



**International Covenant on
Civil and Political Rights**

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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**List of issues in relation to the third periodic report
of Slovenia**

Addendum

Replies of Slovenia to the list of issues*

[Date received: 16 November 2015]

* The present document is being issued without formal editing.



Question 1

Selected cases¹ of recent court decisions, in which the provisions of the Covenant have been invoked by the court:

1. In decision U-I-25/08 of 15 January 2009,² the Constitutional Court set aside, in part, Article 12, paragraph 4, of the Chamber of Agriculture and Forestry Act (Official Gazette Nos. 41/99, 25/04 and 69/04 – official consolidated text), which limited the passive right to vote at elections to the Chamber bodies, whereby a similar restriction is not envisaged for other chambers that are based on compulsory membership, making this restriction inconsistent with Article 14, paragraph 2, of the Constitution (Equality before the Law), as the legislator provided no reasonable or clear grounds for such differentiation. The initiators also stated that the contested arrangement, which restricted the mandate to only two consecutive periods, constituted an excessive infringement of the right granted under Article 43 of the Constitution, as no such or similar restrictions have been imposed on any other posts within state authorities, particularly on the posts of deputies at the National Assembly. Such a restriction of the passive voting right is also contrary to Article 25 of the Covenant, whereby all citizens shall have the right, without unreasonable restrictions, to participate in the conduct of public affairs.

2. In case Up-540/11 of 13 February 2014,³ the Constitutional Court decided whether, in the case in question, obtaining information on the complainant's dynamic IP address constituted an infringement of the right to protection of the privacy of correspondence and other means of communication under Article 37, paragraph 1, of the Constitution. The Court ruled that the complainant, through his actions, surrendered his privacy, and therefore could have no justified expectations of privacy in this regard. In its reasoning, the Court also invoked the Covenant, i.e. in the extensive explanation of the privacy of communication. The Court wrote: "Within the right to respect for personal and family life, the right to privacy of communication is also defined by the Convention for the Protection of Human Rights and Fundamental Freedoms" (Official Gazette No. 33/94, International Treaties, No. 7/94), Article 8, and the International Covenant on Civil and Political Rights (Official Gazette of the Socialist Federal Republic of Yugoslavia No. 7/71, and the Official Gazette of the Republic of Slovenia No. 35/92, International Treaties, No. 9/92), Article 17, which reads: "1 No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2 Everyone has the right to the protection of the law against such interference or attacks."

3. In decision No. Up-1293/08 of 6 July 2011,⁴ the Constitutional Court also invoked the explanation of the Covenant regarding the privilege against self-incrimination (the decision itself concerns the issue of the usefulness to criminal proceedings of evidence obtained in other procedures).

4. The Constitutional Court wrote: "30 Article 29 of the Constitution provides for guarantees in criminal proceedings. In compliance with indent 4 thereof, anyone charged with a criminal offence must, in addition to absolute equality, be guaranteed the right to the privilege against self-accusation. The Constitution thus guarantees this privilege, and it is also provided for under the Covenant (Official Gazette of the Socialist Federal Republic of Yugoslavia No. 7/71 and the Official Gazette of the Republic of Slovenia No. 35/92,

¹ The selection has been narrowed down due to the imposed word limit.

² Official Gazette No. 7/2009 and Constitutional Court decision XVIII,4.

³ Official Gazette No. 20/2014.

⁴ Official Gazette No. 60/2011.

International Treaties, No. 9/92) and the Convention for the Protection of Human Rights and Fundamental Freedoms. Article 14, paragraph 3, item g, of the Covenant stipulates that in the determination of any criminal charge against him, everyone shall be entitled, in full equality, not to be compelled to testify against himself or to confess guilt. [...] Invoking the above provisions of the Constitution and the international instruments for the protection of human rights, the Constitutional Court, in decision No. Up-134/97 of 14 March 2002[16] stated that the privilege against self-incrimination relating to the prohibition of compelled testimonies is based on the fact that all law enforcement authorities in the widest sense must allow the defendant to be completely passive or to make their own conscious, reasonable and, above all, voluntary decisions as to whether they will cooperate with them or not. Consequently, the defendant is not obliged to make any statements regarding the criminal offence, or anything which could incriminate them or by which they could be incriminated against their will. This is to protect the defendant from self-incrimination, either by coercion or due to lack of information, in the belief that they must do so.[17] Therefore, this procedural safeguard prevents the state from forcing individuals to be a source of evidence against themselves. The privilege against self-incrimination is based on the preservation of the defendant's procedural personality, thereby ensuring fair proceedings. [18]".

5. Slovenia assesses that lawyers, state prosecutors and judges are quite familiar with the Covenant; however, it should be noted that attorneyship is defined by the Constitution (Article 137) as an independent service within the system of justice, which means that the state cannot impose any regulations on lawyers, or otherwise regulate their education.

6. In recent years, several training courses for judges and state prosecutors have been organised which outlined the rights that are also covered by the Covenant. As a general rule, educational programmes are not aimed at presenting an individual international convention or any other international instrument, but to comprehensively address the issue at hand (which is also regulated by international instruments).

7. Below are examples of training courses held once or several times during the 2013–2015 period, which focused on children's rights in relation to family protection or trafficking in human beings, violence against women and protection of victims:

- Seminars on European family law
- Consultations of family judges with qualified professionals of social services
- A seminar for family law judges
- Family workshops
- Symposium entitled Children as Victims and the Perpetrator
- Symposium entitled Crisis – Child – Violence
- Symposium entitled Child and the Traps of Modern Times
- A seminar on trafficking in human beings, violence against women and the protection of victims

Question 2

8. Within its second Universal Periodic Review on 4 November 2014, Slovenia received several recommendations to harmonise the status of the national institution for the protection of human rights with the Paris Principles. The Government accepted the recommendations.

9. A debate about setting up a national institution on human rights in accordance with the Paris Principles was held on 15 December 2014 at the 7th session of the Inter-ministerial Commission on Human Rights. Opinions differed on whether extending the

institution or competences of the Human Rights Ombudsman would be the optimum solution, or whether it would be better to set up a separate institution. This and other dilemmas have not yet been completely clarified, which is a prerequisite to actually setting up a national institution. In principle, Slovenia is striving to define by statute the additional requirements which would facilitate the inclusion of the Ombudsman in Group A according to the Paris Principles. Broad supervisory competence in relation to public authorities, monitoring the situation of human rights and fundamental freedoms in Slovenia, including the supervision of violations, has not been limited in any way, allowing the Ombudsman to carry out his mission in a stable, proactive and effective manner.

10. As regards the provision of resources required for the effective functioning of the Ombudsman, it should be noted that the Human Rights Ombudsman Act⁵ stipulates in Article 5, paragraph 2, and Article 55 that “the funds for the Ombudsman’s work shall be allocated by Parliament from the state budget” – which is logical, given the status guaranteed under the Constitution (independent constitutional authority *sui generis*), according to which the Ombudsman must ensure appropriate funds in direct consultation and cooperation with the legislative branch. As a result, the National Assembly, at the Ombudsman’s proposal, earmarked funds amounting to EUR 1,985,190 in the state budget for his activities in 2014. Due to the revised budget and austerity measures, the final expenditure was slightly lower; however, the latest annual report by the Ombudsman contains no criticism on this account.⁶

11. A special annual report issued by the Ombudsman in the capacity of the National Preventive Mechanism⁷ shows that a decision was made at the end of 2014 to set up (as a one-year pilot project) a special unit in 2015, which will not address individual initiatives but only carry out visits and other tasks of the Mechanism. The final decision on a unit operating separately from the Ombudsman will be based on experience acquired by the end of 2015 or early 2016. According to the Ombudsman, new staff and additional funds may be required later on (in 2016), which will be decided by the end of 2015, when the National Assembly adopts a new state budget, including the Ombudsman’s.

Question 3

12. Non-binding opinions issued by the Advocate of the Principle of Equality can be helpful, but cannot replace legal remedies. The Advocate cannot provide a thorough analysis of cases which would be relevant only in terms of commitments under the Covenant (e.g. the question whether all cases of discrimination in accessing goods and services on the market are covered by Article 26; the issue of legal interests, i.e. situations when these are not yet directly the rights envisaged by domestic legislation).

13. Until 2009, the Advocate received 50-60 reports of discrimination every year, 66 in 2010 and 98 in 2011. Later, this trend declined: 75 (2012), 63 (2013), 50 (2014). The Advocate also acts on many other perceived problems (questions on the e-government portal, daily counselling by telephone, questions from the media...). Due to the poor effectiveness of opinions, the Advocate’s support for victims of discrimination increasingly

⁵ Official Gazette Nos. 71/93, 15/94 – amended, 56/02 – Civil Servants Act, and 109/12; Human Rights Ombudsman Act.

⁶ Annual Report of the Human Rights Ombudsman for 2014, pages 384-385; http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/LP_2014_-_SLO_-_dvostr_-_web.pdf.

⁷ The implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is ensured by the Ministry of Justice – Article 3 of the Act Ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette– International Treaties, No. 20/06).

focuses on direct assistance in procedures relating to legal remedies (argumentation of complaints, legal actions, Constitutional Court procedures), providing support in the search for evidence, strategy, moral support, etc. If requested, the Advocate also issues preventive and curative recommendations to alleged perpetrators (guidance, approx. 10 per year). The Advocate also provides detailed comments on systemic issues (discriminatory policies, comments on key draft laws, e.g. pension reform, labour legislation, inspection services, non-discriminatory legislation regarding persons with disabilities, gender equality, and, in general, regulation of parental rights, family relationships, etc.). Opinions issued by the Advocate have met with a poor response.

14. The Advocate presented a number of systemic anomalies to the Government already in 2010. With a view to enhancing and adequately regulating the institute of Advocate, the Government has drafted the Protection against Discrimination Act to regulate his status and competences, enabling him to carry out his tasks even more independently and effectively. The draft law is currently undergoing inter-ministerial coordination.

Question 4

15. In the table below, Slovenia provides available data on the criminal offences of the Violation of the Right to Equality (new Criminal Code, Article 131⁸), Public Incitement to Hatred, Violence or Intolerance (new Criminal Code, Article 297), Criminal Trespass (Criminal Code, Article 141), Incitement to Hatred, Dispute or Intolerance based on a Violation of Equality Principle (Criminal Code, Article 300) – the latter two are comparable offences defined under the previous Criminal Code.⁹

16. The statistical data provided by the Office of the State Prosecutor General show the number of criminal offences (not based on the number of offenders); as to categories in the below table, it should be noted that a *punitive order* is actually a judgement of conviction. Slovenia has no available data on the number of criminal offences concerning hate speech or intolerance committed by civil servants.

Articles 131 and 297 of the new Criminal Code Articles 141 and 300 of the Criminal Code

Year	Judicial investigation	Charging instrument	Punitive order	Judgement/decision				
				Convicted	Acquitted	Refused	Proceedings stopped	Dismissed
2010		5	1	4		3		
2011	1	7	3	5	1			
2012		28	14	3			2	
2013		15		9		2		
2014	1	2	2	4			4	2
2015		2		3			1	

Question 5

17. The introduction of gender quotas has had an impact on the share of female representation. At the last early elections to the National Assembly in 2014, 35.6% of deputies elected were female, the biggest percentage to date. Following these elections, the

⁸ Official Gazette Nos. 50/12 – official consolidated text, 54/15.

⁹ Official Gazette No. 95/04.

share of women holding ministerial posts also increased. When taking office, the new government was composed of 41.2% of women, while today, their share has increased to 47.6%.

18. The share of female municipal councillors also increased following the 2014 local elections, and is now at 31.8%, which is 9.4 p.p. more than in 2010. The share of female mayors also slightly increased, from 5% in 2010 to 7.5% in 2014. The share of female Roma councillors rose as well. During 2010 elections, one of the 18 elected Roma councillors was female, accounting for 5.5%, while in 2014, the share of female Roma councillors was 12.1%.

19. As regards Slovenian members of European Parliament, three women and five men were elected for the 2014-2019 term of office.

20. The share of women on the National Council remains low. At the 2012 elections, only three women out of 40 Council members were elected (7.5%). Members of the National Council are not elected on the basis of a general voting right, but on the basis of a special voting right provided for by law for each interest group, i.e. by membership of a certain interest group or local community.¹⁰

21. Female representation in senior leading posts in companies is low. In 2014, the largest companies listed on the stock exchange only had 5% of female presidents, 20% of board members, 22% non-executive, and 21% managing directors. Through the projects Include.All and Let's Balance Gender Power Relations, we are striving to change that. In March 2015, the National Assembly hosted a joint session of the Committee for Petitions, Human Rights and Equal Opportunities and the Committee on Labour, Family, Social Affairs, and Disability on the status of women and men in Slovenia. A decision was adopted, tasking the Ministry of Labour, Family, Social Affairs, and Equal Opportunities with drafting the legal basis to introduce quotas of the less represented gender on top executive management and supervisory boards of companies.

Female representation in the judiciary

Data provided by the Judicial Statistics on judges by gender for 2014 (as at 31 December 2014)

Posts held as at	31 December 2014				
	Type of court	Presidents of courts and judges	Male	%	Female
Total	940	205	21.8%	735	78.2%
Supreme court	29	18	62.1%	11	37.9%
Higher court	135	38	28.1%	97	71.9%
District court	261	59	22.6%	202	77.4%
Local court	431	72	16.7%	359	83.3%
Administrative court	28	4	14.3%	24	85.7%
Higher labour and social court	14	5	35.7%	9	64.3%
Labour and social court	42	9	21.4%	33	78.6%

¹⁰ Additional information is provided in the Common Core Document of Slovenia (document No. HRI/CORE/SVN/2014, para. 82).

Unofficial data on judges by gender as at 30 June 2015

<i>Type of court</i>	<i>30 June 2015</i>				
	<i>Presidents of courts and judges</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>
Total	923	202	21.9%	721	78.1%
Supreme court	28	17	60.7%	11	39.3%
Higher court	129	37	28.7%	92	71.3%
District court	263	59	22.4%	204	77.6%
Local court	419	72	17.2%	347	82.8%
Administrative court	27	4	14.8%	23	85.2%
Higher labour and social court	13	4	30.8%	9	69.2%
Labour and social court	44	9	20.5%	35	79.5%

Officials (state prosecutors and attorneys general) by gender as at 18 August 2015**Officials by gender**

<i>Prosecutor's Office</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
Supreme State Prosecutor's Office	10	9	19
District State Prosecutor's Office Celje	11	7	18
District State Prosecutor's Office Koper	10	1	11
District State Prosecutor's Office Kranj	9	1	10
District State Prosecutor's Office Ljubljana	30	11	41
District State Prosecutor's Office Maribor	13	7	20
District State Prosecutor's Office Murska Sobota	4	4	8
District State Prosecutor's Office Nova Gorica	7	0	7
District State Prosecutor's Office Novo Mesto	6	2	8
District State Prosecutor's Office Krško	5	3	8
District State Prosecutor's Office Ptuj	5	2	7
District State Prosecutor's Office Slovenj Gradec	4	1	5
State Prosecutorial Council	1	0	1
Specialised State Prosecutor's Office	19	11	30
Total	134	59	193

Data as at 27 August 2015

<i>State Attorney's Office</i>	<i>Females</i>	<i>Males</i>	<i>Total</i>
Offices in Ljubljana	32	7	39
Branch offices:			
Celje	3	0	3
Koper	2	0	2
Kranj	3	0	3
Maribor	4	1	5

<i>State Attorney's Office</i>	<i>Females</i>	<i>Males</i>	<i>Total</i>
Murska Sobota	1	1	2
Nova Gorica	2	0	2
Novo Mesto	3	0	3
Ptuj	2	0	2
Total	52	9	61

Question 6

22. The legal bases and the process leading to the resolution of the issue of the erased are described in Slovenia's Common Core Document.¹¹ According to data on permanent residence permits kept pursuant to the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia,¹² 1,899 applications for permanent residence had been lodged by 31 August 2015 with administrative units (1,601 by the erased, 71 by children of the erased, and 227 by non-erased citizens of other former Yugoslav republics – the amending Act stipulates that a permanent residence permit may be granted to a foreigner who was a national of another former Yugoslav republic on 25 June 1991 and who was not erased from the permanent population register provided that they have actually lived in the Slovenia on a continuous basis since 25 June 1991).

23. From the entry into force of the Act on 24 July 2010 to 31 August 2015, administrative units issued 237 permanent residence permits pursuant to the Act, 195 of which were issued to the erased (while 1,350 applications were rejected and 312 are pending). In the above period, the Ministry of the Interior issued an additional 39 permits for permanent residence pursuant to the Act, for applications lodged on the basis of the Act before the amendments thereto were published in the Official Gazette.

24. Monitoring of the implementation of the amending Act has shown that the applicants rejected by administrative units included a large group of persons who had left Slovenia voluntarily for various reasons before the erasure from the register, i.e. in 1991 or earlier. Their relocation to other countries and residence there had not been caused by their erasure from the permanent population register or another reason that in accordance with the Act does not interrupt actual residence, which is a condition for issuing a permanent residence permit.

25. In 2013, Slovenia passed a separate act governing compensation for damage, i.e. the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents,¹³ which entered into force on 18 December 2013 and took effect on 18 June 2014. It regulates the right to financial compensation and entitlement to other forms of just satisfaction as redress for damage sustained as a result of erasure. Other forms of just satisfaction provide or facilitate access to rights in various other areas regarding which it was deemed that such benefits could be useful or necessary. According to the Act on Compensations, beneficiaries are entitled to the payment of contributions for compulsory health insurance, to inclusion and priority consideration in social assistance programmes, to facilitation in exercising rights to public funds, to state scholarships, to equal treatment as Slovenian citizens in resolving housing problems, to access to the education system, and to participation or priority treatment in integration programmes.

¹¹ HRI/CORE/SVN/2014, paras. 266-270.

¹² Official Gazette No. 50/10.

¹³ Official Gazette No. 99/13.

Question 7

26. In August 2015, the Government endorsed the Fourth Report on the Situation of the Roma Community in Slovenia, which covers the activities of state and local authorities and the Roma Community Council in 2014. The four reports thus far present some progress and slow, but steady advances in all aspects of the National Programme for the 2010-2015 period. Nevertheless, the Government is aware of the poor social inclusion of members of the Roma community. Due to the complexity of the process, more tangible results may only be expected in the long term.

27. The Government's priority is to draft a new comprehensive National Programme for the next five-year period. While considering the Fourth Report, the Government instructed the relevant ministries and government services to include the findings and proposals from the Report in the new programme of measures for the 2016–2021 period currently being drafted. The new National Programme will have to place additional focus on intolerance against Roma and hate speech, the elimination of prejudices and stereotypes, and enhanced dialogue and cooperation between relevant state and local authorities, the Roma community and civil society organisations. Representatives of the Roma community, local communities and interested public will participate in drafting the new document.

28. The measures to combat discrimination detailed in paragraphs 231-237 of the Third Report and best practice examples in the Annex have continued throughout 2015.

29. The composition of the Roma Community Council is specified in Article 10 of the Roma Community Act. The Council consists of twenty-one members, fourteen of whom are representatives of the Roma Union of Slovenia and seven representatives of the Roma community on the councils of municipalities where a representative of the Roma community is elected to the municipal council as per the Local Self-Government Act. Since the entry into force of the Act, the Roma Community Council's inefficiency in practice has become evident. Therefore, amendments to the Act are planned for 2016. Representatives of the Roma community will participate in the drafting.

Question 8

30. Statistical data is provided in answer 17.

31. In 2014, a two-year national campaign to combat violence against women was launched under the slogan "Vesna – to Live a Life Free of Violence" aimed at raising awareness of women's rights and forms of victim assistance and providing training for qualified professionals (police, social services, health, education, justice). The unacceptability of any form of violence against women of all ages is at the core of the campaign co-financed by European funds.

32. A strategic document, the Resolution on the 2009-2014 National Programme on Prevention of Family Violence, made an important contribution to raising public awareness of the issue of domestic violence (with events focusing on different target groups: women, children, perpetrators), specialised training of professionals working with victims or perpetrators of violence, enhancing inter-ministerial cooperation in cases of domestic violence, and guaranteeing an adequate network of crisis centres and secure accommodation for victims and their children. Activities from the Resolution remaining to be finalised include establishing a national database and comparable indicators and periodical analyses to monitor domestic violence trends.

33. Drafting of an amended Family Violence Prevention Act and a new Resolution on the National Programme for the next five-year period are included in the line ministry's work programme for 2015.

Question 9

34. Since 2014, the records of complaints against law enforcement officials have been disaggregated by individual human rights and fundamental freedoms. No exact data on complaints relating to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is available for the period before that.

35. The record of complaints shows that in 2014, nine complaints relating to the prohibition of torture, as defined in Article 18 of the Constitution, were processed. In six cases the line ministry's complaints panel (consisting of an official and two representatives of the public) found that the complaint was partially or fully justified. In the first half of 2015, five such complaints were processed, three of which were found justified.

36. The table below contains the data available from the Supreme Court on the crimes of Torture (Article 265 and later 135.a of the new Criminal Code¹⁴), Violation of Human Dignity by Abuse of Official Position or Official Rights (Article 266) and Extortion of a Statement (Article 267), and two comparable criminal offences under the previous Criminal Code, Violation of Human Dignity by Abuse of Office or Official Duties (Article 270) and Extortion of a Statement.¹⁵

37. As the term official has a broad definition, the available statistics fail to show the exact function of the perpetrators, but in practice most are police officers. Data from the Supreme Court:

**Violation of Human Dignity by Abuse of Official Position or Official Rights
Article 270 of the Criminal Code; Article 266 of the new Criminal Code**

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Proceedings</i>			
			<i>Acquitted</i>	<i>stopped</i>	<i>Refused</i>	<i>Dismissed</i>
2010	41	5	5	16	5	10
2011	43	2	8	18	8	7
2012	21	4	3	10	3	1
2013	23	3	7	4	3	6
2014	17	9	1	4	1	2
2015 (first half)	13	4	5	2	1	1

**Torture
Article 265 of the new Criminal Code**

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Proceedings</i>			
			<i>Acquitted</i>	<i>stopped</i>	<i>Refused</i>	<i>Dismissed</i>
2010	1	0	0	0	0	1
2011	0	0	0	0	0	0
2012	1	0	0	1	0	0
2013	0	0	0	0	0	0
2014	1	0	0	0	0	1
2015 (first half)	0	0	0	0	0	0

¹⁴ The crime of torture was first defined in Article 265; this article was deleted from the amended Criminal Code KZ-1B (Official Gazette No. 91/11) and Article 135.a added.

¹⁵ Official Gazette No. 95/04.

38. Police officers are trained in the use of force during their basic training. Moreover, officers have undergone compulsory group training in practical procedures and self-defence since 1996. The training consists of theory (3 hours per month) and training in practical procedures and self-defence (5 hours per month). It focuses on strict respect for legality, professionalism, humanity and proportionality in the use of coercive means, and particularly the protection of human rights in police procedures.

39. The police have prescribed procedures for reporting on the use of police powers. In comparison with other police powers, the use of coercive means is the most intrusive in human rights, so it is reasonable that it is subject to close scrutiny. Procedures to verify legality and professional conduct in the use of coercive means are provided for by the Police Tasks and Powers Act.

40. The Police have also developed software for recording cases of actual use of coercive means, which permits its better control and monitoring.

Question 10

41. The identification procedure for victims of trafficking in human beings has not been formalised. On detecting a criminal offence of trafficking in human beings, the police notify the Specialised Office of the State Prosecutor, which further directs the investigation of the case. The victim is given police protection while also being provided with accommodation under the programme entitled Care for Victims of Trafficking in Human Beings – Crisis Accommodation, conducted by an NGO that has concluded an agreement to this purpose with the responsible ministry. Furthermore, the police notify the National Anti-Trafficking Coordinator and the Interdepartmental Working Group of the crisis accommodation of the victim. The members of the Interdepartmental Working Group meet *ad hoc* to assess whether the person is a victim of trafficking and decide on further measures.

42. Identification procedures are set out in different protocols, treaties and agreements between the key players who usually deal with issues of such trafficking and with victims. The protocol for cooperation and informing the police on suspected cases of trafficking has also been defined by inspection authorities, consular missions, social services and other government bodies.

43. Within the police, the investigation of trafficking in human beings is the remit of the criminal investigation branch and is conducted by specifically trained staff. However, the first contacts with victims are often made by the general police force and border police. The police use the Frontex trainer's manual on anti-trafficking, which has been translated into Slovene.¹⁶ This manual is available to the border police (also in digital format), who also take part in basic training on the detection of such trafficking.

44. After the first contact, supposed or identified victims are provided with immediate emergency housing. Victims are entitled to emergency housing for 30 days; after that they are included in a secure accommodation programme implemented by a NGO or a charity; the programme procedures and content are set out in an agreement between the Ministry of the Interior and a service provider (usually other than the provider of emergency housing). Secure accommodation is a more permanent accommodation of victims in a secure and secret location in order to provide comprehensive care for them and regularise their status (issue a temporary residence permit, gradually include them in society, etc.). All victims are

¹⁶ http://frontex.europa.eu/assets/Publications/Training/Fundamental_Rights_Training_for_Border_Guards1.pdf.

granted a recovery and reflection period. Placement in this form of accommodation is voluntary and unconditional.

45. Care and accommodation for victims who are third-country nationals staying illegally in Slovenia are regulated in the Aliens Act. Article 50 of the Act provides for victims to remain in the country for a period of three months in order to decide whether they will participate as witnesses in criminal proceedings concerning the trafficking in human beings. This stay may be extended by the police for additional three months for justified reasons upon the victim's request or *ex officio*. Following the 30-day emergency housing, the victim may be placed upon their consent in secure accommodation. After the expiry of the police permit, the victim may acquire a temporary residence permit in accordance with Article 50, paragraph 4, of the Aliens Act.

46. An individual programme is drawn up for every trafficking victim placed in secure accommodation. In the event of any necessary specific treatment other than the emergency medical care as defined in international instruments, victims, who often have no medical insurance, are actually given the necessary treatment, for which funds are provided. The individual programme covers social inclusion, education and primary integration in the environment.

Question 11

(a)

47. Pursuant to the Criminal Procedure Act, Article 70, paragraph 1, a person brought before an investigating judge under Article 157 of the Act must have defence counsel from the very first interrogation (mandatory counsel); thus, in cases of deprivation of liberty due to reasonable grounds for detention, the police must immediately take the person to an investigating judge and the person must have defence counsel present from the first interrogation. The person must have access to defence counsel when remanded in custody or when any of the alternative measures are proposed, i.e. when decisions following the interrogation are made (Article 204.a), for as long as they are subject to a detention order (Article 70, paragraph 2). If in a case of mandatory defence, the defendant fails to retain defence counsel by themselves, the president of the court appoints defence counsel *ex officio* (Article 70, paragraph 4).

48. Exceptionally, police officers may deprive a person of liberty and detain them for a maximum of 48 hours (so-called police detention) if there are reasonable grounds to believe that they have committed a criminal offence for which the perpetrator is prosecuted *ex officio*, if detention is needed for identification, to check an alibi, collect information and items of evidence for the criminal offence in question, and if reasons for detention exist (Article 157, paragraphs 2 and 5). The person deprived of liberty without a court decision must be immediately instructed of their right to immediate legal counsel and to have a lawyer of their choosing present at their interrogation (Article 157, paragraph 3). If the detainee is interrogated without the presence of counsel, the court's decision may not be based on their testimony (Article 157, paragraph 4, in connection with Article 148.a, paragraphs 1 and 3).

49. The applicable legal regime guarantees that no statement may be obtained from a person deprived of liberty without legal counsel.

(b)

50. Article 4, paragraph 4, stipulates that if a suspect who has been deprived of liberty does not have the means to retain a lawyer, the police shall, upon request by the suspect, appoint a lawyer for them at the expense of the state if this is in the interest of justice.

51. Since the decision by a police officer concerning the appointment of a legal counsel at the expense of the state during the police deprivation of liberty must be made quickly and on the spot, the verification of the suspect's pecuniary circumstances is not conducted in the way envisaged under the Free Legal Aid Act; it is determined solely on the basis of the police officer's assessment, based on information provided by the suspect or other information (obvious at first sight and related to the suspect's condition or status or knowledge of the suspect's living conditions).

52. Another requirement is that the appointment of a lawyer at the expense of the state is in the interest of justice. It is a legal standard determined by case law. In practice, the fulfilment of the interest of justice is mostly relevant in cases in which a suspect is deprived of liberty for having committed a serious criminal offence (as a rule, an offence punishable by a prison sentence of five years or more) or for a criminal offence committed in special circumstances whereby, given the suspect's personal characteristics and living conditions, it is fair to provide the suspect with counsel as early as in this phase of the procedure, i.e. on deprivation of liberty (e.g. criminal offences against life and limb, against sexual integrity, against marriage, family or youth, in relation to abuse of alcohol or illegal drugs or difficult living conditions, etc.). When considering personal characteristics, the following vulnerable groups of people, who most probably do not know or understand the Slovenian legal order, are taken into account: foreigners, minors or young adults, elderly persons or persons with dementia, disabled, addicts, marginal groups, socially disadvantaged persons or victims of criminal offences, etc. In doubtful or unclear cases, the decision to appoint counsel at the expense of the state pursuant to Article 4, paragraph 4, is also taken according to the principle "when in doubt, favour the defendant".

Question 12

53. The table below lists the available data on the categories of detainees and convicts. These do not include persons imprisoned for fine enforcement, persons in custody, juvenile convicts or detainees at the Radeče Correctional Home.

Detainee and convict population figures (total, disaggregated by sex and average for the period 2010-2014)

Year	Detention Total (male and female population)	Detention Female population	Detention	Convicts Total Convicts Female population	Convicts (male and female population)	
			Average number (detainees (male and female by day)		Average number (by day)	
2010	1292	71	351.7	1967	87	975
2011	1193	84	305	1919	105	968
2012	1194	70	314.2	2137	119	1042.5
2013	1132	75	248.4	2247	122	1126
2014	1101	85	248.7	2772	173	1174

54. Regarding the official capacity of each place of deprivation of liberty, it should be noted that, in accordance with the Decree establishing prison service institutions,¹⁷ the Office of the Prison Administration comprises the following prison service institutions:

- Celje Juvenile and Adult Prison

¹⁷ Official Gazette No. 84/00.

- Dob pri Mirni Prison
- Ig Prison
- Koper Prison
- Ljubljana Prison
- Maribor Prison (Article 1 of the Decree)

55. In accordance with the Rules on Detention,¹⁸ persons against whom a competent court has issued a detention or custody order are detained at:

- Ljubljana Prison
 - Novo Mesto Unit of the Ljubljana Prison (male population only)
- Celje Juvenile and Adult Prison
- Maribor Prison (male population only)
 - Murska Sobota Unit of the Maribor Prison (male population only)
- Koper Prison (male population only)
 - Nova Gorica Unit of the Koper Prison (male population only)
- Ig Prison (female population only)

56. In accordance with the Enforcement of Criminal Sanctions Act,¹⁹ a custodial sentence may also be served at a forensic psychiatry facility (Article 151, paragraph 5). According to the Rules on security measures of compulsory psychiatric treatment and care at health-care facilities, deinstitutionalised compulsory treatment and the compulsory treatment of alcohol and drug addicts,²⁰ this facility is the Department of Psychiatry – Unit for Forensic Psychiatry of the University Medical Centre Maribor.

Based on court statistics, the table below summarises statistical data on alternative measures

	<i>Restraining order</i>	<i>Reporting to the Police</i>	<i>Home confinement</i>
2010	Local courts: 30	Local courts: 2	Local courts: 5
	District courts: 355	District courts: 10	District courts: 70
	Minors: 1	Minors: 0	Minors: 4
	Total: 386	Total: 12	Total: 79
2011	Local courts: 23	Local courts: 00	Local courts: 1
	District courts: 97	District courts: 22	District courts: 76
	Minors: 1	Minors: 0	Minors: 5
	Total: 121	Total: 22	Total: 82
2012	Local courts: 2	Local courts: 1	Local courts: 2
	District courts: 270	District courts: 10	District courts: 64
	Minors: 5	Minors: 0	Minors: 6
	Total: 277	Total: 11	Total: 72

¹⁸ Official Gazette Nos. 36/99, 39/02, 114/04, 127/06, 7/07, 112/07, 62/08, and 16/09.

¹⁹ Official Gazette Nos. 110/06 – official consolidated text, 76/08, 40/09, 9/11 – ZP-1G, 96/12 – ZPIZ-2, 109/12, and 54/15; ZIKS-1.

²⁰ Official Gazette Nos. 84/09, 6/12, and 109/12 – ZIKS-1E.

	<i>Restraining order</i>	<i>Reporting to the Police</i>	<i>Home confinement</i>
2013	Local courts: 6	Local courts: 1	Local courts: 4
	District courts: 308	District courts: 6	District courts: 67
	Minors: 4	Minors: 1	Minors: 6
	Total: 318	Total: 8	Total: 77
2014	Local courts: 5	Local courts: 0	Local courts: 3
	District courts: 294	District courts: 6	District courts: 54
	Minors: 6	Minors: 0	Minors: 3
	Total: 305	Total: 6	Total: 60
Total 2010-2014	Local courts: 66	Local courts: 4	Local courts: 15
	District courts: 1324	District courts: 54	District courts: 331
	Minors: 17	Minors: 1	Minors: 24
	Total: 1407	Total: 59	Total: 370

Data on bail and bench warrants, provided by the Supreme Court

		2010	2011	2012	2013	<i>Up to June</i>	
						2014	2015
<i>Measure</i>	Decision granting bail	13	6	12	23	4	7
	Bench warrant order	1608	1996	2474	2279	2125	1121

57. The abundant regulations, options to appeal and legal remedies (e.g. revised provisions concerning legal remedies for the violation of prisoners' rights under Article 83 of the Enforcement of Criminal Sanctions Act and frequent complaints filed with the European Court of Human Rights concerning living conditions in prisons) are further enhanced by monitoring by the Human Rights Ombudsman and the National Preventive Mechanism established within the Ombudsman's Office.

58. Persons detained by the Police on suspicion of a criminal offence, for road traffic offences, for violations of public order and peace, and for violations of regulations concerning foreign nationals in the period from 2010 to 2014:

- 2010: 15,114 in total, of which 14,080 male and 1,034 female detainees
- 2011: 13,046 in total, of which 12,130 male and 916 female detainees
- 2012: 9,798 in total, of which 9,024 male and 774 female detainees
- 2013: 5,562 in total, of which 5,107 male and 455 female detainees
- 2014: 5,142 in total, of which 4,761 male and 381 female detainees

59. The statistical data shows a significant decline in the number of detainees, which is most probably due to the entry into force of a new law on road traffic, giving police officers discretionary power concerning detention orders. The amended law (Article 24), which entered into force on 1 September 2012, further tightened detention conditions, enhancing this discretionary power and extending the circumstances in which police officers do not need to order detention on this legal basis.

Question 13

60. In the first quarter of 2015, the average disposition time for all judicial cases was less than 3.6 months. The number of petitions received by the Ombudsman relating to court

proceedings is decreasing; compared to the previous years, 2014 saw a significant decline in numbers, with only 140 petitions relating specifically to delays in court proceedings.

61. The analysis of court data shows that in 2014, the courts received over 980,000 of cases in total, which is less than in 2013 and 2012, when the overall number of incoming judicial cases amounted to 1,040,000 and 1,070,000 respectively. Despite the caseload of almost 1,306,000 cases,²¹ in 2014, the Slovenian courts resolved almost 1,017,000 cases, which means that the number of resolved cases exceeded the number of incoming cases by almost 37,000. As at 31 December 2014, the number of pending cases stood at 289,000; compared to 2010 (458,000 cases) the number decreased by 37%, and by 53% compared to 2005, when the number of pending cases totalled 613,000. On the basis of the number of pending cases as at 31 December 2014, it can be concluded that in 2014, the number of pending cases fell to the lowest level since 1995 despite the considerable increase in the number of incoming cases.²²

62. For the most part, the key reforms of the judiciary aimed at improving its effectiveness have been carried out. Even so, Slovenia continues efforts to eliminate court backlogs. As a result, these have been reduced to the point where they can no longer be considered a systemic problem.

Question 14

63. In Article 72, the Aliens Act²³ defines the principle of non-refoulement as an obligation on the part of the Republic of Slovenia not to expel an alien to a country in which his/her life or freedom would be threatened because of his/her race, religion, nationality, membership of any particular social group, or political beliefs, or to a country in which he/she could be exposed to torture or other cruel, inhumane and degrading treatment or punishment. The competent authority for the implementation of the principle of non-refoulement is the Police.

64. In the procedure for granting international protection under the International Protection Act,²⁴ each applicant enjoys the guarantee to be informed in a language which he/she understands of the international protection procedure and of his/her rights and obligations during the procedure and the possible consequences of not complying with his/her obligations or not cooperating with the authorities. Potential applicants receive a brochure concerning all aspects of the international protection procedure in a language which they understand. They are also apprised of the brochure's contents with the help of an interpreter. In this regard, applicants are also offered legal aid by NGOs. Refugee advisers provide applicants with the necessary support and legal aid in connection with procedures at the Administrative Court and Supreme Court under the Act. Refugee advisers are appointed by the minister responsible for justice for a period of three years. Applicants choose an adviser from a list of advisers, contact them and authorise them to be their representative. If the applicant does not understand the official language, he/she follows the procedure in a language which he/she does understand. In this case, the competent authority must ensure that the applicant follows the procedure with the help of an interpreter.

²¹ Total of incoming cases in 2014 and pending cases as at the beginning of 2014.

²² On 1 January 1995, the Slovenian first-instance judicial system underwent extensive reorganisation, contributing to the accumulation of pending cases and consequently to the increase in court backlogs. Thus in 1995, the number of pending cases was 358,000; it then rose to almost 600,000 in 1998 and remained at around 500,000 until 2007. It has been decreasing sharply ever since due to the measures taken by the Slovenian judiciary.

²³ Official Gazette Nos. 45/14 – official consolidated text, 90/14, 19/15, and 47/15.

²⁴ Official Gazette Nos. 11/11 – official consolidated text, 98/11 – Decision of the Constitutional Court, 83/12, 111/13, and 114/13 – Decision of the Constitutional Court.

Applicants also have access to an interpreter when submitting their case to the competent authorities and during interviews and in other justified cases if so decided by the competent authority. Applicants must also be apprised of written decisions in a language which they understand. The operative part of a decision, the grounds and information about legal remedies are translated into such a language.

65. In compliance with the International Protection Act, unaccompanied minors who apply for international protection are assigned legal representatives before the procedure begins to represent them in matters of health care, education, protection of property rights and interests and in the procedure for granting international protection. Unaccompanied minors are involved in the procedure in a manner suitable and adapted to their level of maturity and are present, together with their legal representatives, at all stages of the procedure. The legal representatives must consult the minor regarding each major step if the minor is able to understand the meaning and consequences of each such step, and regularly inform the minor of activities carried out in an appropriate way. Legal representation of a minor is ensured through the cooperation of the legal representative, the Ministry of the Interior and competent social services. Their ultimate objective should be to ensure the child's best interests. All parties involved must regularly inform one another of all significant facts or activities that concern the minor.

66. In procedures involving unaccompanied foreign minors upon their entry into the country, police officers act in compliance with the Aliens Act, which specifies procedures involving foreign minors. According to this Act, a foreign minor who is not accompanied by his/her parents or a legal representative may not be expelled to his/her country of origin or to a third country which is willing to admit him/her without a guarantee of admission. Prior to expulsion, the authorities must confirm that a foreign minor will be returned to a member of his/her family, a designated guardian or adequate admission facilities in the country of return. Before expelling an unaccompanied foreign minor, the Police must notify social services, which must immediately assign a special caseworker to the foreign minor. The Police may proceed with the expulsion only after the special caseworker, having carefully considered all circumstances, establishes that this is in the best interest of the foreign minor. Furthermore, an unaccompanied foreign minor may not be expelled if this would constitute a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended with protocols Nos. 3, 5 and 8 and supplemented with Protocol No. 2, and its protocols Nos. 1, 4, 6, 7, 9, 10 and 11, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, or the Convention on the Rights of the Child and the European Convention on the Exercise of Children's Rights.

67. Foreign minors who express an intention to apply for international protection become the charge of the Accommodation, Care and Integration Division of the Ministry of the Interior, and the procedure continues pursuant to the International Protection Act.

68. In addition to the above, the Aliens Act also provides for cooperation between the Police and other national or international bodies or NGOs. The same is set forth in the Return Directive, which requires that EU member states provide foreigners (including minors) with adequate legal aid in return procedures. An adequately qualified organisation has been awarded a public contract to work with the Police to provide foreigners, at their request, with legal counselling during return procedures.

Question 15

69. The basic offence of defamation and the aggravated offence of defamation carry a fine or prison sentence of up to three months and a fine or prison sentence of up to one year or two years, respectively (the new Criminal Code, Article 159). The prescribed punishment (prison sentence) is relatively mild. The court may remit the sentence if the

perpetrator of the offence of defamation was provoked by the victim's inappropriate or aggressive conduct or if the perpetrator offers an apology to the victim before the court or retracts before the court what he/she has been asserting or circulating (the new Criminal Code, Article 167).

70. While drafting the amendments to the Criminal Code in spring 2015, the Ministry of Justice also received a proposal from the Journalists of Slovenia and the Association of Journalists and Commentators calling for amendments to abolish the criminal offences against honour and reputation and the criminal offence of the violation of secrecy of means of communication, i.e. amendments to decriminalise, and to abolish the prison sentence for, these acts.

71. The Government could not take these proposals into consideration, because in most CoE member states such acts are criminalised (also evident from CoE documents) and because not even the European Court of Human Rights found them contrary to freedom of expression under Article 10 of the European Convention on Human Rights unless they were too strictly and narrowly defined, with insufficient defences, or the interests of a democratic society were assessed inappropriately.

72. Furthermore, the provisions concerning these criminal offences were reviewed by the Constitutional Court in 1999 on the basis of then applicable Criminal Code from 1994²⁵ and the European Convention on Human Rights, including the case law of the European Court of Human Rights.

73. The Constitutional Court issued a similar decision in 2015,²⁶ upholding the 1999 decision and recalling the recent case law of the European Court of Human Rights.

74. As regards these criminal offences, the Criminal Code provides for a considerable number of defences, also in cases in which criminal liability is excluded, which apply mostly to the critical media and other persons. The 2008 Criminal Code has reduced the prison sentence for certain forms of these criminal offences.

75. As regards (relative or absolute) public figures, the judgement of the European Court of Human Rights in *Mosley v. The United Kingdom No. 48009/08* of 10 May 2011 (especially paragraph 131, which explains when the protection of those in the public eye cedes to the requirements of Article 8 of the European Convention on Human Rights, and paragraph 107, which states that states enjoy a wide margin of appreciation as regards the choice of measures designed to protect private life, and that they cannot be equated in this regard) is also relevant.

76. Given these arguments, it should be noted that the criminal offences against honour and reputation are based on articles 34 and 35 of the Constitution in connection with Article 39, paragraph 1, of the Constitution, as well as on the basis of Article 8 of the European Convention on Human Rights in connection with Article 10 of the same Convention.

Question 16

77. If the conditions under the Citizenship of the Republic of Slovenia Act²⁷ are not met and a child would be stateless at birth, the administrative authority deciding on granting citizenship to such a child must take into consideration the benefits that the child would gain with the acquisition of citizenship. The administrative authority is bound to do so by

²⁵ Decision of the Constitutional Court No. U-I-226/95, 8 July 1999, Official Gazette No. 60/99, and Decisions of the Constitutional Court VIII, 174.

²⁶ Decision of the Constitutional Court No. Up-1128/12, 14 May 2015, Official Gazette No. 37/15.

²⁷ Official Gazette No. 24/07 – official consolidated text.

the provisions of the UN Convention on the Rights of the Child. If the administrative authority concludes that it needs to protect the child's interests from the consequences entailed by a negative decision regarding citizenship, it may base its decision on the said Convention.

Question 17

(a)

78. In addition to the statistical data provided in Enclosure III to Slovenia's report, the tables below show data on the criminal offence of neglect and maltreatment of a child under Article 192 of the new Criminal Code for the period between 2010 and first half of 2015. Elements of the criminal offence under Article 192 of the new Criminal Code are:

- The victim may be a child (under 18 years of age, in exceptional cases under 26 years of age or in exceptional cases of extended parental right)
- The suspect may be a parent, foster parent, guardian or other person who violates their obligations to a minor
- Maltreatment/torture – psychological or physical violence and neglect
- Coercion to excessive work or work unsuitable for the child's age
- Begging for gain

Number of investigated criminal offences under Article 192 of the new Criminal Code from 2010 to the first half of 2015

<i>No. criminal offences</i>		<i>Year</i>					
<i>Article</i>	<i>Heading</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015*</i>
192	Neglect and maltreatment of minors	694	644	677	624	525	281

* Data refer to the first semester.

79. The above data refer to the investigated cases of the criminal offence of neglect and maltreatment of a child under Article 192 of the new Criminal Code and the criminal complaints submitted to the competent district state prosecutor's offices. The criminal offence does not include sexual abuse of children. The latter is defined as part of various criminal offences under Title 19 of the new Criminal Code (sexual assault, sexual violence, abuse of authority, etc.); the relevant data were included in Enclosure III to the report.

80. Data on investigated cases of paid child labour: in 2009: 2; in 2010: 0; in 2011: 4; in 2012: 11; and in 2013: 5.

(b)

81. Data on court decisions concerning the relevant criminal offences are provided below. It should be noted that the authorities have no data on the success or results of investigations. No data are provided for the investigations of criminal offences under articles 193 and 194 of the new Criminal Code, as these fall under the jurisdiction of local courts, which decide on summary proceedings (without investigation). The statistical data on criminal offences under articles 113 and 132 of the new Criminal Code do not include data on forced marriages or the national or ethnic affiliation of perpetrators or victims.

Sexual assault on a person under 15 years of age
Art. 183 of the Criminal Code; Art. 173 of the new Criminal Code

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Acquitted</i>	<i>Proceedings stopped</i>	<i>Refused</i>	<i>Dismissed</i>
2010	77	43	9	19	5	0
2011	101	59	11	25	5	2
2012	104	57	3	36	7	1
2013	98	62	11	21	3	1
2014	30	20	4	6	0	0
2015 (first half)	55	32	8	10	4	1

Violation of sexual integrity by abuse of authority
Art. 184 of the Criminal Code; Art. 174 of the new Criminal Code

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Acquitted</i>	<i>Proceedings stopped</i>	<i>Refused</i>	<i>Dismissed</i>
2010	4	2	1	1	0	0
2011	8	5	0	1	2	0
2012	12	7	0	3	2	0
2013	12	7	4	1	0	0
2014	65	43	11	10	1	0
2015 (first half)	5	4	1	0	0	0

Exploitation through prostitution
Art. 185 of the Criminal Code; Art. 175 of the new Criminal Code

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Acquitted</i>	<i>Proceedings stopped</i>	<i>Refused</i>	<i>Dismissed</i>
2010	8	5	1	0	2	0
2011	15	5	2	8	0	0
2012	23	8	2	9	4	0
2013	14	12	0	0	2	0
2014	8	4	0	4	0	0
2015 (first half)	5	3	0	0	2	0

Showing, producing, possessing or distributing pornographic material
Art. 187 of the Criminal Code; Art. 176 of the new Criminal Code

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Acquitted</i>	<i>Proceedings stopped</i>	<i>Refused</i>	<i>Dismissed</i>
2010	19	16	1	2	0	0
2011	20	16	0	1	3	0
2012	33	24	3	4	2	0
2013	67	59	1	6	1	0
2014	57	42	1	11	2	1
2015 (first half)	22	16	1	4	1	0

Domestic violence
Art. 191 of the new Criminal Code

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Proceedings</i>		<i>Refused</i>	<i>Dismissed</i>
			<i>Acquitted</i>	<i>stopped</i>		
2010	423	242	6	157	16	2
2011	570	268	12	244	44	2
2012	596	359	9	200	22	6
2013	642	430	7	174	26	5
2014	689	447	15	198	23	6
2015 (first half)	419	247	5	152	11	4

Neglect and maltreatment of a child
Art. 201 of the Criminal Code; Art. 192 of the new Criminal Code

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Proceedings</i>		<i>Refused</i>	<i>Dismissed</i>
			<i>Acquitted</i>	<i>stopped</i>		
2010	147	80	8	32	23	4
2011	228	127	7	57	33	4
2012	227	143	11	36	34	3
2013	243	147	15	53	25	3
2014	221	159	9	40	12	1
2015 (first half)	140	89	5	30	15	1

Violation of family obligations
Art. 193 of the new Criminal Code

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Proceedings</i>		<i>Refused</i>	<i>Dismissed</i>
			<i>Acquitted</i>	<i>stopped</i>		
2010	0	0	0	0	0	0
2011	1	0	0	0	0	1
2012	2	1	0	1	0	0
2013	2	1	0	0	0	1
2014	0	0	0	0	0	0
2015 (first half)	0	0	0	0	0	0

Non-payment of child maintenance
Art. 203 of the Criminal Code; Art. 194 of the new Criminal Code

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Proceedings</i>		<i>Refused</i>	<i>Dismissed</i>
			<i>Acquitted</i>	<i>stopped</i>		
2010	102	69	9	12	9	3
2011	139	89	12	21	15	2
2012	173	98	7	35	30	3
2013	161	115	2	27	15	2
2014	189	125	12	33	17	2
2015 (first half)	82	55	3	12	10	2

Coercion**Art. 142 of the Criminal Code; Art. 132 of the new Criminal Code**

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Proceedings</i>			
			<i>Acquitted</i>	<i>stopped</i>	<i>Refused</i>	<i>Dismissed</i>
2010	8	0	0	3	2	0
2011	14	1	7	5	0	11
2012	10	5	0	5	0	0
2013	15	5	9	0	0	1
2014	7	2	3	2	0	0
2015 (first half)	0	0	0	0	0	0

Trafficking in human beings**Art. 283a of the Criminal Code; Art. 113 of the new Criminal Code**

<i>Year – Final decisions</i>	<i>Total</i>	<i>Convicted</i>	<i>Proceedings</i>			
			<i>Acquitted</i>	<i>stopped</i>	<i>Refused</i>	<i>Dismissed</i>
2010	3	2	1	0	0	0
2011	2	2	0	0	0	0
2012	10	7	2	1	0	0
2013	5	3	1	1	0	0
2014	1	0	0	1	0	0
2015 (first half)	6	6	0	0	0	0

Completed criminal investigations by article and year

<i>Criminal offence</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
Art. 113	4	5	0	1	4	0
Art. 132	1	3	1	1	1	0
Art. 173	50	73	72	46	36	11
Art. 174	8	10	6	4	0	1
Art. 175	7	7	1	6	2	0
Art. 176	11	15	25	11	18	5
Art. 191	520	541	482	488	477	94
Art. 192	79	104	128	100	75	16

82. By collecting information during pre-trial proceedings, the Police detected two cases of forced marriage in 2014 and 2015. Due to the exploitation of victims in the form of slavery and forced labour, these two cases were investigated on suspicion of a criminal offence of trafficking in human beings under Article 113 of the new Criminal Code. The victims were included in the project Care for Victims of Trafficking in Human Beings – Crisis Accommodation and then accommodated in a safe place (long-term accommodation).

83. Forced marriages have not yet been criminalised as a separate criminal offence. However, the latest amendments to the Criminal Code,²⁸ which entered into force in October 2015, have introduced a new criminal offence under Article 132.a titled “Forced Marriage or a Similar Union”.²⁹

Question 18

84. The provision explicitly prohibiting all forms of corporal punishment and degrading treatment of children had been included in the Family Code, which was passed in the National Assembly in 2011, but was then rejected in a referendum in 2012. In its Normative Programme of Work for 2015, the Government has included the drafting of a law on families, which will specifically prohibit the corporal punishment of children.

Question 19

85. Slovenia does not distinguish between minority and majority religious communities; freedom of religion is guaranteed equally to all. The absence of data disaggregated by religious affiliation does not affect the protection of religious minorities or identification of their needs. Nevertheless, except the Catholic Church, all religious communities in Slovenia are minority faiths.

86. Freedom of religion, which is guaranteed in Slovenia in accordance with international conventions, the Constitution and law, is primarily a negative right, preventing the state from interfering with the relationships protected by Article 41 of the Constitution (Freedom of conscience). According to the case law of the Constitutional Court, positive measures introduced by the state regarding freedom of religion include efforts to ensure tolerance and non-discrimination, appropriate legal personality and spiritual care in difficult circumstances.

87. The needs of religious communities in this regard are identified through dialogue between the state and religious communities and on the basis of potential complaints filed by the religious communities with the competent authorities such as the Ministry of Culture, which is tasked with implementing the Religious Freedom Act, the Advocate of the Principle of Equality or the Human Rights Ombudsman. This dialogue is also conducted in the context of the activities of the Ministry of Culture (e.g. consultations and meetings with representatives of registered religious communities). In 2015, on the initiative of the religious communities, the Government established the Council for Dialogue on Freedom of Religion. In addition to representatives of the four principal communities, the Council also comprises two elected representatives of minor religious communities, an expert on non-discrimination, the Advocate of the Principle of Equality and the Human Rights Ombudsman.

88. The impact of measures aimed at protecting ethnic minorities is monitored through:

- Regular evaluation of the effects of laws, strategies, ratified international instruments and other regulations concerning cultural rights of ethnic minorities

²⁸ Official Gazette No. 54/2015.

²⁹ “Article 132.a

(1) Whoever compels, by means of force or threat of force or through the abuse of a subordinate or dependent position, another person into marriage or a similar union that in terms of certain legal consequences is equivalent to marriage under the law shall be sentenced to imprisonment of up to three years.

(2) Whoever commits the offence under paragraph 1 hereof against a minor or helpless person shall be sentenced to imprisonment of up to five years.”

- Public calls for applications (notices, applications, reports and other responses) aimed at monitoring their cultural needs

89. These serve as the basis for potential improvements.

90. Slovenia monitors the impact of measures adopted to protect both national communities defined under the Constitution (regardless of the number of their members) and identifies their imminent needs with the help of various consultative bodies (e.g. the Commission of the National Assembly for National Communities and the Government Commission for National Communities) as well as through regular dialogue with the representatives of national communities and field work (e.g. visits to local communities and municipal self-governing national communities). In 2015, the Government adopted the Plan of Action for the Implementation of Regulations on Bilingualism 2015-2018; the implementation will be monitored systematically, with the participation of representatives of both national communities.

91. The Government regularly reports to the National Assembly about the situation of the Roma community.

92. Furthermore, the Government Commission for the Protection of Roma Community is tasked with monitoring the implementation of the National Programme of Measures for Roma, constitutional obligations and statutory provisions concerning the Roma community, drafting proposals and initiatives regarding the protection of the Roma community, etc. The Commission includes four Roma representatives, who are thus given the opportunity to notify the competent authorities of problems and areas in need of action and to put forward their proposals and initiatives.

93. In drafting and adopting documents, measures or regulations concerning the status of the Roma community, the competent national bodies consult the Roma Community Council.

Question 20

94. As explained in the report (paragraphs 182-187), Slovenia does not intend to amend the existing legislation concerning the political participation of the Roma community at the local level, deeming this unnecessary. In Slovenia, the autochthonous status only provides the basis for Roma communities' right to a representative on the council of those municipalities which are historically settled by Roma. The criterion of autochthony is applied only in the regulation of the political representation of local Roma communities, so the generalised reproach that "non-autochthonous" Roma in Slovenia do not enjoy, or are restricted in enjoying, special rights aimed at protecting Roma communities is unjustified. In Slovenia, Roma enjoy full rights as Slovenian citizens, as well as special rights deriving from the legislation based on Article 65 of the Constitution. A sound reason for differentiating between these communities is the fact that, in accordance with the constitutional definition of a municipality as a local community (articles 138, 139 and 140 of the Constitution), political representation of Roma communities on municipal councils is linked to the constant (traditional, historical) presence of Roma in a certain area of the relevant municipality. Such differentiation is therefore constitutionally admissible. In accordance with the law regulating local self-government, all relevant municipalities must guarantee the right to be represented to representatives of the Roma community on municipal councils and implement it.

Question 21

95. As reported, the draft report was published on the website of the MFA. Forty-one civil society organisations dealing with human rights have been directly informed of this. NGOs were also informed of the report via the Interministerial Commission on Human

Rights, which considers and approves all draft reports of the Republic of Slovenia regarding the implementation of international treaties concerning human rights and which also includes two representatives of NGOs and two representatives of the academic sphere in compliance with the Government decision of 24 April 2014. The Commission was informed of the planned presentation of the report to the Human Rights Council at its 9th meeting on 18 September 2015. The Human Rights Ombudsman is invited to all Commission meetings and has the opportunity to participate in discussing all matters addressed by the Commission.
