

## Member State case law - Slovenia



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This section provides you with information on Slovenian case law.

### Case law available online

#### Presentation of decisions / Headlines

The full text of judgments of the Supreme Court of the Republic of Slovenia, all four higher courts of general jurisdiction, the Higher Labour and Social Court and the Administrative Court of the Republic of Slovenia are available free-of-charge on the website of [the Slovenian judiciary](#). The names of parties are not given, as the judgments are redacted before publication. As well as the original text and keywords, detailed information is provided on the legal basis for a decision and a summary of the judgment. Keywords are given to help the user identify the applicable legal concepts and the area of law to which a judgment relates. The summary contains the main points of the grounds for the court's judgment in 10 to 100 words.

A selection of the most important decisions of the Supreme Court is also available in English at [Supreme Court Key Decisions](#).

Judgments are also available that relate to financial compensation for non-material (non-pecuniary) damage awarded in civil disputes via the [special search engine](#), which helps the user to search for similar case law by damage type and by date.

A new test version of the upgraded case-law search engine is available at <http://novo.sodisce.si.arctur.net/search.php>

After 8 February 2013 this will be available at <http://www.sodnapraksa.si/>.

All the published decisions of the [Constitutional Court of the Republic of Slovenia](#) are available on the court's website. The text of majority and separate (dissenting and concurring) opinions is given in full and free-of-charge, together with keywords, detailed information on the legal basis for the decision, and a summary. Selected important decisions have also been translated into English. All important majority decisions of the Constitutional Court (excluding separate opinions) are also available in Slovenian in the Official Gazette of the Republic of Slovenia.

#### Example of headlines

##### Example 1: Decision of the Supreme Court of the Republic of Slovenia

(translation from [the Slovenian text](#))

Document No VS1011121

Reference number: Decision I Up 44/2009

Panel: Administrative law

Date of session: 12 March 2009

Domain: VISA, ASYLUM AND IMMIGRATION LAW – (General Administrative Procedure Act – ZUP)

Legal concepts: asylum – hearing – international protection – repeat application – minor asylum seeker – procedural capacity to act of a minor

Legal basis: International Protection Act (ZMZ): Articles 42, 42/2, 42/3, 56, 119; General Administrative Procedure Act (ZUP): Articles 46, 237, 237/1-3; Marriage and Family Relations Act (ZZZZR): Articles 107, 108; Civil Procedure Act (ZPP): Article 409; Administrative Disputes Act (ZUS-1): Articles 27, 27/3, 64, 64/1-3, 77.

Summary: A child under the age of 15 does not have capacity to act in legal proceedings, so the administrative body has not breached procedural rules if it does not offer a child the opportunity to make a statement on the facts and circumstances on which the administrative decision is based.

## **EXAMPLE 2: Decision of the Constitutional Court of the Republic of Slovenia, reference No: U-I-425/06**

(available in [English](#))

**Note:** Some data from the Slovenian version is sometimes omitted from the English version of a published document, but at least the summary of the judgment is always retained.

Legal act: Act on the Registration of Same-Sex Partnerships (Official Gazette of the Republic of Slovenia, No 65/05) (ZRIPS), Article 22.

Operative provisions: Article 22 of the Act on the Registration of Same-Sex Partnerships (OGRS, No 65/05) (ZRIPS) is unconstitutional. The National Assembly must remedy this inconsistency within six months of the decision being published in the Official Gazette of the Republic of Slovenia. Until the unconstitutional provision on inheritance between partners in a registered same-sex partnership is remedied, the same rules apply as apply to inheritance between spouses pursuant to the Inheritance Act (Official Gazette of the Socialist Republic of Slovenia, Nos 15/76 and 23/78 and Official Gazette of the Republic of Slovenia, No 67 /01).

Summary: In terms of the right of inheritance following the death of a partner, the status of partners in registered same-sex partnerships (Article 22 of the Act on the Registration of Same-Sex Partnerships) is comparable to the status of spouses in the essential elements of law and fact. Differences in the regulation of inheritance between spouses and partners in a registered same-sex partnership are not based on objective, non-personal distinguishing circumstances, but on sexual orientation. Sexual orientation is one of the personal circumstances referred to in Article 14(1) of the Constitution. Since there is no constitutionally permissible reason for the differentiation, the challenged regulation is not consistent with Article 14(1) of the Constitution.

Descriptors: 1.5.51.1.15.1 – Constitutional justice – Decisions – Type of Constitutional Court decision – Theoretical review procedure – Finding that a regulation is not consistent with the Constitution. 1.5.51.1.16 – Constitutional justice – Decisions – Type of Constitutional Court decision – Theoretical review procedure – Call on the legislator to harmonise a regulation with the Constitution/law. 5.2.2.1 – Fundamental rights – Equality (14.2) – Criteria for differentiation (14.1) – Sex.

Legal basis: Constitution of the Republic of Slovenia (URS): Articles 14.1, 14.2; Convention on the Protection of Human Rights and Fundamental Freedoms (EKČP): Article 14; Constitutional Court Act (ZUstS): Articles 40.2, 48.

### **Formats**

The [case law of the Supreme Court and other general and specialised courts](#) is available in HTML format. The case law of the [Constitutional Court of the Republic of Slovenia](#) is always available in HTML format and sometimes also in PDF format.

### **Further proceedings**

The information available on [judgments](#) does not include whether they are still pending, whether a decision is irrevocable, and whether there will be further proceedings.

However, the Constitutional Court website does offer basic information on pending cases such as the reference numbers and the date of application. A separate weekly work schedule is also posted – listing the cases that will be heard in the regular Thursday plenary session – on a weekly basis.

### **Publication rules**

The courts select appropriate case law for publication. The main criterion is the level of a case's importance to the development of case law in the lower courts. Judgments and decisions of interest to the general media are usually published together with a press release.

### **Related links**

[Constitutional Court case law](#), [case law](#)

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