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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Report of the Special Rapporteur on the issue of human
rights obligations relating to the enjoyment of a safe, clean,
healthy and sustainable environment on his visit to Slovenia**

Comments by the State*

* The present document is being issued without formal editing.



I. Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment on his visit to Slovenia, 29 September to 6 October 2022 – Comments by the Republic of Slovenia

1. The Government of the Republic of Slovenia would like to thank Special Rapporteur Mr David Boyd for his visit to Slovenia, which took place from 29 September to 6 October 2022. We express our appreciation to the Special Rapporteur for acknowledging the leadership role Slovenia has played in the recognition of the right to a clean, healthy and sustainable environment; the role it played in the declaration of May 20th as a World Bee Day and the acknowledgement of Slovenian leadership and good practices in the field of human rights and the environment.

2. After having reviewed the report on the Republic of Slovenia, we would like to make the following comments and observations:

A. With regard to Part II of the report, "Legal and policy framework", section B. we make the following remarks to:

1. Page 5, paragraph 16

3. We would like to clarify that the Water Act was adopted in 2002, and not – as quoted – in 2021.

2. Page 6, paragraph 23

4. In 2022, the European Commission referred Slovenia to the European Court of Justice for failure to comply with the requirements of the Urban Wastewater Treatment Directive.

5. With regard to the part of the text stating that "Slovenia should have been fully compliant with the Urban Wastewater Treatment Directive requirements since 2016, according to its agreements under the Accession Treaty. However, four communities with a population of over 10,000 (Ljubljana, Trbovlje, Kočevje, and Loka) do not comply with EU requirements because urban wastewater is not subject to the appropriate level of treatment before being discharged." we would like to clarify that this matter has not yet been finally decided before the court.

3. Page 6, paragraph 24

6. We would like to make the following remark: there are 21 illegal landfills, and not 28.

B. With regard to Part III of the report, "Fulfilling the right to a clean, healthy and sustainable environment", section A.:

1. Page 8, paragraph 39

7. We would like to refer to the most recent information, namely that according to the GHG inventories (europa.eu), greenhouse gas emissions in Slovenia declined by 14.8 per cent between 1990 and 2020.

2. Page 9, paragraph 40

8. We make the following remark to the last sentence to read as follows:

"On a more positive note, Slovenia's national target for 2030 under the EU's Effort Sharing Regulation will be to reduce emissions from sectors outside the EU emissions trading system by 27 per cent compared to 2005. In 2021, the National Assembly adopted the Resolution on Slovenia's Long-Term Climate Strategy until 2050, which sets a clear objective to attain climate neutrality by 2050".

3. Page 9, paragraph 41

9. We would like to further explain that in accordance with Regulation 2018/1999/EU, the new NEPN will be prepared in 2024 (draft in 2023) and it will reflect the requirements of the Fit for 55 package.

4. Section B., page 10, paragraph 48

10. In 2019, there were more exceedances at two measuring stations, six in 2018 and ten in 2017, mainly due to weather conditions. The trend in pollution between 2005 and 2020 shows that very similar values of PM10 have been measured in recent years. The year-to-year variations in PM10 values are mainly due to the different meteorological conditions in each year. However, there has been a decreasing trend in PM10 values since 2005, particularly in urban locations. PM10 pollution in 2020 was low and for the first time since measurements began, the sum of exceedances of the daily limit value (50 µg/m³) did not exceed the number of exceedances of 35 allowed for the whole year at any monitoring site (taking into account exceedances due to a natural source).

5. Page 10, paragraph 50

11. For clarification purposes: "In 2020, the European Commission **issued a reasoned opinion to Slovenia** for failing to comply with the requirements of the European Air Quality Directive."

6. Section C., page 13, paragraph 63

12. It should be noted that the issue with regard to Roma community is broader than quoted. The housing problems of the Roma community should be comprehensively addressed, not just in terms of providing water connections. It should be noted that the ownership of the land where some of the Roma settlements are located is still not regulated. The procedures are initiated for the proper communal equipping of the land, in accordance with national legislation. The minimum communal facilities of the land include both water and electricity connections, public roads and lighting, while the arrangements for the discharge and treatment of urban wastewater can be individual, depending on the characteristics of the settlement.

13. It should also be noted that according to the national legislation, the supply of drinking water is a public utility and there are costs associated with the construction of the network and so is the treatment and distribution of water to users meaning that users of the public service pay for the drinking water supplied.

7. Page 15, paragraph 72

14. The structure of agricultural production is also not in line with the nutritional needs of Slovenians and is not in line with the current nutritional guidelines of the National Institute of Public Health and the World Health Organisation. **Active promotion in the meat sector, which is part of the national quality scheme, aims to inform the Slovenian consumer about the importance of higher standards in terms of animal feeding and breeding as well as of meat quality, the importance of a more balanced diet, and the importance of the origin of meat and other aspects of meat quality schemes. Promotion is not about increasing consumption, but about informing the consumer about the importance of quality and provenance when purchasing meat.** In addition, the amount of food wasted is high at 68 kg per person per year. Fifty-three per cent of this food waste is attributable to food thrown away by households.

8. Section F., Page 17, paragraph 86

15. We would like to add that the monitoring of the implementation and adaptation of conservation measures has significantly improved since 2017, with annual reporting to the Government and extensive implementation of measures.

C. With regard to Part IV of the report, "Businesses and human rights", we make the following remarks to:

1. Page 19, paragraph 97

16. Slovenia was one of the first EU countries to make green public procurement (GPP) mandatory. In 2018, a new green public procurement decree came into force as part of the framework programme for the transition to a green economy. This decree extended the number of product and service categories for which green public procurement is mandatory to 20 (adding for example, road building, street lighting and textiles) **and in 2022 amendment to 22 (including doors, windows and anti-noise fences)**. It defined one or more objectives for each product or service (for example 15 per cent of food should be organic, 50 per cent of office paper and hygienic paper products should come from sustainably managed forests and at least 50 per cent of electricity should come from renewable sources or high-efficiency cogeneration). **However, the decree only includes sanctions for non-compliance in case of food and food catering procurement. Competent ministries are discussing how and when to implement the compliance measures for other product groups. At the moment, the approach to the GPP is to offer full professional support to public procurers and suppliers.**

D. With regard to Part V of the report, "Conclusions and recommendations" we make the following remarks to:

1. Page 21, Article g – To protect and restore healthy ecosystems and biodiversity:

(h) Administrative courts adjudicate cases in Slovenia that fall under Environmental Protection Act (ZVO-2). To expedite procedures, including in environmental cases, the Act Amending the Administrative Dispute Act is envisaged to be adopted in the beginning of 2023. The purpose of amendments is to prevent backlogs and speed up the procedure before the Administrative Court. To achieve this goal, amendments regarding the composition of the court are envisaged, so that there will no longer be a panel of three judges in each case, but only in the most significant and legally demanding cases. Other proposed changes are more procedural, all of them aiming to give judges tools to manage the procedure more efficiently.

(i) In Slovenia, civil society is strongly developed and considered as one of the pillars of democracy. Freedom of association is a constitutionally guaranteed right. At the moment, we do not see a need for a special national strategy for human rights defenders, in particular for environmental human rights defenders, as they can rely on the general framework of protection (i.e. wide access to courts, to the Ombudsman). Furthermore, according to our experience, environmental human rights defenders are not at particular risk in Slovenia. With regards to the initiatives to increase their protection, Slovenia strongly supports the proposed EU Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (anti SLAPP directive);

(ii) Slovenia is in favour of training for judges so that they would acquire specific skills and knowledge for adjudicating environmental cases, in particular environmental crime. We feel that this option is more flexible and adapted to Slovenia's needs and means than the establishment of specialized environmental courts. In the case of Slovenia, the creation of these special courts could mean interference with the existing judiciary (transfers of existing judges, judicial advisers, court staff) and could thus lead to a reduction in the quality of justice in Slovenia;

(iii) In Slovenia, deputy of the Ombudsman is responsible for the rights of the children within the institute of Ombudsman. Since 1997, constitutional law positions and constitutional reviews of the Constitutional Court of the Republic of Slovenia have shown that the Constitution stipulates the establishment of the office of Ombudsman to comprehensively protect human rights and fundamental freedoms (Article 159, paragraph 1, of the Constitution of the Republic of Slovenia), and that the establishment of a special Ombudsman for Children's Rights would only mean

that the general Ombudsman monitors violations of children's human rights and that the same would be done by a special Ombudsman for Children's Rights – which would, however, be duplicative.

17. Two different Governments of the Republic of Slovenia gave negative opinions on this issue in 2022 in response to the initiatives put forth by the National Council (upper chamber of the Slovenian National Assembly). The first negative opinion of the Government was given on 14 April 2022, and the second negative opinion of the Government was given on 15 November 2022. In view of the constitutional arguments put forward and the negative opinions given by the two Governments, we consider that the debate on this issue has been duly closed.
