



**VRHOVNO DRŽAVNO TOŽILSTVO**

REPUBLIKE SLOVENIJE

URAD GENERALNEGA DRŽAVNEGA TOŽILCA

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## QUESTIONNAIRE

### **The impact of the COVID-19 pandemic on the administration of justice and the free and independent exercise of the legal profession**

#### **Responses of the Supreme State Prosecutor's Office of the Republic of Slovenia**

**1. Please describe the measures that have been adopted in your country/region to guarantee the proper functioning of the justice system during the COVID-19 pandemic:**

In the Republic of Slovenia, the Act on provisional measures for judicial, administrative and other public matters to cope with the spread of infectious disease SARS-CoV-2 (COVID-19) (ZZUSUDJZ) was adopted in the field of criminal law that was in force from 29.3.2020 to 1.6.2020. On the basis of this Act, material deadlines did not run, and procedural deadlines ran only in urgent cases as defined in the Courts Act (ZS). In accordance with the Orders of the President of the Supreme Court, the trials were held only in urgent cases during this particular period.

**(a) To what extent, if at all, have these measures had an adverse impact on the separation of powers, the independence of the judiciary and the free exercise of the legal profession or had the effect of limiting access to justice for victims of human rights violations?**

In our view, these measures (running of material and procedural deadlines and not having trials apart from urgent cases) did not have an adverse impact on the separation of powers, the independence of the judiciary and the free exercise of the legal profession or had the effect of limiting access to justice for victims of human rights violations.

**(b) Has the legality or the constitutionality of these measures been subject to judicial review?**

In our view legality and constitutionality of these measures has been observed. It should be noted that the Act on provisional measures for judicial, administrative and other public matters to cope with the spread of infectious disease SARS-CoV-2 (COVID-19) (ZZUSUDJZ) and Orders of the President of the Supreme Court were not annulled by the Constitutional Court.

**(c) Have these measures adopted on the basis of emergency legislation? Have the judiciary and the legal profession been consulted prior to their adoption through their representative organisations? If so, to what extent have their contributions been taken into account by the Government?**

Due to the urgent situation, those measures were adopted in an extremely short period of time, so there was no consultation.

**2. Do you consider that the measures adopted in your country/region to ensure access to courts and tribunals during the COVID-19 pandemic have been sufficient:**

**(a) to ensure the proper functioning of the justice system?**

Yes, they were sufficient.

**(b) to protect the health and safety of all the actors in the justice system (e.g. judges, prosecutors, lawyers, court officials, law enforcement officials)?**

Yes, they were sufficient.

**(c) to enable judges, prosecutors and lawyers to carry out their professional duties in a timely and effective manner?**

Yes, they were sufficient.

**3. Please provide information on the measures adopted in your country/region to manage the backlog caused by the COVID-19 pandemic. Which criteria have been developed and used to identify urgent cases (e.g. cases on the legality of pre-trial detention or domestic violence)? Have additional budgetary resources been allocated to the court system to tackle the challenges posed by the COVID-19 pandemic? If so, do you consider that these additional resources have been used in an effective and transparent way?**

We do not have the information on the measures taken in the Republic of Slovenia to eliminate the backlog, but it should be noted that the COVID-19 pandemic in Slovenia is still ongoing, so such measures will most likely be implemented later. Emergency cases are specifically determined by the Courts Act, in the criminal field these are detention cases, procedures related to the execution of imprisonment sentences and other cases for which the law so provides.

**4. Please provide information on the technological means that have been used to ensure the functioning of the court system during the COVID-19 pandemic:**

In order to provide adequate equipment for working from home, prosecution offices allowed employees to take home computer equipment that is suitable for working from home and in some cases provided replacement laptops for those employees whose equipment was not otherwise suitable for working from home.

Expert Information Center at the Supreme State Prosecutor's Office as the administrator of the information system of the State Prosecutor's Office provided remote accesses to the State Prosecutor's Office information system. They also established online access to e-mail services on the computers and mobile phones.

When the epidemic was declared, the State prosecutor's office first set up a system of Cisco Webex teams and Cisco Webex meetings. After two weeks of use it was decided that Microsoft Teams was a more suitable solution for internal communication for an organization such as the Public Prosecutor's Office, as this tool offers tools for collaboration and direct communication between closed user groups in addition to videoconferencing. However, the Cisco Webex still remains available, which is obviously quite in use abroad, and we have also used it several times successfully for video conferencing convened by various foreign authorities.

The functionalities of the information system that support paperless operations proved to be very efficient. It turned out that the electronic form of the file plays a key role in this, as it enables the review and ordering of the execution of individual tasks related to the file as electronic. An electronic order proved to be very useful, with which the holder of the file is able to order the preparation of the prosecutor's decision and its posting. This is possible with an e-order without the physical contact that is necessary in a paper business.

The functionality of electronic signature is also very important when working from home.

It enables the electronic signing of the prosecutor's decision, which is then forwarded to the addressee electronically.

**(a) To what extent, if at all, have judicial stakeholders (e.g. judges, court staff, prosecutors) had access to adequate technological means and appropriate training on new procedures (e.g. use of electronic platforms to access documents, electronic case management and videoconferencing options)?**

See answer above.

**(b) Which safeguards have been put in place to ensure that the use of technological means does not adversely affect fair trial and due process standards (e.g. public hearings, adequate time and facilities to communicate with one's own lawyer, access to interpretation...)?**

**(c) What measures have been developed to facilitate access to justice for disadvantaged groups and individuals who may not own a computer, not have access to internet, or not be tech-savvy enough to participate in online hearings?**

**5. With regard to the free and independent exercise of the legal profession, please provide information on:**

**(a) the obstacles, restrictions or impediments that lawyers faced during the COVID-19 pandemic with regard to access to clients, particularly those under arrest or detention, and in relation to their participation in courtroom activities;**

**(b) the measures adopted in your country/region to enable lawyers to carry out their professional activities during the COVID-19 pandemic. Do you think that these measures have been sufficient to enable lawyers to exercise their professional activities without any obstacle or improper interference?**

**(c) With particular regard to criminal proceedings, to what extent have these measures been adequate to enable lawyers to adequately represent their clients on an equal basis with the prosecution?**

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