



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Slovenia

National correspondent

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Phone Number :

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

2003358

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	7628519734
Regional / entity level	

3) Per capita GDP (in €)

15167

4) Average gross annual salary (in €)

14556

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

Please indicate the sources for the questions 1 to 4

Statistical Office of the Republic of Slovenia, Slovenia in figures 2007

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

133840315

7) Please specify

The Courts Act prescribes:

"The scope of the finances for the wages of the judges and the court personnel, as well as for the costs of the activities of the courts in the framework of the state budget of the Republic of Slovenia, based on the financial plans of the individual courts are provided in the budget user Supreme Court of the Republic of Slovenia for all courts" and

"In the framework of the state budget of the Republic of Slovenia, the scope of the finances for the equipment of the courts and provision of spatial conditions for the courts, excluding the finances for wages, is formed and provided in the ministry authorised for the justice, while for the computerisation of the courts in the Supreme Court of the Republic of Slovenia."

Besides the above cited amount there's also a part of the Ministry of Justice (MOJ) budget dedicated to the investments and the rentals in justice sector (courts, prosecution, state attorneys), altogether cca , 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 2006 EUR per employee). As already mentioned, 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.

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	94219262
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	4743950
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	23542464
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	4238174
Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input type="checkbox"/> Yes	
Other (please specify):	<input type="checkbox"/> Yes	

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

Yes

No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

Budget for year 2002: 101 mio EUR

Budget for year 2003: 106 mio EUR

Budget for year 2004: 109 mio EUR

Budget for year 2005: 137 mio EUR

Budget for year 2006: 134 mio EUR

10) 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?

for other than criminal cases?

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.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

34581038

12) Total annual approved budget allocated to the whole justice system (in €)

151251202

13) Total annual approved public budget allocated to legal aid (in €)

1858859

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount		1858859

15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

16) Total annual approved public budget allocated to the public prosecution system (in €)

17893000

17) Is the budget allocated to the public prosecution included in the court budget?

Yes

No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court				

	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

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 courts¹, 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 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.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different

authorities responsible for the budget process

Please indicate the sources for the questions 6, 7, 13 et 16

Draft Financial Statement of the Central Government Budget 2006
The Supreme State Prosecutor's Office

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

21) If other, please specify (in regards to question 20):

Legal Aid also covers costs such as cost of experts etc.

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

The law specifically provides the exoneration of court fees.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

If yes, please specify:

The law prescribes, that legal aid can be granted in any proceedings before the court, i.e. also in the proceedings of the execution of judicial decisions.

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	
Criminal cases	N.A.
Other than criminal cases	20308

25) 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

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?		YES	
for other than criminal cases?		YES	

27) 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

28) If yes, is the decision for granting or refusing legal aid taken by:

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

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

Company ARAG d.d. (joint stock company), which provides legal expense insurance, was established in year 2004: <http://www.arag.si/>

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

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criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

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.

As to the income and asset test: FLAA prescribes: "It shall be deemed that the social position of the applicant and his or her family is put at risk by the costs of the judicial proceeding if the monthly income of the applicant (personal income) or average monthly income per family member (personal family income) does not exceed the amount of the minimum wage laid down in the act governing the minimum wage (hereinafter referred to as: minimum income)." (minimum wage being 510 EUR on January 2006) and the Criminal Procedure Act: "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...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. The defendant may file a request from the preceding paragraph after the indictment has been served."

Please indicate the sources for the questions 24 and 26

Free Legal Aid Annual Report, Supreme Court and laws quoted under question 30.

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) 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 (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	http://www.mp.gov.si/ (Ministry of justice) http://www.dt-rs.si/strani/zakonodaja.html (Office of the State Prosecutor General) http://www.dz-rs.si/ (National Assembly)
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	http://www.sodnapraksa.si/
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	http://www.sodisce.si/ (web pages of the Slovenian courts) http://www.dt-rs.si/

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes

No

If yes, please specify:

The Police informs victims of crimes of their rights and keeps them informed on the course of the investigations.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

Yes

No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 private fund?

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

CRIME VICTIMS COMPENSATION ACT prescribes (inter alia): Formal conditions
Article 5

Formal conditions for access to the compensation hereunder are fulfilled if the applicant is a:

- Citizen of the Republic of Slovenia or
- Citizen of any other Member State of the European Union.

Material conditions
Article 6

The material conditions for access to the compensation hereunder are:

- The applicant was a victim of a violent intentional crime (hereafter: the crime),
- The crime was committed on the territory of the Republic of Slovenia, on a Slovene ship or on a Slovene airplane, regardless of the victim's location when the crime is committed,
- The crime was noted or notified to the competent authority as a criminal offence,
- There are no circumstances on the part of the applicant for which no application for compensation may be submitted under the Code of Obligations (Official Gazette RS, No 83/01 and 32/04 - authentic interpretation) ,
- Due to the crime the applicant sustained a bodily injury, impairment of health or suffering,
- Due to the crime the applicant incurred the damage recognized herewith.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

They have the right to prosecute the case on their own within 8 days.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
 non execution of court decisions?
 wrongful arrest?
 wrongful condemnation?

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

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

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

Within the Slovenian Public Opinion Survey (SPOS) public trust in different institutions is surveyed and one question relates also to the courts. (<http://www.cjm.si/>)

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input checked="" type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- Yes
- No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input type="checkbox"/>	<input type="checkbox"/>
Higher court	<input type="checkbox"/>	<input type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

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

In year 2006, there was only one complaint procedure available: "A party that opines that the court violates his/her right to trial without undue delay, may address an appeal to the president of the court in which the case is being heard, due to violation of his/her right to a trial without undue delay (the supervisory appeal). 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. On 1.1.2007 the Act on the protection of the right to a trial without undue delay was implemented.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	55
Specialised first instance courts (legal entities)	5
All the courts (geographic locations)	66

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

Labour and social disputes courts 4

Administrative court 1

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	44
a dismissal	4
a robbery	11

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

Please indicate the sources for the question 45

Court statistics 2006, Ministry of Justice

3. 1. 2. Judges, courts staff**49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)**

1002

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

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

In respect to the number of professional judges sitting in courts (q. 49) one should bear in mind, that this number represent all the posts which are formally occupied although some posts are de facto vacant, since the judge is actually absent due to e.g. maternity leave (which can last as long as 2 years), according to some estimations of the Ministry of justice this kind of posts represent around 15 - 20% of all judicial posts.

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

4065

The above number represents a pool of lay-judges but data on actual sitting days are not available. Although lay-judges are in full capacity of a judge as a member of a panel of judges, they can't hear cases on their own and therefore none of the cases can be solved by them without the presence of professional judge, who also takes care of all the procedures, writing the judgement etc.

53) Does your judicial system include trial by jury with the participation of citizens? Yes No

If 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).

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

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

2705

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes

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 Yes

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) Yes

technical staff Yes

Please indicate the sources for the questions 49, 50, 52, 53 and 55

Court Statistics, MoJ

Q56. comment to the nb of non-judge staff

Data on non-judge staff (that are collected regularly) are distributed as follows:

Secretaries general 20

Judicial advisers 276

Others 2409

Judicial advisers are in a way similar to Rechtspfleger since they »in particular matters outside the main proceedings perform the work connected with the hearings of parties, witnesses and experts, perform more complex preparatory work for the main trial proceedings, report at the panel sessions, draft decisions, conduct the main trial proceedings under the guidance of the judge and perform other work under the order of the judge«, but these are lawyers with law degree, which is to my knowledge unusual for Rechtspfleger. Furthermore, we also have court clerks, which are more similar to the Rechtspfleger (without law degree, working on land register, commercial register and enforcement cases), but are included in »others«.

3. 1. 3. Prosecutors

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

180

58) Do any other persons have similar duties as public prosecutors?

- Yes
 No

If yes, please specify:

Their assistants can replace them, if they are authorised by public prosecutor.

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

210

Please indicate the sources for the questions 57 and 59

The Supreme State Prosecutor's Office

3. 1. 4. Budget and New technologies**60) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

Art. 61 of the Courts Act prescribes: Matters of court management shall be the responsibility of the president of the court, unless otherwise determined by this Act. Courts may have a secretary of the court for dealing with matters of court management, who shall meet the conditions for occupying the working post of justice councillor.

Art. 75 of the same Act prescribes: The preparation of financial plans, their implementation and monitoring shall be performed in individual courts. Resources for the work of local courts in the territory of an individual district court shall be planned within the framework of the financial plan of that court, whereby the resources for the work of local courts shall be stated separately. The proposal of the financial plan of district courts for the work of local courts shall be prepared by the President of the district court on the basis of the proposal of the President of the local court one month after the adoption of the budget at the latest. District courts shall coordinate the preparation of financial plans and the use of resources according to particular local courts considering the

requirements of local courts and the total financial resources earmarked in the budget. Larger local courts may be independent budget users if determined so by the public financial regulations. The Supreme Court shall coordinate the preparation of financial plans and the consumption of resources by individual courts with regard to their financial plans and aggregately provided resources in the budget. The president of the Supreme Court and presidents of high and district courts are entitled to determine the allocation of resources to individual courts.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If 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
<http://www.mp.gov.si/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Q. 62: Under "Electronic Files" result we assume "Electronic Case Files", which are in place on over 50% of the courts. In the case of "Electronic Data Files" the result would be 100%. Q. 64: Under "Other electronic communication facilities" we assume that e-mail communication qualifies, thus the result is 100% (special court & staff mail accounts).

Please indicate the sources for the questions 62, 63 and 64

Supreme Court, Centre for Information Technology

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- Yes
 No

67) Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
 number of decisions?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

Please specify:

Each court monitors the above mentioned data on regular basis, depending on their own decision, but four times a year (prescribed by the Court Rules) these data are collected and published on a national level.

68) Do you have a regular system to evaluate the performance of each court?

- Yes
 No

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 bellow.

69) Concerning court activities, have you defined performance indicators?

- Yes
 No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
 Length of proceedings (timeframes)
 Closed cases
 Pending cases and backlogs
 Productivity of judges and court staff
 Percentage of cases that are treated by a single sitting judge
 The enforcement of penal decisions
 Satisfaction of employees of the courts
 Satisfaction of clients (regarding the services delivered by the courts)
 Judicial and organisational quality of the courts
 The costs of the judicial procedures
 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 Courts 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.

71) Are there performance targets defined for individual judges?

- Yes
 No

72) Are there performance targets defined at the level of the courts?

- Yes
 No

73) Please specify who is responsible for setting the targets:

- executive power (for example the Ministry of Justice)
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

Please specify

74) Please specify the main targets applied:

The clearance rate, which is the ratio of cases disposed to cases filed.

The Cappelletti-Clark indicator is used to determine procedural time (E. Buscaglia, M. Dakolias, (1999) Comparative International Study of Court Performance Indicators, A Descriptive and Analytical Account, World Bank, Internet <http://www4.worldbank.org/legal/publications/CourtIndicators-72.pdf>: "This indicator has proven to approximate both the median and the mean actual duration, and thus represents a good "measure of central tendency." (p. 14).)

75) Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

Yes

No

If yes, please specify:

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

Yes

No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

civil cases?

criminal cases?

administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

Yes

No

If yes, please specify:

Cases that are considered court backlogs are precisely defined by the Court Rules in Article 50 in relation to the time from the matter being filed with the courts, depending on individual types of case:

1.High Courts:

Criminal cases 6 months after case filing

Civil cases 6 months after case filing

Commercial disputes 6 months after case filing

2.District Courts:

Criminal cases 18 months after case filing

Investigations 18 months after case filing

Criminal investigation activities 6 months after case filing

Juvenile criminal preparatory proc. 6 months after case filing

Juvenile criminal proceedings 12 months after case filing

Litigations 18 months after case filing

Commercial disputes 18 months after case filing

Non-contentious commercial cases 18 months after case filing

Court register cases 1 month after case filing

3.Local Courts:

Criminal cases 18 months after case filing
Criminal investigation activities 6 months after case filing
Non-contentious commercial cases 18 months after case filing
Inheritance cases 6 months after case filing
Enforcement cases 12 months after case filing
Land register cases

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
 No

If yes, please specify:

The Supreme State Prosecutor's Office monitors public prosecutor's work by examining concrete cases, file registers, other documentation and by other means (Article 67 of State Prosecutor Act). Concrete cases can be examined on demand or regularly. Regular examination of district state prosecutor's work is made every 3 years. Examiners are supreme and higher state prosecutors and the report are sent to State Prosecutor General and after that to the Minister of Justice. State prosecutors that are being examined also have the right to receive the report and they can give their remarks on the report. The final report is issued after the meeting between the examiners and the examined state prosecutor's office

You can indicate below:

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

Please indicate the sources for the the question 70,71, 72 and 76

Q. 70: Courts Act
Q. 71: Judicial Council
Q. 72: Supreme Court
Q. 76: Supreme Court

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

N.A.

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)		16	177	9
Civil proceedings - Article 6§1 (non-execution)				
Criminal proceedings - Article 6§1 (duration)		1	6	2

Please indicate the sources for the questions 82 and 84

State Attorney Office

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

If yes, please specify:

In each specific act on procedure there are provisions on temporary injunctions.

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

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

- Yes
- No

If yes, please specify:

The answer "yes" relates to the general possibility of such agreements, although to my knowledge they are rare. But there's at least one example of such an agreement, the Court Annexed Mediation and Accelerated Civil Litigation Program at Ljubljana District Court.

4. 2. 2. Penal, civil and administrative law cases**88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)	468739	575494	594693	449540

1 Civil (and commercial) litigious cases*	53407	34683	35880	52210
2 Civil (and commercial) non-litigious cases*	17852	29893	29481	18264
3 Enforcement cases	283081	155995	150456	288580
4 Land registry cases**	103839	227538	250493	80884
5 Business register cases**	2345	29018	29341	2022
6 Administrative law cases	5210	4678	4481	5407
7 Other	3005	93729	94561	2173
Total criminal cases (8+9)	107863	154933	139817	122979
8 Criminal cases (severe criminal offences)	24150	19145	20035	23260
9 Misdemeanour cases (minor offences)	83713	135788	119782	99719

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

Misdemeanour cases are within jurisdiction of the local courts since 1.1.2005. A major reform of the misdemeanour penal law was made, so that it merged with the "regular" judiciary: that's why the steep increase of the number of judges (q. 49) and also the number of incoming cases. In regard with the statistics of misdemeanour cases it should be kept in mind, that within the reform of this field of law the abolition took place, so we have to be careful in interpreting the statistical data for the year 2006, especially when comparing with previous years.

As to the administrative cases, it should be cautioned, that the numbers of cases in the second instance represent cases, that are actually dealt with by the Supreme Court, which is also the court of appeal in this kind of cases (but also the court of the last resort, that's why some cases appear also in the table 91.

In our opinion, also the total number of cases that are dealt with by the courts should be given: pending cases on 1.1.2006: 612926, incoming cases: 801607, decisions/resolved cases: 807321, pending cases on 31.12.2006: 607212.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	12416	27151	28227	11340
1 Civil (and commercial) litigious cases*	9626	19677	20759	8544
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law				

cases	2722	1830	1807	2745
7 Other	68	5644	5661	51
Total criminal cases (8+9)	2134	10888	10930	2092
8 Criminal cases (Severe criminal offences)	1564	4975	4995	1544
9 Misdemeanour cases (minor offences)	570	5913	5935	548

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	1365	2390	1811	1944
1 Civil (and commercial) litigious cases*	1138	1537	1084	1591
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	32	172	186	18
7 Other	195	681	541	335
Total criminal cases (8+9)	384	938	1026	296
8 Criminal cases (Severe criminal offences)	359	896	989	266
9 Misdemeanour cases (minor offences)	25	42	37	30

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	1235	2066	2157	1161
Employment dismissal cases	966	990	1323	726
Robbery cases	N.A.	N.A.	115	N.A.
Intentional homicide case	N.A.	N.A.	52	N.A.

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases	7,61	1,38	206 days	78 days	N.A.
Employment dismissal cases	37	5,69	289 days	344 days	N.A.
Robbery cases	N.A.	N.A.	N.A.	N.A.	N.A.
Intentional homicide	N.A.	N.A.	N.A.	N.A.	N.A.

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

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

The length of the proceedings is calculated for each case from the date of lodging the complaint, to the date of the judgment. Since these calculations are made for each instance separately, we are not able (yet) to give the aggregate numbers.

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the 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:

97) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

Supreme state prosecutors can file a "request for protection of legality" against final judicial decisions in civil, administrative and minor offences cases – if there was violence of law or proceedings.

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	93462	59003*	9620	3937	N.A.	12726

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

* Public prosecutor can not discontinue the case, because the offender could not be identified, so the number "59003" represents all criminal cases in which the offender was not yet identified, but are still open.

Please indicate the sources for the questions 92 to 94 and question 98

Question 98 – annual report of the Supreme State Prosecutor's Office for the year 2006

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

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.

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

If the Judicial Council selects a candidate who has never been elected to judicial office, it shall be obliged to propose such candidate to the National Assembly for election in accordance with the provisions of the Judicial Service Act.

If the Judicial Council selects a candidate already elected to judicial office for the judicial position, it shall appoint such candidate to the advertised judicial position and transfer him/her to the court where the position was advertised.

Upon entering judicial service judges shall acquire the right to promotion in accordance with the conditions set out by the present act.

Promotion shall include promotion in wage classes, promotion to a superior judicial position and promotion to the position of councillor.

The Judicial Council shall rule on promotion in wage classes and promotion to the position of councillor at the proposal of the judge or the president of the court after

having carried out the procedure for determining the judge's expertise and performance.

102) Which procedures and criteria are used for promoting judges? (please specify).

In selecting candidates for judicial service and ruling on promotion the Judicial Council must act according to the criteria set out by the present act for determining whether the candidate has the professional knowledge and capabilities for performing judicial service or fulfils the conditions for promotion.

The assessment of judicial service shall be compiled in consideration of the following criteria:

1. professional knowledge, whereby consideration shall be taken of the judge's professional activities, the judge's specialist and postgraduate studies, and the reputation achieved by the judge in the legal profession
2. working capabilities, whereby consideration shall be taken of the ratio of the volume of judicial work performed to that expected
3. the ability to resolve legal questions, whereby consideration shall be taken of the level of correctness and legality achieved in the judge's decision-making as determined primarily in procedures with legal remedies
- 4.
5. the safeguarding of the reputation of the judge and the court as determined from the way in which procedures are conducted, communication with parties and other bodies, the upholding of independence, impartiality, reliability and uprightness, and behaviour inside and outside the service
6. the ability of verbal and written expression, as proceeds from the records of the cases handled, the rulings formulated and the judge's professional action
7. additional work undertaken in holding judicial office especially within the framework of mentorship, and involvement in legislative procedures and in education and professional training
8. the attitude towards colleagues in performing judicial work
9. the ability to perform the functions of a managerial position, if the judge is appointed to such a position, as shown by the work results in the area entrusted to the judge

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

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.

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?

- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.

Public prosecutors are appointed by the Government, on the proposal of Minister of Justice, after receiving the opinion of the state prosecution council.

State prosecution council is formally responsible for the promotion of prosecutors.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

Professionalism and successfulness of prosecutors are checked prior to the promotion.

107) Is the mandate given for an undetermined period for judges ?

- Yes
- No

Are there exceptions? Please specify:

108) Is the mandate given for an undetermined period for prosecutors?

- Yes
- No

Are there exceptions? Please specify:

**109) If no, what is the length of the mandate?
Is it renewable?**

for judges

 yes, please
specify the
length

for prosecutors

 yes, please
specify the
length

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 and the main reforms that have been implemented over the last two years

5. 1. 2. Training

110) Nature of the training of judges.

Is it compulsory?

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

112) Nature of the training of prosecutors.

Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

Training of judges is not compulsory, however, it is generally perceived by judges as very much needed and is also one of the assessment criteria of judicial service.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	23736	
Judge of the Supreme Court or the Highest Appellate Court	48660	
Public prosecutor at the beginning of his/her career	26016	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	48036	

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input type="checkbox"/>

116) If other financial benefit, please specify:

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:**119) Can prosecutors combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

120) If other function, please specify:

Prosecutors can not engage in a profitable activity (long term) or take any job that could harm the reputation or independence (impartiality) of their service.

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

Yes

No

If yes, please specify:

Please indicate the source for the question 114

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

The initiative to introduce disciplinary proceedings may be put forward by the president of the court where the judge performs judicial service, the president of the immediately superior court, the Judicial Council or the minister responsible for justice. But, the formal proposal for disciplinary sanctioning shall be lodged and presented by the disciplinary prosecutor, in whose absence the deputy thereto shall deputise for, they shall both be judges of the Supreme Court.

For prosecutors – Minister of Justice or State Prosecutor General.

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

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 provision of the law,
- violation of regulations on the safeguarding of national and official secrets,
- undignified and offensive conduct towards individuals, state bodies or legal persons in connection with performance of the functions of state prosecutor and outside them,
- an abuse of position or a more serious violation of official powers.

Disciplinary proceedings may be proposed by the state Prosecutor General or the Minister of Justice.

Violations are decided by the disciplinary court comprised of president and 2 members of the disciplinary court for the judges and public prosecutors. Types of sanctions are: dismissal from the post of state prosecutor, a halt to promotion, a reduction in salary.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	1	2
1. Breach of		

professional ethics		2
2. Criminal offence		
3. Professional inadequacy	1	
4. Other		

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	1	2
1. Reprimand	1	
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		1
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		1

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 and the main reforms that have been implemented over the last two years

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

1150

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes
 No

128) Number of legal advisors?

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

CIVIL CASES:

Civil Procedure Act gives the right to appear in Court:
of First Instance:

in County Court - to everyone who is capable to contract,

in District Court - only to lawyers or individuals who passed the Legal State Exam

of Second Instance, before Higher Court - only to lawyers or individuals who passed the

Legal State Exam of Third Instance, in the Supreme Court - only to lawyers or

individuals who passed the Legal State Exam.

CRIMINAL CASES:

Defendant: By Criminal Procedure Act only a lawyer or a prospective entrant is entitled to defend the accused. Only a Lawyer is permitted to be a defender in the Supreme Court.

Victim: The monopoly is given to Lawyers only when representing the minor victims only in specific cases.

ADMINISTRATIVE CASES:

General Administrative Procedure Act gives the right to appear in front of state authorities to everyone who is capable to contract.

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?

a local Bar?

Please specify:

Lawyers practicing the legal profession in the Republic of Slovenia shall necessarily associate into the Bar Association of Slovenia (The Bar Act, Art. 41).

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 (The Bar Act, Art. 42).

Please indicate the source for the question 126

The Roll shall be kept by the bar Association of Slovenia (The Bar Act, Art.31).

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

Yes

No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

Yes

No

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

Yes

No

If yes, please specify:

There are no obligatory rules about continuous training for Lawyers in Slovenia.

The Article 14 of the 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.

Every year is organized "Lawyers school" in order to introduce them the latest education about the newer legislation and other issues important to Slovenian Lawyers by the Slovenian Bar Association. Nevertheless, the attendance of Lawyers is not obligatory.

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.

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
- No

135) Are lawyers fees:

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

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

136) Have quality standards been formulated for lawyers?

- Yes
- No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

Acts or omissions that constitute disciplinary violations are divided into gross and light disciplinary violations and may be committed during the conduct of Lawyer profession or present violations of diligent performance of work and practice in the Law firm. The rules of professional conduct are defined both in Bar Act provisions and the provisions of the Statute and Code. The violations of the professional conduct relate to acts or omissions affecting other Lawyers (i.e. contacting the counter party that is represented by another Lawyer), to the bar Association (i.e. repeated non-payment of membership duties), violations committed in relation to the representation of the client (i.e. cancellation of the power of lawyer in an inappropriate behaviour or statements of the Lawyer). Gross violations present mostly violations of the duties related to clients, conduct of other activities that are not compatible with the Lawyer profession and violations relating to the conflict of interest rules.

138) Is it possible to complain about :

- the performance of lawyers?
 the amount of fees?

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 Board.

In the disciplinary proceedings against lawyers there shall be imposed the following disciplinary measures: warning, reprimand, fine and denial of the right to practise the legal profession or the practice in a law office.

Disciplinary matters against the lawyer, the prospective entrant and/or the pupil shall be subject to the decision of the Disciplinary Commission, except in the matters which in compliance with the provisions specified in Bar Act fall under the competence of the Disciplinary Board. In front of the disciplinary commission and in the Disciplinary Board the charge shall be represented by the disciplinary prosecutor elected by the Assembly of the Bar Association.

139) Which authority is responsible for disciplinary procedures:

- the judge?
 the Ministry of Justice?
 a professional authority or other?

Please specify:

The President and the members of Disciplinary Commissions of the first and the second instances as well as the disciplinary prosecutor shall be elected by the Assembly of the Bar Association out of the lawyers for the term specified by the laws of the Bar Association.

Disciplinary matters due to the breach of the legal duties for which it is possible to deny the right to practise the legal profession, the practice and/or the pupillage in the law office shall be subject to the decision of the Disciplinary Board in the Senate that consists of two judges of the Supreme Court of the Republic of Slovenia and of three lawyers. The President of the Senate shall be a judge. An appeal against the decision of the Disciplinary Board may be filed and shall be subject to the decision of the Supreme Court of Slovenia in the Senate of five judges. Both judges, members of the Disciplinary Board Senate, shall be appointed in advance with the annual time schedule of activities of the Supreme Court of the Republic of Slovenia. The lawyers, members of the Senate, shall be elected by the Assembly of the Bar Association for a two years' term. 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 Board. (The Bar Act, Art. 64- 67).

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
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Annual number				
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141) Disciplinary proceedings and sanctions against lawyers:

Sanctions pronounced

	Reprimand	Suspension	Removal	Fine	Other
Annual number	3	0	4	13	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

The 24 new disciplinary proceedings has been initiated from 1. 3. 2006 to 28. 2. 2007 (16 proceedings have been left form the previous years, all together 40 disciplinary proceedings in mentioned period).

The Sanctions has been pronounced in 20 cases from 1. 3. 2006 to 28. 2. 2007

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

- Yes
 No

If yes, please specify:

Art. 1 of The Free Legal Aid Act prescribes: "For the purposes of this Act, in addition to the rights, obligations and legal relationships, and protection against charges in criminal cases before domestic and international courts legally authorised for this, judicial protection shall also be deemed to include all legally defined forms of out-of-court settlement of disputes."

144) Can you provide information about the number of accredited mediators?

- Yes
 No

If yes, please provide the number of mediators:

115

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

employment dismissals? yes,
number:

criminal cases? yes, 1001
number:

Please indicate the source for the question 145

Supreme Prosecution Office, Annual Report 2006

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

On 5.9.2006 the Slovenian Association of mediators was established. Besides court-annexed mediation there are other forms of mediation, conciliation and arbitration offered by NGOs (e.g. Legal-information Centre for NGOs - LIC, <http://www.pic.si/en/index.php?podrocje=adr>), attorneys, insurance companies etc.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

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 (5) 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 (the largest court in the country):

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. In year 2006 806 cases were concluded, out of which 419 cases ended successfully (procedures stopped).

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

42

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

Enforcement agents are appointed by the minister responsible for justice. The Law on Execution and the Interim Protection of Claims, which govern the legal status of the enforcement agents, prescribes: "In order to be appointed as an execution officer, a candidate shall meet the following requirements:

- 1) he must be a citizen of the Republic of Slovenia,
- 2) he must be legally capable and enjoy good general health,
- 3) he must have completed at least secondary education,
- 4) he must have at least two years' work experience,
- 5) he must have passed the examination for execution officers, based on a programme prescribed by the minister responsible for justice,
- 6) he must be fluent in Slovene,
- 7) he must prove fit to hold a position of trust for the performance of acts of execution and the interim protection of claims as public mandates,
- 8) he must possess suitable facilities and premises necessary for the carrying-out of execution and protection."

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

- Yes
- No

150) Is the profession of enforcement agent organised by?

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

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

- regulated by law?
 freely negotiated?

Please indicate the source for the question 147

Ministry of Justice

8. 1. 2. Supervision**153) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
 No

154) 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?

Please specify:

Supervision of the office of execution officer is carried out by minister of justice (legality and performance of the office), by the Chamber of Execution Officers (regular supervision) and by the president of the court (in a particular case of this court, assigned to the execution officer).

155) Have quality standards been formulated for enforcement agents?

- Yes
 No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

Ministry of Justice (Rules on criteria for assessing the performance of enforcement officers) sets standards for the expected annual extent of work and timeframes.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

Ministry of Justice.

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

If yes, please specify:

An updated central information system for the monitoring of execution proceedings was implemented in 2006. The updated information system provide a central monitoring of execution proceedings, a uniform use of templates and characteristic documents, links to the external original records and a uniform keeping of court statistics. From 1.1.2008 a new department is going to be established within the Local Court of Ljubljana, wich will have exclusive jurisdiction over so called execution on the basis of authentic document (e.g.invoice). Electronic case files will also be introduced.

159) Is there a system measuring the timeframes of the enforcement of decisions:

for civil cases?

for administrative cases?

160) 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:

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics	<input checked="" type="checkbox"/> yes, number:	6
Professional inadequacy	<input type="checkbox"/> yes, number:	
Criminal offence	<input type="checkbox"/> yes, number:	
Other	<input checked="" type="checkbox"/> yes, number:	2

162) Sanctions pronounced against enforcement agents:

Reprimand	<input checked="" type="checkbox"/> yes, number:	1
Suspension	<input checked="" type="checkbox"/> yes, number:	1
Dismissal	<input checked="" type="checkbox"/> yes, number:	4
Fine	<input type="checkbox"/> yes, number:	
Other	<input checked="" type="checkbox"/> yes, number:	2

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 157 and 160

Ministry of Justice, Chamber of Execution Officers

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

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.

The court (i.e judge) is very much involved also in subsequent procedures, e.g.: Prisoners may be conditionally released after serving half of their sentence under the condition that he or she does not commit another criminal offence during the remaining portion of the sentence. An offender who has been sentenced to twenty years of prison may be released on parole after he or she has served fifteen years (article 109 of the Criminal Code). The decision is taken by the conditional release committee, appointed by the Minister of Justice, and in certain cases by the director of the penal institution (article 105 of the Penal Sanctions Enforcement Act).

The convicted person's compliance (In the case of a "suspended sentence with custodial supervision") with the imposed obligations is supervised by the court. After the lapse of the period in which the convicted offender was obliged to comply with the court's conditions, the judge (or rather in practice, a member of his or her staff) makes inquiries (talks to the victim, the institutions where the offender was obliged to submit to treatment, etc., depending on the type of the obligation imposed) to determine whether or not the offender has fulfilled his or her obligations. If not, a new procedure will be instigated to deal with the breach of the court's conditions. (HEUNI Criminal Justice Systems in Europe and North America, SLOVENIA, Katja G. Šugman,

Matjaž Jager, Nina Peršak, Katja Filipčič, <http://www.heuni.fi/uploads/fnxdt.pdf>).

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

Yes

No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

- | | | |
|---|---|----|
| a private one (without control from public authorities)? | <input checked="" type="checkbox"/> yes, number: | 91 |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes, number: | |
| a public one? | <input type="checkbox"/> yes, number: | |
| other? | <input type="checkbox"/> yes, number and specify: | |

167) Do notaries have duties:

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

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.

Please indicate the source for the question 166

Chamber of Notaries of Slovenia

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes
- No

169) 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 legality 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.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

(Caution: comments and interpretation is done by the Chamber of Notaries only)

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 Year 2005 and 2006 the Slovene Notariat has undergone considerable changes that 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%. Last Year 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.

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

From the end of year 2005, the Joint State Project, THE ELIMINATION OF COURT BACKLOGS, THE LUKENDA PROJECT, prepared by Ministry of Justice, is under way. Goal of the project is the elimination of the court backlogs in the courts and Prosecutor's Offices by 31 December 2010.

The most significant measures for providing a more efficient judiciary and the elimination of the court backlogs as defined in the Reform Programme for achieving the Lisbon Strategy goals and in the Framework of Economic and Social Reforms for increasing the Welfare in Slovenia are the following:

- (i) providing workplace conditions in accordance with the strategy of spatial development of the judicial system,
 - (ii) additional provision and organisation of human resources or professional staff for a fixed period until 31 December 2010 when the court backlogs are planned to be eliminated,
 - (iii) a stimulating remuneration of the court staff for eliminating court backlogs.
- Other measures directed at the increase of the efficiency of judiciary are:
- (iv) the simplification of legislation and the standardization of judicial proceedings,
 - (v) complete computerisation of the courts,
 - (vi) additional training of judges and prosecutors and the introduction of specialisation of judges,
 - (vii) reorganisation and better management of courts – an analysis ought to be conducted of the size of the optimum-sized organisational unit of the smallest possible efficient court and, in criminal matters, of a possibility of specialization of courts – regulation of jurisdictions comprising larger areas,
 - (viii) stimulating quality and efficiency of work of the prosecutors and state attorneys,
 - (ix) modifications of court fees and lump sums directed at better proportion between the rates and the actual costs of proceedings,
 - (x) modifications of attorney's fees in order to expedite the proceedings and acknowledge the necessary costs corresponding to the actual work done,
 - (xi) establishment of a quick and efficient system of enforcing penalties, lump-sums and court fees,
 - (xii) establishment of a system for facilitating and simplifying the decision-making process in the cases of minor importance,
 - (xiii) promotion of civic consciousness in order to emphasize the trust and respect of judicial authorities and court staff,
 - (xiv) provision of better security in the courts,
 - (xv) provision of continuity of judges and opportunities for them to be promoted to a higher grade and rank within the same court and the same legal area,
 - (xvi) provision of mobility of judges and/or case files,
 - (xvii) the establishment of a single statistical database for statistical monitoring of the courts' work based on uniform criteria,
 - (xviii) the establishment of a coordinating body in charge of statistical monitoring of the courts' work by the Ministry of Justice, the Judicial Council and the Supreme Court,
 - (xix) the data from the single statistical database should be made available to all users: the Ministry of Justice, the Judicial Council, the Supreme Court and all other courts, taking into account the legislation on protection of personal data.