



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the fourth periodic report of Slovenia*

1. The Committee considered the fourth periodic report of Slovenia¹ at its 2058th and 2061st meetings,² held on 15 and 16 November 2023, and adopted the present concluding observations at its 2067th meeting, held on 22 November 2023.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation. It regrets, however, that the report was submitted more than six years late.

3. The Committee welcomes the constructive dialogue held with the State party's delegation and the oral replies provided in response to the concerns raised by the Committee.

B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following regional instruments by the State party:

(a) The Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, in 2019;

(b) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in 2015;

(c) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), in 2013.

5. The Committee welcomes the following legislative measures taken by the State party in areas of relevance to the Convention:

(a) The Long-Term Care Act, adopted in 2023;

(b) The Act Amending the Human Rights Ombudsman Act, adopted in 2017;

(c) The Probation Act, adopted in 2017;

(d) The Act Amending the Domestic Violence Prevention Act, which introduced a new article 3a, defining and prohibiting corporal punishment of children, adopted in 2016.

* Adopted by the Committee at its seventy-eighth session (30 October–24 November 2023).

¹ CAT/C/SVN/4.

² See CAT/C/SR.2058 and CAT/C/SR.2061.



6. The Committee commends the State party for its initiatives to amend its policies and procedures in order to afford greater human rights protection and to apply the Convention more widely, in particular the following:

- (a) The adoption of a decree providing for appropriate accommodation, care and treatment for unaccompanied minors, in 2023;
- (b) The adoption of the Domestic Violence Action Plan 2023–2024;
- (c) The adoption of the National Programme of Measures for Roma for the period 2021–2030 and for the period 2017–2021;
- (d) The publication of a handbook on identifying early and forced marriages in the Roma community and the action to be taken in such cases, in 2021;
- (e) The accreditation of the Office of the Human Rights Ombudsman with A status by the Global Alliance of National Human Rights Institutions, in 2021;
- (f) The establishment of the Anti-Trafficking Service within the Ministry of the Interior, in 2018;
- (g) The adoption of the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, in April 2016;
- (h) The adoption of the European Code of Ethics for Prison Staff by the Prison Administration, in 2013.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations,³ the Committee requested the State party to provide information on its implementation of the Committee's recommendations concerning fundamental legal safeguards,⁴ complaints, investigation and prosecution of acts of torture,⁵ asylum and non-refoulement⁶ and the Roma minority.⁷ The Committee expresses its appreciation for the State party's response on those matters and for the substantive follow-up information provided on 21 June 2012⁸ and in its fourth periodic report. The Committee considers that the State party has taken substantive steps towards the implementation of the recommendations included in paragraph 9 of the previous concluding observations, and that the recommendations included in paragraphs 12, 17 and 21 have been partly implemented. The outstanding issues addressed in the previous concluding observations are covered in paragraphs 10, 11, 20, 21, 26, 27, 32 and 33 of the present concluding observations.

Criminalization of torture and the statute of limitations

8. The Committee takes note of the amendment made to the Criminal Code in 2012, which included a definition of torture modelled largely on the definition contained in article 1 of the Convention and transferred the criminal offence of torture from the chapter on criminal offences against human rights and fundamental freedoms to a new article 135 (a). However, it regrets that, pursuant to article 90 of the Criminal Code, the offence of torture is subject to a statute of limitations in cases in which it does not qualify as a crime against humanity or a war crime. In that regard, the Committee takes note of the declaration made by the delegation during the dialogue that it is willing to consider removing the statute of limitation for acts of torture under paragraph 2 of article 135 (a) of the Criminal Code. Moreover, according to the definition in article 135 (a), conduct would appear to qualify as torture only if carried out for one of the specifically listed purposes, whereas such conduct constitutes torture under the definition in the Convention if carried out for any of those purposes or for a similar purpose.

³ CAT/C/SVN/CO/3, para. 25.

⁴ Ibid., para. 9.

⁵ Ibid., para. 12.

⁶ Ibid., para. 17.

⁷ Ibid., para. 21.

⁸ CAT/C/SVN/CO/3/Add.1.

The Committee notes with concern that acts of torture can be subject to sentences of as little as one year of deprivation of liberty under paragraph 1 of article 135 (a) and as little as three years under paragraph 2. The Committee considers that those penalties are not commensurate with the grave nature of the crime (arts. 1 and 4).

9. **The Committee recalls its previous concluding observations⁹ and requests that the State party, as a matter of priority, seek to adopt the legislative measures necessary to ensure that the offence of torture is not subject to any statute of limitations, even in cases in which it does not qualify as a crime against humanity or a war crime. It also requests that, in order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators, the State party review its legislation to ensure that there is no gap between the definition in article 135 (a) of the Criminal Code and the definition in article 1 of the Convention, and that it ensure that the minimum penalties for acts of torture are commensurate with the grave nature of the crime, as set out in article 4 (2) of the Convention.**

Fundamental legal safeguards

10. The Committee notes that the State party has not established a legal requirement for audio and video recording of police questioning, as recommended by the Committee in its previous recommendations,¹⁰ and that such recording is required only upon an order of the investigating judge, as stipulated in article 84 of the Criminal Procedure Act. The Committee takes note with concern of reports that access to free legal aid, which should be provided from the very outset of deprivation of liberty, is in practice provided in the State party only prior to the court hearing and after police questioning (art. 2).

11. **The State party should ensure that all fundamental legal safeguards against torture and ill-treatment are guaranteed, in law and in practice, for all detained persons from the very outset of their deprivation of liberty, in accordance with international standards, including the rights of detainees:**

(a) **To have questioning in custody systematically videorecorded in order to strengthen the safeguards against torture or ill-treatment, with mandatory instructions for the storage of those recordings under the control of oversight bodies;**

(b) **To have unimpeded access to an independent lawyer of their choice or, if necessary, to free legal aid, including during the initial interrogation and inquiry, in line with the Basic Principles on the Role of Lawyers and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.**

National preventive mechanism

12. The Committee appreciates the wide monitoring mandate of the Human Rights Ombudsman in its capacity as the national preventive mechanism. Nevertheless, the Committee observes that the implementation of several outstanding recommendations issued following its visits could be strengthened (art. 2).

13. **The State party should continue its efforts to maintain a dialogue with the national preventive mechanism and carefully consider all outstanding recommendations it has made.**

Conditions of detention

14. The Committee notes the measures taken by the State party to reduce overcrowding in prisons, including the use of alternatives to imprisonment, and the ongoing construction of a new Ljubljana prison. It remains concerned, however, that overcrowding persists in some prisons and pretrial detention facilities, which negatively affects the living and material conditions therein, and that the situation has been exacerbated in recent years by a significant increase in incarceration of foreigners for crimes committed in the State party. The Committee is also concerned about shortcomings in the provision of reasonable

⁹ CAT/C/SVN/CO/3, para. 7.

¹⁰ Ibid., para. 8.

accommodation in prisons to older persons and persons with disabilities, and in the provision of health-care services in prisons, owing to the shortage of medical professionals, including psychologists and psychiatrists. The Committee appreciates the ongoing efforts made by the State party to remedy those shortcomings, as highlighted during the dialogue. Moreover, the Committee is concerned about understaffing and the lack of sufficient rehabilitation and reintegration programmes and meaningful activities, in particular for pretrial detainees, prisoners under the reinforced security regime and foreign prisoners who face language barriers. The Committee takes note of the information provided by the delegation about the steps taken to address the lack of access to outdoor yards for persons detained in the holding cells of some old police stations used for short periods of detention (arts. 2, 11 and 16).

15. The Committee recommends that the State party:

(a) Redouble its efforts to ease overcrowding in detention centres, in particular by making greater use of non-custodial measures in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

(b) Continue to improve existing prison facilities and material conditions and ensure that conditions and treatment in all places of detention, including the new Ljubljana prison, are fully in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the European Prison Rules adopted by the Council of Europe;

(c) Take specific measures to provide older persons and persons with disabilities with individualized reasonable accommodation and accessible facilities in prisons;

(d) Continue improving the quality of the health services provided to detainees and adopt measures, including professional incentives, to recruit more qualified medical personnel, including psychologists and psychiatrists, to work in prisons;

(e) Increase the number of staff in prisons and take other steps to strengthen access to rehabilitation and reintegration programmes in all places of deprivation of liberty, including by providing detainees with meaningful activities, vocational training and education, with a view to supporting their rehabilitation in the community, and enhance support, orientation and reintegration programmes for foreigners in all places of deprivation of liberty, including by providing interpretation or cultural mediation, as necessary;

(f) Continue its efforts to guarantee access to outdoor yards on a regular basis at all police stations.

Juvenile justice

16. The Committee welcomes the explanation from the delegation about the adoption of amendments to article 454 of the Criminal Procedure Act. Nevertheless, it is concerned that access to ex officio lawyers is not always assured for minors facing criminal charges for offences that carry sentences of less than three years of deprivation of liberty, as it is subject to the decision of a juvenile judge. The Committee is also concerned about reports suggesting that there are insufficient drug and alcohol rehabilitation programmes for children deprived of liberty in the correctional facility, Radeče Reform School, and about the poor material conditions of detention detected therein (arts. 11 and 16).

17. The State party should ensure that all minors facing criminal charges are represented by either a lawyer of their choice or an ex officio lawyer. It should also strengthen existing rehabilitation programmes and develop new ones, including specialized programmes for drug and alcohol users, aimed at reducing juvenile recidivism, allocate more time for meaningful activities encouraging prosocial behaviour and provide children deprived of their liberty with adequate recreational activities conducive to their social integration. It should ensure that adequate conditions

of detention are maintained in juvenile reform schools, in line with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Disciplinary sanctions

18. The Committee is concerned that article 88 of the Enforcement of Criminal Sanctions Act provides for solitary confinement as a disciplinary sanction for up to 21 days with the right to work or 14 days without that right for convicted prisoners. The Committee is also concerned that minors in correctional facilities could be placed in special premises for up to three days as a disciplinary measure (arts. 11 and 16).

19. The State party should bring its legislation and practice on solitary confinement into line with international standards, particularly rules 43 to 46 of the Nelson Mandela Rules. In particular, it should ensure that solitary confinement is used only in exceptional cases as a last resort, for as short a time as possible (but no more than 15 consecutive days) and subject to independent review, and only pursuant to authorization by a competent authority. It should also ensure that instances of solitary confinement are properly registered and documented. The State party should respect the prohibition of the imposition of solitary confinement and similar measures on minors (see rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty).

Complaints, investigation and prosecution of acts of torture and ill-treatment

20. The Committee notes the creation in 2011 of a specialized unit with exclusive jurisdiction to prosecute criminal offences committed by police officers. However, it regrets that it did not receive comprehensive information on the number of cases that have resulted in investigations and prosecutions of, or disciplinary action against, officials or on the penalties and disciplinary measures imposed upon the persons convicted for acts of torture, ill-treatment, excessive use of force or abuse of power during the period under review. While noting that the existing instruction on recording information in medical records for detainees and prisoners has been in place since 2009 and that medical screening of newly arrived detainees has been done properly, as well as the delegation's statement on this matter, the Committee remains concerned about shortcomings in recording and reporting of injuries by medical professionals (arts. 12 and 13).

21. The State party should:

(a) Ensure that the authorities launch investigations whenever there are reasonable grounds to believe that an act of torture, ill-treatment, excessive use of force or abuse of power has been committed;

(b) Take all measures necessary to enhance procedures for appropriate medical screening, documentation and recording by independent medical personnel of the health status of any person deprived of liberty upon apprehension, transfer and detention, and for accurate and complete recording and reporting of any injuries indicating torture or ill-treatment to the competent judicial authorities in a consistent and thorough manner;

(c) Strengthen the training programmes of all relevant staff, including medical and psychological personnel, prosecutors and judges, on the identification, documentation and investigation of cases of torture and ill-treatment, in accordance with the revised version of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol);

(d) Compile and publish comprehensive disaggregated statistical information relevant to all complaints and reports received of torture, ill-treatment, excessive use of force and abuse of power against public officials, including information on whether such complaints led to investigations and, if so, by which authority, whether the investigation resulted in the imposition of disciplinary measures or prosecutions and whether the victims obtained redress.

Excessive use of force by the police

22. While appreciating the State party's explanation that less-lethal weapons, such as tear gas and water cannons, are used only infrequently, the Committee is concerned about reports that reveal the lack of established criteria and procedures for the use of such weapons by the police during the policing of demonstrations and crowd control. It takes note of the information provided by the delegation about the investigation into the incidents that occurred during the 2021 protests and awaits the update on its outcome in the next periodic report (arts. 2, 11–13 and 16).

23. The State party should:

(a) **Establish clear criteria and procedures for the use of non-lethal weapons in the context of demonstrations, including the use of tear gas and water cannons, to ensure that they are not used indiscriminately or excessively, and in any case not against peaceful protestors, and that their use does not result in an escalation of tension;**

(b) **Ensure that prompt, impartial and effective investigations are undertaken into all allegations relating to ill-treatment and the excessive use of force by law enforcement officers and that the perpetrators are prosecuted and the victims are adequately compensated, and inform the Committee about the outcome of the investigation into the incidents that occurred during the 2021 protests;**

(c) **Ensure that all law enforcement officers receive systematic training on the use of force, especially in the context of demonstrations, and the employment of non-violent means and crowd control, and that the principles of necessity and proportionality are strictly adhered to in practice during the policing of demonstrations, taking into account the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

Electrical discharge weapons

24. The Committee takes note of the information provided by the State party about the legalization in 2017 of the use of electrical discharge weapons by the police (article 86a of the Police Tasks and Powers Act), about the safeguards in place and about their exceptional use in practice (two cases to date). However, it is concerned that article 86a (2) authorizes the use of tasers against children, visibly ill persons, older persons, persons with disabilities and visibly pregnant women, when “conditions for the use of firearms are met” (arts. 11 and 16).

25. The State party should continue ensuring that electrical discharge weapons are used exclusively in extreme and limited situations, where there is a real and immediate threat to life or risk of serious injury, as a substitute for lethal weapons and by trained law enforcement personnel only. The State party should establish a high threshold for their use and expressly prohibit their use against children, older persons, pregnant women and persons with disabilities.

Asylum and non-refoulement

26. While acknowledging the challenges faced by the State party concerning mixed migration flows, including of asylum-seekers and migrants in irregular situations, to its territory and noting the legislative prohibition of refoulement in article 72 of the Aliens Act of 2011, the Committee is concerned about:

(a) Reports received by the Committee concerning cases of pushbacks and chain refoulement based on bilateral readmission agreements, notably those recorded between mid-2018 and the end of 2021, that facilitated “informal return” within 72 hours and without sufficient safeguards against potential refoulement of people who had entered the country irregularly and had not yet expressed an intention to seek asylum;

(b) The amendments to the Aliens Act introduced in 2021, namely articles 10 (a) and 10 (b), which curtail normal access to asylum proceedings under the exceptional procedures that could be activated in the context of the declaration of a “complex crisis”, would substitute a proper and individual assessment of the claims with procedures that lack

clear safeguards and would improperly give police forces discretion that they are not in a position to exercise;

(c) The absence of a right to appeal with automatic suspensive effect against decisions made under the above-mentioned procedures;

(d) Reports indicating that the State party lacks a statelessness procedure to identify beneficiaries of the Convention relating to the Status of Stateless Persons, to which it is a party, with a view to providing beneficiaries with the necessary protection. In this connection, the Committee welcomes the statement made by the delegation during the dialogue about its commitment to ratifying the Convention on the Reduction of Statelessness (arts. 2, 3 and 16).

27. Noting the voluntary commitments made by the State party in the context of the universal periodic review in November 2019¹¹ and its obligations under the Convention relating to the Status of Refugees, the State party should refrain from engaging in pushbacks and refoulements that do not comply fully with its obligations under article 3 of the Convention, and should ensure that all persons seeking protection in the State party have access to a fair and impartial review by an independent decision-making mechanism on expulsion, return or extradition, including in times of emergency and in exceptional situations. In particular, the State party should:

(a) **Ensure that in practice no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture, and guarantee effective access to procedural safeguards, including information about the right to seek asylum, immediately and in a language the person can understand, access to legal assistance and the right to appeal adverse decisions, with automatic suspensive effect;**

(b) **Consider amending or repealing articles 10 (a) and 10 (b) of the Aliens Act and ensure that effective and appropriate measures based on individualized consideration and vulnerability screening are in place for properly trained immigration officials to identify, as early as possible, all victims of torture, ill-treatment, gender-based violence and trafficking among asylum-seekers and other persons in need of international protection during border procedures, and provide such persons with access to treatment for urgent conditions and with appropriate support;**

(c) **Strengthen regular and continued capacity-building activities with a specific focus on the principle of non-refoulement, identification of vulnerable groups and management of stressful situations, and ensure that police officers, border guards, immigration officials, reception and medical personnel receive appropriate training;**

(d) **Establish statelessness determination procedures to prevent and reduce statelessness and follow up on the commitment expressed during the dialogue to ratify the Convention on the Reduction of Statelessness.**

Migrant children

28. The Committee takes note with concern of reports indicating that, in practice, accompanied or unaccompanied minors are detained in the centre for foreigners, and the apparent inconsistencies between articles 76 (4) and 82 (3) of the Aliens Act, which appear to allow for such detention in certain circumstances, and article 84 (2) of the International Protection Act, which appears to strictly prohibit such detention. In this connection, the Committee takes note with concern of information that it received about the detention of 172 children and 67 unaccompanied children, including a victim of trafficking, in the Postojna Centre for Foreigners in 2022. While taking note of the information provided by the delegation about the measures adopted in 2023 (see para. 6 (a) above), the Committee is concerned about the lack of adequate accommodation for unaccompanied or separated children in the State party and their placement in asylum centres or student dormitories,

¹¹ [A/HRC/43/15](#), paras. 121.51–121.57.

where they lack an individualized approach to their care based on an assessment of their best interests (arts. 11 and 16).

29. **The Committee recommends that the State party review its national legislation in order to continue providing for the protection of children in situations of migration, ensure that children and families with children are not detained solely because of their immigration status and seek alternative accommodation for such individuals. It should also continue its efforts to provide appropriate accommodation for unaccompanied and separated children in situations of migration, develop a multidisciplinary system of care based on their best interests and individualized needs assessments, and provide sufficient protection safeguards.**

Asylum centres

30. The Committee is concerned about the overcrowding, inadequate conditions and restrictions on movement identified in the facilities destined to accommodate applicants seeking international protection in the asylum centres in Ljubljana and Logatec. In this respect, it takes note of the information provided by the delegation about the recent steps taken to alleviate this situation (arts. 11 and 16).

31. **The Committee recommends that the State party intensify its efforts to reduce overcrowding and improve the material conditions in the asylum centres in Ljubljana and Logatec, including by guaranteeing access to adequate social, educational, mental and physical health services, refrain from applying illegal restrictions on movement and ensure that individuals held in those centres can bring complaints before an effective, independent, confidential and accessible oversight mechanism.**

Roma people

32. Despite the national programmes of measures for the Roma adopted by the State party and described by the delegation during the dialogue, the Committee remains concerned about reports of Roma people living in deplorable conditions in numerous settlements and the impediments they experience to accessing education, employment and health care.¹² The Committee is also concerned about the incidence of child and/or forced marriage among the Roma community and the alleged lack of convictions for forced marriage, despite the criminalization of that offence pursuant to article 132 (a) of the Criminal Code.¹³ The Committee welcomes the initial steps that have been taken aimed at tackling this issue, as explained by the delegation (arts. 2, 12–14 and 16).

33. **The Committee recalls its position that the special protection of minorities or marginalized individuals especially at risk is a part of the obligation of the State party to prevent torture or ill-treatment. In this respect, the State party should continue its efforts to promote access for Roma people to education, employment, health care and adequate living conditions. The State party should strictly enforce the legislation concerning the prohibition of child and forced marriage and address the harmful consequences of such practices, investigate cases of child and forced marriage and prosecute the perpetrators.**

Erased persons

34. The Committee welcomes the formal public apology offered by the President in 2022 to 25,671 so-called “erased” persons (persons from the former Yugoslavia who were removed from the country’s Register of Permanent Residents in 1992 following the independence of Slovenia in 1991) and takes note of the law adopted in 2010 to regulate their legal status. However, it observes that, according to information received, only 1,770 such persons applied for restoration of their status within the legal deadline under the 2010 law, and only 241 received permanent residence permits at the time, reportedly owing to the short time limits, the lack of information about the procedure and the difficulties in meeting the

¹² See <https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/activities/2022-10-04/20221006-eom-Slovenia-sr-env-en.docx>.

¹³ CEDAW/C/SVN/CO/7, paras. 47 and 48.

burden of proof. In addition, the Committee is concerned about reports that several such persons remain stateless, that the erasure particularly affected people belonging to the Roma community and that many “erased” persons received insufficient reparation under the Act Regulating Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents.¹⁴ The Committee takes note of the delegation’s explanation about the possibility of reinstating residence permits under the Aliens Act (art. 51 (1) and (2)), but also takes note of reports indicating that this legislation provides only for the possibility of residence status that is temporary, and that, where such a legal pathway would be possible, the process would be lengthy and cumbersome (arts. 3 and 16).

35. Recalling its previous concluding observations,¹⁵ the Committee recommends that the State party adopt additional measures to ensure that “erased” persons have the right to restore their permanent resident status, ensure that all individuals who were victims of erasure receive full and effective reparation, including restitution, compensation and satisfaction, and take all steps necessary to identify and protect stateless persons who were subjected to erasure.

Sexual and gender-based violence

36. The Committee recognizes the State party’s efforts to criminalize sexual and gender-based violence, including domestic violence and rape, in its Criminal Code and the positive steps it has taken to prevent, combat and respond to this phenomenon.¹⁶ However, it notes with concern the persistently high incidence of domestic violence, which increased significantly during the coronavirus disease (COVID-19) pandemic, as recognized by the State party, and the low rate of prosecutions and convictions in this context. The Committee is also concerned at the lack of ex officio investigations into cases of marital rape and sexual violence against a spouse or partner, since pursuant to articles 170 (6) and 171 (6) of the Criminal Code, prosecution for those acts can be initiated only upon a complaint from a victim (arts. 2, 12–14 and 16).

37. The State party should:

(a) **Redouble its efforts to ensure that all cases of gender-based violence, including domestic violence, especially those involving actions or omissions by State authorities or other entities that entail the international responsibility of the State party under the Convention, are thoroughly investigated, that alleged perpetrators are prosecuted and, if found guilty, punished appropriately, and that the victims or their families obtain redress, including adequate compensation, and take the measures necessary to encourage and facilitate the lodging of complaints by victims and to address effectively the barriers that may prevent women from reporting acts of violence against them;**

(b) **Strengthen the training provided to law enforcement officials, judges, medical professionals and other relevant professionals, particularly on the forms and consequences of domestic violence and on gender-responsive techniques to interview and accompany the victims of gender-based violence;**

(c) **Review the legislation applicable to offences of marital rape and sexual violence against a spouse or partner and the rules concerning ex officio prosecution, so as not to exclude the initiation of cases in the absence of a formal complaint by the victim and to afford the broadest protection possible to victims and others at risk of victimization.**

Treatment of persons in social care and psychiatric institutions

38. The Committee regrets to note that article 29 of the Mental Health Act governing the use of means of restraint has remained unchanged, and that reports allege that such restraints continue to be used in psychiatric hospitals and social care institutions, not always as a

¹⁴ CERD/C/SVN/CO/8-11, paras. 12 and 13.

¹⁵ CAT/C/SVN/CO/3, para. 18.

¹⁶ CEDAW/C/SVN/CO/7, paras. 25 and 26.

measure of last resort or for the shortest possible period of time. The Committee is particularly concerned about publicly accessible information concerning allegations of violence at the University Psychiatric Clinic Ljubljana and takes note of the information provided by the delegation during the dialogue that a complaint has been filed with the police in this respect. It also notes with concern the chronic overcrowding and understaffing at the forensic psychiatric unit in the University Clinical Centre Maribor, as acknowledged by the delegation, and takes note of the efforts made and challenges in staff recruitment encountered by the State party to address this problem. Furthermore, the Committee is concerned about the reported lack of access to the outdoors, rehabilitation programmes and other meaningful activities in all psychiatric institutions (arts. 2, 11, 13 and 16).

39. The Committee recommends that the State party:

(a) **Ensure that the use of restraints is limited to circumstances in which such use is absolutely necessary and proportionate, subject to strict regulation, and for the shortest possible period of time to prevent the risk of harm to the individual concerned or to others and only when all other reasonable options would fail to satisfactorily contain that risk. The State party should ensure that the use of restraints is rigorously recorded in special registers in all institutions, that effective legal safeguards, including access to a complaint mechanism, are guaranteed and that any abuse is effectively investigated and prosecuted, where necessary;**

(b) **Conduct an effective, prompt and impartial investigation into the allegations of violence at the University Psychiatric Clinic Ljubljana, bring those responsible to justice and provide redress to the victims;**

(c) **Continue its efforts to alleviate overcrowding in the forensic psychiatric unit in Maribor, including through investment in staff reinforcement, non-custodial measures and community-based services, in collaboration with relevant partners;**

(d) **Enhance access to the outdoors, rehabilitation programmes and other meaningful activities in all psychiatric institutions.**

Trafficking in persons

40. While welcoming the efforts of the State party to combat and prevent trafficking in persons and noting the steps taken to improve the identification of victims of trafficking among asylum-seekers, the Committee is concerned that the number of investigations, prosecutions and convictions of trafficking cases remains low, as previously highlighted by other human rights treaty bodies.¹⁷ The Committee appreciates the information provided by the delegation about the measures adopted to provide crisis accommodation to victims of trafficking, but remains concerned about the limited access to adequate rehabilitation services and the lack of designated facilities and long-term solutions, such as foster care, to assist children who are victims of trafficking or are at risk thereof (arts. 12, 13 and 16).

41. The State party should intensify its efforts to prevent and combat trafficking in persons, including by strengthening the procedure for early identification and referral of victims among persons in vulnerable circumstances, such as asylum-seekers and migrants, including unaccompanied minors, and by providing specialized assistance to children who are victims of trafficking, including adequate accommodation in facilities adapted to their specific needs. It should also enhance its efforts to investigate and prosecute all cases of trafficking and provide adequate redress to the victims. Furthermore, it should continue strengthening the regular mandatory training on early identification and referral of victims of trafficking to the appropriate services that is provided to immigration and law enforcement officers.

Redress

42. The Committee welcomes the removal in 2023 of the requirement of European Union citizenship from the Crime Victim Compensation Act and takes note of the information provided by the delegation that, on average, 50 claims per year are assessed under the Act.

¹⁷ Ibid., paras. 27 and 28, and [CERD/C/SVN/CO/8-11](#), paras. 14 and 15.

Nevertheless, the Committee notes that the State party has not provided specifics of redress afforded to victims of torture or ill-treatment, including trafficking and gender-based violence, or details about other rehabilitation programmes offered during the reporting period (art. 14).

43. The State party should ensure that, in law and in practice, all victims of torture and ill-treatment, including victims of trafficking and gender-based violence, obtain redress, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible. The State party should compile and provide to the Committee information on redress, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment.

Data collection

44. While noting the State party's position on the legal impediments under its domestic legislation to collecting official data based on ethnic, racial or other grounds, the Committee underscores the importance of compiling and analysing disaggregated data to enable it to adequately evaluate the implementation of the Convention, as it pointed out in its general comment No. 2 (2007) on the implementation of article 2.

45. The Committee recommends that the State party further consider the steps it could take to strengthen its capacity to compile, disaggregate and analyse, in a more focused and coordinated manner, statistical data relevant to the monitoring of the implementation of the Convention, including data on complaints, investigations, prosecutions and convictions related to cases of torture and ill-treatment perpetrated by security forces and prison staff, gender-based violence and human trafficking, as well as on means of redress, including compensation and rehabilitation, provided to the victims.

Follow-up procedure

46. The Committee requests the State party to provide, by 24 November 2024, information on follow-up to the Committee's recommendations on juvenile justice, migrant children, sexual and gender-based violence and the treatment of persons in social care and psychiatric institutions (see paras. 17, 29, 37 (a) and 39 (d) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

Other issues

47. The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

48. The Committee requests the State party to submit its next periodic report, which will be its fifth, by 24 November 2027. To that end, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its fifth periodic report under article 19 of the Convention.