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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX  
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Slovenia**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	6 July 1992	None	Individual complaints (art. 14): Yes
ICESCR	6 July 1992	None	-
ICCPR	6 July 1992	None	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	16 July 1993	Yes (art. 1) and art.5, para. 2(a) <sup>3</sup>	-
ICCPR-OP 2	10 March 1994	None	-
CEDAW	6 July 1992	None	-
OP-CEDAW	23 Sept. 2004	None	Inquiry procedure (art. 8 and 9): Yes
CAT	16 July 1993		Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
OP-CAT	23 Jan. 2007	None	-
CRC	6 July 1992	None	-
OP-CRC-AC	23 Sept. 2004	Binding declaration under art 3: 18 years	-
OP-CRC-SC	23 Sept. 2004	None	-
CRPD	24 April 2008	None	-
CRPD-OP	24 April 2008		Inquiry procedure (arts. 6 and 7): Yes
<i>Core treaties to which Slovenia is not a party: OP-ICESCR<sup>4</sup> (signature only, 2009), ICRMW, and CED (signature only, 2007).</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol <sup>5</sup>		Yes	
Refugees and stateless persons <sup>6</sup>		Yes, except the 1961 Convention	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>7</sup>		Yes	
ILO fundamental conventions <sup>8</sup>		Yes	
UNESCO Convention against Discrimination in Education		Yes	

1. The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Slovenia to ratify ICRMW and CED.<sup>9</sup> The Committee on the Rights of the Child (CRC) recommended the ratification of the Protocol against the Smuggling of Migrants by Land, Sea and Air to the United Nations Convention against Transnational Organized Crime.<sup>10</sup> The Committee on Economic, Social and Cultural Rights (CESCR) recommended that Slovenia ratify the ILO Conventions bearing on rights enshrined in the Covenant, such as the ILO Equality of Treatment (Social Security) Convention (No. 118) and the ILO Prevention of Major Industrial Accidents Convention (No. 174).<sup>11</sup>

## **B. Constitutional and legislative framework**

2. In 2005, the Human Rights Committee (HR Committee) welcomed the adoption of a democratic Constitution in December 1991 and its recent amendments to enhance protection of human rights and fundamental freedoms.<sup>12</sup>

3. In 2006, the CESCR welcomed the amendment to article 14 of the Constitution banning discrimination between men and women, the entry into force in 2002 of the Equal Opportunities for Women and Men Act and the establishment of the Equal Opportunities Office.<sup>13</sup>

## **C. Institutional and human rights infrastructure**

4. The "Republic of Slovenia Human Rights Ombudsman" was accredited with "B status" by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in 2000.<sup>14</sup>

5. In 2005, the HR Committee welcomed the establishment of the Human Rights Ombudsman, the Office for Equal Opportunity and the Advocate for Equal Opportunity.<sup>15</sup> CESCR<sup>16</sup> and CRC<sup>17</sup> were pleased that the institution of the Ombudsman is functioning well and that the Ombudsman is competent to submit complaints concerning human rights to the Constitutional Court.

6. CRC<sup>18</sup> and CEDAW<sup>19</sup> noted with appreciation the appointment of a Deputy Human Rights Ombudsman dealing specifically with the protection of the rights of children that has competence to monitor violations of the rights of children, including violations of the provisions of the Optional Protocol, deal with complaints and request information, including from the Ministry of Defense, as previously recommended by CRC in 2004.<sup>20</sup> CEDAW encouraged Slovenia to establish a deputy Gender Equality Ombudsperson with a specific mandate to promote the rights of women.<sup>21</sup>

## **D. Policy measures**

7. In 2007, ILO Committee of Experts on the Application of Conventions and Recommendations noted that the resolution on the National Programme for Equal Opportunities for Women and Men 2005 - 2013 was adopted by the National Assembly in 2005 with the aim of improving the position of women, reducing vertical and horizontal segregation and reducing wage differentials between women and men.<sup>22</sup>

8. While welcoming the adoption of the Action Plan for the fight against human trafficking for the period 2008-2009, CRC was concerned that there is no specific plan of action covering all aspects of the Optional Protocol.<sup>23</sup> It recommended that Slovenia develop, in consultation and cooperation with all relevant stakeholders, a national plan of action aimed at addressing sale of children, child prostitution and child pornography, and provide adequate human and financial resources for its implementation.<sup>24</sup>

9. In 2005, Slovenia adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.<sup>25</sup> Slovenia has developed policies and legislation for a rights-based approach to education, giving special attention to human rights education.<sup>26</sup> At primary level, topics linked to human rights are included in the school curriculum of human rights-related subjects.<sup>27</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>28</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2001	March 2003		Sixth to Eighth reports overdue since 2005 and 2007 respectively
CESCR	2004	Nov.2005	-	Second report due in 2010
HR Committee	2004	July 2005	Overdue since 2006	Third report due in 2010
CEDAW	2007	Oct. 2008	Due in 2010	Combined fifth and sixth reports due in 2013
CAT	2002	May 2003		Third report due in 2006, submitted in 2009
CRC	2001	Jan. 2004	-	Combined third and fourth reports overdue since 2008
OP-CRC- AC	2007	June 2009	-	Combined third and fourth due in 2014
OP-CRC- SC	2007	June 2009		Combined third and fourth in 2014
CRPD	None	None	-	Initial report due in 2010

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, one joint communication was sent concerning a group of stateless persons. The Government replied to the communication.
<i>Responses to questionnaires on thematic issues<sup>29</sup></i>	Slovenia responded to six of the 16 questionnaires sent by special procedures mandate holders, <sup>30</sup> within the deadlines. <sup>31</sup>

#### 3. Cooperation with the Office of the High Commissioner for Human Rights

10. The United Nations High Commissioner for Human Rights visited Slovenia, from 30 to 31 January 2008, in the context of the Slovenian Presidency of the Council of the European Union.<sup>32</sup>

11. Slovenia is a regular donor to OHCHR work<sup>33</sup> and contributed to the United Nations Humanitarian Funds.<sup>34</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

12. In 2008, CEDAW was concerned at the persistence of stereotypic attitudes towards women and their role in the society.<sup>35</sup> It recommended that Slovenia intensify its efforts to change stereotypic images and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society. It also recommended that Slovenia develop measures aimed at addressing women's occupational segregation and the diversification of women's academic and professional choices, including in non-traditional fields.<sup>36</sup>

13. In 2006, CESCR was concerned that, despite the various measures taken to improve the status of women, the latter continue to be at a disadvantage in society, particularly with regard to access to employment, equal pay for equal work, the size of their retirement pension and their involvement in decision-making, and the limited number of women in high-level public positions.<sup>37</sup> It invited Slovenia to step up its measures to promote equality between men and women, including by application of the principle of equal pay for equal work and by ensuring that women are involved in decision-making.<sup>38</sup>

14. While noting measures undertaken to improve the living conditions of the Roma community, the HR Committee was concerned that the Roma community continues to suffer prejudice and discrimination, in particular with regard to access to health services, education and employment which have a negative impact on the full enjoyment of their rights under ICCPR, and recommended that Slovenia take all necessary measures to ensure the practical enjoyment of by the Roma of their rights under ICCPR by implementing and reinforcing effective measures to prevent and address discrimination and the serious social and economic situation of the Roma.<sup>39</sup>

15. CEDAW was concerned that Roma women and girls remain in a vulnerable situation and subject to discrimination, including with regard to education, health, housing and employment. It was further concerned about the low level of Roma women's formal education and the school dropout rates among Roma girls.<sup>40</sup> It urged Slovenia to take urgent and concrete measures to address stereotypic attitudes towards Roma women and girls, and accelerate their achievement of de facto equality. It recommended that Slovenia intensify its efforts to promote the access of Roma girls to education and their retention in all levels of education, and to address the high rate of unemployment among Roma women. It also recommended that Slovenia collect and make available statistical information pertaining to the education, health, employment and social, economic and political status of Roma women and girls, with a view to developing further specific policies to respond to their needs.<sup>41</sup>

### **2. Right to life, liberty and security of the person**

16. In 2005, the HR Committee was concerned about reported cases of ill-treatment by law enforcement officials and the lack of thorough investigations and adequate punishment of the responsible officials and non-payment of compensation to the victims. It was also concerned that legal assistance may not be available from the beginning of detention for those who do not have the means to pay for it. It recommended that Slovenia take appropriate measures to prevent and punish all forms of ill-treatment by law enforcement officials to ensure the provision of legal assistance to all from the beginning of detention and prompt, thorough, independent and impartial investigation. It should prosecute perpetrators of such acts and ensure that they are punished in a manner proportionate to the

seriousness of the offences committed by them, and grant effective remedies, including compensation, to the victims.<sup>42</sup>

17. In 2008, CEDAW commended the recent entry into force of the new Penal Code 2008 defining domestic violence as a specific criminal offence and the Domestic Violence Prevention Act 2008, defining, among other issues, different forms of domestic violence and providing for protection of victims.<sup>43</sup> However, it was concerned at the continuing prevalence of violence against women and girls, the number of women murdered by their intimate partners.<sup>44</sup> It called upon Slovenia to address the issue of gender based violence in a comprehensive manner and recommended that Slovenia develop a comprehensive strategy or action plan to prevent and eliminate all forms of violence against women and girls and an effective institutional mechanism to coordinate, monitor and assess the effectiveness of the measures taken. It further recommended that Slovenia study and analyse all cases of murders of women by their intimate partners and, on that basis, adopt effective measures to protect women from this particular type of violence. CEDAW urged Slovenia to ensure that a sufficient number of safe crisis centres and shelters are available to women victims of violence.<sup>45</sup> CESCR<sup>46</sup> in 2006 and HR Committee<sup>47</sup> in 2005 encouraged Slovenia, inter alia, to raise awareness of the criminal nature of domestic violence.

18. In 2008, the ILO Committee of Experts recalled that the International Confederation for Free Trade Unions stated in 2002 that the trafficking of women for prostitution continues to be a problem in Slovenia. It added that reports suggest that approximately 400 women per year are trafficked into Slovenia from countries of Eastern Europe, and approximately 1,000 women per year are trafficked through Slovenia into western European countries.<sup>48</sup> In 2009, CRC noted with appreciation the amendments of the Penal Code in 2004 and 2008, which, inter alia, introduced human trafficking as a criminal offence.<sup>49</sup> While noting the appointment, in 2003, of an inter-ministerial working group for combating trafficking in human beings, CRC was concerned at the lack of a national entity adequately resourced and mandated to coordinate all areas covered by OP-CRC-SC.<sup>50</sup> In 2008, CEDAW was also concerned at the continuing prevalence of trafficking and the fact that in spite of the initiation of criminal investigations into cases of alleged trafficking and the high number of alleged victims, no sentences on trafficking have yet been issued.<sup>51</sup> It urged Slovenia to continue efforts to combat all forms of trafficking in women and children, in line with the Convention.<sup>52</sup> In 2006, CESCR recommended that Slovenia set up services to help the victims of trafficking and take steps to make law-enforcers and the general public more aware of the seriousness of the problem and to sensitize them of the needs of the victims.<sup>53</sup> In 2005, HR Committee made similar comments.<sup>54</sup>

19. CRC noted with appreciation the 2008 amendment to the Penal Code to criminalize the mere possession of child pornography. However, it remained concerned that the legislation does not criminalize all the acts constituting offences<sup>55</sup> and recommended that Slovenia review its legislation, in particular its Penal Code, to bring it into full conformity with OP-CRC-SC.<sup>56</sup> CRC also recommended that Slovenia criminalize the production or dissemination of materials advertising the sale of children, child prostitution or child pornography, in line with OP-CRC-SC.<sup>57</sup> In 2008, the ILO Committee of Experts, with respect to the use, procuring or offering of a child for the production of pornography or for pornographic performances, recalled that it requested Slovenia to provide a definition of the term “minor” under section 187 of the Penal Code.<sup>58</sup> It also asked Slovenia to indicate whether the use of a child under 18 years of age for prostitution is prohibited, and to provide a copy of the relevant legal provision.<sup>59</sup>

20. CRC was concerned that there is no legislation explicitly prohibiting corporal punishment within the home and that the latest draft amendments to the Marriage and Family Relations Act do not envisage such a prohibition.<sup>60</sup> It recommended that Slovenia strengthen its efforts to address ill-treatment of children in the family, including by raising awareness of alternative, non-violent forms of discipline through public campaigns. It also urged Slovenia to consider introducing an explicit prohibition on corporal punishment of children in the family, either in the draft amendments to the Marriage and Family Relations Act or in the special act on preventing violence in the family currently in preparation.<sup>61</sup>

### **3. Administration of justice and the rule of law**

21. In 2005, HR Committee has taken note of the efforts undertaken to reduce backlogs in court cases by adopting strategies such as the “Hercules project”, but remained concerned that the backlog is increasing for certain categories of cases. It recommended that Slovenia take steps to further reduce the backlog, while guaranteeing access to justice to all, and ensure that those persons remanded in custody for trial are brought to trial as speedily as possible.<sup>62</sup>

22. In 2009, CRC was concerned at the weak enforcement of legislation relating to offences referred to in OP-CRC-SC, in particular, the prosecution and punishment of those responsible for acts involving the sale of children, child prostitution and child pornography.<sup>63</sup> It recommended that Slovenia take the appropriate measures to expand training activities for the judiciary, prosecutors, police and other public officials so as to ensure the prosecution and punishment of perpetrators of acts prohibited by OP-CRC-SC. It also recommended that Slovenia undertake evaluation of all the cases that did not lead to sentences in order to identify the causes that prevented advancing in the prosecutions and punishments.<sup>64</sup>

23. In 2009, CRC welcomed that recruitment or use of children under the age of 15 in an armed conflict would be punished with imprisonment for no less than fifteen years, if the children take direct part in hostilities.<sup>65</sup> It recommended that Slovenia consider criminalizing the mere recruitment of children at the ages of 16 and 17 and their use in hostilities as separate offences and that recruitment as such is criminalized by the law for both peace and wartime. It further recommended that Slovenia consider reviewing its domestic legislation with the view to adopt a binding definition of “direct” participation hostilities and to extend to legal persons the criminal liability for the acts and activities enumerated in the Optional Protocol.<sup>66</sup>

### **4. Right to privacy, marriage and family life**

24. CRC welcomed the proposed changes to the Marriage and Family Relations Act, but was concerned that the right of a child who has been separated from one of his or her parents to maintain regular contact with both parents and other relatives was not sufficiently protected under current legislation.<sup>67</sup> It encouraged Slovenia to expedite the enactment of changes to the Marriage and Family Relations Act and take all necessary measures to protect the right of children to maintain contacts with both parents.<sup>68</sup>

### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

25. In 2008, CEDAW commended Slovenia for the adoption of the constitutional amendment promoting equal opportunities for women and men standing as candidates in elections and the

amendments to the National Assembly Elections Act and the Local Elections Act requiring balanced representation of both sexes on the candidate lists; the adoption of the Implementation of the Principle of Equal Treatment Act in May 2004 and the subsequent inclusion of the prohibition of discrimination in many laws.<sup>69</sup> It was concerned at the lack of results achieved pursuant to the introduction of the quota system through the amendment to the National Assembly Elections Act.<sup>70</sup> A 2009 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament increased from 12.2 per cent in 2005 to 13.3 per cent in 2009.<sup>71</sup> CEDAW noted the increase of the proportion of women elected to municipal councils from 13.1 to 21.5 per cent in the last elections in 2006, but was concerned that the share of women mayors fell from 6 to 3 per cent during the same period of time.<sup>72</sup> CEDAW called on Slovenia to strengthen its efforts to increase the number of women participating in political life, in particular at the national level, and revisit the national Assembly Elections Act to accelerate political advancement of women in the next elections. It recommended that Slovenia in this regard introduce temporary special measures in accordance with the Convention and that it strengthen its efforts to promote women to positions of mayor in municipalities. It further recommended that Slovenia enhance awareness-raising campaigns on the importance of women's participation in political life and organize special capacity-building initiatives for women candidates for election or for mayors.<sup>73</sup> In 2005, HR Committee recommended that Slovenia take the necessary measures to increase the effective participation of women in public affairs and in the political and economic sectors.<sup>74</sup>

## **6. Right to work and to just and favourable conditions of work**

26. In 2005, the ILO Committee of Experts noted with satisfaction that the Employment Relationships Act of 2002 gives legislative expression for the first time to the principles contained in the ILO Equal Remuneration Convention.<sup>75</sup> The ILO Committee of Experts further noted the adoption of the Act on Equal Opportunities for Men and Women in 2002 which provides measures to promote the effective realization of gender equality, including positive measures in the field of employment.<sup>76</sup> In 2008, CEDAW noted the measures to support the participation of women in the labour market and to reduce unemployment among women, such as the adoption of the Active Employment Policy Measures Programme and specific programmes aimed at providing assistance to long-term unemployed women. CEDAW remained concerned, however, at the persistence of vertical segregation between women and men in the labour market and the continuing pay gap, as well as the high proportion of women, especially young women, employed on fixed-term contracts in comparison with men.<sup>77</sup> It recommended that Slovenia continue to take concrete measures to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the pay gap between women and men. It called upon Slovenia to prioritize the realization of de facto equal opportunities for women and men in the labour market and to take measures aimed at decreasing the high proportion of women in comparison with men employed on fixed-term contracts. It also recommended that Slovenia take steps to widen the options available to women in both the public and the private sector, inter alia, through implementation of temporary special measures wherever possible.<sup>78</sup>

27. While welcoming the adoption of specific provisions prohibiting sexual harassment in the workplace, CEDAW expressed concern about the high incidence of sexual harassment in the workplace and the low level of reporting by women of such harassment.<sup>79</sup> It further recommended that Slovenia introduce specific measures to address sexual harassment in the workplace, including those aimed at encouraging women to report such harassment.<sup>80</sup>



28. In 2007, the ILO Committee of Experts noted the adoption of the Vocational Rehabilitation and Employment of Disabled Persons Act (No. 100/2004), which, inter alia, prohibits direct and indirect discrimination in the employment of persons with disabilities, during the employment relationship and with respect to the termination of employment. The Act Amending the Vocational Rehabilitation and Employment of Disabled Persons Act (No. 72/2005) provides that employers must consider the ILO code of practice on managing disability in the workplace so as to ensure equal opportunities of persons with disabilities in employment.<sup>81</sup>

### **7. Right to social security and to an adequate standard of living**

29. In 2008, CEDAW remained concerned at the persistence of the high maternal mortality rate in Slovenia.<sup>82</sup> It urged Slovenia to take targeted measures to lower the maternal mortality rate, including through implementing the recommendations proposed by the Working Group on the Prevention of Maternal Mortality and improving the access by women to sexual and reproductive health information and services. It also encouraged Slovenia to carefully monitor the delivery of health services in order to respond in a gender-sensitive manner to all health concerns of women. In this regard, it invited Slovenia to utilize general recommendation 24 as a framework for action.<sup>83</sup>

30. CEDAW expressed concern at the situation of rural women, in particular older rural women, including their access to education, health-care services and income-generating activities.<sup>84</sup> It encouraged Slovenia to develop special policies and programmes aimed at the economic empowerment of rural women and ensuring their access to health-care services, education and social services.<sup>85</sup>

31. In 2004, CRC was concerned at the relatively poor health situation of some children, particularly those belonging to the Roma community, and the relatively high maternal mortality rate. Furthermore, it was concerned about the increasing incidence of alcohol abuse and tobacco smoking among adolescents.<sup>86</sup> It recommended that Slovenia give priority attention to identifying and addressing the causes of the poor health situation of some children, particularly Roma children, and the high maternal mortality rate. It also recommended that Slovenia take further preventive measures and treat adolescents who abuse tobacco and/or alcohol.<sup>87</sup>

### **8. Right to education and to participate in the cultural life of the community**

32. In 2008, the ILO Committee of Experts recalled that, by virtue of article 57 of the Constitution, primary education shall be compulsory and financed by public resources.<sup>88</sup> A 2009 United Nations Statistics Division source indicated that the net enrolment ratio in primary education decreased from 97.3 per cent in 2005 to 97.2 per cent in 2007.<sup>89</sup> In 2004, CRC was concerned about the high school dropout rate in secondary education<sup>90</sup> and recommended that Slovenia take measures to address the high dropout rate in secondary education.<sup>91</sup> It encouraged Slovenia to address the low enrolment of female children with disabilities in school.<sup>92</sup>

### **9. Minorities and indigenous peoples**

33. In 2008 the Independent Expert on minority issues reported that in Slovenia, thousands of minority residents, including Bosnians, ethnic Albanians from Kosovo, Macedonians, Roma and Serbs were denied citizenship on the basis of restrictive citizenship laws introduced in 1991 as a very short time limit was allowed to file applications for minority non-ethnic Slovenians. The overall legal

framework was improved considerably by the Law on Settling of the status of citizens of other Socialist Federal Republic of Yugoslavia Successor States in the Republic of Slovenia in 1999, although some minorities, including the Roma, reportedly remain affected.<sup>93</sup>

34. In 2005, HR Committee recommended that Slovenia seek to resolve the legal status of all the citizens of the successor States that formed part of the former Socialist Federal Republic of Yugoslavia who are presently living in Slovenia, and should facilitate the acquisition of Slovenian citizenship by all such persons who wish to become citizens of Slovenia.<sup>94</sup>

35. In 2004, CRC was concerned that children belonging to some ethnic groups in Slovenia, such as Bosniacs, Croats, Serbs, Albanians and others, do not enjoy fully some of their cultural rights.<sup>95</sup> It recommended that Slovenia continue to strengthen and expand efforts to ensure that children from all ethnic groups fully enjoy their rights.<sup>96</sup>

36. In 2006, CESCR was concerned about discrimination against the Roma, as well as about the distinction made in practice between indigenous and non-indigenous Roma. It was also concerned that the latter do not enjoy protection of their cultural rights, such as the right to education in their mother tongue.<sup>97</sup> It urged Slovenia to take measures to combat discrimination between indigenous and non-indigenous Roma and to guarantee access without distinction to Roma children in school. Slovenia was called upon to take measures to guarantee that education is provided also in the mother tongue of minorities.<sup>98</sup> In 2005, HR Committee was also concerned about the difference in the status between the so-called “autochthonous” (indigenous) and “non-autochthonous” (new) Roma communities in Slovenia. It recommended that Slovenia consider eliminating discrimination on the basis of status within the Roma minority and provide to the whole Roma community a status free of discrimination, and improve its living conditions and enhance its participation in public life.<sup>99</sup>

## **10. Migrants, refugees and asylum-seekers**

37. In 2004, CRC welcomed the adoption of new legislation defining the rights of asylum-seekers and refugees, including the Aliens Act and the Asylum Act of 1999, and the additions to the Law on the Temporary Refugee Status of 2002.<sup>100</sup> In 2003, Committee against Torture (CAT) welcomed the amendments to the Aliens Act and the Asylum Act, thereby bringing domestic legislation into line with the Convention.<sup>101</sup>

38. A 2008 UNHCR report indicated concerns about a number of provisions in Slovenia’s new Law on International Protection. During the drafting and legislative review process, UNHCR had submitted many detailed comments and suggestions to improve the draft law, most of which were not accepted. Only one asylum seeker was recognized as a refugee in 2006 and two in 2007. Among the most worrying provisions of the new law is the increased substitution of accelerated procedures for full-scale asylum procedures. UNHCR considered that accelerated procedures should only be applied in exceptional, specifically defined cases. At some critical stages in the new asylum process, appeals do not have a suspensive effect. This means that even before their case has been properly evaluated, asylum seekers could find themselves returned to another country where their life or freedom may be threatened. In addition, the law foresees the widespread use of detention for asylum seekers, with no exemption for persons with special needs such as families with children.<sup>102</sup>

39. CRC noted with satisfaction that children with temporary refugee status are able to enrol in primary and secondary education under the same conditions as Slovene children. It notes with concern,

however, that the extent of health-care services available to these children has still to be regulated.<sup>103</sup> It encouraged Slovenia to take further measures to ensure that asylum-seeking and refugee children are granted equal access to services, including health care.<sup>104</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

40. CESCR noted with satisfaction Slovenia's efforts to fulfil its obligations under the Covenant and the protection generally afforded to economic, social and cultural rights in Slovenia.<sup>105</sup>

41. The ILO Committee of Experts recalled that Slovenia indicated that children who fail to complete school continue to be a challenge. Considering that education is important to preventing the engagement of children in the worst forms of child labour, it encouraged the Government to continue pursuing its efforts to reduce the number of children dropping out of primary education and to provide information on the results achieved.<sup>106</sup>

42. In 2006, CESCR was concerned that nationals of the former Yugoslavia have been "erased" as their names were removed from the population registers in 1992. As a result of this, they have lost their Slovene nationality and their right to reside in Slovenia. CESCR observed that this situation entails violations of these persons' economic and social rights, including the rights to work, social security, health care and education.<sup>107</sup> It urged Slovenia to take the necessary legislative and other measures to remedy the situation of nationals of the States of former Yugoslavia who have been "erased" as their names were removed from the population registers in 1992. It strongly recommended that Slovenia restore the status of permanent resident to all the individuals concerned, in accordance with the relevant decisions of the Constitutional Court. These measures should allow these individuals to reclaim their rights and regain access to health services, social security, education and employment.<sup>108</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

#### **A. Pledges by the State**

43. In 2006, Slovenia pledged to cooperate fully with the procedures and mechanisms of the Human Rights Council, including through visits of special procedures, on the basis of their own terms of reference, to reply to all letters of allegation received from them, and to invest efforts to implement the recommendations that they will have addressed to Slovenia. It pledged to continue to submit regularly reports to the human rights treaty bodies and to assure follow-up. It also pledged to increase its voluntary contributions to OHCHR as soon as possible and continue to provide, to the best of its abilities, voluntary contributions to the rest of the United Nations human rights system.<sup>109</sup>

#### **B. Specific recommendations for follow-up**

44. In 2005, HR Committee requested Slovenia to provide, within one year, relevant information on the assessment of the situation and the implementation of the Committee's recommendations regarding the measures taken to combat trafficking in women and children; and the elimination of discrimination on the basis of status within the Roma minority and provide the whole Roma community with a status free of discrimination.<sup>110</sup>

45. In 2008, CEDAW requested Slovenia to provide, within two years, information on the steps undertaken to implement the recommendations relating to the strengthening of the Office of Equal Opportunities and the establishment of an Advocate for Equal Opportunities for Men and Women.<sup>111</sup> It also requested information on the steps undertaken to implement the recommendation relating to the increasing of the women participating in political life.<sup>112</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A

### Notes

<sup>1</sup>Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

<sup>2</sup>The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup>Reservation:

"With regard to article 5, paragraph 2(a) of the Optional Protocol, the Republic of Slovenia specifies that the Human Rights Committee shall not have competence to consider a communication from an individual if the same matter is being examined or has already been considered under another procedure of international investigation or settlement."

<sup>4</sup>Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, in which the General Assembly recommended that a signing ceremony be organized in 2009. Article 17, paragraph 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant"

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<sup>5</sup>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>6</sup>1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>7</sup>Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

<sup>8</sup>International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>9</sup>Concluding observations of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW/C/SVN/CO/4), para. 41.

<sup>10</sup>Concluding observations of the Committee on the Rights of the Child (C/15/Add.230), para. 63.

<sup>11</sup>Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/SVN/CO/1), para. 27.

<sup>12</sup>Concluding observations of the Human Rights Committee (CCPR/CO/84/SVN) para. 3.

<sup>13</sup>E/C.12/SVN/CO/1, para. 7.

<sup>14</sup>For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

<sup>15</sup>CCPR/CO/84/SVN, para. 5 (a), (b).

<sup>16</sup>E/C.12/SVN/CO/1, para. 6.

<sup>17</sup>CRC/C/15/Add.230, para. 8.

<sup>18</sup>CRC/C/OPSC/SVN/CO/1, para. 4 (b); and concluding observations of the Committee on the Rights of the Child (CRC/OPAC/SVN/CO/1), 4 (d).

<sup>19</sup>CEDAW/C/SVN/CO/4, para. 15.

<sup>20</sup>CRC/C/15/Add.230, para. 9.

<sup>21</sup>CEDAW/C/SVN/CO/4, para. 16.

<sup>22</sup>ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Equal Remuneration Convention, 1951 (No. 100), 2007, Geneva, doc. No. (ILOLEX) 092007SVN100, para. 1.

<sup>23</sup>CRC/C/OPSC/SVN/CO/1, para. 10.

<sup>24</sup>Ibid., para. 11.

<sup>25</sup>See General Assembly resolution 59/113B, of 14 July 2005, and Human Rights Council resolution 6/24 of 28 September 2007. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, available at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.

<sup>26</sup>Letters from the Permanent Mission of the Republic of Slovenia, dated on 19 April 2006 and from the Ministry of Education and Sport, dated on 18 April 2008, and the response of the Permanent Mission of the Republic of Slovenia to the questionnaire of the Human Rights Council Advisory Committee on the issue of the draft UN declaration on human rights education and training, dated on 7 January 2009, see <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.

<sup>27</sup>Ibid.

<sup>28</sup>The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Their Families.

<sup>29</sup>The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>30</sup>See (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (h) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (i) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (j) report on the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, especially women and children; (k) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes, sent in October 2008; (l) report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (m) report of the Special Rapporteur on violence against women, (June 2009) (A/HRC/11/6), questionnaire on violence against women and political economy; (n) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour; (o) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography; (p) report of the Special Rapporteur on the right to food to the twelfth session of the Council (A/HRC/12/31), questionnaire on world food and nutrition security; (r) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography.

<sup>31</sup>Joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation; questionnaire on the sale of children's organs; questionnaire on trafficking in persons, especially women and children; questionnaire on violence against women and political economy; questionnaire on world food and nutrition security and questionnaire on measures to prevent and combat online child pornography.

- <sup>32</sup>OHCHR Press Release: High Commissioner for Human Rights Visits Slovenia, 30 January 2008.
- <sup>33</sup>OHCHR 2008 Annual Report, p. 203.
- <sup>34</sup>A/62/109, p.5; A/61/226, p.6.
- <sup>35</sup> CEDAW/C/SVN/CO/4, para. 21.
- <sup>36</sup> Ibid., para. 22.
- <sup>37</sup> E/C.12/SVN/CO/1, para. 12.
- <sup>38</sup> Ibid., para. 25.
- <sup>39</sup> CCPR/CO/84/SVN, para. 17.
- <sup>40</sup> CEDAW/C/SVN/CO/4, 2008, para. 35.
- <sup>41</sup> Ibid., para. 36.
- <sup>42</sup> CCPR/CO/84/SVN, para. 9.
- <sup>43</sup> CEDAW/C/SVN/CO/4, para. 6 (a), (b) and (c).
- <sup>44</sup> Ibid., para. 23.
- <sup>45</sup> Ibid., para. 24.
- <sup>46</sup> E/C.12/SVN/CO/1, para. 34.
- <sup>47</sup> CCPR/CO/84/SVN, para. 7.
- <sup>48</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008SVN182, p.3.
- <sup>49</sup> CRC/C/OPSC/SVN/CO/1, paras. 4 (a).
- <sup>50</sup> Ibid., paras. 12 and 13.
- <sup>51</sup> CEDAW/C/SVN/CO/4, para. 25.
- <sup>52</sup> Ibid., para. 26.
- <sup>53</sup> E/C.12/SVN/CO/1, paras. 17 and 33.
- <sup>54</sup> CCPR/CO/84/SVN, para. 11.
- <sup>55</sup> CRC/C/OPSC/SVN/CO/1, paras. 4 (a) and 18.
- <sup>56</sup> Ibid., para. 19.
- <sup>57</sup> Ibid., para. 21.
- <sup>58</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008SVN182, p.1.
- <sup>59</sup> Ibid., p.1.
- <sup>60</sup> CRC/C/15/Add.230, para. 40.
- <sup>61</sup> Ibid., para. 41.
- <sup>62</sup> CCPR/CO/84/SVN, para. 12.
- <sup>63</sup> CRC/C/OPSC/SVN/CO/1, para. 26.
- <sup>64</sup> Ibid., para. 27.
- <sup>65</sup> Ibid., para. 10.
- <sup>66</sup> CRC/C/OPAC/SVN/CO/1, para. 11.

<sup>67</sup>CRC/C/15/Add.230, para. 28.

<sup>68</sup>Ibid., para. 29.

<sup>69</sup>CEDAW/C/SVN/CO/4, 2008, para. 6 (a), (b) and (c).

<sup>70</sup>Ibid., para. 27.

<sup>71</sup>United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg/Data.aspx>.

<sup>72</sup>CEDAW/C/SVN/CO/4, para. 27.

<sup>73</sup>Ibid. para. 28.

<sup>74</sup>CCPR/CO/84/SVN, para. 8.

<sup>75</sup>ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Equal Remuneration Convention, 1951, (No. 100), 2005, Geneva, doc. No. (ILOLEX) 062005SVN100, para. 1.

<sup>76</sup>Ibid., para. 2.

<sup>77</sup>CEDAW/C/SVN/CO/4, para. 29.

<sup>78</sup>Ibid., para. 30.

<sup>79</sup>Ibid., para. 29.

<sup>80</sup>Ibid., para. 30.

<sup>81</sup>ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2007, doc. No. (ILOLEX) 062007SVN111, para. 1.

<sup>82</sup>CEDAW/C/SVN/CO/4, para. 31.

<sup>83</sup>Ibid., para. 32.

<sup>84</sup>Ibid., para. 37.

<sup>85</sup>Ibid., para. 38.

<sup>86</sup>CRC/C/15/Add.230, para. 44.

<sup>87</sup>Ibid., para. 45.

<sup>88</sup>ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008SVN182, p. 4.

<sup>89</sup>United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg/Data.aspx>.

<sup>90</sup>CRC/C/15/Add.230, para. 50.

<sup>91</sup>Ibid., para. 51.

<sup>92</sup>Ibid., paras. 42 and 43.

<sup>93</sup>A/HRC/7/23, para 67.

<sup>94</sup>CCPR/CO/84/SVN, para. 10.

<sup>95</sup>CRC/C/15/Add.230, para. 66.

<sup>96</sup>Ibid., paras. 66 and 67.

<sup>97</sup>E/C.12/SVN/CO/1, para. 11.

<sup>98</sup>Ibid., para. 24.

<sup>99</sup>CCPR/CO/84/SVN, para. 16.

<sup>100</sup>CRC/C/15/Add.230, para. 3 (d), (e) and (g).



<sup>101</sup> Conclusions and recommendations of the Committee against Torture (CAT/C/CR/30/4), para. 4 (d).

<sup>102</sup> UNHCR, UNHCR concerned about new asylum law in Slovenia, Press Releases, 7 January 2008, available at: <http://www.unhcr.org/478229934.html>.

<sup>103</sup> CRC/C/15/Add.230, para. 54.

<sup>104</sup> *Ibid.*, para. 55.

<sup>105</sup> E/C.12/SVN/CO/1, para. 4.

<sup>106</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008SVN182, p.4.

<sup>107</sup> E/C.12/SVN/CO/1, para. 16.

<sup>108</sup> *Ibid.*, para. 32.

<sup>109</sup> Pledges and commitments undertaken by Slovenia before the Human Rights Council, as contained in the letter dated on 7 April 2006 sent by the Permanent Mission of Slovenia to the United Nations addressed to the Secretariat of the United Nations, available at <http://www.un.org/ga/60/elect/hrc/>.

<sup>110</sup> CCPR/CO/84/SVN, para. 19.

<sup>111</sup> CEDAW/C/SVN/CO/4, para. 14.

<sup>112</sup> *Ibid.*, para. 28.

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