

Questionnaire relating to the *Convention of 25 October 1980 on International Access to Justice (Access to Justice Convention)*

Responding State:

Slovenia

I. General Feedback

1. How does your State rate the general operation of the Access to Justice Convention?
(b) Good.
2. How does your State rate the operation of the Model Forms?
(b) Good.
3. In your State's opinion, should the PB develop further guidance or explanatory material on the operation of the Access to Justice Convention?
(a) Yes.
"It could be useful to encourage States that are not yet Members to this Convention to join the Convention. It may also be useful to clarify or emphasise that it is actually Convention providing legal aid for court proceedings in civil and commercial matters in each Contracting State."

II. Operation of the Convention

4. Has your State, as a requesting or as a requested State, experienced any difficulties in the application of any of the chapters of the Access to Justice Convention?
(b) No.
5. Has the concept of habitual residence, as used in the Access to Justice Convention, led to any difficulties of interpretation or application in your State?
(b) No.
6. Has your State granted legal aid to legal persons (as opposed to "natural" persons) under Chapter I of the Convention (noting comments in the Explanatory Report by Gustaf Möller, which excludes legal persons from Chapter 1).
(b) No.

7. If your State has made a reservation under Article 28(1), please indicate whether your State has exercised the power granted by that Reservation.

(Art. 28(1) allows a Contracting Party to exclude the obligation of Article 1 of the Convention:

(1) in the case of persons who are not nationals of a Contracting Party, but who have their habitual residence in a Contracting Party other than the reserving State, and / or

(2) in the case of persons who formerly had their habitual residence in the reserving State, if, in either of these cases, there is no reciprocity of treatment between the reserving State and the State of nationality of the applicant.)

(b) No.

8. In your State, is legal aid made available only in civil and commercial matters, or also in administrative, social or fiscal matters? (Art. 1(3))

(b) Administrative, social or fiscal.

“Free Legal Aid Act of the Republic of Slovenia provides in Article 7: Pursuant to this Act, free legal aid may be granted for legal advice, legal representation and other legal services laid down in this Act, for all forms of judicial protection before all courts of general jurisdiction and specialised courts based in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia, and before all authorities, institutions or persons in the Republic of Slovenia authorised for out-of-court settlements (hereinafter: judicial proceedings), as well as for exemption from payment of the costs of judicial proceedings. Free legal aid shall also be granted for proceedings conducted before international courts or arbitration panels if the rules of these international courts or arbitration panels do not govern the right to free legal aid, or if an individual is not eligible for free legal aid pursuant to the rules governing free legal aid. Free Legal Aid may be granted for all forms of judicial protection before all courts of general jurisdiction and specialised courts, including Administrative Court and Labour and Social Courts”.

9. In judicial proceedings before the courts of your State, does the law or practice of your State impose any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in your State?

(a) Yes.

“The Private International Law and Procedure Act of the Republic of Slovenia provides in Article 90 that when a foreign citizen or a person without citizenship who does not have permanent residence in the Republic of Slovenia initiates a suit before a court in the Republic of Slovenia, he shall pay the defendant, upon the defendant's request, a deposit towards the costs of the suit. The defendant must make the request described in the first paragraph of Article 90 before the preliminary hearing at the latest, and if there is no such hearing then by the first hearing of the main hearing, before addressing the main matter, or as soon as when learning that the conditions for requesting a deposit have been met. The deposit towards the court costs shall be made in cash; the court may permit the deposit to be made in another appropriate form. Article 91 of the Private International Law and Procedure Act provides that the defendant shall not be entitled to a deposit towards court costs: 1) if citizens of the Republic of Slovenia are not obliged to pay deposits in the country that the defendant is a citizen of; 2) if the plaintiff has the right to asylum in the Republic of Slovenia; 3) if the claim made in the suit by the plaintiff arose from work relations in the Republic of Slovenia; 4) in cases of matrimonial suits, paternity or maternity suits or maintenance suits; 5) in cases of suits concerning bills of exchange or cheques, counter-suits or suits requesting issuance of a payment order. When in doubt as to whether under point 1 of the first paragraph of this Article citizens of the Republic of Slovenia do have to pay a deposit in the country of the plaintiff, the instructions shall be issued by the ministry responsible for justice.”

10. Is your State able to provide the PB with an example or case of the Convention operating effectively in practice?

(b) No.

III. Use of Information Technology

The questions below seek information from Contracting Parties on the use of technology and in light of the COVID-19 pandemic.

11. Has your State taken any steps (including through legislation) to enable or increase the use of technology or electronic means to facilitate the transmission or processing of applications for legal aid under the Convention, including in response to the COVID-19 pandemic?

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12. In the past five years, has your State **received** any applications using electronic means?

(b) No.

12.1. If no, please provide further information about why this is not yet possible.

“we have not receive any applications regarding this convention, not via post nor via e-mail or other electronic means”

13. In the past five years, has your State **sent** any applications using electronic means?

(b) No.

13.1. If no, please provide further information about why this is not yet possible.

“we have not sent any applications regarding this convention, not via post nor via e-mail or other electronic means”

14. What challenges, if any, has your State faced regarding the use of information technology under the Access to Justice Convention?

(a) None.

15. In addition to the Access to Justice Convention, is your State a party to any bilateral, regional, or multilateral agreements that provide rules for access to justice in a cross-border context?

(a) Yes.

“EU: Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes that has been transposed in our national legislation Bilateral conventions on judicial co-operation: Bosnia and Herzegovina (21 September 2009); Croatia (7 February 1994); Republic of North Macedonia (6 February 1996); Russian federation (24 February 1962); Turkey (3 July 1934); United Kingdom (27 February 1936 - applicability extended to Australia, the Bahamas, Barbados, Bermuda, Borneo, Sri Lanka, Honduras, Fiji, Falkland Islands, Gambia, Gibraltar, Hong Kong, Jamaica, Canada, Kenya, Malta, Mauritius, Nigeria, Papua New Guinea, New Zealand, Uganda, Tonga, Somalia, Seychelles).”

For Parties that answered yes to Q15 above:

15.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or process applications for access to justice?

(b) No.

IV. 2024 Meeting of the Special Commission & Monitoring

16. What are the three key topics or practical issues related to the Access to Justice Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *“usefulness and functioning of the Convention”*
2. *“encourage States to accede to the Convention”*
3. -

16.1 Please indicate whether the information provided in Q16 above may be published.

(a) Yes.

17. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Access to Justice Convention?

- (a) Yes.
“As facilitating international access to justice is becoming increasingly important due to globalisation and consequently more and more people moving and living outside their States of origin, we should discuss on how to promote the Access to Justice Convention so more people would be aware of the Convention and their rights to Free Legal Aid in the light of this Convention.”

17.1. If the answer to Q17 above is “yes”, please indicate whether the information provided may be published.

(a) Yes.

DATA & STATISTICS FOR CONTRACTING PARTIES

I. General Application

1. Please indicate, by numbering from 1 to 4, the Access to Justice Convention chapters which have been most frequently applied in your State (1 representing the highest, 4 the lowest)

- [1] Legal aid, including legal advice (Arts 1-13)
 [2] Security for costs and enforceability of orders for costs (Arts 14-17)
 [3] Copies of entries and decisions (Art. 18)
 [4] Physical detention and safe-conduct (Arts 19-20)

II. Application for Legal Aid

A. Chapter 1 – Legal Aid

1. Incoming Requests

2. How many **incoming applications** for legal aid has your State received and granted?

Year	Number of requests received	Number of requests granted
2017	0	0
2018	0	0
2019	0	0
2020	0	0
2021	0	0
2022	0	0
Unknown – <i>please explain.</i>		
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3. Which three States made the most requests?

N/A

4. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-

2022 (if data available)	-	-	-	-	-
Unknown – please explain. “there were no incoming requests, so there is no data regarding that”					

5. Please select the categories of persons that have been granted legal aid in your State (as a requested State) in the past five years under the Convention.

Please also indicate the total number of persons in each category.

Category	Number granted	Total Number
Nationals of a Contracting Party (Art. 1(1))	-	-
Persons habitually resident in a Contracting Party (Art. 1(1))	-	-
Persons who formerly had habitual residence in your State	-	-
Persons seeking the recognition and enforcement of a decision in circumstances of Article 13.2	-	-
Unknown – please explain. “there have not been any incoming requests”		

2. Outgoing Requests

6. How many **outgoing applications** for legal aid has your State sent?

Year	Number of requests sent
2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	
-	

7. To which three States did your State send the most requests?

N/A

8. If possible, please provide a breakdown of how long (in months) it took to have outgoing requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
<i>“there have not been any outgoing requests”</i>					

9. Please indicate the categories of persons in your State (as the requesting State) that have been granted legal aid abroad in the past five years and indicate the number in each category.

Year	Nationals of your State	Habitual residents of your State	Seeking recognition or enforcement of a decision (Art. 13(2))
2017	-	-	-
2018	-	-	-
2019	-	-	-
2020	-	-	-
2021	-	-	-
2022	-	-	-
Unknown – <i>please explain.</i> <i>“The competent Free Legal Aid authorities (district courts/specialised courts of first instance) keep record on free legal aid; competent authority for cross-border disputes in accordance with EU legislation also keeps a record of such disputes (EU countries). MOJ as the competent authority in accordance with Access to Justice Convention has not received any outgoing or incoming requests.”</i>			

B. Chapter II - Security for Costs and Enforceability of Orders for Costs

1. Incoming Applications

This question applies if your State has not excluded the application of Chapter II.

10. Please indicate how many applications for the enforcement of orders for costs and expenses (“Article 15 Applications”) have been **received** annually by the Central Authority(ies) of your State, in the past five years?

Year	Number of applications
2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> -	

11. Which three States made the most requests?

N/A

12. If possible, please provide a breakdown of how long (in months) it took to have incoming requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – please explain. <i>“The competent Free Legal Aid authorities (district courts/specialised courts of first instance) keep record on free legal aid; competent authority for cross-border disputes in accordance with EU legislation also keeps a record of such disputes (EU countries). MOJ as the competent authority in accordance with Access to Justice Convention has not received any outgoing or incoming requests.”</i>					

2. Outgoing Applications

This question applies if your State has not excluded the application of Chapter II.

13. Please indicate how many applications for the enforcement of orders for costs and expenses (“Article 15 Applications”), have been **sent** annually by the authorities of your State to the Central Authorities of other Contracting Parties in the past five years?

Year	Number of requests
2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – please explain. <i>“The competent Free Legal Aid authorities (district courts/specialised courts of first instance) keep record on free legal aid; competent authority for cross-border disputes in accordance with EU legislation also keeps a record of such disputes (EU countries). MOJ as the competent authority in accordance with Access to Justice Convention has not received any outgoing or incoming requests.”</i>	

14. To which three States has your State sent most requests?

N/A

15. If possible, please provide a breakdown of how long (in months) it took to have outgoing requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
<p>Unknown – please explain. <i>“The competent Free Legal Aid authorities (district courts/specialised courts of first instance) keep record on free legal aid; competent authority for cross-border disputes in accordance with EU legislation also keeps a record of such disputes (EU countries). MOJ as the competent authority in accordance with Access to Justice Convention has not received any outgoing or incoming requests.”</i></p>					

CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Access to Justice Convention since 2014 and provide a link to or upload the decisions (in PDF format only).

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II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

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PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.