

The state of the rule of law in Europe

Reports from National Human Rights Institutions

Slovenia

2023

 ennhri.org

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

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

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

The Human Rights Ombudsman of the Republic of Slovenia

Impact of 2022 ENNHRI rule of law reporting

Impact on the Institution's work

The Human Rights Ombudsman of the Republic of Slovenia (hereinafter: the Ombudsman, the Slovenian NHRI) informs that it has mainstreamed its findings and recommendations provided in the 2022 ENNHRI report on the state of the rule of law in Europe (2022 ENNHRI Rule of Law Report) throughout its work and advocacy, including in its Annual Report for 2021¹, its presentation in the National Assembly and the National Council, at various bilateral meetings with state authorities (e.g. the prime minister, ministers, and other state officials) as well as with international actors, for example, in consultations with the European Commission, exchange of views with the European Economic and Social Committee and with other regional human rights bodies.

On 30 September 2022, the Ombudsman also actively participated at the Roundtable "Integrity in relation to legality and legitimacy", organized by the Anti-corruption Commission. At the roundtable with the participation of the President of the Republic of Slovenia, President of the Supreme Court, the Anti-Corruption Commission, Minister of Justice and other high officials where the Ombudsman highlighted the importance of the implementation of the recommendations given in the European Commission's 2022 Rule of Law Report, as well as in 2022 ENNHRI Rule of Law Report. The Ombudsman also expressed its concerns regarding the unimplemented decisions of the Constitutional Court as well as the NHRI's recommendations. Furthermore, the

Ombudsman was also actively engaged with the Fundamental Rights and Rule of Law Group of the European Economic and Social Committee (EESC) and participated in this group's meeting visit to Slovenia in November 2022.

Follow-up initiatives by the Institution

In 2022, the Ombudsman held meetings with the Minister of Justice to discuss implementation of the recommendations considering its Annual Report as well as in the 2022 ENNHRI Rule of Law Report.

NHRI's Recommendations to national and European policy makers

- The Ombudsman recommends that the state authorities include the information on the implementation of the Ombudsman's recommendations from the 2022 ENNHRI Rule of Law Report in a yearly official report on the state of the rule of law in Slovenia, submitted to the European Commission.
- The Ombudsman repeats all its key recommendations to national authorities from the 2022 ENNHRI Rule of Law report on how to strengthen the independence and effectiveness of the Ombudsman, because all of them have remained unimplemented:
 - implementation of the Constitutional Court decision No. U-I-474/18 of 10 December 2020 on the unconstitutionality of Public Finance Act² related to financing autonomy of the Ombudsman and three other independent institutions as soon as possible.
 - to adopt legislative amendments in collaboration with the Ombudsman on the position and operation of the NHRI in accordance with the recommendations of the Accreditation Committee (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) for Slovenia from December 2020.

- to adopt legislative amendments that would reflect international standards, as are defined in the Principles on the Protection and Promotion of the Ombudsman Institution (the Venice Principles) from 2019, adopted by the Venice Commission of the Council of Europe, and in the Resolution (A/RES/75/186) on the role of the Ombudsman and the mediator in the promotion and protection of human rights from 16 December 2020.

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 Ombudsman has closely monitored the measures taken in Slovenia to follow-up on the recommendations concerning rule of law, issued by regional actors (for instance, by the European Commission – 2022 EU Rule of Law Report). The Ombudsman is concerned that all six recommendations made by the Commission in its 2022 Rule of Law Report remain relevant. However, as part of the annual dialogue on the rule of law at the General Affairs Council (GAC), the ministers responsible for European affairs discussed on 15 December 2022 the Rule of Law Report of the European Commission of last July for Slovenia and four other Member States. The representative of Slovenia presented activities of the Government, while also the Commission in general recognised positive developments in Slovenia.³

The Slovenian NHRI states that regarding European Commission's recommendation to Slovenia to "ensure requisite safeguards for budgetary autonomy of the independent bodies", which was also specified in ENNHRI's 2022 Rule of Law Report on the Constitutional Court decision No. U-I-474/18 of 10 December 2020 on the unconstitutionality of Public Finance Act related to financing autonomy of the Ombudsman and three other independent institutions as soon as possible. The NHRI

This report is part of the 'Strengthening National Human Rights Institutions' project funded by Iceland, Liechtenstein and Norway through the EEA and Norway Grants Fund for Regional Cooperation.

informs that the deadline for implementation was due in December 2021 and remains unimplemented in April 2023. The Ombudsman, however, notes that in March 2023 the Ministry of Finance and the Government proposed to the National Assembly the amendments to the Public Finance Act, which in Articles 2 and 3 also address necessary legislative changes regarding the mentioned Constitutional Court decision.⁴ However, the Ombudsman (NHRI) would like to indicate that the neither the Ministry of Finance nor the Government made any prior consultations with the Ombudsman or other independent institutions in question, regarding the text of the proposed amendments. . The NHRI also informs that the deadline for implementation was due in December 2021 and remains unimplemented in April 2023.

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

The Slovenian NHRI notes that in 2022, Personal Data Protection Act⁵ provided new legal grounds for processing personal data. The Paragraph 5 of Article 6, for example, provides that: the processing of personal data on national or ethnic affiliation in the public sector may be determined only exceptionally, for cases in which it is necessary for a decision on the personal status, rights, incentives and benefits of the individual to whom the personal data refer or for ensuring and promoting equal treatment, equal opportunities and guaranteed special rights of members of the national or ethnic community in the Republic of Slovenia, whereby the law determines the consent of the individual to whom personal data relates or determines the processing of data regarding which the individual freely defines himself. The Ombudsman notes that it was contained in the NHRI's long-term recommendation, also presented in 2022 ENNHRI Rule of Law Report. The recommendation was that "the competent authorities should adopt adequate legislation in order to enable and ensure systematic collection of disaggregated data as per protected personal grounds in all areas of social life with the aim to accurately determine the situation and trends regarding equality in society and to promote equal treatment and equal opportunities when observing applicable

This report is part of the 'Strengthening National Human Rights Institutions' project funded by Iceland, Liechtenstein and Norway through the EEA and Norway Grants Fund for Regional Cooperation.

national and international standards on personal data protection". Finally, the Slovenian NHRI call upon relevant authorities to use this new provision that allows to collect disaggregated data in Slovenia.

In the 2022 ENNHR Rule of Law Report, the Ombudsman also called upon the implementation of the 2019 EU Whistle blowers Protection Directive. Furthermore, on the 23rd of January 2023, The National Assembly finally adopted the Act on the Protection of Whistle blowers (ZZPri), ⁶The Act establishes system mechanisms for reporting violations of applicable regulations and ensure protection to the person reporting such violations.

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 2020.⁷ 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 selection and appointment, the Slovenian NHRI reports that, in practice, the call for applications for the Ombuds is made public and that there is consultation with representative of political parties.

In relation to the recommendation on financial autonomy, it is worth mentioning, as above, that on 10 December 2020, the Constitutional Court adopted the decision that certain provisions of the Public Finance Act, as much as they pertain to the National Council, Constitutional Court, Human Rights Ombudsman, and Court of Audit, are inconsistent with the Constitution (decision No. U-I-474/18 of 10 December 2020, Official Gazette of the Republic of Slovenia, no. 195/2020).⁸ The Constitutional Court prescribed a deadline for its implementation, which expired on 23 December 2021. As of April 2023 the National Assembly has in legislative procedure a Government's proposal of the amendments to the Public Finance Act, which address also the mentioned Constitutional Court decision.

The Slovenian NHRI informs that there are ongoing discussions regarding the legislative amendments on the position and operation of the Ombudsman in accordance with recommendations of the Accreditation Committee (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) for Slovenia from December 2020, and on the position and operation of the Ombudsman in line with the Principles on the Protection and Promotion of the Ombudsman Institution (the Venice Principles from 2019, adopted by the Venice Commission of the Council of Europe, and in the Resolution (A/RES/75/186) on the role of the Ombudsman and the mediator in the promotion and protection of human rights. The Ombudsman is in a dialogue with the Ministry of Justice aiming to amend the Human Rights Ombudsman Act in line with the above mentioned recommendations. The Ombudsman expects that needed amendments are adopted by the National Assembly in 2023.

Regulatory framework

The Slovenian NHRI informs that no changes were made to its regulatory framework since ENNHRI's 2022 Rule of Law Report, despite the NHRI's recommendations to do so, including in its annual reports as well as during the discussion of the reports in the National Assembly. However, the Government did not provide an action plan or an estimated data for the implementation of the recommendations.

The Ombudsman hopes that the relevant recommendations will be implemented in 2023, such as the recommendations from the 2022 ENNHRI Rule of Law Report – the country chapter on Slovenia by the adoption of the amendments to the Human Rights Ombudsman Act as well as, the recommendation of the European Commission to ensure budgetary autonomy for the independent bodies, including the Ombudsman. In Ombudsman's opinion, it is not enough to merely change practice, without proper legislative implementation of the relevant Constitutional Court's judgment.

Enabling and safe space

The Slovenian NHRI informs that it considers that state authorities sufficiently ensure enabling space to independently and effectively carry out its work. However, the Ombudsman notes that during the last years some initiatives were made by individuals or organisations to establish additional special ombudsman institutions. The initiatives claim to establish a special child ombudsman, an ombudsman for elderly persons and tax-payers ombudsman. The NHRI informs that the protection of children rights, rights of older persons and of tax-payers falls within the competence of the Ombudsman in accordance with the Constitution and the Human Rights Ombudsman Act and that the establishment of new institution would cause duplication of competences and unnecessary duplication of work. At the same time, the Ombudsman notes that it promotes the rights of all vulnerable groups, such as children, the disabled, the elderly, women, national and ethnic communities, LGBTIQ+, employees, the unemployed and

foreigners. Despite it, the Ombudsman is supporting the efforts to strengthen its capacity in the mentioned fields through the allocation of additional staff and financial resources. NHRI recommends that its mandate is strengthened in the field of children rights in order to meet all standards for ombudsman for children rights from the European Network of Ombudsman for Children (ENOC) Statutes,⁹ aiming to reach a full membership of ENOC.

In 2021 as well as in 2022, the Slovenian NHRI recommended the Government proposal to establish an independent body for promoting, safeguarding and monitoring the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in accordance with paragraph two of Article 33 of the Convention. In this line, the NHRI offered to act as such institution based on its experience and the fact that it acts as an A-Status NHRI since January 2021. However, this recommendation remains unimplemented.

The NHRI informs that the current situation is not in favour of disabled persons (non-unified definition of disability, inadequate and too slow process of deinstitutionalization, inaccessibility of facilities for mobility impaired persons, various types of discrimination etc.), while Slovenia is entering the second cycle of the reporting under the Convention on rights of persons with disabilities (CRPD) in 2023. In December 2022, the Ombudsman participated in the public debate on the issue in the State Council, where a representative by the responsible Ministry ensured that the responsible Ministry would coordinate the efforts and prepare the draft law for further proceedings by end of June 2023. The Ombudsman declares willingness to cooperate with the Ministry, aiming to find a solution, which would be in line with the Conventional standards and in benefit of persons with disabilities in Slovenia.

Developments relevant for the independent and effective fulfilment of the NHRIs' mandate

The Ombudsman is preparing the publication of International Standards of its mandate which would include Slovenian language translations of the United Nations and Council of Europe principles and standards regarding Ombudsman Institutions, National Human Rights Institutions (NHRIs) including the Recommendation 2021/1 of the Committee of Ministers of the Council of Europe on NHRIs, and on specific mandates (National Preventive Mechanism, Ombudspersons for Children, CRPD body). The aim is to raise awareness on the need for national compliance with international and regional standards in legislation as well as in practice. The Slovenian NHRI notes that the publication with introductory note is planned to be published in Autumn 2023.

NHRI's recommendations to national and regional authorities

The Slovenian NHRI reiterates the previous recommendations of the 2022 ENNHRI Rule of Law Report. Additionally, the Ombudsman recommends to the Ministry of Labour, Family, Social Affairs and Equal Opportunities and to the Government of the Republic of Slovenia to prepare an appropriate proposal, to the National Assembly to adopt appropriate legal bases to establish an independent body for promoting, protecting and monitoring implementation of the Convention on the Rights of Persons with Disabilities, in accordance with the second paragraph of Article 33 of this Convention.

Human rights defenders and civil society space

Access to and involvement of civil society actors in law and policy making

In 2022, the Ombudsman raised concerns regarding the process of drafting laws that are not in line with the right of civil society to participate in the adoption of environmental regulations.¹⁰ For example, shortcomings include short deadlines for public hearings, subsequent substantial additions to proposed regulations and their

insufficient justifications. In October 2022, the Slovenian NHRI also raised awareness to the United Nations Special Rapporteur for Human Rights and the Environment of such practices during their meeting. Similarly, in June 2022 the NHRI emphasized the necessity of transparency of procedures and public participation at the June working meeting with representatives of civil society organisations in the field of human rights, environment and space.

On the other hand, the NHRI informs that its recommendation was adopted by the National Assembly: The Act on ratification of the Council of Europe Convention on Access to Official Documents (ETS No. 205) in January 2023.

However, for many years the Ombudsman has pleaded for ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), which has not yet been ratified by Slovenia.

NHRI's role in promoting and protecting civil society space and human rights defenders

Throughout 2022 the Human Rights Ombudsman had several meetings with representatives of civil society organisations and human rights defenders in the field of paraplegics and tetraplegics, autism spectrum disorder,¹¹ trade unions¹² and in protection of the environment.¹³

In September 2022, the Slovenian NHRI stresses that it published a second updated version of the Ombudsman's Short Guide on How and When to Complain to the UN Human Rights Treaty Bodies¹⁴. The aim of the 'HRI's Guide is to increase awareness of individuals, civil society and barristers of international human rights and to encourage their use in cases of alleged human rights violations under international human rights conventions. The Guide was distributed to the Slovenian Bar Association, civil society organisations and NGOs that can inform people about the various options for protection of their rights. In 2022, the Slovenian NHRI was informed of the first

communication against Slovenia before the Committee on the Rights of the Child (CRC) where the NHRI made a request to submit a third-party intervention. The case (CRC Case No. 195/2022 and 196/2022) concerns an unaccompanied minor from Myanmar (of Rohingya ethnicity) who lived in a refugee camp in Bosnia and Herzegovina and made several attempts in 2020 and 2021 to cross Croatia and Slovenia irregularly. He was allegedly pushed back by Croatian Police several times and also once by Slovenian Police in July 2021. The allegations regarding his encounter with the Slovenian Police include lack of individualized assessment, failure to recognise him as a minor, ignoring of his asylum claim and violation of the principle of non-refoulement, which matches the kind of violations detected by the Ombudsman in other border procedures with migrants around the same time.

NHRI's recommendations to national and regional authorities

The Ombudsman reiterates its key recommendations to national and regional authorities on how to better protect and support civil society actors, including human rights defenders, in Slovenia from 2022 ENNHRI Rule of Law Report. The Slovenian NHRI recommends that:

- The Ministry of the Interior shall implement the Ombudsman's recommendations included in its 2021 National Report on the Human Rights Situation of Migrants at the Borders¹⁵, based on investigations of police procedures conducted in relation to migrants at various locations.
- The Authorities should refrain from any activity which could violate laws and procedures, including strategic lawsuits against public participation (SLAPPs), to intimidate civil society organisations, rights defenders and other actors, such as journalists working on matters of public interest.

Implementation of European Courts' judgments

Assessment of follow-up activities of State authorities

The Ombudsman informs about an overall positive effectiveness of follow-up and implementation by state authorities of the European Court of Human Rights. . The NHRI states that from 309 unimplemented judgments at the end of 2015, the number was lowered down to six (6) at the end of 2022¹⁶, where judgment is final and two additional, where judgment is yet not final. The system of the Inter-governmental working group with the support unit at the Ministry of Justice and with specific role of State Advocate's Office is in general well-functioning in respect to individual as well as general measures. The Ombudsman monitors the enforcement and acts as an independent member of the mentioned Intergovernmental Group (two deputy-ombudspersons are members). The Ombudsman has also good contacts with European Implementation Network (EIN).

Furthermore, the NHRI informs that it has not yet used the Rule n° 9 submission. However, the Slovenian NHRI monitored practices of questionable use/implementation of the judgment in case *Krajnc v Slovenia*, where the Slovenian NHRI raised some concerns.¹⁷

The Ombudsman considers the implementation of the judgments of the Court of Justice of the European Union in Luxembourg (CJEU) as sufficient. In its opinion, EU law itself guarantees an effective implementation of CJEU judgments.

The Ombudsman also notes that the European Commission has commenced many infringement procedures against Slovenia, because it failed to comply with European Union directives related to air quality, wastewater treatment, the protection of endangered birds, the prevention of major accidents involving dangerous substances, waste management and others. The Ombudsman calls for a timely transposition of EU directives into national legislation, especially in the field of environmental law.

Leading European Courts' judgments awaiting implementation

The Slovenian NHRI informs that the leading 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 Action Plan was submitted to the Committee of Ministers on 16 June 2022¹⁸.
- 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 is in preparation¹⁹.
- Ferhatović v Slovenia, Application No. 64725/19, Judgment of 7 July 2022, concerning Article 1 of Protocol 1 of the Convention (return of seized copper in criminal proceedings)²⁰.
- Vizigirda v. Slovenia, Application No. 59868/08, Judgment of 28 August 2018, concerning Article 6 of the Convention (provision of interpretation in criminal proceedings against a citizen of Lithuania only in the Russian language), where Action Report was submitted to the Committee of Ministers on 15 June 2022²¹).
- Produkcija Plus Storitveno podjetje d.o.o., Application No. 47072/15, Judgement of 23 October 2018, concerning Article 6 (refusal of an oral hearing in the judicial protection procedure against a decision on a fine due to obstruction of the investigation), where Action Plan was submitted on 2 August 2019²².

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. Due to a dialogue with the

ministries so far it was not needed that the Ombudsman would submit a so-called Rule 9 submission.

NHRI's recommendations to national and regional authorities

Even though Slovenia has at present a good record of implementation of judgments of the European Court of Human Rights, the Ombudsman has made in 2022 some additional recommendations in order to increase transparency of proceedings, which for now remain unimplemented. Therefore, the Ombudsman raises these recommendations also in this report:

- The Ombudsman recommends that the Ministry of Justice ensures that action reports and action plans about the execution of judgments of the European Court of Human Rights against Slovenia are also available in Slovenian.
- The Ombudsman recommends 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.
- The Ombudsman also reiterates its recommendation made in 2022 ENNHRI Rule of Law Report that responsible authorities should ensure effective implementation of decisions of the European courts as well as 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 that following the example of the mechanism it established to implement the judgments of the European the Court of Human Rights, it establishes a mechanism 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.

Artificial Intelligence

Impact of AI on human rights, democracy and rule of law

The Slovenian NHRI informs that the Authorities should pay adequate attention to the human rights and rule of law aspects in the field of use of artificial intelligence (AI). This includes information to public (including to different minority groups) about the operation of algorithms, deep data and the impact of AI on the daily life of the people.

The Ombudsman welcomes that, in January 2023, the Ministry of Digital Transformation was established (before the Governmental Office for Digital Transformation had operated since 2021), with a mandate to monitor and analyse the state of digital transformation and the information society at the national level and prepares, coordinates and implements national measures and projects in the field of the information society and digital transformation of the economy, public administration, healthcare, justice, agriculture, education and other area²³, it emphasizes that specific attention should also be given to the human rights and rule of law aspects. Ensuring anti-discrimination framework, especially when addressing the digitalisation of health system. On 30 March 2023 the Ombudsman also called that it is necessary that the technological development of artificial intelligence takes place within appropriate legal and ethical frameworks, which would strengthen the existing level of respect for human rights and fundamental freedoms of each individual and strengthen legitimate democratic processes.²⁴

NHRI's actions to address challenges regarding the use of artificial intelligence

The Slovenian NHRI also welcomes the opening of negotiations for a Council of Europe Convention on artificial intelligence, human rights, democracy and the rule of law, and considers such convention as an important opportunity to develop the first legally binding international instrument on AI. The NHRI informs it agrees that the convention should include clear and strong safeguards to protect individuals. In this sense, the

This report is part of the 'Strengthening National Human Rights Institutions' project funded by Iceland, Liechtenstein and Norway through the EEA and Norway Grants Fund for Regional Cooperation.

NHRI highlights the active role of the Government of Slovenia, especially the Ministry of Justice at the European Level.

The Slovenian NHRI informs that it supports the European Commission's proposed EU Artificial Intelligence Act.

NHRI's recommendations to national and regional authorities

The Ombudsman's key recommendations to national authorities in the field of AI is that at all levels state authorities, especially the newly established Ministry for Digital Transformation, give specific attention to the human rights and rule of law aspects of the digitalization of various systems and sub-systems of the society, including AI, through making human rights and rule of law impact assessments, which would include specific focus on vulnerable groups.

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

The Slovenian NHRI informs that during 2022 its activities regarding judiciary and court proceedings increased compared to the previous year.²⁵ The NHRI notes that the courts managed to adapt their operations quickly enough to the new conditions, i.e. to successfully counter the consequences of the coronavirus disease, so that in the court proceedings in connection with which petitioners turned to the Ombudsman, there were no notable delays for which individual courts are responsible for. The Ombudsman concludes that the reasons for a long duration of individual court proceedings were frequently on the side of the parties to the proceedings, with exception in more complex (economic crime) cases.

The Slovenian NHRI informs that regarding the allegations against the impartiality of the individual judge, the Ombudsman informed the petitioners about their legal options as parties in court proceedings using the institution of disqualification of a judge. The right to an impartial and independent judge derives from the European Convention on the

Protection of Human Rights and Fundamental Freedoms (ECHR). The Ombudsman submitted in March 2023 a third-party intervention concerning the right to a legal (natural) judge and a right to a fair trial (Article 6 of the Convention) in case X and Others v. Slovenia.

In the field of judiciary, the Ombudsman also notes the need to build a new court building that would unite the Ljubljana Local Court, the Ljubljana District Court and the Ljubljana Labour and Social Court. The need to build such a new building have been raised by the judiciary form almost 20 years and it has been more than 17 years since the Ministry of Justice has initiated the project to build a new court building in the capital. Currently the mentioned courts operate in several locations across the city, several of them being at improper locations. The Ombudsman noted progress in this regard during the last years; however, it also notes certain hesitation to continue the project.²⁶ The Slovenian NHRI understands that there is an urgent need for a new court building in Ljubljana. The Ombudsman stresses the Government, and the Ministry of Justice should present their support and a timeline for building the new court. The NHRI concludes that a court's proper premises can contribute to a proper administration of justice, including ensure better victim support.

In this sense, the Slovenian NHRI also monitors activities regarding the construction of a new men's prison and detention center in Ljubljana, as its construction should also be understood in relation to the proper execution of the judgment of the European Court of Human Rights in case *Mandić and Jovič v Slovenia*²⁷). In addition, the NHRI inform that it has for years advocated also the reconstruction of a women's prison in Ljubljana, which is the only female prison in Slovenia, while the conditions in the present premises do not meet all standards, also ensuring equal treatment of men and women.

Regarding the monitoring of anti-corruptions activities, the Ombudsman notes that in the Corruption Perceptions Index for 2022²⁸, which reflects the perception of corruption

in the country, Slovenia lost a point and achieve its lowest score to date in the ranking for 2022. Despite the index does not necessarily show the actual situation, further attention should be given to fighting corruption in Slovenia.

NHRI's recommendations to national and regional authorities

The Ombudsman recommends to the Authorities to continue with the efforts to build a new court building in Ljubljana that would unite the Ljubljana Local Court, the Ljubljana District Court and the Ljubljana Labour and Social Court, and specifically to the Government and the Ministry of Justice to present a clear timeline in this regard.

The Ombudsman's also reiterates all key recommendations to national and regional authorities on how to improve the independence, quality and efficiency of the justice system in Slovenia form 2022 ENNHRI Rule of Law Report:

- 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;
- 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;
- And finally, to 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.

¹ [Annual Report for 2021](#)

² [Decision No. U-I-474/18 of 10 December 2020 on the unconstitutionality of Public Finance Act](#)

³ See: [Slovenian Ministry of Foreign Affairs: The European Commission is satisfied with the progress in the field of the rule of law in Slovenia, 15 December 2022.](#)

⁴ See: [Predlog zakonov – Zakon o spremembah in dopolnitvah Zakona o javnih financah.](#)

⁵ [Personal Data Protection Act \(ZVOP-2\), Official Gazette of the Republic of Slovenia, No. 163/22.](#)

-
- ⁶ <https://www.gov.si/novice/2023-01-27-zakon-o-zasciti-prijaviteljev-zvizgacev-sprejet-v-drzavnem-zboru/>, See: [Official Gazette of the Republic of Slovenia, No. 16/23](#).
- ⁷ [SCA Report December 2020](#)
- ⁸ Official Gazette of the Republic of Slovenia, No, 196/2020 of 23 December 2020. See [here](#) and [here](#).
- ⁹ [The European Network of Ombudspersons for Children Statutes as amended November 2020](#).
- ¹⁰ See: [Ombudsman's Annual Report for 2021, pp. 309-314](#).
- ¹¹ See: [Pregled aktivnosti Varuha na področju človekovih pravic invalidov / oktober-december 2022](#).
- ¹² See: [Varuh Svetina: "Vsakdo si zasluži, da delo opravlja v dostojnih delovnih razmerha", 25. 4. 2022](#). See also: [RTV SLO, MMC: Sindikat policistov: Neodvisna preiskava Varuha vsaj delno oprala madež s policijskih uniform, 23. 9. 2022](#).
- ¹³ See: [Varuh in posebni poročevalec ZN za človekove pravice in okolje: "Za Slovenijo na področju izvajanja zakonov in politik velik izziv.", 10. 3. 2023](#).
- ¹⁴ <https://www.varuh-rs.si/en/news/news/ombudsmans-guide-on-complaints-to-the-international-treaty-committees/>
- ¹⁵ [2021 National Report on the Human Rights Situation of Migrants at the Borders](#)
- ¹⁶ [Annual Report 2022 of the Committee of Ministers on its supervision of the execution of the European Court's judgments, 6 April 2023, p. 80](#).
- ¹⁷ See: [Neustrezna implementacija sodbe ESČP, 15. 4. 2022](#).
- ¹⁸ [https://hudoc.exec.coe.int/ENG#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2022\)665E%22%5D%7D](https://hudoc.exec.coe.int/ENG#%7B%22EXECIdentifier%22:%5B%22DH-DD(2022)665E%22%5D%7D)
- ¹⁹ <https://hudoc.echr.coe.int/eng?i=001-215476>
- ²⁰ <https://hudoc.echr.coe.int/eng?i=001-218131>
- ²¹ [https://hudoc.exec.coe.int/ENG#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2022\)647E%22%5D%7D](https://hudoc.exec.coe.int/ENG#%7B%22EXECIdentifier%22:%5B%22DH-DD(2022)647E%22%5D%7D)
- ²² [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2019\)848E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2019)848E%22%5D%7D)
- ²³ [Ministry of Digital Transformation](#).
- ²⁴ See: [Varuh v Amsterdamu s Komsarko za človekove pravice Sveta Evrope Dunjo Mijatović o vplivu umetne inteligence na človekove pravice, 30. 3. 2023](#).
- ²⁵ According to the statistical data for 2022 the Ombudsman handled in the broader field of justice 430 cases in 2022 (in 2021, there were 409 such cases) and in the narrower field of court proceedings 154 initiatives in 2022 (while 148 in 2021). All together with phone-calls and conversations included, a total number of issues considered in 2022 was 814 (while in 2021 819).
- ²⁶ See: [Projekt nove sodne palace v Ljubljani zamrznjen, 12. 12. 2022, SiolNET](#).
- ²⁷ <https://www.gov.si/novice/2020-06-05-svet-evrope-je-zakljucil-nadzor-nad-izvrsevanjem-se-5-sodb-escp-proti-sloveniji/>
- ²⁸ [Corruption Perceptions Index 2022](#)