Between Individual Rights and State Responsibility: The Role of the State Attorney's Office as the Protector of Property and Other Interests of the Republic of Slovenia before the European Court of Human Rights

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ABSTRACT

Drawing on statistical data and the practical experience of its representative, the State Attorney's Office of the Republic of Slovenia (State Attorney's Office), the article examines the performance of the Republic of Slovenia (Slovenia) in proceedings before the European Court of Human Rights (ECtHR). According to the authors, the statistical data—taking into account the particularities of the ECtHR's decision-making process—show that, more than three decades after the Convention became binding on Slovenia, the country has generally been successful in ensuring the respect and protection of human rights and therefore do not support the occasional allegations that Slovenia is a major violator of these rights. Nevertheless, the authors emphasize that Slovenia must not be content with what has been achieved. The ideal of full respect for human rights must accordingly remain the primary goal of all institutions and individuals whose work can influence the level of human rights protection in Slovenia. In this aspect the State Attorney's Office plays an important role as the Republic of Slovenia's rep-

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resentative before the ECtHR, a proponent of friendly settlements, a participant in the execution of judgments, and a legal adviser to state authorities, which it also represents in proceedings before domestic courts. Its role is becoming even more significant in occurrence of new challenges such as climate change, digital technologies, artificial intelligence, and the ongoing need to ensure consistent compliance with the principles of the rule of law. This trend of its increasing pertinence and expanding scope should be reflected in the institutional framework of the State Attorney's Office, particularly to achieve a greater impact of its advisory function and to enhance international cooperation with representatives of other states before courts.

Keywords: Slovenia as a contracting party to the Convention for the Protection of Human Rights and Fundamental Freedoms, rulings of the European Court of Human Rights (ECHR) against Slovenia, interpretation of ECHR statistical data, the State Attorney's Office as the legal representative of Slovenia before the ECHR, execution of ECHR judgments, advisory role of the State Attorney's Office

Med posameznikovimi pravicami in odgovornostjo države: vloga Državnega odvetništva kot varuha premoženjskih in drugih interesov Republike Slovenije pred Evropskim sodiščem za človekove pravice

POVZETEK

Prispevek analizira uspešnost Republike Slovenije (Slovenija) v postopkih pred Evropskim sodiščem za človekove pravice (ESČP) v luči statističnih podatkov ter izkušenj iz prakse njenega zastopnika, Državnega odvetništva Republike Slovenije (državno odvetništvo). Statistični podatki ob upoštevanju posebnosti v postopku odločanja pred ESČP

po oceni avtoric kažejo, da Slovenija po več kot treh desetletjih, odkar je konvencija postala zanjo zavezujoča, večinoma uspešno zagotavlja spoštovanje in varstvo človekovih pravic, in da statistika ne potrjuje občasnih očitkov, da naj bi bila velika kršiteljica človekovih pravic. Ne glede na to pa avtorici poudarjata, da se kot država z doseženim ne smemo zadovoljiti. Ideal popolnega spoštovanja človekovih pravic mora zato še naprej ostati primarni cilj prizadevanj vseh institucij in posameznikov, ki lahko s svojim delovanjem vplivajo na nivo zagotavljanja človekovih pravic v Sloveniji. V tem kontekstu je pomembna institucija tudi državno odvetništvo, ki je zakoniti zastopnik Slovenije pred ESČP, pobudnik mirnega reševanja sporov, sodelujoči v postopkih izvrševanja sodb in pravni svetovalec državnim organom, ki jih obenem zastopa v postopkih pred domačimi sodišči. Njegova vloga se ob novih izzivih, kot so podnebne spremembe, digitalne tehnologije, umetna inteligenca in potreba bo doslednem spoštovanju postulatov pravne države, še krepi, temu trendu in pristojnostim, ki jih ima, pa bi vsekakor morala slediti tudi njegova institucionalna ureditev, predvsem v smislu zagotovitve večjega učinka njegove svetovalne funkcije in okrepljenega mednarodnega sodelovanja s tujimi zastopniki držav pred sodišči.

Ključne besede: Slovenija kot pogodbenica Konvencije o varstvu človekovih pravic in temeljnih svoboščin, odločitve Evropskega sodišča za človekove pravice (ESČP) proti Sloveniji, razlaga statističnih podatkov ESČP, državno odvetništvo kot zakoniti zastopnik Slovenije pred ESČP, izvrševanje sodb ESČP, svetovalna vloga državnega odvetništva

1. Introduction

The Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention), signed in 1950, is both a significant regional and a preeminent international legal instrument for the protection of human rights and fun-

damental freedoms. On the 75th anniversary of its signing, the Convention is recognized not only as a historic milestone but also as a symbolic and legal achievement, laying the foundations of a common European legal space in which human rights have become a binding norm for all Contracting States.

Notwithstanding this year's notable anniversary, the Convention is more than a historical document—it is a living instrument that has evolved over the decades, adapting to new social, political, and technological challenges. Its meaning and implementation in the daily lives of individuals are guided by the European Court of Human Rights (ECtHR or the Court), which, through its case law, interprets the provisions of the Convention, thereby ensuring that human rights are not merely theoretical and illusory, but practical and effective.

For the 46 Member States of the Council of Europe, with a population of over 830 million (countryeconomy.com, 2025), the Convention provides a legal framework that transcends national borders, allowing individuals to assert their rights in relation to alleged violations occurring under the jurisdiction of these states. The Republic of Slovenia (Slovenia) has been a member of the Council of Europe for over 32 years, and one year after joining, it became a party to the Convention, having accepted the jurisdiction of the ECtHR to rule on applications from individuals and other Member States against it.

A little over three decades is a significant period to reflect on Slovenia's track record as a respondent[1] before the ECtHR. Such reflections—by both professionals and the broader public—arise not only on occasions such as this

[1] Slovenia has assumed the role of applicant in only one proceeding before the ECtHR (the interstate case of *Slovenia v. Croatia*, No. 54155/16) and has registered interventions in a small number of proceedings based on an individual application against other Council of Europe Member States. The analysis in this article regarding the role of the State Attorney's Office of the Republic of Slovenia as Slovenia's legal representative before the ECtHR accordingly refers exclusively to applications brought by individuals and legal entities against Slovenia, therefore meaning proceedings in which Slovenia was the respondent.

year's anniversary, but also in the aftermath of high-profile cases against Slovenia. As these reflections are often accompanied by criticism of Slovenia's record before the ECtHR, this paper will draw on official statistical data to evaluate whether the allegation that occasionally appears in public in fact holds true – namely, that Slovenia is a major violator of human rights.

In the judicial process of enforcing individuals' rights under the Convention, the State Attorney's Office of the Republic of Slovenia (the State Attorney's Office) plays an important role as the legal representative of Slovenia before the ECtHR. It is therefore appropriate to examine and evaluate the nature of this role, and in that context, to address the question of whether—based on statistical data indicating that the ECtHR has found at least one violation of a Convention right in the majority of judgments against Slovenia—an assessment can be made regarding the effectiveness, or lack thereof, of the State Attorney's Office's representation.

In the concluding section, we will also examine the advisory function of the State Attorney's Office, its authority in facilitating amicable settlements and implementing ECtHR judgments, as well as the future challenges facing Slovenia and its legal representative before the Court.

2. The European Convention on Human Rights as a Pillar of European Human Rights Protection

The Convention was signed in 1950 as a direct response to the atrocities of the Second World War, thereby reflecting the shared commitment of European states to the protection of human rights. It is grounded in the universal values of human dignity, freedom, equality, and the rule of law, which have been repeatedly undermined over the past decades. The Convention was established as a legally binding instrument, comprising both a substantive catalogue

of human rights and an institutional framework for their implementation.

Over time, the Convention has been supplemented by additional protocols that expanded its catalogue of rights (e.g., Protocol No. 1, concerning the right to the peaceful enjoyment of property, the right to education, and the right to free elections; Protocol No. 12, establishing a general prohibition of discrimination; and Protocol No. 13, abolishing the death penalty). As a result, the Convention has evolved as a legal instrument that does not remain static over time but is continuously supplemented and interpreted through ECtHR case law in consideration of contemporary circumstances, thereby adapting to new social, political, and technological challenges.

The catalogue of rights guaranteed by the Convention should, after 75 years since its adoption, be self-evident for the Contracting States. Yet the challenges of the present day unfortunately serve to continually underscore the pertinence of the most fundamental rights, such as the right to life, the prohibition of torture, inhuman or degrading treatment, the right to liberty and security, the right to respect for private and family life, freedom of expression, the right of association, and the prohibition of discrimination.

The institutional framework for enforcing Convention rights was initially established with the European Commission of Human Rights (the Commission), which functioned as a filter for individual applications. Access to the European Court of Human Rights was indirect, as the Commission determined which cases were suitable for consideration. With the entry into force of Protocol No. 11 in 1998, the system was reformed—the Commission was abolished, and individuals were granted direct access to the ECtHR, significantly enhancing the effectiveness of the protection of rights.

The influence of the Convention, as interpreted over decades by the ECtHR, which substantively analyses and con-

cretizes the general formulations of rights, is multifaceted with respect to the legal orders of the Contracting Parties. On the one hand, it permeates all aspects of the functioning and decision-making processes of state authorities, while, on the other hand, ECtHR judgments often lead to changes in legislation, as well as judicial and administrative practice.

Accordingly, the Convention system is grounded in two key principles: *subsidiarity*, which emphasizes the primary responsibility of states to protect human rights, and the *margin of appreciation*, which grants states a degree of discretion in implementing Convention rights, particularly when cultural, moral, or social differences are at stake. In practice, the ECtHR intervenes only when national authorities manifestly fail to provide adequate protection of rights or when interference with a right is disproportionate.

For the Contracting States to the Convention, including Slovenia, the Convention's substantive and institutional framework represents not only an obligation but also an opportunity to strengthen both the rule of law and public trust in institutions—including the State Attorney's Office, which, as an independent institution, is granted by law the exclusive competence to represent Slovenia before the ECtHR.

3. Slovenia as a Contracting State to the Convention

The National Assembly of the Republic of Slovenia adopted the Act on the Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms amended by Protocols Nos. 3, 5, and 8, and completed by Protocol No. 2, as well as its Protocols Nos. 1, 4, 6, 7, 9, 10, and 11, at its session on May 31, 1994 (Official Gazette of the Republic of Slovenia – International Treaties, No. 7/94). The Act was published in the Official Gazette on June 13, 1994, and, in accordance with Article 5 of the Act, the Convention entered into force on June 28, 1994.

On that date, Slovenia became a full-fledged Contracting State to what is the fundamental human rights instrument in Europe, meaning that its obligations toward individuals became legally binding. Slovenia has thus committed to respect the full catalogue of human rights, to ensure effective domestic legal remedies for their enforcement, and to accept institutional oversight of the protection of rights, including the possibility for individuals to bring alleged violations before the ECtHR. In addition, Slovenia undertook the obligation to execute ECtHR judgments whenever the Convention was found to have been violated.

In doing so, Slovenia has positioned itself within the community of states that recognize human rights protection as not merely a domestic issue, but also as a shared European value and legal obligation.

3.1. Over Three Decades of "Conventionalization" of the Slovenian Legal System and Its Institutions

With the entry into force of the Convention for Slovenia in 1994, the process of gradual "conventionalization" of the Slovenian legal system began, with Convention standards permeating the functioning of all branches of power. The Convention did not remain merely an international obligation, but began to directly influence legislation, case law of the courts, administrative decision-making, and the broader institutional culture of respect for human rights.

Such influence is evident in all three branches of power: the legislative branch must take Convention standards into account when passing laws to avoid later findings of non-compliance; the judiciary is obliged to interpret national regulations in accordance with the Convention and the case law of the ECtHR; likewise, the executive branch must respect Convention rights when implementing policies and carrying out administrative procedures.

As the central institution representing the state before domestic courts and the ECtHR, the State Attorney's Office plays a particular role in this process. Its function is not merely reactive—responding to applications before the ECtHR—but also proactive. Within its advisory capacity, it participates in the preparation of legislative proposals, issues legal opinions, and identifies potential risks of violations of Convention rights. By doing so, the State Attorney's Office observes that Convention standards are increasingly considered by other state authorities, both in the drafting of regulations and in decision-making in individual cases.

The State Attorney's Office, as a state institution, is itself also bound to respect the Convention—both when representing the state and when formulating positions that must be consistent with established ECtHR case law. In this regard, the State Attorney's Office must be familiar with and consider Convention standards when shaping the defence of the state against allegations of violations, as well as when performing its own work in accordance with international obligations.

The effect of ECtHR judgments which find that the Convention has been violated is often multifaceted. In addition to the obligation to pay just satisfaction, Slovenia may also be required to implement other individual measures to remedy the consequences of the violation, along with general measures aimed at preventing the recurrence of violations. In this way, ECtHR judgments affect not only specific cases but also lead to systemic changes in the functioning of state authorities. The process of conventionalizing the Slovenian legal order is therefore a dynamic and multidirectional one.

3.2. Slovenia's Thirty Years of Challenges and Experiences as a Respondent State Before the ECtHR

Statistical data on judicial proceedings against a particular state, initiated by applications filed against it, provide general information on how frequently individuals—most often the

state's citizens or others under its jurisdiction—seek judicial protection of human rights before the ECtHR. The number of judgments in which the Court rules on submitted applications generally serves as an indicator of whether a state faithfully respects its Convention obligations or can, to a greater or lesser extent, be regarded as a violator of human rights.

The objectives of this chapter are: (1) to provide a comprehensive presentation of statistical data on the number of applications lodged against Slovenia in the past three decades, i.e., since the first registered application in May 1995[2]; (2) to present a complete overview of all ECtHR decisions on the submitted applications, with particular emphasis on statistical data concerning the number of applications decided by judgment[3]; and (3) on the basis of the data from the preceding two points, address the question of whether the occasionally expressed public assessment that Slovenia is a major violator of human rights holds true.

During the process of preparing the statistical data, it became evident that the task is not a straightforward one. The reason lies in the specific characteristics of ECtHR decision-making and the way the Court's official statistical data—on which all the figures presented in this chapter are based—are maintained[4]. For this reason, some preliminary clarifications are required to ensure proper understanding of the data and to provide an objective assessment of the extent to which Slovenia can be considered to violate human rights.

In the tables below, the primary category used is the number of applications. An *application* refers to an act that meets all the requirements set out in Article 47 of the Rules

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[2] *Misson v. Slovenia*, registered in the Court Registry under application No. 27337/95 on 16 May 1995. The first application against Slovenia was lodged by Slovenian national Ljubo Majarič on 13 December 1994, but it was registered under No. 28400/95 only on 1 September 1995.

[3] The ECtHR delivered the first judgment against Slovenia in the case of *Majarič v. Slovenia*, No. 28400/95, on 8 February 2000.

[4] These specific characteristics are, very likely, also the cause of the frequently ambiguous and inconsistent public commentary on the statistical data pertaining to judicial proceedings against Slovenia and their outcomes.

of Court[5]: it is made on an application form provided by the Registry, with all sections completed (such as the applicant's personal and contact details[6], the details of the representative, the name of the Contracting Party or Parties against which the application is made, a concise and legible statement of the facts, the alleged violation(s) of the Convention and the relevant arguments, and the statement confirming the applicant's compliance with the admissibility criteria laid down in Article 35 § 1 of the Convention), along with supporting documents confirming the applicant's statements. A complete application is recorded in the ECtHR database under a reference number, which is designated as the *application number*.

Any written submission or incompletely filled-out application form, or one not accompanied by the required documents, does not yet constitute an application with an application number. Such a document has the status of a so-called pre-judicial file, which is recorded in the ECtHR database but does not (yet) meet the formal requirements to be designated as an "application". If the applicant does not complete their submission in response to ECtHR requests in a manner that allows for a preliminary assessment of the alleged violations of the Convention, the Registry may dispose of it administratively and remove it from further consideration.

The term "application" is therefore not necessarily synonymous with a case or judgment, although an application is most often treated as a separate case, and a judgment or other decision is issued on it. The ECtHR may, however, join two or more applications and examine them together; in such instances, more applications brought together constitute a single case, in which several applications are decided by a single judgment (or decision). As indicated in the

[5] The consolidated version of the Rules of Court, valid from 15 September 2025.

[6] Or details of multiple applicants who file an application on a single application form. In such cases the application is assigned a single case number.

ECtHR document explaining the meaning of the terms used in statistical reports (Understanding the Court's statistics, 2019), the number of joint applications is not limited and can reach several hundred or even more than a thousand of applications. This explains why the number of judgments in statistical reports is lower than the number of applications on which a judgment has been issued[7].

3.2.1.1. Statistical Data on the Number of Applications Lodged Against Slovenia and the Corresponding Rulings

The first column of Table 1 presents the number of applications against Slovenia that were registered in the ECtHR database, each assigned an individual application number and allocated to one of the Court's judicial formations[8]. This indicates that the cases advanced to the next stage of proceedings and are classified in ECtHR statistical reports as pending cases before a judicial formation.

The last column of Table 1 indicates the total number of applications decided by the ECtHR, either by a decision declaring the application inadmissible or striking it out of the list of cases[9] (second column), or by a judgment in which the Court either found a violation of the Convention or confirmed that the decisions and actions of the Slovenian authorities were in compliance with the Convention[10] (third

[7] For example, the summary overview of the ECtHR's activities from 1959 to 2021 shows that, in proceedings against Slovenia, the ECtHR issued 373 judgments by the end of 2021, deciding on 392 applications. See ECHR Overview 1959–2021 (2022).

[8] In accordance with Article 26 of the Convention, the ECtHR considers applications in different compositions, or judicial formations, i.e., in a single judge formation, in committees of three judges, in Chambers of seven judges, or in a Grand Chamber of seventeen judges. The competences of each are set out in Articles 27 to 31 of the Convention.

[9] The ECtHR decides an application in this manner if the admissibility criteria are not met; if the application is manifestly ill-founded, or represents an abuse of the right of the right of individual application, or the applicant has not suffered a significant disadvantage; if the Court concludes, based on the circumstances, that the applicant does not intend to pursue it; if the application has been resolved; or if, for any other reason, further examination is no longer justified (Articles 35 and 37 of the Convention).

[10] The ECtHR establishes a violation of the Convention only by judgment. It is, of course, also possible that, after a thorough substantive assessment of all the circumstances of the

column). The difference between the number of applications assigned to a judicial formation (first column) and those already decided by the ECtHR (fourth column) represents the pending applications on which the ECtHR has not yet ruled[11].

Table 1: Number of applications lodged against Slovenia from 1994 to the end of 2024; the number of applications decided by inadmissibility decision or judgment; and the total number of applications decided by the ECtHR during the period under review.

Year	***Number of applications allocated to a judicial formation (1)***	***Number of applications declared inadmissible or struck out (2)***	***Number of applications that the ECtHR decided by judgment (3)***	***Total number of applications decided by the ECtHR (2 + 3)***
1994-2021[12]	10,136	9,634	392	10,026
2022[13]	287	271	4	275
2023	978	203	2	205
2024	382	307	4	311
Total	**11,783**	**10,415**	**402**	**10,817**

Table 2 shows, for the last five years, the trend in the number of applications against Slovenia allocated to a judicial formation (first column), the number of applications decided by an ECtHR judgment (second column), and the number

application(s), the Court may decide by judgment that the Respondent State has not violated the Convention.

[11] According to the data in Table 1, this difference amounts to 966, representing the number of pending applications at the end of 2024. The document *Country Profile: Slovenia*, last updated in September 2025, indicates that as of 1 July 2025, there were 978 pending applications.

[12] ECHR Overview 1959–2021 (2022, p. 5). Since the Convention has been binding on Slovenia only from 28 June 1994, the summary of applications for the period indicated includes data for Slovenia exclusively from 1994 onward.

[13] 2 Statistical data on the number of applications assigned to a judicial formation, the number of applications decided by inadmissibility decision or judgment, and the total number of applications decided by the ECtHR are summarized for 2022 from the Annual Report 2022 of the European Court of Human Rights (2023), and for 2023 and 2024 from the document Country Profile: Slovenia (September 2025).

of applications for which the ECtHR found at least one violation of the Convention (third column)[14].

Table 2: Number of applications against Slovenia allocated to a judicial formation each year from 2020 to 2024; the number of applications decided by judgment; and the number of applications in which at least one violation of the Convention was found.

Year	***Number of applications allocated to a judicial formation***	***Number of applications decided by an ECtHR judgment***	***Number of applications in which at least one violation was found***
2020	180	4	2
2021	234	7	7
2022	287	4	4
2023	978	2	2
2024	382	4	3

From the tables above, several observations can be made:

1. The annual number of applications lodged against Slovenia has been comparable over the past five years.

After the period from 2006–2008, when an average of more than 1,200 applications were lodged annually against Slovenia (ECHR Analysis of statistics 2008, 2009)[15], the number of applications gradually decreased. In the most recent

[14] Statistical data on the number of applications assigned to a judicial formation and the number of applications decided by judgment are summarized for 2020 and 2021 from the analysis of statistical data for 2021 (ECHR Analysis of statistics 2021, p. 55), for 2022 from the *Annual Report 2022 of the European Court of Human Rights* (2023), and for 2023 and 2024 from the document *Country Profile: Slovenia* (September 2025). Data on the number of applications in which at least one violation was found were obtained from the HUDOC database.

[15] Because the statistical data also show the number of allocated applications by population, Slovenia, with its relatively small total population and the high number of applications in 2006, 2007, and 2008, ranked first among all Member States of the Council of Europe, with an average of six applications per 10,000 inhabitants (Annual Report 2008 of the European Court of Human Rights, 2009). As the number of applications decreased in subsequent years, the statistical rate of applications per 10,000 inhabitants also decreased significantly, reaching an average of one to two applications per 10,000 inhabitants annually (ECHR Analysis of statistics 2019, 2020).

five-year period, this trend has continued, reaching comparable levels of around 270 applications per year, except for 2023, when the number of applications lodged increased significantly (by more than 260%).

There are two reasons for the significant increase in applications lodged in 2023:

Many applications were submitted by Croatian nationals, professional fishermen in the Bay of Piran, against Slovenia, alleging a violation of the right to a fair trial in connection with misdemeanour proceedings for allegedly crossing the state border illegally[16].

Several dozen applications[17] were submitted by former holders of old foreign currency deposits at the Sarajevo Branch of Ljubljana Bank d.d.

Without significant increase of applications filed in 2023 as being explained, the number of new applications against Slovenia would likewise be comparable to the average annual number in recent years.

The cited data indicate that, following the rectification of systemic deficiencies in the domestic legal system, the adoption of general measures, and the progressively higher level of compliance with ECtHR case law in domestic proceedings, the number of applications lodged against Slovenia has stabilized. Concomitantly, the relatively high annual number of applications suggests that the level of confidence in the ECtHR among individuals remains strong, even though the number of violations of the Convention found by the Court is relatively low (averaging four applications per year).

[16] The figure of more than 700, cited in the Subject matter of the case *Makovac and Others v. Slovenia*, nos. 15525/23 and 15532/23, from February 2024, accessible in the HUDOC database, may increase further with the lodging of new applications.

[17] The Subject matter of the case *Landika v. Slovenia*, No. 45987/22 indicated that approximately 50 similar applications had been submitted to the ECtHR. In both instances of mass applications, selected applications are communicated to the state, while the examination of the remaining applications is deferred until the ECtHR has decided on those already communicated.

2. The ECtHR has delivered a judgment in 3.7% of all applications against Slovenia[18].

The above finding requires the following clarifications to provide an objective view.

First, in 24[19] of the 402 applications in which it delivered a judgment, the ECtHR found that Slovenia had not violated any of its obligations[20]. It thus found a violation of the Convention in 378 applications, representing just 3.5% of all applications lodged against Slovenia.

This figure nevertheless does not provide an objective picture of Slovenia's compliance with the Convention. The competent Slovenian authorities, in handling certain applications, assessed that the alleged violations were well-founded, leading Slovenia to conclude friendly settlements before the ECtHR or out-of-court settlements, or submit unilateral declarations. As a result, such applications were struck out of the list of cases by ECtHR decision and are therefore recorded statistically in the category shown in the second column of Table 1. Since applications struck out due to amicable settlement in any of these ways are not recorded as a separate category in the official statistics[21], it can be roughly estimated that the number of applications against Slovenia in which at least one violation of the Convention was found does not exceed 5% of all applications lodged.

[18] As of the end of 2024, the ECtHR had delivered judgments in 402 out of the 10,817 applications it had adjudicated.

[19] In 24 applications, the ECtHR delivered judgments finding that Slovenia had not violated the Convention. In the case of *Lekić v. Slovenia*, No. 36480/07, the Court issued two judgments (one by a Chamber and one by the Grand Chamber). In the case of *Hudorović and Others v. Slovenia*, nos. 24816/14 and 25140/14, the Court delivered a single judgment concerning two applications.

[20] HUDOC database indicates that the ECtHR delivered 14 judgments in which it addressed multiple violations, while in each of these judgments, it found that at least one Convention right had not been violated.

[21] The ECtHR maintains data only on friendly settlements concluded before the Court and on unilateral declarations (ECtHR Tableau Public, 2025). Aggregate official data on cases that were closed before the Court without substantive examination due to an out-of-court settlement being concluded with the applicants pursuant to domestic law, or because a proposal for such a settlement was submitted, are not available.

Such an assessment, however, also needs to be refined. The ECtHR issues so-called pilot judgments, which, although substantively examining only one or a few applications, nevertheless have far-reaching consequences for the Respondent State. This is a special procedure governed by Article 61 of the Rules of Court, developed by the ECtHR as a technique to identify structural problems in the legal system of a Council of Europe Member State in cases of mass violations. It also serves as a means of imposing an obligation on the Respondent State to address these structural issues through appropriate legal remedies within its domestic legal system. In mass or repetitive applications with substantially identical complaints, the ECtHR selects one or more applications to examine the alleged violation(s) of rights, identifies the systemic problem, and directs the Respondent State, through its guidance, to adopt an appropriate legal remedy to correct the structural deficiencies[22]. The examination of other applications arising from the same potential structural dysfunction is therefore adjourned until the Court has decided on the communicated application(s). If the ECtHR determines that the general measure adopted to remedy the structural deficiencies is adequate, the remaining applications of the same type are, considering the principle of subsidiarity of the Convention system, struck out of the list of cases. This, however, does not entail that the applicants' complaints in these applications were unfounded. Pilot judgments are, in fact, recorded statistically as other cases, but following the adoption of the appropriate measures to implement the pilot judgment at the national level, they can affect several thousand or even

[22] These are so-called pilot judgments in the narrow sense, a procedure that has been formally codified in the Rules of Court since March 2011. Although so-called quasi-pilot judgments are not formally designated as pilot judgments, they incorporate elements of the pilot procedure or address systemic or structural issues in a particular Contracting State. They often include recommendations for legislative changes or other general measures, may serve as guidance for resolving similar cases, and occasionally constitute the first step toward a potential subsequent pilot judgment. For further discussion on pilot judgments, see Zobec, 2018, pp. 12-33.

tens of thousands of applicants whose Convention rights were violated. This should therefore also be considered when assessing Slovenia's compliance with human rights under the Convention, against which the Grand Chamber of the ECtHR issued pilot judgments in the cases of Kurić and Others v. Slovenia (No. 26828/06, judgment of 26 June 2012; hereinafter Kurić and Others) and Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia, and the Former Yugoslav Republic of Macedonia (FYROM) (No. 60642/08, judgment of 16 July 2014; hereinafter Ališić and Others)[23].

3. The relatively small number of applications against Slovenia in which no violation of the Convention was found does not provide an objective picture of Slovenia's performance in judicial proceedings before the ECtHR.

In public discourse, it is occasionally claimed, without detailed analysis, that the low number of applications (only 24) in which the ECtHR found that Slovenia had not violated human rights under the Convention suggests that Slovenia has been markedly unsuccessful in judicial proceedings before the Court.

Although the data indisputably confirm that Slovenia was successful in only 6% of applications in which the ECtHR delivered a judgment[24], this figure also requires further clarification.

First, applications in which applicants allege violations of multiple Convention rights are treated as judgments with a violation found, that is, as unsuccessful from the perspective of the Respondent State, even if "only" a single right is found to have been violated while the others are not. For

[23] These should be regarded as "genuine" pilot judgments, alongside which the judgment in the case of *Lukenda v. Slovenia*, No. 23032/02, 6 October 2005, had similar effects. ECtHR judgments concerning the material conditions of imprisonment and pre-trial detention at the Ljubljana Prison (ZPKZ Ljubljana) served as substantive guidance in resolving cases within the domestic judicial system.

[24] In 24 applications, the ECtHR delivered judgments finding that Slovenia had not violated the Convention, whereas in the remaining 378 applications, a violation was found.

example, in some of the more recent judgments, such as *Bavčar v. Slovenia (*No. 17053/20, judgment of 7 September 2023), the ECtHR found a violation of the presumption of innocence under Article 6 § 2, whereas no violation of the right under Article 7 of the Convention (prohibition of punishment without law) was established.[25] Similarly, in *Q and R v. Slovenia* (No. 19938/20, judgment of 8 February 2022), a violation of the right to a trial within a reasonable time under Article 6 § 1 was found, whereas no violation of the right to respect for private and family life under Article 8 was established. The same applies to the judgment in *Toplak and Mrak v. Slovenia (*Nos. 34591/19 and 42545/19, judgment of 26 October 2021*)*, in which the ECtHR found a violation of the right to an effective remedy under Article 13 of the Convention in conjunction with the general prohibition of discrimination under Article 1 of Protocol No. 12, while no violations of other Convention rights were found.

Second, the ECtHR may also declare applications inadmissible if, after a substantive examination of the alleged violations, it finds the application manifestly ill-founded. Such decisions, if we again restrict ourselves to the most recent cases, were issued in *D. J. v. Slovenia (*No. 29265/22, decision of 15 May 2025), *P. R. v. Slovenia (*No. 11101/21, decision of 15 May 2025), *Piro Planet d.o.o. v. Slovenia (*No. 34568/22, decision of April 2025), *Stopar and Others v. Slovenia (*Nos. 1400/22, 18047/22 and 18056/22, decision of 9 July 2024), *Zobozdravstveni zavod Vertačnik v. Slovenia* (No. 19746/23, decision of 9 July 2024), as well as in numerous other cases.

Accordingly, when assessing Slovenia's success before the ECtHR, this feature of the Convention's system of deciding applications—which is not reflected in the statistics—must also be taken into account.

[25] The ECtHR granted the applicant's claim for non-pecuniary damages of €420,000 only in a small portion (€10,000, or 2.3%), while the applicant's claim for pecuniary damages of €1,137,893 plus default interest, was entirely rejected.

4. The number of applications against Slovenia in which the ECtHR found a violation of at least one Convention right has been comparable and relatively low in recent years.

As shown in Table 2, the number of ECtHR judgments against Slovenia in which at least one violation of the Convention was found has remained similarly low over the past five years. Although each judgment finding a violation is one too many, serving as a reminder to state authorities to consistently uphold Convention rights, the data do not support the occasionally repeated public claim that Slovenia is a major violator of human rights. Following the rectification of systemic shortcomings identified in pilot or quasi-pilot judgments, the number of judgments finding violations has remained relatively small, averaging four well-founded applications per year.

3.2.1.2. ECtHR Judgments Against Slovenia with Violations Found, by Convention Article

According to the consolidated overview of the ECtHR's activities from 1958 to 2021 (ECHR Overview 1959–2021, 2022), the Court issued 342 judgments[26] against Slovenia up to and including 2021 in which at least one violation was found. Of these, 291 judgments, or 85% of all judgments, concerned a violation of the right to a fair trial under Article 6 of the Convention, of which 263 judgments specifically involved a violation of the right to a trial within a reasonable time. Consequently, more than 90% of all judgments in which the ECtHR found that Slovenia had violated applicants' right to a fair trial related to the excessive length

[26] For the purpose of illustrating the structure of violations by individual Convention Articles, in this statistical presentation a judgment rather than an application, as in the tables in the previous subchapter, is treated as a statistical unit; for the distinction between a judgment and an application, see the last paragraph of the introductory part of this chapter. Since a single judgment may find violations of multiple Convention rights, the total number of violations exceeds the number of judgments in which a violation was established during the period under review.

of domestic proceedings; in relation to all judgments with violation found, this proportion amounts to 77%. A substantial number of judgments (267) also concerned a violation of the right to an effective remedy under Article 13 of the Convention.

The next most numerous statistical category comprises 27 judgments in which a violation of the prohibition of torture under Article 3 of the Convention was found. By 2021, a violation of the right to respect for private and family life under Article 8 was found in 12 judgments, and a violation of the right to peaceful enjoyment of possessions under Article 1 of Protocol No. 1 to the Convention was found in eight judgments. In three judgments each, a violation of the right to life under Article 2, the right to freedom of expression under Article 10, and the prohibition of discrimination under Article 14 was found. In one judgment, the ECtHR held that Slovenia had violated the prohibition of punishment without law under Article 7 of the Convention.

Table 3 presents data on the structure of violations by individual Convention right over the past five years. The data confirm that violations of the right to a fair trial under Article 6 of the Convention continue to predominate (a total of nine judgments). Two judgments each found violations of the right to respect for private and family life under Article 8 and the right to peaceful enjoyment of possessions under Article 1 of Protocol No. 1 to the Convention. Among other violations, over the past five years the ECtHR found violations of the right to freedom of expression under Article 10 and the right to an effective remedy under Article 13, while no other Convention rights were found to have been violated by Slovenia during the period under review.

Table 3: Number of well-founded applications by Convention Article violated over the past five years.

Year	Article 6	Article 8	Article 10	Article 13	Article 1 of Protocol No. 1
2020	2		1		
2021				1[27]	1
2022	3				1
2023	2				
2024	2	2			
Total	**9**	**2**	**1**	**1**	**2**

3.2.1.3. Conclusion

As explained in the introduction, due to the particularities of ECtHR decision-making[28], it is problematic to provide a precise and fully objective picture of a Council of Europe Member State's compliance with its Convention obligations. In other words, any assessment of whether a particular state can be considered a major or minor violator of human rights can only be approximate.

The statistical data on applications lodged against Slovenia from 1994 onward indicate that citizens and other persons under its jurisdiction primarily turned to the ECtHR en masse during periods when systemic deficiencies in the domestic legal and judicial system remained unresolved—most notably, with regard to the excessive length of judicial proceedings—and as a result of decisions made during the transitional period following Slovenia's independence (so-called "erased" persons deleted from the Register of Permanent Residents and former holders of old foreign-currency sav-

[27] In relation to Article 1 of Protocol No. 12 to the Convention; *Toplak and Mrak v. Slovenia,* Nos. 34591/19 and 42545/19, judgment of 26 October 2021.

[28] I.e.: joint examination of applications in a single decision, substantive assessment of the case and adoption of a decision that an application is manifestly ill-founded and must be rejected; cases resolved amicably; and the particularities of pilot judgments.

ings in LB d.d. branches across the former SFRY republics). Following the established violations of the Convention in repetitive cases, Slovenia adopted general measures to remedy the issues[29], thereby establishing an effective domestic legal remedy. Due to the principle of subsidiarity in addressing alleged Convention violations, the number of applications lodged with the ECtHR against Slovenia has significantly decreased, remaining at an average of approximately 270 applications per year over the past ten years.

The relatively low number of judgments in which a violation of the Convention has been found indicates that the vast majority of applications are concluded by a decision of one of the ECtHR judicial formations. Notably, some striking-out decisions are taken in cases where, based on an assessment of the likely outcome, a violation of a Convention right would have been established, thereby prompting Slovenia to conclude a friendly settlement before the ECtHR, reach an out-of-court settlement, or submit a unilateral declaration before the ECtHR.

It can be stated in conclusion that, after more than three decades since the Convention became binding for Slovenia, the country has, for the most part, successfully ensured the respect for and protection of human rights. Statistical data do not support the occasional claims that Slovenia is a major violator of human rights. Such assessments are generally sweeping and lack foundation in properly interpreted statistical data. However, this does not entail that the country can be fully satisfied with its achievements. The ideal of complete respect for human rights must therefore continue to remain the primary objective of all institutions and individuals whose actions can influence the level of human rights protection in Slovenia.

[29] I.e., the adoption of the Act on the Protection of the Right to a Trial within a Reasonable Time, the Act on Compensation for Persons Erased from the Register of Permanent Residents, and the Act on the Implementation of the Judgment of the European Court of Human Rights No. 60642/08.

3.2.2. The State Attorney's Office of the Republic of Slovenia as Slovenia's Legal Representative before the ECtHR

The institution of legal representation of the state has a long history in Slovenia, dating back to the Austro-Hungarian period. Its role has evolved over time, from safeguarding state property to providing modern legal advice and representing the state in complex legal proceedings. Since the key historical milestones in the historical development of legal representation in Slovenia, from the Financial Procuracy to the State Attorney's Office of the Republic of Slovenia, are presented in the booklet The State Attorney's Office of the Republic of Slovenia Through Time (Kozlica, 2021), this subchapter focuses solely on the period ranging from the Public Attorney's Office of the Socialist Republic of Slovenia[30] to the State Attorney's Office of the Republic of Slovenia. It omits discussion of the state's representation before domestic courts, instead highlighting the fundamental legal and institutional changes that shaped the current form of this important state institution as the state's representative before international courts, including the ECtHR.

3.2.2.1. Evolution of the Legal Framework of Representation: From the Public Attorney's Office Act to the State Attorney's Office Act

The Public Attorney's Office of the Socialist Republic of Slovenia (Public Attorney's Office), the predecessor of the

[30] The development of the State Attorney's Office as we know it today is in terminological terms of its predecessors in English language necessarily imprecise. Solely for the purpose of differentiation and for the purposes of this article, the Public Attorney's Office of the Socialist Republic of Slovenia refers to the earlier institution (Javno pravobranilstvo Socialistične republike Slovenije), the former State Attorney's Office of the Republic of Slovenia (Državno pravobranilstvo Republike Slovenije) denotes its subsequent form, and the current institution (Državno odvetništvo Republike Slovenije) is referred to as the State Attorney's Office of the Republic of Slovenia. Accepting the same terminological issues The State Attorney's Office Act from 1997 (Zakon o državnem pravobranilstvu), which established the former State Attorney's Office, will be designated as a former State Attorney's Office Act, and the State Attorney's Office Act in force (Zakon o državnem odvetništvu) as a State Attorney's Office Act.

former State Attorney's Office of the Republic of Slovenia (former State Attorney's Office) and the State Attorney's Office, was established by the Socialist Republic of Slovenia's *Public Attorney's Act* of 1976[31], which formalized its function and operations. Prior to this, the Public Attorney's Office functioned in accordance with the fundamental federal laws that pertained to public attorneys. Although these laws authorized the individual Yugoslav republics to adopt their own laws with regard to public attorneys, Slovenia was the only republic to not exercise this authority until the adoption of the *Public Attorney's Office Act of the Socialist Republic of Slovenia*.

Since the former Socialist Federal Republic of Yugoslavia (SFRY) was considered the subject of international law, the Slovenian Public Attorney's Office had jurisdiction to represent Slovenia only in civil, administrative, and criminal proceedings before domestic courts, whereas all powers at the international level remained with the federal authorities. With Slovenia's independence, its accession to international organizations, and its adoption of international legal instruments, the need arose for a representative to protect its rights and interests before international courts. Nevertheless, the expansion of the Public Attorney's Office's powers did not occur immediately after independence[32], but only with the adoption of the *State Attorney's Office Act* in 1997.

Slovenia became a member of the Council of Europe in 1993 and ratified the European Convention on Human Rights and Fundamental Freedoms in 1994, thereby giving its prior consent for the European Court of Human Rights (ECtHR) to examine alleged violations of the Convention by its authorities, either raised by individuals or, in the case of

[31] Public Attorney's Office Act, Official Gazette of the Socialist Republic of Slovenia, No. 19/76; the Act was amended twice (Official Gazette of the Socialist Republic of Slovenia, No. 31/84, and Official Gazette of the Republic of Slovenia, No. 8/90).

[32] In accordance with Article 6 of the Constitutional Act on the Implementation of the Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 5/91), the Public Attorney's Office operated on the basis of previous regulations until the adoption of the State Attorney's Office Act in 1997.

interstate applications, by other states. However, the competence to represent Slovenia before international courts was legally established only in the *State Attorney's Office Act* in 1997, the first law in independent Slovenia to designate the former State Attorney's Office as an autonomous state body responsible for representing the state before domestic, foreign, and international courts[33].

The first draft of the former *State Attorney's Office Act* (Bulletin of the National Assembly of the Republic of Slovenia, No. 46/95) underscores that the proposer was aware of Slovenia's international legal obligations and responsibilities, as it provided that "*[t]he [former] State Attorney's Office shall represent the property rights and interests of the Republic of Slovenia before the European Court of Human Rights and before other international bodies and organizations, unless otherwise provided by law.*" In the accompanying explanation, it was clarified that "due to Slovenia's participation in international organizations, e.g., membership in the Council of Europe, the state must designate a body to represent it in proceedings conducted by their institutions." Article 8 of the draft indicates that the proposer envisaged that this body would be the former State Attorney's Office, while other laws could derogate from this general competence by designating a different body. During the legislative process, the Government of the Republic of Slovenia submitted an amendment (Bulletin of the National Assembly of the Republic of Slovenia, No. 23/96), which extended the competence of the former State Attorney's Office to representation before all international courts (not only the ECtHR). Commensurate with this, the portion of the text referring to representation before international bodies and organizations was deleted, as the Government considered that the representative of

[33] In addition to these duties, the competences of the State Attorney's Office also include tasks such as legal advice and participation in the preparation of contracts and legislation, which are due to the focus on the development of the representative function before the ECtHR only mentioned.

the Republic of Slovenia before these international forums should be designated in the manner and according to the procedures laid down in the acts of the respective international bodies and organizations. The statutory provision was further supplemented to allow the Government, upon the proposal of the State Attorney General, to designate another representative of Slovenia before foreign and international courts, who would be another professionally qualified person, either domestic or foreign. The resulting text of Article 11 was adopted with the former *State Attorney's Office Act*[34], which entered into force on 25 April 1997. This provision remained unchanged until the adoption of the *State Attorney's Office Act*[35].

The *State Attorney's Office Act* introduced several innovations in the area under consideration. The most significant was the extension of the State Attorney's Office's competence to represent Slovenia before foreign and international courts to also include representation of the state in foreign and international arbitration proceedings. The proposer justified this enhancement of the normative framework on the basis that the former *State Attorney's Office Act* did not comprehensively regulate Slovenia's representation before foreign and international courts (Bulletin of the National Assembly of the Republic of Slovenia, 17 January 2017). With regard to the representation of the state before the ECtHR, the proposer referred to the Government's December 2015 decision to examine measures for more effective representation before the ECtHR, as well as the need for the (gradual) centralization of the executive branch regarding both the representation of Slovenia before the ECtHR and the execution of the Court's judgments. Following a review of the situation and an exchange of views between representatives of

[34] Former State Attorney's Office Act, Official Gazette of the Republic of Slovenia, No. 20/97. The Act was subsequently amended several times, but not as it pertains to the representation of the Republic of Slovenia before foreign and international courts.
[35] State Attorney's Office Act, Official Gazette of the Republic of Slovenia, No. 23/2017.

the former State Attorney's Office and the Ministry of Justice, it was concluded that the most appropriate course of action would be to upgrade the existing structure for representation before the ECtHR, carried out by the State Attorney's Office, while maintaining the Government's competence with respect to the execution of ECtHR judgments. The proposer of the new statutory framework further assessed that the role of the representative before the ECtHR should be strengthened in the process of executing the Court's judgments.

The *State Attorney's Office Act* regulates representation before foreign courts and arbitrations in Section 2 of the II. Chapter of the Act, and representation before international courts and arbitrations in Section 3. This separate arrangement reflects the distinct aspects of representation, which the proposer substantively justified in their proposal on the basis that the law of a foreign state applies when representing the state before foreign courts (and arbitrations), whereas international law applies before international courts (and arbitrations)[36]. In accordance with this fundamental distinction, the proposer also delineated the responsibilities of the internal organizational units of the State Attorney's Office, assigning competence for representation before international courts to the International (formerly European) Department, while representation before foreign courts became the responsibility of other substantively competent departments.

Compared to the previous legal framework, the *State Attorney's Office Act* more precisely regulates the delegation of authority to represent the state before international courts and arbitrations. As an exception to the general rule that the state is represented by the state attorney, the Act more precisely defines that delegation is permitted only when the designated representative cannot perform the functions of

[36] As the Act provides a unified framework for representation before both foreign courts and arbitrations, and international courts and arbitrations, the term "court" will be used uniformly in subsequent references to either category, with the same approach applied to the term "arbitration."

representation due to factual or legal impediments. The Act further provides that the authorized representative may only be a professionally qualified natural person who is a citizen of the Republic of Slovenia, reflecting the principle that the state's sovereignty is externally manifested also through representation before international courts by its own citizen[37].

In the *State Attorney's Office Act*, the legislature also envisaged the possibility of proceedings before international courts and international arbitrations that carry significant international law or foreign policy implications. Accordingly, either at the proposal of the State Attorney General or on the initiative of the ministry competent for foreign affairs, it was deemed appropriate in such cases for the competent ministry to coordinate or direct all or part of Slovenia's representation (Article 20 § 3). In these instances, the formal representative remains the State Attorney or, by government decision, another professionally qualified person who is a citizen of Slovenia.

In practice, it has occasionally been necessary to involve either a domestic or foreign, natural or legal person with expertise in a specific field to assist the State Attorney in representing Slovenia before international courts. Article 20 § 4 of the *State Attorney's Office Act* provides for this possibility, for example when the coordination of representation is conducted by the State Attorney or by the ministry competent for foreign affairs.[38]

The legislature strengthened the role of the State Attorney's Office in the execution of ECtHR judgments through Articles 22 and 23 of the *State Attorney's Office Act* and Articles 33, 37,

[37] This requirement is understandably absent from Article 19 § 2, which governs the delegation of authority to represent Slovenia before foreign courts and arbitrations. The conditions for representing parties are determined by the law of the state in which the proceedings involving Slovenia as a party are conducted, which generally means that the State Attorney cannot act as representative before a foreign court; instead, representation may be undertaken by a person who satisfies the procedural requirements of the relevant foreign law.
[38] This option is generally relevant only in cases of international investment arbitrations, where it is necessary to engage specialists in the field. In all judicial proceedings before the ECtHR to date, Slovenia has been represented by the state attorney.

and 38 of the *Rules on the Operation of the State Attorney's Office*[39]. The State Attorney's Office is thus generally[40] competent to execute Slovenia's financial obligations arising from ECtHR judgments, unilateral declarations, and concluded friendly or out-of-court settlements submitted or concluded for the purpose of terminating proceedings before the ECtHR. The State Attorney's Office must notify the Council of Europe of any payments, also informing the Ministry of Justice. In addition, the State Attorney who represents Slovenia before the ECtHR must, upon delivery of the judgment, notify and submit a report summarizing the judgment to the Supreme Court of the Republic of Slovenia, the relevant ministries, and other authorities. They must inform the Ministry of Justice, responsible for coordinating activities related to the execution of ECtHR judgments, of proposed measures necessary for enforcement. To ensure that both the professional and general public are informed about ECtHR case law against Slovenia, the judgment is immediately sent to the competent government office, which prepares a translation into Slovenian, after which the State Attorney's Office then publishes this translation on its website.

In addition to the State Attorney's Office's role before the ECtHR in the narrower sense (i.e., conducting procedural activities in judicial proceedings) and its prescribed tasks related to the execution of ECtHR judgments, its functions also include the amicable settlement of disputes before the ECtHR and the exercise of its advisory role. The latter involves providing legal opinions on the consistency of the positions and actions of state authorities with the case law of domestic courts and international courts and arbitrations. These two competences will be addressed in separate subchapters.

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[39] Rules on the Operation of the State Attorney's Office (*Pravilnik o poslovanju državnega odvetništva*), Official Gazette of the Republic of Slovenia, Nos. 64/17 and 53/24.
[40] Article 22 also provides for the possibility that another law may derogate from this general rule and establish different provisions.

3.2.2.2. From the First Application to the First ECtHR Judgment Against Slovenia

As noted above, the Convention became legally binding for Slovenia on 28 June 1994. The first application against Slovenia was filed later that same year, on 13 December 1994 (*Majarič v. Slovenia*, No. 28400/95), followed shortly thereafter (4 January 1995) by the application in the case *Misson v. Slovenia* (No. 27337/95), which the ECtHR registered as the first application against Slovenia on 16 May 1995.

Both applications were filed before the entry into force of Protocol No. 11 to the Convention[41], which thoroughly reformed the procedure for enforcing Convention rights. As previously mentioned, unlike the current unified judicial procedure before the ECtHR, two separate institutions were initially competent to supervise compliance with Convention obligations: the Commission and the European Court of Human Rights[42]. The Commission could consider applications lodged against a Contracting State by individuals or other Contracting States, but only on the condition that the Respondent State had made a declaration recognizing the Commission's competence to examine applications[43]. In such cases, the Commission was responsible for fact-finding, assisting the parties in seeking an amicable settlement, and determining the admissibility of applications. If no friendly settlement was reached, and the Commission did not declare an application inadmissible due to manifestly ill-founded claims or failure to meet formal requirements, it prepared a report presenting the legally relevant facts and its opinion on whether the established facts indicated a violation of the Respondent State's obligations. The report was then sent to the Committee of Ministers, and within three months

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[41] Protocol No. 11 to the Convention entered into force on 1 November 1998.

[42] In all references to periods before the entry into force of Protocol No. 11 to the Convention, the European Court of Human Rights is cited by its full name; thereafter, it is referred to as the ECtHR or the Court.

[43] Article 25 of the original text of the Convention, as signed on 4 November 1950.

of its submission, the case could be referred to the European Court of Human Rights to reach a decision whether the Respondent State had violated its obligations under the Convention[44]. Under this original system, individuals accordingly did not have direct access to a judicial determination of alleged violations of their Convention-protected rights.

The same applied to the Slovenian national Mr. Ljubo Majarič, the first individual to file an application against Slovenia. The applicant, who had been detained in Nova Gorica prior to submitting the application, alleged that his right to liberty and security under Article 5 § 1 of the Convention had been violated due to insufficient grounds for his detention, and that his right to a fair trial under Article 6 § 1 of the Convention had been violated because of the excessive length of the criminal proceedings before an independent and impartial court.

On 12 April 1996, the Commission decided that the application was inadmissible in respect of the alleged unlawful detention, as the applicant had been released on 17 September 1992, prior to the Convention entering into force for Slovenia. The Commission also deferred consideration of the application regarding the alleged violation of the right to a trial within a reasonable time, finding that it could not determine admissibility based solely on the applicant's submissions, and that this part of the application had to therefore be communicated to the Slovenian government.

The Commission communicated the part of the application concerning the alleged violation of the right to a trial within a reasonable time to Slovenia for comment. The Respondent State submitted its written observations on 21 June 1996[45], to which the applicant replied on 28 June 1997.

[44] Sections III and IV of the original text of the Convention.

[45] At the time the written observations were submitted to the Commission, the former State Attorney's Office was not yet competent to represent Slovenia before international courts. Consequently, the file opened at the former State Attorney's Office following its designation as Slovenia's legal representative and the communication of the Commission's report in April 1998 does not indicate who prepared and submitted the written observations, nor the arguments advanced by Slovenia.

On 3 December 1997, the Commission delivered a decision declaring the application admissible and determined that, in light of the criteria identified by the Convention organs as relevant for assessing alleged violations of the right to a trial within a reasonable time, and based on the information available to it, a substantive examination of the application was required[46].

At the end of 1997, the Commission notified the Ministry of Foreign Affairs of its decision on the admissibility of the application. In its communication, the Commission indicated its preliminary view that the right to a trial within a reasonable time had been violated and invited the parties to conclude a friendly settlement. Although eight months had already elapsed since the entry into force of the former State Attorney's Office Act, the Ministry of Foreign Affairs referred the matter to the Ministry of Justice, which in turn passed it on to the former State Attorney's Office.

As friendly settlement was not concluded, the Commission, pursuant to Article 31 of the then-applicable text of the Convention[47], issued a report on 21 October 1998, in which it set out the facts and its unanimous opinion that the applicant's right to a trial within a reasonable time under Article 6 § 1 of the Convention had been violated. The report was sent to the Committee of Ministers, the Republic of Slovenia, and the applicant. In the report submitted to the Committee of Ministers, the Commission recommended that, in accordance with its practice, the amount of compensation payable by Slovenia for the violation of the Convention right be determined.

Pursuant to Article 48 of the Convention, the applicant requested a hearing before the ECtHR on 25 January 1999. At that time, the State Attorney's Office, as the legal representa-

[46] Decision on admissibility dated 3 December 1997.

[47] As amended by Protocol No. 9. See Act on the Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 3, 5, and 8 and supplemented by Protocol No. 2, and of its Protocols Nos. 1, 4, 6, 7, 9, 10, and 11, Official Gazette of the Republic of Slovenia – International Treaties, No. 7/94.

tive of the Republic of Slovenia, submitted the first written observations in the case against Slovenia on 21 June 1999. The applicant replied in August 1999 and submitted a claim for just satisfaction for non-pecuniary damage in the amount of 450,000 ATS (Austrian Schillings)[48]. The applicant further requested that the ECtHR require the Respondent State to reopen the criminal proceedings before the domestic courts.

The ECtHR delivered its first judgment against Slovenia on 8 February 2000. It confirmed the Commission's unanimous finding that the applicant's right to a trial within a reasonable time under Article 6 § 1 of the Convention had been violated, deciding that Slovenia was to pay him 300,000 SIT[49] in respect of non-pecuniary damage. The applicant's request for the reopening of the criminal proceedings was dismissed due to the Court's lack of competence to order such a measure.

Three notable aspects of the first judgment against Slovenia highlight the initial challenges the country faced as a Council of Europe member and contracting State to the Convention regarding procedural and organizational issues in examining its first application.

First, the then-ECtHR judge nominated by Slovenia recused himself from the case, after which Slovenia did not appoint a substitute judge[50]. *Second*, the State Attorney's Office, which was not involved in Slovenia's defence before the Commission, could only raise the preliminary objection of non-exhaustion of domestic remedies in proceedings before the ECtHR. The latter dismissed the objection as belated, holding that the Respondent State should have raised it during the admissibility stage before the Commission, which it did not. *Third*, although the State Attorney's Office had been

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[48] The applicant's claim had already been of the same amount (approximately €32,700) during the proceedings before the Commission and was, in Slovenia's view, excessive in light of the Court's existing case law.

[49] Approximately 1,135 EUR.

[50] In accordance with the version of the Rules of Court then in force, following the recusal of Slovenia's national judge, the President of the ECtHR supplemented the Chamber with Mr. Josep Casadevall, who had been nominated for election as an ECtHR judge by Andorra.

competent to represent the Republic of Slovenia before international courts since 25 April 1997, the ECtHR was not yet informed of its status as the legal representative, and direct communication between Slovenia and the Court had not yet been established, with all communication conducted through the Ministry of Foreign Affairs.

In subsequent cases, these difficulties were overcome. Early practical experience highlighted that, for effective representation of Slovenia before the ECtHR, it is crucial that its representative is continuously involved in the proceedings and that stable mechanisms for information-sharing and cooperation are established between the state authorities participating in the representation process. In addition, with each new application, state attorneys representing Slovenia before the ECtHR undoubtedly gained further expertise in both procedural and substantive aspects of defending the Respondent State and now provide high-quality representation of Slovenia before the ECtHR, thereby safeguarding its property and other rights.

3.2.2.3. The Significant Influence of ECtHR Decisions in Cases Against Slovenia on the Interpretation of the Convention, The Development of the Legal System and Case Law in Slovenia

Numerous applications lodged by individuals against Slovenia over the past three decades, and the ECtHR rulings on them, have undeniably contributed to the development of both the ECtHR's case law and Slovenia's domestic legal system and jurisprudence. While the HUDOC database shows that most ECtHR judgments against Slovenia, particularly in the initial years, concerned alleged and established violations of the right to a trial within a reasonable time under Article 6 § 1 of the Convention, the Court's decisions also address a wide range of alleged Convention violations under numerous Articles and Protocols.

Although an individual application and the alleged violations of Convention rights it raises are of primary importance to the applicant, certain ECtHR judgments against Slovenia have left a particularly significant mark on Convention interpretation and the domestic legal system. These notably include cases decided by the Grand Chamber, the ECtHR's largest formation with jurisdiction to address the most important questions concerning the interpretation of the Convention (*Šilih v. Slovenia* (No. 71463/01, Grand Chamber judgment of 9 April 2009), *Kurić and Others*, *Ališić and Others* and *Lekić v. Slovenia* (No. 36480/07, Grand Chamber judgment of 11 December 2018). The group of landmark judgments also includes pilot judgments, in which the ECtHR identifies systemic shortcomings and requires the Respondent State to adopt general measures (*Ališić and Others* and *Kurić and Others*), as well as cases the Court itself designates as key or noteworthy cases (*Butolen v. Slovenia* (No. 41356/08, judgment of 26 April 2012), *Mandić and Jović v. Slovenia* (Nos. 5774/10 in 5985/10, judgment of 20 October 2011), *Štrucl and Others v. Slovenia* (Nos. 5903/10, 6003/10 in 6544/10, judgment of 20 October 2011), *Rehbock v. Slovenia* (No. 29462/95, judgment of 28 November 2000), *Matko v. Slovenia* (No. 43393/98, judgment of 2 November 2006), *Lukenda v. Slovenia* (No. 23032/02, judgment of 6 October 2005), *Dolenc v. Slovenia* (No. 20256/20, judgment of 20 October 2022), *Vizgirda v. Slovenia* (No. 59868/06, judgment of 28 August 2018), *Cimperšek v. Slovenia* (No. 58512/16, judgment of 30 June 2020), *Gaspari v. Slovenia* (No. 21055/03, judgment of 21 July 2009), *Bavčar v. Slovenia* (No. 17053/20, judgment of 7 September 2023), *Rola v. Slovenia* (No. 12096/14 and 39335/16, judgment of 4 June 2019), *X and Others v. Slovenia* (No. 27746/22 and 28291/22, judgment of 19 December 2024), *Škoberne v. Slovenia* (No. 19920/20, judgment of 15 February 2024), *Benedik v. Slovenia* (No. 62357/14, judgment of 24 April 2018), *Eberhard and M. v. Slovenia* (Nos. 8673/05 and 9733/05, judgment of 1 Decem-

ber 2009), *Hudorovič and Others v. Slovenia* (Nos. 24816/14 and 25140/14, judgment of 10 March 2020), *Y v. Slovenia* (No. 41107/10, judgment of 28 May 2015), *Cimperšek v. Slovenia* (No. 58512/16, judgment of 30 June 2020), *Mamič v. Slovenia (No. 2)* (No. 75778/01, judgment of 27 July 2006), *Kotnik and Jukić v. Slovenia* (Nos. 56605/19 and 25424/23, decision of 6 March 2025) and *Zevnik and Others v. Slovenia* (No. 54893/18, decision of 5 December 2019)). In the aforementioned judgments, the ECtHR addressed a wide range of issues and alleged violations under multiple Articles of the Convention: the right to life (Article 2), the prohibition of torture and inhuman or degrading treatment (Article 3), the right to a fair trial (Article 6 § 1), the presumption of innocence (Article 6 § 2), the prohibition of punishment without law (Article 7), the right to respect for private and family life (Article 8), freedom of expression (Article 10), the right to an effective remedy (Article 13), the right to the peaceful enjoyment of possessions (Article 1 of Protocol No. 1), and the right to free elections (Article 3 of Protocol No. 1).

Among the most significant ECtHR judgments against Slovenia are those that resulted either in substantial financial consequences for the state (*443ić and Others* and *Kurić and Others*) or marked major interventions in Slovenian law and the practices of state authorities (e.g., *Lukenda v. Slovenia*, *Šilih v. Slovenia*, *Pintar and Others v. Slovenia* (Nos. 49969/14, 20530/16, 4713/17, 13244/18 and 16311/18, judgment of 14 September 2021), *Butolen v. Slovenia*, *Mandić and Jović v. Slovenia*). This list is by no means exhaustive, as every ECtHR judgment finding a Convention violation provides an opportunity for reflection and improvement of the work of Slovenian state authorities as this pertains to the consistent observance of the Convention.

Presenting the applicants' allegations, the ECtHR's judgments, or the consequences of any of the aforementioned landmark cases would necessarily exceed the scope and purpose of this article. For a comprehensive legal analysis

of any individual case, a reference to the ECtHR judgment as published in the original language in the HUDOC database (https://hudoc.echr.coe.int) shall be made, and to its Slovenian translation in the collection of ECtHR rulings on the State Attorney's Office website (https://www.dodv-rs.si/odlocbe-escp). Action reports and action plans, which set out the individual and general measures for implementing each ECtHR judgment, are published on the website of the Council of Europe Department for the Execution of Judgments of the European Court of Human Rights (https://www.coe.int/en/web/execution/submissions) and on the Republic of Slovenia's government portal, which provides a comprehensive overview of the ECtHR judgment execution process (https://www.gov.si/teme/obveznost-izvrsevanja-sodb-evropskega-sodisca-za-clovekove-pravice).

3.2.2.4. Effectiveness of Slovenia's Representation before the ECtHR

The answer to the question of when a party is successful in judicial proceedings is straightforward only when either its claim is fully upheld or when the claim brought against it is entirely dismissed by a final decision. By analogy, in proceedings before the ECtHR, a ruling can be considered to be in Slovenia's favour only if the Court finds that it has not unjustifiably interfered with any of the rights protected by the Convention. In such a straightforward example, the legal representation provided by its representative would likewise be regarded as successful.

Yet only in exceptionally rare circumstances are cases before domestic as well as international courts so straightforward and clear-cut. For this reason, a representative can justifiably consider it a success when, in an almost hopeless factual and legal situation, they achieve at least a partial victory due to an argument that manages to improve their client's position beyond initial expectations. The same applies

when a domestic or international court orders the opposing party to pay a significantly lower amount than the claimed sum. Conversely, when a claim against the opposing party is clearly without any prospect of success from the outset, a favourable outcome of the proceedings is not necessarily proportional to the quality of representation. In this light, determining the criteria for a party's success, and consequently that of its representative, is not straightforward.

The same applies to proceedings before the ECtHR. Due to the principles of subsidiarity and exhaustion of effective domestic remedies as procedural prerequisites for the Court's consideration of an application, the success of Slovenia and its representative is closely linked to prior decisions and actions of judicial and other authorities. If those decisions and actions are consistent with the Convention and properly reasoned in the context of the specific case, Slovenia's chances of a favourable outcome before the ECtHR are significantly higher. At the same time, the opposite also holds true.

The HUDOC database lists 38 judgments in which the ECtHR found that Slovenia had not violated at least one alleged Convention right. In these cases, the State Attorney demonstrated, for all or part of the applicant's complaints, that the state had not interfered with a Convention-protected right, such that the decision could be considered in Slovenia's favour. Particular attention should be given to cases that the Court identifies as key cases (e.g., *Lekić v. Slovenia* and *Hudorovič and Others v. Slovenia*), as well as to cases where a different outcome could have had far-reaching consequences in terms of mass claims and thus significant financial implications for the national budget (e.g., *Berger Krall and Others v. Slovenia,* No. 14717/04, concerning 10 applicants, judgment of 12 June 2014).

When assessing the success of Slovenia and its representative in proceedings before the ECtHR, one must also take into account decisions declaring applications inadmissible

due to their manifestly ill-founded nature, as already noted above. According to the HUDOC database, there are 254 such decisions, which, together with 24 judgments finding no violation and 12 judgments with partly well-founded and partly manifestly ill-founded applications, represent a significant number of decisions[51] in which Slovenia was successful.

Finally, it should be emphasized that, although the success of Slovenia's representation and the outcome of individual proceedings before the ECtHR must be understood in terms of the judicial result, it is also necessary to keep in mind that the State's success coincides with the failure of the individual who turned to the ECtHR for legal protection because, in their view, the State had violated their human rights. This delicate relationship between the individual and the State is the main reason why the State Attorney's Office essentially never reports on Slovenia's successes before the ECtHR, but, within the scope of its statutory duties, merely informs the public about issued judgments or responds to journalists' inquiries.

3.2.3. The Role of the State Attorney's Office of the Republic of Slovenia in the Endeavours for Amicable Settlement of Disputes before the European Court of Human Rights

3.2.3.1. Encouraging the Amicable Settlement of Disputes as One of the Fundamental Tasks of the State Attorney's Office

As one of the fundamental principles of the draft State Attorney's Office Act, the Ministry of Justice also highlighted the need to encourage the amicable settlement of disputes with the state[52]. The proposer assessed the mechanisms for

[51] Given the distinction already made between an application and a judgment, the number of applications that the ECtHR has declared inadmissible is higher than the number of judgments.
[52] Official Bulletin of the National Assembly of the Republic of Slovenia, 17 January 2017.

the prior resolution of disputed legal relationships as extremely beneficial, insofar as the conclusion of a settlement or the withdrawal of a claim following the State Attorney's response prevents the initiation of judicial proceedings. This significantly reduces the burden on the courts, while early dispute resolution also relieves the burden on the state as a potential debtor.

The principle of encouraging the amicable settlement of disputes in the preliminary procedure is reflected in the current legal provisions governing the position, powers, and organization of the State Attorney's Office. Thus, in Article 2 § 3, alongside the fundamental representative function of the State Attorney's Office set out in the second paragraph of the same Article, the task of amicable dispute resolution in the preliminary procedure is explicitly established in addition to legal advisory duties. With the aim of reducing the burden on the courts, amicable dispute resolution is also listed among the principles underlying the function of the State Attorney's Office in Article 3 § 3.

The preliminary procedure for attempting an amicable settlement of a dispute is defined in more detail in Section 5 of the State Attorney's Office Act. In accordance with the provisions of Article 27, anyone intending to initiate a lawsuit or other proceedings against the state or a state authority must first propose an amicable settlement of the dispute to the State Attorney's Office. The preliminary procedure, in accordance with the fourth paragraph of the same Article, constitutes a procedural prerequisite for initiating either a lawsuit or other proceedings against the state.

According to the structure of the Act, the provisions of Section 5 of the State Attorney's Office Act apply uniformly to proceedings before both domestic and foreign or international courts. However, in the latter case, the procedural rules applicable before a foreign or an international court must be observed. In the case of proceedings before the ECtHR, the Convention establishes, as key procedural re-

quirements for submitting and examining a complaint before the ECtHR, the prior exhaustion of domestic remedies, along with a four-month period following the delivery of a final decision under domestic law to file an application before the ECtHR. The preliminary procedure under Section 5 of the State Attorney's Office Act may, however, be used by a potential applicant for the purpose of obtaining a preliminary position of the state, although it cannot constitute a procedural prerequisite for submitting a complaint to the ECtHR.

3.2.3.2. Key Characteristics of Amicable Dispute Resolution in Proceedings Before the ECtHR

After the submission, registration, and communication of the application to the Respondent State, judicial proceedings before the ECtHR are initiated, during which opportunities for amicable dispute resolution arise. The original text of the Convention, signed in 1950, shows that the drafters of the conventional mechanism for the protection of human rights already from the outset allowed and even encouraged the possibility of amicable dispute resolution. Thus, Article 28 of the original text of the Convention provided that one of the tasks of the Commission of Human Rights was to assist the parties in exploring the possibility of reaching a friendly settlement[53]. If such a settlement was reached, the Commission prepared a brief report and sent it to the Respondent State, the Committee of Ministers, and the Secretary General of the Council of Europe for publication (Article 30 of the original text of the Convention). In the event of an unsuccessful attempt at amicable dispute resolution, the Commission prepared a more detailed substantive report containing its

[53] The term "friendly settlement" is sometimes also used for settlements concluded directly between the parties in negotiations without the involvement of the Registry. Since a key element of such settlements is the applicant's commitment to withdraw the complaint, the ECtHR removes it from the list of cases based on Article 37 § 1, and not Article 39 § 3, of the Convention. For such cases of amicable dispute resolution, the more appropriate term is "out-of-court settlement".

opinion on the alleged violation of the Convention, and the proceedings then continued in accordance with Article 31. The European Court of Human Rights could only examine the case if the Commission explicitly confirmed that efforts at amicable dispute resolution had been unsuccessful.

Protocol No. 11 to the Convention also provided in Article 38 that, once an application has been declared admissible[54], the ECtHR must be available to the parties for the purpose of concluding a friendly settlement that respects the human rights set out in the Convention and its Protocols. As a legal consequence of a concluded friendly settlement, Article 39 provided striking the case out from the list of cases.

Articles 38 and 39 of the Convention were amended and supplemented by Protocol No. 14 to the Convention[55] so that friendly settlements are now governed solely by Article 39. The latter, in its unchanged wording, has been in force since the entry into force of Protocol No. 14 on 1 June 2010 and remains in force today, while its content is further detailed in Article 62 of the Rules of Court.

Upon communicating the application, the parties are invited to indicate within a specified time whether a friendly settlement with the Respondent State is possible. Even if agreement is not reached within either the prescribed or an extended time limit, an amicable settlement of disputes remains possible throughout the proceedings. The Registry of the ECtHR, under the instructions of the Chamber hearing the case or its President, is available to the parties to assist or advise them in negotiations to resolve the dispute. Such a settlement must comply with the provisions of the Convention and its Protocols; otherwise, the ECtHR does not strike out the application from the list of cases but continues with

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[54] In various official and other texts, the original terms "admissible" and "admissibility" are rendered in Slovenian using two sets of terms: "*sprejemljiv*" and "*sprejemljivost*", as well as "*dopusten*" and "*dopustnost*". The meaning of both sets of terms is equivalent.

[55] Act on the Ratification of Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, which amends the supervisory system of the Convention, Official Gazette of the Republic of Slovenia – International Treaties, No. 7/05.

its substantive examination. In cases involving similar applications for which there is established ECtHR case law, the Registry may itself submit a declaration with the terms of a friendly settlement to the parties. Negotiations are confidential, and the positions expressed by the parties, whether orally or in writing, may not be relied upon by either party in the event of an unsuccessful conclusion; they are substantively disregarded in the ECtHR's ruling. If the parties reach agreement on a friendly settlement, the ECtHR strikes out the application from the list of cases by means of a decision confined to a brief statement of the facts and of the solution reached. The execution of the terms of the friendly settlement is supervised by the Committee of Ministers.

If the Respondent State agrees to a friendly settlement but the applicant does not, the possibility of resolving the case without a merits decision by the ECtHR is not yet entirely exhausted, as Respondent States still have the option of making a unilateral declaration. Unlike a friendly settlement, which is governed by the Convention, a unilateral declaration is regulated only in the Rules of Court, although the ECtHR has also established fundamental principles regarding its substantive assessment in its case law.

By means of a unilateral declaration, the Respondent State – as the name suggests – requests the striking out of the application from the list of cases under Article 37 § 1 of the Convention, without the participation of the opposing party. Such a request is accompanied by a declaration in which the state clearly acknowledges a violation of a Convention right and undertakes to compensate the applicant for any damage caused by the violation, and, if necessary, to take other appropriate measures. A unilateral declaration is usually submitted after an unsuccessful attempt to conclude a friendly settlement, although in exceptional cases it may also be made without a prior attempt to obtain agreement from both parties for an amicable settlement of disputes. The content of a unilateral declaration is public – unlike negotiations for a friendly set-

tlement, which are confidential – and the applicant may comment on its content. The ECtHR removes the application in whole or in part from the list of cases if it considers that the conditions and commitments set out by the state are sufficient in terms of respect for human rights under the Convention and its Protocols; it may also do so even if the applicant opposes the striking out and clearly expresses a wish for the application to be examined on the merits by the ECtHR.

3.2.3.3. Statistical Data on the Resolution of Cases without a Merits Examination by the ECtHR

The ECtHR maintains statistical data on the annual number of applications struck out from the list of cases due to a concluded friendly settlement or a submitted unilateral declaration. The latest official data cover the period from 2011 until the end of 2024.

The data show that the number of applications struck out varies from year to year, and on an annual basis, given the large overall volume of applications before the ECtHR, this fluctuation is not negligible:

Table 4: Number of applications struck out due to concluded friendly settlements or submitted unilateral declarations.

Year	***Friendly settlements***	***Unilateral declarations***	***Total***
2011	829	703	1532
2012	1303	606	1909
2013	1481	409	1890
2014	1696	502	2198
2015	1660	2970	4630
2016	2006	1766	3772
2017	1529	753	2282
2018	2185	865	3050
2019	1688	1511	3199
2020	1375	403	1778

2021	2174	470	2644
2022	1718	490	2208
2023	1801	624	2425
2024	1164	397	1561

Source: ECtHR Tableau Public, 2025.

An overview of the states with the highest number of concluded friendly settlements or submitted unilateral declarations shows that these instruments are most frequently used by Serbia (the state with the most applications struck out for this reason in 2013 and 2014, as well as in 2021, 2022, and 2023; ECtHR Tableau Public, 2025). It is followed by Italy, Ukraine, Romania, Poland, Hungary, and the Russian Federation[56].

3.2.3.4. The Procedure for Amicable Settlement of Disputes in ECtHR Proceedings Against Slovenia and the Role of the State Attorney's Office in This Context

Statistical data on the number of applications against Slovenia struck out due to concluded friendly settlements or submitted unilateral declarations indicate that Slovenia does not make frequent use of these instruments:

Table 5: Number of applications against Slovenia struck out due to concluded friendly settlements or submitted unilateral declarations.

Year	***Friendly settlements***	***Unilateral declarations***
2011	0	2
2012	1	0
2013	0	0
2014	1	1

[56] Since 16 March 2022, the Russian Federation is no longer a member of the Council of Europe.

2015	1	1
2016	0	0
2017	1	1
2018	0	1
2019	1	0
2020	0	0
2021	0	0
2022	13	0
2023	3	1
2024	0	0

Source: ECtHR Tableau Public, 2025.

As demonstrated in Table 5, the annual number is modest. A notable increase in the number of concluded friendly settlements is observed only in 2022, and slightly more settlements than the low average were concluded in 2023. In those years, similar applications that had previously been examined and adjudicated by the ECtHR[57] were communicated to Slovenia, and for this reason it did not insist on their substantive examination, instead offering the applicants the possibility of concluding a friendly settlement.

As noted above, the promotion of amicable settlement of disputes is one of the fundamental principles of the function of the State Attorney's Office. This also applies to proceedings before the ECtHR.

In accordance with Article 33 of the Rules on the Operation of the State Attorney's Office, the Ministry of Justice and the ministry responsible for substantive issues in the specific case[58] are notified of each application against Slovenia upon its receipt from the ECtHR. A State Attorney carefully examines each application regarding the alleged violations,

[57] See case *Pintar and Others v. Slovenia*, Nos. 49969/14, 20530/16, 4713/17, 13244/18 and 16311/18, judgment of 14 September 2021.

[58] Most frequently, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of the Interior, the Ministry of Finance, and the Ministry of Health.

considers the existing case law of the ECtHR against other Council of Europe States, and particularly against Slovenia, and, consequently, advises on appropriateness of concluding a friendly settlement with the applicant.

When a State Attorney assesses that the ECtHR case law in a particular area is sufficiently established to anticipate a judgment finding a violation in a newly communicated application, they propose the conclusion of a friendly settlement[59]. If the ministry agrees with the assessment and proposal, the State Attorney, as the legal representative of the Republic of Slovenia, either signs a declaration prepared by the Registry, or, in the absence of such a declaration, notifies the ECtHR of Slovenia's willingness to reach a friendly settlement. In the event of a differing opinion from the competent ministry, whose assessment of Slovenia's prospects before the ECtHR differs from that of the State Attorney, the differing views are addressed in a reasoned discussion aimed to reach a final decision on this possibility.

Based on past practice, Slovenia does not agree to a friendly settlement primarily in cases where:

– the case law of the ECtHR in a particular area is not sufficiently established and clear to allow a reasonably high degree of certainty in predicting the outcome of the examination of the application by the ECtHR;

– Slovenian courts at all levels, including the Constitutional Court of the Republic of Slovenia, have already ruled on the alleged violations, making it appropriate to obtain an ECtHR judgment on the correctness of their assessment;

– preliminary objections exist, indicating a realistic possibility that the application will be declared inadmissible;

– the alleged violations arise from a factual and legal framework that has not yet been examined by the ECtHR;

[59] In accordance with Article 33 § 2 of the Rules on the Operation of the State Attorney's Office, to the Ministry of Justice and the ministry competent under the State Administration Act (Official Gazette of the Republic of Slovenia, No. 113/05 – consolidated text and amendments) for the area to which the alleged violations of the Convention pertain.

– it concerns a complex case falling within the competence of several ministries with different (sometimes even conflicting) positions regarding the actions of state authorities and their compliance with the Convention, or

– concluding a friendly settlement is not appropriate for any other reason.

Although statistical data support the occasionally expressed view of applicants that Slovenia is almost never willing to settle in ECtHR proceedings, it should be emphasized that such a conclusion is overly simplified. In periods following judgments in certain cases of mass violations of the Convention (for example, due to excessively long domestic judicial proceedings, inadequate material conditions of imprisonment or detention in the Ljubljana Prison, or dispossessed former holders of cancelled shares and bonds as a result of the extraordinary measures taken by the Bank of Slovenia), Slovenia often reached settlements with applicants who had initiated ECtHR proceedings before the Court's decision in (a) leading case(s). Since some of these settlements were concluded after direct negotiations with applicants and without the involvement of the Registry, they are not particularly reflected in the statistics; yet they indicate that Slovenia, in indisputable cases of potential multiple ECtHR judgments finding a violation, is nevertheless willing to resolve such disputes amicably.

3.2.4. Cooperation of the State Attorney's Office of the Republic of Slovenia in the Execution of ECtHR Judgments

3.2.4.1. Obligations of the Convention's Contracting States to Execute ECtHR Judgments

By signing and ratifying the Convention, the Contracting States undertake to comply with any final judgment of the ECtHR in cases in which they are parties (Article 46), as

well as with decisions by which the ECtHR strikes out an application from the list of cases due to a concluded friendly settlement (Article 39 § 4 of the Convention). Their execution is supervised by the Committee of Ministers[60], which is assisted in its work by the Council of Europe Department for the Execution of Judgments of the European Court of Human Rights. The fulfilment of obligations undertaken by states through unilateral declarations is not supervised by the Committee of Ministers but by the ECtHR. If a state fails to fulfil its obligations, the ECtHR may decide, pursuant to Article 37 § 2 of the Convention and Article 43 § 5 of the Rules of Court, to restore the application to its list of cases for examination, deciding on its merits despite the previously submitted unilateral declaration that the Respondent State has not executed[61].

Member States have a legal obligation to remedy a violation of the Convention or its consequences. When selecting measures of an individual and/or general nature, they enjoy a so-called margin of appreciation, meaning that they possess a general freedom to choose measures, while the Committee of Ministers then assesses their appropriateness and sufficiency. The most common individual measure is the payment of just satisfaction, either awarded to the applicant by an ECtHR judgment or agreed upon by the parties in a concluded friendly settlement. Examples of other individual measures employed include the release of the applicant, restoration of unjustly interrupted contact between parents and children, reopening of criminal proceedings, annulment of extradition decisions if there is a risk of torture or inhuman

[60] The Committee of Ministers is a body of the Council of Europe, established in accordance with the Statute of the Council of Europe, which was drawn up in London on 5 May 1949 and entered into force on 3 August 1949. Each Member State has one representative in the Committee, who has one vote. The representatives in the Committee are the ministers of foreign affairs or, in their absence, their deputies. Slovenia ratified the Statute of the Council of Europe on 14 May 1993 (Act on the Ratification of the Statute of the Council of Europe, Official Gazette of the Republic of Slovenia – International Treaties, No. 6-23/1993).

[61] See for example the case *Jeronovičs v. Latvia*, No. 44898/10, Grand Chamber judgment of 5 July 2016.

or degrading treatment, etc. General measures, which must be taken by the Respondent State, are aimed at preventing further violations, and most often include amendments to legislative and sub-legislative acts and case law, administrative measures, ensuring translations of ECtHR judgments into the official language of the Respondent State, training of judges, etc.

The supervision of the execution of a judgement is closed with a final resolution, adopted by the Committee of Ministers after reviewing and positively assessing the appropriateness of the measures proposed by the Respondent State. With adoption of this act, the ECtHR judgment is deemed executed.

3.2.4.2. A Brief Overview of the Institutionalization of the ECtHR Judgment Execution Process in Slovenia

In the context of complying with obligations arising from ECtHR judgments and concluded friendly settlements, Slovenia has come to be considered a success story over the past ten years. However, this has not always been the case.

As shown by the data on the number of ECtHR judgments issued and executed against Slovenia (Obveznost izvrševanja sodb Evropskega sodišča za človekove pravice, 2025), at the end of 2015 Slovenia had as many as 309 unexecuted judgments. Rapid progress occurred in 2016, when the effects of systemic changes in this area began to be felt. At the end of 2014, an amendment to the State Administration Act was adopted[62], which added to the competence of the Ministry of Justice the task of directing other ministries regarding the execution of judgments of international courts. This eliminated a legal gap that had left the area of the execution of international court judgments, including those of the ECtHR, normatively unregulated and, in practice, handled, as a re-

[62] Act Amending the State Administration Act, Official Gazette of the Republic of Slovenia, No. 90/2014.

sult, in an ad hoc manner. Because of this situation, almost all judgments issued against Slovenia remained unexecuted until 2016.[63]

The normative designation of the competent authority for directing ministries regarding the execution of ECtHR judgments was complemented by the establishment of the Interministerial Working Group for the Coordination of ECtHR Judgment Execution, the creation of the Project Group for the Coordination of ECtHR Judgment Execution at the Ministry of Justice, the definition of the competence of the State Attorney's Office in the execution procedure, and the legal regulation of the institution of Slovenia's co-representative before the ECtHR, along with its active involvement in the execution process. Since the composition and competences of these bodies within the structure of the process, which are committed to ensuring respect for and execution of ECtHR judgments, are already detailed on the government's website[64], the following section focuses on the role of the State Attorney's Office in this process.

3.2.4.3. Role of the State Attorney's Office

As already noted in subchapter 3.2.2.1, with the adoption of the State Attorney's Office Act in 2017, the legal representative of Slovenia was also assigned a role in the process of executing ECtHR judgments. Its tasks can be divided into three segments: 1. the execution of financial obligations under an ECtHR judgment, a concluded friendly or out-of-court settlement, or a unilateral declaration; 2. the preparation of a report on the judgment and proposals for measures to en-

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[63] Unlike in some Member States of the Council of Europe, where tasks related to the execution of ECtHR judgments fall within the competence of the State's representative before the Court, in Slovenia the execution of ECtHR judgments has not been the responsibility of the State Attorney's Office, which has been involved in the execution of ECtHR judgments only since the adoption of the State Attorney's Office Act in 2017.

[64] See: https://www.gov.si/zbirke/delovna-telesa/medresorska-delovna-skupina-za-koordinacijo-izvrsevanja-sodb-evropskega-sodisca-za-clovekove-pravice; https://www.gov.si/zbirke/delovna-telesa/projektna-skupina-za-koordinacijo-izvrsevanja-sodb-evropskega-sodisca-za--clovekove-pravice.

sure its execution; and 3. the preparation of a translation of the ECtHR judgment against Slovenia into Slovenian and its publication in the national database of ECtHR rulings. A State Attorney, who represented Slovenia in the specific ECtHR proceedings and have become thoroughly acquainted with all the characteristics of the specific proceedings before domestic authorities, along with potential systemic shortcomings in national legislation and/or the case law of Slovenian courts and other state authorities, actively participates also in the execution phase.

The conditions for the state to fulfil its financial obligations is either the finality of the ECtHR judgment or the decision by which an application was struck out from the list of cases[65]. Since the State Attorney's Office is primarily responsible for the payment of just satisfaction, the financial resources are planned within its budget. The amount of just satisfaction falls due no later than three months from the date the judgment or decision becomes final. During this period, the State Attorney carries out the necessary tasks for payment (e.g., obtaining the information required for realisation of the payment and in the case of a requested payment to the representative's account, obtaining an up-to-date authorization to receive the just satisfaction), after which the payment order is prepared. The State Attorney's Office executes the payment within the deadline; rare exceptions resulting in payment delays are due to circumstances over which the State Attorney's Office generally has no direct influence (e.g., a seizure of a claim under the ECtHR judgment by a third party and related proceedings, a refusal to accept the amount the state is obliged to pay, or a return of the transferred amount by the applicant, which

[65] In accordance with Article 44 of the Convention, a Grand Chamber judgment becomes final on the date of its delivery, while a Chamber judgment becomes final when the parties declare that they will not request that the case be referred to the Grand Chamber; or three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or when the panel of the Grand Chamber rejects the request to refer under Article 43. When a committee decides on an application, its judgment or decision becomes final on the date of its delivery (Article 28 of the Convention).

triggers the initiation of judicial deposit proceedings, etc.). In the event of a delay in payment, the state must pay default interest. The State Attorney's Office promptly informs the Council of Europe Department for the Execution of ECtHR Judgments and the Ministry of Justice about the execution of payments under ECtHR judgments and friendly settlements.

Within the execution of ECtHR judgments, the substantive task of the State Attorney's Office entails the notification of the delivered judgment and a report summarizing it, which the State Attorney handling the case before the ECtHR sends to the Supreme Court of the Republic of Slovenia, the competent ministries, and other authorities. Since the State Attorney is thoroughly familiar with the proceedings before domestic authorities and/or the conduct of the domestic authorities toward the applicant, which were otherwise subject to review by the ECtHR, they often prepare a list of measures for the execution of the judgment and, where necessary, also draw attention to potential systemic inconsistencies or discrepancies in the legal system or in the functioning of state authorities. All these proposals make a significant contribution to the substantive completeness of the action plans, which are prepared, coordinated, and submitted to the Council of Europe Department for the Execution of Judgments of the European Court of Human Rights by the Ministry of Justice.

The provision of translations of judgments and certain decisions against Slovenia into Slovenian and their publication is an additional important competence of the State Attorney's Office. It falls within the scope of informing the domestic professional and general public about ECtHR case law against Slovenia and includes not only the provision of translation, but also the legal and terminological review of the translations and their publication in the *ECtHR Rulings* database (https://www.dodv-rs.si/odlocbe-escp).

3.2.4.4. Conclusion

This brief overview of the systemic framework demonstrates that the execution of ECtHR judgments against Slovenia begins immediately after a judgment finding a violation is delivered. Such an approach has demonstrated that only immediate and active involvement of all stakeholders in this process produces visible effects[66]. According to official data from the Council of Europe Department for the Execution of Judgments of the European Court of Human Rights (https://hudoc.exec.coe.int/), in 358 cases supervision of the execution has been completed and, with the issuance of a final resolution, the ECtHR judgment has been executed. At the end of August 2025, five judgments were still in the execution process[67], which demonstrates Slovenia's timely implementation of measures aimed at respecting and executing ECtHR judgments, including those that required complex legislative interventions with significant financial consequences[68]. For this reason, Slovenia is often regarded as a model of good practice in this area and an example for other Council of Europe Member States.

3.2.5. Advisory Role of the State Attorney's Office on State Authorities' Compliance with ECtHR Case Law

Already the predecessor of the State Attorney's Office performed not only a representative but also an advisory function. In accordance with Article 8 of the former State Attorney's Office Act it provided legal advice to state authorities

[66] I.e., the guiding and coordinating role of the Ministry of Justice, in cooperation with the State Attorney's Office, representatives of the ministries, the Supreme Court of the Republic of Slovenia, the Human Rights Ombudsman, and, depending on the circumstances of the individual case, other state authorities.
[67] *Gorše v. Slovenia*, *X and Others v. Slovenia*, *Škoberne v. Slovenia*, *Dolenc v. Slovenia*, and *Pintar and Others v. Slovenia*. The first two cases became final only in 2025, whereas the others became final in 2024, 2023, and 2021, respectively.
[68] For example, the execution of judgments in the cases of *Kurić and Others* and *Amišić and Others*, as well as the judgment in *Pintar and Others v. Slovenia*, the execution of which is still under supervision.

and administrative bodies when concluding contracts that conferred property rights and obligations to these entities, when concluding contracts that established, modified, or terminated real rights on real estate, and when resolving other property-related issues.

The proposer of the State Attorney's Office Act repeatedly[69] emphasized the importance of the advisory role of the State Attorney's Office, which together with the preliminary procedure for attempting an amicable settlement of disputes, aims to ease the burden on court proceedings.

This function of the State Attorney's Office is regulated in Articles 25 and 26 of the State Attorney's Office Act. The fundamental provision of Article 25 § 1 stipulates that, at the request of a state authority, and, under the conditions set out in Article 26 § 1, also at the request of other legal entities, the State Attorney's Office shall issue legal opinions related to the protection of property and other rights and interests of the Republic of Slovenia, as well as legal opinions on the compliance of the opinions and actions of state authorities with the case law of courts in the Republic of Slovenia, along with the case law of international courts and international arbitral tribunals. Its role of providing advice on ensuring the compliance of legislation and the practice of authorities with the case law of the ECtHR is specifically emphasized in Article 23.

Following the adoption and entry into force of the new regulatory framework, the statutory provisions and the legislator's intent were also implemented at the organizational level, with the establishment of a specialized department for the preparation of legal opinions[70]. The work of this department encompasses the drafting of legal opinions, reviewing legislative proposals and providing opinions thereon,

[69] Draft State Attorney's Office Act, Bulletin of the National Assembly of the Republic of Slovenia, 17 January 2017, and Report of the Committee on Justice on the Draft State Attorney's Office Act – Amended Draft Act, Bulletin, 11 April 2017.

[70] I.e., the Advisory and Analytical Department as an internal organizational unit of the State Attorney's Office at its headquarters in Ljubljana.

as well as formulating recommendations[71] and internal legal opinions. Although the workload of the Advisory and Analytical Department is increasing[72], requests for opinions in regard of questions falling within the realm of international law, EU law or human rights are not numerous. This is somewhat surprising. It might be due to an insufficient level of awareness among state authorities of the availability of this service, which, as in the case of areas related to purely domestic regulatory frameworks, contracts, and proceedings before domestic authorities, could significantly contribute to reducing the number of disputes adjudicated by international courts or arbitration tribunals.

3.2.6. Challenges of the State Attorney's Office in the Convention-Based System for the Protection of Human Rights

The convention-based human rights protection system is constantly evolving and adapting to new social, political, and technological challenges. In this dynamic environment, the role of the State Attorney's Office as the representative of the State before the ECtHR is also changing, requiring increasing flexibility, professional specialization, and strategic integration within the judicial system.

The future challenges faced by the State Attorney's Office are closely linked to allegations of human rights violations in areas that have traditionally not been associated with the Convention. Among these areas can undoubtedly be included climate change and environmental protection, digital technologies and artificial intelligence, the increasing frequency and brutality of armed conflicts, ensuring security, as well as the rising intolerance to and erosion of the

[71] Recommendations here concern the response of the State Attorney's Office in situations where, while exercising its regular powers and performing its tasks, it identifies a legal issue that it considers, or could consider, to be contentious, and where correct legal action could help avoid subsequent legal disputes and financial outflows from the budget.
[72] Annual Reports on the Work of the State Attorney's Office, https://www.dodv-rs.si/javne-objave/letna-porocila-o-delu-drzavnega-odvetnistva.

fundamental postulates of the rule of law[73]. Last year's adjudicated case *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (No. 53600/20, Grand Chamber judgement of 9 April 2024), along with the increasing frequency of natural disasters resulting from imprudent human use of natural resources, indicate that environmental issues will even more be treated as human rights matters, particularly the right to life and the respect for private life. With digital technologies and the unprecedentedly rapid development of artificial intelligence, questions arise regarding specific aspects of privacy, freedom of expression, algorithmic discrimination, and surveillance, which accordingly require new legal argumentation, as well as a greater understanding of the technological background behind these developments. International conflicts, to which even the territories of Council of Europe Member States are not immune, as well as the new strategies of warfare being employed in these conflicts, open up complex issues not only of state responsibility for actions beyond their territory, but also of international law as a broad set of international instruments. The emergence of systemic problems in some Council of Europe Member States, such as restrictions on the independence of the judiciary, freedom of the media and civil society, also presents state representatives in international law proceedings with particular challenges.

To be able to address these challenges in Slovenia, the need for specialization of state attorneys in the International Department has become increasingly evident, particularly in recent years. Although the State Attorney's Office works closely with experts from the relevant ministries in preparing the state's defence in individual cases, there is also a growing need within the State Attorney's Office for in-depth knowl-

[73] In addition to these new areas, novel aspects and dimensions may also emerge within more traditional areas that have already been subject to review by the ECtHR (e.g. migration, sexual and reproductive rights, systemic discrimination against minorities, as well as, given the increasingly challenging demographic situation, access to healthcare, state measures during epidemics, etc.).

edge not only of European, but also of international human rights law, as well as a necessity to understand the technical and scientific aspects of new fields, such as climate issues and artificial intelligence. Equipped with a wide knowledge can a State Attorney formulate a high-quality defence and, through the strength of substantive and legal argumentation, protect to the greatest possible extent the property and other interests of the Republic of Slovenia.

The need for specialization of state attorneys would therefore, as the first logical step at the organizational level, require the establishment of separate departments for representing Slovenia before the ECtHR, the Court of Justice of the European Union, and international arbitration proceedings[74], with all such departments operating within the framework of the International Department. However, given the current staffing levels and the uneven, as well as unpredictable, distribution of cases within each of these areas of competence, this is not yet feasible. The existing arrangement nevertheless also has a positive aspect, as state attorneys representing the country before all three forums effectively link together legal matters that intersect between different areas. Thus, knowledge of the characteristics of both EU law and the EU institutional framework represents a significant advantage for a State Attorney involved in international arbitration, while human rights issues, following the adoption of the EU Charter of Fundamental Rights, are becoming an important legal category in proceedings before the Court of Justice of the EU, as they intersect with their protection under the Convention.

As previously already mentioned, the State Attorney's Office performs the tasks of representing authorities of all branches of power before courts of all types and levels in the Republic of Slovenia, as well as before foreign and international courts and foreign and international arbitration

[74] Until now, state attorneys have represented Slovenia only before these forums for the resolution of disputes under international agreements.

tribunals. Such a regulatory framework has numerous advantages, as disputed matters that may ultimately be resolved before the ECtHR must be primarily addressed through proceedings before domestic courts. This not only entails that state attorneys are familiar with a given disputed matter before it reaches the ECtHR, but also that, within the framework of representation and legal advice—which also includes consultation on legislative preparation—they can already at this stage propose measures aimed at resolving the dispute or preventing similar disputes in the future. In such cases, the State Attorney's Office sometimes encounters difficulties in achieving the intended effects of its legal advice, and at other times in establishing a dialogue among representatives of the different branches of powers. For proceedings before the ECtHR, as well as for the individuals whose human rights have been violated, it ultimately does not matter before which authority or in which procedure the violations may have occurred: Slovenia, as a Contracting State to the Convention, is responsible. Accordingly, dialogue must take place to a sufficient extent among all stakeholders who share responsibility for the functioning of a given area, regardless of which branch of power they belong to.

Added benefits also arise in the opposite direction. State attorneys monitor the case law and development trends before the ECtHR, and through contacts with colleagues abroad who perform these tasks for other Contracting States, they become familiar with the impact of social circumstances on human rights. Insofar as these circumstances are often global (e.g., the COVID-19 pandemic), the challenges faced by states in addressing them are therefore often comparable. In such cases, experiences from abroad, or the practice of other states before the ECtHR, can benefit Slovenia in the context of representation, legal advice, and the prevention or more effective resolution of disputed matters before domestic authorities.

Accordingly, cooperation among representatives of different states before the courts, as well as the exchange of

good practices, is extremely valuable. For this reason, the State Attorney's Office envisions as one of its most important objectives the fostering of connections among state representatives at the international level, thereby contributing to the mutual exchange of knowledge, experience, and best practices. Representatives of Slovenia before the ECtHR and the Court of Justice of the EU are, indeed, part of informal networks of state representatives from the Council of Europe and EU Member States. Yet a similar need for cooperation exists at the level of the state's representatives before domestic courts. These courts are namely also European courts, which, due to the principle of subsidiarity of Convention protection, first address alleged violations and interpret EU law within the limits of their jurisdiction.

Following this logic, the State Attorney's Office has for several years endeavoured to establish an international association of state representatives before domestic and international courts, which would, in addition to facilitating the exchange of best practices and experience, also provide education and training in areas dealing with similar legal issues, thus enabling the formulation of common positions on systemic matters. In this light, in November 2021, the First International Conference of State Representatives before National Courts was held in Ljubljana. Despite challenging epidemiological conditions, the conference was attended by over 70 representatives of state attorneys before national courts, as well as other participants from 15 countries. All participants concurred that the need for institutionalized cooperation and the potential benefit of such collaboration is significant. Consequently, one of the objectives of the international conference was to lay the initial foundations for the establishment of an International Association of State Representatives before Courts, modelled on existing international associations for judges and prosecutors (Letno poročilo o delu Državnega odvetništva Republike Slovenije za leto 2021, 2022). Such an international network, according to

the State Attorney's Office, would contribute to strengthening the role of state representatives and the rule of law in a broader sense, as well as the capacity for strategic communication and cooperation with other institutions. Consequently, the State Attorney's Office will make further efforts in the future to ensure the realization of this aim.

4. Conclusion

On the 75th anniversary of the signing of the European Convention on Human Rights, Slovenia, as a Contracting Party, can reflect on more than three decades of experience. Over this period, the Convention has permeated all levels of society: awareness of the rights it protects has grown among individuals and civil society, whereas the judiciary and other state authorities increasingly refer to the Convention and apply it in their work. Nevertheless, statistics on judgments in which the ECtHR has found violations of Convention rights indicate that some systemic measures adopted—or that should have been adopted—during the transition to a new social and political system have not fully succeeded. Yet the relatively low number of judgments against Slovenia, along with the friendly settlements concluded and unilateral declarations submitted in recent years, does indicate that Slovenia cannot be regarded as a major violator of Convention rights. Nevertheless, Slovenia's strategic objective—both at the declaratory and the practical level of implementation—must be to continue to adhere to the ideal of full respect for human rights. Any judgment before the ECtHR, however rare, should primarily be seen as an opportunity to improve functioning, engage in self-reflection, and raise awareness of the importance of protecting human rights and preventing their violations.

From different perspective, it is important to emphasize that Slovenia is regarded as an exemplary country among the members of the Council of Europe and the Council's institu-

tions that oversee the implementation of ECtHR judgments[75]. By establishing an appropriate institutional framework for the execution of ECtHR judgments and addressing systemic deficiencies—including those that deeply affect its legal and judicial system and require substantial financial resources—Slovenia has established itself as a frequently cited example of good practice, of which we can certainly be proud.

When assessing Slovenia's success as a Respondent State before the ECtHR, it is necessary to consider the functioning of and decisions taken by all branches of power. The greater the knowledge and understanding of the Convention provisions and the Court's case law, the better the decisions, and consequently, the risk of failure for Slovenia before the ECtHR is significantly reduced. The State Attorney's Office undoubtedly plays an important role in this regard, acting as the state's legal representative before the ECtHR, as a promoter of amicable dispute resolution, as a participant in the execution of judgments, and as a legal advisor to state authorities. Its role becomes even more pertinent in light of new challenges, such as climate change, digital technologies, artificial intelligence, and the ongoing need to ensure strict compliance with the principles of the rule of law, while its increasing importance should now be reflected in the institutional framework of the State Attorney's Office, particularly to ensure a greater impact of its advisory function.

[75] According to the Committee of Ministers' Annual Report on the Execution of ECtHR Judgments for 2024 (https://rm.coe.int/gbr-2001-18e-rapport-annuel-2024/1680b4d77d), the Committee of Ministers received 2 judgments against Slovenia for supervision of execution from the ECtHR in 2024. A comparison of the number of pending ECtHR judgments shows that Slovenia, with a total of 4 judgments under supervision at the end of 2024, performs better in this statistical category than countries with a similar population size (for example, Latvia with 12 and Lithuania with 35 pending judgments) and is comparable to the Scandinavian countries, which are considered examples of good practice in the field of human rights (Norway 6, Finland 5, and Sweden 1 pending judgment). At the end of 2024, the countries with the most pending ECtHR judgments were Ukraine (842), Turkey (440), and Romania (411). The country with the highest number of pending judgments is the Russian Federation (2,867), which ceased to be a member of the Council of Europe on 16 March 2022 and a Contracting Party to the Convention on 16 September 2022, but until that date remained obliged to respect its commitments and execute ECtHR judgments finding violations.

At a time when Europe and the world are facing increasing forms of uncertainty, the Convention remains the foundation of shared values upon which a more inclusive, just, and human-centred future can be built. Within this framework, the State Attorney's Office, as the guardian of the state's property and other interests, and also as a defender of the rule of law, has an important mission, which it will continue to fulfil through knowledge, expertise, and international cooperation.

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