

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Replies to the questionnaire for the preparation of the CCJE Opinion No. 23
(2020):

**“The role of the Associations of Judges
in supporting the judicial independence”**

SLOVENIA

*Please in your answers do not send extracts of your legislation
but describe the situation in brief and concise manner.*

General

1. How many Associations of Judges (please note that they can have different names) exist in your country?
 - a) For judges of all jurisdictions and all court levels **1**
 - b) For judges of certain jurisdictions only **0**
 - c) For judges of certain court levels only **0**
 - d) Are there Associations of Judges on some other criteria (i.e. women judges) **No**

Total number of all types of Associations of Judges **1**

Other objectives _____

Membership

2. What are the requirements for membership in the Associations of Judges?
Members of the association are judges or retired judges who submit a membership application (Art. 6, Rules of the Slovenian Association of Judges).
3. Are prosecutors members of the Associations of Judges? **No.**

Legal framework / objectives

4. Which is the legal framework of the Association of Judges? Are there specific legal regulations (law, by-laws) which deal with the Associations of Judges in your country?
The legal basis for every association is enshrined in Art. 42 of the Slovenian Constitution which guarantees the right of assembly and association.¹ Whereas

¹ “The right of peaceful assembly and public meeting shall be guaranteed.
Everyone has the right to freedom of association with others.

there is no specific regulation (laws) governing the Association of Judges, general provisions of the Associations Act (“Zakon o društvih”) apply. In accordance with the Associations Act every association is governed by its internal rules. Pursuant to Art. 74.c of the Courts Act (“Zakon o sodiščih”) an association of judges can obtain a status of an association of public interest, provided it represents at least half of all judges.

5. According to their statutes, what are the main objectives of the Associations of Judges? (please mark yes or no and indicate by “1”, “2” and “3” the three most important objectives)

Defending and fostering the independence of judges and the judiciary	<input checked="" type="radio"/> O yes <input type="radio"/> no 1
Defending and fostering the rule of law	<input checked="" type="radio"/> O yes <input type="radio"/> no 3
Fighting for economic safeguards of judges	<input checked="" type="radio"/> O yes <input type="radio"/> no 2
Fighting for social and physical security of judges	<input checked="" type="radio"/> O yes <input type="radio"/> no
Contribution to the development of the law	<input checked="" type="radio"/> O yes <input type="radio"/> no
Training of judges	<input checked="" type="radio"/> O yes <input type="radio"/> no
Ethics and accountability of judges	<input checked="" type="radio"/> O yes <input type="radio"/> no
Involvement in judicial self-government, especially influencing the election of officers of self-government	<input type="radio"/> O yes <input type="radio"/> no x
Media work	<input checked="" type="radio"/> O yes <input type="radio"/> no
Organising conferences	<input checked="" type="radio"/> O yes <input type="radio"/> no
International contacts and networking	<input checked="" type="radio"/> O yes <input type="radio"/> no
Other objectives (which)	<input type="radio"/> O yes <input type="radio"/> no

Support of individual judges

6. a) How do the Associations of Judges interact with individual judges?
At conferences, annual meetings, through representatives in the bodies of association, and through internet site <http://www.sodnisko-drustvo.si/>. Day-to-day communication also takes place via e-mail where the association informs its members about its ongoing activities.

Legal restrictions of these rights shall be permissible where so required for national security or public safety and for protection against the spread of infectious diseases.

Professional members of the defence forces and the police may not be members of political parties.”

b) Can judges get assistance from the Association (which kind)?

They can get moral and collegiate support but not legal representation nor advice how to act in court-, administrative and other proceedings, as the Slovenian Association of Judges is not a trade union. In the event of breach of judicial independence it takes action e. g. by means of a public statement (press release).

c) Do the Associations of judges defend individual judges (against what)?

Yes. In the event of breach of independence of an individual judge or an attack on a judge the association prepares and publishes a press release/statement.

7. If there is an infringement of the independence of a judge or of the judiciary, by what means do the Associations of Judges react?

Depending on the gravity of the violation the Slovenian Association of Judges reacts:

- **by issuing a press release or**
- **by addressing a letter to the other two branches of power and the media or**
- **by organizing a protest meeting**

8. Is there any influence of the Associations of judges on appointment or promotion of judges?

No, this is the competence of the Council for the Judiciary (Judicial Council of the Republic of Slovenia).

9. Is there any influence of the Associations of Judges in disciplinary procedures?

No, this is the competence of the Council for the Judiciary (Judicial Council of the Republic of Slovenia).

10. Is there any influence of the Associations of Judges on training?

Yes, one member of the Programme Board of the Judicial Training Centre is a representative of the Slovenian Association of Judges (Art. 74.a, Courts Act). He/she actively participates in the preparation of the annual training programme of judges. Furthermore, the Slovenian Association of Judges on a regular basis organises training courses for judges.

Resources

11. Are there membership fees?

Yes, 72 EUR per year.

12. What other resources are available for the Associations of Judges?

There are no other resources available. The only exception, which seldom occurs in practice, may be the involvement of the association in international or European projects.

Administration of the Associations of Judges

13. How are the governing bodies, the secretariat and officers of the Associations of Judges selected? What is their term of office?

The bodies concerned are: General Assembly, Main Board, President, 2 vice-presidents, Executive Board, Secretary General, Supervisory Committee and Council for judicial ethics.

The main body of the association is the General Assembly consisting of all members of the association. The Main Board consists of the representatives of judges working at general and specialized courts of all instances. The number of the representatives of judges of courts of general jurisdiction of first instance depends on the number of judges in a district court who are members of the association (one representative for 40 member-judges from each district court) and one representative of judges of local courts from the territory of each high court. Furthermore, there are 2 representatives of judges working in labour and social courts, 1 representative of judges of each of the 4 higher courts, of the High Labour and Social Court, of the Administrative Court, 1 representative of judges of the Supreme Court, and 2 representatives of retired judges.

The members of the Main Board select 4 members of the Executive Board among themselves. President and vice-presidents of the association are ex officio members of the Executive Board.

The President and two vice-presidents of the Association of Judges are elected by the members of General Assembly. The Main Board appoints Secretary General.

14. Are there restrictions as regards the number of terms of office for members of the governing bodies of the Associations of Judges, and if yes, how many terms and for how long?

The term of office of the governing bodies is 4 years, the sole restriction being the office of the President which is limited to 2 consecutive presidential mandates.

15. Are there restrictions to become an officer of an Association of Judges?
No, every member of the Slovenian Association of Judges can be elected officer of the association.

Interactions with state institutions and political parties

16. How do the Associations of Judges interact with the parliament?
By written correspondence (initiatives to amend legislation relating to judiciary, protest letters and statements, opinions on draft legislation), occasional meetings.

Are Associations of Judges involved in the process of law-making?

Yes, the association is often invited to give opinions on draft legislation (proposals of acts of laws) relating to judiciary and the status of judges.

If yes, how (is this formal or informal)?

The association is formally invited to give an opinion on draft legislation.

17. How do the Associations of Judges interact with the government, especially with the ministry of justice?
By written correspondence (initiatives to amend legislation relating to judiciary, protest letters/statements, opinions on draft legislation), and occasional meetings (formal and informal). Slovenian Association of Judges is often invited to give opinions on draft legislation (proposals of acts of laws) or to designate a member of the association to become a member of a working group at the Ministry of Justice (working groups for drafting legislation, implementation working groups etc.). Moreover, a representative of the Slovenian Association of

Judges who is by law a member of the Programme Board of the Judicial Training Centre (Art. 74.a, Courts Act) is actively involved in the preparation of the annual training programme for judges.

18. a) How do the Associations of Judges interact with political parties?
It should be noted that judges in Slovenia can be members of political parties as long as they are not members of their governing bodies. However, the association does not interact with political parties and is apolitical.
- b) Are certain Associations of Judges connected with certain political parties?
No.
- c) Is there an influence of party politics within the Associations of Judges?
No, the association is apolitical.
19. a) How do the Associations of Judges interact with the Council for the Judiciary?
By written correspondence (initiatives, proposals, information about (domestic and international) activities of the association etc.), and occasional meetings.
- b) What is the role, if any, of the Associations of Judges in the selection of members of the Council for the Judiciary and/or presidents of courts and judges (please describe)?
The association has no role in the selection of members of the Council for the Judiciary and/or presidents of courts and judges.
20. How do the Associations of Judges interact with the court administration and what, if any, are the problems in these relations?
The interaction with the court administration is informal, based on mutual respect and recognition of each other's role in the justice system. In practice, the association uses the courts' means of communication (e. g. e-mail) to disseminate information about association's activities to all judges (also to non-members). No major problems in this interaction have been encountered.

Interactions with other organisations

21. a) If there is more than one Association of Judges, how do they interact with each other?
There is only one association of judges in Slovenia.
- b) If there is more than one Association of Judges, how other stakeholders deal with this fact? /
22. How do the Associations of Judges interact with NGOs?
By written correspondence and occasional meetings which provide a forum for exchange of views. The association routinely extends invitations to its meetings to members of NGOs, and NGOs, in their turn, invite members of the association to their events. Common trainings occasionally also take place (especially with the Bar).
23. How do the Associations of Judges interact with foreign or international organisations?
Slovenian Association of Judges is member of the IAJ, its regional conference EAJ, and a member of AEAJ. It also participates in the activities of the OECD, UNDOC and OSCE. Representatives of the Slovenian Association of Judges attend annual meetings of the IAJ, EAJ and AEAJ and are actively involved in the work of their working (study) groups (e.g. replying to questionnaires, writing national reports, working groups discussions etc.).

24. Is there a trade union, in which judges can be members? If so, what are the relations between this trade union and the association of judges?
No, judges are not allowed to establish a trade union.

Ethical standards

25. Is there any influence of the Associations of Judges in establishing ethical standards?
Yes, the Slovenian Association of Judges adopted a Code of Judicial Ethics (applying only to members of the association). In order to extend its scope of application to all judges, it was then adopted by the Judicial Council of the Republic of Slovenia.
26. Do the Associations of judges contribute to a further improvement of the justice system? How?
The contribution of the association in this regard is considerable. First, through its activities it raises awareness in the society about the importance of the independence of judges and their adherence to ethical standards. By underlining the importance of continuous training for judges it promotes high professional standards. Its participation in the legislative process contributes to the development of law and justice system.

Perception

27. How does the public at large see the Associations of Judges?
Thanks to its apolitical character the perception of the association in the eyes of general public is rather positive. It has also gained reputation in the legal community by committing itself to defend and foster judicial independence and the rule of law. Although it might not be a key player in this field its voice is hard to completely ignore.