

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY
SLOVENIA**

**ARTICLE 8, PARAGRAPH 4 UNCAC
REPORTING ON ACTS OF CORRUPTION**

SLOVENIA (EIGHTH MEETING)

*** Measures that establish or improve procedures, rules and regulations for the reporting, including by members of criminal justice institutions, of acts of corruption to appropriate authorities and the mechanisms for the protection of reporting persons.**

The legal framework for the reporting of acts of corruption to appropriate authorities and the mechanisms for the protection of reporting persons has not undergone changes in recent years and is unlikely to do so in the near future: an amendment to the Slovene Integrity and Prevention of Corruption Act is planned for 2017, but the provisions concerning this area are not among those submitted for amendment.

However, each institution required to implement the Integrity Plan (see above) is expected to agree upon and implement its own particular rules regarding the reporting of acts of corruption to appropriate authorities and the mechanisms for the protection of reporting persons. Among the responsibilities of each Integrity Plan trustee (appointed by the head of the institution) is also the design and implementation of the program for the protection of reporting persons. In practice, the Commission for the Prevention of Corruption has seen few criminal justice institutions having developed such programmes beyond various basic general measures.

*** Challenges in developing the proper legislative or regulatory framework for performance evaluations, the protection of persons reporting corruption cases within the criminal justice system or preventing conflicts of interest.**

The protection of persons reporting corruption cases as stipulated by the Slovene Integrity and Prevention of Corruption Act is seen to be above-average in terms of its scope and the protection offered. The

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INTEGRITY, ACCOUNTABILITY,
RULE OF LAW

framework for preventing conflicts of interest is also regarded as adequate; the only change planned in the amendment of the Slovene Integrity and Prevention of Corruption Act targets different standards which currently exist between public officials and civil servants in favour of a common practice in order to further strengthen the trust in the rule of law in the Republic of Slovenia

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY SLOVENIA

ARTICLE 8, PARAGRAPH 4 UNCAC

REPORTING ON ACTS OF CORRUPTION

SLOVENIA (THIRD SESSION)

REPORTING ACTS OF CORRUPTION

Good practices:

- new provisions of Integrity and Prevention of Corruption Act in this matter,
- Commission received more (investigating) powers;
- whistleblower protection;
- prevention matters in publishing and identifying corruption cases;
- outstanding public trust in the Commission's work.

The Commission for the Prevention of Corruption may on its own motion, following a report submitted by a legal or natural person or upon a request of public sector institutions initiate proceedings relating to the allegations of corruption, violation of the rules on conflicts of interest, violation of restrictions on business activities, violation of the regulation of lobbying, proceedings related to the assessment and elimination of individual or systemic corruption risks, or to the violation of the ethics and integrity of the public sector.

Following the concluded procedure, the Commission adopts a **principled opinion** or **findings on a specific case**. Mentioned documents do not mean any decision-making on the criminal, minor offence, compensation, disciplinary or any other accountability of a legal or natural person and does not take the form of an administrative decision.

On the other hand the principled opinions of the Commission in particular include its presentation of and position on systemic shortcomings, inconsistencies and problems, and its proposals to improve the situation. The findings of the Commission on a specific case include a statement of facts and an assessment of the relevant conduct in terms of the law, the strengthening of the integrity of the public sector, and corruption risks, as well as an explanation on the conduct required where irregularities and risks have been established.

In the event that the seriously corrupt conduct of an official, a high-ranking civil servant or a manager has been established, the Commission sends to the authority responsible for the appointment and dismissal of the person in question, a proposal for his dismissal and inform the public accordingly.

The competent authority must take a position on the Commission's proposal for dismissal within 30 days.

So far (since Commission establishment in 2004) Commission issued and published 236 principled opinions and findings on a specific cases amongst which in 167 cases corruption behaviour was identified. All mentioned decisions are publicly available at Commission's web site (<https://www.kpkrs.si/sl/nadzor-in-preiskave/odlocitve-in-mnenja-komisije>). Such opinions and findings, as Constitutional court of the Republic of Slovenia stated, have major role in preventing corruption.

Whistleblower protection

According to IPCA any person may report instances of corruption in a State body, local community, by a holder of public authority or other legal persons governed by public or private law, or a practice by a natural person for which he believes that it contains elements of corruption, to the Commission or any other competent body. The identity of the reporting person, who has made a report in good faith must not be established or disclosed.

Besides, IPCA defines that an official person who has reasonable grounds to believe that he has been requested to engage in illegal or unethical conduct, or has been subject to psychological or physical violence to that end, may report such practice to the superior or the person authorised by the superior (hereinafter: the responsible person).

If the reporting persons have been subject to retaliatory measures as a consequence of filing the report, and this has had an adverse impact on them, they have the right to claim compensation from their employer for the unlawfully caused damage. The Commission can offer reporting persons assistance in establishing a causal link between the adverse consequences and retaliatory measures.

If the reporting persons are public servants, and if they continue to be the focus of retaliation despite the Commission's demand for stopping with such actions, they may request that their employer transfer them to another equivalent post and inform the Commission of this.

Persons in the Republic of Slovenia can report possible corruptive practice to Police, Public Prosecutors office and Commission for the Prevention of Corruption. We can see that, according to the public opinion surveys, people in this view would report firstly to Police, followed by the Commission and media (source Center za raziskovanje javnega mnenja, Fakulteta za družbene vede – Inštitut za družbene vede: Stališča o korupciji 2010).