



## SLOVENSKO SODNIŠKO DRUŠTVO

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**Subject: THE VIOLATION OF MATERIAL INDEPENDENCE OF SLOVENIAN JUDGES  
MAY HINDER THE EUROPEAN ELECTIONS 2024**

*Dear President of European Commission, Ms. Von Der Leyen,*

*Dear Commissioner for Justice, Mr. Didier Reynders,*

*Dear President of European Parliament, Ms. Roberta Metsola,*

On behalf of the Slovenian Association of Judges, the only association of its kind in Slovenia, to which app. 600 judges from all courts in the country belong, I must inform you about urgent, very regrettable and unpleasant events in our country.

In June last year, the Constitutional Court of the Republic of Slovenia ruled in its decision U-I-772/21 (available in English: <https://www.us-rs.si/decision/AN004124?lang=en>) that the regulations governing the salaries of judges violate the constitution because the salaries of judges are so low that they violate the principle of judicial independence and the principle of separation of powers. The Government of the Republic of Slovenia and the National Assembly of the Republic of Slovenia (Parliament) were given a deadline of six months to remedy the situation, which expired on the 3<sup>rd</sup> of January 2024 without success.

The fact is that the Government and the Parliament have taken a right that does not belong to them - namely to ignore the decision of the Constitutional Court, precisely the one that protects the independence of the judiciary from the executive and legislative branches. The representatives of the executive and the legislature have thus abused their power to the ridicule of us judges and to the great shame of all.

Slovenian judges consider non-implementation of the decision of the Constitutional Court not only as a significant interference with the independence of the judiciary but also as a serious breach of the principles of the rule of law and separation of powers as the foundations of the Constitutional system of the Republic of Slovenia as well as European Law.

In accordance with the decision of the meeting of the Main Board of the Slovenian Association of Judges, Slovenian judges are therefore starting a protest and thus temporarily suspending our extrajudicial activities in which judges cooperate with the executive branch – the government. If nothing happens, **this could also delay our participation in the organisation of the 2024 European elections**. As judges are presiding over electoral districts across the country, the organisation of the EU elections in Slovenia will thus be hindered.

As Slovenian judges have exhausted domestic legal and negotiation options, we are turning to Europe for help and support.

The electoral process has not yet begun, so we urge you to encourage our government to respect European and national constitutional law.

Slovenian judges do not want to obstruct the democratic processes in any way and we want to participate constructively in the organisation of the European elections. However, the current situation gives us no other option than to warn the government that we cannot co-operate with it if it denies the rule of law.

With best regards,

Yours sincerely,

dr Vesna Bergant Rakočević  
President of Slovenian Association of Judges



Ljubljana, 14. January 2024