does not count as property: the applicant's residence which is deemed appropriate by law (in line with the provisions of the Housing Act and the Civil Tax Act, an appropriate residence is that which covers 160 m<sup>2</sup> of living area), objects which according to the regulations on execution and insurance are excluded from execution, a car up to the value of 18 minimum wages and assets giving an income which is, in line with the law, taken into account in determining the applicant's income).

Test in criminal cases is rather different:

**Art. 12 CPC**

- (1) The accused shall have the right to conduct his own defence or to avail himself of the expert assistance of a lawyer chosen by himself from among members of the Bar.
- (2) If the accused does not retain a lawyer, the court shall appoint defence counsel for him where so provided by the present Act.
- (3) If the accused does not have the means to retain a lawyer, the state shall, upon his request, provide him with defence counsel at the expense of the state and under conditions defined by the present Act.

**Art. 71 CPC**

- "(1) If defence is not mandatory, a defendant who by reason of his material situation cannot afford to retain a lawyer may upon request have defence counsel appointed for him ex officio if that is in the interest of justice.
- (2) The defendant may file a request from the preceding paragraph after the indictment has been served.

Source *Free Legal Aid Act and CPC*



15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes  No

16. If yes, is the decision taken by:

- the court?
- a body external to the court?
- a mixed decision-making body (court and external)?

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?  Yes  No
- for other than criminal cases?  Yes  No

If yes, are there exceptions? Please specify:

Art. 168 Civil Procedure code: The court shall exempt from payment of the costs of proceedings a party who is not able with respect to their pecuniary circumstances, to cover these costs without detriment to maintenance of themselves and their family. The exemption from payment of the costs of proceedings shall include the exemption from payment of court fees and advancements for costs of witnesses, expert examinations, inspections and court announcements.

In collective labour disputes and social disputes no court tax is required.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No   
Yes  Please specify:

Company ARAG d.d. (joint stock company) was established in year 2004: <http://www.arag.si/>

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- criminal cases?  Yes  No
- other than criminal cases?  Yes  No

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

See no. 7.

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- legal texts (e.g. codes, laws, regulations, etc.)?  Yes  No

Internet address(es): <http://www.dz-rs.si/>

▪ **case-law of the higher court/s?**    
Internet address(es): <http://www.sodisce.si/>

▪ **other documents (for examples legal forms)?**    
Internet address(es): <http://www.sodisce.si/>

21. **Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

Yes  No

**If yes, please specify:**

22. **Is there a public and free-of-charge specific information system to inform and to help victims of crimes?**

Yes  No

23. **Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	No	Yes	No	No
Victims of terrorism	No	Yes	No	No
Child/Witness/Victim	Yes	Yes	Yes	Yes (see under)
Victims of domestic violence	No	Yes	No	No
Ethnic minorities	No	No	No	No
Disabled persons	No	Yes	No	No
Juvenile offenders	No	Yes	Yes	Yes (see under)

Other				
-------	--	--	--	--

Art. 65 CPC reads:

(3) In criminal procedures which are taking place due to criminal offences against sexual inviolability from Chapter XIX of the Penal Code of the Republic of Slovenia, with the exception of acts under articles 185 to 187 inclusive and the criminal offence of neglect of minors and cruel treatment under article 201 of the Penal Code of the Republic of Slovenia, the minor-injured party must from the initiation of the criminal procedure onwards have an authorised person to care for their rights, particularly in connection with the protection of their integrity during examination before the court and during the exercising of property-law demands. Minors-injured parties who have no authorised person shall be assigned an authorised person from among lawyers by the court ex officio.

Proceedings against juvenile offenders are governed by special provisions of the CPC.

**24. Does your country have compensation procedure for victims of crimes?**

Yes  No

**25. If yes, does this compensation procedure consist in:**

- |                  |                                     |
|------------------|-------------------------------------|
|                  | Yes                                 |
| ▪ a public fund? | <input type="checkbox"/>            |
| ▪ a court order? | <input checked="" type="checkbox"/> |
| ▪ private fund?  | <input type="checkbox"/>            |

**26. If yes, which kind of cases does this procedure concern?**

Art. 100 CPC: Claims for indemnification arising out of the commission of a criminal offence shall upon a motion by rightful claimants be dealt with in criminal procedure, provided that the determination of those claims does not significantly protract the procedure. A claim for indemnification may consist of a demand for compensation for damage, the recovery of property or the cancellation of a legal transaction.

**27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?**

No  Yes  Please specify:

**II. B.2. Confidence of citizens in their justice system**

**28. Is there a system for compensating users in the following circumstances:**

- |                                    |                                     |                          |
|------------------------------------|-------------------------------------|--------------------------|
|                                    | Yes                                 | No                       |
| ▪ excessive length of proceedings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful arrest?                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful condemnation?           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**If yes, please specify (fund, daily tariff):**

In the case of excessive length of proceedings there is a fund;  
In the case of wrongful arrest there is a daily tariff for short period of arrest, for long term there is a fund.  
In the case of wrongful condemnation there is a fund.

29. **Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?**

Yes  No

**If possible, please specify their titles, how to find these surveys, etc:**

Javnomnenjska raziskava: Politbarometer (Public opinion survey Politbarometer: <http://e-uprava.gov.si/ispo/politbarometer/zacetna.ispo>. In this national survey of public trust in different institutions only one question relates to the courts.

30. **If yes, please specify:**

	<b>Trough systematic surveys (Yes/No)</b>	<b>Through ad hoc surveys (Yes/No)</b>
Surveys at national level	Yes	No
Surveys at court level	No	Yes

31. **Is there a national or local procedure for making complaints about the performance of the judicial system?**

Yes  No

32. **If yes, please specify:**

	<b>Time limit to respond (Yes/No)</b>	<b>Time limit for dealing with the complaint (Yes/No)</b>
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of Justice	No	No
Other external organisations (e.g. Ombudsman)	No	No

**Can you give information elements concerning the efficiency of this complaint procedure?**

There's no systematic overview concerning the efficiency of this procedures, but there are some data, that in some cases disciplinary proceedings were instituted and in some cases the judges either left the post before the formal ending of the proceedings or disciplinary sanctions were pronounced, termination of judicial office included.

--

<b>III. Organisation of the court system</b>
<b>III. A. Functioning</b>

**33. Total number of courts (administrative structure):**

- **first instance courts of general jurisdiction** **55**

Source *Court Statistics, MoJ*

- **specialised first instance courts** **5**

Source *Court Statistics, MoJ*

**Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

<b>Labour and social dispute 4 courts</b>
<b>Administrative 1 court</b>

**34. Total number of courts (geographic locations)** **66**

Source *Court Statistics, MoJ*

**35. Number of first instance courts competent for a case concerning:**

- **a debt collection for small claims** **44**

**Please specify what is meant by small claims in your country:**

845 EUR in civil cases
2.112 EUR in commercial cases

- **a dismissal** **4**
- **a robbery** **11**

**36. Number of professional judges sitting in courts** **780**  
*(present the information in full time equivalent and for permanent posts)*

Source *Court Statistics, MoJ*

**37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

- *gross figure* 
- *if possible, in full time equivalent* 

Source

**Please specify:**

<b>There are no professional judges sitting in courts on an occasional basis, since The Judicial Service Act doesn't allow such posts.</b>
--

**38. Number of non-professional judges (including lay judges) who are not remunerated but**

who can possibly receive a simple defrayal of costs 4065

Source Act on determination of number of lay-judges at district courts  
Act on determination of number of lay-judges at labour and social courts

Please specify:

The above number represents a pool of lay-judges but data on actual sitting days are not available.

39. Does your judicial system include trial by jury with the participation of citizens?

No

Yes  For which type of case(s)?

There's no trial by jury prescribed by Slovenian CPC, however 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).

If possible, number of citizens who were involved in such juries for the year 2004?

40. Number of non-judge staff who are working in courts 2257  
(present the information in full time equivalent and for permanent posts)

Source Court Statistics, MoJ

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: NA
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): NA
- technical staff: NA

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No

Yes  Number of staff NA

43. Number of public prosecutors 171  
(present the information in full time equivalent and for permanent posts)

Source Supreme State Prosecution Office

44. Do you have persons who have similar duties as public prosecutors?

No

Yes  Please specify:

22 Assistant State Prosecutors

45. Is the status of prosecutors:

- independent within the judiciary? Yes
- independent from the judiciary ? Yes
- under the authority of the Ministry of Justice? Yes, administratively

46. Number of staff (non prosecutors) attached to the public prosecution service 174  
*(present the information in full time equivalent and for permanent posts)*

Source *Supreme State Prosecution Office*

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board				
Court President	Yes	Yes	Yes	Yes
Court administrative director				
Head of the court clerk office				
Other. Please specify				

48. In general, do the courts in your country have computer facilities?

Yes  No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	X			
	Electronic data base of jurisprudence	X			

	Electronic files				X
	E-mail	X			
	Internet connection	X			
Administration and management	Case registration system		X		
	Court management information system		X		
	Financial information system	X			
Communication between the court and the parties	Electronic forms				X
	Special Website	X			
	Other electronic communication facilities				X

Source **Supreme Court**

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No

Yes  Please specify the name and the address of this institution:

**Ministry of Justice, Župančičeva 3 1000 Ljubljana** T: (01) 369 52 00 F: (01) 369 57 83  
E: [gp.mp\(at\)gov.si](mailto:gp.mp(at)gov.si) <http://www.mp.gov.si/>

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

### III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes  No

52. Do you have a regular monitoring system of court activities concerning the:

- |                              | Yes                                 | No                       |
|------------------------------|-------------------------------------|--------------------------|
| ▪ number of incoming cases?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of decisions?       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of postponed cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ length of proceedings?     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ other?                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Please specify:

Each court monitors the above mentioned data on regular basis, depending on their own decision, but twice a year these data are collected and published on a national level.

53. Do you have a regular evaluation system of the performance of the court?



No   
Yes

**Please specify:**

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. Courts also reports to the Ministry of Justice. The Judicial Council evaluates the performance of courts, as it is described below.

**54. Concerning court activities, have you defined:**

- **performance indicators?** Yes  No

**Please specify the 4 main indicators for a proper functioning of justice:**

- quantity of work of courts as regards to all solved cases  
- quantity of work of courts as regards to solved cases according to structure (type) of cases  
- quantity of work of courts as regards to number of judges to compare with number of judicial personnel  
- the annual court budget spent

- **targets?** Yes  No

**Please specify who is responsible for setting the targets:**

- Yes  
- **executive power?**   
- **legislative power?**   
- **judicial power?**   
- **other?**  **Please specify:**

Judicial Council, Ministry of justice and Supreme Court are responsible for setting the targets. The Judicial Council adopts the measures for quantity and quality of work of judges. On the basis of the judicial job classification act, Judicial Council monitor, ascertain and analyse the effectiveness of work of judges and courts, on which it keep annual reports. Supreme Court and Ministry of justice exercise supervision over the performance of court management in courts. They are responsible for matters of justice administration. The Supreme Court also co-ordinate the preparation of financial plans and aggregately provided resources in the budget.

**Please specify the main objectives applied:**

- new program for improving court efficiency  
- new measures for quantity of work of courts  
- improving measures for quantity of work of judges  
- improving quality of the judiciary  
- new method of preparation of financial plans and financing the courts

Source **Judicial Council**

**55. Which authority is responsible for the evaluation of the performances of the courts:**

- Yes  
▪ **the High Council of judiciary?**   
▪ **the Ministry of justice?**   
▪ **an Inspection body?**   
▪ **the Supreme Court?**   
▪ **an external audit body?**   
▪ **other?**  **Please specify: Court of Audits**

See answer to question 54.

**56. Does the evaluation system include quality standards concerning judicial decisions?**

No

Yes  **Please specify:**

In applying the law, the judge is independent in relation to the court of higher instance, which has already expressed its legal opinion on specific case. When adjudicating on basis of a field legal remedy, a court of higher instance may guide the legal opinion of court of lower instance within the frameworks by the procedural statute. On other hand the assessment of judicial service is compiled in consideration of the ability to resolve legal questions, whereby consideration is taken of the level of correctness and legality achieved in judge's decision- making as determined primarily in procedures with legal remedies.

Source **Judicial Council**

57. **Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:**

- |                                | Yes                                 | No                       |
|--------------------------------|-------------------------------------|--------------------------|
| ▪ <b>civil cases?</b>          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ <b>criminal cases?</b>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ <b>administrative cases?</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

58. **Do you have a way of analysing queuing time during court procedures?**

No

Yes  **Please specify:**

The Court Rules defines certain time-limits (differentiated, depending on types of cases) exceeding of which means, that the case is counted as backlog. Such cases are under additional supervision.

59. **Do you monitor and evaluate the performance of the prosecution services?**

No

Yes  **Please specify:**

The independence of a state prosecutor does not mean the absence of liability in how he performs his tasks and how much work he performs. Three types of supervision can be distinguished:  
-administrative supervision The State Prosecutor General is responsible for the administrative operations of state prosecutor's offices;  
-judicial administrative operations are supervised by Minister of Justice,  
-professional supervision of the work of state prosecutors is carried out by the Supreme State Prosecutor's Office. Three types of examination are carried out:  
-general supervisory examination, which must be performed every three years for every state prosecutor's office,  
-partial supervisory examination before every instance of promotion of a state prosecutor and when the State prosecutor general so decides,  
-examinations of individual cases when the State Prosecutor general so decides and after special procedure which is prescribed for .

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your court monitoring and evaluation system**

#### IV. Fair trial

IV. A. Fundamental principles

60. Is there in your judicial system:
- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?  
Yes  No
  - the right to have reasons given for all prisons sentences?  
Yes  No
  - for all cases, an effective remedy to a superior jurisdiction?  
Yes  No
61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? **NA**
- Source **Supreme Court**
62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?
- No   
Yes  If possible, number of successful challenges (in a year): **NA**
63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)	-	-	-	-	-	-	-	-	-	-
	Article 6§1 (duration)	-	-	-	-	-	-	-	-	-	-
	Article 6§2	-	-	-	-	-	-	-	-	-	-
	Article 6§3a	-	-	-	-	-	-	-	-	-	-
	Article 6§3b	-	-	-	-	-	-	-	-	-	-
	Article 6§3c	-	-	-	-	-	-	-	-	-	-
	Article 6§3d	-	-	-	-	-	-	-	-	-	-
	Article 6§3e	-	-	-	-	-	-	-	-	-	-
Civil proceedings	Article 6§1 (equity)	-	-	-	-	-	-	-	-	-	1
	Article 6§1 (duration)	89	128	-	-	2	23	-	-	-	-
	Article 6§1 (non execution only)	-	-	-	-	-	-	-	-	-	-

Source **State Attorney Office**

IV.B. Timeframes of proceedings

IV. B. 1. General

64. Are there specific procedures for urgent matters in:

- |                         | Yes | No                       |
|-------------------------|-----|--------------------------|
| ▪ civil cases?          | X   | <input type="checkbox"/> |
| ▪ criminal cases?       | X   | <input type="checkbox"/> |
| ▪ administrative cases? | X   | <input type="checkbox"/> |

65. Are there simplified procedures for:

- |                                    | Yes                      | No                       |
|------------------------------------|--------------------------|--------------------------|
| ▪ civil cases (small claims)?      | X                        | <input type="checkbox"/> |
| ▪ criminal cases (petty offences)? | X                        | <input type="checkbox"/> |
| ▪ administrative cases?            | <input type="checkbox"/> | X                        |

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes  No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No   
Yes  Please specify:

#### IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 64.263

**Please specify the main types of cases:**

Included are: litigation affairs, probate affairs, non-litigious affairs, commercial litigious affairs, compulsory settlements, bankruptcies and regular liquidations. Not included are: court register affairs, commercial payment orders, payment orders, cases of legal assistance, cases of international legal assistance, international certifications, certification under the Hague Convention, enforcement affairs, commercial enforcement affairs, land-register affairs and some other types of cases of smaller importance. Incoming land-register cases amount to 225.141 and enforcement affairs together with commercial enforcement affairs amount to 143.897 cases.

Source [Court Statistics, MoJ](#)

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	35.930	6.406	3.126	1.031
	Decisions on the merits			NA	NA
	Percentage of decisions subject to appeal in a higher court	NA	NA	NA	NA
	Pending cases by 1 January 2005	44.771	4.894	NA	NA
	Percentage of pending cases of more than 2 years	49%	NA	NA	NA
Average length (from date of lodging of court proceedings*)	1st instance decisions	Commercial cases: 13,8 months; Civil cases at local courts: 20,7 months and at district courts 19,0 months.	9,4 months	NA	NA
	2nd instance decisions	NA	NA	NA	NA
	Total procedure	NA	NA	NA	NA

If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Average length of proceedings is calculated by the formula: (pending cases at the beginning of the year/cases solved during the year) x 12.

**Where appropriate, please specify the specific procedure as regards divorce:**

Source **Court Statistics, MoJ**

**IV. B. 3. Criminal cases**

**70. Please describe the role and powers of the prosecutor in the criminal procedure:**

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| ▪ to conduct or supervise police investigation?                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ▪ to conduct investigation?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ▪ when necessary, to demand investigation measures from the judge? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ▪ to charge?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ▪ to present the case in the court?                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

- to propose a sentence to the judge?
- to appeal?
- to supervise enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

**Please specify:**

The state prosecutor directs the work of police in the pre-trial procedure by giving instructions, proposals and expert opinions, directs the work of the police which involves operational methods and means..The responsibility of the state prosecutor is confined to his own acts and activities .

**71. Does the prosecutor also have a role in civil and/or administrative cases?**

- No   
 Yes

**Please specify:**

Prosecutor has the right to file extraordinary legal remedy - the request for the protection of legality - against the final judgement in civil matters.

**72. Functions of the public prosecutor in relation to criminal cases– please complete this table:**

		Total number of 1st instance criminal cases
Received by the public prosecutor		34.645 ( including 3.262 minors)
Discontinued by the public prosecutor	In general	15.472 ( including 1.648 minors)
	Because the offender could not be identified	NA
	Due to the lack of an established offence or a specific legal situation	NA
Concluded by a penalty, imposed or negotiated by the public prosecutor		3.007 (including 549 minors)
Charged by the public prosecutor before the courts		14.721 (including 1.135 minors)

Source Annual Report, State Prosecution Office (data are per person, not per case!)

**73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		Criminal cases	Robbery cases	Intentional homicides
	Incoming cases	14.529	NA	NA
	Judicial decisions	16.008	NA	NA
	Convicted persons	7.974	57	24
	Acquitted persons	1713	14	2

Total number (1st instance)	Percentage of decisions subject to appeal in a higher court	NA	NA	NA
	Pending cases by 1 January 2005	20.904	NA	NA
	Percentage of pending cases of more than 2 years	26,5%	NA	NA
Average length*(from the date of official charging)	1st instance decision	15,9 months at local courts and 20 months at district courts	NA	NA
	2nd instance decision	4,6 months	NA	NA
	Total procedure	NA	NA	NA

\* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source [Court Statistics MoJ](#)

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

Data are for adults only.

Data on incoming cases and judicial decisions are per court case, while data on convicted and acquitted persons are per person.

Number of acquitted persons consists of **acquittals** in the sens of art. 358 CPC (A judgement by which the defendant is acquitted of the charge shall be pronounced:

- 1) when the act with which the defendant is charged does not constitute a criminal offence;
- 2) when circumstances exist which exclude criminal liability;
- 3) when it has not been proven that the defendant has committed the act with which he has been charged.)

Data on percentage of older pending cases are available only for those of more than 2 years! In the numbers of criminal case are included only cases on trial (in whatever modus), excluded are cases of judicial investigation (time spent on these procedures is also not included).

Average length of proceedings is calculated by the formula: (pending cases at the beginning of the year/cases solved during the year) x 12.

## V. Career of judges and prosecutors

### V. A. Appointment and training

**74. Are judges initially/at the beginning of their carrier recruited and nominated by:**

- a body composed of members of the judiciary?
- a body composed of members external to the judiciary?
- a body composed of members of the judiciary and

Yes

X

external to the judiciary?

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- a body composed of members of the prosecution system?
- a body composed of members external to the prosecution system?
- a body composed of members of the prosecution system and external to the prosecution system?

76. Is the mandate given for an undetermined period for:

- |                |                                     |                          |
|----------------|-------------------------------------|--------------------------|
|                | Yes                                 | No                       |
| ▪ judges?      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ prosecutors? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Are there exceptions ? Please specify:

If no, what is the length of the mandate:

Is it renewable?

- |                   |                          |                          |                          |
|-------------------|--------------------------|--------------------------|--------------------------|
|                   |                          | Yes                      | No                       |
| ▪ of judges?      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ of prosecutors? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

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.

Any person that meets the general conditions that apply to all state prosecutorial ranks, 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 state law 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 prosecutorial functions.

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

77. Nature of the training of judges:

	Compulsion (Yes/No)	Frequency (Yes/No)
Initial training	Compulsory Highly recommended Optional	
	Yes	



General in-service training	Compulsory		Annual	Yes
	Highly recommended	Yes	Regular	
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	
	Highly recommended		Regular	
	Optional	Yes	Occasional	Yes

**78. Nature of the training of prosecutors:**

	Compulsion (Yes/No)		Frequency (Yes/No)	
	Initial training	Compulsory		
	Highly recommended	Yes		
	Optional			
General in-service training	Compulsory		Annual	Yes
	Highly recommended	Yes	Regular	
	Optional		Occasional	
Specialised in-service training	Compulsory		Annual	
	Highly recommended		Regular	Yes
	Optional	Yes	Occasional	

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of of your training system for judges and prosecutors**

**V. B. Practice of the profession**

**79. Gross annual salary of a first instance professional judge at the beginning of his/her career**  
22.260 EUR

Source **Supreme Court**

**80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court**  
48.260 EUR

Source **Supreme Court**

**81. Gross annual salary of a public prosecutor at the beginning of his/her career**  
26.583 EUR

Source **Supreme State Prosecution**

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court **48.632 EUR**

Source *Supreme State Prosecution*

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit (If yes, please specify)	No	No

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	Yes			Yes		
Research and publication	Yes			Yes		
Arbitrator	Yes			Yes		
Consultant	No			No		
Cultural function		Yes			Yes	
Other function to specify						

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No **No**

Yes **Please specify:**

### V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

	Judges	Prosecutors
Total number	1	1
Breach of professional ethics (Yes/No) If yes, please specify the number	NA	
Professional inadequacy (Yes/No) If yes, please specify the number	NA	1

	Criminal offence (Yes/No) If yes, please specify the number	No	
	Other (Yes/No) If yes, please specify		
Types of sanctions	Total number	1	
	Reprimand (Yes/No) If yes, please specify the number	1	
	Suspension (Yes/No) If yes, please specify the number		
	Dismissal (Yes/No) If yes, please specify the number		
	Fine (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify		1 reduction in salary

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

**Judges:** there are only few disciplinary proceedings initiated each year (4-6) and also within this number some of the proceedings end by judge living the post before the final decision is reached.

According to 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. 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 rules in disciplinary proceedings. The Disciplinary Court of First Instance consists of eight judges, viz. two judge 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 judge of the Supreme Court.

**The state prosecutor** has no disciplinary liability for opinions given by him in the course of his work.

The principle of disciplinary liability applies to the state prosecutors in specific cases:

violation of discipline of a more or less serious nature ,  
violation of the reputation and dignity of the post,  
non- conscientious, tardy or negligent performance of his official duties,  
failure to fulfil his official duties,  
unjustified refusal to perform official duties or failure to follow instructions given in accordance with the



	Victim	given to Lawyers only when representing the minor victims only in specific cases	Trade Union	
			NGO	
			Other	
Administrative cases*	General Administrative Procedure Act gives the right to appear in front of state authorities to everyone who is capable to contract		Member of family	
			Trade Union	
			NGO	
			Other	

\* If appropriate, please specify if it concerns first instance and appeal.

**90. Is the lawyer profession organised through?**

- a national bar?
- a regional bar?
- a local bar?

Yes



**Please specify:**

Lawyers practising the legal profession in the Republic of Slovenia shall necessarily associate into the Bar Association of Slovenia.

The Bar Association shall pursue and discuss the problems of lawyers' practice, it shall provide for uniform development of the Bars, it shall adopt the Code of Conduct and shall perform other tasks specified by the law.

**91. Is there a specific initial training or examination to enter the profession of lawyer?**

Yes    No

**92. Is there a mandatory general system for lawyers requiring continuing professional development?**

Yes     No

There are no obligatory rules about continuing training for Lawyers in Slovenia. Only the 14 th rule of 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.

Let us emphasize that every year the Slovenian Bar Association organizes so called "Lawyers school" in order to introduce them the latest education about the newer legislation and other issues important to Slovenian Lawyers. Nevertheless, the attendance of Lawyers is not obligatory.

**93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

No   
Yes

**Please specify:**

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 practiced his pedagogical and scientific work, even if he does not fulfill the conditions of the five years' practice required in the preceding paragraph.

The requirement referred to in the first paragraph of this Article shall be subject to the decision of the body referred to in the third paragraph of Article 31 hereof. There shall be no appeal against its decision.

94. **Can users establish easily what the lawyers' fees will be?**

Yes  No

95. **Are lawyers fees:**

- regulated by law?
- regulated by Bar association?
- freely negotiated?

96. **Have quality standards been formulated for lawyers?**

Yes  No

97. **If yes, who is responsible for formulating these quality standards:**

- the bar association?
  - the legislature?
  - other?
- Please specify:**

98. **Is it possible to complain about :**

- the performance of lawyers?
- No   
Yes  **Please specify:**

The customers 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 Court and the Minister of Justice, the disciplinary prosecutor shall require the introduction of the disciplinary proceedings in front of the Disciplinary



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**VII. Alternative Dispute Resolution**

**101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:**

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	Yes
			Court	
	Compulsory stage in court proceedings	No	Judge	
	Ordered by judge in certain cases	No	Prosecutor	
Family cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	Yes
			Court	
	Compulsory stage in court proceedings	No	Judge	
	Ordered by judge in certain cases	No	Prosecutor	
Administrative cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	
	Ordered by judge in certain cases	No	Prosecutor	
Employment dismissals	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	
	Ordered by judge in certain cases	No	Prosecutor	
Criminal cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	Yes
			Court	



Compulsory stage in court proceedings	No	Judge	
Ordered by judge in certain cases	No	Prosecutor	

**102. Can you provide information about accredited mediators?**

NA

**103. Can you provide information about the total number of mediation procedure concerning:**

- civil cases?
- family cases?
- administrative cases?
- employment dismissals?
- criminal cases?

2283 (Art. 161a CPC)

Source [Supreme Prosecution Office](#)

**104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:**

**Suspended criminal prosecution conditionally (Art.162 CPC) number of cases 2741**

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning ADR**

None of ADR procedures is a compulsory step in court (or prior to) proceedings – a consent is always required.

In civil and family cases some courts (4) offer court annexed mediation, which is again non-compulsory. If the parties agree, the court orders the mediation proceedings which are performed by mediators provided by courts.

The numbers of mediation procedures are not collected on a national level.

**Criminal cases:**

Article 161a

(1) The public prosecutor may transfer the report of a crime for which a financial penalty or up to three years in prison is prescribed into the settlement procedure. In so doing, he shall take account of the type and nature of the offence, the circumstances in which it was committed, the personality of the offender and his or her prior convictions for the same type or for other criminal offences, as well as his or her degree of criminal responsibility.

(2) Settlement shall be run by the mediator, who is obliged to accept the case into procedure. Settlement may be implemented only with the consent of the offender and the injured party. The mediator is independent in his or her work. The mediator shall be obliged to strive to ensure that the contents of the agreement are proportionate to the seriousness and consequences of the offence.

(3) On receiving notification of the fulfilment of the agreement, the public prosecutor shall dismiss the report. The mediator is also obliged to inform the public prosecutor of the failure of settlement and the reasons for such failure. The interval for the fulfilment of the agreement may not be longer than three months.

Article 162

(1) The public prosecutor may, with the consent of the injured party, suspend prosecution of a criminal offence punishable by a fine or prison term of up to one year if the suspect binds himself over to behave as instructed by the public prosecutor and to perform certain actions to allay or remove the harmful consequences of the criminal offence. These actions may be:

- 1) elimination or compensation of damage;
- 2) payment of a contribution to a public institution or a charity or fund for compensation for damage to victims of criminal offences;
- 3) execution of some generally useful work;
- 4) fulfilment of a maintenance liability.

(2) If within a time limit no longer than six months, and in respect of the obligation from the fourth clause no longer than a year, the suspect fulfils the obligation undertaken the crime report shall be dismissed.

An example of District Court of Ljubljana:

Since the beginning of 2001 the District Court in Ljubljana has been offering parties alternative ways of dispute resolution within the program of solving backlogs.

Since 2001 the Court has been offering court-annexed alternative dispute resolution with mediation - **mediation in classical civil cases**. Since June 2001 the program of **mediation in family-law cases** has been implemented, and at the beginning of 2003 parties were offered also the program of **mediation in commercial disputes**. At the District Court of Ljubljana mediation is a voluntary, confidential, fast, free of charge (for the parties) ADR procedure in which a neutral third party helps the parties to find a consensual resolution of their dispute. The procedure is fast, non-binding and confidential and does not affect an eventual later litigation in any way. At the moment about 100 mediators participate in the mediation procedures at the District Court in Ljubljana. Among them are supreme, higher and district court judges as well as the Deputy Human Rights Ombudsman, who carry out mediations free of charge in addition to their regular work. In addition to them, retired judges with wide experience in civil field and advocates participate in mediation procedures on contract basis. All of them have attended specialized training in the field of alternative dispute resolution and use of special communication and negotiation techniques, and have been included on the list of mediators at the District Court in Ljubljana.

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- |   |                                     |
|---|-------------------------------------|
|   | Yes                                 |
| ▪ judges?   | <input type="checkbox"/>            |
| ▪ bailiff practising as private profession ruled by public authorities? | <input checked="" type="checkbox"/> |
| ▪ bailiff working in a public institution?                              | <input type="checkbox"/>            |
| ▪ other enforcement agents?   | <input type="checkbox"/>            |
- Please specify their status:
- 

106. Number of enforcement agents

49

Source: MoJ

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes  No

108. Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

Yes

109. Can users establish easily what the fees of the enforcement agents will be?

Yes

No

110. Are enforcement fees:

- regulated by law?
- freely negotiated?

Yes

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No

Yes

Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

Please specify:

112. Have quality standards been formulated for enforcement agents?

No

Yes

Who is responsible for formulating these quality standards?

MINISTRY OF JUSTICE, REPUBLIC OF SLOVENIA

Source: MoJ

113. What are the main complaints of users concerning the enforcement procedure:

- no execution at all?
- lack of information?
- excessive length?
- unlawful practices?
- insufficient supervision?
- excessive cost?
- other?

Yes

No

Source: MoJ

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No

Yes  **Please specify:**

SIMPLIFICATION OF ENFORCEMENT PROCEEDING, ESTABLISHING HIGHER EFFICIENCY OF ENFORCMENT, CUTTING DOWN ON EXPENSES AND FEES.

115. Is there a system measuring the timeframes of the enforcement of decisions :

- |                             |                          |                                     |
|-----------------------------|--------------------------|-------------------------------------|
|                             | Yes                      | No                                  |
| ▪ for civil cases?          | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ for administrative cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- |   |                          |
|---|--------------------------|
|   | Yes                      |
| ▪ between 1 and 5 days                          | <input type="checkbox"/> |
| ▪ between 6 and 10 days                         | <input type="checkbox"/> |
| ▪ between 11 and 30 days                        | <input type="checkbox"/> |
| ▪ more: please specify <input type="checkbox"/> | <input type="checkbox"/> |

Source

117. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	Yes (3) (in 2004)
	Professional inadequacy	No
	Criminal offence	No
	Other	No
Sanctions	Reprimand	Yes (1)
	Suspension	Yes (2)
	Dismissal	No
	Fine	No
	Other	

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

Yes  **Please specify his/her functions and activities (e.g. Initiative or control functions):**

District court judge decides on when and where the defendant will serve penalty of imprisonment and also on request for the postponement of the imprisonment.

No  **Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):**

District Court

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No 
Yes  Please specify:

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You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

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IX. Notaries

120. Is the status of notaries:

- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?

Yes	Number
<input type="checkbox"/>	<input type="checkbox"/>
yes <input type="checkbox"/>	68*
<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

The notary office is a public service whose area of work and authority shall be determined by notarial law. Notaries are exercising a public free-lance profession, independent from governmental bodies The notary office shall be organised by notaries appointed as provided under the notarial Law.

68\* The Ministry of justice has announced an increase of notaries by 100%

121. Do notaries have duties:

- within the framework of civil procedure?
- in the field of legal advice?
- to authenticate legal deeds?
- other?

	Yes	No
yes <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	yes <input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	yes <input type="checkbox"/>	<input type="checkbox"/>

If yes, 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.

122. Is there a body entrusted with the supervision and the control of the notaries?

No   
Yes

Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

**Please specify:**

-The supervision of the exercising of the notary office shall be conducted by the ministry competent for the justice.  
- Direct supervision of the operations of the notary shall be conducted by the Chamber of Notaries.  
- The supervision of legalitv 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.

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**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system of notaries**

The Notary shall perform his tasks with due conscientiousness and honesty. In his performance the Notary shall be liable for damage with all his property; furthermore, he shall bear disciplinary and criminal liability in case of breach of his professional obligations or in case of commitment of a criminal offense. Therefore the Notary's performance shall be reliable and prudent, impartial and showing due expertise. As he is exercising a public free-lance profession, he is independent from governmental bodies.

The main task imposed on the Notary under the Notaries Act includes the drawing up of public deeds, such as notarised records, notarised minutes and notarised 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 notarised deed. According to the law, certain legal affairs are valid only if concluded in the form of a notarised deed.

A notarised agreement or settlement can be automatically executory, if so agreed by the parties. In such case it is not necessary to proceed to a suit; in the event of non-fulfillment, immediate judicial execution against the obligor is possible.

The Notary is obliged to keep his notarised 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 the courts and other governmental bodies, provided that such matters are directly related to the notarised 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 2005 the Slovene Notariat has undergone considerable changes that will have a strong effect on the work of notaries and performance of their service. In the beginning of October 2005 a new notary tariff came into effect; according to which the notary fees were on the average lowered by 50%. On November 22 a novel to the Notaries Act came into effect. With this novel changes of the conditions for the appointment of notaries as well and for the procedure of their appointment were introduced. In addition, the novel introduces further competences of the Ministry of Justice in the surveillance of the work of notaries and of the Chamber bodies, as well as in the conducting of disciplinary procedures and dismissal of notaries.

The lowered notary fees, an increase in the number of notary posts and some loss of competences in certain fields of work (verification of signatures performed by administrative bodies, abolishment of notary form in some areas of economic laws) are the reasons that have a strong impact on stable performance of the duties of all notaries and of the institution of the notariat as such. We are of 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. Such new area would be the transfer of inheritance cases to the competence of notaries. In this way the number of the present court cases in arrears would be reduced and the institution of the notariat in Slovenia would be on equal standing with other comparable European legal systems. We are convinced that by transferring some parts of the procedure in inheritance cases to notaries a large number of positive effects would be achieved. Above all, the law courts would be considerably relieved and the judges would use their working time for dealing with such fields of law cases, in which law court arrears occur. The notary office would deal with inheritance cases faster, more efficiently and more conveniently for the customers. These proposals are in agreement with the endeavours of the Ministry of Justice as well as with the recommendations of the EU-bodies for the elimination of law court arrears in Slovenia.

123. **Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:**

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