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Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

EVALUATION REPORT

SLOVENIA

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Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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I. EXECUTIVE SUMMARY

1. GRECO welcomes Slovenia's well-developed legal framework for preventing and fighting corruption and its comprehensive policy on access to public information, public consultation and transparency of the legislative process, which appears well observed in practice. It also welcomes that persons entrusted with top executive functions (hereinafter PTEFs) enjoy no immunity or procedural privileges in criminal or administrative proceedings.

2. However, GRECO is concerned that a wide gap remains between legislation and practice, especially as regards implementation of the main relevant piece of legislation regarding PTEFs, the Integrity and Prevention of Corruption Act (hereinafter IPCA). It contains detailed rules on conflicts of interest, incompatibilities, accessory activities, gifts, lobbying and asset declarations and confers a central role on the Commission for the Prevention of Corruption (hereinafter CPC), an independent body, in supervising the implementation of these rules by PTEFs, developing awareness of integrity issues, preventing and fighting corruption.

3. The CPC's action is severely hampered by clearly insufficient resources for the supervision of PTEFs' asset declarations, conflicts of interest, lobbying and integrity plans, as well as by procedural shortcomings which need to be remedied as a matter of priority. The rules on lobbying contain some loopholes and are poorly complied with. PTEFs' asset declarations are neither published nor subject to substantial scrutiny. GRECO supports the on-going amendment process of the IPCA that will reportedly remedy some of the shortcomings identified in this report. Apart from these external factors GRECO also highlights the need for better prioritisation and – where necessary – reallocation of the CPC's resources and calls upon the authorities to ensure sufficient resources for its functioning.

4. The government also needs to become more proactive in developing its members' awareness to their specific integrity challenges and in improving the management of conflicts of interest, instead of referring most action in this field to the CPC. Additional measures recommended by GRECO also include the establishment of an integrity plan in respect of the government.

5. GRECO welcomes the multifaceted steps taken by the police to prevent corruption within its ranks, notably, by setting up an articulated anticorruption institutional infrastructure consisting of both dedicated internal bodies and external mechanisms to enhance individual and organisational integrity, and by introducing concrete anticorruption operational measures (e.g. prohibiting the payment of fines in cash to the traffic police, etc.). Police officers have no immunity when it comes to breaching regulations, nor are they entitled to any procedural privileges. The police is among the most trusted of state authorities in Slovenia and the trend has been improving over the years.

6. Further efforts are currently being made to strengthen police legitimacy through greater engagement with civil society (community policing projects, communication strategy), as well as to manage and resolve conflicts in service, and to improve gender mainstreaming. Similarly, measures are under way to further regulate the status of police officers and better define key career decision-making processes. This is a welcome development and due attention must be paid to strengthening promotion and dismissal

decision-making procedures in order to ensure that they are fair, merit-based and transparent. Particular attention should be paid to the recruitment and integration of women at all levels in the police structure.

7. Additional steps can be taken to develop effective risk management tools aimed at enhancing readiness and preparedness to respond to emerging challenges, not only by uncovering individual misbehaviour but also by detecting organisational and process vulnerabilities. This would certainly further benefit the police, especially as it has demonstrated, through words and acts, its interest and willingness to reinforce integrity today and in the future.

8. Managing conflicts of interest in a small society is undoubtedly a key challenge. Further reflection is desirable regarding potential conflicts of interest of police personnel and improper moves to the private sector, including by developing efficient mechanisms for proper application and monitoring of the relevant rules. Moreover, the establishment, and cross-check, of registers on business interests, secondary activities, gifts and hospitality, associations, etc. can play an invaluable role as a source of intelligence to direct preventative and proactive efforts in order to identify and manage corruption risks, threats and vulnerabilities. Additional adjustments are also recommended to help break any possible sign of a code of silence within the corps, including through the development of safe channels and adequate protection guarantees for whistleblowers.

II. INTRODUCTION AND METHODOLOGY

9. Slovenia joined GRECO in 1999 and has been evaluated in the framework of GRECO's First (in December 2000), Second (in December 2003), Third (in December 2007) and Fourth (in April 2012) Evaluation Rounds. The resulting Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's website (www.coe.int/greco). This Fifth Evaluation Round was launched on 1 January 2017.¹

10. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Slovenia to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Slovenia, which determine the national institutions/bodies that are to be responsible for taking the requisite action. Within 18 months following the adoption of this report, Slovenia shall report back on the action taken in response to GRECO's recommendations.

11. To prepare this report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Slovenia from 26 to 30 June 2017, and reference was made to the responses by Slovenia to the Evaluation Questionnaire (GrecoEval5(2017)5), as well as other information received, including from civil society. The GET was composed of Mr Juan CHECA DOMÍNGUEZ, Police Inspector, Head of Section at the International Cooperation area, Coordination Centre against Terrorism and Organised Crime, Ministry of the Interior (Spain), Ms Elena KONCEVICIUTE, Senior Anti-Corruption Adviser of the European Union Anti-Corruption Initiative in Ukraine, former International Relations Officer of the Special Investigations Service (Lithuania), Ms Laura STEFAN, Founder and coordinator of Rule of Law and Anticorruption for Expert Forum (Romania), Mr Marius WINTERS, Senior advisor, Secretary General's staff (Netherlands). The GET was supported by Ms Sophie MEUDAL LEENDERS and Ms Laura SANZ LEVIA from GRECO's Secretariat.

12. The GET interviewed representatives of the Office of the President of the Republic of Slovenia, the Ministry of Public Administration, the Ministry of Justice, the Secretariat-General of the Government of the Republic of Slovenia and the Office of the Prime Minister, the Government Office for Legislation, the Ministry of the Interior, the State Prosecutor's Office, the Police (police officers of various ranks, Ethics and Integrity Committee, Internal Investigation and Integrity Division, Centre for Research and Social Skills of the Police Academy) and its trade unions, the Commission for the Prevention of Corruption, the Information Commissioner, the Human Rights Ombudsman, the Court of Audit. The GET also interviewed representatives of the media, NGOs (Transparency International, Centre for Information Service, Co-operation and Development of NGOs, and Legal Information Centre for NGOs) and academia.

¹ More information on the methodology is contained in the Evaluation Questionnaire which is available on GRECO's [website](http://www.coe.int/greco).

III. CONTEXT

13. Slovenia has been a member of GRECO since 1999. Since then, it has been subject to four evaluation rounds focusing on different topics linked to the prevention and the fight against corruption². Overall, Slovenia has a good track record in implementing GRECO recommendations: 90% of recommendations were fully implemented in the 1st and 3rd rounds, 80% in the second, with the other recommendations being partly implemented. This record has been lower in the 4th round, with only 60% fully implemented, 30% partly implemented and 10% not implemented so far. The compliance procedure under that round is, however, still on-going.

14. Despite this good track record, corruption is still widely perceived as majorly affecting Slovenia. According to international surveys on corruption³, 91% of respondents thought that corruption was widespread in their country (EU average: 76%) and more than 75% of respondents judged negatively the efforts of their government to fight corruption, which is one of the most critical assessments made in an EU member state. Politicians are among the least trusted group, with 68% of respondents thinking that corruption is widespread among them (EU average: 56%). The police enjoy a higher level of trust, with only 40% of respondents thinking that corruption there is widespread (EU average: 36%). That said, Transparency International's Corruption Perception Index⁴ shows continuous positive progress in Slovenia's ranking in recent years – from 43 in 2013 to 31 in 2016 – after a dip from its 2012 37th rank.

15. These data reflect among others the fact that Slovenia has a vast corpus of legislation aimed at preventing and fighting corruption, as well as some well-trusted institutions active in this field, such as the Commission for the Prevention of Corruption, the Court of Audit, the Ombudsman, the Information Commissioner and specialised units in law enforcement bodies. The fight against corruption has been a top priority of governments for years. However, effective implementation of the legislation remains a matter of concern, with a significant gap existing between legislation and practice, as highlighted by GRECO in its previous reports. GRECO's Fourth Round Evaluation Report in particular highlighted that it was generally felt that the Commission for the Prevention of Corruption (thereinafter CPC) still required a considerable upgrade in resources and powers to effectively perform their role in detecting and fighting corruption. Five years later, these findings remain largely true.

16. The CPC has a central role in devising and implementing anti-corruption policies. It is an independent government body, established in 2002 and whose mandate was extended in 2010 following the adoption of the new Integrity and Prevention of Corruption Act (hereinafter IPCA). It ranges from the prevention of corruption to the conduct of administrative investigations and imposing fines. The CPC enjoys broad legal powers to carry out its tasks. Its authority has been traditionally recognised and its rulings, proposals and

² Eval I: Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption. Extent and scope of immunities; Eval II: Identification, seizure and confiscation of corruption proceeds. Public administration and corruption. Prevention of legal persons being used as shields for corruption. Tax and financial legislation to counter corruption. Links between corruption, organised crime and money laundering; Eval III: Criminalisation of corruption. Transparency of party funding; Eval IV: Prevention of corruption in respect of members of parliament, judges and prosecutors.

³ http://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs_397_en.pdf and https://www.transparency.org/whatwedo/publication/people_and_corruption_europe_and_central_asia_2016

⁴ https://www.transparency.org/news/feature/corruption_perceptions_index_2016#regional

opinions have generally been complied with. However, its action has been hampered by financial and staff constraints that have been highlighted by GRECO in former reports and that remain largely unaddressed.

17. This lack of sufficient means and political backing led to the resignation in protest of the CPC's leadership in 2013. Since then, unfortunately, additional problems have been affecting the Commission, among which tensions within its leadership and with other institutions, the departure of many experienced staff members and cases being dismissed by the courts for procedural issues. This has led to a decrease in public trust in the Commission and a decline in the number of complaints it receives⁵.

⁵ <https://freedomhouse.org/report/nations-transit/2017/slovenia>

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

System of government

18. Slovenia is a unitary state and a parliamentary republic. The President of the Republic, who is elected directly, is the Head of State with functions largely of a representational nature. The government, led by the Prime Minister, is the actual holder of top executive authority.

19. According to the Constitution, the President of the Republic represents the Republic of Slovenia and is commander-in-chief of its defence forces. S/he calls elections to the National Assembly (the lower chamber of Parliament), proposes to the National Assembly a candidate for president of the government (i.e. Prime Minister) for appointment, dissolves the National Assembly and calls new elections if no candidate for president of the government is elected. The President of the Republic also promulgates laws, issues instruments of ratification and may, in situation of emergency or war, issue decrees, as proposed by the government when the National Assembly is unable to convene. Such decrees are subject to confirmation by the National Assembly whenever it reconvenes. The President of the Republic appoints and recalls ambassadors on the proposal of the government. S/he also appoints officials as provided for by law, namely the members of the Commission for the Prevention of Corruption and some members of the Officials' Council⁶. Moreover, the President of the Republic proposes candidates for election to certain top functions, such as some members of the Judicial Council or Constitutional Court judges. The President decides on the granting of clemency and confers decorations and honorary titles.

20. As agreed by GRECO, a Head of State would be covered in the 5th evaluation round under "central governments (top executive functions)" when s/he actively participates on a regular basis in the development and/or the execution of governmental functions, or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure, taking decisions on the appointment of individuals to top executive functions.

21. The GET notes that the functions of the Head of State in the Republic of Slovenia are to a large extent of a formal, representative and ceremonial nature and s/he does not actively and regularly participate in governmental functions. The President of the Republic does take some decisions on appointments; however, such decisions follow a pre-selection process in which s/he is not involved and the role to propose a candidate for Prime Minister follows the results of elections and has to be endorsed by the National Assembly. It follows that the functions of the President of the Republic of Slovenia do not fall within the category of "persons entrusted with top executive functions" (PTEFs) as spelt out in paragraph 20.

22. The composition and work of the government are regulated by the Government of the Republic of Slovenia Act⁷ (hereinafter ZVRS). According to that act, the government

⁶ The body in charge of senior appointments in the civil service

⁷ Official Gazette of the Republic of Slovenia, No.24/05 – official consolidated text, 109/08, 38/10 – ZUKN, 8/12, 21/13, 47/13 – ZDU-1G and 65/14

comprises 14 ministers and two ministers without portfolio. In the current government the Prime Minister and eight ministers are male and eight are female. The GET welcomes this balanced gender representation in the government, which is one of the objectives pursued by Recommendation Rec(2003)3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision making.

23. A maximum of two state secretaries may be appointed at each ministry, except for the ministry of finance where they may be up to four (Public Administration Act⁸, hereinafter ZDU1). State secretaries assist their minister in the performance of his/her functions and are under his/her authority. A minister may authorise in writing a state secretary to deputise for him/her, but the state secretary may not be empowered to issue regulations and vote in government sessions. Such delegation of authority does not absolve the minister of responsibility.

24. Regulations and measures may be issued by the government collectively or by individual ministers. All implementing regulations, both from the government and ministries, must have a material basis in law and be issued either pursuant to special powers provided for in law or in order to execute a given legal provision. The government does not have the power to issue so-called 'spontaneous decrees', *i.e.* government intervention measures that enacted with effect until the adoption of appropriate legislation in the National Assembly.

25. The Prime Minister leads the work of the government (art. 14 ZVRS). S/he may propose the appointment or replacement of ministers, provide them with binding instructions that stem from government policy and may establish strategic councils (art. 23 ZVRS). The Prime Minister, however, does not have the personal power to adopt government regulations, as these are adopted by the government as a whole. Certain decisions⁹ may be adopted as government decisions in government committee meetings, which are always held before the actual government session (art. 29 of the Government Rules of Procedure).

26. Responsibility for government actions is shared jointly by all its members, while the competent minister is responsible for the work of the individual ministry. The government supervises the work of ministries and issues guidelines on the implementation of laws and policies. It may suspend the execution of a ministerial regulation if it assesses it to be counter to the Constitution, the law, another regulation of the National Assembly or its own regulation.

27. Government and ministerial regulations are subject to assessment by the Constitutional Court and also by the ordinary courts through the institution of *exceptio illegalis*. Other government documents and decisions are also subject to assessment by the courts.

⁸ Official Gazette of the Republic of Slovenia, No.113/05 – official consolidated text, 89/07 – Constitutional Court decision 126/07 – ZUP-E, 48/09, 8/10 – ZUP-G, 8/12 – ZVRS-F, 21/12, 47/13, 12/14, 90/14 and 51/16.

⁹ such as responses to parliamentary motions or NGOs' initiatives, approval of draft laws for third reading in Parliament, urgent matters based on the decision of the Secretary General of the government. Ministers are notified of documents to be approved and may oppose and request that they be considered at a session of the government. If no one opposes, the documents are deemed approved by the government.

28. The government is responsible politically (constructive vote of no confidence, vote of confidence, deputies' questions and other forms of political responsibility), both collectively and individually, for the National Assembly may invoke the responsibility of an individual minister and remove them from office. Ministers can be held individually liable under criminal law in the same way as other citizens, but also under the impeachment mechanism. Ministers can also be held liable in civil matters, in accordance with Article 26 of the Constitution. In practice the use of some of the channels for political responsibility is quite common. Moreover, a range of bodies, such as the Court of Audit, the Ombudsman, the Information Commissioner and the Commission for the Prevention of Corruption, oversee the work of the government and ministries, and the role of public scrutiny is also significant.

29. The Prime Minister, ministers and the secretary general of the government each have a cabinet. The cabinet of the Prime Minister is composed of state secretaries (personal expert and political advisers) and civil servants. The ministers' cabinets are composed only of civil servants, some of them tied to the personal trust and mandate of the office-holder.

Status and remuneration of persons with top executive functions

30. The Prime Minister is elected by the National Assembly by a majority vote. Voting is secret. S/he may resign or be removed from office by a vote of no-confidence in the government or by impeachment before the Constitutional Court.

31. Ministers are appointed and removed from office by the National Assembly on the proposal of the Prime Minister. Prior to appointment, a proposed minister must present him/herself to the competent parliamentary committee and answer its questions. Ministers cease their functions upon resignation, a vote of no confidence, impeachment or dismissal. Impeachment (art. 119 of the Constitution) is proposed by the National Assembly and decided by the Constitutional Court. This procedure has been triggered only twice, soon after the independence of Slovenia, and the required majority in the National Assembly was not reached.

32. State secretaries are appointed and removed from office by the government on the proposal of the Prime Minister or a minister and their term of office ceases on the same day as the minister's.

33. Cabinets have work posts for which a fixed-term employment relationship is concluded (fixed-term posts, tied to the mandate of the minister) and work posts for which an employment relationship is concluded for an indefinite period of time. The number and type of posts in ministers' cabinets are fixed by a government decision. The exception is the Office of the Prime Minister, where the number of such posts is not limited. Some cabinet members are public officials who are detached to a cabinet for the duration of the minister's mandate. Others come from outside the civil service and are hired on positions of trust. They are hired on fixed-term contracts without a public call for applications, but they must fulfil all the conditions required for their position, except as regards work experience, which can be reduced by half. There is no vetting process foreseen in law, but the GET was told that in practice, candidates' backgrounds are checked and convicted persons are not appointed.

34. The GET noted that the ministries' websites only mention the name of the respective ministers, state secretaries, as well as the name of heads of cabinets and not the name and

functions of cabinet members. It was told that such information is available upon request. For the sake of transparency, the GET encourages the online publication of such information.

35. The basic salary of cabinet members is determined according to the lowest official title under which the tasks of the position can be performed. Cabinet members may obtain a higher salary upon consent of the government. They are bound to the same rules and regulations as other civil servants and may be subject to disciplinary measures for any breach of employment law or ethical rule.

36. The basic salaries of PTEFs are determined by the ranking of functions in salary grades as provided for in the Public Sector Salary System Act¹⁰.

CODE OF FUNCTION	POSITION	SALARY GRADE	VALUE OF SALARY GRADE (salary scale, Annex 1 to ZSPJS)	AVERAGE MONTHLY GROSS SALARY FOR 2016
A010201	PRIME MINISTER	65	EUR 5419.54	EUR 5686.98
A010210	MINISTER	62-64	EUR 4817.96 to EUR 5211.10	EUR 5007.52
A010240	STATE SECRETARY	59-61	EUR 4283.14 to EUR 4632.64	EUR 4340.34
A010220	SECRETARY-GENERAL OF THE GOVERNMENT	62	EUR 4817.96	EUR 5056.87

37. Within the range of possible salary grades, the actual salary grade for a minister is determined by the Prime Minister, and that for state secretaries by the minister competent for public administration. In addition to their basic salary, officials are also entitled to a length of service bonus. They do not receive any other special allowance. Upon expiry of their mandate, they are entitled to 80% of their last salary for a maximum of six months, if they have not found other employment or do not meet the conditions for retirement.

38. The salaries of all jobs and functions in the public sector are published on the public sector wages website and on the national website of open data, the OPSI Portal¹¹.

Anticorruption and integrity policy, regulatory and institutional framework

39. Slovenia has been committed for years to fighting corruption and strengthening the integrity of the public sector. As highlighted by GRECO's Fourth Round Evaluation Report, it has a vast corpus of anti-corruption legislation, but its implementation is perfectible and public trust in many public institutions is low (see also part IV on context).

Legal framework, ethical principles and rules of conduct

40. The Integrity and Prevention of Corruption Act (Official Gazette No. 69/11, hereinafter IPCA) is the main legal instrument governing officials' duties regarding conflicts of interest, asset declarations and their supervision, restrictions on the performance of other activities and prohibitions relating to gifts. It applies to the Prime Minister, ministers, state secretaries, cabinet members and the secretary general of the government. Certain provisions, for example on asset declaration and post-employment restrictions, also apply to former officials.

¹⁰ The average monthly gross salary in Slovenia amounted to EUR 1584.66 in 2016.

¹¹ <http://www.pportal.gov.si/> and <https://podakti.gov.si>

41. Rules of conduct are contained in the Public Administration Act, the Civil Servants Act and the IPCA.

42. Moreover, two codes of ethics are relevant for ministers and high ranking officials. The 2001 Code of Conduct for Civil Servants¹² applies to civil servants and the government also decided that its provisions would be applied to ministers and state secretaries whenever reasonable. The provisions of this code were then incorporated into the Civil Servants Act adopted in 2002. Disciplinary measures apply to cabinet members who violate the provisions of this act, including the rules of conduct.

43. Ministers and state secretaries are subject to the 2015 Code of Ethics for Government and Ministerial Officials. This Code uses as a basis the constitutional oaths of high government officials and takes into account other countries' similar codes. It contains ten principles of an aspirational nature, with slightly higher standards than those laid down in the Code of Conduct for Civil Servants. Its purpose is to raise awareness and accordingly, there is no mechanism for its implementation and no control of compliance at government level. However, the preamble of the code foresees an obligation to comply with the government's decisions regarding the conduct required in the event of a breach of the code's standards of conduct and behaviour.

Institutional framework

44. The Commission for the Prevention of Corruption is responsible for overseeing the implementation by PTEFs of the provisions on conflicts of interest, integrity plans, asset declarations, gifts and restrictions on the performance of other activities contained in the IPCA. It is an independent government body, headed by a college composed of the Chief Commissioner and two deputies. They decide on substantial matters (rulings on corruption, conflicts of interest, adopting recommendations etc.) by majority vote and they are supported by a staff of 37 professionals with expertise in different areas. The CPC's decisions are subject to judicial review by the High Administrative Court. The CPC is also subject to periodic external audits by the Secretariat General of the government and its use of resources may be audited by the Court of Audit. The CPC presents annual reports to the National Assembly and some of its decisions are published on the internet.

45. The CPC's mandate ranges from the prevention of corruption to the conduct of administrative investigations and imposing fines. Its tasks include in particular the adoption and coordination of the Action Plan on the prevention of corruption, the design and implementation of awareness-raising and educational measures in the field of corruption and integrity, the provision of advice on the implementation of the IPCA and on anti-corruption issues, assistance to public institutions in developing and monitoring their own integrity plans, maintaining the central register of lobbyists and the monitoring of a wide online system of asset declaration.

46. The GET discussed at length the CPC's situation and action during the on-site visit. It has traditionally been a well-established and trusted institution, with sufficient investigative powers and its rulings and recommendations have generally been complied with. In recent

¹² This Code implements Recommendation No. R(2000)10 of the Committee of Ministers of the Council of Europe to member states on codes of conduct of public officials, containing a model code.

years, however, trust in this institution has plummeted¹³ due to a number of factors, including a certain lack of proactivity (see also paragraph 17).

47. The wide-ranging tasks entrusted to the CPC by the IPCA have put a strain on the CPC's human and financial resources. This was highlighted by GRECO in its Fourth Round Evaluation Report (see paragraph 232) and a recommendation was given to increase the CPC's resources in the area of conflicts of interest, lobbying and asset declarations. This recommendation has so far been assessed by GRECO in its compliance procedure as partly implemented. However, discussions on-site revealed that the situation has not improved in practice.

48. The total budget and staff of the CPC are similar to those it had in 2012 when the Fourth Round Evaluation Report was adopted. Only two persons are currently verifying asset declarations, while they were four in 2012. Six persons are overseeing and raising awareness on about 2,000 integrity plans. At the time of the on-site visit, only one person was working on conflicts of interest and one on lobbying. This is clearly insufficient. The GET was also informed that the previous college of the CPC resigned in 2014 *inter alia* because of this lack of sufficient resources. Since then, a number of qualified and experienced staff members have left the CPC, which further hampers its activity. A sufficient number of qualified staff is instrumental to the efficiency of the CPC. In the GET's view, this likely requires not only an increase in the CPC's resources, but also better prioritisation and reallocation of its current resources to the key areas identified above. Consequently, GRECO recommends that the Commission for the Prevention of Corruption be provided with adequate financial and personnel resources to effectively perform its tasks with respect to persons entrusted with top executive functions, in particular in the areas of asset declarations, conflicts of interest, lobbying and integrity plans.

49. Further vulnerabilities of the CPC stem from the IPCA itself. The most serious one comes from the *sui generis* procedure set out for dealing with suspected corruption and other offences (art. 13 IPCA), which involves fact-finding, sending the concerned person a draft of the findings, followed by adoption of the findings and their presentation to the public, together with the response of the concerned person. Since July 2016, the CPC's decisions following this procedure have been invalidated by the courts, as the Supreme Court found that the rights of the concerned persons were not sufficiently guaranteed during the procedure before the CPC. According to the Supreme Court, procedures before the CPC must include the same safeguards as under general administrative law procedures. This includes informing the concerned person about the verification, allowing him/her to submit clarifications and to be represented during the verifications. This shortcoming has a wide-ranging effect, as the *sui generis* procedure applies to suspicions of corruption, breach of the regulations on conflicts of interest, restrictions on business activities and lobbying, breach of the rules on ethics and integrity in the public sector and the monitoring of assets. The authorities point out that article 15 of the IPCA provides that the law governing the general administrative procedure must be applied by the CPC for questions not stipulated in the IPCA. However, this procedural issue needs to be resolved as a matter of priority. This

¹³ The number of complaints addressed to the CPC in recent years has decreased from 2300 in 2013 to 1160 in 2016 (source: CPC's 2016 annual report).

requires a change in the CPC's working procedures in practice, in order to avoid a further increase in its backlog of cases¹⁴.

50. The Slovenian authorities are aware of this and other shortcomings of the IPCA and work on a new draft law started back in 2014 in the Ministry of Public Administration. In 2016, competence over the draft law was transferred to the Ministry of Justice and the draft was submitted for public debate in November 2016. A number of interested stakeholders were consulted in the process – the CPC, ministries, NGOs, municipalities – and the GET was told that most of their opinions were included in the draft. Interlocutors on-site considered this to be a very good practice of public consultation.

51. The GET supports the amendment of the IPCA to address its most pressing gaps, some of which affect the integrity framework applicable to PTEFs and pertain to issues raised later in this report: there is room for improvement in the rules governing the employment of (former) PTEFs and their relatives in state-owned enterprises; the provisions on lobbying contain some loopholes which affect the transparency of lobbying of PTEFs and the CPC needs a better legal basis to be able to check the assets of PTEFs' family members when it suspects illicit enrichment. . In view of the above, GRECO recommends that the shortcomings identified in the Integrity and Prevention of Corruption Act as regards the *sui generis* procedure before the Commission for the Prevention of Corruption, post-employment restriction rules, rules on lobbying and the extension of oversight to family members in case of a disproportionate increase of assets be remedied through the adoption of new or amended legislation.

52. Beyond the need to address the issues highlighted above, the GET also notes that a clear and transparent strategy for the work of the CPC seems to be lacking. Such a strategy should include, given the resources available, priorities for the work to be done and the results to be accomplished.

53. Within the government, the Ministry of Public Administration (MPA) is competent to regulate the status, rights and obligations of officials and has therefore a role in promoting integrity among persons in top executive functions. A Transparency, Integrity and Political System Office was established as a separate unit in the MPA in 2014 *inter alia* to prepare government measures to develop transparency and prevent corruption, as well as coordinate their implementation. The Public Sector Directorate within the MPA is responsible for officials' training.

Anticorruption and integrity policy

54. The current government's coalition agreement stresses the principles of transparency of operation of the entire public sector and of zero tolerance of corruption. Following the Programme of Government Measures to Prevent Corruption 2015-2016¹⁵, the government adopted on 8 June 2017 a new Programme of Government Measures for Integrity and

¹⁴ The number of final CPC's decisions on suspicions of corruption has decreased from 1420 in 2011 to 367 in 2016 (source: CPC's 2016 annual report).

¹⁵ According to the authorities, measures foreseen in this programme have been largely implemented. See the three interim reports and the final report on implementation at: http://www.mju.gov.si/en/media_room/news/article/1328/8182/

Transparency 2017-2019¹⁶ which contains specific measures, defines the ministries responsible for them and sets deadlines for their implementation. The 2017-2019 Programme is organised around four areas of action, namely: 1) strengthening and raising awareness of public officials of integrity and transparency; 2) management and control mechanisms of public finances; 3) transparency, cost-effectiveness and efficiency in the use of public funds; and 4) increasing transparency in drafting regulations and managing procedures¹⁷.

55. The government also adopted in 2015 a Public Administration Development Strategy 2015-2020 (hereinafter SJU 2020) which aims at modernising public administration and increasing the quality of service by adhering to values such as lawfulness, integrity, professionalism and transparency. Moreover, the online portals ERAR, PORTAL PLAČ and STATIST, enable full public sector transparency in relation to, respectively, financial transactions, salaries and public procurement.

56. According to the IPCA, each state body has to adopt and implement an integrity plan. Accordingly, ministries, bodies within ministries, as well as the Secretariat General of the government, each have an integrity plan. These plans serve to assess the exposure of individual persons in the public sector to breaches of integrity and corruption risks, identify risk factors and define measures for managing these risks. Integrity plans are monitored and updated on an on-going basis by each state body and all employees may contribute by identifying risks and proposing measures to address them. Their implementation is also monitored by the CPC, notably through the National Electronic Corruption Risk Register, which includes all institutions bound to set up such plans. Data contained in the integrity plans and in the risk register is not public, as its aim is primarily to serve internally as a corruption risk-management tool. According to the CPC, experience shows that confidentiality is instrumental to the accuracy and usefulness of the plans.

57. The GET understood that the quality of integrity plans varies significantly among public institutions and ministries. Only a few risks identified in some ministries' integrity plans explicitly refer to PTEFs, in particular ministers. They mostly refer to risk areas pre-identified by the CPC in its guiding materials, namely acceptance of gifts, restrictions on business activities, employment procedures and lobbying. Measures foreseen for addressing these risks are predominantly limited to awareness-raising and compliance with the law. There are also a few examples of risks specifically identified by the ministries with regard to PTEFs, such as in the provision of subventions/grants or the oversight of public institutions under the ministry's jurisdiction.

58. The GET takes the view that the integrity plans are a valuable tool for raising awareness of PTEFs of risks of corruption and conflicts of interest and for managing these risks. However, there is room for improvement in the ministries' integrity plans, which are of varied specificity and relevance. The CPC currently provides comments on the plans within its own risk register overview procedures and is available for any information or advice if contacted by the ministries. However, it plans to engage in more substantial cooperation with the ministries to improve the plans, within the limit of its available resources. The GET

¹⁶ http://www.mju.gov.si/en/media_room/news/article/12447/8592/

¹⁷ More information is available on the web sites of the MPA:

http://www.mju.gov.si/si/novinarsko_sredisce/novica/browse/1/article/12447/8544/ and
<http://www.mju.gov.si/en/>

welcomes this intention of the CPC, which could form part of the efforts needed towards increasing awareness of PTEFs of integrity-related issues. A recommendation to this effect is given in paragraph 65. Compliance with the recommendation given above to increase the CPC's personnel resources (see paragraph 48) will also be instrumental in allocating or freeing up sufficient qualified resources for this purpose.

59. The GET also observes that the government as a whole does not have an integrity plan. It heard that this was because no permanent employment exists at the level of the government and that the individual ministries' and the secretariat general's integrity plans were sufficient to address any integrity risks. The GET takes the view that as the government acts as a collegial body addressing the integrity challenges specifically associated with these processes would certainly have an added value. An integrity plan would obviously need to be updated in light of government changes, which would also have merits in educating (new) members of government and of their cabinets to integrity challenges. GRECO recommends that an integrity plan be established in respect of the government, as an overarching structure to the plans existing in each ministry. The GET notes that integrity plans as foreseen in the IPCA have to be updated whenever necessary.

Awareness

60. The CPC generally promotes rules that impose obligations on public officials through its website (which contains a general presentation of all areas of the IPCA, FAQs and a search engine), a periodic newsletter, brochures and training/roundtables. However, it has organised no training event on integrity matters for PTEFs, and PTEFs have not attended any trainings events organised for other audiences.

61. The Administrative Academy at the Ministry of Public Administration organises training seminars open to all state administration employees relating to the prevention of corruption. There is at present no targeted integrity training for PTEFs, but a special training programme on corruption for top managers, such as ministers and state secretaries, is in preparation.

62. PTEFs were said to be informed of their duties regarding asset declarations, lobbying and gifts on taking up office. Ministers also have to take an oath of office before the National Assembly and to sign an integrity statement acknowledging that in case of unethical behaviour, they will accept the decision of the government on the matter. PTEFs can obtain advice regarding integrity dilemmas by telephone or e-mail at the Ministry of Public Administration (Transparency, Integrity and Political System Office) and the CPC. However, they can also obtain relevant information at the Personnel Service of their own institution and rarely contact the Ministry of Public Administration or the CPC in practice.

63. Information about integrity and the prevention of corruption is available to the public mainly through the CPC's website and its annual reports and assessment of the situation in Slovenia. All the laws, regulations and codes mentioned in this report are also published on the websites of the government, the Ministry of Public Administration and the CPC.

64. It emerged from the interviews on-site that limited attention is paid at present to raising awareness of PTEFs, not only of their legal obligations, but of the specific integrity challenges of their office. Compliance is believed to be up to the individuals themselves and

unethical behaviour does not lead to adequate consequences, if any. The GET was made aware of several integrity incidents involving (former) ministers and state secretaries. Such incidents are given extensive coverage in the media and trigger negative public reactions. Depending on their gravity, they may even lead to the official's resignation or dismissal but more often than not, they are dismissed as mere "political fights" and/or treated as isolated occurrences. The institution as such – the government – does not act on the lessons learned.

65. The GET firmly believes that the government as an institution has to become more proactive in developing the awareness of its members and other PTEFs of their specific integrity challenges and in providing them with the necessary training and guidance in concrete ethical dilemmas. Ethics and integrity have to be put high on the agenda, not only in words, but in practice. The Administrative Academy's plans to put specific training in place for top managers would be welcome. Better use could also be made of the respective ministries' integrity plans – and of the future government's integrity plan – as an educational tool for identifying systemic integrity risks and addressing them in awareness and training activities, in cooperation with the CPC. Consequently, GRECO recommends developing efficient internal mechanisms to promote and raise awareness of integrity matters in the government, including confidential counselling and training at regular intervals of persons entrusted with top executive functions.

Transparency and oversight of executive activities of central government

Access to information

66. Article 39 of the Constitution proclaims the right of access to information of a public nature. The main instrument in this field is the Public Information Access Act¹⁸ (hereinafter ZDIJZ), which applies throughout the public sector and sets commitments for all bodies, on the one hand to proactively disseminate public information at their disposal and on the other hand, to enable access to information based on individual requests. The GET welcomes this legislation as an important fundament for transparency in a democratic society.

67. The ZDIJZ lists the information to be published on the internet and provides that public sector bodies must publish and regularly update a Catalogue of Public Information, so that the public is aware of the type of data that can be accessed. Natural or legal persons may request access to any "information of a public nature", that is any document created by or in the possession of state authorities, without having to justify a legal interest. Exceptions to public access are foreseen to protect certain private or public interests (e.g. secret and personal data, information pertaining to on-going court or administrative proceedings). However, irrespective of these exceptions, access requests must be granted when the information relates to: (i) public spending; (ii) performance of a public office or the employment relationship of a public official or (iii) environmental protection issues.

68. Information requests are to be dealt with within 20 working days by a person specifically authorised within each state body to conduct or decide procedures under the ZDIJZ. The absence of a reply constitutes a refusal. Appeal is possible to the Information Commissioner and then to the Administrative Court. Decisions of both the Information Commissioner and generally of the Administrative Court are published online. The

¹⁸ Official Gazette of the Republic of Slovenia, No. 51/06 – official consolidated text, 117/06 – ZdavP-2, 23/14, 50/14, 19/15 – Constitutional Court decision and 102/15

authorities add that the ZDIJZ has been rated very favourably by NGOs¹⁹. According to the information provided to the GET on site, 88% of requests are granted in practice, of which 76% lead to total access to the information requested.

69. As regards the government specifically, all proposed government materials are published on government websites prior to their discussion in committees or in government session²⁰. This is also the case for agendas of government sessions and working bodies, as well as for the government's annual work plan. In practice, materials are published online at the same time as they are entered into the government's information system. Press releases containing the decisions adopted are issued following every committee meeting and government session.

70. The ZDIJZ also provides for far-reaching transparency in budgetary and financial matters. As mentioned above, all information on the spending of public funds is publicly accessible and proactively published and kept up-to-date on dedicated websites, namely:

- the online application TZIJZ, by which the Public Payments Administration publishes data on transactions carried out by all public institutions and enterprises which are 100% state-owned;
- the CPC's public sector financial transactions records – ERAR (formerly known as SUPERVIZOR) – which allows access to information on the transactions of public institutions and state- and municipality- owned enterprises involving goods and services, wages, social benefits, pensions, subsidies, scholarships, etc., and
- the Public Procurement Portal and STATIST, which contains all information on public contracts awarded since 1 January 2013. Data can be searched according to different parameters and exported, which enable its re-use.

71. In addition to their rights under the ZDIJZ, the media also have a right under the Media Act to request from public bodies a response for the press. A reply must be given within seven working days or the response denied within the next working day. Appeal is possible with the Information Commissioner.

Transparency of the law-making process

72. A series of texts, among which the government's Rules of Procedure, provide the basis for publication, including on-line, of legislative materials and public participation. The public is informed of planned legislative work through the Regulatory Programme of Government Work²¹, which contains a list of proposed laws and other acts to be submitted to the National Assembly, along with procedures and deadlines for deliberation by the government, debate and adoption by the National Assembly. Most draft legislation and other acts are published by ministries on a single national E-democracy portal.

¹⁹ <http://www.rti-rating.org>, according to which Slovenia has been rated 4th in the world

²⁰ http://www.vlada.si/delo_vlade/gradiva_v_obravnavi/

²¹ http://www.vlada.si/delo_vlade/program_dela_vlade/

73. Public participation is compulsory for all primary and secondary legislation. The minimum standards for public participation are:

- as a rule, the public must be allowed to comment on a draft law or regulation within 30 to 60 days from the day of its publication on internet; exceptions are draft regulations that do not allow participation by their very nature, such as urgent procedures or the national budget;
- to this end, relevant material containing a summary of the regulation's content with background papers, key questions and objectives should be drafted;
- a call for participation should be issued to ensure participation of target groups, experts and the public at large; lists of persons and bodies whose participation in the drafting of regulations is regulated by law and of subjects involved in the relevant fields should be drafted for the purpose of their on-going information and cooperation;
- after the consultation process is completed, a report should be drafted presenting the impact of the consultations on the draft regulation. This report is prepared in a pre-set format and must be included in the materials sent to the Secretariat General of the government for further consideration of the draft;
- the materials submitted to the Secretariat General must include a list of experts consulted on the draft, as well as the amount of their remuneration if they were remunerated. This information is published. The GET learned during the visit that this obligation is strictly enforced by the current government;
- the ministry from which the draft law or regulation originated must, within 15 days of its adoption, inform the expert circles consulted and the general public of the essential proposals and opinions that were not taken into account, along with the reasons.

74. In addition to compulsory public participation, public debates may be organised when the issues to be regulated involve more stakeholders. In early 2015, an extensive project was carried out by the Ministry of Public Administration to train regulatory drafters, external stakeholders and decision makers on increased transparency and involvement of civil society in the preparation of regulatory texts throughout the whole policy cycle.

75. Finally, via a dedicated online tool²², the public may also propose to the government the adoption of a measure. Proposals that receive sufficient support are sent for scrutiny to the competent ministry, which must take a position thereon.

76. The GET welcomes Slovenia's comprehensive policy on public access to information, public consultation and transparency of the legislative process. All interlocutors it met on site, including the Information Commissioner and civil society representatives, agreed that rules are generally well observed in practice, although it appears that consultation deadlines are occasionally not observed with respect to sensitive texts or large investment projects²³. The GET also welcomes that a list of the experts who were consulted on draft legislation and regulations is made public. This is a good practice that should be highlighted.

²² <http://predlagam.vladi.si/>

²³ The example of the construction project for the Divača-Koper second railway track, for which public consultation reportedly only lasted two days, was mentioned to the GET by several interlocutors.

Third parties and lobbyists

77. According to the IPCA, lobbyists have to register with the CPC and to report annually on their activities. The register of lobbyists is published on the CPC's website²⁴. Persons lobbied have to check that the person contacting them is duly registered and have to make a signed report of every contact to their superior and the CPC within three days. The CPC analyses contact records and publishes integrated reports in the form of tables on its website²⁵. The actual lobbying reports are not published.

78. Contacts with unregistered lobbyists or contacts that could lead to a conflict of interests must be declined and reported to the official's superior and to the CPC. Likewise, irregularities committed by lobbyists – such as providing inaccurate, incomplete or misleading information or offering gifts – have to be reported.

79. The GET has several reservations about the current rules on lobbying and their implementation by PTEFs. These follow earlier concerns highlighted by GRECO in its Fourth Round Evaluation Report on Slovenia (see paragraphs 67-73). That report contained a recommendation to Parliament to review the implementation of rules regarding MPs' contacts with lobbyists, which remains not implemented to date.

80. The information gathered by the GET on site shows that the implementation of the IPCA's provisions on lobbying remains a matter for concern, also in the context of the current report. At the time of the on-site visit, the lobbying register included 71 lobbyists only, a slight improvement compared to GRECO's Fourth Round Evaluation in 2012, when 59 lobbyists were registered. However, it seems that between 100 and 300 lobbyists are active in the country. Data provided by the CPC indicates that there were 1 077 reported contacts between PTEFs and lobbyists in 2016, out of a total of 2 004 reported contacts. According to the CPC, compliance by ministries is variable but poor overall, with some of them reporting no contacts at all or others no contacts in some years. Transparency International also stresses that the majority of lobbying contacts remains unreported²⁶. PTEFs generally do not show interest in this area of the law and a minister even recently made derogatory comments in public on the lobbying regulation and said that he would not implement it. Some of this type of reluctance was said to manifest itself especially when sensitive projects are concerned (see footnote 23).

81. One of the reasons provided to explain this poor compliance is that lobbying is perceived negatively in Slovenia. Some officials feel that reporting contacts equates with informing on lobbyists, or fear negative publicity. There is a general lack of awareness of the rationale behind the rules of lobbying. The CPC plans to address this by organising discussions with PTEFs and additional training activities for PTEFs on contacts with lobbyists are being prepared at the Administrative Academy.

82. As already mentioned, the CPC's current limited capacity prevents it from detecting unregistered lobbying or unreported contacts. Only a handful of procedures have been

²⁴ <https://www.kpk-rs.si/sl/lobiranje-22/register-lobistov>

²⁵ <https://www.kpk-rs.si/sl/projekt-transparentnost/lobisticni-stiki>

²⁶ http://www.transparency.si/images/publikacije/lobiranje/report_lobbyinginslovenia.pdf

initiated by the CPC for violation of the rules on lobbying²⁷. The GET refers back to recommendation i (paragraph 48) according to which the CPC's resources on lobbying need to be adequate to allow it to fully carry out its tasks.

83. Finally, the GET wishes to highlight some loopholes in the IPCA's provisions on lobbying. Article 56a of the law makes a distinction between lobbying and advocacy activities, so that NGOs advocating for general human rights, democracy and rule of law issues are not covered by the lobbying legislation. The wording of the article makes it difficult to interpret and to distinguish lobbying from advocacy. Another issue is that the law exempts legal and authorised representatives of companies or interest groups from registering as lobbyists (art. 58.4). Finally, it seems that the definition of lobbying is too narrow and cannot capture other third parties who are *de facto* lobbyists and aim at influencing government decision making.

84. In view of the preceding paragraphs, GRECO recommends ensuring that all contacts of persons entrusted with top executive functions with lobbyists and other third parties who seek to influence government decision-making are duly reported, including those from legal and authorised representatives of companies and interest groups.

Control mechanisms

85. The Budget Supervision Office has diverse areas of oversight, namely:

- the internal supervision of public finances, on which it prepares an annual report and briefs the minister of finance, the government and the Court of Audit;
- budget inspection, for which it compiles half-year reports for the attention of the minister of finance who submits them for deliberation to the government and the Court of Audit. The government in turn submits these reports to the National Assembly;
- auditing the use of European funds, for which it does not report directly to the government on its findings. In this capacity it produces audit reports sent to various authorities and an annual audit report sent to the minister of finance, ministry of agriculture and the European Commission.

86. The monitoring function of the National Assembly (lower chamber of Parliament) includes the setting up of parliamentary enquiries, votes of no confidence in the government or ministers and constitutional proceedings against the President of the Republic, the Prime Minister or ministers.

87. The National Assembly may appoint special commissions of enquiry, composed of deputies on a proportional and parity basis; such commissions carry out investigations into matters of public interest, in order to identify irregularities committed by holders of public functions. On the basis of the facts established by a commission of enquiry, the National Assembly may decide on the political responsibility of the official concerned, to amend relevant legislation or to take any other decision within its competence. The Constitution specifically provides for minority parliamentary enquiries, which the National Assembly must

²⁷ Three procedures were initiated in 2012, two in 2013, one in 2014, three in 2015, three in 2016 and two in 2017. Six misdemeanour procedures were concluded between 2012 and 2016, resulting in one fine, one reprimand, two written warnings and two stayed proceedings.

order when so required by at least one third of deputies or by the National Council (the upper chamber of parliament). Two minority parliamentary enquiries were on-going at the time of the on-site visit: one on public procurement in the healthcare sector and one on the so-called “banksters”.

88. The Court of Audit is the highest body for the supervision of state accounts, the state budget and all public spending in Slovenia. It is independent and has a full mandate to access any information regarding the government’s business operations. It decides ex officio to carry out regulatory and performance audits and may audit any act in the context of a past or planned business operations by any user of public funds. That includes governmental decisions, policy-making – such audits have been performed, e.g. Regulatory Impact Analysis audits – as well as the use of official funds by PTEFs. In the latter case, however, it is the entity for which the PTEF works and not the PTEF him/herself which is audited. According to the Court of Audit, PTEFs usually do not have or use discretionary funds; when they do, the rules are the same as those that apply to the rest of public spending.

89. The Court of Audit does not have a special mandate for PTEFs, but during its general audits it covers also their performance. Its findings do not, therefore, relate specifically to PTEFs, but to public spending in audited entities in general. The emphasis of its audits is placed on the “value for money” principle in the use of public funds. Most irregularities detected concern public procurement, the setting of wages and expenditure for a different purpose than the one originally intended. Every year, a few suspected cases (up to ten) of conflicts of interest or corruption are referred to the competent institutions – however, due to difficulties in proving intent these cases are often dismissed by investigators. Occasionally, the Court of Audit finds irregularities with regard to intentional misuse of public funds and revolving doors. All the audit reports of the Court of Audit are published on its website. The GET welcomes this very good practice that contributes to raising awareness regarding the way the public sector works.

Conflicts of interest

90. The IPCA contains key provisions on preventing and managing conflicts of interest. All PTEFs are considered as “official persons” and fall therefore under its scope. Conflicts of interest are defined as “circumstances in which the private interests of an official person affect or seem to affect the impartial and objective performance of his/her official duties” (art. 4 IPCA). Private interests could include both pecuniary and non-pecuniary benefits and can be to the advantage of the official him/herself, his/her family members or other natural or legal persons with whom s/he maintains or has maintained personal, business or political relations. That a conflict of interests seems to have occurred is sufficient, but the suspicion must be based on real and tangible assumptions associated with the actual competence of the official in a specific case.

91. At the beginning of their functions or at any time thereafter, officials must notify the head of their organisation – or the CPC if they have no superior – of actual or potential conflicts of interest in writing. The head or the CPC must decide within 15 days whether the conflict of interests exists. In the meantime, the officials must decline or remove themselves from the situation giving rise to the conflict. The CPC may itself also initiate the procedure to determine the actual existence of a conflict of interest.

92. In order to prevent conflicts of interest, the IPCA also contains restrictions on business activities and post-employment restrictions (see below).

93. The CPC explains that in a general sense, conflicts of interest currently represent the biggest problem in all public spheres. Statistics provided to the GET show that 13 cases on possible conflicts of interest were opened by the CPC in 2012-2016 involving PTEFs (ten following a report, three at its own initiative); the CPC identified one violation and one best practice. This is to be compared to 434 cases opened in the same period for public officials overall, with 71 violations identified. The CPC also receives many requests for interpretation of the IPCA provisions and advice in concrete situations. 602 such opinions were issued in 2012-2016 for public officials overall, but only three concerned PTEFs. In view of these numbers, PTEFs are not a focus of the CPC as regards conflicts of interest.

94. The GET notes that the CPC was perceived by all its interlocutors as the main reference point with regard to conflicts of interest. When irregularities are ascertained, the CPC informs the administration of the official concerned and suggests measures to eliminate the conflict of interests and prevent such occurrences in the future.

95. By contrast, it became apparent from the discussions with various interlocutors that very little is being done inside the government to deal with potential and apparent conflicts of interest. Yet, the IPCA requires conflicts of interest to be notified and managed first at the level of each institution and then only by the CPC. The GET wishes to stress that conflicts of interest occur often in the day-to-day life of PTEFs and it is crucial that they be managed so that detrimental effects are avoided. This means that internal checks and balances have to be in place within the government as within each institution, in order to help PTEFs and other officials to identify timely challenges related to conflicts of interest and access proper mechanisms to avoid them. This goes hand in hand with the need to establish an integrity plan in respect of the government (see recommendation iii in paragraph 59). When such mechanisms are lacking, the post-factum intervention of the CPC, while valuable, will only amount to applying sanctions and embarking on a long and cumbersome process of requesting the annulment of acts concluded in conflicts of interest. Prevention is definitely more efficient and less likely to attract negative public and media attention. Consequently, GRECO recommends developing within the government an organisational strategy and practices to improve the management of conflicts of interest, including through responsive advisory, monitoring and compliance mechanisms.

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

96. Ministers may not perform functions at the same time in state bodies, courts, local community bodies and other public offices, nor may they perform other activities which by law are incompatible with their office. Members of parliament who are appointed as ministers or state secretaries may not perform their parliamentary functions during their term of office in government.

97. More generally, the IPCA prohibits officials from performing professional or other activities aimed at generating income or proceeds, with some exceptions, including educational, scientific, research, artistic, cultural, sports and publishing activities, as well as

managing a farm and the official's personal assets. Permission of the employer is required (except for sport, managing a farm and the official's own assets) and the CPC must be notified within eight days of starting an accessory activity.

98. Within 15 days of receiving notification, the CPC may initiate a procedure for assessing the incompatibility with office of a given activity. It may prohibit the official from performing an accessory activity if it would constitute a disproportionate risk to the objective and impartial performance of the official's functions or threaten his/her integrity.

99. Exceptionally, the CPC may grant to an official permission to perform gainful activities which would otherwise be prohibited. In doing this, it takes into account the public interest and the level of risk to the performance of the official's duties and his/her integrity.

100. Finally, the IPCA prohibits officials from being a member, performing management, supervisory or representative functions in commercial companies, economic interest associations, cooperatives, public institutes, funds, agencies and other persons of public or private law, except for societies, institutes and political parties.

101. The CPC reports that five cases of possible incompatibilities were opened concerning PTEFs in 2012-2016. Violations were identified in two cases, one in which a minister was a member of the supervisory board of two public companies and another in which a state secretary was the director of three private companies. The CPC sent a warning to the officials concerned and they resigned from the incompatible activities. Over the same period, ten legal opinions were given to PTEFs on this issue – compared to 381 to public officials overall.

Contracts with state authorities

102. In case officials or their family members are members of the management, or legal representatives of private entities, or if they participate in the capital of such entities, they have to notify their employer of this, as well as any subsequent changes to their situation; their employer then sends this information on to the CPC (art. 35-36 IPCA). The CPC publishes a list of such entities on its website. No public sector organisation can order goods or services, or enter into any business relations using public funds, with any such entities.

103. This prohibition is limited to the situations detailed above. In any other case, the prohibition does not apply, provided that the rules on conflicts of interest are duly complied with or the official is consistently excluded from all stages of decision-making contracting processes which could interfere with his/her independence. Transactions such as public tenders for the financing of NGOs, investment in agriculture, as well as various forms of social aid, are therefore allowed. The prohibition does not apply either to operations on the basis of contracts concluded prior to the official taking office.

104. Statistics provided by the CPC show one violation of the above prohibition by a PTEF between 2012 and 2016 (compared to 68 cases involving public officials in 2012 alone, all in local municipalities). The CPC had been requested by PTEFs to provide ten opinions regarding business activities in 2012-2016, compared to 443 requested by public officials.

Gifts

105. Article 30 of the IPCA provides that an official may not accept gifts or other benefits in connection with the discharge of official duties, the exceptions being protocol gifts and occasional gifts of low value. The act goes on to define protocol and occasional gifts. Protocol gifts are gifts given to officials by representatives of other State bodies, other countries and international organisations and institutions on the occasions of visits, guest appearances and other occasions, and other gifts given in similar circumstances. Occasional gifts of low value are gifts given on special occasions worth no more than €75²⁸, and a total value of no more than €150 from the same person during a given year. Under Article 31 of the IPCA, protocol gifts and occasional gifts worth more than €75 become the property of the State, local community or organisation in which the official holds office.

106. Gifts above €25 in value have to be declared and recorded on a list kept by the official's organisation. Rules on restrictions and duties of officials related to accepting gifts²⁹ detail how they are to be valued, kept and disposed of.

107. According to the information gathered by the GET, rules on gifts appear relatively clear, well-known and generally complied with. The CPC has only had a handful of cases regarding violation of the IPCA provisions on gifts in 2012-2016 and none regarding PTEFs. 57 legal opinions were provided on this issue, but none regarding PTEFs.

Misuse of public resources

108. There are no specific regulations regarding the misuse of public resources. In addition to political responsibility, criminal law provisions apply as appropriate (art. 257.a of the Criminal Code on the misuse of public funds). The CPC explained to the GET that 60 allegations of corruption involving PTEFs were recorded between 2012 and 2016. Most cases concerned employment and public procurement procedures and corruption was proven in just two cases.

Misuse of confidential information

109. The Classified Information Act³⁰ lays down a common system for the determination, safeguarding and access to classified information relating to public security, defence, foreign affairs, intelligence and security activities, as well as its declassification. All officials and employees of government agencies have to safeguard classified information, no matter how it has come to their knowledge, even after their employment has ceased. Fines are foreseen in the Act for disregard of its provisions.

Post-employment restrictions

110. A two-year cooling-off period is imposed on officials wishing to represent a legal entity which has or intends to have business contacts with their former institution. That institution may not during one year conduct business with an entity in the management or capital of which the former official participates, either directly, or through other legal

²⁸ The draft amendments to the IPCA foresee lowering this value to EUR 60.

²⁹ Official Gazette of the Republic of Slovenia, No. 53/10, 73/10

³⁰ Official Gazette of the Republic of Slovenia, No. 87/2001

persons (art.36 IPCA). A two-year cooling-off period is in place for lobbying activities (art. 56 IPCA).

111. According to some of the GET's interlocutors, there is room for improvement in the rules governing the employment of (former) PTEFs and their relatives in state-owned enterprises. The GET also recalls that the improvement of post-employment rules is among the announced draft amendments to the IPCA.

Declaration of assets, income, liabilities and interests

Declaration requirements

112. Ministers and state secretaries – but not members of their cabinets – are among the approximately 15 000 officials who must file an asset declaration with the CPC, via an electronic form available on the Commission's website, no later than one month after taking up or leaving their office or post, as well as one year after ceasing their functions. The CPC may ask for an ad hoc declaration at any time, which must be submitted within 15 days.

113. Data on assets is to include the following:

- personal information, such as name, address, tax ID number;
- information on current work and work performed immediately before taking office, as well as information on any other office held or activities performed;
- information on ownership or stocks, shares, management rights in a company, private institute or any other private activity with description of the activity, and a designation of the registered name or the name of the organisation;
- information on stocks, shares, and rights held in indirect ownership;
- information on taxable income that is not exempt from personal income tax;
- information on immovable property;
- monetary asset deposits in banks, savings banks and savings and loan undertakings, the total value of which in an individual account exceeds €10 000 ;
- the total value of cash if it exceeds €10 000;
- types and values of securities if, at the time of the declaration of assets, their total value exceeds €10 000;
- debts, obligations or assumed guarantees and loans given, the value of which exceeds €10 000;
- movable property, the value of which exceeds €10 000 EUR; and
- any other information in relation to assets that the reporting person wishes to provide.

114. Assets of family members are not to be declared but if the CPC suspects that the minister or state secretary has transferred property or income to family members, it may request him/her to provide information about these assets. The GET is concerned about this shortcoming, which weakens the asset declaration system. It notes that one of the reported draft amendments to the IPCA intends to give the CPC the possibility to extend oversight to the assets of officials' close relatives if a disproportionate increase in assets is suspected. In this connection, GRECO recommends considering widening the scope of asset declarations to also include information on the spouses and dependent family members of ministers

and state secretaries (it being understood that such information would not necessarily need to be made public).

115. Changes in assets – if exceeding €10 000 from one reporting year to another – as well as changes in activity or ownership in a private entity, are to be communicated to the CPC. The related standard form provided on the website of the Commission includes the possibility to state the reason for the increase in assets.

116. The CPC keeps records on persons subject to asset declaration duties, as well as on cases of disproportionate increase in assets.

Review mechanisms

117. The CPC is responsible for reviewing the accuracy of asset declarations filled in by the ministers and state secretaries. Given the great number of declarations it receives overall, the CPC uses a combination of random checks and the selection of a different group of target officials each year, which are checked more thoroughly.

118. The CPC may obtain any information from official records to verify the accuracy of the declarations. If inconsistencies are found, it may request the official concerned to provide evidence that his/her information is correct.

119. If the review shows that assets have increased disproportionately or that assets were declared below their actual value, the CPC asks the official concerned for explanations within 15 days. If these are unsatisfactory, the CPC notifies the official's employer or the body to which s/he has been elected or appointed – in the case of the ministers and state secretaries, the government. It is then up to the government to initiate appropriate sanction mechanisms and the CPC has to be kept informed accordingly. If there is a reasonable risk of asset dissipation, the Commission may contact the State Prosecutor's Office or the competent authority in the field of money laundering and tax evasion, so that temporary measures are taken to secure the money and assets. Likewise, the CPC must be kept informed on the action taken thereafter by the relevant law enforcement authorities.

120. If a minister or state secretary fails to submit data required, the CPC may, after a reminder with a time limit, decide that his/her salary or compensation is reduced by 10%. Fines between €400 and 1 200 are also incurred for failing to submit a declaration or providing false information.

121. The GET has strong misgivings about the efficiency of the current asset disclosure system in Slovenia. According to the CPC, the objectives of the system are threefold: transparency, prevention of conflicts of interests and fighting illicit enrichment. In the GET's view, the system is currently failing to meet all three of these objectives.

122. Transparency is clearly not achieved as asset declaration forms are not published, even though they should be according to the IPCA (with the exception of information regarding taxable income). The GET was told on-site that in the absence of a systematic and comprehensive control of all declarations submitted, the CPC does not want to take responsibility for publishing inaccurate declarations on its website. It estimates that 60% of the declarations contain inaccuracies and one of the common mistakes is that close persons'

assets, which are not subject to publicity requirements, are disclosed. The GET stresses that the accuracy of the declarations should be the declarants' responsibility, not the CPC's. A connected issue is that, according to various interlocutors, the CPC does not grant requests for access to asset declarations under the Public Information Access Act but forwards those requests to the officials concerned, who may choose whether or not to disclose such information. This is clearly unsatisfactory³¹.

123. Prevention of conflicts of interest and the fight against illicit enrichment are not currently achieved either because the supervision carried out is mostly formalistic. The CPC mainly verifies the timely submission and formal regularity of declaration forms. Statistics provided indicate that in around 20% of cases, ministers and state secretaries fail to submit their asset declaration or submit it too late, a rather high number. Fines or reprimands were issued in some of these cases.

124. The GET takes the view that the IPCA gives the CPC adequate tools to enable it to carry out substantive checking of officials' declared and hidden assets, even if there is room for improvement. However, the GET stresses that prioritising in-depth checking of asset declarations of high officials who are by virtue of their position especially exposed to corruption risks – and ministers and state secretaries are most certainly among such officials – is instrumental to the credibility of an asset disclosure system that purports to prevent conflicts of interest and detect illicit enrichment. Determined action in this regard could also help remedy the deficit in public trust that politicians and more recently the CPC have been facing. Accordingly, GRECO recommends (i) ensuring timely publication of the ministers and state secretaries' asset declarations and (ii) that substantive checking of these asset declarations be carried out by the Commission for the Prevention of Corruption.

Accountability and enforcement mechanisms

Criminal proceedings and immunities

125. The GET welcomes that PTEFs in Slovenia do not enjoy any form of immunity, nor do they have any procedural privileges, be it in criminal or administrative proceedings.

126. In the period 2012-2016, criminal charges were brought in:

- one case against a member of the European Parliament for accepting a bribe (art. 261 of the Criminal Code), who pleaded guilty and was sentenced to imprisonment for two and a half years. He is still working, but is serving his sentence on non-working days. He was also sentenced to pay a fine of EUR 32,250 and was prohibited from engaging in any occupation entailing the exercise of public functions;
- two cases against the Prime Minister. In one case, a decision to initiate the investigation was issued for abuse of position or rights in business activity (art. 244 of the Criminal Code). It is still on-going. In the other case, the Prime Minister was sentenced to two years in prison and a fine of 37 000€ which stood the test of regular and extraordinary remedy, but was annulled by a judgment of the Constitutional Court. The procedure was terminated afterwards due to expiry of the statute of limitations.

³¹ The authorities point out that the salaries of PTEFs are published regularly on the PORTAL PLAČ and that all financial transactions of public sector institutions are published on the ERAR online portal.

127. There has been no case of removal from office of executive branch officials owing to corruption or similar violations in the past five years. One minister resigned following the identification of a conflict of interests in a public procurement procedure.

Non-criminal enforcement mechanisms

128. The CPC is the primary authority in charge of non-criminal enforcement mechanisms for breaches by PTEFs of the rules on conflicts of interest, restrictions on business activities and reporting duties. It can act *ex officio*, upon reports of natural or legal persons or upon requests of competent authorities. Depending on the type of procedure under the IPCA, the CPC can either take enforcement measures itself, or it has to defer them other relevant authorities.

129. Fines for violation of specific provisions of the IPCA may be imposed directly by the CPC, using minor offence proceedings.

130. In some cases, the CPC can conduct *sui generis* procedures under the IPCA. This is the case for suspicion of corruption, breach of the regulations on conflicts of interest, restrictions on business activities, lobbying, breach of the rules on ethics and integrity in the public sector and the monitoring of assets. The CPC takes a decision at the majority of the panel of commissioners (two out of three), which is published. Possible decisions include opinions of principle, findings in a specific case or reasoned initiatives for public sector bodies to implement controls.

131. If the findings relate to a PTEF, the CPC sends them to the government/minister who supervises him/her. Within 30 days, it must initiate controls and disciplinary procedures and adopt appropriate measures in accordance with the law, the code of conduct and the integrity plan. It must inform the CPC accordingly. In the case of minister and state secretaries, however, there is no disciplinary system and only dismissal may occur. Cabinet members who are public officials may incur disciplinary liability, but the GET did not hear about any such case having actually happened.

132. Violations by PTEFs uncovered by the CPC have not so far been made public. The information provided by the CPC to the public about its work and the results of its actions is anonymised. In the GET's view, violations of the IPCA by ministers and state secretaries are certainly a matter for public interest, given the nature of their functions. Therefore, GRECO recommends publishing information about the outcome of violation procedures undertaken under the Integrity and Prevention of Corruption Act in respect of persons entrusted with top executive functions.

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of law enforcement/police authorities

Overview of various law enforcement authorities

133. The police is the single body of law enforcement in Slovenia. It performs the country's basic law-and-order functions, including migration and border control, under the supervision of the Ministry of the Interior. It is composed of the General Police Directorate, police directorates and local police stations. The statutory framework of the police is provided under the Organisation and Work of the Police Act (2013, as amended in 2016) and the Police Tasks and Powers Act (2013).

Staffing levels Police (as of 17.1.2017)

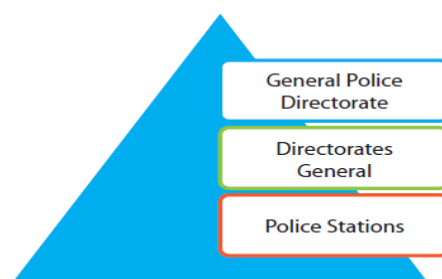
	Male	Female
Uniformed officers	4 556 (55%)	907 (11%)
Non uniformed officers	1 394 (17%)	302 (4%)
Non-police personnel	182 (2%)	877 (11%)
Total	8 218 (74% male; 26% female)	

Qualification levels Police (as of 17.1.2017)

Less than secondary education	265 (3%)
Secondary education	5 569 (68%)
Higher education	614 (7%)
College education	1 663 (20%)
University or college education with a specialist/master's degree	107 (1%)

134. The police is a civil organisation, which is hierarchically organised. At national level, the General Police Directorate, based in Ljubljana, is headed by the Director General of Police, who is responsible to the Minister of the Interior. At regional level, there are 8 Police Directorates, each led by a chief police superintendent. Additionally, there are a total of 111 police stations at local level, each headed by a chief police inspector.

Police hierarchical structure



135. The Director General is responsible for adopting guidelines, determining the national police strategy and monitoring the execution of police duties. The General Police Directorate can only directly carry out a particular task falling within the competence of a police directorate where, due to an unprofessional or late implementation of a task, consequences detrimental to the life or health of people, to nature and/or living environment or property

of substantial value could develop. Property of substantial value means an amount exceeding 50 000 €.

136. In point of fact, as a main rule, instructions of a political nature are not permissible. Rather, police investigations are conducted pursuant to the Code of Criminal Procedure which requires the police to file a report of all investigations with the competent State Prosecutor's Office on conclusion of a case. The latter, on receipt of the police report, is empowered to assess whether the police have carried out all the necessary investigative and procedural actions required by law, and can ask for other measures to be taken.

137. Further rules have been introduced in recent years to strengthen independence of police investigations, a recommendation explicitly formulated by the OECD Anti-Bribery Group in its [Phase 2 Report \(2007\)](#). To this aim, the procedure for appointment and removal of the Director General was amended in 2009 (see paragraph 170 for details), and a Mandatory Decree was issued in 2008 to better articulate, in writing, relations with the executive, with the express provision that matters related to preliminary criminal investigations and proceedings shall not be reported to the Minister of the Interior.

138. Reporting on financial activity and the use of budget funds is within the competence of the Ministry of the Interior; information on public procurement processes, the allocation and use of public funds are publicly available and can be found on the websites of the Ministry of Public Administration (public tenders and awards) and the Ministry of Finance (State budget and corresponding annual financial statements on incurred expenditure).

Access to information

139. The right to access police files (and to eventually photocopy data) is limited to a person who is a party to a procedure, as well as any other person who demonstrates a legal interest in the procedure concerned. General information on police procedures and tasks is available upon request and without having to prove any particular interest. The Information Commissioner has repeatedly confirmed in its annual reports that the police is one of the public authorities with greater levels of transparency. In point of fact, the police was awarded, in 2014, the best practice award in the field of access to public information. Moreover, the complaints received by the Commissioner relating to the police are very limited (they represent just 4% of overall numbers); in addition, the police has, to date, been very receptive to the recommendations of the Commissioner and is one of the most cooperative public authorities leading by example. The Ombudsman assessment of the police in its annual reports is equally positive.

Public trust in law enforcement authorities

140. The police carries out its own public surveys on citizen trust and satisfaction; the results, grouped by regions and by other parameters, are shared with the public. The last survey was conducted in 2016 and the next one will take place in 2018. Surveys of external institutions (e.g. Valicon and GFK) also confirm the citizens' level of satisfaction, and so does the [Global Competitiveness Report \(2015-2016\)](#) stressing that surveyed companies report that Slovenia's police generally protects businesses from crime and enforces the rule of law. The University of Maribor has been carrying out extensive research on police integrity. Research has shifted from studying the individual's integrity (or corruption at the opposite

end of the spectrum) to studying organisational-cultural factors of police integrity. The research conducted to date has highlighted that police officers in Slovenia appear to have a high level of integrity. The [Eurobarometer Survey on Corruption \(2014\)](#) presents, somehow, a gloomier picture as it indicates that almost half of Slovenian citizen respondents believe abuse and bribery are widespread among police officials, yet almost none report paying a bribe.

Trade unions and professional organisations

141. Two trade unions represent around 50% of the police force (i.e. around 4 500 affiliated members altogether), notably, the Police Trade Union of Slovenia and the Slovenian Trade Union of Police Officers. Their key tasks comprise, *inter alia*, strengthening the reputation of the police, enhancing a culture of security, preserving historical memory, promoting the profession and supporting the rule of law. Trade unions are key counterparts of the government as the latter develops policy/strategic documents for the profession. The GET found the actual involvement of trade unions in the concrete implementation of anticorruption operational measures to be somehow limited, and in any case, more reactive than proactive. In the GET's view, there is margin for improvement in this respect. Trade unions (as is the case for other external observers) could well play a valuable role in contributing to transparency, fairness and accountability of key decision-making processes within the police, in particular, in relation to career life events, including at the critical times of recruitment, advancement and dismissal.

Anticorruption and integrity policy

Policy, planning and institutionalised mechanisms for implementation

142. There is an Anticorruption Programme of the Police (2002). It includes a working definition of corruption, principles and goals – including a criterion of zero tolerance, criteria for establishing unlawful or unethical behaviour of police officers, internal and external factors influencing the level of police corruption, etc. There is also an Integrity Plan of the Police (2011, as updated in 2016); it includes a register of corruption and misconduct risks.

143. Main responsibility over anticorruption and integrity matters within the police, falls under the following authorities:

- Internal Investigation and Integrity Division of the Service of the Director General of the Police (see paragraph 216);
- Ethics and Integrity Committee (since 2011). It consists of 16 members from all three organisational levels within the police, who perform duties of committee members in addition to their regular work. The Committee carries out systematic assessment of ethical matters and proposes strategic initiatives regarding questions and dilemmas on integrity, implementation of the Code of Police Ethics, gender mainstreaming, conflict management, interpersonal relations and organisational climate in the police. It also delivers opinions and participates in the preparation and implementation of integrity plans, on its own motion or upon the request of the Director General of the Police.

- Centre for Research and Social Skills of the Police Academy (since 2014). It provides organisational support to the Ethics and Integrity Committee.

Code of Ethics

144. Police officers are expected to act and behave according to the highest moral standards and the principles of justice, equality, dignity and respect. A principle of zero tolerance to corruption applies. The Police Tasks and Powers Act specifies that in performing police tasks, police officers must observe the rules of professional conduct and strengthen police integrity. In addition, the Organisation and Work of the Police Act stresses that the police must ensure the organisational and personal integrity of all employees.

145. Ethical standards are primarily laid down in codes of ethics: there are three codes of ethics which provisions are of pertinence to the police; one is specific for the profession and two others apply to the profession by virtue of the public official status of its members.

- Code of Police Ethics (2008) – based on the European Code of Police Ethics, its observance is considered a moral duty. The Ethics and Integrity Committee of the police may adopt a position regarding a violation or a contentious act and make its opinion available to the public.
- Code of Conduct for Public Employees (2001) – legally binding; breaches may ultimately result in termination of employment and Code of Ethics for Civil Servants in State Bodies and Local Communities (2011) – morally binding.

146. Police officers and all police employees must be familiar with all the codes and must observe them in their work. Each police officer is given a copy of the Code of Police Ethics for permanent use; in addition, the contents of the latter are promoted via the police website, posters and other media. A research study was carried out in 2006 to measure police integrity training. The results of the survey indicated that most of the police officers were acquainted with the concept of integrity³².

Risk management measures for corruption prone areas

147. The designated units for internal oversight (so-called internal security units) are responsible for monitoring, assessing and strengthening integrity within the police, as well as for reducing the impact of corruption risks. The Rules on Internal Security within the Police (2014) are a key document in this domain. They comprise measures to prevent all types of threats against police employees, as well as methods for enhancing integrity and transparency, along with preventing corruption and conflicts of interest. Further, in the framework of the on-going reflection process on career-life and advancement in the police, much emphasis has been placed on defining those positions which are exposed to increased security risks; this is work in progress.

148. One of the risks mentioned by the authorities referred to the exceptional situation caused by the recent migration crisis. The Ombudsman referred to, in its 2015 Annual Report, isolated incidents of unsuitable verbal conduct (yelling) of individual police officers. These were moments of severe stress, under unexpected circumstances, which triggered a

³² Evaluation of Police Officer Integrity Training. Koporec and Šumi (2006)

specific response from the police. The authorities mentioned that another potential area of risk relates to police control of road traffic involving foreign nationals due to the fact that traffic tickets are paid in cash. The GET underscores the importance of ensuring that whenever cash collections occur they must be particularly well monitored and they must follow strict procedures so as to prevent embezzlement and to discourage officials from pursuing a personal lucrative interest in this type of operation. Here, the authorities were of the view that the effective application of the multiple eyes principle, by which two police officers need to be involved when performing police procedures, could be of value.

149. Another key feature in the strategy of the Slovenian police to promote integrity with its ranks relates to the "leadership from the top" principle (management/leadership structures that show high levels of integrity). Specific research in this field proves the significance of this principle in Slovenia³³; notably, it showed how those whose behaviour was shaped by their superiors' behaviour were more satisfied at work: of the participants, 59.1% agreed with the statement that the unethical behaviour of police officers is encouraged by supervisors showing low levels of integrity. In addition, 65.2% agreed with the statement that indifference to integrity is shown by a bad example from police managers or supervisors. In assessing the level of police integrity, most of the participants indicated that levels of integrity in their environment were high. The participants responded that the integrity of 75% of their supervisors at police stations was very high, and that of 59.1% of their first-line supervisors was high.

Handling undercover operations and contacts with informants and witnesses

150. Guidance and general instructions on the handling of undercover operations, as well as contacts with third persons (such as informants and witnesses) are contained in the internal document Instructions on the Collection and Evaluation of Information by the Criminal Police, which has a restricted nature. When drawing up the aforementioned document, Europol's recommendations contained in the restricted document EU Manual on best practices on the Use of Informants were taken into account. Moreover, general provisions on the collection and evaluation of information by the criminal police are also enunciated in the Police Tasks and Powers Act, with due respect for the safety and privacy rights of the third parties involved.

Advice, training and awareness

151. The Police Academy provides inception training on ethics and human rights (mandatory); this training consists of a total of 90 hours of classes in the first year of studies at the Police College. In addition, the Police Academy organises a rolling programme on ethics and integrity (voluntary). Special training on integrity matters is also organised for those officers in management/leadership positions. The curriculum programme includes theoretical approaches and practical problem-related issues. Different methods are used – traditional auditorium-style lectures, workshops, role play, dilemma solving, team and individual work. The work of the Academy has increasingly gained a reputation both at national and international levels where, since 2010, experts from the Slovenian police have been actively involved as lecturers and developers of training content and programmes in the area of integrity strengthening and ethical leadership with the European Union Agency

³³ Evaluation of Police Officer Integrity Training. Koporec and Šumi (2006)

for Law Enforcement Training (CEPOL) and other European Agencies. GRECO welcomes that Slovenia connects ethical training to the protection of human rights. This appears particularly important in respect of the police, which often faces situations where human rights and fair and non-discriminatory treatment are at stake.

152. Advisory tasks on ethical matters are entrusted to the Ethics and Integrity Committee. An email address (integriteta@policija.si) is provided to seek assistance regarding work-related dilemmas, interpretation of ethical standards, etc.

153. The general public is informed about integrity and corruption prevention matters and proposed solutions/on-going reforms within the police through mass media outlets, press conferences, expert appearances in the media, the police website, etc. Furthermore, in line with the Integrity and Prevention of Corruption Act and by instructions of the Commission for Prevention of Corruption, the police reports matters involving corruption risks to the Commission.

154. It was clear to the GET that the Slovenian police had taken remarkable action in the last decade to set in place a comprehensive anticorruption framework and to make officials aware, at all levels of the echelon, on the applicable integrity principles and obligations. Training on integrity matters is particularly strong in this regard, with a core curriculum that includes extensive modules on guiding values and ethics in action for both new recruits and more senior agents (e.g. on respect of the rule of law, decided rejection of misbehaviour, fair and impartial treatment of all individuals and respect for diversity). Many of the central measures of the current anticorruption policy in the Slovenian police are the result of extensive, thought-through, academic research, which dates back to the early 90s and focuses on professionalism, legitimacy, ethics, deviance and respect for human rights by the police institution itself, as well as by its individual agents.

155. It emerged from the interviews onsite that overall public trust in the police is rather high in Slovenia. As a matter of fact, all the interlocutors met, including journalists, representatives of NGOs and academia, as well as bodies in charge of supervising the work of the police, shared the view that the police is among the most trusted of state authorities in the country and that the trend has been improving over the years. This has been corroborated by a number of national surveys that are conducted on a regular basis and which place police ratings high. The leadership structures of the police closely follow the findings of opinion pollsters and are ready to take action if the trend becomes less positive. Some scholars say that such a positive perception is also due to historical reasons as, during the struggle for independence in 1991, the Slovenian police (at that time called *militia*) played an important role in supporting the public and therefore was never regarded as a “suppressing force”³⁴. In more recent years, academics and practitioners have stated that police corruption is still out of the question for the average Slovenian citizen³⁵.

156. As to the many steps taken by the police to reinforce its image and maintain integrity, several key ones could be mentioned: firstly, it has been very *proactive* in making the legislative changes to put matters of reinforcing integrity in the police high on the agenda.

³⁴ Lobnikar B., Meško G. (2015) Police Integrity in Slovenia. In: Kutnjak Ivković S., Haberfeld M. (eds) Measuring Police Integrity Across the World. Springer, New York, NY, 2

³⁵ Kos, Drago (2008). Police Corruption. An Organisation Based Problem? In SIAK-Journal – Zeitschrift für Polizeiwissenschaft und polizeiliche Praxis (2), 55

For instance, with the recent amendments to the Law on Organisation and Work of the Police, internal integrity has been defined as one of the key tasks of the police (Article 31).

157. Secondly, the police has been setting up the necessary structures in charge of taking measures of prevention and actions against deviations in the police (Internal Investigation and Integrity Division of the Service of the Director General of the Police). There are also internal bodies in place to carry out systematic assessment of ethical matters and propose strategic initiatives regarding questions and dilemmas on integrity (Ethics and Integrity Committee, supervised by the Deputy Director General of the Police). In addition, every new recruit is obliged to read and sign the Code of Ethics of the Police, and immediately after recruitment is sent to study at the police college for two years where training on ethics and integrity constitute an important part. Since 2014, the Centre for Research and Social Skills of the Police Academy has been providing organisational support to the Ethics and Integrity Committee, offering training to police officers on a regular basis. Furthermore, during 2012-2015, the Ethics and Integrity Committee implemented a project on *Organisational Climate and Image of the Police*, the purpose of which was to measure and improve identified deficiencies, communication and interpersonal relationships. As a result of the project, an internal unified selection system is being applied to all persons seeking to occupy managerial positions.

158. Thirdly, as stated by many interlocutors overseeing police work, notably the Ombudsman office, the Information Commissioner, and NGOs monitoring police work at the border during the migration crisis, the police is co-operative and *responsive* to criticism, following up on recommendations on how its work could be improved. For example, after receiving public complaints of verbal abuse by border police officers, some of them were transferred to other stations, others received psychological assistance and training, the members of the Integrity and Ethics Committee accompanied individual police employees on their deployment, participated in coordination meetings, etc. These were said to be most valuable measures leading to tangible improvements, as seen by external observers.

159. Concerning additional improvements to the current integrity framework of the police, the development of supplementary risk management tools ranks high on the agenda. An Integrity Plan, pursuant to the requirements laid out by IPCA, is in place and risk registers were established in 2011 and 2012; they are supported by measurement instruments, multiple-criteria decision-making models and early warning systems. The relevant internal security units within the police are assigned pivotal tasks for risk management and risk reduction purposes; however, the increased responsibilities assigned throughout the years in this domain have not been matched with additional resources (see also paragraph 217).

160. The GET concurs with the authorities that this is an area that merits close and continued attention, notably, for the police to be in a better position to detect risks of systemic corruption, including organised crime schemes, rather than only targeting narrower incidents of deviant individual behaviour. To this effect, the use of registers can be helpful to ensure that corruption control is not confined to simply acting on complaints, but rather collecting evidence through targeted intelligence. This type of risk analysis necessitates the use of various sources including databases/registers containing information on gifts, conflicts of interest declarations, disciplinary infringements, complaints data, information gathered throughout vetting process, etc. Specific comments on further refinement/development of such registers and databases are made later throughout this report. Likewise, employee

surveys or case analyses could help identify vulnerable departments, positions or areas where there are heightened risks of corruption.

161. Furthermore, the Anti-Corruption Programme of the Police dates back from 2002. It was the key anticorruption document until 2005 and then superseded by the multiple measures and tools which now form the basis of the strengthened integrity policy of the police. The Integrity Plan is a more up-to-date instrument, but it is an internal document. The GET considers that there needs to be a public statement on the police's far-reaching measures to uphold integrity within its ranks; such a move could only help to enhance the organisation's reputation, reinforce the internal policies among employees and partners and help deter corruption.

162. With all this in mind, the GET is convinced that additional steps can be taken to better assess corruption risks in the profession and to enhance readiness and preparedness to respond to such challenges. Tackling corruption in policing is a continuous dynamic process, requiring not only the identification of risks and problems (which is in itself a challenge), but also the engagement of all staff, partners and key stakeholders in implementing a remedial plan. Such a move would certainly benefit the police, especially because it has demonstrated its interest and willingness to reinforce integrity today and in the future. GRECO recommends (i) enhancing risk management within the police, by further developing an intelligence collection plan to identify corruption problems and emerging trends, coupled with a regular assessment mechanism, which is adequately resourced, and aims at reducing or eliminating the identified risks; (ii) strengthening public reporting tools on integrity and corruption prevention measures in the police.

Recruitment, career and conditions of service

Recruitment requirements and appointment procedure

163. The police force in Slovenia (a country with a population of around two million) is relatively small, with a staff of 8 218, as illustrated earlier in this report. It suffered some heavy losses in the 90s: immediately after independence (1991) many police officers left; then again, in 1998, following the adoption of the Police Act, more than 800 police officers retired. The main regulatory instruments are the Civil Servants Act (2007, as amended), as well as the Organisation and Work of the Police Act, the Act on the Internal Organisation, Job Classification, Posts and Titles in the Police.

164. Before making a decision on new employment, the Director General of the Police checks if a vacant post can be filled by transferring a public employee from the same body, and if not, then from another body by means of internal competition. Internal recruitment follows different methods: testing of physical capabilities, psychological test, selection interview (three-member commission composed of a human resources specialist, a psychologist and a commander), medical examination and security clearance. As for external competitions, these are carried out in accordance with the applicable rules for all public officials: vacant posts are publicly advertised (media, website) and candidates who meet competition requirements are checked in the selection procedure – first, on the basis of the submitted documentation, then, with a written test, in an interview or another type of test. For new candidates, it is critically important that the requirements laid out in Article 44 of the Organisation and Work of the Police Act are met, including on mental and physical

fitness, proof of criminal records and security clearance. The Organisation and Work of the Police Act and the Act on Internal Organisation, Job Classification, Posts and Titles in the Police define the limited exceptions to the principle of open competitive recruitment (i.e. for cases in which special skills are needed).

165. Security vetting is carried out for employment purposes; other than at those key processes, the mechanism used to assess the conduct and integrity of police officers during their term of office is performance appraisal. The GET found that, although the information gathered throughout the vetting process is recorded in the security vetting records of the police, it is however not automatically transcribed in the candidate's personal file. For the GET, this is a missed opportunity to gather details that may be of potential use in the future for risk assessment purposes; targeted improvements are desirable in this respect.

166. Employment in the police is usually permanent, with a probationary period of up to six months (probationary periods must be spelled out in the relevant vacancy notice). There are, however, fixed term contracts in a number of cases, as specified by law: posts dependent on personal trust (posts in the cabinet); temporary replacements; specialist work in projects of a limited duration; internships; post of director general, secretary general, head of a body within the ministry, head of the government service, head of an administrative unit and director of a communal administration and/or municipal secretary; redundancy; employment of a top athlete or coach in order to support and promote sport. Until 2016, State border police officers (guards) in charge of the supervision of the external EU border, were employed on a fixed-term basis; they are now permanent staff of the police. Whether permanent or temporary, all police members fall under the same regulatory instruments and are therefore subject to identical integrity-related principles and obligations.

167. There are special selection procedures in place for the Director General of the Police and the Director of the National Bureau of Investigation (NBI)³⁶. As already mentioned, legislative amendments were introduced in 2009 to strengthen the independence of police investigations, including through changing the procedure for appointment and removal of the Director General of the Police. While the law stipulates that these procedures fall under the decision of Government acting on proposal of the Minister of the Interior (Article 47, Organisation and Work of the Police Act), changes followed in law in 2009 to, *inter alia*, (i) subject the selection of the Director General to the requirement of public competition, (ii) lay out cases of early dismissal, and (iii) involve in such processes a special commission (formed by the President of the Council of Officials, a representative of the State Prosecutors Council, and an acknowledged independent expert from the field of security, law or the protection of human rights). A candidate for the post of Director General must fulfil the following conditions: (i) conditions for employment as a police officer; (ii) at least 15 years of work experience in the police; (iii) at least eight years of work experience at management level in the public sector. Concerning the Director of the NBI, s/he is appointed and dismissed by the Director General of the Police; the applicable procedure is subject to public

³⁶ The NBI was established in January 2010 as a criminal investigation unit working within the Criminal Police Directorate of the General Police Directorate in Ljubljana. The NBI is responsible for, *inter alia*, the detection and investigation of demanding and complex forms of criminal offences in the field of economic crime and corruption, the detection and investigation of which require international and interagency cooperation, specific skills and coordinated and targeted work of investigators.

employment law and follows the course of action established for the post of director of a body within a ministry (Article 49, Organisation and Work of the Police Act).

Performance evaluation and promotion to a higher rank

168. A system of career promotion is in place. Promotion (either to a higher title or a higher salary grade) is not only based on relevant education and work experience, but also on performance appraisal results, as conducted on an annual basis by the hierarchical superior. The criteria for evaluating work performance are: work results, independence, creativity, accuracy and reliability in performing work, quality of cooperation and organisation of work and other abilities in relation to the work performed. Unsatisfactory performance may give rise to termination of the contract.

169. The Ethics and Integrity Committee carried out a survey in October 2013 on workplace climate; its results showed, *inter alia*, that employees would like to see more transparent and unified procedures for selecting senior personnel. Action followed thereafter to identify best practice in police directorates (Ljubljana and Celje). Instructions were adopted in June 2015 improving the selection process of assistant commanders; work is on-going regarding appointments to other senior posts, and more generally, regarding the applicable career system in the police.

Termination of service and dismissal from office

170. Termination of the employment contract of public employees is governed by the Employment Relationships Act and the Civil Servants Act, which detail a list of dismissal grounds, e.g. expiry of contract, death, mutual agreement, failure to pass professional examination, sentence of imprisonment of more than six months, etc. Additionally, the Organisation and Work of the Police Act sets forth more stringent conditions on dismissal, i.e. if a sentence of imprisonment of more than three months is imposed, or if the officer fails to pass a competence exam in the exercise of police powers. All the acts issued in connection with appointment, promotion, mobility or dismissal may be appealed through internal conciliation channels, labour-law mediation, and ultimately, before court.

171. The GET considers that, overall, the system of recruitment in the police is performed in compliance with the principles of fairness, openness and merit. No major issues have been identified on-site. Trade unions do not participate when new candidates are recruited and found this to be an interesting idea to consider. Anonymous (or "coded") written tests are not applied either. These are matters deserving further consideration as they could increase fairness of the recruitment process.

172. The GET notes that, with regard to promotion, criticism was expressed on-site concerning the current practice when a supervisor, single-handedly, decides on the relevant annual performance appraisal. This can be a particularly sensitive matter because annual appraisals do play an important role in career life of police officers, not only for promotion, but also for pay rises. The same worrying shortcoming applies to dismissal procedures, where a supervisor can decide on the employment fate of his/her subordinates. The GET found on-site that these cases of so-called "extraordinary dismissal" are then challenged in court, with as many as 80% of the original hierarchical decisions being overruled.

173. There could well be inherent risks of conflicts of interest, and more gravely even corruption and nepotism suspicions, when career-related decisions are taken unilaterally by line management. The GET is of the firm view that there must be additional internal safeguards to guarantee that career moves are not based on arbitrary unilateral decisions, are adequately monitored and, thus, their fairness and integrity preserved at all times. Career-life decision-making processes must be constructed with integrity concerns in mind to help prevent any one person being in a position to influence the outcome of such processes; for this reason, decision-making by collegial bodies or committees, including external assessors, as for example, union representatives or even third parties outside the police (e.g. academics, civil society representatives), as appropriate, is a most valuable tool. The authorities recognised that, although they did not find any instance of nepotism, they are well aware of the sensitivity of career-related decisions and the need to ensure adequate processes for that reason. More particularly, the police is currently working on a new job classification, which would take into account inherent risks of certain posts and propose multi-level checks and additional internal safeguards accordingly.

174. Furthermore, the police must be representative of the community as a whole. One aspect of this is that the percentage of women in the police is to be proportionate to the composition of the population; this ratio must apply at all levels of the police structure and not only at lower or support posts. The GET underscores that the integration of women officers at higher levels of the police echelon, including at strategic, managerial and policy-making level, is not only a requirement of equality under international law (see also paragraph 24), but can also generate positive changes in attitude and performance within the profession (e.g. breaking the silence code, inclusion of women in the application of multiple eyes principle, preparing the police environment for cultural diversity, etc.).

Statistics by type of posts and gender (2007)

Title of post	Women	Men	Total
Director of the National Forensic Laboratory		1	1
Director of the National Bureau of Investigation		1	1
Director of the Police Academy		1	1
Director of Directorate		10	10
Director of Office		1	1
General Director		1	1
Commander of Police Station	2	110	112
Commander of the Special Unit		1	1
Principal of the Police College		1	1
Head of Centre		16	16
Head of Unit		4	4
Head of Section	10	123	133
Head of Section and Laboratory		1	1
Head of Police Orchestra		1	1
Head of Desk		2	2
Head of Division	4	32	36
Head of Group	4	44	48
Head of Service	3	13	16
Total	23	363	386
Promotions	Women	Men	Total
Promotion to title (1.5.2016)	114	390	504
Promotion to salary grade (1.4.2016)	353	1073	1426

175. In the GET's view – a view which was broadly shared by all interlocutors – there is much room for improvement in the Slovenian police in this respect. The authorities are indeed aware of such a challenge: although there had been no formal complaints of discrimination in the corps, and there are *de facto* women in top management positions of the police, it was clear that the proportion/ratio of females in high ranks was not entirely satisfactory. Against this backdrop, the GET can only welcome that a working group is currently looking into a gender strategy as applied to the police; research must now lead to tangible results.

176. In light of the foregoing considerations, GRECO recommends strengthening the existing mechanisms for career promotion and dismissal in the police in order to ensure that they are fair, merit-based and transparent, including abandoning the practice where the supervisor decides on this single-handedly. Particular attention should be paid to the recruitment and integration of women at all levels in the police structure.

Rotation and mobility policy

177. Given the career system and personnel policy, staff rotation is not an evenly applied principle within the police; having said that, it applies to particularly sensitive posts (corruption prone areas, stressful assignments – e.g. in the context of the migration crisis, etc.). There is no functional and/or geographical compulsory mobility policy either. The GET considers that the introduction of this type of instrument can be helpful for corruption-prevention purposes and calls on the authorities to assess their relevance and suitability as they develop the risk prevention tools envisaged in the recommendation made in paragraph 165.

Salaries and benefits

178. At the beginning of their career, police officers have an annual gross annual salary of €12 042.48 (22nd salary grade public officials). To be promoted to a higher salary grade, a public employee has to: (i) have completed a three year promotion period and obtained three annual evaluation grades that enable promotion or (ii) have obtained grades that, when translated into points, amount to at least three points on average for the last six years.

179. Police officers and all the other public employees are entitled to lunch allowance of €3.68 per day. They are also entitled to public transport allowance (in the amount of the monthly bus or train pass). If there is no public transport, a public employee is entitled to 8% of the price of 95 octane petrol per kilometre. A police officer is also entitled to a daily allowance of €16 for a trip which lasts longer than 12 hours provided that no food is provided. Allowance for *de facto* separation is €140.54. Depending on the working conditions, a police officer may be entitled to a field allowance of 21% of the daily allowance. All public employees, including police officers, are entitled to a long-service bonus of €288.76 for 10 years of service, €433.13 for 20 years of service €577.51 for 30 years of service. Police officers are also entitled to a payment for annual leave, which in 2017 amounts to €790.73 for all public employees in payment grades from 17 to 40. Police employees and exceptionally police pensioners are entitled to the accommodation allocations (Rules on Leasing Service Apartments, Rooms and Beds in Rooms of the Ministry of the Interior).

180. The salaries for individual posts are publicly accessible at the “Salaries in the Public Sector” portal of the Ministry of Public Administration. The portal enables an overview and analysis of information on the types of payment and sources of funds used by budget users to pay salaries in the public sector, other payments and the number of employees in the public sector (ISPAP), in accordance with the provisions of the Public Sector Salary System Act. Similarly, allowances are determined by statute and are publicly accessible. Control over the use of allowances is carried out by the Ministry of the Interior.

Conflicts of interest

181. Police officers, like any other public official, have a duty to avoid conflicts of interest. In particular, an official that believes a situation has arisen in which his/her personal interests might affect the impartiality and objectivity of the performance of his/her tasks, or where the circumstances of the situation might cast doubt as to his/her impartiality and objectivity, must, immediately or as soon as practical under the circumstances, notify the principal and act in accordance with his/her instructions. In such cases, the principal must assure that the tasks are performed lawfully, impartially and objectively, or must verify that the tasks were performed in such a manner (Article 100, Civil Servants Act). The provisions of the Integrity and Prevention of Corruption Act also apply.

182. According to the afore-mentioned provisions, where an officer identifies a situation of potential conflict of interest, s/he is obliged to report it to the supervisor. The supervisor must take a decision thereon and provide guidance on steps to be taken. To ensure the legality of policing, the officer affected is usually removed from the situation while his/her duties may be transferred to another staff member. It is the duty of the supervisor to make sure these steps are taken.

183. Police officers generally report verbally on potential conflict of interest situations to their immediate superior, or in writing to the Internal Investigation and Integrity Division, if more complex issues arise and interpretative guidance is sought. No statistics or register of such declarations of conflicts of interests is kept. This is an obvious handicap for corruption preventative purposes within the organisation.

184. Fairness and impartiality are paramount for all those exercising a public function; they are particularly important for the police, given its powers and the certain degree of discretion it has in how to use these powers. The GET notes that conflicts of interest are somehow inevitable; they are not in themselves a sign of wrongdoing, but they do represent risks to be recognised and managed. Failure to identify and deal with conflict of interest usually leads to lies and cover-ups, and in the end, many breaches of duty originate from a failure to recognise and deal with some form of conflict of interest.

185. The GET considers that additional steps specific to the police must be taken to better support implementation of the applicable legal framework. It would appear that the current practices in this domain are more of an ad hoc nature, dependant on individual hierarchical decisions, not registered nor monitored, and, therefore with little value for strategic and preventative purposes. This case-by-case approach can prove insufficient to recognise systemic risks and ways to address and resolve those before they become organisational threats. Therefore, GRECO recommends developing an organisational strategy and

practices to improve the management of conflicts of interest in the police, including through responsive advisory, monitoring and compliance mechanisms.

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

186. Police officers cannot be members of political parties. A crystal clear ban is also established regarding detective/security-related work, as per the detailed catalogue of restrictions laid out in the Rules Prohibiting Secondary Activities to be Undertaken by Police Officers (e.g. police officers cannot act as private security officers or detectives or perform security tasks in catering facilities, provide professional guidance, advice and expert opinions related to police work unless requested to do so by judicial or administrative authorities, perform auditing in the insurance sector, etc.).

187. Other than that, secondary employment (on the basis of an employment contract with another employer) is allowed insofar as it does not exceed eight hours per week, as long as (i) it does not affect impartiality in the performance of work; (ii) it does not result in the abuse of data accessible at the performance of the tasks at work, that are not accessible to the public; (iii) the performance of activity is not harmful to the reputation of the body. Such employment is subject to the authorisation of the Director General of the Police (a hierarchical cascade procedure for centralising authorisation decisions is in place); refusals are appealable.

188. Police officers can, in the same way as other public employees, perform other types of secondary employment, e.g. a one-off contract to carry out work or a contract for a copyrighted work. Secondary employment can also take the form of entrepreneurship and self-employed activity or business operation. In such cases, the agreement of the superior is not needed.

Secondary work reported (2012-2016)

	Male	Female	Total
2016	34	8	42
2015	29	13	42
2014	35	11	46
2013	46	9	55
2012	44	8	52

189. No major deviations from compliance with supplementary/secondary work rules have been reported. If there is non-compliance with regulations, this shall be brought to the attention of the officer in question who shall receive a written decision. Where an officer already engages in an employment outside the department and non-compliance is established subsequently, s/he will be issued with a binding decision. Non-compliance with the department's prohibition of secondary engagement shall result in termination of contract. Statistically, such cases are very rare, i.e. less than one per year.

190. Under the Civil Servants Act, legal entities in which the Director General of the Police, or his/her spouse or their relatives in direct line or collateral relatives up to third degree, hold a share exceeding 20%, may not enter business relations with the police. Contracts in breach of this rule are null and void.

A police officer with lawyer qualifications engaged in secondary employment as a legal adviser. It turned out later he was employed in the criminal police unit in charge of economic crime investigations. The secondary employment could adversely affect his ability to exercise police authority for it was likely that in the course of investigation he, in his capacity as police officer, might have to take action against individuals or legal persons he was representing and advising as part of his secondary activities. The officer in question was issued with a decision prohibiting engagement in outside activities.

191. The GET has misgivings regarding the current regulatory framework on secondary employment, an area which could also potentially constitute a conflict of interest because of the prejudice it may cause to officers' availability and integrity. It would appear that the law has not kept abreast with practice and, for that reason, proves to be insufficient to tackle an area which is an acknowledged source of risk. In particular, police officers are not bound by any legal act to report on every secondary activity they carry out; the law, rather leaves the determination of whether or not the secondary employment falls under the reporting duty (i.e. is in conflict with the police mandate) to the officer him/herself. Moreover, there is no register of issued authorisations, nor an institutionalised system of follow-up. This is unfortunate because if records were kept and made transparent to the whole organisation, the opportunities for potential abuse could be reduced significantly. GRECO recommends (i) clearly defining a reporting obligation for secondary employment that is sufficiently robust to address individual risk and organisational reputation; and (ii) ensuring that all authorisations of secondary employment are registered.

Gifts

192. Police officers shall refrain from accepting gifts pursuant to the Decree on Restrictions and Duties of Public Employees as regards Acceptance of Gifts. Gifts entail offers of things, rights and benefits that can be assigned a financial equivalent. Generally, a police officer shall not accept any gifts related to discharging their duties; similarly, they cannot accept any gift which takes the form of cash, securities, vouchers, token items or precious metals, irrespective of their value. A limited exception applies to the general ban in relation to protocol gift or a casual low-value item – not exceeding €62.59. The total value of all items received from one person in a calendar year shall not exceed €125.19. The table below shows the data over the last five years for items worth more than €20.86.

193. Where the officer receives an expensive gift, s/he shall notify the donor that s/he cannot accept it. Where there is no way of avoiding a gift and the donor insists that it should be accepted, the gift has to be handed over to the employer or to an official in charge of handling gifts, or the donor has to be referred directly to the head of unit. When a gift is not a low-value protocol gift, the public employee must hand it over to the employer or the person authorised to handle gifts. Gifts received are recorded in electronic format, i.e. they are entered on an electronic list; they must be declared and registered within five days. The electronic register contains information on the recipient, the donor, the circumstances surrounding the offer and the gift handling procedure; this information is not public. The applicable ban on gifts described in the preceding paragraphs also applies to police officers'

relatives in direct line (first degree); however, no sanctions are in place for such situations, nor is there a duty for the relatives to report the gift.

Reported gifts (2012-2016)

	Male	Female	Total
2016	23	7	30
2015	11	2	13
2014	11	1	12
2013	13	1	14
2012	29	1	30

Misuse of public resources

194. Police officers shall not require, for themselves or for any other person, any special privileges and shall not be susceptible to any form of corruption (Article 5, Code of Police Ethics).

Third party contacts, confidential information

195. Contacts with third parties outside the regular procedure are regarded as corruption risks. Police officers shall protect professional secrecy and shall not disclose or use in an unauthorised manner data and information acquired in the performance of official duties. In the course of their work and when relaying information to the public, police officers shall be discreet (Article 8, Code of Police Ethics).

Practical example on breach of misuse of information

A police officer wished to influence his colleague from a police unit other than his own and asked him to refrain from testing one of his friends for alcohol intoxication. After checking the grounds of suspected corruptive conduct, it was found that the testing was carried out anyway, but the officer in question kept enquiring about the procedure and even consulted his friend's personal data to gather more information about the procedure without a legitimate need to know. The officer was processed for both violations and the case ended with termination of employment contract.

196. Police officers are bound to specific data protection obligations:

- at the end of each working session, they shall lock their desks, file cabinets, safe boxes and offices where sensitive material is kept;
- they shall keep the desks and other surfaces accessible to unauthorised staff clear of documents or media containing sensitive data,
- they shall keep the instructions on how to access computer records in places that cannot be accessed by unauthorised staff;
- they shall strictly adhere to sign-in and sign-out procedures using individual passwords when accessing sensitive information;
- they shall position terminals, work stations, ITSP and other data processing equipment so that unauthorised staff cannot see the data; where this is not possible, computer screens and other equipment shall be turned off or

switched to power-saving mode so that they cannot be viewed by individuals who do not have a legitimate need-to-know;

- o they shall destroy and remove supporting documents (test or failing printouts, matrices, calculations, charts, sketches etc.) produced in the course of generating a document immediately after producing a document.

197. The statistics regarding the misuse of confidential information for the last five years contain the number of cases involving suspicion of officer’s criminal offence and the number of minor offences detected. Cases involving a criminal offence or a minor offence were referred to the Specialised Office of the State Prosecutor or the Information Commissioner, respectively.

Criminal offences (2012-2016)

	Male	Female	Total
2016	-	-	-
2015	1	-	1
2014	3	-	3
2013	1	-	1
2012	1	-	1

Minor offences (2012-2016)

	Male	Female	Total
2016	2	-	2
2015	6	2	8
2014	6	-	6
2013	3	-	3
2012	6	-	6

198. The GET heard conflicting information as to the improper use of databases by the police. While the police did not flag this as an issue, there is evidence that this has happened in the past. The Information Commissioner did refer to irregularities in its 2012 and 2014 reports. Media outlets have also denounced inappropriate demands of the police to web portals, without a court order, to gather information on readers and commentators. In the GET’s view, this is an area which deserves close monitoring in the framework of the recommended risk analysis (paragraph 165). This type of erratic action of the police not only generates doubts and questions in the public opinion, but can also lead to failure of investigations in court because of procedural breaches. It can also hide more organised schemes of disclosure of private information to third parties with vested interests.

Post-employment restrictions

199. Police staff may be employed in other posts after they have left the police force. The only restriction that applies is defined in the Detectives Act which sets a cooling-off period of two years before police officers may work as private detectives.

200. Retired officials should also be monitored in terms of their post-retirement jobs, in order to avoid improper moves to the private sector which could generate situations of conflicts of interest. The GET acknowledges that certain specialist skills and knowledge that police officers can bring to the private sector can be invaluable, and are rare; the crucial issue here is not whether a competent professional from the public sector is hired in the

private sector, but rather whether the employment was conferred in exchange for an official act/omission to act. The challenge is to strike an appropriate balance, the goal being threefold, and notably aimed at (1) ensuring that specific information gained while in public service is not misused; (2) ensuring that the exercise of authority by a police officer is not influenced by personal gain, including by the hope or expectation of future employment; and, (3) ensuring that the access and contacts of current as well as former police officers are not used for the unwarranted benefits of the officials or of others.

201. The GET finds the existing post-employment ban, i.e. a two-year cool off period before police officers work as private detectives, to be rather limited in scope to capture the conflict of interest scenarios that may, and that indeed, occur in practice. In this connection, the GET was made aware of several instances where senior staff left the organisation and took posts with commercial or other bodies with related activities. As a matter of fact, a post-public employment policy is lacking. GRECO recommends developing specific mechanisms for preventing and managing conflicts of interest after officers leave the police organisation.

Declaration of assets, income, liabilities and interests

202. The Director of the Police is required to file an asset declaration as is any other of the high-ranking officials listed in the IPCA (Article 4(8) IPCA); the only Director of the Police that has done so since the provisions of the IPCA entered into effect is the current one. Police officers and police employees who are responsible for public procurement also fall under the reporting obligation (Article 41(3), IPCA). Financial declarations are filed before the CPC. There are no requirements in place for any other police officers to report any of their property or financial interests (shares, bonds or other financial instruments).

203. The lack of a single financial reporting regime for all police officers, and not exclusively for the highest posts in the institution, was not seen as a problem either by police officers themselves, nor by outside viewers with whom the GET met. Firstly, because as highlighted before, police corruption is currently a non-issue for Slovenian citizens, no instances of illicit enrichment in the police have been reported or noted; and secondly, because the police have in place a rather comprehensive array of alternative instruments to prevent corruption and maintain sound levels of integrity within the profession.

204. The different interlocutors interviewed on-site, including NGOs and academia, noted that they would not see any added value if the police were asked to declare their income, assets and liabilities. They all felt that this would rather represent a cumbersome bureaucratic requirement for not only reporting subjects, but also for the supervisory body, whichever such a body may be (in this connection, interlocutors were particularly concerned about overloading the CPC with the forms of over 8,000 officials). Against this background, the GET refrains from issuing a recommendation on establishing and enforcing procedures for the declaration and registration of the income, assets and liabilities of those who perform policing functions and of appropriate members of their families - a tool that could prove to be of value for corruption prevention purposes, as recognised by other international bodies³⁷.

³⁷ INTERPOL Global Standards to Combat Corruption in Police Forces/Services (Article 4.11)

205. The GET is aware that it is not uncommon that financial disclosure regimes in the police are indeed restricted to senior posts, which are more prone to corruption than lower echelons in the hierarchy. Even so, if ever developed in the future for all echelons of the police organigramme, financial disclosure should not be merely seen as an obligation for police officers, but also as an opportunity for the system to help prevent situations that could ultimately lead to corruption. For example, situations of indebtedness (a problem that was acknowledged to be no rare occurrence for many police officers in Slovenia), which can benefit from welfare support, if properly identified. The GET encourages the authorities to revisit this issue when developing its risk assessment tools, as recommended earlier in this report (recommendation in paragraph 165).

Internal oversight mechanisms

Oversight by the Minister of the Interior: Direction and Supervision Units

206. This kind of oversight of the work of the police is initiated (ordered) by the Minister, who appoints the head of oversight and officers who participate in oversight, and who are full-time employees of the internal unit of the Ministry, in charge of direction and supervision. These persons have a status of official persons with special powers.

207. The Minister may also put together police officers employed in the police or other public officials in the Ministry, in order to carry out certain tasks related to oversight of the police work. Special powers of the members of Direction and Supervision Unit:

- request information contained in records kept and maintained by the police;
- examine records, documents, papers, orders, minutes, decisions and resolutions obtained, prepared or issued by the police in accordance with their competences, and request, if necessary, that they be submitted to them in the original or as copies;
- invite police officers, other police employees or individuals to interviews;
- enter any premises used by the police in the course of their work;
- request official certificates and technical and other information on technical means used by the police and request proof of the qualification of police officers to use technical and other means in the course of their work;
- be present when the police are carrying out their tasks.

208. All police officers are obliged to provide all assistance necessary to the officers of the Unit during their supervision proceedings. In case it has been established, during the supervision, that in performing their tasks, police officers were unlawfully encroaching upon human rights and fundamental freedoms, the head of the supervision shall demand of the head of the unit supervised to implement measures to eliminate unlawful actions. Such measures and others are laid down in the report on performed control.

209. If there is a reasonable risk that the exercise of powers, in the course of the supervision of the implementation of covert investigative measures of the police, might prevent the implementation of these measures or make it considerably more difficult or endanger the life and health of people carrying them out, the police may temporarily deny access to documents, inspection of premises and communication of certain data or information. In this case, the possible continuation of supervision is decided by the Minister. The second limitation is that the Unit officials may not have access to documents disclosing

the identity of undercover operatives and natural persons who voluntarily and secretly provide the police with operational information about criminal offences, their perpetrators, etc.

Inspection services within the police: the role of supervisors and internal security units

(i) General oversight and control framework

210. Bearing in mind that the Slovenian Police is hierarchically organised on three levels, each of these levels is responsible for the control and internal management of a lower level: the General Police Directorate oversees the work of directorates general, which in turn oversee the work of police stations. The relevant designated supervisors, at the different levels, are generally long standing/executive rank employees with a thorough knowledge of police legislation; they must all be in possession of a Bologna degree (i.e. bachelor degree for supervisors at local/regional levels, and a master for those working at State central level) and they further undergo targeted training for the correct performance of their oversight/control responsibilities.

211. The goal of this type of supervision is to ensure legality, professionalism, quality, as well as to ensure that tasks are carried out efficiently, effectively and economically, and to assess whether they contribute to the achievement of set goals. Oversight and control may be initiated on the grounds of a piece of information within the police, or in cooperation with other national bodies, or by acquiring information from a citizen or information detected in the media. Overall, the police takes measures immediately after it has acquired information from internal and/or external sources.

(ii) Internal security units: the Internal Investigation and Integrity Division

212. Internal security units are specifically responsible for monitoring, assessing and strengthening integrity within the police, as well as reducing the impact of corruption risks connected with (i) work environment, work and workplace (improving discipline, education, training, staffing procedures, etc.); (ii) external environment (connections with perpetrators, political influences, demands of the local community, media, civil society initiatives, etc.); (iii) integrity of a police employee (abuse of alcohol and other illicit drugs, etc.). All police units are to furnish the assistance necessary to the relevant internal security units for the performance of its functions. Internal security units are not disciplinary bodies; even so, they forward their findings and reports to the latter if their competences overlap. In such cases they also propose that disciplinary procedures be considered and implemented.

213. At the General Police Directorate, the responsible unit is the Internal Investigation and Integrity Division within the Service of the Director General of the Police; at police directorates, these units are part of the Service of the Director. The Internal Investigation and Integrity Division employs five (male) police officers, while at the regional level, these units employ 21 male and five female police officers. The personnel of the aforementioned units must have general police knowledge and experience in investigating criminal offences; they undergo regular annual training to further support the required skills. Officers working in these units are not subject to additional integrity checks, other than those they have to undergo as a police officer (i.e. security vetting prior to employment); they are individuals enjoying a good reputation among their colleagues and are trusted employees.

214. Also in this area, the GET acknowledges the constructive steps taken by the Slovenian police to set in place a well-articulated system of internal control. Beyond hierarchical supervision, internal security units are placed at the highest level of the chain of command. Mechanisms are in place to assure that this upper-level type of control is performed by qualified personnel. The GET understood that internal control units had been acquiring increased responsibility over the years and they currently play a pivotal role in assessing corruption risks, detecting deviant behaviours and taking immediate action thereafter; they are indeed a fundamental structure in the police to prevent malfeasance. Moreover, as previously stressed in this report, the GET considers that additional work lies ahead to develop risk management tools which would enhance readiness and preparedness to respond to emerging challenges, not only by uncovering individual misbehaviour, but also by detecting organisational and process vulnerabilities. Regrettably, the increase of duties of these units has not been matched by an increment in the resources at their disposal. For the GET, it is important that the current means and staffing levels of the units devoted to internal security tasks, and in particular the Internal Investigation and Integrity Division, are indeed sufficient to preserve the efficient performance of corruption prevention work and further develop risk management tools; a recommendation has already been issued in this respect (see paragraph 165).

Reporting obligations and whistleblower protection

215. Police officers have a duty to inform the head of their police unit or the police unit responsible for internal security within the police of deviant behaviour or misconduct of which they have become aware (Article 5(2), Rules on Internal Security). According to law, whistleblowers cannot be subject to reprisal. If the police officer fails to report detected violations/breaches, s/he may be accused of not complying with regulations or of breaching contractual duties in the employment contract. Depending on the circumstances and type of violation he or she failed to report, the officer in question may be challenged for disciplinary responsibility or may be issued a written warning before the regular termination of employment contract, or the most severe measure of termination of the employment contract in serious cases. No statistics are kept on whistleblower reports.

216. The GET notes that the problem of the code of silence in the police, when one police officer is unwilling to report on another police officer's wrongdoing, was highlighted on-site as a risk that may occasionally occur in the Slovenian police. However, as explained before, substantial efforts have been made in the last two decades to instil an integrity ethos within the body (through education, internal control, community service and strengthened accountability mechanisms). The GET notes that there need to be some additional safeguards in place to better allow reporting of wrongdoing, which can sometimes prove difficult given that the author of such wrongdoing may be a colleague or a superior. A research study carried out in 2015 described how, in the Slovenian police, generally the unwillingness to report about a colleague's action refers only to less serious violations (e.g. accepting free meals, gifts from merchants; covering-up of a police officer during an accident; and verbal abusing of a stopped driver), but that if a more serious crime were committed the majority of officers (around 92%) would report the fellow officer engaged in the commission of that type of violation (e.g. brutality, bribery, theft)³⁸.

³⁸ Lobnikar B., Meško G. (2015) Police Integrity in Slovenia. In: Kutnjak Ivković S., Haberfeld M. (eds) Measuring Police Integrity Across the World. Springer, New York, NY, 1

217. Another research study conducted in 2011 showed that those who worked as community policing officers, or who had received community policing training, were more willing to report police misbehaviour. This finding was also corroborated on-site. The GET can only welcome the importance placed by the Slovenian police on enabling open discussion with the public, for effective policing must be based on good cooperation and trust between the police and the public. Likewise, the GET notes that, in other countries, the practice of multiple-eye, in particular, through more developed gender mainstreaming, has proven an excellent tool against the code of silence and bigger resistance to corruption risks. The GET was told during the on-site visit, that although the multiple eye principle is recognised in law, it does not always follow in practice.

218. The GET also found on-site that, according to the newly amended internal guidelines of the police, officers are supposed to report wrongdoings in the police to their superior. After the on-site visit, the GET was told that direct reporting to internal control units was possible, and that anonymous reporting could be done through either an e-reporting channel or a hotline (080-1200). The GET heard that although reporting of a wrongdoing is mandatory, in practice, officers do not appear eager to do that, especially when they are not sure whether or not their superior(s) is involved in the unlawful activity. If, on the contrary, they decide to report, in most cases they prefer to stay anonymous. Moreover, the whistleblower provisions contained in the IPCA, are seen by many interlocutors as limited in scope, with implementation measures being too slow and not serving their purpose in practice. The GET stresses that for a whistleblower protection system to be utterly effective it requires trust, and such trust is only possible when a safe environment is created; more determined steps need to be taken within the police in this domain.

219. In order to be better prepared to prevent the risk of a code of silence within the police, GRECO recommends (i) resorting to a more systemic use of the multiple-eye principle, whenever possible, and (ii) strengthening the protection of whistleblowers and making sure that all officers are well informed of the available channels to report wrongdoing in the workplace. GRECO encourages the authorities to continue with the good practice of community policing.

Remedy procedures for the general public

220. A system for the resolution of complaints of ill-treatment by the police (hereinafter: complaints system) was first introduced in 1998, and substantially stepped up in 2004 and then 2013 to transfer the process from the police to the Ministry of the Interior and to provide for greater external public involvement. The procedure for deciding upon complaints is accompanied by a strictly defined methodology for transparency and due process, purposes (Rules on handling complaints against police officers, 2013).

221. More particularly, complaints are handled in two stages. During the first stage, the complaint is examined by the head of the police organisation unit, who also carries out the so-called reconciliation procedure. In this procedure, the complainant is provided with information about the established facts and the powers of the police. If the complainant disagrees with the findings, the complaint is assigned to the Ministry of the Interior. Otherwise, the complaint is settled. The GET had misgivings as to the deadline fixed by law to lodge a complaint, i.e. 45 days after the fundamental right or freedom of the complainant was allegedly violated. Also, the law does not contemplate anonymous complaints. The GET

discussed these matters on-site and was told that, in practice, investigations went beyond those limitations of the law.

222. The complaint is always assigned to the Ministry of the Interior in serious cases (e.g. when the complainant alleges that a police officer has committed a criminal offence prosecutable *ex officio*, cases of alleged serious interference with human rights and fundamental freedoms). The case at the Ministry is dealt with by a panel of three members headed by the Minister's plenipotentiary. Two members of the panel are representatives of the public, selected by civil society organisations. There is no representative of the police force in the panel, which decides on complaints by a majority vote. All investigation outcomes can be subject to judicial review.

Number of complaints made against police officers in the last three years

	2014	2015	2016
Total complaints	403	358	309
Ill treatment complaints	44	44	35
Substantiated complaints	16	18	12
Criminal proceedings	3	4	2
Disciplinary proceedings	-	-	-

223. A brochure containing the essentials of the complaints procedures has been issued so that the public is made aware of their rights. Moreover, the police and the Ministry of the Interior are raising awareness by publishing relevant information on their respective websites, particularly by presenting their activities and by holding press conferences. Complaints procedures, summaries of decisions of the complaint investigation senate and annual reports are published at the Ministry's website (http://www.mnz.gov.si/si/varnost_in_nadzor/pritozbe_nad_policisti/).

224. The GET acknowledges the important changes that have progressively been introduced in this area following the rulings of the European Court of Human Rights³⁹, and the relevant recommendations of the Council of Europe Commissioner for Human Rights⁴⁰. The latter has repeatedly stressed in its different pronouncements the pivotal role of a complaints system for securing and maintaining public trust and confidence in the police, as it serves as a fundamental protection against ill-treatment and misconduct⁴¹. The GET further points at the use of complaints data for risk analysis purposes since such data can help identify not only the underlying causes of individual misconduct, but also trends in behaviour that are more of a systemic nature and that reflect upon potential vulnerabilities of police structures and procedures (see recommendation in paragraph 165).

Enforcement and sanctions

Disciplinary procedure

225. Disciplinary infractions by police officers are dealt with by a special senate, composed of: the chairperson (Director General of the Police, director of the regional police authority

³⁹ *Rehbock v. Slovenia* (2000). *Matko v. Slovenia* (2006)

⁴⁰ [Report by Mr Alvaro Gil-Robles Commissioner for Human Rights on his visit to Slovenia](#) (15 October 2003).

⁴¹ [Opinion of the Commissioner for Human Rights concerning Independent and Effective Determination of Complaints against the Police](#) (12 March 2009)

or a person appointed by the director), a representative of the police union and a member of civil society. The prosecutor receives a court authorisation granting him/her the right to attend the discussion of the case and to express his/her opinion. The range of applicable sanctions varies depending on the seriousness of the misdemeanour and ranks from spoken warning to dismissal. If the established violations have elements of a criminal offence, the case is referred to the Specialised State Prosecutor's Office (see further below for details).

226. No detailed statistics are gathered regarding disciplinary action for corruption-related misconduct (unless the deviant conduct constitutes a criminal offence in which case details on both criminal and discipline penalties imposed are kept, as illustrated below). The GET sees merit in keeping detailed statistics on disciplinary action for corruption-related misconduct in order to help identify and further promote corruption prevention within the service, as well as to reassure the public of the action that is taken (see recommendation in paragraph 165).

Criminal proceedings against police officers

227. Police officers have no immunity when it comes to violation of regulations, nor are they entitled to any procedural privileges. The investigation of criminal offences with suspects being police officers has been entrusted, since 2007, to the Section for the Investigation and Prosecution of Official Persons Having Special Authority, which was established as part of the Specialised State Prosecutor's Office (Special Section). This Special Section was reportedly set up in order to provide independent, impartial, timely, transparent, thorough and efficient investigation of crimes. It has exclusive territorial and subject matter jurisdiction over criminal offences committed by officials of the:

- Police
- Internal affairs services with police authority to exercise supervision under the law regulating the police
- Military police with police authority in pre-trial proceedings
- Intelligence and Security Service of the ministry responsible for defence
- Slovene Intelligence and Security Agency.

Case study: a corruption scheme in the health sector

In 2016, the Criminal Police Division detected and investigated suspicions of corruption offences in healthcare. A person working in healthcare offered services of queue jumping for first examination by specialists in return for payment or other services. The investigation revealed the involvement of police officers, who knew the person and provided various services in return. The Internal Investigation and Integrity Division collected evidence and notified the Specialised State Prosecutor's Office, which took over the investigation of the criminal offences. Two police officers were dismissed for gross misconduct and corruptive acts. Five police officers were given written reprimands before dismissal. There are pre-trial proceedings underway against all the officers for the suspicion of corruption offences, which have not been completed yet.

228. The state prosecutors at the Special Section are competent to prosecute such offences and to direct the activities of police officers seconded to the Section in detecting and investigating such offences. They can also draw support from the relevant internal

security units of the police; the latter can be involved in the investigative process and are under an obligation to provide all necessary information.

229. In the period between 2011 and 2016, charges were filed against 13 police officers: six were found guilty (charged) in subsequent court procedures; five were acquitted, while the court has not yet issued judgement against the other two. All the police officers involved in the proceedings were male. The majority of the cases investigated were initially detected by the police, which referred the investigation of suspicion to the Prosecutor's Office.

Corruption-related offences detected within the police (2012-2016)

Year	Men	Women	Total
2016	6	-	6
2015	5	-	5
2014	1	-	1
2013	-	-	-
2012	-	-	-

Per rank of officer

Year	Police officer	Police inspector	Head of police unit
2016	1	2	3
2015	5	-	-
2014	-	-	1
2013	-	-	-
2012	-	-	-

230. In all cases of misconduct that constitute a criminal offence with elements of corruption, procedures under labour law were also carried out, which resulted in a written warning before regular termination of the employment contract or extraordinary termination of the employment contract. The table below shows statistical data broken down by rank.

Disciplinary measures in parallel to criminal prosecution of corruption-related offences in the police (2012-2016)

Measure	Police officer	Police inspector	Head of police unit
written warning before regular termination	3	2	1
extraordinary termination of contract	3	-	3
Total	6	2	4

231. The GET considers that effective police accountability means that police activity is open to observation by a variety of oversight institutions; the establishment of the Special Section can yet be seen as another positive move of the Slovenian authorities in such a direction. Without precluding or pre-empting the pivotal role of internal oversight, it is important to provide for other types of external control and enforcement, all the more in the event of suspicions with criminal elements. There are particularly sensitive issues, as for example, corruption-related allegations surrounding senior officers or in relation to organised crime, which may be best dealt with outside the chain of command. That said, police staff shall as a rule enjoy/have the same right to defence, fair and due trial as any

other ordinary citizen. In this connection, the Ombudsman has noted a shortcoming in respect of the available appeal mechanisms.

232. The GET understood that there is work in progress concerning improvements in the existing system, including the issue of appeal channels, but also the decision on whether the Special Section will be still empowered in the future to investigate offences perpetrated by police officers during working hours as well as off-duty. Another concern relates to the position of police officers working in the Special Section, as their status during the period of secondment in the Special Section, falls somehow in a grey area. These are all matters warranting close review; it trusts that the outcome reached in the on-going discussions is satisfactory both from the point of view of the rights of police personnel, as well as that of their due accountability.

VI. RECOMMENDATIONS AND FOLLOW-UP

233. In view of the findings of the present report, GRECO addresses the following recommendations to Slovenia:

Regarding central governments (top executive functions)

- i. that the Commission for the Prevention of Corruption be provided with adequate financial and personnel resources to effectively perform its tasks with respect to persons entrusted with top executive functions, in particular in the areas of asset declarations, conflicts of interest, lobbying and integrity plans (paragraph 48);
- ii. that the shortcomings identified in the Integrity and Prevention of Corruption Act as regards the *sui generis* procedure before the Commission for the Prevention of Corruption, post-employment restriction rules, rules on lobbying and the extension of oversight to family members in case of a disproportionate increase of assets be remedied through the adoption of new or amended legislation (paragraph 51);
- iii. that an integrity plan be established in respect of the government, as an overarching structure to the plans existing in each ministry (paragraph 59);
- iv. developing efficient internal mechanisms to promote and raise awareness of integrity matters in the government, including confidential counselling and training at regular intervals of persons entrusted with top executive functions (paragraph 65);
- v. ensuring that all contacts of persons entrusted with top executive functions with lobbyists and other third parties who seek to influence government decision-making are duly reported, including those from legal and authorised representatives of companies and interest groups (paragraph 84);
- vi. developing within the government an organisational strategy and practices to improve the management of conflicts of interest, including through responsive advisory, monitoring and compliance mechanisms (paragraph 95);
- vii. considering widening the scope of asset declarations to also include information on the spouses and dependent family members of ministers and state secretaries (it being understood that such information would not necessarily need to be made public) (paragraph 114);
- viii. (i) ensuring timely publication of the ministers and state secretaries' asset declarations and (ii) that substantive checking of these asset declarations be carried out by the Commission for the Prevention of Corruption (paragraph 124);
- ix. publishing information about the outcome of violation procedures undertaken under the Integrity and Prevention of Corruption Act in respect of persons entrusted with top executive functions (paragraph 132);

Regarding law enforcement agencies

- x. (i) enhancing risk management within the police, by further developing an intelligence collection plan to identify corruption problems and emerging trends, coupled with a regular assessment mechanism, which is adequately resourced, and aims at reducing or eliminating the identified risks; (ii) strengthening public reporting tools on integrity and corruption prevention measures in the police (paragraph 162);
- xi. strengthening the existing mechanisms for career promotion and dismissal in the police in order to ensure that they are fair, merit-based and transparent, including abandoning the practice where the supervisor decides on this single-handedly. Particular attention should be paid to the recruitment and integration of women at all levels in the police structure (paragraph 176);
- xii. developing an organisational strategy and practices to improve the management of conflicts of interest in the police, including through responsive advisory, monitoring and compliance mechanisms (paragraph 185);
- xiii. (i) clearly defining a reporting obligation for secondary employment that is sufficiently robust to address individual risk and organisational reputation; and (ii) ensuring that all authorisations of secondary employment are registered (paragraph 191);
- xiv. developing specific mechanisms for preventing and managing conflicts of interest after officers leave the police organisation (paragraph 201);
- xv. (i) resorting to a more systemic use of the multiple-eye principle, whenever possible, and (ii) strengthening the protection of whistleblowers and making sure that all officers are well informed of the available channels to report wrongdoing in the workplace (paragraph 219).

234. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Slovenia to submit a report on the measures taken to implement the above-mentioned recommendations by 30 June 2019. The measures will be assessed by GRECO through its specific compliance procedure.

235. GRECO invites the authorities of Slovenia to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its 49 member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.