

Contribution by the National Assembly to Slovenia's reply to the UN request for information on good practices in the fight against corruption

The National Assembly of the Republic of Slovenia is the highest representative and legislative body in the Republic of Slovenia. Its main task is to exercise the legislative function under which it adopts – within the scope of its powers – the Constitution, laws, and other legal acts. Accordingly, the main role of the National Assembly in the context of strengthening integrity and preventing corruption is to ensure an appropriate legal basis for the work of the competent bodies. The UN Convention against Corruption was ratified by the National Assembly in 2008.

The National Strategy in the Fight against Corruption is laid out and reflected in the **Resolution on the Prevention of Corruption in the Republic of Slovenia**. The Resolution is the national umbrella document which sets the policies and acts as the foundation for the adoption of programmes regarding the prevention of corruption on the basis of the assessment of the current state of affairs. It was adopted by the National Assembly in 2004, i.e. before the adoption of systemic legislation. Prior to the adoption of this Resolution, the responses to corruption cases were mainly repressive, eliminating the consequences rather than the causes of their occurrence. Thus, when adopted, the Resolution was seen as an effort to introduce realistic, gradual and well-thought-out measures to eliminate corruption. Its fundamental objectives focus on preventive action.

The National Strategy in the Fight against Corruption, which is based on the Resolution, is given concrete expression in the Action Plan for the Implementation of the Resolution on the Prevention of Corruption in the Republic of Slovenia. The Action Plan is adopted by the Commission for the Prevention of Corruption in cooperation with the authorities responsible for the measures contained in the Resolution.

In Slovenia, the fight against corruption and the issues of ethics and integrity are largely subject to legal regulation. In 2010, the National Assembly adopted the **Integrity and Prevention of Corruption Act**, which – with the aim of strengthening the rule of law – sets out measures and methods to enhance integrity and transparency, prevent corruption, and prevent and eliminate conflicts of interest. The Act provides the conditions for civil servants and officials to perform their work ethically, fairly, professionally and transparently. The Act was amended twice in 2011 and once again in the autumn of 2020. A consolidated version of the Act (in Slovenian) is published on the website of the National Assembly:

<https://imss.dz-rs.si/IMiS/ImisAdmin.nsf/ImisnetAgent?OpenAgent&2&DZ-MSS-01/36c518c7c0773f03f9ca336249b2da9cf64cf046fc8c0c236540c9bb712ba99e>.

The English translation (which, however, does not yet include the 2020 amendments) is available on: <https://www.kpk-rs.si/en/wp-content/uploads/sites/3/2020/04/EN-2011-01-3056-2010-01-2226-npb3.pdf>

In accordance with the guidelines, purposes and objectives of the original text, the latest amendment (autumn 2020) sets out activities and measures to increase the level of integrity and reduce corruption risks. The Commission for the Prevention of Corruption maintains its independence and autonomy in the exercise of its powers and legal competences, while strengthening its preventive and supervisory function. Among other things, the Commission for the Prevention of Corruption is given a new competence

whereby it can propose to the Court of Audit – for the purpose of protecting the use of public funds – to perform an audit of the transaction(-s) concluded by a public sector entity.

Corruption and integrity are also mentioned in some other sector-specific laws (e.g. the Criminal Code, which defines money laundering as a criminal offence against the economy, and harm to public funds as a criminal offence against official duties, public authorisations and public funds; the Confiscation of Assets of Illicit Origin Act, etc.).

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The Integrity and Prevention of Corruption Act establishes the Commission for the Prevention of Corruption as an autonomous and independent state body. The Commission has a wide range of competences, from the prevention of corruption and the strengthening of integrity of public office to the supervision and inspection of suspicions of alleged corrupt conduct and other irregularities. The Commission has no police powers and investigates those types of conduct where there is a suspicion of corruption or other irregularities within its competence. It does, however, cooperate with the Police and the Prosecutor's Office and keeps them informed of suspected criminal offences.

The Commission for the Prevention of Corruption performs an important preventive function in the fight against corruption and cooperates with the National Assembly in such regard.

At the beginning of each parliamentary term, the National Assembly's Services draw up a comprehensive Handbook on the status of the deputies and on the organisation and work of the National Assembly, which includes a special chapter on deputies' obligations under the Integrity and Prevention of Corruption Act. The latter is drawn up in cooperation with the Services of the Commission for the Prevention of Corruption.

The Commission for the Prevention of Corruption cooperates with the deputies in various ways: it organises regular seminars for the deputies at the beginning of the parliamentary term, as well as additional seminars during the parliamentary term at the request of the deputies or individual deputy groups in case of open issues and dilemmas. Representatives of both institutions also meet whenever necessary to resolve specific issues. Parliamentary officials can contact the Commission for the Prevention of Corruption with specific questions on ethical conduct; the Commission publishes the answers to such questions in an anonymous form on its website, which is an important source of information on how to act in specific cases (largely used by the deputies, as well).

The Commission for the Prevention of Corruption adopts systemic explanatory notes (e.g. systemic explanatory note on restrictions and ban on business activities, systemic explanatory note on lobbying, systemic explanatory note on incompatibility of office) to unify practice in the implementation of legislation. The Commission also provides the National Assembly with recommendations drawing attention to certain risks perceived when dealing with specific cases, and recommends appropriate action. The National Assembly always examines the recommendations and prepares the respective responses.

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In addition to the already mentioned legislative function, the National Assembly also performs electoral and supervisory functions. Under its electoral function, it appoints the members of the Court of Audit and participates in the appointment of the members of the Commission for the Prevention of Corruption (which are otherwise appointed by the President of the Republic) by appointing one of the five members of the selection committee that selects the suitable candidates for members of the Commission for the Prevention of Corruption.

Under its supervisory function, it acts in accordance with the principle of separation of powers and the system of checks and balances. The latter is reflected in the institution of parliamentary inquiry (defined by Article 93 of the Constitution of the Republic of Slovenia) and in the discussion of annual and other reports on the work of state bodies, which are sent to the National Assembly for consideration on the basis of laws or other regulations.

The National Assembly thus supervises the work of the Commission for the Prevention of Corruption, which once a year reports to the National Assembly (without providing data that would enable the identification of natural or legal persons) on the content and scope of its work and on its decisions, findings and opinions, and provides an assessment of the current state of affairs in relation to the prevention of corruption and prevention and elimination of conflicts of interest. The National Assembly also supervises the Chief Commissioner for the Prevention of Corruption and both Deputy Commissioners in terms of their assets, the acceptance of gifts, the restrictions on business activity, conflicts of interest, and the incompatibility of holding office with the pursuit of gainful activity

In accordance with the law, the Court of Audit also reports to the National Assembly. However, in its reports, the Court of Audit does not inform the National Assembly of perceived corruption (it provides such information to the competent law enforcement bodies).

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Also the National Assembly is bound by the provisions of the Integrity and Prevention of Corruption Act. For such reason, it has adopted the following key documents for strengthening integrity and preventing corruption in the National Assembly:

1. The **Code of Ethics for Deputies of the National Assembly**, adopted in June 2020 by the Council of the President of the National Assembly (the Council is composed of the President, the Vice-Presidents, and the leaders of deputy groups). The Code does not interfere with the position and rights of deputies, which are determined by the Constitution of the Republic of Slovenia, the Rules of Procedure of the National Assembly and laws. The deputies are obliged to comply with the rules of ethics and integrity arising from applicable and legally binding legislation. The Code sets out the moral and ethical principles that the deputies must observe:

- reputation and integrity,
- loyalty,
- justice and fairness,
- responsibility (also towards the environment)
- dignity and respect.

The Code requires the leading officials of the National Assembly to set an example of respect for and the promotion of ethical principles. It ensures compliance with the Code by drawing attention to the inadmissibility of its violations. Unethical conduct or violations of the Code are discussed by the Council of the President of the National Assembly at a closed meeting. A proposal to assess a violation of the Code is submitted to the Council by the President or a Vice-President of the National Assembly. The materials for decision-making are of a restricted nature and are not available to the public. If the Council establishes a violation of the Code, it imposes sanctions: in the event of a minor violation, a reprimand is imposed on the deputy without public announcement; in the event of a serious violation, a reprimand is imposed on the deputy with public announcement on the website of the National Assembly; in the event of a repeated serious violation, a reprimand is imposed on the deputy with public announcement on the website of the National Assembly and a declaration of the violation at the next session of the National Assembly. A sanction is imposed if it is supported by the leaders of the deputy groups whose members represent two thirds of all deputies of the National Assembly.

2. The **Integrity Plan of the National Assembly** was adopted by the Secretary General of the National Assembly in October 2011 and applies to public employees i.e. staff of the National Assembly. It is a document informing the staff about corruption risks and risks of violation of integrity at work. The Integrity Plan does not directly apply to the deputies, as they are officials of the legislative branch of power with a special constitutional status, hence the Integrity Plan cannot interfere with the conduct and obligations of deputies arising directly from their function.

The Integrity Plan is a strategic, developmental, and operational process aimed at strengthening the integrity of the public sector and the rule of law, which assesses the exposure of the public sector entity to integrity violations and corruption risks, identifies risk factors for corrupt and other unlawful and unethical practices, and defines the relevant measures for managing such risks. The Integrity Plan is a tool for the entity's preventive action against corruption and should therefore be implemented – and, if necessary, updated – with due account of any institutional, normative, staffing, and procedural changes carried out by the entity.

In accordance with the Integrity and Prevention of Corruption Act, the Integrity Plan sets out groups of risks related to unauthorised acceptance of gifts, disregard for conflicts of interest, disregard for restrictions on business activity, unauthorised lobbying, protection of whistleblowers, public procurement, and risks related to the specific mission of the public sector entity. The Integrity Plan defines and describes risk management measures for each group of risks. The measures provided are those that are most feasible, rational and appropriate to the needs, capabilities, organisation, staffing, and work processes.

The National Assembly is obliged to report to the Commission for the Prevention of Corruption on the number and type of measures applied each year and on any changes to the Integrity Plan.