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### NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A) OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\*

Slovenia

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\* The present document was not edited before being sent to the United Nations translation services.

### **LIST OF ABBREVIATIONS**

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1.	CEPOL	European Police College
2.	CoE	Council of Europe
3.	ESD	Education for Sustainable Development
4.	EU	European Union
5.	HIV	Human immunodeficiency virus
6.	ILO	International Labour Organization
7.	NGOs	Non-governmental organisations
8.	RS	Republic of Slovenia
9.	SFRY	Socialist Federal Republic of Yugoslavia
10.	Ur. 1. RS	Official Gazette of the Republic of Slovenia

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## **I. REPORT DRAFTING METHODOLOGY**

1. The Republic of Slovenia (hereinafter Slovenia) launched the preparations for the first Universal Periodic Review in the beginning of 2009. The Ministry of Foreign Affairs, Human Rights Section, was tasked with the coordination of drafting the national report; the preparations also involved the Interministerial Commission on Human Rights<sup>1</sup>, relevant ministries and government offices. Non-governmental organisations were informed of the drafting of the report in March, and they had the possibility to provide comments on the draft in June. The draft report was submitted for consideration to the Human Rights Ombudsman of the Republic of Slovenia in August 2009, and was dealt with by the Interministerial Commission on Human Rights in September.

## **II. NORMATIVE AND INSTITUTIONAL FRAMEWORK**

### **A. Organisation of the state and the judiciary**

2. Slovenia is a parliamentary democratic republic, consistent with the principle of the separation of legislative, executive and judicial powers. The legislative power is exercised by the bicameral parliament (National Assembly, National Council), the executive power by the Government and the judicial power by the judiciary. The Republic of Slovenia is represented by the President of the Republic, who is also the commander-in-chief of the Slovenian defence forces. The administrative division of the state comprises 210 municipalities.

3. The judiciary is independent and separated from the executive and legislative powers. It is bound by the Constitution and laws. The office of a judge is permanent. Judges are elected by the National Assembly on the proposal of the expert and independent Judicial Council. Judges are independent in the performance of the judicial function. The Constitutional Court is the highest judicial body protecting the constitutionality, legality and human rights.

### **B. Constitutional and statutory provisions on human rights**

4. A third of provisions of the Slovenian Constitution<sup>2</sup> (hereinafter the Constitution) is focused on human rights and fundamental freedoms, which may be implemented directly on the basis of the Constitution. In order to effectively provide for and implement human rights, the general principle of equality and specific constitutional provisions are defined in greater detail in individual laws, particularly the Human Rights Ombudsman Act<sup>3</sup>, Implementation of the Principle of Equal Treatment Act<sup>4</sup>, Equal Opportunities for Women and Men Act<sup>5</sup>, Family Violence Act<sup>6</sup>, and Personal Data Protection Act<sup>7</sup>. Human rights are also guaranteed by or implemented through certain statutory provisions in different areas of legal regulation, particularly in criminal and procedural legislation, labour legislation and electoral legislation, in laws guaranteeing the protection of human rights of individuals with particular needs or of members of vulnerable social groups, as well as in a number of other laws. Motivated by the guaranteeing of true equality, the Constitution, the general act prohibiting discrimination and the special act on gender equality explicitly define the basis for implementing special measures or positive differentiation in cases when deviations from the equal treatment principle are justified by the lawful ends and when the means to attain this goal are both adequate and necessary.

### C. Human rights institutions

5. As regards human rights, the relevant authorities in Slovenia include judicial bodies, state administration bodies and other bearers of public authority. In addition to ordinary and extraordinary legal remedies available to an individual at the national level in cases of violations of human rights and fundamental freedoms, the European Court of Human Rights guarantees the control over the implementation of the European Convention on Human Rights at the regional level. In cases of violations of the rights under the Convention, Slovenian citizens also have access to this Court. Institutions specialized in the protection and promotion of human rights include: Human Rights Ombudsman, Office for Equal Opportunities, Advocate of the Principle of Equality, coordinators for equal opportunities for women and men, Office for Religious Communities, Office for Nationalities, as well as many working bodies established by the Government or operating within ministries.

6. The establishment of the **office of the ombudsman** for the rights of citizens is provided for in the Constitution in order to protect human rights and fundamental freedoms in relation to state bodies, local self-governing bodies, and bearers of public authority. The Ombudsman has the authority to obtain from state and other bodies that he/she can monitor all data regardless of the level of classification to perform investigations; within this framework, the Ombudsman can also call witnesses for questioning. The Ombudsman may at any time inspect any state body or institution that restricts personal freedom, such as psychiatric institutions. The Ombudsman does not have the authority to monitor the work of judges and courts except in cases of unjustified delay of procedures or clear abuse of power. In compliance with the Constitutional Court Act<sup>8</sup>, the Ombudsman may file a constitutional complaint by consent of the injured party and a request for a constitutional review of regulations if he/she believes that a regulation inadmissibly encroaches on fundamental human rights and freedoms.

7. **The Office for Equal Opportunities** is striving for true equality of women and men in all spheres of life. **The Advocate of the Principle of Equality**, who operates within the Office, is responsible for dealing with initiatives on alleged violations of the prohibition of discrimination on the grounds of all personal circumstances. Coordinators for equal opportunities for women and men appointed by all ministries, and also set up in certain municipalities, closely cooperate with the Office. **The Office for Religious Communities** monitors the position of religious communities and keeps the register of religious communities.<sup>9</sup> **The Office for Nationalities** monitors the implementation of constitutional and statutory provisions relating to the special rights of members of the Italian and Hungarian national communities, and monitors and ensures the protection of the special rights of the Roma community living in Slovenia, unless these fall within the competence of other state or local community bodies.

### D. International obligations

8. Article 8 of the Constitution stipulates that laws and regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties shall be applied directly. Slovenia respects the objectives and principles of the UN Charter, Universal Declaration of Human Rights and other international obligations assumed with succession or conclusion of major international universal and regional instruments in the field of human rights. Within the adopted international contractual obligations for the protection of human rights, Slovenia is subject to control by relevant bodies established

under the treaties, to which it reports regularly on the status of human rights, conducts open dialogue and implements their recommendations in good faith. As a member of the Council of Europe and the European Union, Slovenia is also bound by the adopted conventions of the Council of Europe, the EU *acquis* and the practice of the European Court of Human Rights and the *Court of Justice of the European Communities*.

9. By ratifying the Third Additional Protocol to the Geneva Conventions, the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol and by signing the United Nations Convention for the Protection of all Persons from Enforced Disappearance, Slovenia fulfilled the obligations as assumed upon announcing its candidature for the membership of the Human Rights Council. Slovenia extended an open invitation to all bodies mandated for special procedures. Slovenia was among the first countries to sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in September 2009 and ratified the Council of Europe *Convention* on Action against *Trafficking in Human Beings*. Moreover ratification of Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms has been included in the government programme.

10. At the international level, Slovenia is a supporter of progressive human rights policy by advocating the development of new standards and by applying and implementing the existing international human rights standards.

### **III. PROMOTION AND PROTECTION OF HUMAN RIGHTS POLITICAL AND CIVIL RIGHTS**

#### **A. State governed by the rule of law: implementing Constitutional Court decisions, court backlogs, trial without undue delay**

11. The Constitution is the highest legal act of every state, and the Constitutional Court decisions the highest authority for clarifying the provisions contained in the Constitution, which must be respected and implemented by all state bodies and all natural persons and legal entities. At the end of 2008, nine decisions of the Constitutional Court on the review of constitutionality of laws were not implemented. Some of these decisions are being implemented now.

12. Article 23 of the Constitution stipulates that everyone has the right to have any decision regarding his rights, duties and any charges brought against him made without undue delay by an independent, impartial court constituted by law. The latest judgment of the European Court of Human Rights in the case of Lukenda v. Slovenia<sup>10</sup> as well as the decision of the Constitutional Court of the Republic of Slovenia No. U-I-65/05 (2005) obligates the state to establish the conditions in which the right to trial without undue delay shall be provided. For this purpose, the Ministry of Justice drafted the “Lukenda Project” in 2005, which envisages the elimination of court backlogs in courts and prosecutor’s offices by 31 December 2010. The measures include the provision of workplace conditions, additional provision and organisation of human resources, reorganisation and better management of courts, a stimulating remuneration of the court staff, additional training of judges and prosecutors, and accelerated informatisation of courts (»e-justice« project). The adoption of the Act Regulating the Protection of Right to Trial without Undue Delay<sup>11</sup> brings significant progress, in respect of which the European Court of Human Rights ruled in 2007 that it contains effective legal remedies for the protection of the right to trial

without undue delay in compliance with Article 6, paragraph 1, with reference to Article 13 of the European Convention on Human Rights<sup>12</sup>.

13. As at 31 December 2008, court backlogs in courts of general jurisdiction of first and second instance totalled 274,071 cases.

Table 1

**Court backlogs in courts of general jurisdiction of first and second instance**

Courts	31 Dec 2000	31 Dec 2004	31 Dec 2005	31 Dec 2006	31 Dec 2007	31 Dec 2008	Reduction rate (2004-2008)
Higher	5.139	6.242	4.744	3.032	1.898	667	-89,3 (per cent)
District	22.439	13.924	14.204	12.606	12.037	10.748	-22,8 (per cent)
Local	196.866	290.156	285.953	276.303	273.240	262.656	-9,5 (per cent)
<b>Total</b>	<b>224.444</b>	<b>310.322</b>	<b>304.901</b>	<b>291.941</b>	<b>287.175</b>	<b>274.071</b>	<b>-11,7 (per cent)</b>

## B. Prohibition of discrimination

14. Article 14 of the Constitution stipulates that everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance. Article 14, paragraph 2, stipulates that all are equal before the law. Equal protection of rights regulated in Article 22 also falls within the scope of the general principle of equality (equal protection of rights in any proceeding before a court and before other state bodies). Gender equality is also provided by certain laws such as the Implementation of the Principle of Equal Treatment Act, including individual provisions of different laws (e.g. the provision of the Penal Code<sup>13</sup> incriminating the violation of equality as a criminal offence; the provision of the Employment Relationship Act<sup>14</sup> prohibiting discrimination; provisions of procedural laws guaranteeing the equality of parties to criminal, civil, administrative and tax procedures).

15. The constitutional principle of equality is specified by the provisions of laws regulating employment and work, education, social protection, electoral law, etc. The application of the principle of equality is defined in greater detail by the Implementation of the Principle of Equal Treatment Act, which provides for equal treatment regardless of different personal circumstances. The Act prohibits direct and indirect discrimination, instructions that might result in discrimination, retaliatory measures, and harassment. It also contains the legal basis for the introduction of temporary special measures aimed at ensuring the true equality of persons that are in a less favourable situation due to one or more personal circumstances. The cases of alleged violations of the prohibition of discrimination are dealt with by the Advocate of the Principle of Equality. Everyone who thinks they are being discriminated against may contact the Advocate either in writing or orally. The Advocate provides explanations whether a specific act or omission thereof would constitute a violation of the principle of equality on the grounds of personal circumstances. He/she provides assistance to those interested with regard to the application of the right to equal treatment also in other procedures. In case an alleged offender fails to respond to the request for explanation, fails to carry out the Advocate's recommendations

or fails to notify the Advocate on time on measures adopted, the Advocate refers the case to the relevant inspection service.

16. Alleged victims may also contact relevant inspection services and other administrative bodies and judicial bodies for the protection against discrimination; they can also exercise their right to damages. In case there is suspicion in respect of violations, the burden of proof lies on the offender.

17. In Slovenia, **gender equality** is a right, a goal and a horizontal principle permeating all spheres of life of women and men in all life periods. The Equal Opportunities for Women and Men Act provided for the fundamentals in improving the situation of women and creating equal opportunities for women and men by removing obstacles to establishing gender equality, by preventing and eliminating unequal treatment of persons on the basis of their gender as a form of discrimination and by creating the conditions for establishing equal representation of women and men in all spheres of social life. The Act envisages measures and strategies to enhance the role and situation of women and guarantee gender equality; Slovenia is bound by treaties and political commitments to meet these objectives. The year 2005 saw the adoption of the National Programme for Equal Opportunities for Women and Men 2005–2013, which is being implemented by ministries and government offices through two-year periodic plans; on the basis of a reporting system, the government regularly examines the adequacy and effectiveness of activities performed and, if required, changes, adapts or upgrades them. Every two years, the government reports to the National Assembly on the implementation of the National Programme.

18. **The Office for Equal Opportunities** is the Government's central mechanism for dealing with gender equality. Its competences and tasks are in compliance with the established international standards regulating national mechanisms for the strengthening of the role and situation of women and guaranteeing gender equality. The Office plays a significant role in the promotion of an effective use of specialized policies and measures for gender equality and for integrating gender equality into all public policies. The Office carries out its work in cooperation with the National Assembly Commission for Petitions, Human Rights and Equal Opportunities.

19. Notable progress in the government policy for the strengthening of the role and the situation of women and guaranteeing gender equality was achieved in education, employment, equal pay for equal work, violence against women and trafficking in women and girls. The progress was facilitated by the new legislation, the national programme and action plans for equal opportunities for women and men as well as by the implementation of specialized action plans and programmes: action plans on the fight against trafficking in human beings, **2009-2014 National Programme on Prevention of Family Violence**; providing regular information for women and relevant stakeholders; systematic awareness-raising of the public and target groups; education, training and cooperation with non-governmental organizations, trade unions, research and educational institutions; encouraging media to assume positive role in ensuring gender equality and the inclusion of men in endeavours towards gender equality.

## 1. Same-sex partnership

20. Decision U-I-425/06-10 of July 2009 of the Constitutional Court established the inconsistency of Article 22 of the Registration of a Same-Sex Civil Partnership Act<sup>15</sup> regulating inheritance with Article 14, paragraph 1, of the Constitution. The Court establishes that the

position of partners in registered same-sex partnerships is in its essential factual and legal aspects comparable with the position of spouses as regards the right to inheritance from a deceased partner. The differences in the regulation of inheritance between spouses and between partners in registered same-sex partnerships are therefore not based on any objective, non-personal circumstance, but on sexual orientation. Until the established inconsistency is remedied, the same rules apply for inheritance between partners in registered same-sex partnerships as apply for inheritance between spouses in accordance with the Inheritance Act.<sup>16</sup> The National Assembly is obliged to remedy the established inconsistency within six months from the publication of this decision<sup>17</sup>.

21. In its endeavours to eliminate stigmatization and discrimination against HIV-positive people, the Ministry of Health is co-financing NGOs fighting stigma and providing counselling and training in this area.

## **2. Children's rights**

22. The first **Programme for Children and Youth 2006-2016** was drafted in 2006 in compliance with the recommendation of the UN **Committee on the Rights of the Child**. The Programme includes all important areas of the life of children, particularly those where unresolved or new problems are perceived, with which children and youth are faced in the modern society. It also includes complementary qualitative and quantitative objectives, as well as development guidelines and activities essential to the implementation of the goals set. Individual chapters touch upon normative, administrative-systemic and programme levels as well as upon specific implementation of children's rights in practice. A priority task was concentrating on guidelines and activities introducing changes, amendments or new solutions within the established activities implemented by national or other services in the field of child care. **The Programme for Children and Youth will be implemented in compliance with funds earmarked for the financial realisation for each activity or task.** The Government will devote particular attention to improving the situation of children. A special action plan on the **Programme for Children and Youth 2006-2016 will be adopted for** this purpose.

23. A pilot project "Child Advocate – Voice of the Child" was launched in 2006. The project is aimed at elaborating a model programme of the child advocate; its substantive and organisational basis would allow for its inclusion in the formal system and thus ensure its implementation at the national level. In compliance with the Convention on the Rights of the Child, the model would enable children to actively participate in decision-making processes.

24. A new Family Code that is currently under public debate regulates comprehensively the entire family law, strengthening the influence of the state on relations within the family for the child's benefit. The novelties include the prohibition of corporal punishment of children, the system of children's advocacy, the extension of the definition of "family protected under the constitution" (with a view to enhancing the protection of children) and introduction of equal status to same-sex partnerships and heterosexual partnerships.

## **3. Rights of persons with disabilities**

25. To ensure the enjoyment of human rights and fundamental freedoms of persons with disabilities on an equal footing, a number of regulations in the field of education, employment,

health care, removing communication obstacles and environmental barriers, self-organizing of persons with disabilities and providing financial assistance for their personal needs was adopted. Major programmes, regulations and measures adopted in recent years include:

- Government Action Programme for Persons with Disabilities 2007–2013: based on the principles of ensuring equal opportunities, prohibiting discrimination on the basis of disability and ensure accessibility as a precondition for the implementation of rights and social inclusion of persons with disabilities. The Programme includes twelve basic goals with specific implementing measures. Relevant ministries are obliged to report to the Government every year on the implementation. One of the key objectives of the Programme is indiscriminatory provision of access to work and employment for persons with disabilities in an open, inclusive and accessible work environment;
- The Vocational Rehabilitation and Employment of Disabled Persons Act<sup>18</sup> regulates the right to rehabilitation, supported employment, incentives for employment in the open labour market, employment in sheltered workshops and job centres, quota system, etc. The Act significantly improved the situation of persons with disabilities in the labour market. Gaming proceeds were earmarked for the work of *organisations* specialising in *disability* issues and humanitarian organisations;
- Certain rights of persons with disabilities have been included in a number of regulations applicable to health care, disability insurance, parental benefit, education and training and taxation;
- In April 2008, Slovenia ratified the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- During its Presidency of the EU Council, Slovenia drafted the Resolution on the Situation of Persons with Disabilities in the European Union and organised a presidential conference with an informal ministerial meeting on the implementation of the Convention on the Rights of Persons with Disabilities in the Member States;
- *Organisations* specialising in *disability* issues play a significant role in the development of disability policy in Slovenia.

### C. Protection of the rights of national and other ethnic communities

26. The national territory of the Republic of Slovenia is traditionally and historically also settled by (autochthonous) Italian and Hungarian national communities and the Roma ethnic community. The situation and special rights of the **Italian and Hungarian national communities** are defined in Articles 64 and 11 of the Constitution and guaranteed regardless of the number of members of these communities. The organisation and fundamental rights of the two national communities are specified in the Self-Governing Ethnic Communities Act<sup>19</sup>, and their situation is also defined by approx. 90 laws and other regulations, ordinances and statutes of municipalities in ethnically mixed areas and by bilateral and multilateral treaties. All regulations requiring the implementation of rights and the situation of the Italian and Hungarian national communities are adopted in consensus with their representatives. The two national communities

are directly represented in representative bodies of local self-government and in the Slovenian National Assembly, with one representative, respectively.

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28. The situation and rights of members of the **Roma community** are regulated by Article 65 of the Constitution, the Roma Community Act<sup>21</sup> and certain provisions of 14 other laws. The situation of the Roma community is regulated comprehensively by a special act, which stipulates that state bodies and self-governing local community bodies must ensure the implementation of the special rights of the Roma community; it regulates the organization of the Roma community at the national and local levels, including financing. A national programme of measures is being drafted for the operationalization of the act, which will be implemented through sector specific programmes and measures by relevant state bodies and self-governing local community bodies; the implementation of the programme will be monitored by the **Government Commission for the Protection of the Roma Ethnic Community**. All ministries and government offices must devote special concern to Roma issues within their competence and include them in national programmes in their fields of work. The 1995 Programme of Measures for Assisting the Roma is still being implemented and includes measures for improving the status of the Roma community in key areas such as housing, education, employment, family welfare, social and health care, cultural development of the Roma community, as well as providing information to Roma and their organisation. In Slovenia, acts relating to the Roma community are being adopted after consulting with the community. On the basis of the statute, the Roma community is represented in municipal councils of 19 local communities.

29. The Constitution of the Republic of Slovenia does not contain any provisions relating directly to the special protection of members of **other ethnic groups**. These communities can exercise their rights in accordance with Article 14 (Equality before the Law), Article 61 (Expression of National Affiliation) and Article 62 (Right to Use One's Language and Script) of the Constitution.

## **1. Education of members of national and other ethnic communities**

30. Slovenia has developed two different **models of education for members of the Italian and Hungarian national communities**, which share the same objectives – bilingualism and co-existence of the two nations and cultures. For the implementation of rights of members of the **Italian national community** in the field of pre-school, elementary, general secondary and secondary vocational education, in accordance with the legislation, in the areas defined as

ethnically mixed, pre-school institutions and schools with Italian as the language of instruction are established. The Slovenian language is a compulsory subject in these schools. In educational institutions in ethnically mixed areas **providing education in the Slovenian language, the learning of the language of a national community is compulsory**. In ethnically mixed areas where members of the **Hungarian national community** reside, education is provided bilingually, in the Slovenian and Hungarian languages. These pre-school institutions and schools are attended by children of Slovenian and Hungarian nationalities. This enables pupils to learn a second language in addition to their mother tongue and become familiar with the culture of the other nation. Educational activities are carried out in both languages. When learning the mother tongue and the second language, pupils are divided into groups, which enable them to learn their mother tongue at an advanced level.

31. *The Strategy of Education of Roma in the Republic of Slovenia* (2004) includes a number of measures: inclusion of Roma children in pre-school institutions at least two years prior to their enrolment in elementary school; inclusion of a Roma assistant in the work of educational institutions as a bridge between the pre-school institution or school on the one hand and the Roma community on the other; introduction of the Romani language as an optional subject; teaching the Slovenian language; introduction of content taken from Roma culture, history and identity into lessons; prohibition of homogenous classes (segregation) of Roma children; introduction of individualisation, internal and flexible differentiation and different forms of learning assistance; building confidence in school and the elimination of prejudices; further education and training of educational professionals. The Union of Roma of Slovenia was involved throughout the drafting of the document and its president is the president of the working group which drafts annual action plans for the implementation of the strategy. The strategy is aimed at training Roma to contribute themselves to effective integration of the Roma population into various forms of education. The following activities have already been carried out in the area of education: a network of schools with Roma pupils has been formed within which teachers exchange experience and good practices, and additional teacher training is provided; schools implemented projects and other activities of intercultural dialogue; the standardisation of the Romani language was carried out as a basis for its teaching; occupational standards for Roma assistants were developed; a project to develop the method (and materials) for teaching Slovenian as a foreign language is being implemented; the syllabus for a course in Roma culture was drafted and adopted; programmes for vocational training of educational professionals are being implemented for successful work with the Roma pupils; Roma assistants are being trained; the Ministry of Education and Sport has been co-financing education of adult Roma; the project introducing and educating Roma assistants is being implemented with the support of the European Social Fund; young Roma intellectuals endeavour for the awareness raising of members of the Roma community about the significance of knowledge and education through the Roma Academic Club.

## 2. Cultural rights of the national and other ethnic communities

32. In cooperation with the members of the Italian and Hungarian national communities, the Roma community and other ethnic communities, the Ministry of Culture identifies their needs for the protection of cultural specificities and develops measures aimed at their quality integration. The Ministry endeavours for the preservation of cultural rights of these communities through financial measures (financing projects), organisational measures (expert assistance, counselling, workshops, mediation in resolving interethnic tensions) and normative measures

(special provisions included in the general cultural act; active participation of these communities in shaping the regulations).

### **3. Domestic violence**

33. In March 2008, the Family Violence Prevention Act entered into force which defines physical, sexual, psychological and economic violence and disregard to provide due care to family members. Children, elderly and disabled persons enjoy special protection against violence. If the victim of violence is a child, anyone is obliged to inform a social work centre, the police or the state prosecutor's office accordingly. Another novelty lies in the possibility for the victim to choose an assistant who accompanies him/her in all proceedings related to family violence and can help in settling problems. In addition, the victim has the right to a legal representative who defends his/her interest in the proceedings. A multidisciplinary team lead by the social work centre draws up an aid plan for a victim in collaboration with other authorities. The Act stipulates free legal assistance to the victims of violence in court proceedings. The court can impose certain restrictions in case of acts of violence, prohibiting to the perpetrator the following: entering to the accommodation premises where the victim lives; coming at a specified distance within the proximity of the accommodation where the victim lives; coming near the places that the victim regularly frequents; establishing contact with the victim in any way. On the victim's request, the court can require the perpetrator to transfer the common residence into exclusive use by the victim. In case of a divorce, the spouse victim can demand that the other spouse (the perpetrator of violence against the victim or his/her children) leave him/her in exclusive use of the accommodation in which both of them live. In order to protect the children, the court assigns the residence to the spouse with whom the children live. All the above restrictions and measures apply for a maximum of six months with the ability of extension for additional six months. Based on this Act, all competent authorities (the police, education, health and social institutions) should adopt their own rules for acting in the event of domestic violence.<sup>22</sup>

34. The new Penal Code sanctions, in a separate article, domestic violence that may be committed as various acts or practices against the person with whom the perpetrator lives or has lived in a family or other permanent community. In the previous Penal Code, the forms and consequences of domestic violence were defined in different articles.

35. The National Assembly adopted the Resolution on the National Programme of Family Violence Prevention for the Period 2009-2014. It is a strategic document defining the objectives, measures and key players with regard to reduction and prevention of family violence. Specific tasks and activities will be defined in two-year action plans.

### **D. Torture and other cruel, inhuman or degrading treatment or punishment**

36. Slovenia ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1993. Upon ratification it made a declaration based on Articles 21 and 22 of the Convention.

37. The Constitution stipulates as follows: human life is inviolable and there is no capital punishment in Slovenia (Article 17); no one may be subjected to torture or to inhuman or degrading punishment or treatment (Article 18); respect for human personality and dignity shall

be guaranteed in criminal and in all other legal proceedings, as well as during the deprivation of liberty and enforcement of punitive sanctions (Article 21, paragraph 1); and violence of any form against any person whose liberty has been restricted in any way is prohibited, as is the use of any form of coercion in obtaining confessions and statements (Article 21, paragraph 2).

38. Based on the recommendations of the UN Committee against Torture, the new Penal Code<sup>23</sup> adopted in 2008 stipulated an independent criminal offence of torture (Article 265) in addition to the existing criminalisation of torture in the framework of crimes against humanity (Article 101, item 6) and war crimes (Article 102, paragraph 1, item 2). In doing so, the legislator took into account the definition of torture in Article 1 of the Convention against Torture.

39. The Act ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>24</sup> stipulates that the national preventive mechanism be the Slovenian Human Rights Ombudsman, exercising tasks and powers of the national preventive mechanism together with the selected NGOs that gained the humanitarian organisation status in Slovenia.

40. A specialised department was established within the group of state prosecutors assigned to prosecute organised crime, functioning under the Office of the State Prosecutor General, in order to pursue independent investigation of criminal offences of which police officers are suspected. Since 1 November 2007, the department is exclusively in charge of prosecuting criminal offences committed by officials employed by the Police.

## **1. Trafficking in human beings**

41. Measures in the area of trafficking in human beings in Slovenia are defined by action plans for the fight against trafficking in human beings which are drawn up every two years since 2004 by the Interdepartmental working group for the fight against trafficking in human beings, composed of representatives of the competent ministries, government offices, the National Assembly and NGOs. These action plans are aimed at defining fundamental activities for suppressing trafficking in human beings in Slovenia in the field of legislation on investigation and prosecution of criminal offences related to trafficking in human beings, prevention in the form of providing information, awareness raising and research activity, assistance to and care for victims of trafficking in human beings, training, education and international cooperation. On the basis of these action plans, amendments to the Penal Code were adopted in 2004 in the field of prostitution and trafficking in human beings; particularly a new criminal offence of trafficking in human beings (Article 387(a)) was introduced; while Articles 185 (pimping) and 186 (brokering prostitution) were replaced by a new Article 175 (exploitation through prostitution). In 2005, the Witness Protection Act<sup>25</sup> was adopted, the application of which concerns the protection of the victims of trafficking in human beings. The Act amending the Criminal Procedure Act was adopted, which stipulates that minors who are victims of trafficking in human beings shall also be entitled to an authorised person responsible to care for their rights (Article 387(a) of the Penal Code). The Aliens Act was amended, which in a special article stipulates the procedures with aliens victims of trafficking in human beings based on EU directives. By ratifying the Council of Europe Convention on Action against Trafficking in Human Beings<sup>26</sup> Slovenia assumed the obligations under this regional instrument. Preventive awareness-raising measures addressed to the public comprise: the Government's webpage, making videos, reprinting and distributing

materials, addressing target population within NGO projects co-financed by individual ministries, educating expert public, especially the Police, in cooperation with NGOs, and training and educating NGOs by internal experts. There are not many final judgments from the area of trafficking in human beings, therefore particular attention is also devoted to providing information for and training of judiciary personnel.

42. The project aimed at the victims of trafficking in human beings has been implemented since 2008 on the basis of public tenders and financed by the Ministry of the Interior (safe accommodation, carried out by the *Ključ* Association) and the Ministry of Labour, Family and Social Affairs (crisis accommodation, carried out by the Slovenian Karitas).

43. In 2008, the Ministry of Foreign Affairs financed, for the fifth consecutive year, the project titled “Implementing the mechanism for reconnaissance, assistance and protection of the victims of trafficking and/or sexual abuse in asylum proceedings in Slovenia” (PATS). There is a regional component to the project, which is implemented also in Croatia and Bosnia-Herzegovina.

## **2. Rights of aliens and asylum seekers**

44. Article 61 of the Constitution guarantees the right to everyone to express affiliation with their nation and culture as well to use their language and script. Entry into and residence in Slovenia are governed by the Aliens Act<sup>27</sup>, which, in accordance with the European legislation, ensures fair treatment of aliens who lawfully reside in the country. The rights of aliens are comparable to those enjoyed by the Slovenian citizens. By adopting the Decree on the Integration of Aliens, Slovenia introduced active measures of integration policy and in autumn 2009 it will begin to implement basic integration measures aimed at shaping a comprehensive and effective integration policy based on intercultural dialogue.

45. With regard to asylum policy, Article 48 of the Constitution stipulates that within the limits of the law, the right of asylum shall be recognised to foreign nationals and stateless persons who are subject to persecution for their commitment to human rights and fundamental freedoms. In 2007, the International Protection Act<sup>28</sup> replaced the previous Asylum Act as an umbrella act. The Act systematically regulates the entire area of international protection in Slovenia. It fully transposed EU Council directives into Slovenian legislation, which together with two EU Council decisions provide the legal basis for the Common European Asylum System. The Act facilitates the introduction of efficient and fast asylum procedures, providing citizens of third countries with necessary protection and facilitating their integration into Slovenian society; in case of a negative decision the Act stipulates immediate expulsion of applicants into the country of origin. Particular attention is devoted to vulnerable groups (applicants, refugees, persons granted subsidiary protection) as it provides for a positive distinction with regard to material conditions of acceptance, health care, psychological counselling and care. The principle of family reunification is taken into consideration for persons enjoying international protection in accordance with Article 8 of the European Convention on Human Rights. International protection is granted to each applicant who fulfils conditions under International Protection Act. If the applicant leaves Slovenia, the procedure is stopped. 50 (per cent) of procedures were stopped in 2008.

46. Official persons conducting international protection procedures are regularly trained and acquainted with international case law in this area. NGOs take an active part in implementing the International Protection Act. They play an important role in providing psychosocial and learning assistance, performing activities for creative leisure pursuits as well as rendering assistance in integration into the environment. Their role is also significant in preventing and taking appropriate action in cases of sexual violence and in the area of the fight against trafficking in human beings. An agreement was signed between the Government and NGOs in June 2008 allowing for a more rapid detection and prevention of sexual violence as well as taking action in this regard with asylum seekers and refugees.

### **3. Persons who were transferred from the register of permanent residence following Slovenia's gaining independence to the register of aliens**

47. The Aliens Act<sup>29</sup>, which was one of the independence laws of Slovenia, defined an alien and regulated, in respect of the citizens of other republics of the former SFRY who did not apply for Slovenian citizenship that its provisions began to apply to them on 26 February 1992. They became aliens on that day and a residence permit was required for their further residence in Slovenia. On 26 February 1992, permanent residence of those citizens of other republics of the former SFRY who did not have Slovenian citizenship was discontinued in the register of permanent residence. In order to regulate their status, the Act Regulating the Legal Status of Citizens of the Former SFRY Living in the Republic of Slovenia (hereinafter: ZUSDDD)<sup>30</sup> was adopted in 1999 which provided for the acquisition of permanent residence permits under more favourable conditions than those stipulated in the Aliens Act. The only condition for persons to obtain permanent residence permits was a *de facto* residence in Slovenia since 23 December 1990 or since 25 June 1991.

48. In its decision No. U-I-246/02-28 of 3 April 2003, the Constitutional Court decided that the provisions of the ZUSDDD Act, determining a time limit of three months for filing an application for the issuance of a permanent residence permit, had to be annulled, and that the ZUSDDD Act was inconsistent with the Constitution, since 1) it did not recognize permanent residence to citizens of other republics of the former SFRY, who on 26 February 1992 were removed from the register of permanent residence, from that date onwards, 2) it did not regulate the acquisition of a permanent residence permit by citizens of states successors to the former SFRY for whom the measure of the forcible removal of a foreigner was pronounced, and 3) it did not prescribe the criteria for establishing the legal concept of "actual presence". Paragraph 8 of the Decision of the Constitutional Court stipulated that permanent residence of citizens of other republics of the former SFRY was established from 26 February 1992 onwards if on that day they were removed from the register of permanent residence, on the basis of a permit for permanent residence issued in accordance with the ZUSDDD Act or the 1991 Aliens Act, as amended in 1999. It imposed on the Ministry of the Interior the obligation to issue, as an official duty, supplementary decisions on the establishment of permanent residence in Slovenia from 26 February 1992 onwards. In item 23 of the Reasoning of its Conclusion No. U-II-3/03-15 of 22 December 2003, the Constitutional Court explained the manner of implementation of paragraph 8 of the Decision No. U-I-246/02-28, namely that the Decision of the Constitutional Court was the legal basis for issuing supplementary decisions by the Ministry of the Interior. Item 24 of the Reasoning clarified that the Ministry of the Interior was obliged to follow that part of the Decision that governs the manner of implementation, until the legislator prescribed otherwise or regulated the area in a different manner in accordance with the Constitution. With regard to the

above, the Ministry of the Interior began to issue supplementary decisions on 23 February 2009. Persons entitled to be issued with a supplementary decision are those whose permanent residence registration in Slovenia had terminated and those who have already obtained a permanent residence permit in Slovenia. The Ministry of the Interior is drafting a law which will remedy other established inconsistencies of the ZUSDDD Act with the Constitution.

#### **4. Freedom of expression**

49. Media activities in Slovenia are based on the freedom of expression, the inviolability and protection of human personality and dignity, the free flow of information, media openness to different opinions and beliefs and to diverse content, the autonomy of editorial personnel, journalists and other authors in creating programming in accordance with programme concepts and professional codes, and the personal responsibility of journalists, other authors of pieces and editorial personnel for the consequences of their work. The dissemination of programming that encourages ethnic, racial, religious, sexual or any other inequality, or violence and war, or incites ethnic, racial, religious, sexual or any other hatred and intolerance is prohibited. Certain articles of the Media Act<sup>31</sup> also refer to the human rights protection. The Act stipulates that advertising may not prejudice respect for human dignity, incite discrimination on the grounds of race, sex or ethnicity, or political or religious intolerance, encourage behaviour damaging to public health or safety or to the protection of the environment and the cultural heritage, give offence on the grounds of religious or political beliefs, or damage consumers' interests. A special right under the Act is the right to correction or reply based on which any person has the right to demand that the responsible editor publish free-of-charge a correction by such person to any report published that infringed upon the person's rights or interests. In advertising, special provisions refer to children. Advertisements that are targeted at children or in which children appear may not contain scenes of violence, pornography or any other content that could damage their health or mental and physical development or otherwise have a negative effect on them. Advertising may not be morally or mentally prejudicial to children, may not encourage children to purchase products or services by exploiting their inexperience or credulity, may not encourage children to convince their parents or any other person to purchase products or services, and may not unjustifiably show children in dangerous situations.

#### **5. Freedom of conscience**

50. Freedom of conscience is provided for by Article 41 of the Constitution, referring to religious belief as well as moral, philosophical and other convictions. Any individual may be of any religious or other conviction and may freely profess his/her religious belief, or may not be of religious conviction, may not declare his/her religious beliefs and in this regard is not obliged to declare him-/herself. Any forcing to such declaration would mean infringement of such individual's integrity and denial of his/her free declaration. As a result of this freedom, everyone has the right to be or not to be a member of any religious community, as well as he/she should not be limited in becoming a member of or leaving a religious community. The Religious Freedom Act<sup>32</sup> governs and ensures the exercise of religious freedom as well as stipulates the register of churches and other religious communities, criteria, conditions and the procedure for the registration of churches and other religious communities, and the rights of registered churches and other religious communities and their members. The Commission of the Government of the Republic of Slovenia for the resolution of outstanding issues of religious communities was established by the Government to discuss open issues related to the

relationship between the state and religious communities. The Slovenian Government Office for Religious Communities holds consultations of representatives of churches and other religious communities on the topics of interest for religious communities, providing them with information about legislation, their rights and the method of their exercising. In recent years, the Office organised several one-day and two-day meetings of representatives of churches and other religious communities, which are an important part of cooperation between the state, churches and other religious communities, and among different churches and other religious communities.

## **E. Economic, social and cultural rights**

### **1. Poverty**

51. Slovenia combats poverty with various statutory and programme measures. According to the Parental Protection and Family Benefits Act<sup>33</sup>, families with three or more children are entitled to a large family allowance, paid once a year as a lump sum. In single-parent families, child benefit is increased by 10 per cent, and financial social assistance by 30 per cent pursuant to the Social Security Act<sup>34</sup>. Other measures to combat poverty include subsidised rents; subsidised pre-school care; subsidised transport for students, textbook funds and scholarships; active employment policy programmes and experimental programmes under the EQUAL initiative for the employment of vulnerable groups (disabled persons, migrants, Roma); free legal assistance; personal income tax relief and relief from certain other taxes; and exemption from payment for compulsory health insurance. The National Social Protection and Social Inclusion Strategy for the 2008–2010 Period aims to increase social inclusion of individuals and contribute to social cohesion, improve access to and the quality of social services of general interest, and improve the efficiency and adequacy of social transfers by modernising social protection systems and institutions. In order to fight inflation, the Government, by amending the Act on Regulating Adjustments of Transfers to Individuals and Households<sup>35</sup> decided in 2008 that transfers would be adjusted twice a year. In the area of employment, in 2009 the Ministry of Labour, Family and Social Affairs revised the Catalogue of Active Employment Policy Measures to help the unemployed who will be looking for new opportunities in the crisis; introduced co-financing of education and training for the employed and unemployed as well as for young people entering the labour market; encouraged self-employment and transfer of workers to more promising posts; and provided support for development projects, such as social economy. The Ministry is planning a comprehensive review of the current employment and unemployment insurance legislation, with a view to expanding the range of beneficiaries of unemployment compensation, especially to young people. The new act will aim at extending the right to compensation under more favourable conditions also to fixed-term employees, who are primarily young people.

### **2. Education**

52. The Constitution guarantees fundamental rights pertaining to education. According to the Constitution, physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society. Under the Organisation and Financing of Education Act,<sup>36</sup> education shall aim at guaranteeing optimum development to individuals regardless of their sex, social and cultural background, religion, racial, ethnic or national origin, and physical and mental handicaps; educating for mutual tolerance, developing the awareness of the equality of rights for men and women, respect for human diversity and mutual cooperation, respect for children's and human rights and fundamental freedoms, and

fostering equal opportunities for both sexes in education. The Elementary School Act<sup>37</sup> also deals with the rights of the national communities, rights of the Roma community, foreign nationals and children with special needs. Education Guidelines for Sustainable Development from Pre-school to University Education, adopted in 2007, promote intercultural dialogue, quality interpersonal relations and development of social skills (non-violence, tolerance, cooperation, respect). The Ministry of Education and Sport publishes calls for applications for research projects on the prevention of violence and intercultural dialogue, for projects carried out by educational institutions (recognition and prevention of violence, education for gender equality), and for training of educational professionals (for tolerance and acceptance of diversity, intercultural cooperation and learning, promotion of intercultural dialogue, equal opportunities, and the recognition and prevention of violence). Several projects are underway, teaching respect for human rights.

53. Mutual understanding between different linguistic groups is promoted within the syllabuses of Slovenian language, geography, history, social studies, civic education, ethics and civic culture.

### **3. Health care**

54. Health legislation provides for health care that is equal, appropriate, of high quality and safe. The Patients Rights Act<sup>38</sup> stipulates the rights of patients as users of health care services in their relations with health care providers and the procedures for the exercise of these rights. The Ministry of Health identified the protection of rights of vulnerable population groups as a priority in the area of health protection and human rights, with a special emphasis on people with mental disorders, people with serious chronic illnesses and elderly people, on the rights related to advances in biomedicine, activities focusing on health promotion and the prevention of addiction and other illnesses, as well as comprehensive health care and combating exclusion. The Mental Health Act<sup>39</sup> provides for the protection of rights of persons with a mental disorder in all kinds of treatment on closely supervised wards of psychiatric hospitals, closed wards of social welfare institutions and under supervised treatment, and determines involuntary hospitalisation procedures. Owing to an ever increasing need for geriatric services, the Ministry of Health is - in collaboration with other relevant ministries - drafting the legal bases for prolonged health care and comprehensive care for the elderly, especially those with cognitive disorders. The entire population enjoys equal rights arising from compulsory health insurance and voluntary health insurance.

### **4. Right to adequate housing (housing for young families, the elderly and socially disadvantaged)**

55. Since 2005, **non-profit rents have been subsidized**. Households are eligible to a subsidy amounting to 80 per cent of a non-profit rent. The 2008 amendment to the Housing Act extends eligibility to tenants of profit apartments who fulfil the criteria for a non-profit apartment but cannot rent one for reasons of unavailability.

56. Under housing legislation, municipalities are responsible for providing housing units. The term does not refer to apartments, but to units in special purpose buildings, intended as temporary housing solutions. No call for applications or similar procedure is needed for the allocation of a housing unit, since future social status cannot be envisaged and the list of

beneficiaries should be kept open to help the needy, homeless and victims of violence. In this way, quick response to social and housing distress of individual families is possible.

57. The Government has been resolving the housing issue of young families pursuant to the National Housing Saving Scheme Act<sup>40</sup> by subsidising young families when buying, building, reconstructing or converting their first apartment. The Housing Fund of the Republic of Slovenia publishes an annual call for applications for subsidies to young families; about 2,000 families have already benefited from this scheme. Non-profit rental apartments are allocated also through municipal calls for applications,<sup>41</sup> in which priority is given to vulnerable groups, such as young people and families, large families, disabled persons and their families, citizens with long work experience who lack appropriate housing, and individuals engaging in activities of special importance for the local community. With a view to providing housing for the retired, a real-estate fund of the pension and disability insurance has been set up, having at its disposal more than 3,000 rental apartments intended to resolve housing issues of retired persons.

## **5. Right to work**

58. Article 49 of the Constitution guarantees freedom of work and stipulates that everyone shall have access under equal conditions to any position of employment. Forced labour is prohibited. The Employment Relationship Act includes the provision of concluding an employment contract for an indefinite period of time. Concluding fixed-term employment contracts is envisaged in exceptional cases only. International documents adopted within the ILO, Council of Europe and the EU, similarly, treat fixed-term employment as a special type of work which is not equal to employment for an indefinite period of time. In the Framework Agreement on Fixed-term Work,<sup>42</sup> European social partners recognise that short-term employment contracts respond, in certain circumstances, to the needs of both employers and workers; however, contracts of an indefinite duration are the general form of employment relationship.

59. For flexibility reasons, the Employment Relationship Act stipulates fixed-term employment contracts as one of the bases defining an employment relationship, subject to certain limitations and special features. During fixed-term employment, the contracting parties have the same rights and obligations as in the case of employment for an indefinite period of time. Special features relate to the method and reasons for terminating an employment relationship: expiry of the time for which it was concluded, completion of the agreed work or cessation of the reason for which the contract was concluded. Since fixed-term employees are not afforded protection against termination of employment, the Act emphasises the importance of form: the intention of the contracting parties to conclude an employment contract for a definite period of time must be laid down in writing; otherwise, the employment contract is assumed to be concluded for an indefinite period of time. The Act limits the conclusion of fixed-term contracts to cases stipulated by law and collective agreements, sets a time limit for concluding such contracts and limits the conclusion of successive contracts. If a fixed-term employment contract is concluded illegally, it is assumed that the worker had concluded an employment contract for an indefinite period of time.

60. More than any other age group, young people in Slovenia are subjected to temporary and short-term employment, which reduces their level of social security. Of all young people in the labour market in 2007, 68.3 per cent were temporarily employed (including student jobs), while

among the entire working population the ratio was 17.2 per cent. With a view to improving employability of young people, the relevant Ministry intends to publish in September 2009 a call for applications for training and employment of university graduates, and is planning to reform the scholarship system, the employment of long-term unemployed (only in the non-market sector) and to publish call for applications for public work (for the non-market and non-profit sectors). Education and training programmes focus on increasing competitiveness and employability, as well.

## 6. Migrant workers

61. Economic and labour migration in Slovenia is governed by the Employment and Work of Aliens Act<sup>43</sup> and the Aliens Act. Sector-specific laws are also important, regulating the socio-economic status and other rights of foreign nationals in Slovenia. The latest amendments to the Employment and Work of Aliens Act of 2007 (Ur. l. RS No. 52/07) alleviated the conditions for employment of third country nationals (elimination of certain administrative barriers to obtaining work permits) and transposed EU legislation on legal migration to the Slovenian legal order.

# IV. ACHIEVEMENTS AND GOOD PRACTICES

## A. Rights of the national and other ethnic communities

62. Slovenia guarantees a high level of protection of rights to members of the **Italian and Hungarian national communities**, including their collective rights. Members of both national communities have the right to education in their mother tongue and consistent bilingualism, including bilingual topographic signs.

63. In recent years, the rights of **Roma** have improved significantly. In 2007 an umbrella act on the Roma community has been adopted, based on Article 65 of the Constitution. Progress has also been achieved in the areas of information activities, education, housing, health and combating discrimination. Local radio and television stations have for several years prepared programmes for Roma; since 2007 these have also been broadcast by the national radio station and since 2008 by the national television. In 2008, the Roma information centre within the Union of Roma of Slovenia was assigned a local radio frequency for the wider Murska Sobota area and has been broadcasting its own programme. The “Tackling Health Inequalities” scheme, focusing on Roma as a vulnerable group, has been successfully underway. In 2008 Slovenia joined the campaign to eliminate prejudice against Roma “Dosta! Go beyond prejudice, discover the Roma” launched by the Council of Europe and the European Commission and intended to raise awareness among the majority population of the presence of Roma, their culture and lifestyle and to overcome stereotypes and prejudice.

## **1. Children's rights**

64. Prior to the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, the Service in the Slovenian Armed Forces Act<sup>44</sup> was amended; its Article 7 now stipulates that military service or other jobs in the army cannot be performed by persons under 18 years of age.

65. In its Resolution on the National Social Assistance Programme 2006–2010,<sup>45</sup> the Ministry of Labour, Family and Social Affairs defined a network of maternity homes and shelters for women and children, with current capacity for about 330 persons. Safe houses and maternity homes only receive co-financing from the Ministry. The initiative for launching such programmes has to stem from the local communities or individual organisations within them. The majority of programmes in the network operate in the form of public social institutions.

## **2. Migrant rights**

66. In 2007, the Minister of Education and Sport adopted the Strategy for the Integration of Migrant Children and Primary and Secondary School Students in the Education System in the Republic of Slovenia. Its most important measures include: adapted curriculum to enable fast and successful integration into the education process; drafting of strategies for cooperation with parents and their involvement in school life; encouraging intercultural learning and a positive attitude towards understanding and accepting diversity; Slovenian as a second language; teaching of migrant children's mother tongues; education and training of teaching professionals. The Ministry published a call for applications based on the strategy with a view to providing conditions for the implementation of measures defined therein and developing mechanisms that would contribute to a more effective integration of migrant students into the school system and their better integration into society, and improve their status in the labour market. Training programmes for teaching professionals are being carried out, aimed at ensuring successful work with migrant children and adolescents.

## **3. Rights of persons with disabilities**

67. In 2003, the Federation of Disabled Workers of Slovenia prepared the project of “a disabled-friendly municipality”, encouraging municipalities to actively respond to needs of citizens with disabilities. By the end of 2008 this title was awarded to 9 municipalities, which had to analyse the situation, together with local organisations of persons with disabilities, and adopt programmes of action. The awarded municipalities must submit annual reports on the implementation of the action programme to the Federation.

## **4. Human rights education of police officers**

68. In collaboration with external experts, the Police have been carrying out permanent training of police officers on domestic violence prevention. This year they will start implementing the CEPOL common curriculum. In cooperation with the Slovenian and the Swedish human rights ombudsman, the Police organised a training programme for identifying and dealing with stereotypes in a multiethnic society. The training was aimed at increasing familiarity with the relevant international legal instruments and their importance for police work, and learning about cultural and ethnic diversity.

## **5. Economic and social rights**

69. In view of the current financial and economic crisis, Slovenia in 2009 included two employment acts for the recovery of the economy, and successfully curbed employment decline and dismissals. The Partially Subsidizing of Full-time Work Act<sup>46</sup> was adopted to help the companies in which orders and operations decreased up to 30 per cent owing to the global financial and economic crisis. The Partial Reimbursement of Payment Compensation Act<sup>47</sup> allows companies to temporarily lay off workers. In such cases, workers are entitled to wage compensation amounting to 85 per cent of their salary, of which 50 per cent is paid from the state budget and 35 per cent by the employer. Pursuant to the EU regulation increasing the threshold for state aid to companies that entered in difficulty after 1 July 2008, the Ministry of Labour, Family and Social Affairs together with the Ministry of the Economy published a public tender encouraging transfer of workers and self-employment in the years 2009 and 2010.

## **6. Cultural rights**

70. The Division for Minority Cultural Rights at the Ministry of Culture has been systematically creating conditions for the protection of cultural rights of national and other ethnic communities and immigrants. In 2005, the Ministry established an internal working group on human rights which deliberates on the exercising of cultural rights as a category of human rights. The Association of Museums of Slovenia is preparing a handbook entitled “Designing an accessible museum”, which will encourage better accessibility of disabled and elderly persons to museum collections.

# **V. NATIONAL PRIORITIES REGARDING HUMAN RIGHTS**

71. The Slovenian authorities are endeavouring to grant all people living on Slovenian territory all human rights and freedoms guaranteed by the Constitution and international agreements that are binding on the Republic of Slovenia. Special attention is devoted to children’s and women’s rights, rights of persons with disabilities and members of national and other ethnic communities. The Government is giving priority to the outstanding issues of trial within a reasonable time (reduction in court backlogs), persons who were transferred from the register of permanent residence following Slovenia’s gaining independence to the register of aliens, and improving the rights of same-sex partnerships. Particular attention is dedicated to regular dialogue with bodies established by human rights treaties and other human rights mechanisms at the regional and universal levels.

72. Priority objectives in the field of gender equality in Slovenia include equal power, influence and responsibilities of women and men, economic independence, equal sharing of unpaid work, including caring for children, the elderly and other family members in need of help, and the elimination of all forms of violence against women.

73. Slovenia endeavours to consistently respect and implement the rights of the Italian and Hungarian national communities and the Roma community under the Constitution and other laws. In the future, it will especially strive to overcome prejudices and stereotypes towards Roma, and implement their economic, social and civil rights. As regards the rights of members of the nations of the former Yugoslavia, the Government will encourage endeavours to preserve their languages and cultures.

## VI. CONCLUSION

74. In eighteen years of independence, Slovenia has done great work in shaping all segments of the new state, establishing and building its institutions, and ensuring their efficiency. Great advances have been made in the process of the democratisation of society, as well as in the promotion and protection of human rights. We are proud of our achievements; however, we are well aware of our shortcomings. Therefore, we are willing to accept criticism and pursue an open dialogue with all stakeholders within the framework of the Universal Periodic Review, which we perceive as an ongoing process. Our final aim is to improve the human rights situation in the country, and to reduce the number of human rights violations, of their victims and seriousness to the greatest possible extent.

### *Notes*

- <sup>1</sup> Members of the Interministerial Commission on Human Rights include, apart from representatives of ministries and government offices, also external experts on human rights (from universities and institutes), representatives of non-governmental organisations and the Human Rights Ombudsman.
- <sup>2</sup> Constitution of the Republic of Slovenia (Ur. l. RS Nos. 33/91-I, 42/97, 66/2000, 24/03, 69/04).
- <sup>3</sup> Ur. l. RS Nos. 71/93, 15/94.
- <sup>4</sup> Ur. l. RS No. 93/2007 (official consolidated text 1).
- <sup>5</sup> Ur. l. RS No. 59/2002.
- <sup>6</sup> Ur. l. RS No. 16/2008.
- <sup>7</sup> Ur. l. RS No. 94/2007 (official consolidated text 1).
- <sup>8</sup> Ur. l. RS No. 64/2007 (official consolidated text 1).
- <sup>9</sup> There are 43 registered religious communities in Slovenia.
- <sup>10</sup> Judgement No. 23032/02, 2005.
- <sup>11</sup> Ur. l. RS No. 49/2006.
- <sup>12</sup> This was the Court's assessment in the case of *Grzinčič v. Slovenia* (judgement, application No. 26867/02, 3 May 2007) and the case of *Korenjak v. Slovenia* (decision, application No. 463/03, 15 May 2007).
- <sup>13</sup> Ur. l. RS No. 95/2004 (official consolidated text 1), 55/2008.
- <sup>14</sup> Ur. l. RS Nos. 42/2002, 79/2006, 103/2007, 45/2008.
- <sup>15</sup> Ur. l. RS No. 65/2005.
- <sup>16</sup> Ur. l. SRS Nos. 15/1976 and 23/1978 and Ur. l. RS No. 67/2001.
- <sup>17</sup> <http://www.us-rs.si/>
- <sup>18</sup> Ur. l. RS No. 16/2007 (official consolidated text 2).
- <sup>19</sup> Ur. l. RS No. 65/1994.
- <sup>20</sup> Ur. l. RS No. 65/1994.
- <sup>21</sup> Ur. l. RS No. 33/2007.
- <sup>22</sup> The Rules on the organisation and work of multidisciplinary teams and regional services and on actions of the social work centres in dealing with domestic violence entered into force on 20 April 2009. The Rules on the Treatment of Domestic Violence for Educational Institutions will enter into force at the end of 2009. The Ministry of Health drafted the Rules and procedures in dealing with family violence when performing health services and established a working group which will, by the end of 2009, draw up clinical guidelines and an educational programme of medical personnel for dealing with family violence when performing health services.
- <sup>23</sup> Ur. l. RS Nos. 55/2008, 39/2009.
- <sup>24</sup> Ur. l. RS, *Mednarodne pogodbe*, No. 20/2006.
- <sup>25</sup> Ur. l. RS Nos. 113/2005, 81/2006 (official consolidated text 1), 110/2007.
- <sup>26</sup> Ur. l. RS No. 62/2009.
- <sup>27</sup> Ur. l. RS No. 64/2009 (official consolidated text 6).
- <sup>28</sup> Ur. l. RS Nos. 111/2007, 58/2009.
- <sup>29</sup> Ur. l. RS Nos. 1/1991-1, 44/1997.
- <sup>30</sup> Ur. l. RS Nos. 61/1999, 54/2000.

<sup>31</sup> Ur. l. RS No. 110/2006 (official consolidated text 1)

<sup>32</sup> Ur. l. RS No. 14/2007

<sup>33</sup> Ur. l. RS, Nos. 110/2006 (official consolidated text 2), 10/2008.

<sup>34</sup> Ur. l. RS No. 3/2007 (official consolidated text 2).

<sup>35</sup> Ur. l. RS Nos. 114/2006, 71/2007.

<sup>36</sup> Ur. l. RS No. 16/2007 (official consolidated text 5), 36/2008, 58/2009.

<sup>37</sup> Ur. l. RS No. 81/2006 (official consolidated text 3), 102/2007.

<sup>38</sup> Ur. l. RS No. 15/2008.

<sup>39</sup> Ur. l. RS No. 77/2008.

<sup>40</sup> Ur. l. RS No. 96/2007 (official consolidated text 2).

<sup>41</sup> Ur. l. RS Nos. 42/2002 and 103/2007.

<sup>42</sup> Directive 1999/70/EC – concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.

<sup>43</sup> Ur. l. RS No. 76/2007 (official consolidated text 2).

<sup>44</sup> Ur. l. RS No. 68/2007.

<sup>45</sup> Ur. l. RS No. 39/2006.

<sup>46</sup> Ur. l. RS No. 5/2009.

<sup>47</sup> Ur. l. RS No. 42/2009

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