

13 May 2020

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Slovenia and welcome the constructive engagement of your Government during the 34th session of the UPR Working Group in November 2019.

As the final outcome report on the review of Slovenia has been recently adopted by the Human Rights Council at its 43rd session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Slovenia – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 81 delegations and the presentation made and responses provided by the delegation of Slovenia. I have also considered the actions taken by the Government to implement the 142 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I note with appreciation the adoption in 2017 of amendments to the Human Rights Ombudsman Act, broadening the mandate of the Ombudsman and setting out a legal basis for the Office of the Ombudsman to obtain A status under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). I also note that the 2016 Protection against Discrimination Act has strengthened the mandate of the Advocate of the Principle of Equality. I encourage the authorities of Slovenia to continue their efforts to ensure the effective and independent functioning of those institutions.

I also encourage Slovenia to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Slovenia's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institutions and all civil society organizations and, where necessary, with the support of international organizations, including my Office.

His Excellency
Mr. Anže Logar
Minister of Foreign Affairs
Republic of Slovenia

I further encourage Slovenia to continue efforts to strengthen its national mechanism for comprehensive reporting and follow-up on recommendations received from all international and regional human rights mechanisms and on treaty obligations, while linking these to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Slovenia to submit mid-term reports in the previous reviews and that the Government has expressed commitment to do so during the follow-up to its third review.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): "*The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.*"

Finally, kindly allow me to use this opportunity to express my Office's profound solidarity with your country and all Member States in connection with the negative impact of the COVID-19 pandemic. I hope that despite unprecedented challenges it will soon be over in all countries worldwide, including through implementation of human rights based approaches to our collective response to the pandemic. I look forward to discussing with you ways in which my Office may assist Slovenia in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Reduction of Statelessness.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Stepping up measures to combat all forms of discrimination, including racial discrimination and xenophobia, and to put an end to hate speech and hate crime in line with international human rights standards, as well as ensure effective investigation and appropriate prosecution and punishment of perpetrators of such crimes.
- Continuing efforts to protect lesbian, gay, bisexual, transgender and intersex persons from discrimination, including by combatting stereotypes and prejudices against them.

Development, the environment, and business and human rights

- Increasing gradually official development assistance with a view to achieving the international commitment of 0.7 per cent of its gross national product and pursuing a human rights-based approach in its development cooperation policy.
- Implementing necessary policies and laws to combat corruption and address root causes of corruption.

B. Civil and political rights

Right to life, liberty and security of person

- Intensifying efforts to improve the living conditions in detention facilities in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and ensuring wider application of alternative non-custodial sentences, such as electronic monitoring, parole and community services.
- Strengthening efforts to ensure the protection of older persons from violence and all forms of abuse, and ensure that cases of elder abuse are effectively investigated and prosecuted.

Fundamental freedoms

- Considering decriminalizing defamation and restricting the application of criminal law to the most serious cases.

Prohibition of all forms of slavery

- Strengthening measures to prevent trafficking in persons, especially children and for the purpose of labour exploitation and forced labour, including measures to identify and provide support to those at risk of trafficking and to address root causes of trafficking.
- Ensuring that all victims of trafficking have access to adequate assistance, counselling and health care and obtain effective protection and redress, including rehabilitation and compensation.
- Ensuring effective investigation and prosecution of all cases of trafficking in persons and that the sentences imposed on perpetrators are commensurate with the gravity of the crime.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Continuing to implement measures to address the increasing risk of poverty faced in particular by members of disadvantaged and marginalized groups, and implementing effectively a social protection strategy with the aim of effectively addressing the regional disparities in poverty levels.
- Adopting a housing policy that addresses access to social housing by all residents without discrimination and takes into account the special housing needs of persons with disabilities and older persons to enable them to live independently.
- Pursuing the process of deinstitutionalization of care for older persons and the development of community-based services in consultation with civil society, local communities and older persons themselves and tailored to the needs of older persons.

Right to health

- Stepping up efforts to provide equal access to quality healthcare services to all persons in Slovenia, including by reducing regional disparities in access to health services and ensuring that all residents have access to basic health insurance without discrimination.

Right to education

- Continuing measures to ensure equal access to quality education for all students, including by addressing the regional disparities in access to education, and

allocating sufficient funding to education, in line with benchmarks endorsed under Sustainable Development Goal 4.

D. Rights of specific persons or groups

Women

- Continuing measures to increase the participation of women in public and political life, as well as their representation in managerial positions and on the boards of private enterprises.
- Continuing efforts to ensure equality of women and men in the labour market, eliminate occupational segregation, address the gender pay gap and improve access by women to skilled and better-paid jobs.
- Strengthening measures aimed at preventing and combating violence against women, including domestic violence and sexual abuse, by ensuring that victims have access to effective remedies and means of protection and that all cases of violence against women, including domestic violence, are effectively investigated and that perpetrators are prosecuted and punished with appropriate sanction.
- Revising the definition of rape in the Criminal Code so that it is based on the absence of consent.

Children

- Continuing to take steps to put an end to corporal punishment in all settings and to encourage non-violent forms of discipline as alternatives to corporal punishment.

Persons with disabilities

- Reviewing legislation, policies and programmes to bring them into line with the provisions of the Convention on the Rights of Persons with Disabilities, including the various definitions of disability in legislation, and align them with the human rights model of disability.
- Intensifying efforts to prevent all forms of violence against, and abuse and ill-treatment of, persons with disabilities and ensuring effective investigations into all allegations of violence and abuse of persons with disabilities in institutions.
- Strengthening measures to implement deinstitutionalization of persons with disabilities and to provide sufficient funding for developing community-based independent living schemes for persons with disabilities, as well as promoting an inclusive and accessible labour market in all sectors for all persons with disabilities.
- Stepping up efforts to ensure inclusive education at all levels for all children with disabilities, strengthen the capacity of inclusive schools to meet the needs of persons with disabilities, and monitor and assess the progress of inclusive education.

Minorities

- Strengthening measures to effectively protect the rights of all minorities in Slovenia, including the right to education in the minority languages where there is a sufficient demand in a locality, to the degree appropriate according to the principle of proportionality, or at least education of a minority language.
- Stepping up measures to ensure the right of Roma to adequate housing and to end segregation of Roma communities, including by facilitating their access to social housing and ensuring security of tenure for Roma people living in informal settlements.
- Continuing efforts to guarantee effective access for Roma to public services, such as electricity and health services, and to adequate sanitation and safe drinking water, as well as provide them with access to the formal labour market.

- Continuing to implement measures to provide all Roma with effective access to high quality education at all levels, including by integrating Roma children into preschool institutions, ending school segregation and overrepresentation of Roma children in special classes, and reducing school dropout.

Migrants, refugees and asylum seekers

- Taking effective steps to allow persons in need of international protection access to the relevant procedures for international protection and ensuring that any measures taken by Slovenia, including in relation to bilateral and regional agreements, do not discriminate on the basis of country of origin, arrival or transit.
- Ensuring that the procedure for international protection allow for an individual assessment based on the circumstances of each case by trained professionals with legal expertise, and that legal representation of adequate quality is systematically made accessible throughout the entire procedure for requesting international protection, as well as ensuring full respect of the principle of non-refoulement.
- Protecting the rights of separated and unaccompanied children seeking asylum in full compliance with international standards, including through the introduction of best-interests determination procedures and the adoption of the benefit-of-the-doubt standard in the event of remaining uncertainty in age assessment.
- Implementing measures to facilitate the process of family reunification for beneficiaries of international protection.
- Continuing measures to ensure effective and equal access for asylum seekers and refugees to social housing and free public health services, and implementing pre-integration measures for asylum seekers, including language courses and earlier access to the labour market.

Stateless persons

- Putting in place a statelessness determination procedure to provide protection to stateless persons and ensuring that all children born in the territory of Slovenia acquire Slovenian nationality if they are otherwise stateless.
 - Ensuring that all remaining “erased” persons can restore their legal status without undue administrative constraints and that all “erased” persons are provided with full and effective reparation, including restitution and compensation.
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