

SLOVENIA

Annex - Questionnaire

Measures taken to implement the Convention and the commitments contained in the UNGASS political declaration, as well as good practices and progress made in the use of international cooperation mechanisms under the Convention

Example of the implementation of paragraph 10 and 22 of the UNGASS political declaration

With the UNGASS Political Declaration, we committed to further increasing transparency and accountability in the management of public finances and in government procurements, funding and contracting services to ensure transparency in government actions in the use of public funds and during the whole public procurement cycle and to strengthen data-collection systems by digital tools and open data to make public information accessible and web portals more user-friendly (Para 10).

The right of access to public information is enshrined in the Slovenian Constitution (Article 39) and represents a vital asset in the struggle for the open, transparent and responsible working of public administration. More information on the Slovenia's Access to Public Information Act and Open Data legislation, Open Data Portal as well as other registries and platforms for enhanced transparency of the public sector, together with some of the projects run by the non-governmental organisations, is available here:

https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2020-June-9-10/Contributions2/Slovenia_EN.pdf

In Slovenia electronic submission of tenders in public procurement procedures has been mandatory since April 2018. The Information System of e-Public Procurement was developed by the government and its use is free of charge. The recent amendments to the Slovenian Public Procurement Act which came into force on 1st of January 2022, further strengthened the national provisions on mandatory publications on Public procurement portal; more information:

https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2022-June-13-17/Contributions/Slovenia_EN.pdf

Example of the implementation of paragraph 21 and 30 of the UNGASS political declaration

Responding to the questionnaire on further measures to implement the UNCAC and the UNGASS political declaration, we would like to focus on one in particular - a preparation of the legislative change, an improvement of legislation regarding protection of reporting persons:

Country	SLOVENIA
Implementing authority/authorities	Ministry of Justice of the Republic of Slovenia

Corresponding paragraph(s) of the UNGASS political declaration and/or article(s) of the Convention	UNGASS Political Declaration, Paras 21 and 30 UNCAC, Article 33
Title of initiative	Preparation of the (new) Law on Protection of Reporting Persons
Keywords of initiative	Protection of reporting persons
Short summary of initiative (please indicate the start date/duration if relevant)	<p>The proposal for the Law on the Protection of persons who report breaches of law is an important legislative project, the purpose of which is to improve society's response to perceived irregularities and violations of law and to contribute to their elimination as quickly as possible. In comparison to the existing rules, the new law will significantly improve the protection of reporting persons who learn of violations or irregularities, including corruption, while performing their work.</p>
Detailed description of initiative	<p>The protection of reporting persons in Slovenia is based on the fundamental principles enshrined in the Constitution of the Republic of Slovenia and the legal and ethical standards of the international conventions, including the UNCAC (Article 33), as well as the UNGASS 2021 Political declaration (Article 21). In Slovenia there has been no universal law on protection of reporting persons, however the Integrity and Prevention of Corruption Act includes some provisions on ensuring protection to people who notify of corruptive acts (notified by anyone) or unethical and unlawful acts (notified by a public official). Furthermore, some sector-specific acts include provisions on whistleblowing (e.g., Banking Act, Insurance Act, Slovenian Sovereign Holding Act). However, up to now, there has been no comprehensive law that would regulate their protection and procedure in cases of reporting and thus encourage positive whistleblowing.</p> <p>The aim of the newly proposed law is to comprehensively regulate the protection of reporting persons. In line with the Directive 2019/1937/EU on the protection of persons who report violations of Union law, the draft law applies to rules on public procurement, financial services, products and markets and the prevention of money laundering and terrorist financing, product safety and compliance, safety in traffic, environmental protection, radiation protection and nuclear safety, food and feed safety, animal health and welfare, public health, consumer protection, privacy and personal data protection, and network and information system security, as well as more widely, for reports of other violations of regulations, both as regards the national rules and the EU law. The applicants will be entitled to protection if the reported violations of regulations relate to the applicant's work environment.</p> <p>The approach to addressing the topic follows the approach used in the Directive 2019/1937 of the European Parliament and of the Council of the European Union (EU) on the protection of persons</p>

	<p>who report violations of Union law, which comprehensively addresses the provision of protection to those who report violations of the EU law. It is an umbrella approach, which considers already established systems and control mechanisms in various areas, builds on and complements them to ensure equal protection of the reporting persons.</p> <p>The introduction of rules on ensuring the effective protection of applicants will contribute to protecting the budget of the Republic of Slovenia (and the EU) and ensuring the same competitive conditions necessary for the proper functioning of the single market, as well as business operations of companies in a fair competitive environment. The draft law will contribute to the prevention and detection of various types of violations that, by creating business uncertainty, inhibit economic growth, slow down processes, and cause additional costs. Enhanced protection of applicants will increase the overall level of worker protection in line with the objectives of the European Pillar of Social Rights.</p> <p>A socially responsible individual who exposes himself/herself to draw attention to irregularities must be adequately protected against retaliatory measures. Legislation must not be just a "cardboard shield" that gives the reporting persons a false sense of security, but must provide protection that will constitute a "safe alternative to silence".</p> <p>A Slovenian draft law on the protection of reporting persons was published on 8 December 2021. In particular, the law aims to strengthen the protection of reporting persons by providing:</p> <ul style="list-style-type: none"> * clear and easily accessible information on procedures, judicial protection, and access to free advice; * clear internal and external notification channels to ensure the protection of confidentiality, both in the public and private sector; * diligent action by the recipients of the whistleblowers' complaints and provision of feedback; * prohibiting and sanctioning retaliation in all possible forms; and * adequate legal remedies for applicants who have faced retaliation. <p>Specifically, with regards to the internal and external notification channels, the draft law provides that employers in the private and public sectors are obliged to establish such channels by specifying a trusted individual to handle the internal notification, as well as a method of such notification which must ensure the confidentiality of the applicant's identity. In addition, the draft law addresses, among other things, public disclosure of infringements, outlines the possible forms of retaliation, and sets out that fines up to €60,000 may be imposed on companies that do not comply with the provisions of the law.</p>
<p>Lessons learned in implementing the initiative</p>	<p>The preparation of the law by the Ministry of Justice involved a broad consultation with numerous stakeholders: civil society, academia, private sector etc. and close collaboration with the Commission for the Prevention of Corruption of the Republic of Slovenia as well as other relevant line ministries, such as the Ministry of the Interior and the Ministry of Public Administration.</p>

	<p>A draft law was first published for consultation in December 2021.</p> <p>On April 7, 2022, an online round table on the protection of reporting persons was organised, with the participation of the following: the Minister of Justice, the President of the Commission for the Prevention of Corruption, a representative of the European Commission, representatives of Transparency International Slovenia and Ireland, as well as numerous other public and private organisations. Over 100 participants signed up for the round table.</p> <p>On the basis of the received comments and coordination, an amended law was prepared, with some significant changes in relation to the proposal of December 2021:</p> <ul style="list-style-type: none"> - The scope of the law is no longer limited to the areas of EU Directive 2019/1937 (the law is broader); - Anonymous applications are also considered, - The internal and external application route is more precisely defined, - Competent authorities for external reporting are specified in the law (21 supervisory authorities and Commission for Prevention of Corruption are involved), - Additional protective measures are defined (judicial protection and temporary injunctions in the case of retaliatory measures, free legal aid, compensation in case of unemployment, psychological support), - The chapter on criminal provisions has been rearranged. <p>Thus, broad consultation with the professional and wider public and stakeholders has proved to be crucial in improving the legal provisions.</p>
<p>Challenges encountered in implementing the initiative</p>	
<p>Link to more information</p>	<p>The draft law as posted on the E-democracy web site (in Slovenian): https://e-uprava.gov.si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=13585</p> <p>The Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937</p>