



SLOVENSKO SODNIŠKO DRUŠTVO

Slovenian Association of Judges  
Tavčarjeva 9  
1000 Ljubljana  
Slovenia

Date: 29 March 2024

**International Association of Judges –  
its regional group  
European Association of Judges  
Palazzo di Giustizia  
Piazza Cavour – 00193 – Roma, Italy**

**secretariat@iaj.uim.org**

**Ref.: Request for EAJ Resolution**

Dear President Mr. Mikael Sjoeborg,  
Dear colleagues,

as we reported at the EAJ meeting in Athens last spring and in Taiwan in the autumn, safeguarding the independence of the judiciary is a serious problem in Slovenia.

As we reported, the material independence of judges has been violated to such an extent that we have turned to our Constitutional Court - with success!

In Decision No. U-I-772/2021 (the official English version has already been sent to the Secretariat), the Constitutional Court of the Republic of Slovenia granted the request of the Judicial Council of the Republic of Slovenia and found that the regulations on the salaries of judges violate the Constitution and that the salaries of judges are so low that both the principle of judicial independence and the principle of separation of powers are violated. In order to remedy the established unconstitutionality, the Constitutional Court of the Republic of Slovenia set a 6-month deadline for the legislator to remedy the established unconstitutionality, taking into account that the government and the legislator had long been familiar with the issue in question. The deadline for the legislator (and the government) set by the Constitutional Court's ruling expired unsuccessfully on 3 January 2024.

Since that moment, it is not only the issue of judges' salaries that is at stake, but an even more serious issue – the ignorance of the judgement of the highest court regarding human rights in the country and thus the rule of law.

The Slovenian Association of Judges is doing everything in its power to demand that the government and parliament implement the aforementioned judgement of the Constitutional Court immediately, unfortunately without success. Since the deadline passed (4 January 2024), we have been in a state of protest, demanding respect for the rule of law. We even took the most radical measure and switched on all alarms - and went on a “judicial strike” for a fortnight (while we were

only on duty in urgent cases), but nothing happened. Now we protest once a month with a public statement that informs the national and international public. We have opened a "delay counter" and as we speak, 90 days have passed since the deadline of the Constitutional Court's judgement! (<https://sodnisko-drustvo.si/>)

On 19 January 2024, the President of the IAJ, Judge Đuro Sessa, visited Ljubljana and supported our efforts. His visit attracted a lot of media attention and was an important contribution to our fight.

At this point, it is worth mentioning that we received full support from all important institutions and stakeholders: The Slovenian Bar Association, the Slovenian prosecutors, the Slovenian notary chambers, the academic world and even the President of the Republic. The latter, a lawyer by profession, described the government's action (or rather inaction) as "legal hooliganism"! So only the political decision-makers – the government and parliament - are persistently ignoring the solution to the problem, to the extent that they are deliberately ignoring the judgement of the Constitutional Court.

We reported our situation to the Consultative Council of European Judges CCJE, which issued an opinion on Slovenia on 16 February 2024. On 28 February 2024, we also met with representatives of the European Commission to contribute to the rule of law report (<https://sodnisko-drustvo.si/wp-content/uploads/2024/02/Rule-of-Law-Report-2024-2023-Slovenian-Judicial-Association.pdf>). At this meeting, we learnt that Slovenia is the only member state that has not responded to the EU Commission's instruction last year to increase the salaries of judges.

To repeat once again: The issue of judges' salaries in the Republic of Slovenia is still unresolved (has been for decades) and is becoming more and more urgent. Judges' salaries are constantly decreasing in real terms, so that despite promotions we are reaching the salary levels we had in the 90s of the last century. The net salary of the lowest-paid first instance judge is about EUR 1,300.00 less than that of the lowest-paid MP, and even the net salary of the Supreme Court judge is lower than the net salary of the lowest-paid MP.

In view of this situation, the Slovenian Association of Judges asks the European Judges' Association to adopt a resolution on the independence of judiciary in the Republic of Slovenia at its meeting in Warsaw in April. The proposed text of the resolution is attached.

We are at your disposal for any questions, clarifications or additional information.

Yours sincerely,



dr. Vesna Bergant Rakočević  
Senior higher judge  
President of the Slovenian Association of Judges

Attachment:  
- draft Resolution