

Opinion Nr. 13 of the CCPE

1. Describe the main problematics in your country concerning the independence, the accountability and the ethics of prosecutors.

State prosecutors of the Republic of Slovenia are independent by law, they act as individual and autonomous officers of a state, which was affirmed also by the Constitutional Court of RS in its decision in 2013. However, decisions in some important criminal cases that do not match public expectations are often unjustifiably used by the media and by some political parties to undermine authority of prosecution service. This has a very negative impact on public opinion and raises serious criticism in particular in relation to the appearance of independence and impartiality of State Prosecutors. Although the prosecution service as whole in striving to improve the performance of State Prosecutors the negative effect of such conduct is not easy to overcome. Another thing that puts pressure on performing prosecutorial office independently is constant threat of politicians that the permanent term of office of State Prosecutors should be abolished.

With reference to the accountability of State Prosecutors our provisions in State Prosecutors' Office Act form a strong basis for proper sanctions in case of breaching the duties; State Prosecutor shall be held liable for any misconduct in the performance of his duties. We do not recognize critical issues in this field.

However, the ethics and integrity of State Prosecutors are the themes that have been discussed only recently. In September 2015 the State Prosecutorial Council adopted the Code of ethics of State Prosecutors and appointed three members to the Ethics and Integrity Commission. Since then the Clarifications to the Code and Recommendations on conflicts of interest were also adopted. But we still do not have case law in this field. Although we had some training activities in past two years it still appears that State Prosecutors are not giving enough emphasis on awareness of actions that could be considered as problematic in terms of ethics and integrity.

2. Indicate which recommendations in relation to this topic would need to be included in a CCPE Opinion addressed to all European countries.

With reference to main problematics described above the recommendations would need to be addressed mainly to politicians to refrain from any unjustified criticism and to help protect the independence and authority of state prosecution service instead. A healthier public opinion should be formed in order to reduce the pressure on State Prosecutors. Governments should ensure adequate human and financial resources for prosecution service to deliver effective results. Authorities should be encouraged to promote high standards of ethics and integrity of State Prosecutors and to provide quality education and trainings for State Prosecutors on a regular basis in order to increase perception of the importance of high ethical standards that have to be met during performing prosecutorial office.