

The state of the rule of law in the European Union

Reports from National
Human Rights Institutions

Slovenia

2024



ennhri.org



[@ennhri](https://twitter.com/ennhri)



[ENNHRI](https://www.facebook.com/ENNHRI)



[ENNHRI](https://www.linkedin.com/company/ennhri)

Human Rights Ombudsman of the Republic of Slovenia

Implementation of regional actors' and NHRI's recommendations on rule of law (from previous year) and actions undertaken by NHRI to facilitate implementation

State authorities follow-up to regional actors' recommendations on rule of law

The Human Rights Ombudsman of the Republic of Slovenia (hereinafter: the Ombudsman) has closely monitored the measures taken by Slovenian authorities to follow-up on the recommendations concerning rule of law, issued by the European Commission in its [2023 EU Rule of Law Report](#) as well as in its [2022 EU Rule of Law Report](#) concerning Slovenia. The Ombudsman supported and promoted the need for a dialogue and specific action with the aim that the responsible authorities adopt needed legislative or other measures.

The Ombudsman welcomes that, after years of recommendations to adopt an amendment to the Crime Victim Compensation Act (ZOZKD), which would determine the right to state compensation also for persons who are not citizens of the Republic of Slovenia and other EU countries, the needed amendment was finally adopted in June 2023 ([Official Gazette of the Republic of Slovenia, No. 76/2023](#)) and controversial Article 5 was changed in a way, that compensations are not limited to Slovenian and EU citizens but that also non-EU citizens are entitled to them.

However, Ombudsman assessment is, that in general the implementation of the proposed recommendations was poor and slow and that a broader public and expert debate on the needed changes or reforms was too often deficient, extremely short or without involving all relevant stakeholders.

State authorities follow-up to NHRI's recommendations regarding rule of law

The Ombudsman is concerned that in addition to five European Commission's [recommendations](#) on the rule of law from its 2022 EU Rule of Law Report, also the recommendations made in [ENNHRI's 2023 Report on the state of the rule of law in Europe \(a country chapter on Slovenia\)](#) have remained largely unimplemented. With this aim the Ombudsman repeats most of its recommendations from its 2023 Report:

Slovenian NHRI's recommendations to support the implementation of European Courts' judgments and the Decisions of the Constitutional Court of the Republic of Slovenia

The Ombudsman reiterates its recommendation made in [2022](#) and [2023](#) ENNHRI Rule of Law Report regarding Slovenia as well as in its [Annual Reports for 2020 \(pp. 29-30, 2021 \(see: Summary of Work in English, pp. 7 and 8\) and 2022 \(page 2 and 6\)](#) that responsible authorities ensure effective implementation of the declaratory decisions of the Constitutional Court of the Republic of Slovenia as a priority and within determined deadlines. The Ombudsman in this regard recommended to the Government several times that, following the example of the mechanism it established to implement the judgments of the European Court of Human Rights (the ECtHR), it establishes a similar inter-governmental coordination mechanism (in which external stakeholders participate as well) to provide expert support for the implementation of declaratory decisions of the Constitutional Court and to inform public on the status of implemented decisions in a transparent manner, including regarding the ongoing activities of the competent authorities for their realisation.

- The Ombudsman recommends again that the Ministry of Justice ensure that action reports and action plans about the execution of judgments of the ECtHR against Slovenia are also available in Slovenian. The Ministry of Justice rejected this recommendations in the [Government's Responding Report to the 2022 Annual Report of the Ombudsman in September 2023](#) with the argument that the communication with the Council of Europe is in English and that the action

reports and action plans are published on the webpage of the Ministry of Justice ([Government's Responding Report to the 2022 Annual Report of the Ombudsman in September 2023](#), p. 50). While the Ombudsman is aware that there is no formal international requirement to translate action plans and reports into national language, the institution is of the view that due to the importance of the implementation of the ECtHR judgments for the individuals, general public and for respecting the rule of law and human rights this argumentation is not in compliance with the [Public Use of the Slovene Language Act](#), in particular its Articles 1, 2, 5 and 6.

- The Ombudsman recommends again that the State Attorney's Office and the Ministry of Justice ensure that, in addition to the judgments of the European Court of Human Rights against Slovenia, more important judgments of this Court against other countries are also available in the Slovenian language. In [Government's Responding Report to the 2022 Annual Report of the Ombudsman in September 2023](#) (page. 49-50) the authorities in general agreed with the recommendation and at the meeting between representative of the Ministry of Justice and State Attorney's Office they agreed that the State Attorney's Office, in cooperation with other stakeholders, would prepare a project proposal for the translation of leading judgments. So far, the Ombudsman is not aware of any developments in this regard.

Slovenian NHRI's recommendations on how to improve the independence, quality and efficiency of the justice system in Slovenia

- The Ombudsman reiterates its recommendation to adopt additional measures to contribute to or assist in providing various forms of free legal aid outside the framework provided by the [Legal Aid Act](#).
- The Ombudsman recommends again that the authorities do everything necessary to ensure a sufficient number of judicial experts in family matters (especial in the fields like clinical psychology or child psychology), because a lack

of such judicial experts may lead to violation of children's rights. Despite the recognition that this is a current issue for years and despite several activities of the Ministry of Justice and other actors, no positive results are in place in practice; therefore, further solutions need to be found with the aim to provide preliminary solutions as soon as possible, while also working on sustainable solutions for the future.

Establishment, independence and effectiveness of the NHRI

International accreditation status and SCA recommendations

The Human Rights Ombudsman of the Republic of Slovenia was [re-accredited with A-status in December 2020](#). Among the recommendations, the SCA encouraged the Slovenian NHRI to advocate for the formalization and application of a selection and appointment process that includes requirements to broadly advertise vacancies, maximise the number of potential candidates from a wide range of societal group and educational qualifications, promote broad consultation and participation, and assess applicants based on pre-determined, objective and publicly available criteria.

The SCA encouraged the Slovenian NHRI to advocate for the funding necessary to effectively carry out the full breadth of its mandate. The SCA also encouraged the NHRI to advocate for appropriate modifications to applicable administrative procedures to ensure that its independence and financial autonomy is guaranteed.

Finally, while the SCA acknowledged that the Slovenian NHRI interprets its mandate broadly and carries out activities encouraging the state to ratify or accede to international human rights instruments, it encouraged the Ombudsman to advocate for legislative amendments to make this mandate explicit.

Follow-up to SCA Recommendations and relevant developments

Regarding the SCA recommendation on financial independence of the Slovenian NHRI, the recommendation on ensuring requisite safeguards for budgetary autonomy of the independent bodies was formally implemented through the adoption of the

Amendments to Public Finance Act in late June 2023 ([Official Gazette of the Republic of Slovenia, No. 67/2023](#)), which also enforced the Constitutional Court Decision ([decision No. U-I-474/18 of 10 December 2020, Official Gazette of the Republic of Slovenia, no. 195/2020](#)). However, in practice, there are still concerns that very little has changed in practice, especially related to consultations on draft budget proposal conducted by the Ministry of Finance. While the Ministry in practice somehow bypassed the new procedure in negotiations for 2024 and 2025 budget, the Government and the Parliament nonetheless, at the end respected the Financial Autonomy of the Ombudsman.

No other legislation changes concerning the SCA recommendations have been adopted so far. On 22 June 2023, the Government published its proposal for [Amendments to the Human Rights Ombudsman Act](#) for public consultations, which closed in August 2023. While the Ombudsman had been in a dialogue with the Ministry of Justice aiming to amend the Human Rights Ombudsman Act in line with the above mentioned recommendations as well as Principles on the protection and promotion of the Ombudsman Institution adopted by the Council of Europe ([the Venice Principles](#)), such bilateral consultations have been obstructed after the end of public consultations. In January 2024 the Ombudsman addressed the letter to the Ministry of Justice, requesting the information on the further proceedings as well as envisaged changes, based on public consultations. The Ombudsman expects that his proposals and recommendations are taken into account in a final proposal of amendments by the Government to the Parliament. However the Ombudsman is disappointed that the new draft, which was received on 23 February 2024, does not follow his recommendations in large extend, but rather introduces some novelties in elections/appointments of the head of institution and deputy-ombudspersons, which depart from the Venice Principles and the established democratic standards. The proposed amendments addressed also some aspects of the appointment of deputy-ombudsman for children rights.

However, the proposal did not address the SCA recommendation on the lack of specific legislative provisions giving explicit competence of the NHRI to encourage ratification or accession to human rights treaties. The Ombudsman supports this recommendation and proposes in its contribution during public consultations to adequately implement such recommendation. In practice, the Ombudsman regularly (more or less successfully) calls for ratification or accession to human rights treaties, i.e. for many years the Ombudsman has pleaded for ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OPICESCR), which has not yet been ratified by Slovenia and the responsible Ministries make several unsubstantiated arguments and excuses – while Slovenia ratified all other individual complaint mechanisms under other human rights treaties.

Regulatory framework

As mentioned above the Act amending the Public Finance Act ([Official Gazette of the Republic of Slovenia, No. 67/2023](#)) on 28 June 2023 was adopted. Article 20 of the Public Finance Act was amended in a way that new paragraph 3 was added, which reads as follows:

"(3) Notwithstanding the previous paragraph, in the event that the government fails to reach an agreement with the National Assembly, the National Council, the Constitutional Court, the Human Rights Ombudsman and the Court of Auditors, it shall include in the draft budget a proposal for a financial plan proposed by the National Assembly, the National Council, the Constitutional Court, the Human Rights Ombudsman or the Court of Auditors, as well as the proposal of the financial plan proposed by the government in its explanation."

In addition, Article 40 (Measures to balance the budget) was amended, in order to provide the following:

"(2) In addition to the measures from the previous paragraph, the government can also determine that direct users, except for the National Assembly, the National Council, the

Constitutional Court, the Ombudsman or the Court of Auditors, must obtain the prior consent of the ministry responsible for finance in order to conclude a contract.”

In this regard the Ombudsman expects that these provisions would be reflected in practice in additional procedures and with the aim to ensure the financial autonomy also in practice, when negotiating the budget.

NHRI enabling and safe environment

The Ombudsman is concerned that the share of laws adopted by urgent procedure in Parliament continues to be high. This also results in short or even extremely short public consultations, including insufficient consultations with NHRIs and other relevant stakeholders, on draft laws by the Government. Their duration was mostly shorter than the recommended 30 to 60 day period, which counters the 2009 Parliament [Resolution on the normative activity](#).

The Ombudsman recommended to the Government and its Ministries, as the main legislation-drafting authorities, to act transparently and in accordance with the principle of good administration and to reasonably include during the legislation drafting procedures those persons and entities whom proposed draft legislation or regulations directly affect, before a public debate takes place” ([Recommendation No. 1 \(2022, ongoing task\)](#)). However, the Government and the Ministries fail to involve various stakeholders in the early phases of the drafting procedures, arguing that public debate is sufficient means of ensuring participation of the stakeholders, even if the new regulations directly address their rights or competences.

Such practice was e.g. introduced in [2022 with amendments to Radiotelevizija Slovenija Act in 2021](#), where Article 17(3) was amended in a manner that the Ombudsman appoints one member of the RTVSLO Council, a representative of the public, on the basis of a public call to non-governmental organizations in the field of the protection of human rights and freedoms. However, the Ombudsman was never consulted on such a proposal of the extension of its mandate. Another current example is proposed [novel of the Mass Media Act \(ZMed-1\)](#). The proposed ZMed-1 was given to public consultations

on 12 December 2023 and was opened for public discussion and comments until 3 February 2024. The proposal, *inter alia*, aims to give additional responsibilities to the Ombudsman: under proposed Article 34(4), the competent inspector may (also) consult with the Ombudsman before issuing a temporary measure to remove or prohibit the dissemination of controversial content; nevertheless, the inspector is not bound by the opinion of the Ombudsman. However, the Ombudsman was not previously consulted on this proposal. During the public consultations, the Ombudsman assessed that the proposal was not adequate in many respects: First, the Ombudsman points out that media publishers are not the bearers of public authority or public powers over which the institution has jurisdiction under the Constitution and laws. It is controversial and not acceptable that the Ombudsman could start hearing cases based on the initiative of the authorities (which the inspectors undoubtedly are), since it was established precisely to protect the rights of individuals from the authorities. The proposed regulation would also be controversial from the point of view of the legally established independence and autonomy of the Ombudsman in his work (Article 4 of the Human Rights Ombudsman Act). Based on the proposed solutions, the Ombudsman should give "opinions, views or instructions" on the basis of the inspector's initiative, i.e. he should deal with the matter in respect of which the said inspection authority decides to contact him. The Venice Principles namely, e.g. in point 14, state that "The Ombudsman may not receive or follow the instructions of the authorities."; in item 16, e.g. also explicitly stated that such an institution must have the "discretionary right to investigate cases on his own initiative or on the basis of a complaint" (it would not be possible to talk about this right in the case of the inspector's initiative), etc.

The Ombudsman also reminded the Ministry of Culture of the Republic of Slovenia (MK) about its several times repeated recommendation to amend Article 8 of the Mass Media Act (ZMed) in force, in relation to combating hate speech, which was not sufficiently addressed in the proposed draft law. It does not even appear from the draft law that the Ombudsman's recommendation was even taken into consideration during its preparation. The Ombudsman estimates that the proposed Article 34(1) of the ZMed-1

proposal, which amends and supplements the existing and still valid Article 8 of the ZMed on the prohibition of incitement to inequality, violence and war and incitement to hatred and intolerance, is more specific and thus gives greater legal certainty, therefore represents progress compared to the existing regulation. However, since the proposed solutions do not include sanctions for the media that allow the publication of hate speech, according to the Ombudsman, this is a bad message to the media, as it will still be considered that the violation of the mentioned provision does not result in any responsibility of the media. The Ombudsman has been warning for years that regulation without an appropriate sanction is not effective. In this sense, he expects a significant step forward, which the aforementioned legislative proposal does not demonstrate. The Ombudsman suggests reconsidering the fact that ZMed-1 would define a violation of the first paragraph of Article 23 (when it is legally established) as a minor offence under Zmed-1 and, as a result, would also determine a fine for the media (e.g. at least comparable to what is defined, e.g., for actions contrary to Article 34 (protection of children)). The Ombudsman even published a first comprehensive analyses on [«Criminal prosecution of hate speech in Slovenia according to Article 297 of the Criminal Code \(KZ-1\): Analysis of prosecutorial practice in prosecuting the crime of public incitement to hatred, violence and intolerance in the period 2008-2018 »](#) in 2021, which was also not adequately taken into consideration.

Such attitude and action in is unacceptable and also contrary to the Council of Europe Recommendation [CM/Rec\(2021\)1](#) of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions and the Recommendation [CM/Rec\(2019\)6](#) of the Committee of Ministers to member States on the development of the Ombudsman institution. Ombudsman expects and recommends that such practice of adopting legislation, where regulations are prepared without a meaningful dialogue with institutions and groups to which they pertain, ends. Such practice is not transparent, does not reflect the principle of good administration and also negatively affects the rule of law in decision-making procedures.

Further, 30 years after the adoption of the Human Rights Ombudsman Act, the Ombudsman position is that it is time that its provisions are also synchronised with the Venice Principles, adopted by the Venice Commission in 2019. It is high time that the Ombudsman in Slovenia be assigned greater jurisdiction regarding the monitoring of the situation of various vulnerable groups. Hence, the Ombudsman strives for amendments to the law which will enable a more efficient operation of the institution in ensuring the rights of people with disabilities, victims of human trafficking and children's rights. The Ombudsman expects that the Government considers its recommendations and proposals and forwards the coordinated proposed new amendments to the Human Rights Ombudsman Act to the National Assembly for further consideration. However, the Ombudsman is of the view that existing act offers sufficient ground and guarantees for its operation and would not support solutions, which would undermine existing standards of its operation. In case of doubt of the compliance of amendments with the Venice Principles, the Ombudsman is considering making a referral to the Venice Commission. Until today, the Venice Commission has adopted opinions on the legal frameworks of operation of human rights ombudsman institutions in numerous states. Lastly, the Ombudsman observes that the level of implementation of its recommendations is particularly low in matters, where more ministries or governmental departments would need to interact, cooperate or adopt a common approach, solution, or mutually agreed legislative amendment. Consequently the Ombudsman recommended that the Government finds a systematic solution of better coordination of its activities in the field of human rights ([Ombudsman's Recommendation No 1\(2022\)](#)).

NHRI's recommendations to national and regional authorities

The Ombudsman recommends to national authorities to:

- Establish special coordination within the Government, which would deal with recommendations of the Ombudsman pertaining to multiple government

departments and prepare a uniform standpoint and work plan for the realization of such recommendations.

- Consult the Slovenian NHRI, other independent institutions, civil society and other relevant stakeholders in an early stage of the legislation drafting procedure and before public consultations take place, when envisaged changes directly refer to the competences and/or mandate of the institutions or when they directly affect the rights of specific groups.

Checks and balances

Separation of powers

The Ombudsman agrees with the warnings of the representatives of the judiciary on its dependence on the other two branches of government for an important part of its operation, and with regard to the necessity of regulating the appropriate salary of judges to ensure their independence, which is also pointed out by the [Decision of the Constitutional Court number U-I-772/ 21 of 1 June 2023](#), by which it was determined that the regulation of judges' salaries is inconsistent with the constitutional principle of judicial independence. The Ombudsman therefore encourages the Government and the Ministry of Justice to continue with activities aimed at improving the position of the judiciary, including the adoption of appropriate normative legal provisions to ensure the (suitable and adequate) salaries of judges and to eliminate problems in ensuring the appropriate level of salaries of other court personnel. The deadline for the enforcement of the Decision of the Constitutional Court expired on 4 January 2024, however the decision was not enforced. This was followed by the protest of the judges due to the non-implementation of the central requirement from this decision, namely that the National Assembly had to eliminate the identified inconsistency with the Constitution of the Republic of Slovenia within six months, or by January 4, 2024. The courts and judges had announced long before what the consequences of non-compliance would have been; only urgent matters would have been handled by the courts. This is something that the other branches of government knew and could have prevented the matter. In

view of judiciary there was more than enough time to implement the Constitutional Court decision. However, the Ministry of Justice and the Government had been of the view that the reform would be part of the broader negotiations on the new salary system of the public sector, which were ongoing; consequently the Government and the Parliament were aware that they would be late with the implementation of the above mentioned decision of the Constitutional Court.

The Ombudsman reminded through public media that he had recalled on several occasions, that non-enforcement of the judgments of the Constitutional Court was a systemic problem in Slovenia and represents a major violation of the rule of law. There are several non-implemented decisions of the Constitutional Court (28 at the end of 2021. Some of them are ignored for more than 10 years. Also the Decision of the Constitutional Court No. U-I-474/18 of 10 December 2020 on Financial Autonomy of four independent institutions, including of the Ombudsman, was not enforced by the deadline posed by the Constitutional Court, which was 23 December 2021; however after several calls and recommendations, including the recommendation issued by the European Commission in its 2022 Rule of Law Report, it was only enforced on 28 June 2023, i.e. more than one year and a half later.

The Ombudsman therefore urges the Authorities to immediately take all necessary steps to implement all non-enforced judgments of the Constitutional Court. It has already recommended the establishment of the Government's coordination mechanism – as explained above.

The process for preparing and enacting laws

The Ombudsman is concerned that the Ministries and the Government do not allocate sufficient time for consultations on draft laws. For example, in connection with the preparation of the [new Long Term Care Act](#), the Ombudsman has repeatedly emphasized that the existing situation has been inadequately addressed and that, above all, there is a lack of a vision of a long-lived society, which, among other things, requires the operation of various forms of assistance. It is clear that it was useful to set

up, from the beginning of the process, an active working group broadly composed of various stakeholders that would have looked for better solutions.

The Ombudsman welcomed the establishment of the special working group. He attended all the working meetings as an external observer (he could not be a full party to the proceedings, since affected citizens could later on ask him to exercise his powers over issues that had been dealt with by the working group). And he positively evaluated the exchange of opinions of various parties who in practice are faced with the issue of long-term care.

The working group was in the middle of its meetings looking for legal solutions. It was about to hold its 4th session and look at the first 60 articles of the proposed text. However, the Ombudsman received information that the Government had decided to submit the entire text of the ad-hoc proposal for interdepartmental consideration.

After two days, the second (new) version was submitted for public hearing, and the deadline for comments in the public consultations was only seven days (five working days). This was quite unusual and caused a risk in the adoption of considered, determined and appropriate solutions. Due to continued time pressure, the comments received during the public consultations were not properly addressed in the Ombudsman's opinion; this raises serious concerns regarding the meaningful involvement of the public in the adoption of the legislative process. Hence the Ombudsman's overall concern about the method of adopting the law.

Independence and effectiveness of independent institutions (other than NHRIs)

The Slovenian NHRI observes the practice of a general low level of implementation of recommendations of independent institutions, such as the Ombudsman and the equality body, by the authorities, which negatively impacts the effectiveness of independent institutions.

Enabling environment for civil society and human rights defenders

The Slovenian NHRI actively promotes the importance of monitoring human rights and rule of law situation in Slovenia. In this regard it also promoted that Slovenia properly implements recommendations of the international monitoring bodies under various human rights treaties. The Ombudsman notes that the majority of his recommendations concerning persons with disabilities remain unrealised. For example, the recommendation that the Government drafts a legislative proposal as soon as possible for the Republic of Slovenia to establish an independent mechanism to promote, protect and monitor implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in accordance with Article 33(2) of the Convention still has not been implemented – while the Ombudsman as an A-Status NHRI has offered several times to undertake such responsibility. Due to the latest information by the Ministry of Justice, the Government again refused to propose that such a mandate would be conducted by the Slovenian NHRI. The current situation is not in favour of persons with disabilities. The Ombudsman reports on his activities regarding the rights of persons with disabilities every two months, in order to stress that.

NHRI's recommendations to national and regional authorities

The Ombudsman recommends:

- That the Government establishes an inter-governmental coordination mechanism to provide expert support for the implementation of declaratory decisions of the Constitutional Court of the Republic of Slovenia, similar to the co-ordination mechanism it established to implement judgments of the European Court of Human Rights.
- That the Government on an annual basis reports to the Parliament on its activities regarding the enforcement of all non-enforced decisions of the Constitutional Court of the Republic of Slovenia and adopts the action plans with clear deadlines on the implementation of all non-enforced decisions of the Constitutional Court.

- That the Government establishes a webpage on the execution of the Decisions of the Constitutional Court of the Republic of Slovenia, with all relevant data, similar to the [webpage on the execution of judgments of the European Court of Human Rights](#).

Impact of securitisation on the rule of law and human rights

NHRI's actions to promote and protect human rights and rule of law in the context of national security and securitisation

The Ombudsman reiterates its key recommendations to national authorities, especially to the Ministry of the Interior, included in its [2021 National Report on the Human Rights Situation of Migrants at the Borders](#) based on investigations of police procedures conducted in relation to migrants at various locations. In September 2023 the Ombudsman [informed the public on its findings regarding the situation in the Asylum home in Ljubljana](#). The Ombudsman informed about the intolerable conditions in the Vič Asylum in Ljubljana. Unfortunately, the problem of overcrowding in the asylum centre has been ongoing for a long time, and the authorities have been looking for solutions for too long, about which the Ombudsman of the Republic of Slovenia often warns the government and demands appropriate measures. The Ombudsman believes that the system of accommodation and care for migrants must be prepared for increased arrivals of international protection applicants (asylum seekers). Otherwise, even more demanding and even more difficult situations may arise, both from the point of view of ensuring human rights and protecting the public interest (e.g. in the field of public health). The Ombudsman also emphasizes that ensuring fast (but at the same time fair) procedures for international protection contributes to reducing the number of applicants for international protection and the resulting overcrowding of available capacities. The Slovenian NHRI strongly condemns all attempts by countries to respond to the arrival of international protection seekers with illegal rejection (pushbacks), as well as with other violations of human rights, including violations of the right to dignity by not providing decent and sufficient accommodation capacities.

Already in the spring, the Human Rights Ombudsman called on the Government of the Republic of Slovenia and its President to do everything necessary to ensure additional spatial capacities of the Government Office for the Support and Integration of Migrants (UOIM) for housing seekers of international protection. In its response, the government presented its efforts and emphasized that it is aware of the strain on accommodation capacities, especially the Asylum Home in Vič, which is why, as they wrote, it will continue to take all necessary measures to that end. The Ombudsman expects quick and effective measures from the government in the form of adequate accommodation capacities to protect the dignity and safety of the people housed in the asylum.

Implementation of European Courts' judgments

The Slovenian NHRI informs that the cases of the ECtHR against Slovenia awaiting execution are the following:

- Pintar and Others v. Slovenia, Application No. [49969/14](#), Judgment of 14 September 2021, concerning Article 1 of Protocol 1 to the European Convention on Human Rights (cancellation of shares or bonds of former holders), where the Action Plan was submitted to the Committee of Ministers on 16 June 2022 and a Revised Action Plan was submitted on 24 March 2023.
- Q and R v. Slovenia, Application No. [19938/20](#), Judgement of 8 February 2022, concerning Article 6 of the Convention (too long protracted custody proceedings), where an Action Plan was submitted on 1 February 2023.
- Dolenc v. Slovenia, Application No. [20256/20](#), Judgment of 20 October 2022, concerning Article 6(1) of the Convention, where an Action Plan was submitted on 23 July 2023.
- Gregor Rutar in Rutar Mareting d.o.o., Application No. [21164/20](#), Judgment of 15 December 2022, concerning Article 6 (1), where an Revised Action Report was submitted on 14 December 2023.

- Letonje v. Slovenia, Application No. [10397/20](#), Judgment of 6 July 2023, concerning Article 6(1) of the Convention, where an Action report was submitted on 12 January 2024.
- Bavčar v. Slovenia, Application No. [17053/20](#), Judgment of 7 September 2023, which is not yet final.

NHRI's actions to support the implementation of European Courts' judgments

The Ombudsman is regularly monitoring the enforcement of judgments of the European Court of Human Rights as this falls into the scope of human rights and rule of law issues. The Ombudsman cooperates with relevant ministries and other actors and when needed gives recommendations, support or criticism. The Ombudsman has so far not felt the need to make a so-called Rule 9 submission because of the regular dialogue with the authorities / ministries and meaningful cooperation within the Intergovernmental Working Group on the Execution of Judgments of the ECtHR.

On 6 October 2023, the Council of Europe Department for the Execution of Judgments of the European Court of Human Rights visited Slovenia. The Department also separately met with the Slovenian NHRI. On 13-14 November 2023, and in follow up to the Reykjavik Declaration, a representative of the Slovenian NHRI participated in the meeting of the Parliamentary Assembly (PACE) Sub-Committee on the implementation of judgments of the European Court of Human Rights, held in the Parliament of the Republic of Croatia in Zagreb. The NHRI presented good practice example of Slovenia regarding the national coordination structures on the implementation of judgments of the ECtHR and the role of the NHRIs.

NHRI's recommendations to national and regional authorities

The Ombudsman repeats its recommendation concerning the translation of Action Plans and Action Reports into Slovenian language in order to make the entire ECtHR judgments' implementation process more accessible to a general public and more transparent and fully in line with Slovenian legislation on the use of Slovenian language by public authorities.

The Ombudsman also proposes to the National Assembly to establish a practice that the Government would annually report to the National Assembly on the state of the execution of the ECtHR judgments. This would not only involve more the national parliament into the process, but also give political dimension and importance to the process of enforcement of ECtHR judgments.

Other challenges in the areas of rule of law and human rights

Justice system

With [recommendation no. 55 \(2022\)](#), the Ombudsman recommended that the judiciary continue to strengthen confidence in its work by ensuring trials without unnecessary delays, while maintaining high quality and fairness of decisions. The Ombudsman encouraged the competent authorities of the executive power to ensure the necessary financial, personnel and spatial conditions for the work of the courts. This recommendation is still pending implementation and, therefore, the Ombudsman reiterates it. The need for its implementation is also pointed out by individual cases that were tackled by the Ombudsman in 2023 and are presented in the [Ombudsman's Annual Reports](#). The material aspect of judicial independence was specifically highlighted also by the Constitutional Court of the Republic of Slovenia in decision no. U-I-772/21 dated 1 June 2023, which concluded that the regulation of judges' salaries is inconsistent with the constitutional principle of judicial independence. The Constitutional Court set a six-month deadline for the legislator to eliminate the identified unconstitutionality, taking into account that the legislator and the Government have been familiar with the issue in question for a long time. Nevertheless, this decision of the Constitutional Court was not executed within the time limit that was set, which is worrying.

On the occasion of the judges' and prosecutors' protest at the beginning of 2024, the Ombudsman warned again that non-enforcement of the judgments of the Constitutional Court is a systemic problem in Slovenia and represents a major violation of the rule of law. The Ombudsman emphasized that the decisions of the Constitutional

Court must be implemented within the deadline or as soon as possible, regardless of whether we agree with them or not, as this is the essence of respecting the rule of law. The Ombudsman highlighted its [recommendation from 2020](#) (page 30) that the government should establish a mechanism to coordinate the execution of decisions of the Constitutional Court, which would provide professional support to decision-makers. This recommendation of the Ombudsman was also explicitly highlighted by the European Commission in its Rule of Law Report - a country chapter on Slovenia. The government unfortunately rejected it for the third time in its responsive report, stating that it is sufficient that each Ministry takes responsibilities under its competences.

The Ombudsman also draws attention to the importance of adequate premises for the exercise of judicial functions. To this end, it supports activities for the construction of a new courthouse in Ljubljana, a project that is unfortunately stagnating. When purchasing a building for some courts in Ljubljana on Litajska cesta, there was suspicion of corruption in the public-tender procedure. The matter is currently being investigated by the Commission for the Prevention of Corruption (KPK) and the National Investigation Agency (NPU).

Media freedom

The Ombudsman recalls the importance of the media freedom and of transparency of media ownership. In this aspect the already mentioned proposed new mass Media Act (ZMed-1) is of utmost importance. It needs to be recalled that several comments were made. The Ombudsman expects that the new Media Act will strengthen both the free operation of the media and the actual transparency of their ownership. It is in favour of complete transparency in the operation of the media, which is why the Slovenian NHRI sees no reason to include in the official records ownership information "only" about persons who have at least a five percent ownership share or a share in the owner's capital or assets. The Ombudsman expects clarifications in this regard and consideration of the introduction of complete transparency of media ownership. The Ombudsman

expects that all these issues will be adequately regulated by the amendment to the Media Act.

The Ombudsman also points out that progress is also needed with regard to the transparency of the management of state funds and funds of local communities for advertising in media houses. As the European Commission warns Slovenia, the country does not have clear and transparent principles regarding the payment of media content, which is particularly worrying at the municipal level.

Last but not least, the Ombudsman also points to the impermissible precariousness of the journalistic profession, which limits the freedom of journalists and reduces the quality of their work. Care for journalists is also care for the right to freedom of expression, so the state should find appropriate normative solutions to limit the precariousness of journalistic work.

NHRI's recommendations to national and regional authorities

The Ombudsman recommends:

- that the National Assembly of the Republic of Slovenia implement the decision of the Constitutional Court no. U-I-772/21 of June 1, 2023, and thus eliminates the identified discrepancy in the regulation of the salary position of judges.
- to the Ministry of Justice to continue activities to improve the position of the judiciary in the direction of more efficient proceedings.