

(On-line) Roundtable on Effective national co-ordination: a key factor in reinforcing the domestic capacity for rapid execution of the ECHR judgments, 7 March 2022

Contribution of SLOVENIA

Robert Golobinek, Head of Project Unit for coordinating the execution of judgments of the European Court of Human Rights at the Ministry of Justice of the Republic of Slovenia

Thank you for your invitation. I am Robert Golobinek, head of the Project Unit for coordinating the execution of judgments of the European Court of Human Rights at the Ministry of Justice of the Republic of Slovenia. I am pleased to share Slovenian experience regarding the process for the execution of the Court's judgments.

I believe that execution of the Court's judgments is important element in upholding the Rule of law. Together with domestic procedures for execution, the supervision process in the Council of Europe plays an important role in this context.

In case of Slovenia, by 2015 the Court delivered total of 310 judgments against Slovenia, while 309 of them were formally still not executed. By today, 2022, the Court delivered total of 342 judgments, out of which 338 cases are closed and only 4 final cases are under the execution supervision.

What happened in Slovenia since 2015?

First of all, the political will of the justice minister at that time, Mr Klemenčič, was decisive to set up legal and institutional framework. In 2014 the **State Administration Act** was amended adding the task of "*coordinating ministries in the cases of the execution of judgments of international courts*" to the Ministry of Justice. In 2015 **Interministerial working group for coordinating the execution of judgments of the European Court of Human Rights** had been set up and in early 2016 a **Project Unit for coordinating the execution of judgments of the European Court of Human Rights** was formed in the Ministry of justice.

Second of all, the Project Unit, that is now consisted of 6 employees of the Ministry of Justice, started with the work. We developed internal standards for the activities that follow every new judgment.

At the same time, we reviewed measures taken in relation to the old cases that were pending the execution supervision. Updated action reports led to the closure of the cases.

Intensive dialogue and cooperation with the Department for the execution was of a great importance in those early steps. In addition, one of the members of the Project Unit was seconded to the Department for one year to get experience in writing action reports.

And third of all, we are also trying to raise awareness on Strasbourg court's judgements and their implementation. We set up and update the internet page on state of play of execution of each judgment against Slovenia. We organised, for example, a Conference on the occasion of the 60th anniversary of the ECtHR in 2019 in cooperation with Faculty of law in Ljubljana, where execution of judgments was also discussed. We will continue to make efforts also in training of judiciary on the Court's case law.

We also participate at the meetings of the Committee of Ministers at deputy level in Strasbourg. The horizontal exchange of practice in execution of judgments is very important.

What is the standard procedure in Slovenia?

Every new case is communicated by the State Attorney's Office to the head of the Project Unit and other relevant institutions, such as Supreme court and ministries. Member of the Project Unit prepares a brief analysis and proposes individual and general measures. The cabinet of the minister is informed of the case and proposed measures. In most cases the meeting is set up where necessary measures are discussed and agreed with competent ministry. Based on that the Action plan or report is drafted by the Project Unit in cooperation with responsible ministry, that applies the measures.

If some cases, also the representative of the Slovenian Mission to the Council of Europe is involved in the process.

Payments of just satisfaction and costs of proceedings are processed by the State Attorney's Office in due time.

The dialogue with the Secretariat of the Department for execution is very valuable, in some cases even before the submission of the action plan or report. I would like to thank Secretariat for their constructive cooperation in the process of preparing action reports.

I should also highlight that the State Attorney's office informs the head of the Project Unit on every new communicated application. Already at this stage an initial assessment is made in the Ministry of Justice, as well in the responsible ministry, that provides elements for the government's response to the application.

As mentioned above, the Interministerial working group was established in 2015, led by the Ministry of Justice's State secretary and comprised by representatives from different ministries, judiciary, Ombudsperson and State Attorneys' office. At its annual meetings the horizontal issues might be raised as it represents a forum for coordination at a political level.

Pilot cases

Prior to the establishment of the Project Unit Slovenia faced 2 important pilot judgments in 2014 related to dissolution of Yugoslavia in 1991 (*cases Kurič and Ališič*). Following the two pilot judgments, **two ad-hoc interministerial working groups** were set up in the Ministry of the Interior (*case Kurič*) and Ministry

of Finance (case *Ališič*). They prepared **draft laws and schemes** that were adopted by the parliament and had substantial financial consequences.

The case *Lukenda* (2005) with 263 clone cases related to the excessive length of judicial proceedings. Measures already implemented under the *Lukenda* project (2005-2012) were presented in a revised action report in 2016, which led to the closure of supervision of 264 cases.

In case of a pilot judgment the creation of ad-hoc working group with support of the Project Unit should therefore be considered also in the future.

Present challenges in the execution of judgments in Slovenia

I believe that each judgment deserves due attention, especially the ones that are related to structural or systemic problems and that affect higher number of individuals. The case *Pintar* from 2021 is the only case that is to be classified for enhanced supervision. (It relates to the cases of cancellation of some Slovenian banks' stocks and bonds in 2013 and 2014 in the context of the global financial crisis. The Court found the lack of procedural safeguards in respect to the decision of Bank of Slovenia. The case is quite complex and affects a number of individuals.)

In closing, the systematic approach has proved to be appropriate, since **the number of non-executed judgments has noticeably declined since the founding of the Project Unit**. Right now, we have only 4 final judgments that are pending execution. We are happy that the Council of Europe has also acknowledged the progress of Slovenia in this area. Some highest CoE and Court's representatives stated that "Slovenia is a model example of the exemplary execution of ECHR judgments" also in relation to the pilot cases.

I believe that, in addition to the establishment of institutional framework in Slovenia and the systemic work at the expert level, also the political support to the execution of the Court's judgment is crucial, especially for the implementation of the general measures with financial and political consequences. In this context the discussion at the CM DH meetings plays an important role.